

N.C.P.I.-Crim. 259.95
ILLEGAL OPERATION OF AMUSEMENT DEVICES CAUSING [DEATH]
[SERIOUS INJURY]. FELONY.
GENERAL CRIMINAL VOLUME
JUNE 2016
N.C. Gen. Stat. § 95-111.13

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NOTE WELL: A person who willfully violates any provision of Article 14B of Chapter 95 of the General Statutes, which includes the illegal operation of an amusement device, and the violation causes serious injury to or death of any person is guilty of a Class E felony, which must include a fine. See N.C. Gen. Stat. § 95-113.13(j).

The defendant has been charged with the illegal operation of an amusement device¹ causing [the death of] [serious injury to] a person.

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

First, that the defendant

- a. [operated (an) amusement device(s) without certificate of operation];
- b. [operated (an) amusement device(s) after [defendant was refused a certificate of operation] [a certificate of operation was revoked];
- c. [knowingly permitted the operation of (an) amusement device(s) in violation of operator requirements pursuant to the Amusement Device Safety Act of North Carolina]²;
- d. [operated (an) [unsafe amusement device³] [amusement device(s) while impaired]].

And Second, that the defendant's operation of (an) amusement device(s) caused [the death of] [serious injury to] a person.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant [operated (an) amusement device(s) without certificate of operation]; [operated (an) amusement

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device(s) after [defendant was refused a certificate of operation] [a certificate of operation was revoked]]; [knowingly permitted the operation of (an) amusement device(s) in violation of operator requirements pursuant to the Amusement Device Safety Act of North Carolina]; [operated (an) [unsafe amusement device(s)⁴] [amusement device(s) while impaired]], and that defendant's operation of (an) amusement device(s) caused [the death of] [serious injury to] a person, then it would be your duty to return a verdict of guilty. If you do not so find, or have reasonable doubt as to one or both of these things, then it would be your duty to return a verdict of not guilty.

1 "Amusement device" is defined as any mechanical or structural device or attraction that carries or conveys or permits persons to walk along, around or over a fixed or restricted route or course or within a defined area including the entrances and exits thereto, for the purpose of giving such persons amusement, pleasure, thrills or excitement. For list of devices that are excluded from this statute, see N.C. Gen. Stat. § 95-111.3(a).

2 See N.C. Gen. Stat. § 95-111.10(d)

3 See N.C. Gen. Stat. § 95-111.9

4 See N.C. Gen. Stat. § 95-111.9