

N.C.P.I.-Crim. 226.72E  
CYBER-BULLYING OF SCHOOL EMPLOYEE BY STUDENT-ELECTRONIC  
MAILING LISTS. MISDEMEANOR.  
GENERAL CRIMINAL VOLUME  
JUNE 2013  
N.C. Gen. Stat. § 14-458.2 (b)(5)  
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226.72E CYBER-BULLYING OF SCHOOL EMPLOYEE BY STUDENT-  
ELECTRONIC MAILING LISTS. MISDEMEANOR.

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

For you to find the defendant<sup>1</sup> 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 without the authorization of the school employee, the defendant signed up<sup>2</sup> (*name school employee*) [for electronic mailing lists] [to receive junk electronic messages and instant messages];

Third, that the defendant had the intent to [intimidate] [torment] 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.<sup>3</sup>

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] to sign up a school employee [for electronic mailing lists] [to receive junk electronic messages and instant messages] without the school employee's authorization and with the intent to intimidate or torment 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.

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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. While the statute does not define the term "sign up," this colloquial expression is commonly understood to mean enroll or to subscribe.

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."