

N.C.P.I.-Crim. 226.72C
CYBER-BULLYING OF SCHOOL EMPLOYEE BY STUDENT-UNAUTHORIZED
COPYING OF DATA. MISDEMEANOR.
GENERAL CRIMINAL VOLUME
June 2013
N.C. Gen. Stat. § 14-458.2 (b)(3)

226.72C CYBER-BULLYING OF SCHOOL EMPLOYEE BY STUDENT-
UNAUTHORIZED COPYING OF DATA. MISDEMEANOR.

The defendant has been charged with the cyber-bullying of a school employee.

For you to find the defendant¹ guilty of this offense, the State must prove five things beyond a reasonable doubt:

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

Second, that the defendant [copied and disseminated] [caused to be made] an unauthorized copy of any data² pertaining to (*name school employee*);

Third, that the defendant did this for the purpose of [intimidating] [tormenting] that school employee;

Fourth, that the defendant was a student at (*name school*);

And Fifth, that the victim of the cyber-bullying was a school employee.³

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant was a student and used a [computer] [computer network], and that the defendant [copied and disseminated] [caused to be made] an unauthorized copy of any data pertaining to a school employee, and that the defendant did this for the purpose of [intimidating] [tormenting] that school employee, it would be your duty to return a verdict of guilty. If you do not so find or have a

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reasonable doubt as to one or more of these things, then it would be your duty to return a verdict of not guilty.

1. N.C. Gen. Stat. § 14-458.2 (a)(2) defines "student" as "a person who has been assigned to a school by a local board of education as provided in N.C. Gen. Stat. § 115C-366; or has enrolled in a charter school authorized under N.C. Gen. Stat. § 115C-238.29D, a regional school created under N.C. Gen. Stat. § 115C-238.62, or a nonpublic school which has filed intent to operate under Part 1 or Part 2 of Article 39 of Chapter 115C of the General Statutes, or a person who has been suspended or expelled from any of these schools within the last year."

2. If further explanation of the word "data" is necessary, the jury can be informed as follows: Data can be "(in any form, including, but not limited to) any [printed] [electronic] form of computer data [computer programs] [computer software] [residing in] [communicated by] [produced by] a [computer] [computer network]."

3. N.C. Gen. Stat. § 14-458.2 (a)(1) defines "school employee" as "(a) An employee of a local board of education, a charter school authorized under N.C. Gen. Stat. § 115C-238.29D, a regional school created under N.C. Gen. Stat. § 115C-238.62, or a nonpublic school which has filed intent to operate under Part 1 or Part 2 of Article 39 of Chapter 115C of the General statutes. (b) An independent contractor or an employee of an independent contractor of a local board of education, a charter school authorized under N.C. Gen. Stat. § 115C-238.29D, a regional school created under N.C. Gen. Stat. § 115C-238.62, or a nonpublic school which has filed intent to operate under Part 1 or Part 2 of Article 39 of Chapter 115C of the General Statutes, if the independent contractor carries out duties customarily performed by employees of the school."