

N.C.P.I.—Crim. 226.70

CYBER-BULLYING—USING A [COMPUTER] [COMPUTER NETWORK] TO SIGN UP A MINOR FOR [ELECTRONIC MAILING LIST] [ELECTRONIC MESSAGES] WITHOUT CONSENT OF THE [MINOR] [MINOR'S [PARENT] [GUARDIAN]] RESULTING IN [INTIMIDATION] [TORMENT] OF THE MINOR. MISDEMEANOR.

GENERAL CRIMINAL VOLUME

REPLACEMENT JUNE 2010

N.C. Gen. Stat. § 14-458.1(A)(6)

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226.70 CYBER-BULLYING—USING A [COMPUTER] [COMPUTER NETWORK] TO SIGN UP A MINOR FOR [ELECTRONIC MAILING LIST] [ELECTRONIC MESSAGES] WITHOUT CONSENT OF THE [MINOR] [MINOR'S [PARENT] [GUARDIAN]] RESULTING IN [INTIMIDATION] [TORMENT] OF THE MINOR. MISDEMEANOR.

The defendant has been charged with using a [computer] [computer network] to sign up a minor for [an electronic mailing list] [to receive junk electronic messages and instant messages] without the consent of the [minor] [minor's [parent] [guardian]] resulting in the [intimidation] [torment] of the minor.

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

First, that the defendant used a [computer] [computer network].

Second, that the defendant signed up a minor [for an electronic mailing list] [to receive junk electronic messages and instant messages] without the authorization of [the minor] [the minor's [parent] [guardian]].

(And) Third, that this resulted in the [intimidation] [torment] of the minor.

*NOTE WELL: If defendant is 18 years of age or older at the time the alleged offense was committed, use the following:*

((And) Fourth, that the defendant was 18 years of age or older at the time the alleged offense was committed.<sup>1</sup>)

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant used [a computer] [computer network] to sign up a minor [for an electronic mailing list] [to receive junk electronic messages and instant messages] without the authorization of the [minor] [minor's [parent] [guardian]], (and) this resulted in the

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[intimidation] [torment] of the minor, (and the defendant was 18 years of age or older), 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.

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<sup>1</sup> The penalty for this offense is higher if the defendant is 18 years old or older.