

800.80 INVASION OF PRIVACY—USE OF UNMANNED AIRCRAFT SYSTEM—
SURVEILLANCE.

The (*state number*) issue reads:

“Did the defendant use an unmanned aircraft system to conduct surveillance of the [plaintiff] [a dwelling occupied by the plaintiff and the dwelling’s curtilage] [the private real property of the plaintiff] without the plaintiff’s consent?”

On this issue the burden of proof is on the plaintiff. This mean that the plaintiff must prove, by the greater weight of the evidence, three things:

First, that the defendant used an unmanned aircraft system. [An unmanned aircraft system is an aircraft that is operated without the possibility of human intervention from within or on the aircraft as well as its associated elements. These elements include communication links and components that control the unmanned aircraft that are required for the pilot in command to operate safely and efficiently in the national airspace system.]¹ [A drone is an unmanned aircraft system].

Second, that the defendant used an unmanned aircraft system to conduct surveillance² of [the plaintiff] [a dwelling occupied by the plaintiff and the dwelling’s curtilage] [the private real property of the plaintiff].

Third, that the surveillance by the defendant was without the consent of [the plaintiff] [the owner of the real property] [the easement holder of the real property] [the lessee of the real property].

Finally, as to this (*state number*) issue on which the plaintiff has the burden of proof, if you find, by the greater weight of the evidence, that the defendant used an unmanned aircraft system to conduct surveillance of the [plaintiff] [a dwelling occupied by the plaintiff and the dwelling’s curtilage]

N.C.P.I.—Civil 800.80
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[the private real property of the plaintiff] without the consent of [the plaintiff] [the owner of the real property] [the easement holder of the real property] [the lessee of the real property], then it would be your duty to answer this issue “Yes” in favor of the plaintiff.

If, on the other hand, you fail to so find, then it would be your duty to answer this issue “No” in favor of the defendant.

1. N.C.G.S. § 15A-300.1(4) (defining unmanned aircraft and unmanned aircraft system).

2. N.C.G.S. § 15A-300.1 does not define surveillance.