

226.62 CYBERSTALKING THROUGH USE OF AN ELECTRONIC TRACKING DEVICE. MISDEMEANOR.

The defendant has been charged with cyberstalking through use of an electronic tracking device¹.

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

First, that the defendant had an electronic tracking device under defendant's control. An electronic tracking device is an electronic or mechanical device that permits a person to remotely determine or track the position and movement of another person.

And Second, that the defendant knowingly [[installed] [placed] [used] an electronic tracking device]] [[caused an electronic tracking device to be [installed] [placed] [used]]] without the consent of the victim, (name victim), to track the location of the alleged victim, (name victim).

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant knowingly had an electronic tracking device under defendant's control, and that the defendant knowingly [[installed] [placed] [used] an electronic tracking device]] [[caused an electronic tracking device to be [installed] [placed] [used]]] without consent of the alleged victim to track the location of the alleged victim, then 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 both of these things, it would be your duty to return a verdict of not guilty.

¹ See N.C. Gen. Stat. § 14-196.3(b)(5) for circumstances where the provisions of this subdivision do not apply to the installation, placement, or use of an electronic tracking device by certain individuals, state actors and employers.