

**New and updated instructions in this 2023 edition of
North Carolina Pattern Jury Instructions for Criminal Cases**

This edition contains an updated table of contents for the criminal instructions, a number of replacement instructions for criminal cases, and a new criminal index. To update your printed edition, print and place the instructions listed below in the proper numerical sequence of your previous edition. Old instructions with the same number should be discarded.

Interim Instructions. As the Pattern Jury Instructions Committee considers new or updated instructions, it posts Interim Instructions that are too important to wait until June to distribute as part of the new edition to the School of Government website at sog.unc.edu/programs/ncpij. You may check the site periodically for these instructions or join the Pattern Jury Interim Instructions Listserv to receive notification when instructions are posted to the website.

This 2023 edition contains the following new instructions identified with an asterisk (*), and revised instructions:

- 204.10 Factors That Enhance Sentence—[Using] [Displaying] [Threatening to Use or Display] a Firearm while Committing a Felony N.C. Gen. Stat. § 15A-1340.16A
- 206.17A Attempted First Degree Murder (Where a Deadly Weapon is Used) Including Self-Defense. Felony.
- 206.50 Involuntary Manslaughter—Other Than by Automobile. Felony.
- 208.61 Assault Inflicting Physical Injury by Strangulation. Felony.
- 210.25 First Degree Kidnapping to Commit [Felony] [Serious Bodily Harm] Covering Second Degree Kidnapping as a Lesser Included Offense. Felony.
- 215.25 Wanton and Willful Burning—Property. Felonies. (Delete Sheet).
- 215.30 Burning of a [Boat] [Barge] [Ferry] [Float]. Felony.
- *215.31 Burning of Jails or Prisons.
- *215.32 Burning of Certain Bridges and Buildings.
- *215.33 Burning of [an Uninhabited House] [a Stable] [a Coach House] [an Outhouse].
- *215.34 Burning of a Building or Structure in the Process of Construction.
- 215.35 Wanton and Willful Burning of a [Ginhouse] [Tobacco House] [Any Part of a Ginhouse or Tobacco House]. Felony.
- *215.36 Burning of a Church or Other Religious Building.
- *215.37 Burning of an Occupied Commercial Structure.
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- 215.40 Wanton and Willful or Fraudulent Burning of a Dwelling House by the Owner or Occupant. Felony.
- *215.41 Burning of a [Mobile Home] [Manufactured-Type House] [Recreational Trailer Home].
- *215.42 Burning of Certain Public Areas.
- *215.43 Burning of Schoolhouses or Buildings of Educational Institutions.
- 215.45 Burning Personal Property with Intent to Injure or Prejudice. Felony.

- 215.50 Arson or Other Unlawful Burning Resulting in Serious Bodily Injury to a Firefighter, Law Enforcement Officer, Fire Investigator, or Emergency Medical Technician. Felony.
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- 260.20A Drug Trafficking—Manufacturing (Marijuana, Methaqualone, Cocaine, Amphetamine, Methamphetamine, Opium, Opiate, Opioid or Heroin, Lysergic Acid Diethylamide, Methylenedioxyamphetamine, Methylenedioxymethamphetamine, Substituted Cathinones, or Synthetic Cannabinoid). Felony.
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* On or after 12/1/97, Voluntary Manslaughter is a Class D felony.

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		Before 10/1/94	On or After 10/1/94
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* On or after 12/1/97, Voluntary Manslaughter is a Class D felony.

		Before 10/1/94	On or After 10/1/94
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207.15A	Statutory Rape of a Child by an Adult G.S. 14-27.23. (6/2016)		
207.15A.1	Attempted First Degree Rape—Alleged Victim Under the Age of Thirteen Years. G.S. 14-27.2(a)(1), 14-27.8 (6/2016).	F	F
207.15A.1A	Attempted First Degree Statutory Rape—Alleged Victim Under the Age of Thirteen Years. G.S. 14-27.24(a)(1), 14-27.34. (6/2016)		
207.15.1	First Degree Rape—Female under the Age of Thirteen Years. G.S. 14-27.2(1). (6/2016)	B	B1
207.15.1A	First Degree Statutory Rape—Alleged Victim Under the Age of Thirteen Years. (6/2016)		
207.15.2	Statutory Rape Against a Victim Who Was Thirteen, Fourteen, or Fifteen Years Old. G.S. 14-27.7A. (6/2016)		B1, C
207.15.2A	Statutory Rape Against an Alleged Victim Who Was Fifteen Years of Age or Younger. G.S. 14-27.25. (6/2016)		
207.15.3	Statutory Sexual Offense against a Victim Who Was Thirteen, Fourteen, or Fifteen Years Old. G.S. 14-27.7A. (6/2016)		
207.15.3A	Statutory Sexual Offense of an Alleged Victim Who Was Fifteen Years of Age or Younger. G.S. 14-27.30. (6/2016)		B1, C
207.20	Second Degree Rape—Force. G.S. 14-27.3. (6/2020)	D	C
207.20A	Second Degree Rape—Force (Alleged Victim Asleep or Similarly Incapacitated). G.S. 14-27.3. (6/2020)		
207.20A.1	Second Degree Rape—Forcible (Alleged Victim Asleep or Similarly Incapacitated). G.S. 14-27.22. (6/2020)		
207.20B	Second Degree Forcible Rape. G.S. 14-27.22 (6/2020)		
207.25	Second Degree Rape—Alleged Victim Mentally Disabled, Mentally Incapacitated or Physically Helpless. G.S. 14-27.3. (6/2020)	D	C
207.25A	Second Degree Rape—Alleged Victim Mentally Disabled, Mentally Incapacitated or Physically Helpless. G.S. 14-27.3. (6/2020)		
207.40	First Degree Sexual Offense—Weapon, Serious Injury, or Multiple Assailants, Covering Second Degree Sex Offense as a Lesser Included Offense. G.S. 14-27.4, 14-27.5. (6/2020)	B, D	B1, C
207.40A	Attempted First Degree Sexual Offense (Weapon, Serious Injury, or Multiple Assailants) Covering Attempted Second Degree Sex Offense as a Lesser Included Offense. G.S. 14-27.4(2), 14-27.5(2), 14-27.8. (6/2020)		
207.40A.1	Attempted First Degree Forcible Sexual Offense—(Weapon, Serious Injury, or Multiple Assailants) Covering Attempted Second Degree Forcible Sex Offense as a Lesser Included Offense. G.S. 14-27.26, 14-27.27, 14-27.34. (6/2020)	F, H	F, H

		Before	On or After
		10/1/94	10/1/94
207.40B	First Degree Forcible Sexual Offense—(Weapon, Serious Injury, or Multiple Assailants) Covering Second Degree Sex Offense as a Lesser Included Offense. G.S. 14-27.26, 14-27.27. (Offenses on or After Dec. 1, 2015). (6/2020)		
207.40C	First Degree Forcible Sexual Offense—(Weapon, Serious Injury, or Multiple Assailants) Covering Second Degree Sex Offense as a Lesser Included Offense. G.S. 14-27.26, 14-27.27. (Offenses on or After Dec. 1, 2017). (6/2020)		
207.45	Sexual Offense with a Child. G.S. 14-27.4A. (6/2016)		B1
207.45.1	First Degree Sexual Offense—Child under the Age of Thirteen Years. G.S. 14-27.4. (6/2016)	B	B1
207.45.1A	First Degree Statutory Sexual Offense—Child under the Age of Thirteen Years. G.S. 14-27.29. (6/2016)		
207.45A	Statutory Sexual Offense with a Child by an Adult. G.S. 14-27.28 (6/2016)		
207.45A.1	Attempted First Degree Sexual Offense—Child under the Age of Thirteen Years. G.S. 14-27.4, 14-27.8. (6/2016)	F	F
207.45A.1A	Attempted First Degree Statutory Sexual Offense—Child Under the Age of Thirteen Years. G.S. 14-27.29, 14-27.34. (6/2016)		
207.60	Second Degree Sexual Offense—Force. G.S. 14-27.5. (6/2020)	D	C
207.60A	Second Degree Forcible Sexual Offense. G.S. 14-27.27. (6/2020)		
207.65	Second Degree Sexual Offense—Victim Mentally Disabled, Mentally Incapacitated or Physically Helpless. G.S. 14-27.27. (Offenses Prior to Dec. 1, 2015). (6/2020)	D	C
207.65A	Second Degree Forcible Sexual Offense—Alleged Victim Mentally Disabled, Mentally Incapacitated or Physically Helpless. G.S. 14-27.27. (Offenses On or After Dec. 1, 2015). (6/2020)	D	C
207.70	Felonious Sexual Activity with a Person in Defendant’s Custody. G.S. 14-27.31. (6/2016)	G	E
207.70A	Felonious Sexual Activity with a Person in Defendant’s Custody. G.S. 14-27.31. (6/2016)		
207.71	DELETE SHEET. Unlawfully Accessing a Commercial Social Networking Website by a Sex Offender. G.S. 14-202.5A. (6/2018)		I
207.71A	Unlawful Online Conduct By a High-Risk Sex Offender That Endangers Children. (6/2020)		I
207.72	Sex Offender Unlawfully on Certain Premises. G.S. 14-208.18(a). (6/2017)		H
207.73	Failure to Enroll in a Satellite-Based Monitoring Program. G.S. 14-208.44(a). (6/2008)		F
207.74	Failing to [Provide Necessary Information to] [Cooperate with Guidelines and Regulations of] the Department of Corrections While Required to Enroll in a Satellite-Based Monitoring Program. G.S. 14-208.44(c). (6/2008)		Misd 1
207.75	Willfully Failing to Comply with Sex Offender Registration Law. G.S. 14-208.11, 14.208-9. (6/2022)	-	F
207.76	Failure to Comply with Sex Offender Residential Restrictions. G.S. 14-208.16. (6/2022)	-	F

		Before 10/1/94	On or After 10/1/94
207.77	Failure to Comply with Sex Offender Limitations on Residential Use—Minor in Residence. G.S. 14-208.17(b). (6/2007)	-	F
207.78	Intentionally [Tampering with] [Removing] [Vandalizing] [Interfering with the Proper Functioning of] a Satellite-Based Monitoring Device. G.S. 14-208.44(a). (6/2008)	-	F
207.79	Failure to Comply with Sex Offender Prohibition on Working or Volunteering for Child-Involved Activities. G.S. 14-208.17(a). (6/2007)	-	F
207.80A	Felonious Sexual Activity Involving Students (by Teacher, School Administrator, Student Teacher, School Safety Officer, Coach). G.S. 14-27.7. (6/2016)	-	G
207.80A.1	Felonious Sexual Activity With a Student (by Teacher, School Administrator, Student Teacher, School Safety Officer, Coach). G.S. 14-27.32. (6/2016)		G
207.80B	Felonious Sexual Activity Involving Students (by Member of School Personnel Other Than Teacher, School Administrator, Student Teacher, School Safety Officer, Coach). G.S. 14-27.7(b). (6/2016)	-	G, Misd A1
207.80B.1	Felonious Sexual Activity With a Student (by Member of School Personnel Other than Teacher, School Administrator, Student Teacher, School Safety Officer, Coach). G.S. 14-27.32. (6/2016)		G, I
207.90	Sexual Battery. G.S. 14-27.5A. (Offenses Prior to Dec. 1, 2015) (6/2020)		Misd A1
207.90A	Sexual Battery. G.S. 14-27.33 (Offenses Occurring on or After Dec. 1, 2015) (6/2020)		Misd A1
207.95	Knowingly and Without Authority [Removing] [Destroying] [Circumventing Operation of] an Electronic Monitoring Device. G.S. 14-226.3 (June 2010)		
207.97	Sexual [Contact] [Penetration] Under Pretext of Medical Treatment—Representations. (6/2020)		C
207.98	Engaging In Sexual [Contact] [Penetration] Under Pretext of Medical Treatment—Incapacitated Patient. (6/2020)		C
	Assaults.		
208.01	Assault on [Legislative] [Executive] [Court] Officer. G.S. 14-16.6(a). (6/2011)	H	I
208.01A	Making a Violent Attack upon the [Residence] [Office] [Temporary Accommodation] [Means of Transport] of a(n) [Legislative] [Executive] [Court] Officer. G.S. 14-16.6(a). (4/2004)	H	I
208.02	Assault on a(n) [Legislative] [Executive] [Court] Officer with a Deadly Weapon. G.S. 14-16.6(a), (b). (4/2004)	G	F
208.02A	Making a Violent Attack with a Deadly Weapon upon the [Residence] [Office] [Temporary Accommodation] [Means of Transport] of a(n) [Legislative] [Executive] [Court] Officer. G.S. 14-16.6(a), (b). (4/2004)	G	F
208.03	Assault on a(n) [Legislative] [Executive] [Court] Officer Inflicting Serious Injury. G.S. 14-16.6(c). (4/2004)	F	F

		Before 10/1/94	On or After 10/1/94
208.03A	Making a Violent Attack upon the [Residence] [Office] [Temporary Accommodation] [Means of Transport] of a(n) [Legislative] [Executive] [Court] Officer Inflicting Serious Injury to a(n) [Legislative] [Executive] [Court] Officer. G.S. 14-16.6(c). (4/2004)	F	F
208.04	Threatening to Kill or Inflict Serious Bodily Injury upon a [Legislative] [Executive] [Court] Officer. G.S. 14-16.7(a), 14-16.8. (6/2022)	J	I
208.04A	Mailing a Threat to Kill or Inflict Serious Bodily Injury upon a(n) [Legislative] [Executive] [Court] Officer. G.S. 14-16.7(a), 14-16.8. (6/2022)	J	I
208.04B	Threatening to Kill or Inflict Serious Bodily Injury Upon a Person as Retaliation Against a [Legislative] [Executive] [Court] Officer. Felony. G.S. 14-16.7(a). (6/2022)		I
208.04C	Mailing a Threat to Kill or Inflict Serious Bodily Injury Upon a Person as Retaliation Against a [Legislative] [Executive] [Court] Officer. Felony. G.S. 14-16.7(b) (6/2022)		I
208.05	Malicious Castration. G.S. 14-28, -29. (3/2002)	D, H	C, E
208.06	Castration or Other Maiming without Malice Aforethought. G.S. 14-29. (3/2002)	H	E
208.07	Malicious Maiming. G.S. 14-30. (3/2002)	H	C
208.08	Malicious Throwing of Corrosive Acid or Alkali. G.S. 14-30.1. (3/2002)	H	E
208.09	Malicious Assault and Battery in a Secret Manner with a Deadly Weapon with Intent to Kill. G.S. 14-31. (3/2002)	F	E
208.10	Assault with a Deadly Weapon with Intent to Kill Inflicting Serious Injury. G.S. 14-32(a). (3/2002)	F	C
208.13	Hazing. G.S. 14-35. (4/2004)		Misd 2
208.14	Assault upon a Sports Official. G.S. 14-33(b)(9). (6/2011)	Misd	Misd 1
208.15	Assault with a Deadly Weapon Inflicting Serious Injury. G.S. 14-32(b). (6/2008)	H	E
208.16	Felonious Assault Inflicting Serious Bodily Injury. G.S. 14-32.4. (3/2002)		F
208.25	Assault with a Deadly Weapon with Intent to Kill. G.S. 14-32(c). (3/2002)	H	E
208.30	Assault Offense Classification Chart. (12/1995)		
208.40	Simple Assault—(Not Involving Physical Contact) G.S. 14-33(a). (6/2011)	Misd	Misd 2
208.40A	Simple Assault on an Individual with a Disability. G.S. 14-32.1(f). (6/2019)	Misd	Misd 1
208.41	Simple Assault—(Involving Physical Contact) G.S. 14-33(a). (6/2010)	Misd	Misd 2
208.43	Simple Affray. G.S. 14-33. (6/2017)		Misd 2
208.45	Habitual Misdemeanor Assault. G.S. 14-33.2. (6/2011)		H
208.45A	Habitual Misdemeanor Assault. G.S. 14-33.2. (6/2017)		H
208.45A.1	Habitual Misdemeanor Assault. G.S. 14-33.2. (6/2017)		H
208.50	Assault with a Deadly Weapon. G.S. 14-33(c)(1). (3/2002)	Misd	Misd 1
208.50A	Aggravated Assault on an Individual with a Disability. G.S. 14-32.1(e). (6/2019)	I	F
208.55	Assault Attempting to Inflict Serious Injury. G.S. 14-33(c)(1). (3/2002)	Misd	Misd 1
208.60	Assault Inflicting Serious Injury. G.S. 14-33(c)(1). (6/2020)	Misd	Misd A1

208.61	Assault Inflicting Physical Injury by Strangulation. Felony. G.S. 14-32.4. (6/2023)		H
208.65	Assault by a Prisoner with a Deadly Weapon Inflicting Bodily Injury. G.S. 14-258.2. (3/2002)	H	F
208.67	Malicious Conduct by a Prisoner—Throwing of [Bodily Fluids] [Excrement] [Unknown Substance] by a Prisoner at a [State] [Local Government] Employee in the Performance of Employee’s Duties. G.S. 14-258.4. (6/2019)		F
208.68	Malicious Conduct by a Prisoner—Exposing Genitalia by a Prisoner to an Employee of [State] [Local Government] in the Performance of Employee’s Duties. G.S. 14-258.4 (6/2019)		I
208.70	Assault on a Female by a Male Person. G.S. 14-33(c)(2). (6/2015)	Misd	Misd A1
208.72	Assault by [Inflicting Serious Injury] [Using a Deadly Weapon] in the Presence of a Minor G.S. 14-33(d). (6/2017)		Misd A1
208.75	Assault on a Child under the Age of Twelve Years. G.S. 14-33(c)(3). (6/2011)	Misd	Misd A1
208.76	Assault on an Unborn Child. (6/2012)		Misd A1
208.77	Assault Inflicting Serious Bodily Injury—Unborn Child. (6/2012)		F
208.80 Series	Notes to 208.80, 208.80A, 208.80B, 208.80C		
208.80	Index to Instructions in 208.81 Series. Assault on an Officer—Arrest Situations. G.S. 14-33(c)(4); 15A-401. (6/2015)		
208.81	Model Instruction—Assault on a Law Enforcement Officer—Arrest Situations. G.S. 15A-401. (6/2015)		
208.81A	Assault on an Officer—Arrest Situations (Only Officer’s and Defendant’s Force in Dispute). G.S. 14-33(c)(4). (6/2015)	Misd	Misd A1
208.81B	Assault on an Officer and Simple Assault—Arrest Situations (Issues as to Lawfulness of Arrest and Defendant’s Force). G.S. 14-33(c)(4); 15A-401, 15A-402. (6/2015)	Misd	Misd A1
208.81C	Assault on an Officer and Simple Assault—Arrest Situations (Issues as to Lawfulness of Arrest without a Warrant, and as to Force Used by Officer and Defendant). G.S.14-33(c)(4). (6/2015)	Misd	Misd A1
208.81D	Simple Assault—Arrest Situations (Issue as to Force Used by Defendant to Resist Unlawful Arrest). G.S. 14-33(c)(4). (6/2015)	Misd	Misd A1
208.81E	Assault on an Officer—Arrest Situations (Issues as to Officer Status of Victim, Fact of Arrest, and Lawfulness of Arrest—Neither Officer’s Nor Defendant’s Force in Dispute). G.S. 14-33(c)(4). (6/2015)	Misd	Misd A1
208.81F	Assault on an Officer and Simple Assault—Arrest Situations (All Issues in Dispute). G.S. 14-33(c)(4). (6/2015)	Misd	Misd A1
208.81G	Assault on [[Law Enforcement] [Probation] [Parole] Officer] [Person Employed at a [State] [Local] Detention Facility]. G.S. 14-34.7. (6/2013)		F
208.82	Assault upon an Officer or Employee of the State or of Any Political Subdivision of the State or Public Transit Operator. G.S. 14-33(c)(4). (6/2011)	Misd	Misd A1

		Before 10/1/94	On or After 10/1/94
208.83	Assault upon a School Employee or Volunteer. G.S. 14-33(c)(6). (6/2011)	-	Misd A1
208.84	Ethnic Intimidation. G.S. 14-401.14. (4/2002)	Misd	Misd 1
208.85	Assault by Pointing a Gun. G.S. 14-34. (4/2002)	Misd	Misd A1
208.90	Discharging a Firearm into Occupied Property. G.S. 14-34.1. (6/2020)	H	E
208.90A	Discharging Barreled Weapon into Occupied Property. G.S. 14-34.1. (6/2011)	H	E
208.90B	[Discharging] [Attempting to Discharge] a Firearm Within an Occupied Building or Other Enclosure With Intent to Incite Fear. G.S. 14-34.10. (6/2018)		F
208.90C	Discharging a Barreled Weapon into an Occupied Dwelling. G.S. 14-34.1. (6/2016)		D
208.90D	Discharging a Firearm into Occupied Vehicle in Operation. G.S. 14-34.1(b). (6/2021)		D
208.90E	Discharging a Barreled Weapon into Occupied Vehicle in Operation. G.S. 14-34.1(b). (6/2011)		D
208.90F	Discharging a Firearm into Occupied Property Inflicting Serious Bodily Injury. G.S. 14-34.1(c). (6/2011)		C
208.90G	Discharging a Barreled Weapon into Occupied Property Inflicting Serious Bodily Injury. G.S. 14-34.1(c). (6/2011)		C
208.90H	Discharging a Firearm into Occupied Dwelling Inflicting Serious Bodily Injury. G.S. 14-34.1(c). (6/2011)		C
208.90I	Discharging a Barreled Weapon into Occupied Dwelling Inflicting Serious Bodily Injury. G.S. 14-34.1(c). (6/2011)		C
208.90J	Discharging a Firearm into Occupied Vehicle in Operation Inflicting Serious Bodily Injury. G.S. 14-34.(c). (6/2011)		C
208.90K	Discharging a Barreled Weapon into Occupied Vehicle in Operation Inflicting Serious Bodily Injury. G.S. 14-34.1(c). (6/2011)		C
208.94	Assault Inflicting Serious Bodily Injury on a [[Law Enforcement] [Probation] [Parole] Officer] [Member of the North Carolina National Guard] [Person Employed at a [State] [Local] Detention Facility]. G.S. 14-34.7(b). (6/2017)		F
208.95	Assault with a Firearm on a Law Enforcement, Probation, or Parole Officer or on a Person Employed at a State or Local Detention Facility. G.S. 14-34.5. (11/1998)	I	E, G
208.95A	Assault with a Firearm or Other Deadly Weapon upon Emergency Medical Services Personnel. G.S. 14-34.6. (2/1999)	I	I, F
208.95B	Assault with a Firearm or Other Deadly Weapon upon an Officer or Employee of the State or of any Political Subdivision of the State, Company Police Officer, or Campus Police Officer. G.S. 14-34.2. (3/1999)	I	F
208.95C	Assault on [[Law Enforcement] [Probation] [Parole] Officer]] [Member of the North Carolina National Guard] [Person Employed at a [State] [Local] Detention Facility]—Physical Injury. G.S. 14-34.7(c). (6/2017)		I
208.95D	Assault on [Firefighter] [Emergency Medical Technician] [Emergency Health Care Provider] [Medical Responder] [Emergency Department Personnel] [Licensed Health Provider]. (6/2018)		I

208.95E	[Serious Bodily Injury Inflicted] [Deadly Weapon Used Other Than a Firearm] in Assault on [Firefighter] [Emergency Medical Technician] [Emergency Health Care Provider] [Medical Responder] [Emergency Department Personnel]. (6/2012)		H
208.95F	Assault on Emergency Personnel—Dangerous [Weapon] [Substance]. (6/2012)		I, F
208.95G	Assault on Emergency Personnel—Physical Injury. (6/2012)		
208.96A	Adulteration or Misbranding of Food, Drugs or Cosmetics with Intent to Inflict Serious Injury or Death. G.S. 14-34.4(a). (4/2002)	C	C
208.96B	Extortion by Adulteration or Misbranding of Food, Drugs, or Cosmetics. G.S. 14-34.4(b). (4/2002)	C	C
	Kidnapping.		
210.15	False Imprisonment. (4/2002)	Misd	Misd 1
210.20	First Degree Kidnapping (Hostage, Ransom, Shield, or Terror) Covering Second Degree Kidnapping as a Lesser Included Offense. G.S. 14-39. (6/2011)	D, E	C, E
210.25	First Degree Kidnapping to Commit [Felony] [Serious Injury] Covering Second Degree Kidnapping as a Lesser Included Offense. G.S. 14-39. (6/2023)	D, E	C, E
210.26	First Degree Kidnapping (Involuntary Servitude) Covering Second Degree Kidnapping as a Lesser Included Offense. G.S. 14-39; 14-43.2. (3/2005)	D, E	C, E
210.30	Second Degree Kidnapping (Hostage, Ransom, Shield, or Terror). G.S. 14-39. (6/2017)	E	E
210.35	Second Degree Kidnapping (to Commit Felony or Serious Injury). G.S. 14-39. (6/2017)	E	E
210.36	Second Degree Kidnapping (Involuntary Servitude). G.S. 14-39; 14-43.2. (4/2002)	E	E
210.40	Felonious Restraint. G.S. 14-43.3. (6/2011)	J	F
210.50	Involuntary Servitude (offenses prior to Dec. 1, 2006). G.S. 14-43.2. (6/2011)	I	F
210.50A	Involuntary Servitude. G.S. 14-43.12. (6/2019)	I	F
210.52	Involuntary Servitude of a Minor. G.S. 14-43.12. (6/2019)		C
210.60	Child Abduction. G.S. 14-41. (6/2011)	G	F
210.70	Sexual Servitude. G.S. 14-43.13. (6/2020)		F
210.72	Sexual Servitude of a Minor. G.S. 14-43.13. (6/2020)		C
210.80	Human Trafficking Involving Involuntary Servitude. G.S. 14-43.11. (6/2019)		F
210.82	Human Trafficking Involving Sexual Servitude. G.S. 14-43.11. (6/2020)		F
210.84	Human Trafficking of a Minor Involving Involuntary Servitude. G.S. 14-43.11. (6/2019)		C
210.86	Human Trafficking of a Minor Involving Sexual Servitude. G.S. 14-43.11. (6/2020)		C
210.88	Unlawful [Sale] [Surrender] [Purchase] of a Minor. G.S. 14-43.14. (6/2019)		F
210.89	Promoting Travel For Unlawful Sexual Conduct. (6/2020)		G
210.90	Unlawful Transfer of Custody of a Minor Child by a Parent. G.S. 14-321.2(a)(1). (6/2017)		Misd 2

210.91	Unlawful Transfer of Custody of a Minor Child by a Parent Resulting in Serious Physical Injury to the Child. G.S. 14-321.2(a)(1). (6/2017)		G
210.92	Unlawful Acceptance of Custody of a Minor Child from a Parent. G.S. 14-321.2(a)(2). (6/2017)		Misd 2
210.93	Unlawful Acceptance of Custody of a Minor Child from a Parent Resulting in Serious Physical Injury to the Child. G.S. 14-321.2(a)(2). (6/2017)		G
210.94	Unlawful [Advertising] [Recruiting] [Soliciting] [Aiding] [Abetting] [Conspiring] [Assisting] in the Unlawful Transfer of Custody of a Minor Child. G.S. 14-321.2(a)(3). (6/2017)		Misd 2
210.95	Unlawful [Advertising] [Recruiting] [Soliciting] [Aiding] [Abetting] [Conspiring] [Assisting] in the Unlawful Transfer of Custody of a Minor Child Resulting in Serious Physical Injury to the Child. G.S. 14-321.2(a)(3). (6/2017)		G
210.96	Knowingly Mutilating the Female Genitals of a Child Less Than 18 Years of Age. (6/2020)		C
210.97	[Consenting to] [Permitting] the Mutilation of the Female Genitals of a Child Less Than 18 Years of Age. (6/2020)		C
210.98	Knowingly [Removing] [Permitting the Removal of] a Child Less Than 18 Years of Age from the State for the Purpose of Mutilating the Child's Female Genitals. (6/2020)		C
Abortion and Similar Offenses.			
211.50	Concealing Birth of a Child. G.S. 14-46. (5/2002)	H	H
211.60	Unlawful Sale of the Remains of an Unborn Child from [Abortion] [Miscarriage]. G.S. 14-46.1 (6/2016)		
Libel and Slander.			
212.10	Communicating Libelous Matter to Newspapers. G.S. 14-47. (5/2002)	Misd	Misd 2
Use of Explosives or Incendiary Devices.			
213.10	Malicious Use of Explosive or Incendiary Device—Personal Injury. G.S. 14-49(a). (5/2002)	E	D
213.15	Malicious Use of Explosive or Incendiary Device—Property Damage. G.S. 14-49(b). (5/2002)	E	G
213.20	Malicious Damage of Occupied Property by Use of Explosive or Incendiary [Device] [Material]. G.S. 14-49.1. (11/2003)	C	D
213.25	Maliciously Damaging Church or Other Building of Worship by Use of an Explosive or Incendiary Device. G.S. 14-49(b1). (1/2004)		E
213.30	Maliciously Damaging State or Local Government Buildings by Use of an Explosive or Incendiary Device. G.S. 14/49(b2). (1/2004)		E
Burglary and Breaking and Entering.			
214.10	First Degree Burglary Covering Second Degree Burglary, Felonious Breaking or Entering and Nonfelonious Breaking or Entering as Lesser Included Offenses. G.S. 14-51, -52, -54. (6/2011)	C, D, H, Misd	D, G, H, Misd 1

