

N.C.P.I.—CRIM 270.23
OPERATING A [SCHOOL BUS] [SCHOOL ACTIVITY BUS] [CHILD CARE
VEHICLE] [AMBULANCE] [EMS VEHICLE] [FIREFIGHTING VEHICLE] [LAW
ENFORCEMENT VEHICLE] AFTER CONSUMING ALCOHOL.
GENERAL CRIMINAL VOLUME
JUNE 2014
N.C. Gen. Stat. § 20-138.2B(a)

270.23 OPERATING A [SCHOOL BUS] [SCHOOL ACTIVITY BUS] [CHILD
CARE VEHICLE] [AMBULANCE] [EMS VEHICLE] [FIREFIGHTING VEHICLE]
[LAW ENFORCEMENT VEHICLE] AFTER CONSUMING ALCOHOL.

The defendant has been charged with operating a [school bus] [school activity bus] [child care vehicle] [ambulance] [emergency medical services vehicle, that is an EMS vehicle] [firefighting vehicle] [law enforcement vehicle] after consuming alcohol.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 operated a [school bus] [school activity bus] [child care vehicle] [ambulance] [EMS vehicle] [firefighting vehicle] [law enforcement vehicle].

Second, that the defendant operated said vehicle after consuming alcohol.

Third, that the defendant drove the vehicle on a [highway] [street] [public vehicular area] within this state while the alcohol remained in the defendant's body.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant operated a [school bus] [school activity bus] [child care vehicle] [ambulance] [EMS vehicle] [firefighting vehicle] [law enforcement vehicle] within this state on a [highway] [street] [public vehicular area] after consuming alcohol while the alcohol remained in the

¹ This section does not apply to law enforcement officers acting in the course of, and within the scope of, their official duties.

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defendant's body, 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,
then it would be your duty to return a verdict of not guilty.