

N.C.P.I.—Crim. 235.40
USE OF AN UNMANNED AIRCRAFT SYSTEM NEAR A FOREST FIRE.
MISDEMEANOR.
GENERAL CRIMINAL VOLUME
APRIL 2024
N.C. Gen. Stat. §§ 15A-300.4(a), (c)(7)

235.40 USE OF AN UNMANNED AIRCRAFT SYSTEM NEAR A FOREST FIRE.
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The defendant, has been charged with use of an unmanned aircraft system near a forest fire.¹

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

First, that the defendant was a [person] [entity] [State agency].

Second, that the defendant used an unmanned aircraft system.

And Third, that the defendant did so within a [horizontal]² [vertical] distance of 3,000 feet from any forest fire within the jurisdiction of the North Carolina Forest Service.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant was a [person] [entity] [State agency] and that the defendant used an unmanned aircraft system within a [horizontal] [vertical] distance of 3,000 feet from any forest fire within the jurisdiction of the North Carolina Forest Service, 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.

1. N.C. Gen. Stat. § 15A-300.4(b) provides that “[u]nless the use of the unmanned aircraft system is otherwise prohibited under state or federal law,” this section does not apply to “[a] person operating an unmanned aircraft system with the consent of the official in responsible charge of management of the forest fire,” “[a] law enforcement officer using an unmanned aircraft system in accordance with G.S. 15A-300.1(c),” and “[a] North Carolina Forest Service employee or a person acting under the direction of a North Carolina Forest Service employee.” See *State v. Carey*, 273 N.C. App. 593, 849 S.E.2d 111 (2020) (holding that the language “does not apply” is exculpatory, and is not an underlying element of the offense.”).

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2. The horizontal distance shall extend outward from the furthest exterior perimeter of the forest fire or forest fire control lines.