214.11	Second Degree Burglary. G.S. 14-51, -52. (6/2011)	D	G
214.20	Habitual Breaking or Entering. (6/2018)		E
214.30	Felonious Breaking or Entering. G.S. 14-54. (5/2002)	H, Misd	H, Misd 1
214.31	First-Degree Trespass. G.S. 14-159.12. (5/2019)	Misd	Misd 2
214.31A	Second-Degree Trespass. G.S. 14-159.13. (5/2002)	Misd	Misd 3
214.31B	First-Degree Trespass. G.S. 14-159.12(f). (6/2017)		I
214.32	Felonious Breaking or Entering. G.S. 14-54. Felonious Larceny—Pursuant to a Breaking or Entering or Where the Property Is Worth More Than \$1,000. G.S. 14-70, 14-72(a), (b)(2). (6/2012)	H, Misd	H, Misd 1
214.34	Misdemeanor Breaking or Entering. G.S. 14-54. (5/2002)	Misd	Misd 1
214.35	Possession without Lawful Excuse of an Implement of Housebreaking. G.S. 14-55. (6/2011)	E	I
214.40	Breaking or Entering into Motor Vehicle. G.S. 14-56. (6/2022)	I	I
214.41	Preparation to Commit Breaking or Entering into Motor Vehicles—Possession of a Motor Vehicle [Master Key] [Manipulative Key] [Lock-Picking Device] [Hot Wiring Device]. G.S. 14-56.4(b). (6/2006)		Misd 1
214.42	Preparation to Commit Breaking or Entering into Motor Vehicles—Possession of a Motor Vehicle [Master Key] [Manipulative Key] [Lock-Picking Device] [Hot Wiring Device]. G.S. 14-56.4(b). (6/2006)		I, Misd 1
214.43	Preparation to Commit Breaking or Entering into Motor Vehicles—[Buying] [Selling] [Transferring] a Motor Vehicle [Master Key] [Manipulative Key] [Key Cutting Device] [Lock-Picking Device] [Hot Wiring Device]. G.S. 14-56.4(c). (6/2006)		Misd 1
214.44	Preparation to Commit Breaking or Entering into Motor Vehicles—[Buying] [Selling] [Transferring] a Motor Vehicle [Master Key] [Manipulative Key] [Key Cutting Device] [Lock-Picking Device] [Hot Wiring Device]. G.S. 14-56.4(c). (6/2006)		I, Misd 1
214.45	Felonious Breaking or Entering—Place of Religious Worship. G.S. 14-54.1. (6/2006)		G
214.46	Breaking or Entering into Certain Law Enforcement Vehicles. (6/2022)		H
214.47	Felonious Breaking or Entering—Intent to [Injure] [Terrorize] Occupant. G.S. 14-54. (6/2014)		H
214.50	(Misdemeanor) Opening Coin- or Currency-Operated Machines by Unauthorized Use of [a Key] [an Instrument]. G.S. 14-56.1. (5/2002)	Misd	Misd 1
214.51	Opening Coin- or Currency-Operated Machines by Unauthorized Use of [a Key] [an Instrument]. G.S. 14-56.1. (5/2002)	H, Misd	H, Misd 1
214.55	(Misdemeanor) Breaking into Coin- or Currency-Operated Machines. G.S. 14-56.1, -56.3. (5/2002)	Misd	Misd 1
214.56	Breaking into Coin- or Currency-Operated Machines. G.S. 14-56.1, -56.3. (5/2002)	H, Misd	H, Misd 1
214.60	Destroying or Damaging Coin- or Currency-Operated Machines. G.S. 14-56.2. (5/2002)	Misd	Misd 1
214.65	Burglary with Explosives or Acetylene Torch. G.S. 14-57. (5/2002)	E, H, Misd	D, H, Misd 1

214.70	Breaking or Entering of a Pharmacy with the Intent to Commit Larceny of a Controlled Substance. (6/2020)		E
215.11	Arson and Other Burnings. First Degree Arson (Including Second Degree Arson, Burning an Uninhabited House). G.S. 14-58, -62. (5/2002)	C, D, E	D, G, F
215.11A	First Degree Arson, Burning a Structure within the Curtilage of the Dwelling House (Including Second Degree Arson, Burning an Uninhabited House). G.S. 14-58, -62. (3/2005)	C, D, E	D, G, F
215.12	Second Degree Arson. G.S. 14-58. (5/2002)	D	G
215.25	Wanton and Willful Burning—Property. Felonies (Delete Sheet). (6/2023)	E	D-H
215.30	Wanton and Willful Burning of a [Boat] [Barge] [Ferry] [Float]. G.S. 14-63. (6/2023)	H	H
215.31	Burning of Jails or Prisons. Felony. (6/2023)		
215.32	Burning of Certain Bridges and Buildings. Felony. (6/2023)		
215.33	Burning of [an Uninhabited House] [a Stable] [a Coach House] [an Outhouse]. Felony. (6/2023)		
215.34	Burning of a Building or Structure in the Process of Construction. Felony. (6/2023)		
215.35	Wanton and Willful Burning of a [Ginhouse] [Tobacco House] [Any Part of a Ginhouse or Tobacco House]. Felony. (6/2023)	H	H
215.36	Burning of a Church or Other Religious Building. Felony. (6/2023)		
215.37	Burning of an Occupied Commercial Structure. Felony. (6/2023)		
215.38	Burning of an Unoccupied Commercial Structure. Felony. (6/2023)		
215.40	Wanton and Willful or Fraudulent Burning of a Dwelling House by the Owner or Occupant. G.S. 14-65. (6/2023)	H	H
215.41	Burning of a [Mobile Home] [Manufactured-Type House] [Recreational Trailer Home]. Felony. (6/2023)		
215.42	Burning of Certain Public Areas. Felony. (6/2023)		
215.43	Burning of Schoolhouses or Buildings of Educational Institutions. Felony. (6/2023)		
215.45	Burning Personal Property with Intent to Injure or Prejudice. G.S. 14-66. (6/2023)	H	H
215.50	Arson or Other Unlawful Burning Resulting in Serious Bodily Injury to a Firefighter, Law Enforcement Officer, Fire Investigator, or Emergency Medical Technician. G.S. 14-69.3. (6/2023)		E
215.51	Arson or Other Unlawful Burning Resulting in Serious Injury to a Firefighter, Law Enforcement Officer, Fire Investigator, or Emergency Medical Technician. Felony. (6/2023)		
215.60	Burning Caused During Commission of Another Felony. G.S. 14-67.2 (6/2019)		D
215.85	Making a False Report Concerning a Destructive Device. (Other Than Public Building). G.S. 14-69.1(a). (6/2006)	-	H
215.85B	Making a False Report Concerning a Destructive Device—(Public Building). G.S. 14-69.1(c). (6/2006)	-	H, G
215.86	Perpetrating Hoax by Use of a False Bomb or Other Device—(Other Than Public Building). G.S. 14-69.2(a). (2/2000)	-	H

215.86B	Perpetrating Hoax by Use of a False Bomb or Other Device— (Public Building). G.S. 14-69.2(c). (2/2000)	-	H, G
215.87	Making a False Report Concerning a Threat of Mass Violence on Educational Property. G.S. 14-277.5(b). (6/2008)	H	
215.90	Communicating a Threat of Mass Violence on Educational Property. G.S. 14-277.6 (6/2019)		H
215.91	Communicating a Threat of Mass Violence at a Place of Religious Worship. G.S. 14-277.7 (6/2019)		H
	Larceny.		
216.05	Misdemeanor Larceny. G.S. 14-72(a). (5/2002)	Misd	Misd 1
216.07	Larceny of Motor Fuel Valued at Less Than \$1,000. G.S. 14-72.5(a). (6/2010)		Misd 1
216.08	Felonious Larceny—Habitual Misdemeanor Larceny. G.S. 14-72(b)(6). (6/2013).		H
216.10	Felonious Larceny—Goods Worth More Than \$1,000. G.S. 14-70, -72(a). (6/2021)	H, Misd	H, Misd 1
216.11	Felonious Larceny—[Explosive Device] [Incendiary Device]. G.S. 14-70, -72(b)(3). (2/2000)	H, Misd	H, Misd 1
216.11A	Felonious Larceny—Firearm. G.S. 14-70, -72(b)(4). (12/1999)	H, Misd	H, Misd 1
216.13	Larceny of Chose in Action. G.S. 14-75. (6/2017)		H
216.15	Felonious Larceny—by Trick. G.S. 14-70, -72. (5/2002)	H, Misd	H, Misd 1
216.20	Felonious Larceny—From the Person. G.S. 14-70, -72(b)(1). (6/2011)	H, Misd	H, Misd 1
216.30	Felonious Larceny—Pursuant to Breaking/Entering Offense. G.S. 14-70, -72(b)(2). (5/2002)	H	H
216.35	Felonious Larceny—Pursuant to Breaking or Entering Offense Where the Property Is Worth More Than \$1,000. G.S. 14-70, -72(a), (b)(2). (5/2002)	H, Misd	H, Misd 1
216.36	Larceny from a Permitted Construction Site—Goods Valued in Excess of \$300 but Less Than \$1,000. G.S. 14-72.6. (6/2006)		
216.37	Felonious Larceny—Larceny of Motor Vehicle Parts Where the Cost of Repairing the Motor Vehicle Is \$1,000 or More or a Catalytic Converter. G.S. 14-72.8 (6/2022)		I
216.38	Larceny of Law Enforcement Equipment Worth More Than \$1,000 from Certain Law Enforcement Vehicles. (6/2022)		G
216.39	Larceny of Law Enforcement Equipment from Certain Law Enforcement Vehicles Worth Less Than \$1,000. (6/2022)		H
216.40	Feloniously Receiving Stolen Goods—Goods Worth More Than \$1,000. G.S. 14-71, -72. (5/2002)	H, Misd	H, Misd 1
216.41	Feloniously Receiving Stolen Goods from a Permitted Construction Site—Goods Valued in Excess of \$300 and Less Than \$1,000. G.S. 14-72.6. (6/2006)		I
216.42	Felonious [Receiving] [Possessing] Property in the Custody of a Law Enforcement Agency. G.S. 14-71(b). (6/2009)		H
216.43	Receiving Stolen Controlled Substances—Pursuant to a Breaking or Entering of a Pharmacy. (6/2020)		F
216.45	Felonious Receiving Stolen Goods—Pursuant to a Breaking or Entering. G.S. 14-71, -72. (5/2002)	H, Misd	H, Misd 1
216.46	Misdemeanor Possession of Stolen Goods. G.S. 14-70, -71.1, -72(a). (5/2002)	Misd	Misd 1

		Before 10/1/94	On or After 10/1/94
216.47	Felonious Possession of Stolen Goods—Goods Worth More Than \$1,000. G.S. 14-70, -71.7, -72(a). (5/2002)	H, Misd	H, Misd 1
216.48	Possession of Property Stolen Pursuant to a Breaking or Entering. G.S. 14-71.1, -72(b)(1) and (2). (5/2002)	H	H
216.48A	Felonious Possession of Stolen Goods—Stolen Pursuant to a Breaking or Entering or Worth More Than \$1,000 (Including Non-Felonious Possession). G.S. 14-71.1, -72(b)(1) and (2). (6/2008)	H, Misd	H, Misd 1
216.48B	Possession of Controlled Substances—Pursuant to a Breaking or Entering of a Pharmacy. (6/2020)		F
216.49	Possession of Stolen Explosives, Public Records. G.S. 14-71.1, -72(b)(3), (4), and (5). (5/2002)	H	H
216.49A	Possession of Feloniously Taken Property Other Than by Larceny (e.g., Embezzlement). G.S. 14-70, -71.1, -72(a). (5/2002)	H, Misd	H, Misd 1
216.49B	Possession of Stolen Firearm. G.S. 14-71.1 and -72(b)(4). (5/2002)	H	H
216.49C	Felonious Possession of Stolen Goods from Permitted Construction Site—Goods Valued in Excess of \$300 but Less Than \$1,000. G.S. 14-72.6. (6/2006)		
216.50	Willfully Concealing the Merchandise of a Store—Shoplifting. G.S. 14-72.1(a). (3/2003)	Misd	Misd 3
216.52	Larceny by Price Tag Change. G.S. 14-72.1(d). (5/2002)	Misd	Misd 3
216.55	Willfully Concealing the Merchandise of a Store—Using Lead- or Aluminum-Lined Bag or Article of Clothing to Prevent Activation of Anti-Shoplifting Device or Inventory Control Device. G.S. 14-72.1(a), (d1). (5/2004)		H
216.56	Larceny from a Merchant. G.S. 14-72.11. (6/2018)		H
216.57	Organized Retail Theft. Retail Property with Value Exceeding \$1,500, Aggregated Over 90-Day Period. G.S. 14-86.6(a)(1). (6/2023)		H
216.57A	Organized Retail Theft Conspiracy—Retail Property with Value Exceeding \$20,000, Aggregated Over 90-Day Period. Felony. (6/2023)		
216.57B	Organized Retail Theft. Retail Property with Value Exceeding \$50,000 but Not Exceeding \$100,000. Aggregated Over 90-Day Period. Felony. (6/2023)		
216.57C	Organized Retail Theft. Retail Property with Value Exceeding \$1000,000, Aggregated Over 90-Day Period. Felony. (6/2023)		C
216.58	[Receiving] [Possessing] Retail Property Obtained by Organized Retail Theft. G.S. 14-86.6(a)(2). (6/2009)		H
216.59	Organized Retail Theft—Acting as Leader. (6/2018)		
216.59B	Damage to Property During Organized Retail Theft. Misdemeanor. (6/2023)		
216.59C	Assault During Organized Retail Theft. Misdemeanor. (6/2023)		
216.60	Larceny by an Employee. G.S. 14-74. (3/1998)	H	H
216.60A	Larceny by an Employee. G.S. 14-74, -75. (4/1998)		C, H (12/97)
216.61	Appropriation of Partnership Funds by Partner to Personal Use. G.S. 14-97. (5/1998)		C, H

		<u>Offense Classification</u>	Before	On or After
			10/1/94	10/1/94
216.62	Embezzlement by Insurance [Agents] [Brokers] [Administrators]. G.S. 58-2-162. (6/2010)			C, H
216.70	Felonious [Altering] [Destroying] [Disassembling] [Dismantling] [Reassembling] [Storing] of Any [Motor Vehicle] [Motor Vehicle Part] Illegally Obtained by [Theft] [Fraud] [Other Illegal Means]. G.S. 14-72.7(a)(1). (6/2014)			
216.71	Felonious Permitting of Chop Shop Activity on Property. G.S. 14-72.7(a)(2). (6/2014)			H
216.72	Felonious [Purchasing] [Disposing] [Selling] [Transferring] [Receiving] [Possessing] of [Motor Vehicles] [Motor Vehicle Parts] with an Altered [Vehicle Identification Number] [Vehicle Part Identification Number]. G.S. 14-72.7(a)(3). (6/2014)			H
216.73	Felonious [Purchasing] [Disposing of] [Selling] [Transferring] [Receiving] [Possessing] a [Motor Vehicle] [Motor Vehicle Part] from a Person Engaged in a Chop Shop Activity. G.S. 14-72.7(a)(4). (6/2014)			H
216.77	Purchasing of Vehicles for the Purpose of Scrap Parts Only and Failing to Comply with Certain Requirements Mandated by Law. G.S. 20-62.1 (6/2019)			I
216.80	Purchase of Regulated Metals by Secondary Metals Recyclers from Other Than a Fixed Location. G.S. 66-11(d)(1). (6/2008)			Misd 1
216.81	[Purchasing] [Receiving] of Regulated Metals by Secondary Metals Recyclers from (a) Minor(s). G.S. 66-11(d)(1). (6/2008)			Misd 1
216.82	[Cutting] [Mutilating] [Defacing] [Otherwise Injuring] Property to Obtain Nonferrous Metals—Property [Injury] [Loss in Value] [Repairs] [Loss Including Fixtures or Improvements] Less than \$1,000. G.S. 14-159.4(c)(1) (6/2013)			Misd 1
216.83	[Cutting] [Mutilating] [Defacing] [Otherwise Injuring] Property to Obtain Nonferrous Metals—Property [Injury] [Loss in Value] [Repairs] [Loss Including Fixtures or Improvements] \$1,000 or More (But Less than \$10,000). G.S. 14-159.4(c)(1) (6/2013)			H
216.84	[Cutting] [Mutilating] [Defacing] [Otherwise Injuring] Property to Obtain Nonferrous Metals—Property [Injury] [Loss in Value] [Repairs] [Loss Including Fixtures or Improvements] \$10,000 or More. G.S. 14-159.4(c)(1) (6/2013)			F
216.85	[Cutting] [Mutilating] [Defacing] [Otherwise Injuring] Property to Obtain Nonferrous Metals—Serious Injury. G.S. 14-159.4(c)(2) (6/2013)			Misd A1
216.86	[Cutting] [Mutilating] [Defacing] [Otherwise Injuring] Property to Obtain Nonferrous Metals—Serious Bodily Injury. G.S. 14-159.4(c)(3). (6/2013)			F
216.87	[Cutting] [Mutilating] [Defacing] [Otherwise Injuring] Property to Obtain Nonferrous Metals—Death. G.S. 14-159.4(c)(4) (6/2013)			D
216.88	[Cutting] [Mutilating] [Defacing] [Otherwise Injuring] Property to Obtain Nonferrous Metals—Critical Infrastructure. G.S. 14-159.4(c)(5) (6/2013)			Misd 1
216.90	Unauthorized Use of a Conveyance. G.S. 14-72.2. (5/2002)	I, Misd		I, Misd 7
216.93	Larceny of Pinestraw. G.S. 14-79.1. (11/1998)			H
216.95	Felonious Larceny of Ungathered Crops. G.S. 14-78. (5/2002)	H, Misd		H, Misd 1

216.96	Felonious Larceny of Horses, Mules, Swine, Cattle, or Dogs. G.S. 14-81. (2/2003)	H, J	H, I
216.97	Unlawful Taking and Carrying Away of Any [Horse] [Mare] [Gelding] [Mule] [Dog] with the Intent to Deprive the Owner of the [Special] [Temporary] Use of Such Property. G.S. 14-82. (2/2003)	Misd	Misd 2
216.98	Unlawful Taking and Carrying Away of Any [Horse] [Mare] [Gelding] [Mule] [Dog] with the Intent to Use Such Property for a [Special] [Temporary] Purpose. G.S. 14-82. (2/2003)	Misd	Misd 2
	Robbery.		
217.10	Common Law Robbery. G.S. 4-1, 14-2, 14-87.1. (6/2022)	H	G
217.20	Robbery with a Firearm. G.S. 14-87. (6/2022)	D	D
217.25	Attempted Robbery with a Firearm. G.S. 14-87. (5/2003)	D	D
217.30	Robbery with a Dangerous Weapon—Other Than a Firearm Covering Common Law Robbery as a Lesser Included Offense. G.S. 14-87, 14-87.1, 14.1, 14.2. (6/2022)	D, H	D
217.50	Safecracking—By Explosives, Drills, or Tools. G.S. 14-89.1(a)(1). (6/2017)	H	I
217.51	Safecracking—By Stolen Combination, Key, Electronic Device or Fraudulently Acquired Implement or Means. G.S. 14-89.1(a)(2). (6/2017)	H	I
217.52	Safecracking—By Use of [[Master Key] [Duplicate Key] [Device] [[Made] [Obtained]] in an Unauthorized Manner] [Stethoscope] [Listening Device] [Surreptitious Means]. G.S. 14-89.1(a)(3). (6/2017)	H	I
217.53	Safecracking—All Other Means. G.S. 14-89.1(a)(3) and (4). (6/2017)	H	I
217.54	Safecracking—Removing Safe or Vault from Premises. G.S. 14-89.1(b). (5/2003)	H	I
	Embezzlement.		
218.10	Embezzlement of Property by Virtue of Office or Employment. G.S. 14-90, 58-2-162. (6/2010)	H	H
218.10A	Embezzlement of Property Valued at \$100,000 or More by Virtue of Office or Employment. G.S. 14-90; 58-2-162. (6/2010)		C, H (12/97)
218.15	Embezzlement of Property by Virtue of Office or Employment. G.S. 14-90, 58-2-162, 45A-3. (6/2010)		H
218.15A	Embezzlement of Property Valued at \$100,000 or More by Virtue of Office or Employment. G.S. 14-90, 58-2-162, 45A-3. (6/2010)		C
218.20	Willful Misapplication of Corporate Money, Funds or Credits. G.S. 14-254. (5/2003)	G	H
218.21	Unauthorized Issuance of Corporate Instruments. G.S. 14-254. (5/2003)	G	H
218.22	False Entries by Corporate Officers or Agents. G.S. 14-254. (5/2003)	G	H
218.25	Embezzlement of State Property by Public Officers and Employees. G.S. 14-91. (6/2010)		F

218.25A	Embezzlement of State Property Valued at \$100,000 or More by Public Officers and Employees. G.S. 14-91. (6/2010)		C
218.30	[Misapplication] [Embezzlement] of Bank Funds (6/2013)		C, H
	False Pretenses and Cheats.		
219.10	Obtaining Property by False Pretenses. G.S. 14-100. (6/2021)	H	H
219.10A	Obtaining Property by False Pretenses (Value of Property \$100,000 or More). G.S. 14-100. (6/2020)		C, H (12/97)
219.11	Fraudulent Misrepresentation Involving Child Care Subsidies. G.S. 110-107. (4/2000)	-	Class 1; I
219.20	Obtaining Advances under Promise to Work. G.S. 14-104. (10/1998)	-	Misd 2
219.40	Obtaining Property in Return for Worthless Check, with Intent to Cheat and Defraud. G.S. 14-106. (3/2003)	Misd	Misd 2
219.50A	Worthless Check—Insufficient Funds (Less Than \$2,000). G.S. 14-107(a), (d)(1). (6/2014)	-	Misd 2
219.51A	Worthless Check—Insufficient Funds (More Than \$2,000). G.S. 14-107(a), (d). (6/2014)	J	I
219.52	Worthless Check—Drawn on Non-Existent Account. G.S. 14-107(d)(3). (5/2000)	Misd	Misd 1
219.53	Worthless Check—Drawn on Closed Account. G.S. 14-107(d)(4). (5/2000)	Misd	Misd 1
	Credit Card Crime Act.		
219B.10	Credit Card (Financial Transaction Card) Theft. G.S. 14-113.9(a)(1). (4/2003)	J	I
219B.11	Credit Card (Financial Transaction Card) Theft—Receiving Stolen Card. G.S. 14-113.9(a)(1). (4/2003)	J	I
219B.20	Credit Card (Financial Transaction Card) Theft—Use of Lost, Mislaid, or Mistakenly Delivered Card. G.S. 14-113.9(a)(2). (4/2003)	J	I
219B.25	Credit Card (Financial Transaction Card) Theft—Buying a Credit Card. G.S. 14-113.9(a)(3). (5/2003)	J	I
219B.26	Credit Card (Financial Transaction Card) Theft—Selling a Credit Card. G.S. 14-113.9(a)(3). (5/2003)	J	I
219B.30	Forgery of a Credit Card (Financial Transaction Card)—Making or Embossing Credit Card. G.S. 14-113.11(a)(1). (4/2003)	J	I
219B.31	Forgery or Uttering of a Forged Credit Card (Financial Transaction Card)—Falsely Encoded, Duplicated, Altered, or Uttered. G.S. 14-113.11(a)(2). (4/2003)	J	I
219B.35	Forgery of a Credit Card (Financial Transaction Card)—Unauthorized Signing of a Credit Card. G.S. 14-113.11(a)(3). (4/2003)	J	I
219B.40	Credit Card (Financial Transaction Card) Fraud—Credit Card Stolen, Forged, Falsely Represented, Expired, or Revoked. G.S. 14-113.13(a)(1)(2); (b). (4/2003)	J, Misd	I, Misd 2
219B.41	Credit Card Fraud—False Representation as to Holding or Issuance of Card. G.S. 14-113.13(a)(2). (5/2003)	J, Misd	I, Misd 2
219B.42	Credit Card Fraud—Where Defendant Held or Controlled Card as Security for Debt. G.S. 14-113.13(a)(3). (5/2003)	J, Misd	I, Misd 2

		Before 10/1/94	On or After 10/1/94
219B.43	Credit Card Fraud—By Furnisher of Goods and Services. G.S. 14-113.13(b)(1). (4/2003)	J, Misd	I, Misd 2
219B.44	Credit Card (Financial Transaction Card)—Fraud by Misrepresentation to Issuer. G.S. 14-113.13(b)(2). (4/2003)	J, Misd	I, Misd 2
219B.50	Criminal Possession of Incomplete Credit Cards (Financial Transaction Card). G.S. 14-113.14(a)(1). (4/2003)	J	I
219B.55	Criminal Possession of Credit Card (Financial Transaction Card)—Reproduction Device. G.S. 14-113.14(a)(2). (4/2003)	J	I
219B.60	Credit Card Fraud—Criminal Factoring of Transaction Card Records of Sale. G.S. 14-113.15A. (4/2003)	I	I
219B.65	[Possessing] [Selling] [Delivering] a Skimming Device. (6/2022)		I
219B.80	Identity Theft. G.S. 14-113.20, 14-113.22. (6/2020)		F, G
219B.80A	Identity Theft—Financial Fraud Resulting in Another Person’s [Arrest] [Detention] [Conviction of a Criminal Offense]. G.S. 14-113.20, -113.22. (6/2010)	-	F, G
219B.80B	Identity Theft—Possession of Identifying Information Pertaining to Three or More Persons. G.S. 14-113.20, -113.22. (6/2010)		F, G
219B.85	Identity Theft—Trafficking in Stolen Identities. G.S. 14-113.20A. (6/2010)		E
219C.05	Willfully Failing to Make North Carolina Income Tax Returns. G.S. 105-236(9). Deleted. (6/2013).	Misd	Misd 1
219D.10	Fraudulent Misrepresentation Involving a [License Application] [Other Document] Filed Pursuant to the North Carolina Money Transmitters Act. G.S. 53-208.58(b). (6/2017)		Misd 1
219D.15	Engaging in the Business of Money Transmission Without a License. G.S. 53-208.58(c). (6/2017)		Misd 1
219D.20	Unlawfully Engaging in the Business of Money Transmission—Any Reason. G.S. 53-208.58(a). (6/2017)		Misd 1
	Frauds.		
220.10	Fraudulent Disposal of Personal Property on Which There Is a Security Interest. G.S. 14-114. (5/2003)	Misd	Misd 2
220.20	Secreting Property to Hinder Enforcement of Lien or Security Interest. G.S. 14-115. (5/2003)	Misd	Misd 2
220.22	Filing False Security Agreements (6/2013)		I
220.24	Improper Filing of Lien on [Real Property] [Other Document]. G.S. 44A-12.1(c). (6/2013)		I
220.26	Filing [False Lien] [Encumbrance]. G.S. 14-118.6. (6/2020)		I
220.28	Simulation of Court Process in Connection with Collection of [a Claim] [a Demand] [an Account]. G.S. 14-118.1 (6/2013)		I
220.30	Residential Mortgage Fraud. G.S. 14-118.12(a)(1)–(2). (6/2013)		H
220.31	[Receiving] [Attempting to Receive] Proceeds from Residential Mortgage Fraud. G.S. 14-118.12(a)(3). (6/2008)		H
220.32	Conspiracy to Commit Residential Mortgage Fraud. G.S. 14-118.12(a)(4). (6/2008)		H
220.33	Solicitation of Residential Mortgage Fraud. G.S. 14-118.12(a)(4). (6/2008)		H
220.34	Pattern of Residential Mortgage Fraud. G.S. 14-118.15. (6/2008)		H, E

