

N.C.P.I.—CRIMINAL 270.67

FAILURE TO STOP FOR BLUE LIGHT AND SIREN (APPROACHING LAW ENFORCEMENT VEHICLE) CAUSING INJURY TO A LAW ENFORCEMENT OFFICER, FIREFIGHTER, OR OTHER RESCUE WORKER. MISDEMEANOR.

GENERAL CRIMINAL VOLUME

JUNE 2006

N.C. Gen. Stat. §§ 20-157(a), (h); 20-125

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The defendant has been charged with failing to stop for an approaching law enforcement vehicle displaying a blue light and sounding a siren causing injury.

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

First, that the defendant was operating a vehicle. (*Describe vehicle*) is a vehicle.

Second, that he was doing so on a [street] [highway]. (*Describe highway*) is a highway.

Third, that while the defendant was doing so, a law enforcement vehicle approached.¹ A (*describe law enforcement vehicle*) is a law enforcement vehicle.

Fourth, that the law enforcement vehicle was displaying a blue warning light.²

Fifth, that the law enforcement vehicle was also sounding a siren³ audible under normal conditions from a distance of not less than 1,000 feet.

Sixth, that the defendant [did not immediately drive his vehicle to a position as near as possible and parallel to the right hand [edge] [curb] of the highway, clear of any intersections, and stop] [after stopping properly, did not remain in that position until [otherwise directed by a [police] [traffic officer] [the (*describe vehicle*) had passed].]⁴

And Seventh, that in doing so, the defendant caused injury to a [law enforcement officer] [firefighter] [emergency vehicle operator] [(name other

emergency response person)] in the immediate area of the authorized [emergency vehicle] [public service vehicle].

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant was operating a vehicle on a highway, that while he was doing so a law enforcement vehicle approached displaying a blue warning light and sounding a siren audible under normal conditions from a distance of not less than 1,000 feet, that the defendant [did not immediately drive his vehicle to a position as near as possible and parallel to the right hand [edge] [curb] of the highway, clear of any intersections, and stop] [after stopping properly, did not remain in that position until [otherwise directed by a [police] [traffic] officer] [the (*describe vehicle*) had passed], and that in doing so, the defendant caused injury to a [law enforcement officer] [firefighter] [emergency vehicle operator] [(name other emergency response person)] in the immediate area of the authorized [emergency vehicle] [public service vehicle], 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.⁵

1. G.S. § 20-157(a) does not apply to vehicles traveling in opposite directions on a divided four lane highway.

2. G.S. § 20-125(b) authorizes other vehicles of the type covered by G.S. § 20-157(a) to be equipped with "special lights . . . approved by the Commission of motor vehicles." When dealing with a vehicle other than a police vehicle specify the appropriate warning light.

3. G.S. § 20-157(a) also requires drivers to yield to a bell or an exhaust whistle. When dealing with a vehicle other than a police vehicle, insert the appropriate warning sound.

4. It would be an affirmative defense to this charge if the defendant was directed by a police or traffic officer not to stop or to continue to another location. In appropriate cases the jury should be so instructed.

5. If there is evidence to support the submission of a lesser included offense, this last phrase would be amended as follows "If you do not so find or have a reasonable doubt

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as to one or more of these things, then you would not return a verdict of guilty of failure to stop for blue light and siren causing injury to a law enforcement officer, but would consider whether the defendant is guilty of”