

226.55 USING PROFANE OR INDECENT LANGUAGE OVER A TELEPHONE.¹
MISDEMEANOR.

The defendant has been charged with using [profane] [vulgar] [lewd] [lascivious] [indecent] language over a telephone.

For you to find the defendant guilty of this offense, the State must prove two things beyond a reasonable doubt:

First, that the defendant talked to the victim over the telephone.

Second, that while so talking, he used [profane] [vulgar] [lewd] [lascivious] [indecent] language.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant used [profane] [vulgar] [lewd] [lascivious] [indecent] language while speaking to the victim over the telephone, it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.

1. G.S. 14-196(a)(1) also applies to telephone answering machines or recorders, telefacsimile machines, or computer modems.