220.35	False Statement of Sums Due for [Labor] [Materials] Furnished at Site of Improvements to Real Property (6/2013)		Misd 1
220.40	Fraudulent and Deceptive Advertising. G.S. 14-117. (5/2003)	Misd	Misd 2
220.50	[Improper] [Fraudulent] Receipt of Decedent's [Retirement Allowance] [Disability Benefit]. G.S. 135-18.11. (6/2013)		Misd 1
220.53	Improper Receipt of a Decedent's Disability Income Plan Allowance from the State of North Carolina. G.S. 135.111.1. (6/2014)		Misd 1
220.55	Fraudulently [Obtaining] [Increasing] Benefit Under Unemployment Insurance. G.S. 96-18.A. (6/2013)		I, Misd 1
220.60	Blackmail—Other Than by Accusation of Crime. G.S. 14-118. (5/2003)	Misd	Misd 1
220.65	Blackmail—By Accusation of Crime. G.S. 14-118. (5/2003)	Misd	Misd 1
220.70	Obtaining Academic Credit by Fraudulent Means. G.S. 14-118.2. (5/2003)	Misd	Misd 2
220.80	Extortion. G.S. 14-118.4. (5/2003)	H	F
220.85	Exploitation of [Disabled] [Older] Adult by a Person in a [Position of Trust] [Business Relationship with the Adult]. G.S. 14-112.2(b), (d). (6/2014)		F, G, H
220.90	Fraud in Connection with Rental of Motor Vehicle. G.S. 20-106.1. (3/2003)	J	I
220.91	Failing to Return Rented Property on Which There Is a Purchase Option (Rent to Own). G.S. 14-168.4. (5/2003)	Misd	Misd 2
220.95	Interfering with Gas, Electric, and Steam [Appliances] [Meters]. G.S. 14-151. (6/2014)		Misd 1
220.97	[Possession] [Transfer] [Use] of Automated Sale Suppression Device. G.S. 14-118.7. (6/2014)		H
	Forgery.		
221.10	Forgery of Notes, Checks, and Other Securities. G.S. 14-119(a). (6/2008)	I	I
221.12	Possession of Counterfeit Instrument(s). G.S. 14-119(a). (6/2008)		I
221.14	Possession of Five or More Counterfeit Instruments. G.S. 14-119(b). (6/2008)		G
221.16	Transporting Five or More Counterfeit Instruments. G.S. 14-119(b). (6/2008)		G
221.20	Uttering Forged Instrument or Instrument Containing a Forged Endorsement. G.S. 14-120. (4/2003)	I	I
221.40	Forgery of Deeds, Wills and Certain Other Instruments. G.S. 14-122. (5/2003)	I	H
221.41	Showing Forth in Evidence Forged Deeds, Wills, and Certain Other Instruments. G.S. 14-122. (5/2003)	I	H
221.80	Forgery of Writings (Common Law Misdemeanor). (5/2003)	Misd	Misd 1; H
	Trespasses to Land and Fixtures.		
222.15	Willful and Wanton Injury to Real Property. G.S. 14-127. (5/2003)	Misd	Misd 1
222.16	Felonious Injury to Houses or Other Buildings Including Lesser Offense (6/2009)		I
222.17	Misdemeanor Injury to Houses or Other Buildings. G.S. 14-144. (6/2009)		Misd 2

222.18	Felonious Injury to Fences or Walls Including Lesser Offense. G.S. 14-144. (6/2009)		I
222.19	Misdemeanor Injury to Fences or Walls. G.S. 14-144. (6/2009)		Misd 2
222.20	Forcible Trespass to Real Property (Common Law Misdemeanor). (5/2003)	Misd	Misd 1
222.22	Unlawfully [Stopping] [Impeding] [Delaying] [Detaining] a Public School Bus or Public School Activity Bus. G.S. 14-132.2. (5/2002)		Misd 1
222.23	Refusing to Leave a Public School Bus or Public School Activity Bus. G.S. 14-132.2. (5/2002)		Misd 1
222.24	Trespassing on Public School Bus or Public School Activity Bus. G.S. 14-132.2. (5/2002)		Misd 1
222.26	Trespass—Electric Power Supplier—Basic Offense. G.S. 14-159.12(c). (6/2013)		Misd A1
222.28	Trespass—Electric Power Supplier—[Intent to Disrupt Normal Operation of Facility] [Act that Placed [Offender] [Another Person] at Risk of Serious Bodily Injury]. G.S. 14-159.12(d). (6/2013)		H
222.30	Domestic Criminal Trespass. G.S. 14-134.3(a). (5/2003)		Misd 1
222.31	Aggravated Domestic Criminal Trespass. G.S. 14-134.3(b). (5/2003)		G
222.32	Interfering with Emergency Communications. G.S. 14-286.2. (5/2002)		Misd A1
222.33	Trespassing by Person Subject to Valid Protective Order onto Property Operated as a Safe House or Haven for Victims of Domestic Violence. (6/2011)		H
222.40	Setting Fire to [Grassland] [Brushland] [Woodland] Property of Another. G.S. 14-136. (4/2003)	Misd	Misd 2
222.40A	Setting Fire to [Grassland] [Brushland] [Woodland] (Defendant’s Property). G.S. 14-136. (4/2003)	Misd	Misd 2
222.41	Setting Fire to [Grassland] [Brushland] [Woodland] with Intent to Damage Property of Another. G.S. 14-136. (3/2003)	I	I
222.42	[Cutting] [Injuring] [Removing] Another’s Timber. G.S. 14-135, 14-72.		Misd 1, H
222.45	Toxic Substances, Dumping. G.S. 14-284.2. (5/2003)		F
222.50	Desecration of a Gravesite. G.S. 14-148(a). (6/2008)		Misd 1
222.51	Desecration of Human Remains. G.S. 14-149. (6/2008)		H
222.52	Felonious Desecration of a Gravesite. G.S. 14-148(a). (6/2008)		I
222.60	Injuring Telecommunication Wires. G.S. 14-154. (6/2008)		I
222.65	Trespassing for the Purpose of [Hunting] [Fishing] [Trapping] (6/2012)		Misd 1
222.66	Trespassing for the Purpose of [Raking] [Removing] Pine Straw (6/2012)		Misd 1
222.68	Improper Taking of [Menhaden] [Atlantic Thread] Herring. G.S. 113-187. (6/2013)		Misd A1
222.69	Unlawful Dealings with [Ginseng] [Galax] [Venus Flytrap]. G.S. 106-202.19(a). (6/2013)		Misd 2
222.70	Trespass to Land on a Motorized All Terrain Vehicle. G.S. 14-159.3. (6/2015)		Misd 2
222.75	Collection of [Seismic] [Geophysical] Data on Another’s Property Without Written Consent. G.S. 113-395.4. (6/2015)		Misd 1

222.80	Graffiti Vandalism. G.S. 14-127.1. (6/2016)		Misd
222.85	Graffiti Vandalism. G.S. 14-127.1. (6/2016)		
	Trespasses to Personal Property.		
223.15	Willful and Wanton Injury to Personal Property Causing Damage of More Than \$200. G.S. 14-160. (5/2003)	Misd	Misd 1, 2
223.20	[Alteration] [Destruction] [Removal] of Permanent Identification Marks from Personal Property. G.S. 14-160.1(a). (6/2022)	Misd	Misd 1
223.20A	[Alteration] [Destruction] [Removal] of Permanent Identification Marks from Personal Property Worth More Than \$1,000. (6/2022)		H
223.21	[Buying] [Selling] [Possessing] Item of Personal Property on Which the Permanent Identification Mark Has Been [Altered] [Destroyed] [Defaced] [Removed]. G.S. 14-160.1(b). (6/2022)	Misd	Misd 1
223.21A	[Buying] [Selling] [Possessing] Item of Personal Property Worth More Than \$1,000 on Which the Permanent Identification Mark has Been [Altered] [Destroyed] [Defaced] [Removed]. (6/2022)		I
223.25	Felonious Computer Trespass. G.S. 14-453, -458. (4/2000)		Class 3; 1/I
223.30	Willfully Damaging [Computers] [Computer Programs] [Computer Systems] [Computer Networks]. G.S. 14-455. (6/2009)		Misd 1
223.31	Willfully Damaging Government [Computers] [Computer Programs] [Computer Systems] [Computer Networks]. G.S. 14-455(b). (6/2009)		F
223.40	Unlawful Operation of an Audiovisual Recording Device. G.S. 14-440.1. (6/2006)		Misd 1
223.45	Unlawful Operation of an Audiovisual Recording Device. G.S. 14-440.1. (6/2006)		I, Misd 1
223.70	Injuring, Destroying, Removing, Vandalizing, or Tampering with Firefighting or Emergency Medical Services Machinery or Equipment. (6/2018)		
223.71	Interfering with a [Fire-Alarm] [Fire-Detection] [Fire-Extinguishing] System. (6/2020)		Misd 2
223.72	Interfering with a [Fire-Alarm] [Fire-Detection] [Fire-Extinguishing] System in a [Prison] [Local Confinement Facility]. (6/2020)		H
223.73	Giving False Alarms. (6/2020)		Misd 2
223.74	Willfully [Misusing] [Damaging] a Portable Fire Extinguisher. (6/2020)		Misd 2
	Vehicles and Draft Animals—Protection of Bailor against Acts of Bailee.		
224.10	[Willful] [Malicious] Injury to [Rented] [Hired] Personal Property. G.S. 14-165. (3/2003)	Misd	Misd 2
224.20	Failure to Return [Rented] [Hired] Property. G.S. 14-167. (3/2003)	Misd	Misd 2
224.25	Failure to Return [Rented] [Hired] [Leased] Motor Vehicle Valued in Excess of \$4,000. G.S. 14-167. (6/2006)		
224.30	Felonious Conversion by Bailee. G.S. 14-168.1 (4/2003)	H, Misd	H, Misd 1

		<u>Offense Classification</u>	
		Before	On or After
		10/1/94	10/1/94
	Offenses against Public Morality and Decency.		
225.10	[Knowingly] [Willingly] [Abusing] [Mutilating] a Dead Human Body in a Person's Custody. 90-210.25(5)(2) (6/2019)		Misd 2
225.15	Unauthorized Practice of [Embalming] [Funeral Directing] [Funeral Service] [Operating Funeral Establishment]—Practicing Without a License (Including While Representing Oneself as Being Licensed. G.S. 90-210.25(f)(1) (6/2019)		Misd 2
226.10	Crime against Nature—Animals. G.S. 14-177. (6/2006)	H	I
226.10A	Crime against Nature—Persons. G.S. 14-177. (6/2019)		
226.20	Incest. G.S. 14-178. (3/2003)	G	F
226.20A	Incest with a Person under the Age of Thirteen Years. G.S. 14-178. (3/2003)	G	B1
226.20B	Incest with a Person [Thirteen] [Fourteen] [Fifteen] Years of Age. G.S. 14-178. (3/2003)		B1, C
226.45	Bigamy. G.S. 14-183. (3/2003)	H	I
226.46	Bigamous Cohabitation. G.S. 14-183. (4/2003)	H	I
226.50	Fornication and Adultery. G.S. 14-184. (1/2004)	Misd	Misd 2
226.55	Using Profane or Indecent Language over a Telephone. G.S. 14-196(a)(1). (3/2001)	Misd	Misd 2
226.56	Using Threatening Language by Way of Telephone. G.S. 14-196(a)(2). (3/2001)	Misd	Misd 2
226.57	Harassing by Repeated Telephone Calls. G.S. 14-196(a)(3). (3/2001)	Misd	Misd 2
226.58	Disrupting Telephone Service of Another. G.S. 14-196(a)(4). (3/2001)	Misd	Misd 2
226.59	Harassing by Imparting False Information by Telephone. G.S. 14-196(a)(5). (3/2001)	Misd	Misd 2
226.60	Cyberstalking—Threatening Language. G.S. 14-196.3(b)(1). (3/2001)		Misd 2
226.60A	Cyberstalking—Harassment. G.S. 14-196.3(b)(2). (1/2001)		Misd 2
226.60B	Cyberstalking—False Statement. G.S. 14-196.3(b)(3). (3/2001)		Misd 2
226.60C	Cyberstalking—Permitting Communication. G.S. 14-196.3(b)(4). (3/2001)		Misd 2
226.62	Cyberstalking Through Use of an Electronic Tracking Device. G.S. 14-196.3 (6/2016)		
226.65	Cyber-bullying with Intent to [Intimidate] [Torment] a Minor. G.S. 14-458.1(a)(1). (6/2017)		Misd 1, Misd 2
226.66	Cyber-bullying with Intent to [Intimidate] [Torment] [a Minor] [a Minor's [Parent] or [Guardian]]. G.S. 14-458.1(a)(2). (6/2010)		Misd 1, Misd 2
226.67	Cyber-bullying—Using a [Computer] [Computer Network] to Plant Any Statement to Provoke a Third Party to [Stalk] [Harass] a Minor. G.S. 14-458.1(a)(3). (6/2010)		Misd 1, Misd 2
226.68	Cyber-bullying—Using a [Computer] [Computer Network] to [Copy and Disseminate] [Cause to Be Made] an Unauthorized Copy of Data Pertaining to a Minor for Purpose of [Intimidating] [Tormenting] That Minor. G.S. 14-458.1(a)(4). (6/2010)		Misd 1, Misd 2
226.69	Cyber-bullying—Signing up a Minor for a Pornographic Internet Site. G.S. 14-458.1(a)(5). (6/2010)		Misd 1, Misd 2

		Before	On or After
		10/1/94	10/1/94
226.70	Cyber-bullying—Using a [Computer] [Computer Network] to Sign up a Minor for [Electronic Mailing List] [Electronic Messages] Without Consent of the [Minor] [Minor’s [Parent] [Guardian]] Resulting in [Intimidation] [Torment] of the Minor. G.S. 14-458.1(a)(6). (6/2010)		Misd 1, Misd 2
226.71A	Cyber-bullying of School Employee by Student—[Computer] [Internet] Interference with Employee. G.S. 14-458.2(b)(1). (6/2013)		Misd 2
226.72B	Cyber-bullying of School Employee by Student—Statements Likely to Provoke Action. G.S. 14-458.2(b)(2). (6/2013)		Misd 2
226.72C	Cyber-bullying of School Employee by Student—Unauthorized Copying of Data. G.S. 14-458.2(b)(3). (6/2013)		Misd 2
226.72D	Cyber-bullying of School Employee by Student—Pornographic Internet Site. G.S. 14-458.2(b)(4). (6/2013)		Misd 2
226.72E	Cyber-bullying of School Employee by Student—Electronic Mailing Lists. G.S. 14-458.2(b)(5). (6/2013)		Misd 2
226.75	Secretly Peeping into Room Occupied by Another Person. G.S. 14-202(a). (12/2003)	Misd	Misd 1
226.75A	Secretly Peeping through the Use of a Mirror or Other Device. G.S. 14-202(a1). (2/2005)		Misd 1
226.76	Secretly Peeping into Room While in Possession of a Device Used to Create a Photographic Image. G.S. 14-202(c). (4/2004)		Misd A1
226.77	Felonious Secretly Peeping into Room Occupied by Another Person and Using a Device to Create a Photographic Image of a Person in That Room for the Purpose of Sexual Arousal or Gratification. G.S. 14-202(d). (4/2004)		I
226.78	Secretly or Surreptitiously Using a Device to Create a Photographic Image of Another Person Underneath or through the Clothing. G.S. 14-202(e). (4/2004)		I
226.79	Secretly or Surreptitiously Installing a Device Used to Create a Photographic Image. G.S. 14-202(f). (4/2004)		I
226.80	Knowingly Possessing a Photographic Image Obtained by Secretly Peeping. G.S. 14-202(g). (5/2004)		I
226.81	Knowingly Disseminating a Photographic Image Obtained by Secretly Peeping. G.S. 14-202(h). (5/2004)		H
226.85	Taking an Indecent Liberty with a Child. G.S. 14-202.1. (4/2003)	H	F
226.86A	Taking Indecent Liberties with a Student (by Teacher, School Administrator, Student Teacher, School Safety Officer, Coach). G.S. 14-202.4. (6/2016)	-	I
226.86B	Taking Indecent Liberties with a Student (by Member of School Personnel Other Than Teacher, School Administrator, Student Teacher, School Safety Officer, Coach). G.S. 14-202.4. (6/2016)	-	Misd A1
226.90	Promoting Prostitution. G.S. 14-205.3. (6/2014)		E, F
226.91	Patronizing a Prostitute. G.S. 14-205.2. (6/2014)		E, F
226.92	Patronizing a Prostitute. G.S. 14-205.2. (6/2014)		E, F
226.93	Patronizing a Prostitute Who Had a [Severe] [Profound] Mental Disability. G.S. 14-205.2. (6/2019)		D
226.94	Promoting Prostitution of a Person Who Had a [Severe] [Profound] Mental Disability. G.S. 14-205/3(b). (6/2019)		Misd A1, G

226.96	Solicitation for Prostitution with a Person Who Has a [Severe] [Profound] Mental Disability. G.S. 14-204(5), 14-205.1. (6/2019)		E
226.97	Solicitation for Prostitution. G.S. 14-204(5), 14-205.1. (6/2014)		G, H
226.98	Solicitation for Prostitution. G.S. 14-204(5), 14-205.1. (6/2014)	Misd	Misd 1
227.10	Massage and Bodywork Therapy Licensing Violation. (6/2018)		
227.15	[Sexual Activity] [Solicitation of Sexual Activity] in a Massage and Bodywork Therapy Establishment. (6/2018)		
227.20	Owner of Massage and Bodywork Therapy Establishment Permitting or Engaging in Sexual Activity. (6/2018)		
	Perjury.		
228.10	Perjury. G.S. 14-209. (1/2001)	H	F
228.20	Subornation of Perjury. G.S. 14-210. (1/2001)	H	I
228.30	Presenting a False Statement to Procure Benefit of Insurance Policy. G.S. 58-2-161(b)(1). (2/1999)	I	I
228.30A	Presenting a False Statement to Deny Benefit of Insurance Policy. G.S. 58-2-161(b)(1). (2/1999)	I	I
228.35	Making (or Participating in) a False Statement to Procure Benefit of Insurance Policy. G.S. 58-2-161(b)(2). (2/1999)	I	I
228.35A	Making (or Participating in) a False Statement to Deny Benefit of Insurance Policy. G.S. 58-2-161(b)(2). (2/1999)	I	I
	Bribery.		
229.05	Bribery of Officials. G.S. 14-217. (5/2005)	I	F
229.10	Offering a Bribe to Public Officials. G.S. 14-218. (4/2003)	I	F
229.15	[Buying] [Selling] Public Offices. G.S. 14-228. (6/2016)		
229.20	Commercial Bribery. G.S. 14-353. (6/2014)	Misd	Misd 2
229.21	Commercial Bribery (Making Bribe). G.S. 14-353. (6/2014)	Misd	Misd 2
	Obstructing Justice.		
230.20	Breaking or Entering with the Intent of Altering, Destroying, or Stealing Evidence. G.S. 14-221.1. (1/1999)	I	I
230.21	[Altering] [Destroying] [Stealing] Evidence of Criminal Conduct. G.S. 14-221.1. (6/2010)	I	I
230.25	[Destroying] [Altering] [Concealing] [Tampering With] Biological Evidence of Criminal Conduct. G.S. 15A-268. (6/2010)		H, I
230.26	Felonious Misrepresentation of Evidence. (6/2012)		H
230.27	Non-Felonious Misrepresentation of Evidence. (6/2012)		Misd 1
230.30	Resisting, Delaying, or Obstructing a Public Officer—All Situations Other Than Arrest. G.S. 14-223. (6/2022)	Misd	Misd 2
230.31	Resisting Arrest—Lawfulness of Arrest. G.S. 14-223. (1/1999)	Misd	Misd 2
230.32	Resisting, Delaying or Obstructing an Officer—Excessive Force by the Officer. G.S. 14-223. (6/2022)	Misd	Misd 2
230.34	Resisting, Delaying, or Obstructing a Public Officer—Serious Bodily Injury. (6/2022)		F, I, Misd 2
230.36	Resisting, Delaying, or Obstructing a Public Officer—Serious Injury. (6/2022)		I, Misd 2

230.40	Obstructing the Administration of Justice by [Picketing] [Parading] [Use of a Sound Truck or Similar Device]. G.S. 14-225.1. (12/1998)	Misd	Misd 1
230.60	Harassment or Intimidation of or Communication with Juror. G.S. 14-225.2. (12/1998)	I	H, I
230.60A	Harassment or Intimidation of or Communication with Juror's Spouse. G.S. 14-225.2. (1/1999)	I	H, I
230.61A	Intimidating Witnesses by Threatening the Assertion or Denial of Parental Rights. G.S. 14-226. (2/2005)		H
230.62	Obstruction of Justice. Common Law Misdemeanor. (3/2003)	Misd	Misd 1, H
230.65	Intimidating or Interfering With Witness. G.S. 14-226(a). (Delete Sheet). (6/2022)		G
230.66	Intimidating a Witness. (6/2022)		G
230.67	Interfering with a Witness. (6/2022)		G
230.70	Impersonation of Law-Enforcement Officer by [Verbally Informing Another] [Displaying Any Badge or Identification] [Unlawfully Operating a Vehicle with an Operating Red Light]. Misdemeanor. G.S. 14-277(a). (6/2011)	Misd	Misd 1
230.70A	Impersonation of Law-Enforcement Officer by Operating a Vehicle with an Operating Blue Light. Felony. (6/2011)		H, I
230.71	Impersonating a Law Enforcement Officer by Operating a Vehicle with an Operating Blue Light Causing a Person to [Stop] [Yield] (Blue Light Bandit). G.S. 14-277(a)(4), (b)(5). (12/1997)		H, I
230.73	Impersonation of [a Firefighter] [an Emergency Medical Services Personnel]. G.S. 14-276.1 (6/2016)		
230.75	Impersonation of Law-Enforcement Officer (Carrying Out an Act in Accordance with the Authority Granted to a Law-Enforcement Officer). Misdemeanor. G.S. 14-277(b). (6/2011)	Misd	Misd 1
230.75A	Impersonation of Law-Enforcement Officer (Carrying Out an Act in Accordance with the Authority Granted to a Law-Enforcement Officer). Felony. G.S. 14-277(b). (6/2011)		H, I
230.77	Driving with a Light Bar. (6/2018)		
230.80	Concealment of Death. G.S. 14-401.22. (6/2006)		Felony
230.81	Harassment of a Participant in a Neighborhood Crime Watch Program. G.S. 14-226.2. (6/2007)		Misd 1
230.91	Concealment of Death—Intent to Conceal Death by Dismembering or Destroying Human Remains. (6/2012)		H
230.92	Concealment of Death—Intent to Conceal Unnatural Death by Dismembering or Destroying Human Remains. (6/2012)		D
230.93	Concealment of Death—Aiding, Counseling, and Abetting. (6/2012)		Misd 1
230.94	Disturbing Human Remains—Physical Alteration or Manipulation. (6/2012)		I
230.95	Disturbing Human Remains—Acts of Sexual Penetration. (6/2012)		I
233.45	Prison Breach and Prisoners. Prison Breach and Escape from [County] [Municipal] Confinement [Facilities] [Officers]. G.S. 14-256. (6/2014)		Misd 1, H

		Before 10/1/94	On or After 10/1/94
233.47	Possession of Tools for Escape by a Prisoner. G.S. 14-258(c). (6/2019)		H
233.50	Feloniously Harboring or Aiding an Escaped Prisoner. G.S. 14-259. (12/1998)	I	I
233.60	Injury to Prisoner by Jailer. G.S. 162-55. (12/1998)	Misd	Misd 1
233.70	Harboring a Fugitive. G.S. 14-267. (2/1999)	Misd	Misd 1
233.80	Furnishing a Controlled Substance to an Inmate. G.S. 14-258.1(a). (6/2010)	H	H
233.81	Furnishing a Deadly Weapon, Cartridge or Ammunition to an Inmate. G.S. 14-258.1(a). (6/2010)	H	H
233.82	Furnishing an Alcoholic Beverage to an Inmate. G.S. 14-258.1(b). (6/2010)	Misd	Misd 1
233.83	Furnishing a Tobacco Product (Including Vapor Products) to an Inmate. G.S. 14-258.1(c). (6/2015)	Misd	Misd 1
233.84	Furnishing a [Mobile Telephone] [Wireless Communication Device] [Component of a [Mobile Telephone] [Wireless Communication Device]] to an Inmate. G.S. 14-258.1(d). (6/2016)	Misd	Misd 1
233.85	Providing [Forbidden Articles] [Tools to Escape] to a Prisoner. G.S. 14-258(a) (6/2019)		H
233.90	Possession of Tobacco Product (Including Vapor Products) by an Inmate. G.S. 14-258.1(e). (6/2015)	Misd	Misd 1
233.95	Possession of a [Mobile Telephone] [Wireless Communication Device] [Component of a [Mobile Telephone] [Wireless Communication Device]] by an Inmate. G.S. 14-258.1(g). (6/2016)	Misd	Misd 1
	Offenses against the Public Peace.		
235.10	Carrying a Concealed Weapon Other Than a Pistol or Handgun. G.S. 14-269(a). (6/2014)	Misd	Misd 2
235.12	Carrying a Concealed [Pistol] [Handgun]. G.S. 14-269(a1). (6/2015)		Misd 2, H
235.15	Carrying Weapons into Assemblies. G.S. 14-269.3. (6/2014)	Misd	Misd 1
235.16	Carrying Weapons into Establishments Where Alcoholic Beverages Are Sold and Consumed. G.S. 14-269.3. (6/2014)	Misd	Misd 1
235.17	[Carrying] [Possessing] Weapons [on Educational Property] [at School Sponsored Activity]. G.S. 14-269.2(b) and (b1). (6/2016)	I, Misd	I, Misd 1
235.17A	[Causing] [Encouraging] [Aiding] a Minor to [Carry] [Possess] Weapons on Educational Property. G.S. 14-269.2(c) and (c1). (6/2014)	I, Misd	I, Misd 1
235.17B	Willfully Discharging a Firearm on Educational Property or at School Sponsored Activity. G.S. 14-269.2(b) and (b1). (6/2014)		F
235.18	Communicating Threats. G.S. 14-277.1. (2/2000)	Misd	Misd 1
235.19	Stalking. G.S. 14-277.3A(c)(d). (6/2009)	I, Misd	F, H, Misd A1
235.19A	Stalking (Court Order in Effect). G.S. 14-277.3A(c)(d). (6/2009)		H
235.19B	Stalking (Previously Convicted). G.S. 14-277.3A(c)(d). (6/2009)		F

235.20	Going about Armed with Unusual and Dangerous Weapons to the Terror of the People. (Common Law Misdemeanor). (4/1999)	Misd	Misd 1
235.30	Pointing a Laser Device towards an Aircraft. G.S. 14-280.2. (6/2006)		H
235.35	Interference with Manned Aircraft by Unmanned Aircraft Systems. G.S. 14-280.3. (6/2015)		H
235.37	Use of Unmanned Aircraft System Near a [Confinement] [Correctional] Facility. (6/2018)		
235.38	Use of an Unmanned Aircraft System Near a [Confinement] [Correctional] Facility to [[Deliver] [Attempt to Deliver]] [[a Weapon] [Contraband]]. (6/2018)		
235.50	Terrorism (Basic Offense). G.S. 14-10.1. (6/2013)		B1*
235.51	Terrorism—Continuing Criminal Enterprise. G.S. 14-7.20. (6/2013)		D
235.61	Unlawful Distribution of Images Taken by Unmanned Aircraft. G.S. 14-401.25. (6/2015)		Misd A1
235.65	Disclosure of Private Images by Offender Under the Age of 18. G.S. 14-190.5A(c)(2). (6/2018)		Misd 1
235.65A	Disclosure of Private Images by Offender Under 18 Years of Age. G.S. 14-190.5A(b), (c)(2). (6/2018)		Misd
235.67	Disclosure of Private Images by Offender 18 Years of Age Or Older. G.S. 14-190.5A(b), (c)(1). (6/2018)		H
235.67A	Disclosure of Private Images by Offender 18 Years of Age Or Older. G.S. 14-190.5A(b), (c)(1). (6/2018)		F
235.69	Felonious Disclosure of Private Images by Offender Under the Age of 18 G.S. 14-190.5A(c)(3). (6/2018)		H
	Riots and Civil Disorders.		
235.69A	Felonious Disclosure of Private Images by Offender Under 18 Years of Age. G.S. 14-190.5A(b), (c)(3). (6/2018)		
236A.10	Feloniously Engaging in a Riot Where the Defendant Has Actually Participated in the Violence—More Than \$1,500 Property Damage or Serious Injury. G.S. 14-288.2(c)(1). (5/1999)	I, Misd	H, Misd 1
236A.15	Feloniously Engaging in a Riot Where the Defendant Has Actually Participated in the Violence—Dangerous Weapon or Substance. G.S. 14-288.2(c)(2). (5/1999)	I, Misd	H, Misd 1
236A.20	Inciting to Riot—\$1,500 or Less in Damage—Misdemeanor. G.S. 14-288.2(d). (5/1999)	Misd	Misd 1
236A.25	Felonious Inciting to Riot—Damage in Excess of \$1,500 or Serious Bodily Injury (with Misdemeanor Inciting as a Lesser Included Offense). G.S. 14-288.2(e). (5/1999)	H, Misd	F, Misd 1 Misd 2
236A.27	Failure to Disperse. G.S. 14-288.5. (6/2013)		Misd 2
236A.28	[Standing] [Sitting] [Lying] Upon [Highways] [Streets]. G.S. 20-174.1. (6/2015)		Misd 2
236A.30	Disorderly Conduct (Fighting or Other Violent Conduct). G.S. 14-288.4(a)(1). (5/1999)	Misd	Misd 2

* If the underlying act of violence is a Class A or B1 felony offense. Otherwise, it is one class higher than felony for underlying act of violence.

