

N.C.P.I.—CRIMINAL 270.77

UNLAWFUL USE OF MOBILE PHONE TO [MANUALLY ENTER MULTIPLE LETTERS OR TEXT AS A MEANS OF COMMUNICATING WITH ANOTHER PERSON] [READ ANY [ELECTRONIC MAIL] [TEXT MESSAGE] [TRANSMITTED TO] [STORED WITHIN] THE DEVICE] WHILE OPERATING A SCHOOL BUS. MISDEMEANOR.

GENERAL CRIMINAL VOLUME

REPLACEMENT JUNE 2010

N.C. Gen. Stat. § 20-137.4A

270.77 UNLAWFUL USE OF MOBILE PHONE¹ TO [MANUALLY ENTER MULTIPLE LETTERS OR TEXT AS A MEANS OF COMMUNICATING WITH ANOTHER PERSON] [READ ANY [ELECTRONIC MAIL] [TEXT MESSAGE] [TRANSMITTED TO] [STORED WITHIN] THE DEVICE] WHILE OPERATING A SCHOOL BUS.² MISDEMEANOR.

NOTE WELL: This applies to offenses occurring on or after December 1, 2009.

The defendant has been charged with unlawful use of a [mobile phone] to [manually enter multiple letters or text in the device as a means of communicating with another person] [[read any [electronic mail] [text message] [transmitted to] [stored within] the device³]] while [operating a [[public] [private] school bus] [school activity bus]] [transporting students for hire in (*name vehicle*)].

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 [operating a [school bus] [school activity bus] [(*name other vehicle*)]] [transporting students for hire in (*name vehicle*)] on a public [street] [highway] [vehicular area].

Second, that the defendant was using a [mobile telephone] to [manually enter multiple letters or text in the device as a means of communicating with another person] [read any [electronic mail] [text message] [transmitted to] [stored within] the device]]

And Third, that the [school bus] [school activity bus] [(*name other vehicle*)] was in motion.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant was operating a [school bus] [school

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activity bus] [(*name other vehicle*)] on a public [street] [highway] [vehicular area] while using a [mobile telephone] to [manually enter multiple letters or text in the device as a means of communicating with another person] [[read any [electronic mail] [text message] [transmitted to] [stored within] the device] and that the [school bus] [school activity bus] [(*name other vehicle*)] was in motion, 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. For definitions of "mobile phone" see G.S. 20-137.3(a).

2. The term "school bus" includes the definitions in G.S. 20-4.01 (27)d3-4 and any vehicle transporting public, private, or parochial school students for compensation.

3. This prohibition shall not apply to any name or number stored in the device nor to any caller identification information. See G.S. 20-137A(a)(2).