

226.78 SECRETLY PEEPING INTO ROOM WHILE IN POSSESSION OF A  
DEVICE USED TO CREATE A PHOTOGRAPHIC IMAGE. MISDEMEANOR.

*NOTE WELL: When a person is convicted of a second or subsequent violation of this statute the sentencing court shall consider whether the person is a danger to the community and whether requiring the person to register as a sex offender pursuant to Article 27A of Chapter 14 would further the purposes of that Article as stated in G.S. 14-208.5. If the sentencing court rules that the person is a danger to the community and that the person shall register, then an order shall be entered requiring the person to register.*

The defendant has been charged with secretly peeping into a room while in possession of a device used to create a photographic image.

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

First, that the defendant intentionally peeped<sup>1,2</sup> into a room.

Second, that the peeping was done secretly.

Third, that while secretly peeping into the room the defendant possessed a device that could be used to create a photographic image.<sup>3</sup>

And Fourth, that the victim had a legitimate expectation of privacy in the room.<sup>4</sup>

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant intentionally and secretly peeped into a room, that while doing so possessed a device that could be used to create a photographic image, and that the victim had a legitimate expectation of privacy in the room, 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.

N.C.P.I.—Crim. 226.76

SECRETLY PEEPING INTO ROOM WHILE IN POSSESSION OF A DEVICE USED TO CREATE A PHOTOGRAPHIC IMAGE. MISDEMEANOR.

GENERAL CRIMINAL VOLUME

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N.C. Gen. Stat. § 14-202(c)

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*NOTE WELL: This statute shall not apply to law enforcement officers while discharging or attempting to discharge their official duties, or personnel of the Department of Correction or of a local confinement facility for security purposes or during an investigation of alleged misconduct by a person in the custody of the Department or the local confinement facility. Furthermore, this section does not affect the legal activities of those who are licensed pursuant to G.S. Chapter 74C, Private Protective Services, or G.S. Chapter 74D, Alarm Services, who are legally engaged in the discharge of their official duties within their respective professions, and who are not engaging in activities for an improper purpose as described in this section.*

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1. Peeping has been defined as looking slyly or cautiously. See *State v. Bivins*, 262 N.C. 93, 136 S.E.2d 250 (1964).

2. The term "room" shall include, but is not limited to, a bedroom, a rest room, a bathroom, a shower, and a dressing room.

3. The term "photographic image" means any photograph or photographic reproduction, still or moving, or any videotape, motion picture, or live television transmission, or any digital image of any individual.

4. *In re Banks*, 295 N.C. 236 (1978).