236A.31	Disorderly Conduct (Abusive Language or Gestures). G.S. 14-288.4(a)(2). (5/1999)	Misd	Misd 2
236A.33	Disorderly Conduct at a Funeral. G.S. 14-288.4 (a)(8). (6/2014)		Misd 1, H, I
236A.35	Disorderly Conduct at a Funeral. G.S. 14-288.4 (a)(8) (6/2014)		Misd 1, H, I
236A.40	Disorderly Conduct [In] [Near] a Public [Building] [Facility]. G.S. 14-132(a)(1). (6/2016)		
236A.60	Looting (Lesser Included Offense of Trespass during Emergency). G.S. 14-288.6. (5/1999)	I, Misd	H, Misd 1
Lotteries and Gaming.			
237.20	Possession of Lottery Tickets Used in the Operation of a Lottery. G.S. 14-290. (6/2006)	Misd	Misd 2
237.25	Sale of Lottery Tickets. G.S. 14-291. (6/2006)	Misd	Misd 2
237.26	Sale of Tickets Used in a Numbers Lottery. G.S. 14-291.1. (6/2006)	Misd	Misd 2
237.30	Gambling. G.S. 14-292. (1/2000)	Misd	Misd 2
237.40	Unlicensed Operation of a Beach Bingo Game. G.S. 14-309.14(5). (6/2017)		Misd 2
237.45	Providing False Information in Order to Obtain a License to Operate a Beach Bingo Game. G.S. 14-309.14(5)(c). (6/2017)		Misd 2
237.60	Possession of Illegal Slot Machine. G.S. 14-301. (8/1999)	Misd	Misd 2
237.70	Unlawful [Operation] [Possession] of Video Gaming Machines. G.S. 14-306.1, -306.1A. (6/2007).		Misd 1, H, G
237.75	Operating Electronic Sweepstakes. G.S. 14-306.4(b). (6/2013)		Misd 1, H, G
237.80	Unlawful [Promotion] [Operation] [Conducting] of a Server- Based Electronic Game Promotion. G.S. 14-306.3(a). (6/2009)		Misd 1, H, G
237.90	Unlawful Possession of Game Terminal for the Purpose of [Promoting] [Operating] [Conducting] a Server-Based Electronic Game Promotion. G.S. 14-306.3(b). (6/2009)		Misd 1
237.91	Felonious Possession of Game Terminals for the Purpose of [Promoting] [Operating] [Conducting] a Server-Based Electronic Game Promotion. G.S. 14-306.3; 14-309(c). (6/2009)		G
Obscenity.			
238.10	Disseminating Obscenity Intentionally (Physical Transfers). G.S. 14-190.1(a)(1), (3). (11/1999)	J	I
238.10A	Disseminating Obscenity Intentionally (Live Performances). G.S. 14-190.1(a)(2). (12/1999)	J	I
238.10B	Disseminating Obscenity Intentionally (Transmissions or Deliveries of Actual Images—Not Drawings). G.S. 14-190.1(a)(4). (12/1999)	J	I
238.11	Creating, Buying, Procuring, or Possessing Obscene Material with the Intent to Disseminate. G.S. 14-190.1(e). (12/1999)	J	I
238.12	Advertising or Promoting Sale of Material as Obscene. G.S. 14-190.1(f). (12/1999)	J	I

		<u>Offense Classification</u>	
		Before	On or
		10/1/94	After
			10/1/94
238.13	Preparing Obscene [Films] [Photographs] [Slides] [Negatives] [Motion Pictures] of Himself or Another for the Purpose of Dissemination. G.S. 14-190.5(1). (12/1999)	Misd	Misd 1
238.13A	Preparing Obscene [Films] [Photographs] [Slides] [Negatives] [Motion Pictures] for the Purpose of Dissemination (Modeling or Assisting the Photographer). G.S. 14-190.5(2). (12/1999)	Misd	Misd 1
238.14	Intentionally [Employing] [Permitting] Minor to Assist in Obscenity Offense. G.S. 14-190.6. (12/1999)	I	I
238.15	Disseminating Obscene Material to Minors under the Age of Sixteen. G.S. 14-190.7. (12/1999)	I	I
238.16	Disseminating Obscene Material to Minors under the Age of Thirteen. G.S. 14-190.8. (12/1999)	H	I
238.17	Indecent Exposure. G.S. 14-190.9. (6/2006)	Misd	Misd 2
238.17A	Indecent Exposure to Minor for Purpose of Arousing or Gratifying Sexual Desire. G.S. 14-190.9. (6/2020)		
238.18	Displaying Material Harmful to Minors. G.S. 14-190.14. (12/1999)	Misd	Misd 2
238.19	Disseminating Harmful Material to Minors (Distribution). G.S. 14-190.15(a)(1). (12/1999)	Misd	Misd 1
238.19A	Disseminating Harmful Material to Minors (Allowing Minor to Review). G.S. 14-190.15(a)(2). (12/1999)	Misd	Misd 1
238.20	Exhibiting a Harmful Performance to Minors. G.S. 14-190.15(b). (12/1999)	Misd	Misd 1
238.21	First Degree Sexual Exploitation of a Minor (Using or Employing a Minor to Engage in or Assist Others in Engaging in Sexual Activity). G.S. 14-190.16(a)(1). (1/2000)	G	D
238.21A	First Degree Sexual Exploitation of a Minor (Permitting a Minor to Engage in Sexual Activity for Live Performance, etc.). G.S. 14-190.16(a)(2). (1/2000)	G	D
238.21B	First Degree Sexual Exploitation of a Minor by Transporting a Minor. G.S. 14-190.16(a)(3). (1/2000)	G	D
238.21C	First Degree Sexual Exploitation of a Minor by Photographing, etc. G.S. 14-190.16(a)(4). (1/2000)	G	D
238.22	Second Degree Sexual Exploitation of a Minor (Producing Material). G.S. 14-190.17(a)(1). (1/2000)	H	F
238.22A	Second Degree Sexual Exploitation of a Minor (Circulating Material). G.S. 14-190.17(a)(2). (1/2000)	H	F
238.22B	Third Degree Sexual Exploitation of a Minor. G.S. 14-190.17A. (6/2015)	J	I
238.23	Promoting Prostitution of a Minor (Enticing Prostitution). G.S. 14-190.18(a)(1). (6/2014)	G	D
238.23A	Promoting Prostitution of a Minor (Supervising Prostitution). G.S. 14-190.18(a)(2). (6/2014)	G	D
238.23C	Patronizing a Prostitute, a Minor. G.S. 14-205.2. (6/2014)		Misd 1, D, F, G
238.24	Participating in Prostitution of a Minor. G.S. 14-190.19(a). (6/2014)	H	F
238.26A	Solicitation for Prostitution with a Minor. G.S. 14-204(5), 14-205.1. (6/2014)		Misd 1, E, G, H
238.30	Solicitation of a [Child] [Person Defendant Believed to Be a Child] by [Computer] [a Device Capable of Electronic Data [Storage] [Transmission]] to Commit a Sex Act. G.S. 14-202.3. (6/2017)		H

238.35	Solicitation of a [Child] [Person Defendant Believed to Be a Child] by [Computer] [a Device Capable of Electronic Data [Storage] [Transmission]] to Commit a Sex Act and Appearing at Location. G.S. 14-202.3(c)(2). (6/2017)		G
238.40	DELETE SHEET. Solicitation of a Child by [Computer] [Device Capable of Electronic Data [Storage] [Transmission]] to Commit an Unlawful Sex Act. G.S. 14-202.3 (6/2017)		H, G
	Protection of Minors.		
239.10	[Selling] [Giving] a Weapon to a Minor. G.S. 14-315. (11/1999)	-	H, Misd 1
239.11	Improper Storage of Firearms to Protect Minors. G.S. 14-315.1. (8/1999)	Misd	Misd 1
239.20	Permitting a Child Under the Age of Twelve to Use a Dangerous Firearm. G.S. 14-316. (6/2014)	Misd	Misd 2
239.21	Furnishing a Young Child a Dangerous Firearm—Nonparent. G.S. 14-316. (Delete Sheet) (6/2014)	Misd	Misd 2
239.23	Possession of Handguns by Minors. (6/2012)		Misd 1
239.25	Contributing to the Delinquency and Neglect by Parents and Others. G.S. 14-316.1; 7B-101(1), (15); 7B-1501(7), (27). (6/2019)	Misd	Misd 1
239.30	Child Care Facility Report of Missing Child. G.S. 110-102.1(a). (10/2013)		
239.31	Concealment of Death—Failure to Notify Law Enforcement of Death of Child or Secretly Burying Child. G.S. 14-401.22(a1). (6/2014)		H
239.32	Failure to Report the Disappearance of a Child to Law Enforcement. G.S. 14-318.5. (6/2014)		I
239.33	False Reports to Law Enforcement [Agency] [Officer] Related to the Disappearance of a Child. G.S. 14-225(b). (6/2014)		Misd 2, H
239.34	False Reports to Law Enforcement [Agency] [Officer]. G.S. 14-225(a). (6/2014)		Misd 2
239.35	Failure to Report [Abuse] [Neglect] [Dependency] [Death] Due to Maltreatment of a Juvenile. G.S. 7B-301(a), (b). (6/2019)		Misd 1
239.36	Failure of Department of Social Services Director to Notify the State Bureau of Investigations of a Report of Sexual Abuse of a Juvenile in a Child Care Facility. G.S. 7B-301(a), (c) (6/2014)		Misd 1
239.37	Failure to Report Crimes Against Juveniles. Misdemeanor. (6/2020)		Misd 1
239.55	Felonious Child Abuse. G.S. 14-318.4(a); 14-318.2. (6/2009)	H, Misd	E, Misd 1
239.55A	Felonious Child Abuse by Prostitution. G.S. 14-318.4(a1). (5/2000)	H	E
239.55B	Felonious Child Abuse by a Sexual Act by a [Parent] [Legal Guardian]. G.S. 14-318.4(a2). (6/2020)	H	H
239.55C	Felonious Child Abuse (Reckless Disregard—Serious Bodily Injury). G.S. 14-318.4(a4); 14-318.2. (6/2014)		E
239.55D	Felonious Child Abuse (Reckless Disregard—Serious Physical Injury). G.S. 14-318.4(a5); 14-318.2 (6/2014)		

239.56	Child Abuse by a Person Other Than a Parent. Misdemeanor. (6/2023)		H
239.57	Felonious Child Abuse [Inflicting Serious Bodily Injury] [Resulting in Permanent or Protracted Loss or Impairment of any Mental or Emotional Function]. G.S. 14-318.4(a3). (6/2009)		C
239.60	Child Abuse. G.S. 14-318.2. (6/2023)	Misd	Misd 1
239.65	Permitting a Child under 16 Years of Age to [Operate] [Be a Passenger on] a Bicycle without a Protective Bicycle Helmet. G.S. 20-171.9. (2/2002)		Infraction
239.70	Failure to Secure a Child in a Restraint System. G.S. 20-137.1. (2/2005)		Infraction
239.80	[Transporting] [Keeping] Child Outside the State with Intent to Violate Custody Order. G.S. 14-320.1. (5/2000)	J	I
239.90	Felonious Unauthorized Administration of Medication to a Child. G.S. 110-102.1A. (4/2004)		F, Misd A1
239.91	Unauthorized Administration of Medication to a Child. G.S. 110-102.1A. (4/2004)		Misd A1
239.95	Distribution of Certain [Food] [Beverage] Prohibited—Controlled Substance. G.S. 14-401.11. (6/2020)		F
239.96	Distribution of Certain [Food] [Beverage] Prohibited—Noxious Substances; Greater Than Mild Physical Discomfort. G.S. 14-401.11. (6/2020)		H
239.97	Distribution of Certain [Food] [Beverage] Prohibited—Noxious Substances; Mild Physical Discomfort. G.S. 14-401.11. (6/2020)		I
239.98	Distribution of Certain [Food] [Beverage] Prohibited—Poisonous Chemical, Compound, or Foreign Substance. G.S. 14-401.11. (6/2020)		C
	Protection of Family.		
240.05	Abandonment by Supporting Spouse. G.S. 14-322(b). (5/2000)	Misd	Misd 2
240.06	Failure to Support Child. G.S. 14-322(d). (5/2000)	Misd	Misd 2
240.07	Felonious Abandonment and Lesser Included Offense of Failure to Support by Parent. G.S. 14-322.1, -322(d). (6/2014)	I, Misd	I, Misd 2
240.10	Failure of Supporting Spouse to Provide Adequate Support for Dependent Spouse. G.S. 14-322(c). (5/2000)	Misd	Misd 2
240.40	Willful Neglect or Refusal to Adequately Support and Maintain a Child Born Out of Wedlock. G.S. 49-2. (6/2014)	Misd	Misd 2
240.50	Violation of Valid Protective Order. G.S. 50B.4.1(a). (6/2016)		Misd A1
240.51	Violation of a Protective Order While in Possession of a Deadly Weapon. G.S. 50B-4.1(g). (6/2016)		H
240.55	Felonious Violation of Valid Protective Order. G.S. 50B.4.1(f). (6/2009)		H
240.60	Violation of Permanent Civil No-Contact Order. G.S. 50D-10. (6/2016)		
240.70	Domestic Abuse of a [Disabled] [Elder] Adult Inflicting [Mental] [Physical] Injury. G.S. 14-32.3. (6/2015)		II, H

240.71	Domestic Neglect of a [Disabled] [Elder] Adult Inflicting [Mental] [Physical] Injury. G.S. 14-32.3 (6/2015)		I, H
240.75	Domestic Abuse of a [Disabled] [Elder] Adult Inflicting Serious [Mental] [Physical] Injury. G.S. 14-32.3. (6/2015)		F
240.76	Domestic Neglect of a [Disabled] [Elder] Adult Inflicting Serious [Mental] [Physical] Injury. G.S. 14-32.3 (6/2015)		F
240.80	[Employee] [Volunteer] At a [Care] [Treatment] [Habilitation] [Rehabilitation] Facility of Individuals With [Mental Illness] [Developmental Disabilities] [Substance Abuse Disorders] Causes [Pain] [Injury] to a Client Other Than as Part of a Generally Accepted [Medical] [Therapeutic] Procedure. G.S. 122C-66(a). (6/2016)		Misd A1
240.82	[Employee] [Volunteer] at a Facility Who [Borrows] [Takes] Personal Property From a Client. G.S. 122C-66(a1). (6/2016)		Misd 1
240.84	[Employee] [Volunteer] at a Facility Failed to Report Violations of Client Abuse. G.S. 122C-66(b). (6/2016)		Misd 1
240.86	[Employee] [Volunteer] at a Facility Failed to Report Violations of [Borrowing] [Taking] Client Property. G.S. 122C-66(a1)-(b). (6/2016)		Misd 1
240.88	[Employee] [Volunteer] at a Facility Failed to Report Accidental Injury to a Client. G.S. 122C-66(b). (6/2016)		Misd A1
240.90	Furnishing False Information on an Employment Application to a Child Care Institution. Misdemeanor. (6/2021)		
	Intoxicating Liquors.		
241.05	Manufacturing Poisonous Spirituous Liquor for Use as a Beverage. G.S. 14-329(a). (8/2000)	H	H
241.10	Selling Spirituous Liquor for Use as a Beverage Knowing It to Be Poisonous. G.S. 14-329(b). (8/2000)	H	F
241.11	[Transporting for Other Than Personal Use] [Possessing for Purpose of Sale] of Spirituous Liquor for Use as a Beverage Knowing It to Be Poisonous. G.S. 14-329(b). (8/2000)	H	F
241.15	Selling Poisonous Spirituous Liquor for Use as a Beverage. G.S. 14-329(c). (8/2000)	Misd	Misd 2
241.16	[Transporting for Other Than Personal Use] [Possessing for Purpose of Sale] Poisonous Spirituous Liquor. G.S. 14-329(c). (8/2000)	Misd	Misd 2
241.20	[Transportation] [Possession] of Poisonous Spirituous Liquor for Use as a Beverage. G.S. 14-329(d). (8/2000)	Misd	Misd 1
242.10	Intentional Patient Abuse Resulting in Death. G.S. 14-32.2(a)-(b)(1). (6/2008)		C
242.15	Culpably Negligent Patient Abuse Resulting in Death. G.S. 14-32.2(a)-(b)(2). (6/2008)		E
242.20	Patient Abuse Resulting in Serious Bodily Injury. G.S. 14-32.2(a)-(b)(3). (6/2008)		F
242.25	Pattern of Patient Abuse Resulting in Bodily Injury. G.S. 14-32.2(a)-(b)(4). (6/2008)		H
	Cruelty to Animals.		
247.10	Non-Felonious Cruelty to (an) Animal(s). G.S. 14-360(a). (6/2017)	Misd	Misd 1

247.10A	Felonious Cruelty to (an) Animal(s). G.S. 14-360(b). (6/2017)		H
247.10B	Misdemeanor Cruelty to Animals by Depriving of Necessary Sustenance. G.S. 14-360(a1). (6/2008)		Misd 1
247.15	Willful Killing of [Law Enforcement Agency] [Assistance] [Search and Rescue] Animal. G.S. 14-163.1. (6/2010)		H
247.15A	[Causing] [Attempting to Cause] Serious Harm to a [Law Enforcement Agency] [Assistance] [Search and Rescue] Animal. G.S. 14-163.1. (6/2010)		I
247.15B	Willfully [Taunting] [Teasing] [Harassing] [Delaying] [Obstructing] [Attempting to [Delay] [Obstruct]] a [Law Enforcement Agency] [Assistance] [Search and Rescue] Animal in the Performance of its Duties. G.S. 14-163.1. (6/2010)		Misd 2
247.20	Instigating or Promoting Cruelty to (an) Animal(s). G.S. 14-361. (6/2017)	Misd	Misd 1
247.30	Cockfighting. G.S. 14-362. (1/2001)	Misd	Misd 2
247.31	Dog Fighting and Baiting. G.S. 14-362.2. (6/2008)		H
247.40	Interference with Animal Research Involving Release of an Animal Having an Infectious Disease. G.S. 14-159.2(a)(1), (b), (c). (12/2000)	J, Misd	I, Misd 1
247.50	Interference with Animal Research—Willfully Damaging an Animal Research Facility. G.S. 14-159.2(a)(2). (8/2000)	Misd	Misd 1
247.60	Interference with Animal Research—Willful, Unauthorized Release of an Animal from an Enclosure or Restraining Device. G.S. 14-159.2(a)(3). (12/2000)	Misd	Misd 1
247.70	Interference with Animal Research—Willful Interference with the Care of an Animal Kept within an Animal Research Facility. G.S. 14-159.2(a)(4). (12/2000)	Misd	Misd 1
247.80	[Owning] [Possessing] [Using] [Transporting] [Trafficking] of Venomous Reptile not Housed in a Sturdy and Secure Enclosure. G.S. 14-417. (6/2020)		Misd 2, Misd A1
247.80A	[Owning] [Possessing] [Using] [Transporting] [Trafficking] of Crocodilian not Housed in a Sturdy and Secure Enclosure. G.S. 14-417.2. (6/2020)		Misd 2, Misd A1
247.80B	[Owning] [Possessing] [Using] [Transporting] [Trafficking] of Large Constricting Snake not Housed in a Sturdy and Secure Enclosure. G.S. 14-417.1. (6/2020)		Misd 2, Misd A1
247.81	Failure to Immediately Notify Local Law Enforcement of Escape of [Venomous Reptile] [Large Constricting Snake] [Crocodilian]. G.S. 14-417. (6/2010)		Misd 2, Misd A1
247.82	Handling a [Venomous Reptile] [Large Constricting Snake] [Crocodilian] in a Manner That [Intentionally] [Negligently] Exposes Another to Unsafe Contact with the [Venomous Reptile] [Large Constricting Snake] [Crocodilian]. G.S. 14-418. (6/2010)		Misd 2, Misd A1
247.83	Intentionally Releasing into the Wild a Nonnative [Venomous Reptile] [Large Constricting Snake] [Crocodilian]. G.S. 14-422. (6/2010)		Misd A1

247.84	[Intentionally] [Negligently] [[Suggesting] [Enticing] [Inviting] [Challenging] [Intimidating] [Exhorting] [Inducing] [Aiding]] Any Person to [Handle] [Be Exposed] in an Unsafe Manner to a [Venomous Reptile] [Large Constricting Snake] [Crocodilian]. G.S. 14-418. (6/2010)		Misd 2, Misd A1
252.65	Miscellaneous Police Regulations. Tattooing a Minor. G.S. 14-400. (8/2000)	Misd	Misd 2
254A.10	Felony Firearms. Possession of a Weapon of Mass Death and Destruction. (6/2021)		F
254A.11	Possession of a Firearm or Weapon of Mass Death and Destruction by a Felon. G.S. 14-415.1. (6/2023)		G
254A.15	[Altering] [Defacing] [Destroying] [Removing] the Serial Number of a Firearm. G.S. 14-160.2 (6/2010)		H
254A.17	[Selling] [Buying] [Possessing] Firearm with Serial Number [Altered] [Defaced] [Destroyed] [Removed]. G.S. 14-160.2 (6/2010)		H
254A.19	Purchase or Possession, or Attempted Purchase or Possession of Firearms by Person Subject to Domestic Violence Protective Order. (6/2022)		H
255.01	Miscellaneous. Felonious Willful Failure to Appear. G.S. 15A-543. (12/2000)		I
255.02	Misdemeanor Willful Failure to Appear. G.S. 15A-543. (12/2000)	Misd	Misd 2
255.03	Failure to Appear (Alcohol-Related Offenses). G.S. 20-28(a2). (6/2007)		Misd 1
256.10	Intoxicated and Disruptive in Public. G.S. 14-444. (12/2000)	Misd	Misd 3
257.10	Willfully Violating Occupational Safety and Health Act of North Carolina Resulting in Death of an Employee. G.S. 95-139. (6/2010)		Misd 2
257.11	Knowingly Making a False [Statement] [Representation] [Certification] in a(n) [Application] [Record] [Report] [Plan] [Document] Required to be [Filed] [Maintained] Pursuant to the Occupational Safety and Health Act of North Carolina. G.S. 95-139. (6/2010)		Misd 2
257.12	Giving Advance Notice of OSHA Inspection Without Authorization. G.S. 95-139. (6/2010)		Misd 2
258.10	Failure of Secondary Metals Recycler to Issue Receipt for Purchase of Regulated Metals Property. G.S. 66-11(a1). (6/2010)		Misd 1, I
258.12	Failure of Secondary Metals Recycler to Maintain Records of Purchases of Regulated Metals. G.S. 66-11(b). (6/2010)		Misd 1, I
258.14	Failure to Hold and Retain Regulated Metals for Seven Days Before [Selling] [Dismantling] [Defacing] [Altering] [Disposing of] Regulated Metals. G.S. 66-11(d1). (6/2010)		Misd 1, I

258.16	Purchase of [Air Conditioning [Coils] [Condensers]] [Catalytic Converter] by Secondary Metals Recycler. G.S. 66-11(d)(3). (6/2010)	Misd 1, I
258.17	Possession of a Catalytic Converter Removed from a Motor Vehicle. Felony. (6/2023)	
258.18	Purchase of Nonferrous Metal by Secondary Metals Recycler. G.S. 66-11(d)(4). (6/2010)	Misd 1, I
258.20	Purchase of Prohibited Material by Secondary Metals Recycler. G.S. 66-11(d)(5). (6/2010)	Misd 1, I
258.30	Erecting or Maintaining Signs on Highways. (6/2012)	Misd 3
258.31	Erecting or Maintaining Political Advertising Signs in Highway Rights of Way. G.S. 136-32(a), (b), (c), (d). (6/2012)	Misd 1, 3
258.32	Erecting or Maintaining Commercial Advertising Signs in Highway Rights of Way. G.S. 136-32(a), (d). (6/2012)	Misd 1
258.33	[Stealing] [Defacing] [Vandalizing] [Unlawfully Removing] Political Signs That Are Lawfully Placed. G.S. 136-32(a), (b), (c), (d), (e). (6/2012)	Misd 3
258.35	Removal or Destruction of Warning Signs—Water Quality in Coastal Recreation Waters. G.S. 113-221.3(b), (c), (d). (6/2012)	Misd 2
258.36	Possession of Signs Posted by Department of Environment and Natural Resources—Water Quality in Coastal Recreation Waters. G.S. 113-221.3(b), (c), (d). (6/2012)	Misd 2
259.10	Unauthorized Practice of Medicine—Practicing Without a License. G.S. 90-18. (6/2012)	Misd 1
259.11	Unauthorized Practice of Medicine—Practicing Without a License While Representing Oneself as Being Licensed. G.S. 90-18. (6/2012)	I
259.12	Unauthorized Practice of Medicine—Practicing Without a License in North Carolina By an Out-of-State Practitioner. (G.S. 90-18). (6/2012)	I
259.13	Unauthorized Practice of Medicine—Practicing Without a License Due to Failure to Complete Timely Annual Registration or Practice While Licensed Under Another Article. G.S. 90-18. (6/2012)	Misd 1
259.20	Unauthorized Practice of Law—Non-Members of the State Bar. G.S. 84-4. (6/2017)	Misd 1
259.21	Unauthorized Practice of Law—Corporations. G.S. 84.5. (6/2012)	Misd 1
259.22	Unauthorized Practice of Law—Foreclosure Fees. G.S. 84.6. (6/2012)	Misd 1
259.23	Unauthorized Practice of Law—Appearing for Creditors in [Insolvency] [Bankruptcy] and Other Proceedings. G.S. 84.9. (6/2012)	Misd 1
259.30	Practice as a Clinical Addiction Specialist Without a License. G.S. 90-113.43(a)(1). (6/2020)	Misd 1
259.31	Practice as a Clinical Addiction Specialist Without a License—Using [Letters] [Words] [Numerical Codes] [Insignia]. G.S. 90-113.43(a)(2). (6/2020)	Misd 1
259.32	[Practice] [Attempt to Practice] as a Clinical Addiction Specialist With a [Revoked] [Lapsed] [Suspended] Certification or License. G.S. 90-113.43(a)(3). (6/2020)	Misd 1

259.33	[Aiding] [Abetting] [Assisting] the Practice of a Clinical Addiction Specialist Without a License. G.S. 90-113.43(a)(4). (6/2020)	Misd 1
259.34	Knowingly Serving in a Position Required by Law to Be Filled by a Clinical Addiction Specialist. G.S. 90-113.43(a)(5). (6/2020)	Misd 1
259.40	Bank Examiner Making False Report. G.S. 53C-8-7. (6/2013)	H
259.41	[Bank Examiner] [Other Employee] Disclosing Confidential Information. G.S. 53C-8-8. (6/2013)	Misd 1
259.42	Willfully and Maliciously Making [False] [Derogatory] Reports about the Financial Condition of a Bank. G.S. 53C-8-10. (6/2013)	Misd 1
259.43	[Bank] [Officer] [Director] [Employee] Making Extension of Credit to a Disqualified Individual. G.S. 53C-8-9. (6/2013)	Misd 1
259.50	Attempt to [Evade] [Defeat] Tax. G.S. 105-236(a)(7). (6/2016)	H
259.51	Willful Failure to [Collect] [Withhold] [Pay Over] Tax. G.S. 105-236(a)(8). (6/2016)	Misd 1
259.52	Willful Failure to [Make a Return] [Supply Information] [Pay Tax]. G.S. 105-236(a)(9). (6/2016)	Misd 1
259.53	[Aiding] [Assisting] [Procuring] [Counseling] [Advising] in the [Preparation] [Presentation] [Filing] of a [Fraudulent] [False] Tax Document by a Tax Return Preparer. G.S. 105-236(a)(9a). (6/2016)	C, F, H
259.53A	[Aiding] [Assisting] [Procuring] [Counseling] [Advising] in the [Preparation] [Presentation] [Filing] of a [Fraudulent] [False] Tax Document by Any Person Other Than a Tax Return Preparer. G.S. 105-236(a)(9a). (6/2016)	C, F, H
259.55	Identity Theft—Submission to the Department of Revenue. G.S. 105-236(a)(9b). (6/2018)	
259.57	Identity Theft—Submission to the Department of Revenue Resulting in Adverse Financial Impact. G.S. 105-236(a)(9b). (6/2018)	
259.60	Unlawful Handling of Waste Kitchen Grease. G.S. 14-79.2. (6/2013)	H, Misd 1
259.70	Medicaid Subrogation—Withholding Information. G.S. 108A-57(b). (6/2014)	Misd 1
259.80	Misuse of 911 System. G.S. 14-111.4. (6/2014)	Misd 1
259.85	Subsurface Injection of Waste. G.S. 113-395.2, 143-214.2. (6/2015)	Misd 1
259.90	Member of a [County] [City] Inspection Department Who Willfully [Fails to Perform Duties] [Improperly [Issues Permit] [Gives Certificate of Compliance Without First Making the Required Inspections by Law] [Improperly Gives a Certificate of Compliance]. G.S. 153A-356; 160A-416. (6/2016)	Misd 1
259.95	Illegal Operation of Amusement Devices Causing [Death] [Serious Injury]. G.S. 95-111.13. (6/2016)	E
259.97	[Counterfeiting] [Selling] [Lending] [Permitting Use of] Photo Identification for Voting. G.S. 163A-1389(19). (6/2019)	I
259.98	Voting More Than One Time in an Election with Verdict Form. G.S. 163-275(7). (6/2017)	
259.98 App.	Voting More Than One Time in an Election—Verdict Form. G.S. 163-275(7). (6/2017)	

		<u>Offense Classification</u>	
		Before	On or After
		10/1/94	10/1/94
	Dangerous Drugs. 260 Series—Directory of Dangerous Drug Charges. (6/1996)		
260.10	Possession of a Controlled Substance. G.S. 90-95(a)(3)(d). (6/2014)	I, Misd	I, Misd 1, Misd 2, 3
260.11	Aggravated Possession of a Controlled Substance—Including Lesser Offenses. G.S. 90-95. (6/2014)	I, Misd	I, Misd 1, Misd 2, 3
260.12	Possession of a Controlled Substance on Premises of a [Penal Institution] [Local Confinement Facility]. G.S. 90-95(a)(3), (e)(9). (6/2021)	I	I*
260.15	Possession of a Controlled Substance with Intent to [Manufacture] [Sell] [Deliver]—Lesser Included Offense. G.S. 90-95(a)(1), (3), (b), (d). (6/2014)	H, I, Misd	H, I, Misd 1, Misd 2, 3
260.15A	Possession of a Counterfeit Controlled Substance with Intent to [Sell] [Deliver]. G.S. 90-87(6) and 90-95(a)(2), (c). (6/2014)	I	I
260.15B	Possession of an Immediate Precursor Chemical. G.S. 90-95(d1), (d2). (12/2004)	H	H
260.16	Aggravated Possession of a Controlled Substance with Intent to [Manufacture] [Sell] [Deliver]—Lesser Included Offenses. G.S. 90-95(a)(1), (b)(2), (e)(1-4). (6/2014)	E, H, I, Misd	E, H, I, Misd 1,2,3
260.17	Drug Trafficking—Possession (Marijuana, Methaqualone, Cocaine, Amphetamine, Methamphetamine, Opium, Opiate, Opioid or Heroin, Lysergic Acid Diethylamide, Methylenedioxyamphetamine, Methylenedioxymethamphetamine, Substituted Cathinones, or Synthetic Cannabinoid). G.S. 90-95(h). (6/2023)	C, D, E F, G, H	D, D, E F, G, H
260.18	Forged Prescription—Acquiring or Obtaining Possession of a Controlled Substance by [Misrepresentation] [Fraud] [Forgery] [Deception] [Subterfuge]. G.S. 90-108(a)(10). (6/2014)	I	I
260.19	Manufacturing a Controlled Substance. G.S. 90-95(a)(1). (1/2001)	H, I	H, I
260.19A	Creating a Counterfeit Controlled Substance. G.S. 90-95(a)(2) and 90-87(b). (1/2001)	I	I
260.20	Aggravated Manufacture of Controlled Substance—Lesser Included Offense. G.S. 90-95(a)(1), (e)(1-4). (1/2001)	Misd	Misd 1, 2
260.20A	Drug Trafficking—Manufacturing (Marijuana, Methaqualone, Cocaine, Amphetamine, Methamphetamine, Opium, Opiate, Opioid or Heroin, Lysergic Acid Diethylamide, Methylenedioxyamphetamine, Methylenedioxymethamphetamine, Substituted Cathinones, or Synthetic Cannabinoid). G.S. 90-95(h). (6/2023)	C, D, E, F, G, H	C, D, E, F, G, H
260.21	[Selling] [Delivering] a Controlled Substance. G.S. 90-95(a)(1). (1/2001)	H, I	H, I*
260.21A	[Selling] [Delivering] a Counterfeit Controlled Substance. G.S. 90-95(a)(2) and 90-87(6). (1/2001)	I	I

* On or after 12/1/97, Voluntary Manslaughter is a Class D felony.
* On or after 12/1/97, Voluntary Manslaughter is a Class D felony.

		Before 10/1/94	On or After 10/1/94
260.22	Sale or Delivery of a Controlled Substance to a Minor or Pregnant Woman—Lesser Included Offense. G.S. 90-95(a)(1), (e)(5). (1/2001)	E, H, I	E, H
260.22A	Sale or Delivery of a Controlled Substance on or within 1,000 Feet of School Property. G.S. 90-95(e)(8). (6/2012)		E
260.22B	Sale or Delivery of a Controlled Substance on or within 1,000 Feet of a Public Park. G.S. 90-95(e)(10). (6/2008)		E
260.22C	Sale or Delivery of a Controlled Substance on Property Used for a Child Care Center. G.S. 90-95(e)(8). (6/2008)		E
260.23	Drug Trafficking—[Selling] [Delivering] (Marijuana, Methaqualone, Cocaine, Amphetamine, Methamphetamine, Opium, Opiate, Opioid or Heroin, Lysergic Acid Diethylamide, Methylenedioxyamphetamine, Methylenedioxymethamphetamine, Substituted Cathinones or Synthetic Cannabinoid). G.S. 90-95(h). (6/2023)	C, D, E, F, G, H	C, D, E, F, G, H
260.30	Drug Trafficking—Transportation (Marijuana, Methaqualone, Cocaine, Amphetamine, Methamphetamine, Opium, Opiate, Opioid or Heroin, Lysergic Acid Diethylamide, Methylenedioxyamphetamine, Methylenedioxymethamphetamine, Substituted Cathinones, or Synthetic Cannabinoid). G.S. 90-95(h). (6/2023)	C, D, E, F, G, H	C, D, E, F, G, H
260.40	Employing a Minor to Commit a Drug Law Violation. G.S. 90-95.4. (1/2001)		
260.41	Promoting Drug Sales by a Minor. G.S. 90-95.6. (1/2001)		D
260.42	Participating in a Drug Violation by a Minor. G.S. 90-95.7. (3/2001)		G
260.45	General Aggravating Conditions Applicable to Drug Charges. G.S. 90-95(d), (e)(1-5). (12/2003)		
260.70	Continuing Criminal Enterprise—The Controlled Substances Act. G.S. 90-95.1. (3/2001)	C	C
260.80	Feloniously Dispensing a Controlled Substance (Practitioner or Registrant)—Lesser Included Offense. G.S. 90-108(a)(2) and (b); 90-106. (3/2001)	I, Misd	I, Misd 1
260.81	Feloniously [Diverting] [Embezzling] a Controlled Substance (Practitioner, Registrant, or Employee). G.S. 90-108(b)(2) and 90-108(a)(14). (6/2019)		E
260.82	Feloniously [Diverting] [Embezzling] a Controlled Substance by [Dilution] (or) [Substitution] (Practitioner, Registrant, or Employee). G.S. 90-108(b)(3) and 90-108(a)(14). (6/2019)		E
260.83	Feloniously [Diverting] [Embezzling] a Controlled Substance (by Virtue of Occupation). G.S. 90-108(b)(2) and 90-108(a)(15). (6/2019)		E
260.84	Feloniously [Diverting] [Embezzling] a Controlled Substance by [Dilution] (or) [Substitution] (by Virtue of Occupation). G.S. 90-108(b)(3) and 90-108(a)(15). (6/2019)		E
260.85	Felonious Use of Controlled Substances Reporting System—Unauthorized [Disclosure] [Dissemination]. G.S. 90-113.74(k)(2). (6/2019)		I

280.86	Felonious Use of Controlled Substances Reporting System— [Commercial Advantage] [Personal Gain] [Maliciously Harm]. G.S. 90-113.74(k)(3). (6/2019)		H
260.87	Felonious Use of Controlled Substances Reporting System for an Unauthorized Purpose. G.S. 90-113.74(k)(1). (6/2019)		I
260.90	[Intentionally] [Knowingly] [Keeping] [Maintaining] a Building or Vehicle for the [Use] [Keeping] [Selling] of Controlled Substances. G.S. 90-108(a)(7). (6/2009)	I, Misd	I, Misd 1
260.95	[Possession] [Use] of Drug Paraphernalia. G.S. 90-113.22. (6/2014)	Misd	Misd 1
260.96A	Willfully and Knowingly Offering a [Glass Tube] [Splitter] for Retail Sale by Self-Service. G.S. 90-113.82(a). (6/2010)		Misd 2
260.96B	Failure to Comply with Restrictions on Sales of [Glass Tubes] [Splitters]. G.S. 90-113.82(b). (6/2010)		Misd 1
260.96C	Failure to Maintain Records of Purchasers of [Glass Tubes] [Splitters]. G.S. 90-113.82(c). (6/2010)		Misd 2
260.96D	Failure to Train Agents and Employees on Requirements of Sales of [Glass Tubes] [Splitters]. G.S. 90-113.82(e). (6/2010)		Misd 2
261.10	Adulterating a [Urine] [Bodily Fluid] Sample with the Intent to Defraud a [Drug] [Alcohol] Test. G.S. 14-401.20(b). (4/2003)		Misd 1, I
261.20	Attempt to [Foil] [Defeat] a [Drug] [Alcohol] Screening Test by the [[Substitution] [Spiking] of a Urine Sample] [Advertisement of a [Sample Substitution] [Spiking Device or Measure]]. G.S. 14-401.20(a)(2). (4/2003)		Misd 1, I
261.30	Distributing or Transporting Urine to Defraud a [Drug] [Alcohol] Test. G.S. 14-401.20. (4/2003)		Misd 1, I
261.40	[Possessing] [Selling] Adulterants Intended to Be Used to Adulterate a [Urine] [Bodily Fluid] Sample for the Purpose of Defrauding a [Drug] [Alcohol] Screening Test. G.S. 14- 401.20(b)(2), (3). (4/2003)		Misd 1, I
261.50	Pseudoephedrine Sales—Retailer. G.S. 90-113.56. (6/2013)		Misd A1, I
261.51	Pseudoephedrine Sales—Purchaser. G.S. 90-113.56. (6/2013)		Misd 1, A1, I
261.52	Pseudoephedrine Sales—[Employee of Retailer] [Other Person]. G.S. 90-113.56. (6/2013)		Misd 1, A1, I
261.53	Pseudoephedrine Sales—Retailer Who Fails to Train Employees. G.S. 90-113.56. (6/2012)		Misd A1, I
261.55	Possession of a Pseudoephedrine Product with Prior Conviction for the [[Possession] With Intent to [Sell] [Deliver]] [Trafficking] [Manufacture of] a [Methamphetamine] [Immediate Precursor Chemical]. G.S. 90-95(d1)(1)(c). (6/2016)		H
261.60	[Manufacturing] [Distributing] [Dispensing] [Delivering] [Purchasing] Marijuana on Property Lawfully Used for Industrial Hemp Production. G.S. 106-568.57(a). (6/2017)		I
261.65	Providing [False] [Misleading] Information to the Industrial Hemp Commission Concerning a [License [Application] [Renewal]] [Inspection] [Investigation]. G.S. 106-568.57(b). (6/2017)		Misd 1
261.70	[Tampering With] [Adulterating] a Lawfully Planted Industrial Hemp Crop. G.S. 106-568.57(c). (6/2017)		Misd 1

		<u>Offense Classification</u>	
		Before	On or After
		10/1/94	10/1/94
	Traffic Offenses.		
270.00	Model Jury Instruction. (6/2011)		
270.05	Punishment Levels for Impaired Driving. (1/1995)		
270.05A	Punishment Levels for Impaired Driving. (1/1999)		
270.15	Aggravating Factors for Impaired Driving. G.S. 20-179. (6/2016)		
270.15A	Verdict Form—Aggravating Factors for Impaired Driving. G.S. 20-179. (6/2016)		
270.20	Impaired Driving. G.S. 20-138.1. (6/2010)	Misd	Misd
270.20A	Impaired Driving. G.S. 20-138.1. (6/2022)		Misd 1
270.21	Impaired Driving in a Commercial Vehicle. G.S. 20-138.2 and -138.2A. (6/2010)		Misd 1
270.21A	Impaired Driving in a Commercial Vehicle. G.S. 20-138.2 and -138.2A. (6/2022)		Misd 1
270.23	Operating a [School Bus] [School Activity Bus] [Child Care Vehicle] [Ambulance] [EMS Vehicle] [Firefighting Vehicle] [Law Enforcement Vehicle] After Consuming Alcohol. G.S. 20-138.2B(a). (6/2014)		Misd 3
270.25	Habitual Impaired Driving—Including Chemical Test. G.S. 20-138.5. (6/2015)	J	F
270.25A	Habitual Impaired Driving—Including Chemical Test. G.S. 20-138.2A. (6/2022)	J	F
270.30	Driving by a Person Less Than 21 Years Old [While] [After] Consuming Alcohol or Drugs. G.S. 20-138.3. (5/1999)	Misd	Misd 2
270.35	Possession of an Open Container of Alcoholic Beverage. G.S. 20-138.7(a1). (6/2014)		Infraction
270.40	Transporting an Open Container of Alcoholic Beverage. G.S. 20-138.7(a). (6/2010)		Misd 2, Misd 3
270.50	Speeding in Excess of [15 mph More Than Speed Limit] [80 mph]. G.S. 20-141(j1). (5/2001)	Misd, Infraction	Misd 2, Infraction
270.51	Driving Too Fast for Conditions. G.S. 20-141(a). (4/2001)	Infraction	Infraction
270.52	Speeding Inside Municipal Corporate Limits—No Limit Posted. G.S. 20-141(b). (3/2001)	Infraction	Infraction
270.53	Exceeding the Posted Speed Limit. G.S. 20-141(d), (e), (f). (4/2001)	Infraction	Infraction
270.54	Operating a Motor Vehicle to Elude Arrest. G.S. 20-141.5(a). (6/2021)	Misd	Misd 1
270.54A	Operating a Motor Vehicle to Elude Arrest. G.S. 20-141.5(a) and (b). (6/2021)		H, Misd 1
270.54B	Operating a Motor Vehicle to Elude Arrest Resulting in Death. G.S. 20-141.5(b1). (6/2006)		H
270.54C	Operating a Motor Vehicle to Elude Arrest Accompanied by Aggravating Factors Resulting in Death. G.S. 20-141.5(b1). (6/2006)		E
270.55	Willfully Engaging in a Speed Competition on a Street or Highway. G.S. 20-141.3(b). (3/2001)	Misd	Misd 1

		<u>Offense Classification</u>	
		Before	On or After
		10/1/94	10/1/94
270.56	Willfully Engaging in a Prearranged Speed Competition on a Street or Highway. G.S. 20-141.3(a). (3/2001)	Misd	Misd 2
270.57	Failure to Decrease Speed to Avoid Accident (Failure to Slow Down). G.S. 20-141(m). (6/2020)		Infraction
270.58	Turning at Intersections. G.S. 20-153. (4/2001)	Infraction	Infraction
270.59	Turning at Intersections—Local Ordinance. G.S. 20-153(c). (4/2001)		
270.60	Unsafe Movement (Starting, Stopping, or Turning). G.S. 20-154. (6/2014)	Infraction	Infraction
270.60A	Unsafe Movement Causing [Property Damage] [Personal Injury] to a Motorcycle Operator. G.S. 20-154(a1). (6/2014)		Infraction
270.60B	Unsafe Movement Causing [Property Damage in Excess of Five Thousand Dollars (\$5,000)] [Serious Bodily Injury] to Motorcycle [Operator] [Passenger]. G.S. 20-154(a1), (a2). (6/2014)		Infraction
270.61	Unsafe Movement (Backing). G.S. 20-154. (6/2012)	Infraction	Infraction
270.61A	Unsafe Movement (Backing) Causing [Property Damage] [Personal Injury] to Motorcycle [Operator] [Passenger]. G.S. 20-154(a1). (6/2014)		Infraction
270.61B	Unsafe Backing Causing [Property Damage in Excess of Five Thousand Dollars (\$5,000)] [Serious Bodily Injury] to a Motorcycle [Operator] [Passenger]. G.S. 20-154(a1), (a2). (6/2014)		Infraction
270.62	Willfully Covering Registration Plate. G.S. 20-63(g). (2/2005)		Misd 2
270.65	Failure to Stop for Blue Light and Siren (Approaching Law Enforcement Vehicle). G.S. 20-157(a); 20-125. (6/2013)	Misd	Misd 2
270.66	Failure to Stop for Blue Light and Siren (Approaching Law Enforcement Vehicle) Causing Serious Injury or Death to a Law Enforcement Officer, Firefighter, or Other Rescue Worker. G.S. 20-157(a), (i); 20-125. (6/2006)		I
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. G.S. 20-157(a), (h); 20-125. (6/2006)		Misd 1
270.68	Failure to Stop for Blue Light and Siren (Approaching Law Enforcement Vehicle) Causing Damage to Property in Excess of \$500. G.S. 20-157(a), (h); 20-125. (6/2006)		Misd 1
270.70	Failure to Stop for a Traffic Control Signal. G.S. 20-158(b)(2). (12/2004)	Infraction	Infraction
270.71	Failure to Stop for Flashing Red Light. G.S. 20-158(b)(3). (4/2004)	Infraction	Infraction
270.72	Failure to Stop for Stop Sign. G.S. 20-158(b)(1). (4/2004)	Infraction	Infraction
270.73	Failure to Yield to a Pedestrian. G.S. 20-158(b). (3/2005)		
270.75	Passing Stopped School Bus. G.S. 20-217. (6/2006)	Misd	Misd 2
270.76	Passing Stopped School Bus—Striking a Person Causing Serious Bodily Injury. G.S. 20-217. (6/2010)		I
270.76A	Passing Stopped School Bus—Striking a Person Causing Death. G.S. 20-217. (6/2010)		H

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. G.S. 20-137.4(a). (6/2010)		Misd 2
270.80	Reckless Driving—Carelessly and Heedlessly. G.S. 20-140(a). (5/2001)	Misd	Misd 2
270.81	Reckless Driving—Driving to Endanger. G.S. 20-140(b). (5/2001)	Misd	Misd 2
270.90	Failure to Maintain Lane Control. G.S. 20-146(d)(1). (6/2019)		Infraction
270A.10	Infliction of Serious Bodily Injury by Operation of Aircraft While Impaired (Flying High). G.S. 63-28. (6/2022)	H	F
270A.15	Operation of Aircraft While Impaired (Flying High). G.S. 63-27. (6/2022)	Misd	Misd 1
270A.20	Operating Vessel in Reckless Manner. G.S. 75A-10(a). (6/2008)		Misd 2
270A.25	Operating Vessel While under the Influence of an Impairing Substance. G.S. 75A-10(b1). (6/2022)		Misd 2
270A.27	[Recklessly] [Negligently] [Operating a [Motorboat] [Vessel]] [Manipulating [Water Skis] [A Surfboard.]]. G.S. 75A-10(a). (6/2017)		Misd 2
270A.27A	Manipulating [Water Skis] [A Surfboard] [Nonmotorized Vessel] [Similar Device] While Under the Influence of an Impairing Substance. G.S. 75A-10(b). (6/2022)		Misd 2
270A.27B	[Death] [Serious Injury] by Impaired Boating. G.S. 75A-10.3(a), (b), (f). (6/2022)		D
270A.27C	Aggravated [Death] [Serious Injury] by Impaired Boating. G.S. 75A-10.3(c), (d), (f). (6/2022)		D, F
270A.27D	Repeat Death by Impaired Boating. G.S. 75A-10.3(e), (f). (6/2022)		B2
270A.30	Improper Vessel Registration. G.S. 75A-4. (6/2009)		Misd 3
	Non-Traffic Automobile Offenses.		
271.10	Driving a Motor Vehicle on a Highway While License Has Been Suspended or Revoked. G.S. 20-28. (5/2001)	Misd	Misd 1
271.12	Driving a Motor Vehicle on a Highway while License Has Been Revoked for Impaired Driving. G.S. 20-28(a1). (6/2018)		
271.15	Operating a Motor Vehicle in Violation of License Limitation. G.S. 20-7(e). (5/2001)	Misd	Misd 1
271.16	Operating a Motor Vehicle in Violation of a Limited Driving Privilege. G.S. 20-179.3(j). (5/2001)	Misd	Misd 1
271.21	Knowingly Permitting Motor Vehicle to Be Driven by a Person Having No Legal Right to Do So. G.S. 20-34; 20-35. (5/2001)	Misd	Misd 2
271.22	[Driving] Knowingly Permitting Another to Drive] a Vehicle That [Was Not Registered with the Division of Motor Vehicles] [Did Not Display a Current Registration Plate]. Misdemeanor. G.S. 20-111(1). (6/2011)		Misd 2
271.23	Sex Offender Driving [Commercial Passenger Vehicle] [School Bus]. G.S. 20-27.1. (6/2010)		F

271.25	[Receiving] [Transferring] a Stolen Vehicle with Intent to [Procure] [Pass] Title to That Vehicle. G.S. 20-106. (5/2001)	I	H
271.26	Possession of a Stolen Vehicle. G.S. 20-106. (6/2016)	I	H
271.28	Forging an Inspection [Sticker] [Receipt]. G.S. 20-183.8(c)(1). (6/2017)		I
271.28A	[Buying] [Selling] [Issuing] [Possessing] a Forged [Inspection Sticker] [Electronic Inspection Authorization]. G.S. 20-183.8(c)(2). (6/2017)		I
271.28B	Unlawfully [Buying] [Selling] [Issuing] [Possessing] an [Inspection Sticker] [Electronic Inspection Authorization]. G.S. 20-183.8(c)(3). (6/2017)		I
271.28C	Failing the [Safety] [Emissions] Inspection of a Vehicle for an Unlawful Reason. G.S. 20-183.8(c)(5). (6/2017)		I
271.28D	[Soliciting] [Accepting] Something of Value in Order to Pass a Vehicle That Fails [Safety] [Emissions] Inspection. G.S. 20-183.8(c)(4). (6/2017)		I
271.30	Willfully Injuring or Tampering with or Removing Parts from a Vehicle without the Consent of the Owner. G.S. 20-107(a). Misdemeanor. (6/2023)	Misd	Misd 2
271.31	[Climbing Into] [Attempting to or Setting in Motion] a Vehicle with Intent to Steal, Commit Malicious Injury, etc. G.S. 20-107(b). Misdemeanor. (6/2023)	Misd	Misd 2
271.34	[Failing] [Refusing] to Surrender to the Division of Motor Vehicles, Upon Demand, Any [Title Certificate] [Registration Card] [Registration Number Plate] Which Has Been [Suspended] [Cancelled] [Revoked]. Misdemeanor. G.S. 20-111(4) (6/2011)		Misd. 2
271.35	Alteration or Change of Engine or Other Number on a Vehicle. G.S. 20-109(a)(1). (5/2001)	Misd	I
271.36	Permitting the Alteration or Change of Engine or Other Numbers on a Vehicle. G.S. 20-109(a)(2). (5/2001)	Misd	I
271.37	Unlawful Placing or Stamping of a Serial or Other Number upon a Vehicle, Where Such Number Has Not Been Assigned to the Vehicle by the Division of Motor Vehicles. G.S. 20-109(a)(3). (5/2001)	Misd	I
271.38	Knowingly Permitting the Placing or Stamping of a Serial or Motor Number upon a Motor Vehicle by Its Owner, Where the Number Has Not Been Assigned to Such Vehicle by the Division of Motor Vehicles. G.S. 20-109(a)(4). (5/2001)	Misd	I
271.39	Alteration of a Serial or Motor Number Assigned to a Vehicle by the Division of Motor Vehicles with the Intent to Conceal or Misrepresent Its True Identity. G.S. 20-109(b)(1). (5/2001)	I	I
271.40	Permitting by Owner of a Vehicle the Alteration or Use of a Serial or Motor Number Assigned to That Vehicle by the Division of Motor Vehicles with the Intent to Conceal or Misrepresent Its True Identity. G.S. 20-109(b)(2). (5/2001)	I	I
271.41	Unlawful Use of a [Driver's License] [Learner's Permit] [Special Identification Card] Issued by the Division of Motor Vehicles. G.S. 20-30(a); 20-37.8(b). (2/2000)	-	I
271.42	Possession or Manufacture of Certain Fraudulent Forms of Identification. G.S. 14-100.1. (5/2002)		Misd 1

271.43	Willfully Displaying an Expired [License] [Registration Plate] on a Vehicle Knowing the Same to be Expired. G.S. 20-111(2). Misdemeanor. (6/2011)		Misd 2
271.44	[Displaying] [Causing to be Displayed] [Permitting to be Displayed] [Possessing] a [Registration Card] [Certificate of Title] [Registration Number Plate] That Is [Fictitious] [Has Been [Cancelled] [Revoked] [Suspended] [Altered]]. Misdemeanor. G.S. 20-111(2). (6/2011)		Misd 2
271.45	Performing [Safety] [Emissions] Inspection on a Motor Vehicle Without a License. G.S. 20-183.8(b)(1). (6/2017)		Misd 3
271.46	[Giving] [Lending] [Borrowing] a License Plate for the Purpose of Using Same on a Motor Vehicle Other Than That for Which It Was Issued. Misdemeanor. G.S. 20-111(3). (6/2011)		Misd 3
271.47	Knowingly [Making a False Statement] [Concealing a Material Fact] [Committing Fraud] in an Application for [the Registration of Any Vehicle] [Certificate of Title] [Renewal of Registration] [Duplicate [Registration] [Title]]. G.S. 20-111(5). Misdemeanor. (6/2011)		Misd 1
271.48	Using a [Name] [Address] That Is [False] [Fictitious] in Any Application for [the Registration of Any Vehicle] [Certificate of Title] [Renewal of Registration] [Duplicate [Registration] [Title]]. G.S. 20-111(5). (6/2011)		Misd 1
271.49	[Giving] [Lending] [Selling] [Obtaining] a Certificate of Title for the Purpose of Using the Certificate of Title for Any Purpose Other Than the [[Registration] [Sale] of a Vehicle] [Use in Connection with the Vehicle for which the Certificate was Issued]. G.S. 20-111(6). (6/2011)		Misd 2
271.50 Series—	Introduction to Hit and Run Instructions. (1/1997)		
271.50	Felonious Hit and Run with Serious Bodily Injury or Death (Failure to Stop), Including Lesser Offense. G.S. 20-166(a), (c)(2). (6/2018)		F, Misd 1
271.51	Hit and Run with Personal Injury or Death (Failure to Stop or Give Required Information). G.S. 20-166(c), (c1). (6/2009)		Misd 1
271.52	Hit and Run with Serious Bodily Injury or Death (Defendant Stopped but Failed to Give Required Information and Render Assistance). G.S. 20-166(b). (6/2009)		Misd 1
271.53	Hit and Run with Property Damage. G.S. 20-166(c), (c1). (6/2009)	Misd	Misd 1
271.54	Felonious Hit and Run with Injury (Failure to Stop), Including Lesser Offense. G.S. 20-166(a1), (c)(2). (6/2009)		H
271.61	Removal of Vehicle from Scene after Accident Resulting in [Injury] [Death] to Any Person—Driver. G.S. 20-166(a). (6/2006)		F
271.62	Removal of Vehicle from Scene after Accident Resulting in [Damage to Property] [[Injury] [Death] to Any Person of Which the Driver Was Unaware]—Driver. G.S. 20-166(c). (6/2006)		Misd 1

271.66	Failure to Return with the Vehicle after Being Permitted to Remove It from the Scene after an Accident Resulting in [Injury] [Death] to Any Person—Driver. G.S. 20-166(a). (6/2006)	F
271.67	Failure to Return with the Vehicle after Being Permitted to Remove It from the Scene after an Accident Resulting in [Damage to Property] [[Injury] [Death] to Person of Which the Driver Was Unaware]—Driver. G.S. 20-166(c). (6/2006)	Misd 1
271.70	Leaving Scene after Accident Resulting in [Injury] [Death] to Any Person—Passenger. G.S. 20-166.2(a). (6/2006)	H
271.71	Leaving Scene after Accident Resulting in [Damage to Property] [Injury or Death to Person of Which the Passenger was Unaware]—Passenger. G.S. 20-166.2(a). (6/2006)	Misd 1
271.72	Failure to Render Assistance—Passenger. G.S. 20-166.2(b) (6/2006)	Misd 1
271.73	Failure to Stop or Give Required Information after Accident—Passenger. G.S. 20-166.2(b). (6/2006)	Misd 1
271.74	Removal of Vehicle from Scene after Accident Resulting in [Injury] [Death] to Any Person—Passenger. G.S. 20-166.2(a). (6/2006)	H
271.75	Removal of Vehicle from Scene after Accident Resulting in [Damage to Property] [Injury or Death to Person of Which the Passenger Was Unaware]—Passenger. G.S. 20-166.2(a). (6/2006)	Misd 1
271.76	Failure to Return with the Vehicle after Being Permitted to Remove It from the Scene after an Accident Resulting in [Injury] [Death] to Any Person—Passenger. G.S. 20-166.2(a). (6/2006)	H
271.77	Failure to Return with the Vehicle after Being Permitted to Remove It from the Scene after an Accident Resulting in [Damage to Property] [Injury or Death to Person of Which the Passenger was Unaware]—Passenger. G.S. 20-166.2(a). (6/2006)	Misd 1
271.80	Tampering with Ignition Interlock Device—Avoiding or Altering Testing in Operation of a Vehicle. G.S. 20-178A. (6/2012)	Misd 1
271.81	Tampering with Ignition Interlock Device—Altering Testing Results on Ignition Interlock Device. G.S. 20-17.8A. (6/2012)	Misd 1
271.91	Liability Insurance for Motor Vehicles. G.S. 20-279.21, 20-308, 20-309.—Deleted. See G.S. 20-311. (6/2019)	Misd 1
271.92	Operation of Motor Vehicles Without Financial Responsibility G.S. 20-309(b), 20-313. (6/2019)	Misd 1
271.94	Impersonation of a Transportation Network Company Driver. (6/2020)	Misd 2
271.95	Impersonation of a Transportation Network Company Driver While [Committing] [Attempting to Commit] a Felony. (6/2020)	H
271.97	[Import] [Manufacture] [Sale] [Offer of Sale] [Installation] [Reinstallation] of a [Counterfeit Supplemental Restraint System] [Nonfunctional Airbag]. (6/2020)	Misd 1
271.98	Contributing to a Person’s [Physical Injury] [Death] By [Importing] [Manufacturing] [Selling] [Offering to Sell] [Installing] [Reinstalling] a [Counterfeit Supplemental Restraint System] [Nonfunctional Airbag]. (6/2020)	H

	Intoxicating Liquors.		
272.10	Possession of Nontaxpaid Alcoholic Beverages. G.S. 18B-101(4), -102. (5/2001)	Misd	Misd 1
272.11	Transporting of Nontaxpaid Alcoholic Beverages. G.S. 18B-101(4), -102. (5/2001)	Misd	Misd 1
272.13	Possession of Nontaxpaid Alcoholic Beverages with the Intent to Sell. G.S. 18B-304(b)(3). (5/2002)		Misd 1
272.14	Knowingly Selling or Giving Cigarettes, Cut Tobacco, Cigarette Wrapping Papers, Smokeless Tobacco, or Tobacco Product to a Person under the Age of 18 Years. G.S. 14-313. (6/2014)	Misd	Misd 2
272.15A	Selling or Giving Fortified Wine, Spirituous Liquor, or Mixed Beverages to a Person Less Than Twenty-One Years. G.S. 18B-302(a)(2). (5/2001)	Misd	Misd 1
272.18	[Purchase] [Possession] of Fortified Wine, Spirituous Liquor or Mixed Beverages by a Person Less Than Twenty-One. G.S. 18B-302(b)(2). (6/2014)	Misd	Misd 1
272.18A	Attempt to Purchase Fortified Wine, Spirituous Liquor, or Mixed Beverages by a Person Less Than Twenty-One Years. G.S. 18B-302(b)(2). (5/2001)	Misd	Misd 2
272.19	Aiding and Abetting an Underage Person to Purchase or Possess Malt Beverages, Unfortified Wine, Fortified Wine, Spirituous Liquor or Mixed Beverages. G.S. 18B-302(c). (5/2001)	Misd	Misd 1,2
272.20	Transportation within Passenger Area of Motor Vehicle of Fortified Wine or Spirituous Liquor in Other Than Manufacturer's Unopened Original Container. G.S. 18B-401(a). (5/2001)	Misd	Misd 3
272.21	Consuming Malt Beverage or Unfortified Wine by the Driver of Motor Vehicle. G.S. 18B-401(a). (5/2001)	Misd	Misd 3
272.21A	Possession of Malt Beverages with the Intent to Sell without Obtaining Permit or License. G.S. 18B-304(a). (5/2002)		Misd 1
272.22	Fraudulent Use of Identification by an Underage Person in Obtaining or Attempting to Obtain Alcoholic Beverage. G.S. 18B-302(e), (b). (5/2001)	Misd	Misd 1 or Infraction
272.25	Consumption of Alcohol by a Person Less Than 19 Years of Age. G.S. 18B-302(b)(3). (6/2014)		Misd 1
272.26	Consumption of Alcohol by Person Greater Than 19 Years of Age but Less Than 21 Years of Age. G.S. 18B-302. (6/2014)		Misd 3
272.40	[Manufacture] [Sale] [Transportation] [Importation] [Furnishing] [Consumption] [Possession] of Powdered Alcohol. G.S. 18B-102. (6/2016)		Misd 1
272.60	[Sale] [Offer for Sale] [Introduction Into Commerce in North Carolina] of an E-liquid Container without Child-Resistant Packaging. G.S. 14-401.18A. (6/2016)		Misd A1
272.65	[Sale] [Offer for Sale] [Introduction into Commerce in North Carolina] of an E-liquid Container for E-liquid Product Containing Nicotine without Labeling Nicotine Contents on Packaging. G.S. 14-401.18A. (6/2016)		Misd A1

272.80	Knowingly Making a False Statement in an Application for Reissuance of a Special Occasion Permit. G.S. 18B-903.1(e). (6/2019)		Misd 1
	Game Laws.		
273.10	Firelighting or Spotlighting (Taking Deer by Artificial Light). G.S. 113-291.1(b)(2), -130(7), -294(e). (5/2001)	Misd	Misd 1
273.20	Taking a Deer from a Boat. G.S. 113-109(e). (9/2001)	Misd	Misd 1
273.30	Hunting, etc., While License Is Revoked. G.S. 113-300.8. (6/2009)		Misd 1
273.40	[Purchasing] [Possessing] License to Hunt, etc., While License Is Revoked. G.S. 113-300.8. (6/2009)		Misd 1
273.50	Unlawful Hunting with a Firearm on Sunday. G.S. 103-2(a), (a1). (6/2018)		
273.55	Unlawful Hunting of Migratory Birds on Sunday. (6/2018)		
	Welfare Fraud.		
274.10	Misdemeanor Misrepresentation in Obtaining Public Assistance. G.S. 108A-39(a). (9/2001)	Misd	Misd 1
274.15	Felonious Misrepresentation in Obtaining Public Assistance—More Than \$400. G.S. 108A-39(b). (9/2001)	I, Misd	I, Misd 1
274.20	Misdemeanor Obtaining Food Stamps by Misrepresentation. G.S. 108A-53(a). (10/2001)	Misd	Misd 1
274.21	Feloniously Obtaining Food Stamps by Misrepresentation—More Than \$400. G.S. 108A-53(a). (10/2001)	I, Misd	I, Misd 1
274.22	Misdemeanor Obtaining Food Stamps by Misrepresentation—Aiding and Abetting. G.S. 108A-53(a). (10/2001)	Misd	Misd 1
274.23	Feloniously Obtaining Food Stamps by Misrepresentation—Aiding and Abetting. G.S. 108A-53(a). (10/2001)	I, Misd	I, Misd 1
275.10	Unsupervised Use of a Fully Autonomous Vehicle by a Person Under the Age of 12. G.S. 20-401(c1). (6/2018)		
	Escape.		
280.20	Felonious Escape. G.S. 148-45(a), (b); 14-256(1), (2). (6/2014)	J	I*
280.21	Escape from Private Correction Facility. G.S. 14-256.1. (5/2001)		H
280.40	Escape from Imprisonment by Use of a Dangerous Weapon. G.S. 14-258.2. (5/2001)	H	F
280.41	Assault with a Deadly Weapon Inflicting Bodily Injury While Assisting a Prisoner to Escape or Attempt to Escape. G.S. 14-258.2(b). (12/2001)	H	H
280.42	Using a Deadly Weapon in Assisting a Prisoner to Effect His Escape. G.S. 14-258.2. (5/2001)	H	H
280.43	Unauthorized Possession or Fabrication of Dangerous Weapon by Prisoner. G.S. 14-258.2(a). (11/2000)	Misd	H
280.44	Misdemeanor Jailbreak or Escape from Confinement Facility Officer. G.S. 14-256. (5/2001)	J, Misd	Misd 1
280.45	Escape of a Working Prisoner. G.S. 14-255. (5/2001)		Misd 1

	Election/Voting Offenses.	
285.05	False Statements Under Oath with Regard to Absentee Ballots. Misdemeanor. (6/2021)	Misd 1
285.10	False Statements Not Under Oath with Regard to Absentee Ballots. Misdemeanor. (6/2021)	Misd 1
285.15	Candidate Witnessing Absentee Ballots of Non-Relative. Misdemeanor. (6/2021)	Misd 1
285.20	Attempted Vote by Absentee Ballot—Forgery. Felony. (6/2021)	G
285.25	[Sale] [Attempted Sale] [Purchase] [Agreement to Purchase] of Absentee Voting Materials. Felony. (6/2021)	I
285.30	[Destruction of] [Failure to Deliver] Absentee Ballot. Felony. (6/2021)	G
285.35	[Copy] [Retention] of [a Request for] [a Completed Application for] [Identifying Information Disclosed in a Request or Application for] an Absentee Ballot. Felony. (6/2021)	G
285.40	Compensation Based on Requests for Absentee Ballots. Felony. (6/2021)	I
285.45	Intent to Unlawfully Influence a(n) [Primary] [Election]. Felony. (6/2023)	F
285.50	Disclosure of Register of Absentee Ballot Requests. Felony. (6/2021)	G
285.55	Sending of Unrequested Absentee Ballot. Felony. (6/2021)	I
PART III. DEFENSES		
301.10	Alibi. (3/2003)	
Automatism.		
302.10	Automatism or Unconsciousness. (6/2009)	
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305.11	Voluntary Intoxication, Lack of Mental Capacity—Premeditated and Deliberate First-Degree Murder. (6/2009)	
306.10	Accepted Medical Purpose (Defense to First and Second-Degree Sexual Offenses Involving Penetration). (6/2020)	
Accident.		
307.10	Accident (Defense to Homicide Charge, Except Homicide Committed during Perpetration of a Felony). (5/2003)	
307.11	Accident (Defense in Cases Other Than Homicide). (6/2020)	
Self-Defense.		
308.10	Self-Defense, Retreat—Including Homicide (to Be Used Following the Self-Defense Instructions Where Retreat Is in Issue). G.S. 14-51.2(f), .3(a). (6/2022)	
308.40	Self-Defense—Assaults Not Involving Deadly Force. G.S. 14.15.2, .3, .4. (6/2023)	

308.41	Detention of Offenders by Private Persons. G.S. 15A-404. (6/2009)
308.45	Self-Defense—All Assaults Involving Deadly Force. G.S. 14.51.2, .3, .4. (6/2023)
308.45A	Self-Defense Example with 208.10—All Assaults Involving Deadly Force. G.S. 14.51.2, .3, .4. (6/2022)
308.47	Assault in Lawful Defense of a [Family Member] [Third Person]—(Defense to Assaults Not Involving Deadly Force). G.S. 14.51.2, .3, .4. (6/2022)
308.50	Assault in Lawful Defense of a [Family Member] [Third Person]—(Defense to All Assaults Involving Deadly Force). G.S. 14.51.2, .3, .4. (6/2022)
308.60	Killing in Lawful Defense of a [Family Member] [Third Person]—(Defense to Homicide). G.S. 14.51.2, .3, .4. (6/2022)
308.70	Self-Defense to Sexual Assault—Homicide. G.S. 14.51.2, .3. (6/2022)
308.80	Defense of [Habitation] [Workplace] [Motor Vehicle]—Homicide and Assault. G.S. 14-51.2, .3, .4. (6/2022)
308.90	Justification for Defensive Force Not Available—Defendant Attempting to Commit, Committing, or Escaping After the Commission of a Felony. (6/2022)
	Entrapment.
309.10	Entrapment. (6/2021)
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310.10	Compulsion, Duress, or Coercion. (6/2022)
310.11	Duress or Necessity Defense to Escape from Department of Correction. (5/2003)
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311.10	Lack of Jurisdiction (with Special Verdict Form). (5/2003)

APPENDICES:

A. TABLE OF SECTIONS OF GENERAL STATUTES INVOLVED IN CRIMINAL INSTRUCTIONS.

B. CRIMINAL VOLUME INDEX.

204.10 FACTORS THAT ENHANCE SENTENCE—[USING] [DISPLAYING] [THREATENING TO USE OR DISPLAY] A FIREARM WHILE COMMITTING A FELONY.
N.C. Gen. Stat. § 15A-1340.16A.¹

NOTE WELL: This instruction should be used where a defendant has been convicted of a Class A, B1, B2, C, D, or E felony and there is evidence that the defendant used, displayed, or threatened to use or display a firearm during the commission of the felony. This enhancement is not appropriate and this instruction should not be used where the use, display, or threatened use or display of the firearm is an essential element of the underlying felony charged. See N.C. Gen. Stat. § 15A-1340.16A(f); State v. Lucas, 353 N.C. 568, 548 S.E.2d 712 (2001). It is also inappropriate where the defendant did not actually possess a firearm about his or her person. N.C. Gen. Stat. § 15A-1340.16A(c).

If this instruction is used, the following should be added to the verdict sheet: "If you have found the defendant guilty of (name felony), do you find that he [used] [displayed] [threatened to use or display] a firearm at the time he committed (name felony) and that he actually possessed a firearm about his person? Answer: _____"

In the event you have found the defendant guilty of (name felony), you must then consider and answer the following question:

Did the defendant [use] [display] [threaten to use or display] a firearm at the time *he* committed (name felony) and did [he] [she] actually possess a firearm about [his] [her] person?

On this question, the burden of proof is on the State to prove beyond a reasonable doubt that the defendant [used] [displayed] [threatened to use or display] a firearm at the time *he* committed (name felony)² and further, the State must prove beyond a reasonable doubt that the defendant actually possessed a firearm about [his] [her] person.

If you find from the evidence beyond a reasonable doubt that the defendant [used] [displayed] [threatened to use or display] a firearm at the time *he* committed (name felony) and that [he] [she] actually possessed a firearm about [his] [her]

person, it would be your duty to answer this question “yes.” If you do not so find, or have a reasonable doubt, it would be your duty to answer this question “no.”

1. N.C. Gen. Stat. § 15A-1340.16A(c)(1) provides that if the felony is a Class A, B1, B2, C, D, or E felony, the minimum term of imprisonment to which the person is sentenced for that felony shall be increased by 72 months, and that the maximum term of imprisonment shall be the maximum term that corresponds to the minimum term after it is increased by 72 months. § 15A-1340.16A(c)(2) provides that if the felony is a Class F or G felony, the minimum term of imprisonment to which the person is sentenced for that felony shall be increased by 36 months, and the maximum term of imprisonment shall be the maximum term that corresponds to the minimum term after it is increased by 36 months. § 15A-1340.16A(c)(3) provides that if the felony is a Class H or I felony, the minimum term of imprisonment to which the person is sentenced for that felony shall be increased by 12 months, and the maximum term of imprisonment shall be the maximum term that corresponds to the minimum term after it is increased by 12 months.

2. For a definition of “firearm,” see N.C. Gen. Stat. § 14-72(b)(4).

206.17A ATTEMPTED FIRST DEGREE MURDER¹ (WHERE A DEADLY WEAPON IS USED) INCLUDING SELF-DEFENSE. FELONY.

NOTE WELL: Unless a statute provides otherwise, the punishment is one class lower than the offense being attempted.

NOTE WELL: If self-defense is at issue and the assault occurred in defendant's home, place of residence, workplace or motor vehicle, see N.C.P.I.—Crim. 308.80, Defense of Habitation.

NOTE WELL: If the State contends that the defendant is not entitled to the use of defensive force because the defendant was attempting to commit, committing, or escaping after the commission of a felony, and that felony offense was immediately causally connected to the circumstances giving rise to the use of such defensive force, the jury should be instructed pursuant to N.C.P.I.—Crim. 308.90. If the felony offense alleged was immediately causally connected to the circumstances giving rise to the defensive force used, the defendant would be disqualified from the benefit of using such defensive force.

The defendant has been charged with attempted first degree murder.

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

First, that the defendant intended² to commit first degree murder.

And Second, that at the time the defendant had this intent, he performed an act which was calculated and designed to accomplish the crime [but which fell short of the completed crime] [and which came so close to bringing it about that, in the ordinary and likely course of things, it would have proximately resulted in the death of the victim³ had the defendant not been stopped or prevented from completing the defendant's apparent course of action]. (Mere preparation or mere planning is not enough to constitute such an act, but the act need not be the last act required to complete the crime.)

First degree murder is the unlawful killing of a human being with malice, with premeditation, and with deliberation.

Malice means not only hatred, ill will, or spite, as it is ordinarily understood—to be sure, that is malice—but it also means the condition of mind which prompts a person to take the life of another intentionally or to intentionally inflict serious bodily harm which proximately results in that person’s death without just cause, excuse, or justification.

NOTE WELL: Use the following parenthetical if a deadly weapon was used.

(If the State proves beyond a reasonable doubt (or it is admitted)⁴ that the defendant intentionally inflicted a wound upon the victim with a deadly weapon, you may infer first, that the defendant acted unlawfully and second, that it was done with malice, but you are not compelled to do so.⁵ You may consider this along with all other facts and circumstances in determining whether the defendant acted unlawfully and with malice. [A firearm is a deadly weapon.] [A deadly weapon is a weapon which is likely to cause death or serious injury. In determining whether the instrument involved was a deadly weapon, you should consider its nature, the manner in which it was used, and the size and strength of the defendant as compared to the victim.]

Premeditation means that the defendant formed the intent to kill over some period of time, however short, before the defendant acted.

Deliberation means that the defendant acted while the defendant was in a cool state of mind. This does not mean that there had to be a total absence of passion or emotion. If the intent to kill was formed with a fixed purpose, not under the influence of some suddenly aroused violent passion, it is immaterial that the defendant was in a state of passion or excited when the intent was carried into effect.

Neither premeditation nor deliberation are usually susceptible of direct proof. They may be proved by circumstances from which they may be inferred, such as [lack of provocation by the victim] [conduct of the defendant before, during and

after the attempted killing] [threats and declarations of the defendant] [use of grossly excessive force] [infliction of wounds after the victim is felled] [the manner or means by which the killing was attempted].⁶

The defendant would not be guilty of attempted first degree murder on the ground of self-defense⁷ if:

First, the defendant believed it was necessary to use deadly force against the victim⁸ in order to save the defendant from death or great bodily harm.

And Second, the circumstances as they appeared to the defendant at the time were sufficient to create such a belief in the mind of a person of ordinary firmness. In determining the reasonableness of the defendant's belief, you should consider the circumstances as you find them to have existed from the evidence, including (the size, age, and strength of the defendant as compared to the victim), (the fierceness of the assault, if any, upon the defendant), (whether or not the victim had a weapon in the victim's possession), (and the reputation, if any, of the victim for danger and violence) (describe other circumstances, as appropriate from the evidence).

Therefore, in order for you to find the defendant guilty of attempted first degree murder the State must prove beyond a reasonable doubt, among other things, that the defendant did not act in self-defense. If the State fails to prove that the defendant did not act in self-defense, you must find the defendant not guilty.

The defendant would not be guilty of attempted first degree murder if the defendant acted in self-defense, and if the defendant (was not the aggressor in provoking the fight and) did not use excessive force under the circumstances.

(One enters a fight voluntarily if one uses toward one's opponent abusive language, which, considering all of the circumstances, is calculated and intended to provoke a fight. If the defendant voluntarily and without provocation entered the fight, the defendant would be considered the aggressor unless the defendant

thereafter attempted to abandon the fight and gave notice to the victim that the defendant was doing so. In other words, a person who uses defensive force is justified if the person withdraws, in good faith, from physical contact with the person who was provoked, and indicates clearly that the person desires to withdraw and terminate the use of force, but the person who was provoked continues or resumes the use of force. A person is also justified in using defensive force when the force used by the person who was provoked is so serious that the person using defensive force reasonably believes that the person was in imminent danger of death or serious bodily harm, the person using defensive force had no reasonable means to retreat, and the use of force likely to cause death or serious bodily harm was the only way to escape the danger. The defendant is not entitled to the benefit of self-defense if the defendant was the aggressor⁹ with the intent to kill or inflict serious bodily harm upon the victim.¹⁰)

*NOTE WELL: Instructions on aggressors and provocation should only be used if there is some evidence presented that defendant provoked the confrontation. See N.C. Gen. Stat. § 14-51.4(2). If no such evidence is presented, the preceding parenthetical and reference to the aggressor throughout this instruction would not be given. In addition, the remainder of the instruction, including the mandate, would need to be edited accordingly to remove references to the aggressor. **It is reversible error to instruct the jury on the aggressor doctrine if the record lacks evidence from which the jury could infer that the defendant was an aggressor at the time the defendant allegedly acted in self-defense. State v. Hicks, 2022-NCCOA-263.***

A defendant does not have the right to use excessive force. A defendant uses excessive force if the defendant uses more force than reasonably appeared to the defendant to be necessary at the time of the attempted killing. It is for you the jury to determine the reasonableness of the force used by the defendant under all of the circumstances as they appeared to the defendant at the time.

Furthermore, the defendant has no duty to retreat in a place where the defendant has a lawful right to be.¹¹ (The defendant would have a lawful right to be

in the defendant's [home]¹² [own premises] [place of residence] [workplace]¹³ [motor vehicle]¹⁴.)

NOTE WELL: The preceding parenthetical should only be given where the place involved was the defendant's [home] [own premises] [place of residence] [workplace] [motor vehicle].¹⁵

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant intentionally, and not in self-defense, attempted to kill the victim (with a deadly weapon) and performed an act designed to bring this about [but which fell short of the completed crime] [and which in the ordinary and likely course of things would have proximately resulted in the death of the victim had the defendant not been stopped or prevented from completing the defendant's apparent course of action] and that in performing this act, the defendant acted with malice, with premeditation and with deliberation, it would be your duty to return a verdict of guilty of attempted first degree murder.

If you do not so find or have a reasonable doubt as to one or more of these things, or if the State fails to prove that the defendant did not act in self-defense, that the defendant was the aggressor, or that the defendant used excessive force, then the defendant's action would be justified by self-defense, and it would be your duty to return a verdict of not guilty.

1. *State v. Coble*, 351 N.C. 448, 527 S.E.2d 45 (2000); *State v. Cozart*, 131 N.C. App. 199, 505 S.E.2d 906 (1998); *State v. Collins*, 334 N.C. 54, 431 S.E.2d 188 (1993).

2. See N.C.P.I.—Crim. 120.10 for expanded definition of intent.

3. See N.C.P.I.—Crim. 002.95, Memorandum on the Use of "Victim" Language.

4. Use the parenthetical only if defendant admits to an intentional shooting in open court. See *State v. McCoy*, 303 N.C. 1, 28-29 (1981).

5. In *Francis v. Franklin*, 471 U.S. 307, 105 S. Ct. 1965 (1985), the Supreme Court held that a mandatory presumption, if it relieves the State of its burden of persuasion on an element of the offense, violates the Due Process Clause. This raises questions concerning the validity of the mandatory presumption of malice required in *S. v. Reynolds*, 307 N.C. 184 (1982).

6. If there is evidence of lack of mental capacity to premeditate or deliberate, see *S. v. Shank*, 322 N.C. 243, 250-251 (1988), *S. v. Weeks*, 322 N.C. 152 (1988), and *S. v. Rose*, 323 N.C. 455 (1988), and N.C.P.I.—Crim. 305.11.

7. A crime denominated as "attempted second degree murder" does not exist under North Carolina law. *State v. Coble*, 351 N.C. 448, 527 S.E.2d 45 (2000). While *Coble* would seem to indicate that a crime denominated as "attempted voluntary manslaughter" does not exist under North Carolina law, the Court of Appeals has indicated that, at least in the case of heat of passion voluntary manslaughter, attempted voluntary manslaughter is a cognizable offense under North Carolina law. *State v. Rainey*, 154 N.C. App. 282, 574 S.E.2d 25 (2002) (concluding that, while the offense did exist, the evidence did not support finding that defendant acted in the heat of passion so as to entitle him to jury instruction on the lesser-included offense of attempted voluntary manslaughter).

8. N.C. Gen. Stat. § 14-51.3.

9. N.C. Gen. Stat. § 14-51.4(2).

10. Pursuant to N.C. Gen. Stat. § 14-51.4(1), self-defense is also not available to a person who used defensive force and who was attempting to commit, committing, or escaping after the commission of a felony. If evidence is presented on this point, then the instruction should be modified accordingly pursuant to N.C.P.I.—Crim. 308.90 to add this provision at this point in the substantive instruction.

11. See N.C.P.I.—Crim. 308.10.

12. N.C. Gen. Stat. § 14-51.2 (a) (1) states that a home is a "building or conveyance of any kind, to include its curtilage, whether the building or conveyance is temporary or permanent, mobile or immobile, which has a roof over it, including a tent, and is designed as a temporary or permanent residence." Curtilage is the area "immediately surrounding and associated with the home," which may include "the yard around the dwelling house as well as the area occupied by barns, cribs, and other outbuildings." *State v. Grice*, 367 N.C. 753, 759 (2015) (citations and quotations omitted) (defining curtilage in a Fourth Amendment case).

13. N.C. Gen. Stat. § 14-51.2 (a) (4) states that a workplace is a "building or conveyance of any kind, whether the building or conveyance is temporary or permanent, mobile or immobile, which has a roof over it, including a tent, which is being used for commercial purposes."

14. N.C. Gen. Stat. § 14-51.2 (a) (3); which incorporates N.C. Gen. Stat. § 20-4.01 (23), defines "motor vehicle" as "Every vehicle which is self-propelled and every vehicle designed to run upon the highways which is pulled by a self-propelled vehicle. This shall not include mopeds as defined in N.C. Gen. Stat. § 20-4.01(27)d1."

15. "[W]herever an individual is lawfully located—whether it is his home, motor vehicle, workplace, or any other place where he has the lawful right to be—the individual may stand his ground and defend himself from attack when he reasonably believes such force is necessary to prevent imminent death or great bodily harm to himself or another." *State v. Bass*, 371 N.C. 456, 541, 819 S.E.2d 322, 326 (2018). "[A] defendant entitled to any self-defense instruction is entitled to a complete self-defense instruction, which includes the relevant stand-your-ground provision." *Id.*

206.50 INVOLUNTARY MANSLAUGHTER—OTHER THAN BY AUTOMOBILE. FELONY.

NOTE WELL: Refer to Punishment Chart for Homicides, N.C.P.I.—Crim. 206 Series.

The defendant has been charged with involuntary manslaughter, which is the unintentional killing of a human being by an unlawful act not amounting to a felony or by an act done in a criminally negligent way.

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

First, that the defendant acted a) [unlawfully] b) [in a criminally negligent way].¹ a) [The defendant's act was unlawful if (*describe crime, e.g., defendant assaulted the victim (define assault).*)] b) [Criminal negligence is more than mere carelessness. The defendant's act was criminally negligent, if, judging by reasonable foresight, it was done with such gross recklessness or carelessness as to amount to a heedless indifference to the safety and rights of others.]²

And Second, the State must prove that the defendant's act proximately caused the victim's death. A proximate cause is a real cause, a cause without which the victim's death would not have occurred, and one that a reasonably careful and prudent person could foresee would probably produce such [injury] [damage] or some similar injurious result. (The defendant's act need not have been the only cause, nor the last or nearest cause. It is sufficient if it occurred with some other cause acting at the same time, which, in combination with, caused the death of the victim.)³

NOTE WELL: If self-defense is an issue, refer to N.C.P.I.—Crim 308.40. If defense of others is an issue, refer to N.C.P.I.—Crim 308.47. If defense of habitation is an issue, refer to N.C.P.I.—Crim 308.80. See State v. Gomola, 257 N.C. App. 816 (2018).

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant [(*describe crime*)] (or) [acted in a criminally negligent

way] thereby proximately causing the death of the victim, it would be your duty to return a verdict of guilty of involuntary manslaughter. However, if you do not so find or have reasonable doubt as to one or both of these things, it would be your duty to return a verdict of not guilty.⁴

1. If the defendant's conduct consisted of a failure to act, this sentence should read: "First, that the defendant's failure to act [was unlawful] [constituted a criminally negligent failure to perform a legal duty]." In later portions of this instruction, the judge should modify the language as necessary to cover the failure-to-act situation.

2. In a case involving a failure to perform a duty, describe the defendant's legal duty.

3. If there is no real issue as to proximate cause, omit the two sentences in parentheses.

4. If a self-defense, defense of others, or defense of habitation instruction is given, that defense must also be included in the final mandate. **See *State v. Woodson*, 31 N.C. App. 400 (1976) (holding that the self-defense mandate is required in a self-defense case).** Cf. *State v. Dooley*, 285 N.C. 158 (1974).

208.61 ASSAULT INFLICTING PHYSICAL INJURY BY STRANGULATION. FELONY.

The defendant has been charged with assault inflicting physical injury by strangulation.¹

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

First, that the defendant assaulted the victim by intentionally² (and without justification or excuse)³ strangling the victim.

And Second, that the defendant inflicted physical injury⁴ upon the victim.

NOTE WELL: If self-defense is an issue, use N.C.P.I.—Crim. 308.40 or 308.45, as appropriate.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant intentionally assaulted the victim inflicting physical injury by strangulation, (nothing else appearing) 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 both of these things, it would be your duty to return a verdict of not guilty.⁵

NOTE WELL: If self-defense is an issue, use mandate from N.C.P.I.—Crim. 308.40 or 308.45, as appropriate.⁶

1. Strangulation is defined as a form of asphyxia characterized by closure of the blood vessels and/or air passages of the neck as a result of external pressure on the neck brought about by hanging, ligature, or the manual assertion of pressure.

Strangulation does not require proof of a complete closure or the complete inability to breathe; rather, there must be evidence that the defendant applied sufficient pressure to the victim's throat, such that the victim had difficulty breathing. *State v. Braxton*, 183 N.C. App. 36, 43 (2007).

2. If a definition of intent is required, see N.C.P.I.—Crim. 120.10.

3. The parenthetical phrase should be used only where there is some evidence of justification or excuse, such as self-defense.

4. A "physical injury" is hurt, damage, or loss to one's body. *State v. Christenson*, 284 N.C. App. 772 (2022) (unpublished), 2022-NCCOA-545 ¶ 5.

5. If there is to be instruction on lesser included offenses, the last phrase should be: ". . . you will not return a verdict of guilty of assault inflicting serious injury."

6. Including self-defense in the mandate is required by *S. v. Dooley*, 285 N.C. 158 (1974).

210.25 FIRST DEGREE KIDNAPPING TO COMMIT [FELONY] [SERIOUS BODILY HARM] COVERING SECOND DEGREE KIDNAPPING AS A LESSER INCLUDED OFFENSE. FELONY.

NOTE WELL:

(1) Use this instruction when the indictment alleges that a purpose of kidnapping was to facilitate a felony or inflict serious bodily harm.¹ Use N.C.P.I.—Crim. 210.20 when the indictment does not so allege.

(2) Use this instruction when there is evidence that the victim was not released in a safe place, or was seriously injured, or was sexually assaulted. When there is no evidence of any of these three things, use N.C.P.I.—Crim. 210.35.

The defendant has been charged with first degree kidnapping.

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

First, that the defendant unlawfully²

1. [confined a person, that is, imprisoned [him] [her] within a given area.]
2. [restrained a person, that is restricted [his] [her] freedom of movement.]
3. [removed a person from one place to another.]³

Second, that [the person did not consent] [the person had not reached [his] [her] sixteenth birthday and [his] [her] [parent] [guardian] did not consent] to this [confinement] [restraint] [removal].⁴ (Consent (obtained) (induced) by (fraud) (fear) is not consent.)

Third, that the defendant [confined] [restrained] [removed] that person for the purpose of

1. [facilitating [defendant's] [another person's] [commission of] [flight after committing] (*name and define felony*).]
2. [doing serious bodily harm⁵ to that person.]

Fourth, that this [confinement] [restraint] [removal] was a separate, complete act, independent of and apart from the [(*name felony*)] [injury].

And Fifth, that the person [was not released by the defendant in a safe place]⁶ [had been sexually assaulted]⁷ [had been seriously injured].

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant unlawfully

1. [confining a person]
2. [restraining a person]
3. [removing a person from one place to another]

and that the person [did not consent] [had not reached his sixteenth birthday and his [parent] [guardian] did not consent] to this [confinement] [restraint] [removal]] and that this was done for the purpose of

1. [facilitating [the defendant's] [another person's] [commission of] [flight after committing] (*name felony*)]
2. [doing serious bodily harm to the person [confining] [restraining] [removing]].

and that this [confinement] [restraint] [removal] was a separate, complete act, independent of and apart from the [(*name felony*)] [injury], and that the person [confining] [restraining] [removing] [was not released by the defendant in a safe place] [had been sexually assaulted] [had been seriously injured], it would be your duty to return a verdict of guilty of first degree kidnapping. If you do not so find or

have a reasonable doubt as to one or more of these things, you would not return a verdict of guilty of first degree kidnapping.⁸

If you do not find the defendant guilty of first degree kidnapping, you must determine whether defendant is guilty of second degree kidnapping. Second degree kidnapping differs from first degree kidnapping only in that it is unnecessary for the State to prove that the person [was not released by the defendant in a safe place] [had been sexually assaulted] [had been seriously injured].

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant unlawfully

1. [confined a person]
2. [restrained a person]
3. [removed a person from one place to another]

and that the person [did not consent] [had not reached [his] [her] sixteenth birthday and his [parent] [guardian] did not consent] to this [confinement] [restraint] [removal] and that this was done for the purpose of

1. [facilitating [the defendant's] [another person's] [commission of] [flight after committing] (*name felony*)]
2. [doing serious bodily harm to the person]

and that this [confinement] [restraint] [removal] was a separate, complete act, independent of and apart from the intended [(name felony)] [injury],⁹ it would be your duty to return a verdict of guilty of second degree kidnapping. 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.¹⁰

NOTE WELL: When there is evidence of restraint which may have been without any of the purposes required to constitute kidnapping, give

N.C.P.I.—Crim. 210.40, Felonious Restraint, and/or N.C.P.I.—Crim. 210.15, False Imprisonment, as a lesser included offense instruction.

1. In cases where the defendant is accused of both kidnapping and the felony which was the purpose of the kidnapping, see *S. v. Fulcher*, 294 N.C. 501 (1978) and *S. v. Williams*, 295 N.C. 655 (1978).

2. There will seldom be any need to state separately or elaborate on the “unlawfully” element. It means “without justification or excuse” and in most cases any facts which would establish a justification or excuse would also negate the purposes necessary to establish kidnapping under N.C. Gen. Stat. § 14-39. However, if the facts should call for further elaboration, the “unlawfully” element should be set out as a separate element.

3. See *State v. Bell*, 166 N.C. App. 261 (2004) (concluding that it was plain error for the judge to instruct the jury on restraint and removal theories of kidnapping when the indictment alleged confinement and restraint theories).

4. N.C. Gen. Stat. § 14-39 proscribes the confinement, restraint or removal of any “... person 16 years of age or over without the consent of such person, or any other person under the age of 16 years without the consent of a parent or legal custodian of such person.” Use the first bracketed alternative if the person kidnapped was 16 years of age or over and use the second bracketed phrase if the person kidnapped was under 16.

5. Serious bodily harm may be defined as “such physical injury as causes great pain or suffering.” Serious bodily harm and serious bodily injury have been used synonymously by our appellate courts in the kidnapping context. See *State v. Bonilla*, 706 S.E.2d 288, 295 (N.C. App. 2011) (holding that the definition of “serious bodily injury” provided in N.C.P.I.-Crim. 210.25, was an appropriate definition for “serious bodily harm”); *State v. Boozer*, 707 S.E.2d 756, 761-62 (N.C. App. 2011) (using “harm” and “injury” interchangeably). See also *State v. Grimes*, 874 S.E.2d 647 (N.C. App. 2022) (relying on *Bonilla* to conclude that there was no plain error in the trial court’s use and failure to define the phrase serious bodily injury in its instruction). If there is evidence as to injuries which could not conceivably be considered anything but serious, the trial judge may instruct the jury as follows: “(Describe harm) would be a serious harm.” *S. v. Johnson*, 320 N.C. 746, 751 (1987).

6. Releasing a kidnap victim when the kidnapper is aware he is cornered and outnumbered by law enforcement officials is not “voluntary” and sending her out into the focal point of their weapons is not a “safe place.” See *State v. Heatwole*, 333 N.C. 156, 423 S.E.2d 735 (1992). See also *State v. Corbett*, 168 N.C. App 117, 607 S.E.2d 281 (2005).

7. The defendant cannot be sentenced for both first degree kidnapping and sexual offense/rape if the sole basis for escalating second degree kidnapping to first degree kidnapping is the sexual offense/rape. However, in the above situation, the defendant can be sentenced for both second degree kidnapping and sexual offense/rape. See *State v. Belton*, 318 N.C. 141 (1986).

8. If no lesser included offense instructions are to be given, the last phrase should be “it would be your duty to return a verdict of not guilty.”

9. Note that it is not necessary that the felony be committed or the injury actually occur-only that such was the purpose of the defendant.

10. If there is to be an instruction on felonious restraint and/or false imprisonment, the last sentence should read “. . . you would not return a verdict of guilty of second degree kidnapping.”

215.25 WANTON AND WILLFUL BURNING—PROPERTY. FELONIES. (DELETE SHEET).

This instruction should be deleted. For other instructions on wanton and willful burning of property, see the following:

N.C.P.I.—Crim 215.30 Burning of a [Boat] [Barge] [Ferry] [Float].

N.C.P.I.—Crim 215.31 Burning of Jails or Prisons.

N.C.P.I.—Crim 215.32 Burning of Certain Bridges and Buildings.

N.C.P.I.—Crim 215.33 Burning of [An Uninhabited House] [A Stable] [A Coach House] [An Outhouse].

N.C.P.I.—Crim 215.34 Burning of a Building or Structure in the Process of Construction.

N.C.P.I.—Crim 215.35 Wanton and Willful Burning of a [Ginhouse] [Tobacco House]. Felonies.

N.C.P.I.—Crim 215.36 Burning of a Church or Other Religious Building.

N.C.P.I.—Crim 215.37 Burning of an Occupied Commercial Structure.

N.C.P.I.—Crim 215.38 Burning of an Unoccupied Commercial Structure.

N.C.P.I.—Crim 215.40 Wanton and Willful or Fraudulent Burning of a Dwelling House by the Owner or Occupant. Felony.

N.C.P.I.—Crim. 215.41 Burning of a [Mobile Home] [Manufactured—Type House] [Recreational Trailer Home].

N.C.P.I.—Crim 215.42 Burning of Certain Public Buildings.

N.C.P.I.—Crim 215.43 Burning of Schoolhouses or Buildings of Educational Institutions.

N.C.P.I.—Crim 215.45 Burning Personal Property with Intent to Injure or Prejudice. Felony.

215.30 BURNING OF A [BOAT] [BARGE] [FERRY] [FLOAT]. FELONY.

The defendant has been charged with wantonly and willfully [setting fire to] [burning] [causing to be burned] [aiding, counseling, or procuring the burning of] a [boat] [barge] [ferry] [float].

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

First, that the defendant [set fire to¹] [burned] [caused to be burned] [aided, counseled, or procured the burning of] a [boat] [barge] [ferry] [float].

Second, that the defendant did so wantonly and willfully, that is, deliberately and without justification or excuse, with the knowledge or reasonable grounds to believe that the defendant's act would endanger the rights or safety of others.²

And Third, that the defendant did so [[without the consent of the owner of the [boat] [barge] [ferry] [float]] [with the consent of the owner, for a fraudulent or unlawful purpose. (*Describe purpose*) is a fraudulent or unlawful purpose.³]

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant wantonly and willfully [set fire to] [burned] [caused to be burned] [aided, counseled, or procured the burning of] a [boat] [barge] [ferry] [float], [[without the consent of the owner of the [boat] [barge] [ferry] [float]] [with the consent of the owner, for a fraudulent or unlawful purpose], 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. It is possible for a person to "set fire to" property without burning it. *S. v. Hall*, 93 N.C. 573 (1885). If there is some question as to whether the defendant "set fire to" the property, the jury may be told that "a person sets fire to property whenever he causes fire to come into contact with the property, even though the property may not in fact be burned, or is merely scorched or discolored by heat." If there is some question as to whether the defendant "burned" the property, the jury may be told that "a partial burning or the slightest charring is sufficient, but a mere scorching or discoloration by heat does not constitute a burning."

2. See *S v. Brackett*, 306 N.C. 138 (1982) for a discussion of the terms wanton and willful as used in this statute. The words have substantially the same meaning. The terms willful and wanton also mean the same thing as intentional.

3. Use this bracketed phrase only when the boat, barge, ferry, or float was burned with the consent of the owner.

215.31 BURNING OF JAILS OR PRISONS. FELONY.

The defendant has been charged with wantonly and willfully [setting fire to] [burning] [causing to be burned] [aiding, counseling, or procuring the burning of] a penal institution or its contents.

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

First, that the defendant [set fire to¹] [burned] [caused to be burned] [aided, counseled, or procured the burning of] a [penal institution]² [the contents of a penal institution].

And Second, that the defendant did so wantonly and willfully, that is, intentionally and without justification or excuse, with the knowledge or reasonable grounds to believe the defendant’s act would endanger the rights or safety of others.³

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant wantonly and willfully [set fire to] [burned] [caused to be burned] [aided, counseled, or procured the burning of] a [penal institution] [the contents of a penal institution], 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. It is possible for a person to “set fire to” property without burning it. *S. v. Hall*, 93 N.C. 573 (1885). If there is some question as to whether the defendant “set fire to” the property, the jury may be told that “a person sets fire to property whenever he causes fire to come into contact with the property, even though the property may not in fact be burned, or is merely scorched or discolored by heat.” If there is some question as to whether the defendant “burned” the property, the jury may be told that “a partial burning or the slightest charring is sufficient, but a mere scorching or discoloration by heat does not constitute a burning.”

2. The term “penal institution” is defined in N.C. Gen. Stat. § 14-208.6(2). Please note that the definition of penal institution under this section changed on January 1, 2023.

3. See *S. v. Brackett*, 306 N.C. 138 (1982) for a discussion of the terms willful and wanton as used in this statute. The words have substantially the same meaning. The terms willful and wanton also mean the same thing as intentional.

215.32 BURNING OF CERTAIN BRIDGES AND BUILDINGS. FELONY.

The defendant has been charged with wantonly and willfully [setting fire to] [burning] [causing to be burned] [aiding, counseling, or procuring the burning of] certain bridges or buildings.

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

First, that the defendant [set fire to¹] [burned] [caused to be burned] [aided, counseled, or procured the burning of] any [public bridge] [private toll bridge] [bridge of any incorporated company] [fire-engine house] [rescue-squad building] [house belonging to an incorporated company or unincorporated association and used in the business of such company or association].

And Second, that the defendant did so wantonly and willfully, that is, intentionally and without justification or excuse, with the knowledge or reasonable grounds to believe the defendant’s act would endanger the rights or safety of others.²

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant wantonly and willfully [set fire to] [burned] [caused to be burned] [aided, counseled, or procured the burning of] any [public bridge] [private toll bridge] [bridge of any incorporated company] [fire-engine house] [rescue-squad building] [house belonging to an incorporated company or unincorporated association and used in the business of such company or association], 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. It is possible for a person to “set fire to” property without burning it. *S. v. Hall*, 93 N.C. 573 (1885). If there is some question as to whether the defendant “set fire to” the property, the jury may be told that “a person sets fire to property whenever he causes fire to come into contact with the property, even though the property may not in fact be burned, or is merely scorched or discolored

by heat.” If there is some question as to whether the defendant “burned” the property, the jury may be told that “a partial burning or the slightest charring is sufficient, but a mere scorching or discoloration by heat does not constitute a burning.”

2. See *S. v. Brackett*, 306 N.C. 138 (1982) for a discussion of the terms willful and wanton as used in this statute. The words have substantially the same meaning. The terms willful and wanton also mean the same thing as intentional.

215.33 BURNING OF [AN UNINHABITED HOUSE] [A STABLE] [A COACH HOUSE]
[AN OUTHOUSE]. FELONY.

The defendant has been charged with wantonly and willfully [[setting fire to] [burning] [causing to be burned] [aiding, counseling, or procuring the burning of]] [[an uninhabited house] [a stable] [a coach house] [an outhouse]].

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

First, that the defendant [[set fire to¹] [burned] [caused to be burned] [aided, counseled, or procured the burning of]] [[an uninhabited house] [a stable] [a coach house] [an outhouse]]. (An uninhabited house is one that is fit to live in, but is not being lived in.)²

And Second, that the defendant did so wantonly and willfully, that is, intentionally and without justification or excuse, with the knowledge or reasonable grounds to believe the defendant’s act would endanger the rights or safety of others.³

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant wantonly and willfully [[set fire to] [burned] [caused to be burned] [aided, counseled, or procured the burning of]] [[an uninhabited house] [a stable] [a coach house] [an outhouse]], 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. It is possible for a person to “set fire to” property without burning it. *S. v. Hall*, 93 N.C. 573 (1885). If there is some question as to whether the defendant “set fire to” the property, the jury may be told that “a person sets fire to property whenever he causes fire to come into contact with the property, even though the property may not in fact be burned, or is merely scorched or discolored by heat.” If there is some question as to whether the defendant “burned” the property, the jury may be told that “a partial burning or the slightest charring is sufficient, but a mere scorching or discoloration by heat does not constitute a burning.”

2. *State v. Long*, 243 N.C. 393 (1956).

3. See *S. v. Brackett*, 306 N.C. 138 (1982) for a discussion of the terms willful and wanton as used in this statute. The words have substantially the same meaning. The terms willful and wanton also mean the same thing as intentional.

215.34 BURNING OF A BUILDING OR STRUCTURE IN THE PROCESS OF CONSTRUCTION. FELONY.

NOTE WELL: This instruction applies whether the building or structure in the process of construction is in the possession of the offender or in the possession of any other person at the time of the burning.

The defendant has been charged with wantonly and willfully [setting fire to] [burning] [causing to be burned] [aiding, counseling, or procuring the burning of] a building or structure in the process of construction.

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

First, that the defendant [set fire to¹] [burned] [caused to be burned] [aided, counseled, or procured the burning of] a building or structure.

Second, that the building or structure was in the process of construction.

Third, that the building was for use or intended to be used [as a dwelling house] [in carrying on any trade or manufacture, or otherwise].

And Fourth, that the defendant did so wantonly and willfully, that is, intentionally and without justification or excuse, with the knowledge or reasonable grounds to believe the defendant's act would endanger the rights or safety of others.²

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant wantonly and willfully [set fire to] [burned] [caused to be burned] [aided, counseled, or procured the burning of] a building or structure, that the building or structure was in the process of construction, and that the building or structure was for use or intended to be used [as a dwelling house] [in carrying on any trade or manufacture, or otherwise], 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. It is possible for a person to “set fire to” property without burning it. *S. v. Hall*, 93 N.C. 573 (1885). If there is some question as to whether the defendant “set fire to” the property, the jury may be told that “a person sets fire to property whenever he causes fire to come into contact with the property, even though the property may not in fact be burned, or is merely scorched or discolored by heat.” If there is some question as to whether the defendant “burned” the property, the jury may be told that “a partial burning or the slightest charring is sufficient, but a mere scorching or discoloration by heat does not constitute a burning.”

2. See *S. v. Brackett*, 306 N.C. 138 (1982) for a discussion of the terms willful and wanton as used in this statute. The words have substantially the same meaning. The terms willful and wanton also mean the same thing as intentional.

215.35 WANTON AND WILLFUL BURNING OF A [GINHOUSE] [TOBACCO HOUSE]
[ANY PART OF A GINHOUSE OR TOBACCO HOUSE]. FELONY.

The defendant has been charged with wantonly and willfully [setting fire to] [burning] [causing to be burned] [aiding, counseling, or procuring the burning of] a [ginhouse]¹ [tobacco house] [any part of a ginhouse or tobacco house].

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

First, that the defendant [set fire to²] [burned] [caused to be burned] [aided, counseled, or procured the burning of] a [ginhouse] [tobacco house] [any part of a ginhouse or tobacco house].

And Second, that the defendant did so wantonly and willfully, that is, intentionally and without justification or excuse, with the knowledge or reasonable grounds to believe the defendant’s act would endanger the rights or safety of others.³

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant wantonly and willfully [set fire to] [burned] [caused to be burned] [aided, counseled, or procured the burning of] a [ginhouse] [tobacco house] [any part of a ginhouse or tobacco house], 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. N.C. Gen. Stat. § 14-64 defines a “ginhouse” as any building or structure where cotton is ginned. Under this section, a “tobacco house” is defined as any barn, building, or other structure used for curing and aging tobacco.

2. It is possible for a person to “set fire to” property without burning it. *S. v. Hall*, 93 N.C. 573 (1885). If there is some question as to whether the defendant “set fire to” the property, the jury may be told that “a person sets fire to property whenever he causes fire to come into contact with the property, even though the property may not in fact be burned, or is merely scorched or discolored by heat.” If there is some question as to whether the defendant “burned” the property, the jury may be told that “a partial burning or the slightest charring is sufficient, but a mere scorching or discoloration by heat does not constitute a burning.”

3. See *S. v. Brackett*, 306 N.C. 138 (1982) for a discussion of the terms willful and wanton as used in this statute. The words have substantially the same meaning. The terms willful and wanton also mean the same thing as intentional.

215.36 BURNING OF A CHURCH OR OTHER RELIGIOUS BUILDING. FELONY.

The defendant has been charged with wantonly and willfully [setting fire to] [burning] [causing to be burned] [aiding, counseling, or procuring the burning of] a church or other religious building.

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

First, that the defendant [set fire to¹] [burned] [caused to be burned] [aided, counseled, or procured the burning of] a [church] [chapel] [meetinghouse] [synagogue] [temple] [longhouse] [mosque] [building that is regularly used, and clearly identifiable, as a place for religious worship].

And Second, that the defendant did so wantonly and willfully, that is, intentionally and without justification or excuse, with the knowledge or reasonable grounds to believe the defendant’s act would endanger the rights or safety of others.²

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant wantonly and willfully [set fire to] [burned] [caused to be burned] [aided, counseled, or procured the burning of] a [church] [chapel] [meetinghouse] [synagogue] [temple] [longhouse] [mosque] [building that is regularly used, and clearly identifiable, as a place for religious worship], 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. It is possible for a person to “set fire to” property without burning it. *S. v. Hall*, 93 N.C. 573 (1885). If there is some question as to whether the defendant “set fire to” the property, the jury may be told that “a person sets fire to property whenever he causes fire to come into contact with the property, even though the property may not in fact be burned, or is merely scorched or discolored by heat.” If there is some question as to whether the defendant “burned” the property, the jury may be told that “a partial burning or the slightest charring is sufficient, but a mere scorching or discoloration by heat does not constitute a burning.”

2. See *S. v. Brackett*, 306 N.C. 138 (1982) for a discussion of the terms willful and wanton as used in this statute. The words have substantially the same meaning. The terms willful and wanton also mean the same thing as intentional.

215.37 BURNING OF AN OCCUPIED COMMERCIAL STRUCTURE. FELONY.

The defendant has been charged with wantonly and willfully [setting fire to] [burning] [causing to be burned] [aiding, counseling, or procuring the burning of] a commercial structure or its contents.

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

First, that the defendant [[set fire to¹] [burned] [caused to be burned] [aided, counseled, or procured the burning of]] [[a commercial structure] [the contents of a commercial structure]]. A commercial structure is any building or structure that is designed principally for the manufacture, distribution, or exchange of goods or services, or for any other business or trade purpose.

Second, that the defendant did so wantonly and willfully, that is, intentionally and without justification or excuse, with the knowledge or reasonable grounds to believe the defendant’s act would endanger the rights or safety of others.²

And Third, that the commercial structure was occupied by one or more persons at the time of the burning, that is, that one or more persons were physically present in the commercial structure at the time of the burning.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant wantonly and willfully [[set fire to] [burned] [caused to be burned] [aided, counseled, or procured the burning of]] [[a commercial structure] [the contents of a commercial structure]], and that the commercial structure was occupied by one or more persons at the time of the burning, it would be your duty to return a verdict of guilty of wanton and willful burning of an occupied commercial structure.

If you do not so find, or have a reasonable doubt as to one or more of these things, you would not return a verdict of guilty of wanton and willful burning of an

occupied commercial structure³, but would consider whether the defendant is guilty of wanton and willful burning of an unoccupied commercial structure. Burning of an unoccupied commercial structure differs from burning of an occupied commercial structure in that it is unnecessary for the State to prove that the commercial structure was occupied at the time of the burning.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant wantonly and willfully [[set fire to] [burned] [caused to be burned] [aided, counseled, or procured the burning of]] [[a commercial structure] [the contents of a commercial structure]], and that the commercial structure was unoccupied at the time of the burning, it would be your duty to return a verdict of guilty of burning an unoccupied commercial structure. 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. It is possible for a person to “set fire to” property without burning it. *S. v. Hall*, 93 N.C. 573 (1885). If there is some question as to whether the defendant “set fire to” the property, the jury may be told that “a person sets fire to property whenever he causes fire to come into contact with the property, even though the property may not in fact be burned, or is merely scorched or discolored by heat.” If there is some question as to whether the defendant “burned” the property, the jury may be told that “a partial burning or the slightest charring is sufficient, but a mere scorching or discoloration by heat does not constitute a burning.”

2. See *S. v. Brackett*, 306 N.C. 138 (1982) for a discussion of the terms willful and wanton as used in this statute. The words have substantially the same meaning. The terms willful and wanton also mean the same thing as intentional.

3. If there is to be no instruction on lesser included offenses, the last phrase should be: “. . . it would be your duty to return a verdict of not guilty.”

215.38 BURNING OF AN UNOCCUPIED COMMERCIAL STRUCTURE. FELONY.

The defendant has been charged with wantonly and willfully [setting fire to] [burning] [causing to be burned] [aiding, counseling, or procuring the burning of] a commercial structure or its contents.

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

First, that the defendant [[set fire to¹] [burned] [caused to be burned] [aided, counseled, or procured the burning of]] [[a commercial structure] [the contents of a commercial structure]]. A commercial structure is any building or structure that is designed principally for the manufacture, distribution, or exchange of goods or services, or for any other business or trade purpose.

Second, that the defendant did so wantonly and willfully, that is, intentionally and without justification or excuse, with the knowledge or reasonable grounds to believe the defendant’s act would endanger the rights or safety of others.²

And Third, that the structure was not occupied by a person at the time of the burning.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant wantonly and willfully [[set fire to] [burned] [caused to be burned] [aided, counseled, or procured the burning of]] [[a commercial structure] [the contents of a commercial structure]], and that the building was not occupied by a person at the time of the burning, it would be your duty to return a verdict of guilty of wanton and willful burning of an unoccupied commercial structure. 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. It is possible for a person to “set fire to” property without burning it. *S. v. Hall*, 93 N.C. 573 (1885). If there is some question as to whether the defendant “set fire to” the property, the jury may be told that “a person sets fire to property whenever he causes fire to come into contact with

the property, even though the property may not in fact be burned, or is merely scorched or discolored by heat." If there is some question as to whether the defendant "burned" the property, the jury may be told that "a partial burning or the slightest charring is sufficient, but a mere scorching or discoloration by heat does not constitute a burning."

2. See *S. v. Brackett*, 306 N.C. 138 (1982) for a discussion of the terms willful and wanton as used in this statute. The words have substantially the same meaning. The terms willful and wanton also mean the same thing as intentional.

215.40 WANTON AND WILLFUL OR FRAUDULENT BURNING OF A DWELLING HOUSE BY THE OWNER OR OCCUPANT. FELONY.

NOTE WELL: Use this instruction only when (1) the defendant is charged with wantonly and willfully or fraudulently burning a dwelling house, which the defendant exclusively occupies, or (2) wantonly and willfully or fraudulently burning a building which is not inhabited, but is designed or intended as a dwelling house and which is owned by the defendant. Where the defendant is charged with burning a dwelling house that is owned by the defendant but inhabited by another, the proper charge may be arson, depending on the language of the indictment.

The defendant has been charged with [[wantonly and willfully] [fraudulently]] [[setting fire to] [burning] [causing to be burned] [aiding, counseling, or procuring the burning of]] a [dwelling house] [building designed or intended as a dwelling house].

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

First, that the defendant [set fire to¹] [burned] [caused to be burned] [aided, counseled, or procured the burning of] a [(describe structure)] [building designed or intended for use as a dwelling house].

Second, that this building was ²[used as a dwelling house and occupied³ by the defendant] (or) [designed or intended for use as a dwelling house and owned by the defendant].

And Third, that the defendant did so [wantonly and willfully, that is, intentionally and without justification or excuse, with the knowledge or reasonable grounds to believe the defendant's act would endanger the rights or safety of others.⁴] [for the fraudulent purpose of obtaining something of value from another by means of an intentional misrepresentation of the truth of the burning.]

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant [[wantonly and willfully] [fraudulently]] [[set fire to] [burned] [caused to be burned] [aided, counseled or procured the burning of]] a building that [was used as a dwelling house and was occupied by the defendant] [was designed or intended for use as a dwelling house and was owned by the defendant], 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. It is possible for a person to “set fire to” property without burning it. *S. v. Hall*, 93 N.C. 573 (1885). If there is some question as to whether the defendant “set fire to” the property, the jury may be told that “a person sets fire to property whenever *he* causes fire to come into contact with the property, even though the property may not in fact be burned, or is merely scorched or discolored by heat.” If there is some question as to whether the defendant “burned” the property, the jury may be told that “a partial burning or the slightest charring is sufficient, but a mere scorching or discoloration by heat does not constitute a burning.”

2. Use the first bracketed phrase when the defendant is charged with burning the dwelling house that the defendant occupies. Use the second bracketed phrase when the defendant is charged with burning a building intended for use as a dwelling house and which the defendant owns.

3. In an appropriate case, add the following when using the first bracketed phrase, “The (*describe structure*) would be occupied by the defendant if it was used by the defendant as a permanent, temporary, or seasonal residence, even though *he* was not physically present in the dwelling when it was burned.”

4. See *S. v. Brackett*, 306 N.C. 138 (1982) for a discussion of the terms willful and wanton as used in this statute. The words have substantially the same meaning. The terms willful and wanton also mean the same thing as intentional.

215.41 BURNING OF A [MOBILE HOME] [MANUFACTURED-TYPE HOUSE]
[RECREATIONAL TRAILER HOME]. FELONY.

The defendant has been charged with willfully and maliciously burning¹ a [mobile home] [manufactured-type house] [recreational trailer home].

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

First, that the defendant burned a [mobile home] [manufactured-type house] [recreational trailer home].

Second, that the [mobile home] [manufactured-type house] [recreational trailer home] was the dwelling house² of another. (A dwelling house is a house that is inhabited, that is, a house that is the permanent, temporary, or seasonal residence of some person.)

Third, that the [mobile home] [manufactured-type house] [recreational trailer home] was occupied³ at the time of the burning, that is, that some person was physically present in the structure at the time of the burning.

And Fourth, that the defendant did so willfully and maliciously, that is, voluntarily without excuse or justification.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant willfully and maliciously burned a [mobile home] [manufactured-type house] [recreational trailer home], that the structure was the dwelling house of another, and that the structure was occupied at the time of the burning, 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. The malicious burning of any mobile home or manufactured-type house or recreational trailer which is the dwelling house of another also constitutes the crime of arson. N.C. Gen. Stat. § 14-58.2.

2. If there is an issue as to whether the structure burned was a dwelling house, add the following to this element. "A house is not a dwelling house if it is [under construction and no one has yet moved in] [between tenants] [abandoned]." *S. v. Long*, 243 N.C. 393 (1956).

3. "Inhabited" does not mean "occupied." A house can be inhabited and therefore a "dwelling house" even though its inhabitants are temporarily absent at the time the burning occurred. See *State v. Gulley*, 46 N.C. App. 822 (1980).

215.42 BURNING OF CERTAIN PUBLIC BUILDINGS. FELONY.

The defendant has been charged with wantonly and willfully [[setting fire to] [burning] [causing to be burned] [aiding, counseling, or procuring the burning of]] [[the State Capitol] [the Legislative Building] [the Justice Building] [any building owned or occupied by the State or any of its agencies, institutions, or subdivisions] [any building owned or occupied by any county, incorporated city or town, or other governmental or quasi-governmental entity]].

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

First, that the defendant [[set fire to¹] [burned] [caused to be burned] [aided, counseled, or procured the burning of]] [[the State Capitol] [the Legislative Building] [the Justice Building] [any building owned or occupied by the State or any of its agencies, institutions, or subdivisions] [any building owned or occupied by any county, incorporated city or town, or other governmental or quasi-governmental entity]].

And Second, that the defendant did so wantonly and willfully, that is, intentionally and without justification or excuse, with the knowledge or reasonable grounds to believe the defendant’s act would endanger the rights or safety of others.²

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant wantonly and willfully [[set fire to] [burned] [caused to be burned] [aided, counseled, or procured the burning of]] [[the State Capitol] [the Legislative Building] [the Justice Building] [any building owned or occupied by the State or any of its agencies, institutions, or subdivisions] [any building owned or occupied by any county, incorporated city or town, or other governmental or quasi-governmental entity]], 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. It is possible for a person to “set fire to” property without burning it. *S. v. Hall*, 93 N.C. 573 (1885). If there is some question as to whether the defendant “set fire to” the property, the jury may be told that “a person sets fire to property whenever he causes fire to come into contact with the property, even though the property may not in fact be burned, or is merely scorched or discolored by heat.” If there is some question as to whether the defendant “burned” the property, the jury may be told that “a partial burning or the slightest charring is sufficient, but a mere scorching or discoloration by heat does not constitute a burning.”

2. See *S. v. Brackett*, 306 N.C. 138 (1982) for a discussion of the terms willful and wanton as used in this statute. The words have substantially the same meaning. The terms willful and wanton also mean the same thing as intentional.

215.43 BURNING OF SCHOOLHOUSES OR BUILDINGS OF EDUCATIONAL INSTITUTIONS. FELONY.

The defendant has been charged with wantonly and willfully [setting fire to] [burning] [causing to be burned] [aiding, counseling, or procuring the burning of] a [schoolhouse] [building owned, leased, or used by any public or private school, college, or educational institution].

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

First, that the defendant [set fire to¹] [burned] [caused to be burned] [aided, counseled, or procured the burning of] a [schoolhouse] [building owned, leased, or used by any public or private school, college, or educational institution].

And Second, that the defendant did so wantonly and willfully, that is, intentionally and without justification or excuse, with the knowledge or reasonable grounds to believe the defendant’s act would endanger the rights or safety of others.²

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant wantonly and willfully [set fire to] [burned] [caused to be burned] [aided, counseled, or procured the burning of] a [schoolhouse] [building owned, leased, or used by any public or private school, college, or educational institution], 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. It is possible for a person to “set fire to” property without burning it. *S. v. Hall*, 93 N.C. 573 (1885). If there is some question as to whether the defendant “set fire to” the property, the jury may be told that “a person sets fire to property whenever he causes fire to come into contact with the property, even though the property may not in fact be burned, or is merely scorched or discolored by heat.” If there is some question as to whether the defendant “burned” the property, the jury may be told that “a partial burning or the slightest charring is sufficient, but a mere scorching or discoloration by heat does not constitute a burning.”

2. See *S. v. Brackett*, 306 N.C. 138 (1982) for a discussion of the terms willful and wanton as used in this statute. The words have substantially the same meaning. The terms willful and wanton also mean the same thing as intentional.

215.45 BURNING PERSONAL PROPERTY WITH INTENT TO INJURE OR PREJUDICE.
FELONY.

The defendant has been charged with wantonly and willfully [setting fire to] [burning] [causing to be burned] [aiding, counseling, or procuring the burning of] personal property.

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

First, that the defendant [set fire to¹] [burned] [caused to be burned] [aided, counseled, or procured the burning of] any [goods] [wares] [merchandise] [(describe other chattels or personal property of any kind)].

Second, that the burning occurred in a place that was not a commercial structure. A commercial structure is any building or structure that is designed principally for the manufacture, distribution, or exchange of goods or services, or for any other business or trade purpose.²

Third, that the defendant did so wantonly and willfully, that is, intentionally and without justification or excuse, with the knowledge or reasonable grounds to believe the defendant’s act would endanger the rights or safety of others.³

And Fourth, that the defendant did so with the intent to injure or prejudice [the insurer] [a creditor] [the owner] [another person].⁴ (This intent may be inferred from [the nature of the act] [the manner in which the act was done] [the conduct of the parties]).⁵

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant wantonly and willfully [set fire to] [burned] [caused to be burned] [aided, counseled, or procured the burning of] any [goods] [wares] [merchandise] [(describe other chattels or personal property of any kind)], that the burning occurred in a place that was not a commercial structure, and that the defendant had the intent to injure or prejudice [the insurer] [the creditor] [the

owner] [another person], 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. It is possible for a person to “set fire to” property without burning it. *S. v. Hall*, 93 N.C. 573 (1885). If there is some question as to whether the defendant “set fire to” the property, the jury may be told that “a person sets fire to property whenever *he* causes fire to come into contact with the property, even though the property may not in fact be burned or is merely scorched or discolored by heat.” If there is some question as to whether the defendant “burned” the property, the jury may be told that “a partial burning or the slightest charring is sufficient, but a mere scorching or discoloration by heat does not constitute a burning.”

2. N.C. Gen. Stat. § 14-62.3.

3. See *S. v. Brackett*, 306 N.C. 138 (1982) for a discussion of the terms willful and wanton as used in this statute. The words have substantially the same meaning. The terms willful and wanton also mean the same thing as intentional.

4. A violation of N.C. Gen. Stat. § 14-66 requires, in addition to the willful and wanton burning of personal property, that the defendant have the specific intent to injure or prejudice. See *State v. Wesson*, 45 N.C. App. 510 (1980). For further instructions on intent, see N.C.P.I.—Crim. 120.10.

5. N.C. Gen. Stat. § 14-66 does not require that the property be insured at the time of the burning. It also applies irrespective of who owns the property.

215.50 ARSON OR OTHER UNLAWFUL BURNING RESULTING IN SERIOUS BODILY INJURY TO A FIREFIGHTER, LAW ENFORCEMENT OFFICER, FIRE INVESTIGATOR, OR EMERGENCY MEDICAL TECHNICIAN. FELONY.

The defendant has been charged with [arson] [unlawful burning] resulting in serious bodily injury to a [firefighter] [law enforcement officer] [fire investigator] [emergency medical technician].

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

First, that the defendant committed the felony of (*name felony within Article 15 of Chapter 14 of the General Statutes*). (*Define the felony and enumerate its elements using the Pattern Jury Instruction for that felony.*)

Second, that a [firefighter] [law enforcement officer] [fire investigator]¹ [emergency medical technician]² suffered serious bodily injury. Serious bodily injury is bodily injury that creates or causes [a substantial risk of death] [serious permanent disfigurement] [coma] [a permanent or protracted condition that causes extreme pain] [permanent or protracted loss or impairment of the function of any bodily member or organ] [prolonged hospitalization].³

Third, that the serious bodily injury occurred while the [firefighter] [law enforcement officer] [fire investigator] [emergency medical technician] was [discharging] (or) [attempting to discharge] that person's duties.

And Fourth, that the serious bodily injury suffered by the [firefighter] [law enforcement officer] [fire investigator] [emergency medical technician] occurred [on] [proximate to] the property where the [firefighter] [law enforcement officer] [fire investigator] [emergency medical technician] [discharged] (or) [attempted to discharge] that person's duties.

If you find from the evidence beyond a reasonable doubt that on or before the alleged date the defendant committed the felony of (name felony) as I have defined that offense for you, and that a [firefighter] [law enforcement officer] [fire investigator] [emergency medical technician] suffered serious bodily injury, which occurred while the [firefighter] [law enforcement officer] [fire investigator] [emergency medical technician] was [discharging] (or) [attempting to discharge] that person’s duties, and that this serious bodily injury occurred [on] [proximate to] the property that was the subject of the [firefighter's] [law enforcement officer’s] [fire investigator’s] [emergency medical technician's] [discharge of] (or) [attempt to discharge] that person’s duties, 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.⁴

1. The term fire investigator includes any person who, individually or as part of an investigation team, has the responsibility and authority to determine the origin, cause, or development of a fire or explosion.

2. The term emergency medical technician includes an emergency medical technician, an advanced emergency medical technician, and an emergency medical technician-paramedic, as those terms are defined in N.C. Gen. Stat. § 131E-155.

3. N.C. Gen. Stat. § 14-32.4.

4. If there is to be a lesser included offense, see N.C.P.I.—Criminal 215.51 for the offense involving serious injury described in N.C. Gen. Stat. § 14-69.3(c).

215.51 ARSON OR OTHER UNLAWFUL BURNING RESULTING IN SERIOUS INJURY TO A FIREFIGHTER, LAW ENFORCEMENT OFFICER, FIRE INVESTIGATOR, OR EMERGENCY MEDICAL TECHNICIAN. FELONY.

The defendant has been charged with [arson] [unlawful burning] resulting in serious injury to a [firefighter] [law enforcement officer] [fire investigator] [emergency medical technician].

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

First, that the defendant committed the felony of (*name felony within Article 15 of Chapter 14 of the General Statutes*). (*Define the felony and enumerate its elements using the Pattern Jury Instruction for that felony.*)

Second, that a [firefighter] [law enforcement officer] [fire investigator]¹ [emergency medical technician]² suffered serious injury. Serious injury is injury that causes great pain and suffering.³

Third, that the serious injury occurred while the [firefighter] [law enforcement officer] [fire investigator] [emergency medical technician] was [discharging] (or) [attempting to discharge] that person's duties.

And Fourth, that the serious injury suffered by the [firefighter] [law enforcement officer] [fire investigator] [emergency medical technician] occurred [on] [proximate to] the property where the [[firefighter] [law enforcement officer] [fire investigator] [emergency medical technician]] [[discharged] (or) [attempted to discharge]] that person's duties.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant committed the felony of (name felony) as I have defined that offense for you, and that a [firefighter] [law enforcement officer] [fire investigator] [emergency medical technician] suffered serious injury, which occurred while the [firefighter] [law enforcement officer] [fire investigator]

[emergency medical technician] was [discharging] (or) [attempting to discharge] that person’s duties, and that this serious injury occurred [on] [proximate to] the property that was the subject of the [[firefighter's] [law enforcement officer’s] [fire investigator’s] [emergency medical technician's]] [discharge of] (or) [attempt to discharge]_that person’s duties, 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. The term “fire investigator” includes any person who, individually or as part of an investigation team, has the responsibility and authority to determine the origin, cause, or development of a fire or explosion.

2. The term “emergency medical technician” includes an emergency medical technician, an advanced emergency medical technician, and an emergency medical technician-paramedic, as those terms are defined in N.C. Gen. Stat. § 131E-155.

3. *State v. Savage*, 272 N.C. App. 447, 843 S.E.2d 732 (2020).

216.57 ORGANIZED RETAIL THEFT. RETAIL PROPERTY WITH VALUE EXCEEDING \$1,500, BUT NOT EXCEEDING \$20,000, AGGREGATED OVER 90-DAY PERIOD. FELONY.

NOTE WELL:

For Organized Retail Theft of retail property with a value exceeding \$20,000, but not exceeding \$50,000, aggregated over a 90-day period use N.C.P.I.—Crim. 216.57A.

For Organized Retail Theft of retail property with a value exceeding \$50,000, but not exceeding \$100,000, aggregated over a 90-day period use N.C.P.I.—Crim. 216.57B.

For Organized Retail Theft of retail property with a value exceeding \$100,000 aggregated over a 90-day period use N.C.P.I.—Crim. 216.57C.

The defendant has been charged with organized retail theft.¹

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

First, that the defendant conspired with another person (name other person)² to commit theft of retail property³ from (a) retail establishment(s). A conspiracy is an agreement between two or more people to do an unlawful act or to do a lawful act in an unlawful manner.⁴ Theft is the taking possession of, carrying away, transferring, or causing to be carried away the retail property of another with the intent to steal the retail property.

Second, that the value⁵ of the retail property exceeded \$1,500 aggregated over a 90-day period.

Third, that the defendant intended⁶ to sell that retail property for [monetary] [other gain (describe other gain)].

And Fourth, that the defendant [took the retail property] [caused the retail property] to be placed in the control of [a retail property fence⁷] [another person] for consideration.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant conspired with another person (name other person) to commit theft of retail property from (a) retail establishment(s), the value of the retail property exceeded \$1,500 aggregated over a 90-day period, the defendant intended to sell that retail property for [monetary] [other gain (describe other gain)], and that the defendant [took the retail property] [caused the retail property] to be placed in the control of [a retail property fence][another person] for consideration, 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. See G.S. 14-86.5(3).

2. If one or more co-conspirators are named in the indictment, state their names. The jury must find that the defendant entered into an agreement with at least one of the named persons. *State v. Minter*, 111 N.C. App. 40 (1993), *cert. denied*, 335 N.C. 241 (1993). *See also, State v. Mickey*, 207 N.C. 608 (1935).

3. According to G.S. 14-86.5(1) "retail property" is any new article, product, commodity, item or component intended to be sold in retail commerce.

4. *See State v. Shelly*, 181 N.C. App. 608 (2007) (citations omitted).

5. According to G.S. 14-86.5(4) "value" is the retail value of an item as advertised by the affected retail establishment, to include all applicable taxes.

6. If a definition of intent is needed, see N.C.P.I.—Crim. 120.10.

7. According to G.S. 14-86.5(2) a "retail property fence" is a person or business that buys retail property knowing or believing that the retail property is stolen.

216.57A ORGANIZED RETAIL THEFT CONSPIRACY—RETAIL PROPERTY WITH VALUE EXCEEDING \$20,000, BUT NOT EXCEEDING \$50,000, AGGREGATED OVER 90-DAY PERIOD. FELONY.

NOTE WELL:

For Organized Retail Theft of retail property with a value exceeding \$1,500, but not exceeding \$20,000, aggregated over a 90-day period use N.C.P.I.—Crim. 216.57.

For Organized Retail Theft of retail property with a value exceeding \$50,000, but not exceeding \$100,000, aggregated over a 90-day period use N.C.P.I.—Crim. 216.57B.

For Organized Retail Theft of retail property with a value exceeding \$100,000 aggregated over a 90-day period use N.C.P.I.—Crim. 216.57C.

The defendant has been charged with organized retail theft.¹

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

First, that the defendant conspired with another person (*name other person*)² to commit theft of retail property³ from (a) retail establishment(s). A conspiracy is an agreement between two or more people to do an unlawful act or to do a lawful act in an unlawful manner.⁴ Theft is the taking possession of, carrying away, transferring, or causing to be carried away the retail property of another with the intent to steal the retail property.

Second, that the value⁵ of the retail property taken exceeded \$20,000 aggregated over a 90-day period.

Third, that the defendant intended⁶ to sell that retail property for [monetary gain] [other gain (*describe other gain*)].

And Fourth, that the defendant [took the retail property] [caused the retail property] to be placed in the control of [a retail property fence⁷] [another person] for consideration.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant conspired with another person (*name other person*) to commit theft of retail property from (a) retail establishment(s), the value of the retail property taken exceeded \$20,000 aggregated over a 90-day period, the defendant intended to sell that retail property for [monetary gain] [other gain (*describe other gain*)] and that the defendant [took the retail property] [caused the retail property] to be placed in the control of [a retail property fence] [another person] for consideration, 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.⁸

1. See N.C. Gen. Stat. § 14-86.5(3).

2. If one or more co-conspirators are named in the indictment, state their names. The jury must find that the defendant entered into an agreement with at least one of the named persons. *State v. Minter*, 111 N.C. App. 40 (1993), *cert. denied*, 335 N.C. 241 (1993). See also, *State v. Mickey*, 207 N.C. 608 (1935).

3. According to N.C. Gen. Stat. § 14-86.5(1) “retail property” is any new article, product, commodity, item or component intended to be sold in retail commerce.

4. See *State v. Shelly*, 181 N.C. App. 608 (2007) (citations omitted).

5. According to N.C. Gen. Stat. § 14-86.5(4) “value” is the retail value of an item as advertised by the affected retail establishment, to include all applicable taxes.

6. If a definition of intent is needed, see N.C.P.I.—Crim 120.10.

7. According to N.C. Gen. Stat. § 14-86.5(2), a “retail property fence” is a person or business that buys retail property knowing or believing that the retail property is stolen.

8. If there is an issue as to whether the value of the property exceeds \$20,000, then give instruction on lesser included offense, N.C.P.I.—Crim. 216.57.

216.57B ORGANIZED RETAIL THEFT. RETAIL PROPERTY WITH VALUE EXCEEDING \$50,000, BUT NOT EXCEEDING \$100,000, AGGREGATED OVER 90-DAY PERIOD. FELONY.

NOTE WELL:

For Organized Retail Theft of retail property with a value exceeding \$1,500, but not exceeding \$20,000, aggregated over a 90-day period use N.C.P.I.—Crim. 216.57.

For Organized Retail Theft of retail property with a value exceeding \$20,000, but not exceeding \$50,000, aggregated over a 90-day period use N.C.P.I.—Crim. 216.57A.

For Organized Retail Theft of retail property with a value exceeding \$100,000 aggregated over a 90-day period use N.C.P.I.—Crim. 216.57C.

The defendant has been charged with organized retail theft.¹

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

First, that the defendant conspired with another person (name other person)² to commit theft of retail property³ from (a) retail establishment(s). A conspiracy is an agreement between two or more people to do an unlawful act or to do a lawful act in an unlawful manner.⁴ Theft is the taking possession of, carrying away, transferring, or causing to be carried away the retail property of another with the intent to steal the retail property.

Second, that the value⁵ of the retail property exceeded \$50,000 aggregated over a 90-day period.

Third, that the defendant intended⁶ to sell that retail property for [monetary] [other gain (describe other gain)].

And Fourth, that the defendant [took the retail property] [caused the retail property] to be placed in the control of [a retail property fence⁷] [another person] for consideration.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant conspired with another person (name other person) to commit theft of retail property from (a) retail establishment(s), the value of the retail property exceeded \$50,000 aggregated over a 90-day period, the defendant intended to sell that retail property for [monetary] [other gain (describe other gain)], and that the defendant [took the retail property] [caused the retail property] to be placed in the control of [a retail property fence][another person] for consideration, 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.⁸

1. See G.S. 14-86.5(3).

2. If one or more co-conspirators are named in the indictment, state their names. The jury must find that the defendant entered into an agreement with at least one of the named persons. *State v. Minter*, 111 N.C. App. 40 (1993), *cert. denied*, 335 N.C. 241 (1993). See also, *State v. Mickey*, 207 N.C. 608 (1935).

3. According to G.S. 14-86.5(1) "retail property" is any new article, product, commodity, item or component intended to be sold in retail commerce.

4. See *State v. Shelly*, 181 N.C. App. 608 (2007) (citations omitted).

5. According to G.S. 14-86.5(4) "value" is the retail value of an item as advertised by the affected retail establishment, to include all applicable taxes.

6. If a definition of intent is needed, see N.C.P.I.—Crim. 120.10.

7. According to G.S. 14-86.5(2) a "retail property fence" is a person or business that buys retail property knowing or believing that the retail property is stolen.

8. If there is an issue as to whether the value of the property exceeds \$50,000, then give instruction(s) on lesser included offense(s), N.C.P.I.—Crim. 216.57 and/or 216.57A.

216.57C ORGANIZED RETAIL THEFT. RETAIL PROPERTY WITH VALUE
EXCEEDING \$100,000, AGGREGATED OVER 90-DAY PERIOD. FELONY.

NOTE WELL:

For Organized Retail Theft of retail property with a value exceeding \$1,500, but not exceeding \$20,000, aggregated over a 90-day period use N.C.P.I.—Crim 216.57.

For Organized Retail Theft of retail property with a value exceeding \$20,000, but not exceeding \$50,000, aggregated over a 90-day period use N.C.P.I.—Crim 216.57A.

For Organized Retail Theft of retail property with a value exceeding \$50,000, but not exceeding \$100,000, aggregated over a 90-day period use N.C.P.I.—Crim 216.57B.

The defendant has been charged with organized retail theft.¹

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

First, that the defendant conspired with another person (name other person)² to commit theft of retail property³ from (a) retail establishment(s). A conspiracy is an agreement between two or more people to do an unlawful act or to do a lawful act in an unlawful manner.⁴ Theft is the taking possession of, carrying away, transferring, or causing to be carried away the retail property of another with the intent to steal the retail property.

Second, that the value⁵ of the retail property exceeded \$100,000 aggregated over a 90-day period.

Third, that the defendant intended⁶ to sell that retail property for [monetary] [other gain (describe other gain)].

And Fourth, that the defendant [took the retail property] [caused the retail property] to be placed in the control of [a retail property fence⁷] [another person] for consideration.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant conspired with another person (name other person) to commit theft of retail property from (a) retail establishment(s), the value of the retail property exceeded \$100,000 aggregated over a 90-day period, the defendant intended to sell that retail property for [monetary] [other gain (describe other gain)], and that the defendant [took the retail property] [caused the retail property] to be placed in the control of [a retail property fence][another person] for consideration, 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.⁸

1. See G.S. 14-86.5(3).

2. If one or more co-conspirators are named in the indictment, state their names. The jury must find that the defendant entered into an agreement with at least one of the named persons. *State v. Minter*, 111 N.C. App. 40 (1993), *cert. denied*, 335 N.C. 241 (1993). See also, *State v. Mickey*, 207 N.C. 608 (1935).

3. According to G.S. 14-86.5(1) “retail property” is any new article, product, commodity, item or component intended to be sold in retail commerce.

4. See *State v. Shelly*, 181 N.C. App. 608 (2007) (citations omitted).

5. According to G.S. 14-86.5(4) “value” is the retail value of an item as advertised by the affected retail establishment, to include all applicable taxes.

6. If a definition of intent is needed, see N.C.P.I.—Crim. 120.10.

7. According to G.S. 14-86.5(2) a “retail property fence” is a person or business that buys retail property knowing or believing that the retail property is stolen.

8. If there is an issue as to whether the value of the property exceeds \$100,000, then give instruction(s) on lesser included offense(s), N.C.P.I.—Crim. 216.57, 216.57A, and/or 216.57B.

216.59B DAMAGE TO PROPERTY DURING ORGANIZED RETAIL THEFT.
MISDEMEANOR.

The defendant has been charged with damaging property during organized retail theft.

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

First, that the defendant conspired with another person (*name other person*)¹ to commit theft of retail property² from (a) retail establishment(s). A conspiracy is an agreement between two or more people to do an unlawful act or to do a lawful act in an unlawful manner.³ Theft is the taking possession of, carrying away, transferring, or causing to be carried away the retail property of another with the intent to steal the retail property.

Second, that the value⁴ of the retail property exceeded \$1,000.

And Third, that the defendant [[damaged] [destroyed] [defaced]] [[real property] [personal property]] in excess of \$1,000.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant conspired with another person (*name other person*) to commit theft of retail property from (a) retail establishment(s), the value of the retail property exceeded \$1,000, and that the defendant [[damaged] [destroyed] [defaced]] [[real property] [personal property]] in excess of \$1,000, 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. If one or more co-conspirators are named in the indictment, state their names. The jury must find that the defendant entered into an agreement with at least one of the named persons. *State v. Minter*, 111 N.C. App. 40 (1993), *cert. denied*, 335 N.C. 241 (1993). *See also, State v. Mickey*, 207 N.C. 608 (1935).

2. According to G.S. 14-86.5(1) "retail property" is any new article, product, commodity, item or component intended to be sold in retail commerce.

3. See *State v. Shelly*, 181 N.C. App. 608 (2007) (citations omitted).

4. According to G.S. 14-86.5(4) "value" is the retail value of an item as advertised by the affected retail establishment, to include all applicable taxes.

216.59C ASSAULT DURING ORGANIZED RETAIL THEFT. MISDEMEANOR.

The defendant has been charged with assault during organized retail theft.

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

First, that the defendant conspired with another person (name other person)¹ to commit theft of retail property² from (a) retail establishment(s). A conspiracy is an agreement between two or more people to do an unlawful act or to do a lawful act in an unlawful manner.³ Theft is the taking possession of, carrying away, transferring, or causing to be carried away the retail property of another with the intent to steal the retail property.

Second, that the value⁴ of the retail property exceeded \$1,000.

And Third, that the defendant committed an act of assault and battery⁵ against [an employee of the retail establishment] [an independent contractor of the retail establishment] [a law enforcement officer] in the commission of the theft.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant conspired with another person (name other person) to commit theft of retail property from (a) retail establishment(s), the value of the retail property exceeded \$1,000, and that the defendant committed an act of assault and battery against [an employee of the retail establishment] [an independent contractor of the retail establishment] [a law enforcement officer] in the commission of the theft, 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. If one or more co-conspirators are named in the indictment, state their names. The jury must find that the defendant entered into an agreement with at least one of the named persons. *State v. Minter*, 111 N.C. App. 40 (1993), *cert. denied*, 335 N.C. 241 (1993). *See also*, *State v. Mickey*, 207 N.C. 608 (1935).

2. According to G.S. 14-86.5(1) “retail property” is any new article, product, commodity, item or component intended to be sold in retail commerce.

3. See *State v. Shelly*, 181 N.C. App. 608 (2007) (citations omitted).

4. According to G.S. 14-86.5(4) “value” is the retail value of an item as advertised by the affected retail establishment, to include all applicable taxes.

5. For a definition of assault and battery, see N.C.P.I.—Crim. 120.20, Definition of Assault.

239.56 CHILD ABUSE BY A PERSON OTHER THAN A PARENT. MISDEMEANOR.

The defendant has been charged with child abuse.

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 a person providing [care to] [supervision of] a child.

Second, that at that time the child had not yet reached the child’s sixteenth birthday.

And Third, that the defendant [inflicted physical injury¹ upon] [allowed physical injury to be inflicted upon] [created or allowed to be created a substantial risk of physical injury to] the child other than by accidental means.² Intent to cause physical injury is not required.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant was a person providing [care to] [supervision of] a child, that the child had not reached the child’s sixteenth birthday, and that the defendant [inflicted physical injury upon] [allowed physical injury to be inflicted upon] [created or allowed to be created a substantial risk of physical injury to] the child other than by accidental means, 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. “Physical injury” includes cuts, scrapes, bruises, abrasions, or other physical injury which does not constitute serious injury. See N.C. Gen. Stat. § 14-34.7.

2. See N.C.P.I.—Crim. 307.11 for an instruction on accident if the defendant raises the issue of accident.

239.60 CHILD ABUSE BY A PARENT. MISDEMEANOR.

The defendant has been charged with child abuse.

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 the parent of a child.

Second, that at that time the child had not yet reached the child's sixteenth birthday.

And Third, that the defendant [inflicted physical injury¹ upon] [allowed physical injury to be inflicted upon] [created or allowed to be created a substantial risk of physical injury to] the child other than by accidental means.² Intent to cause physical injury is not required.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant was the parent of a child, that the child had not reached the child's sixteenth birthday, and that the defendant [inflicted physical injury upon] [allowed physical injury to be inflicted upon] [created or allowed to be created a substantial risk of physical injury to] the child other than by accidental means, you must then determine if the defendant, in inflicting physical injury, was acting within the defendant's rights as a parent lawfully administering corporal punishment.

A defendant shall be found guilty of child abuse when administering punishment only if at least one or more of three circumstances is met³:

1. where the parent administers punishment which may seriously endanger life, limb, or health, or shall disfigure the child, or cause any other permanent injury,
2. where the parent does not administer the punishment "honestly," but rather to gratify his own evil passions, irrespective of the degree of the physical injury inflicted, or

3. where the parent uses cruel or grossly inappropriate procedures or devices to modify a child’s behavior.

If you find both that the three elements of child abuse have been met beyond a reasonable doubt AND at least one of the three circumstances to the charge of child abuse applies, it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt that one or more of the elements of child abuse has been met OR if you find that none of the three circumstances to the charge of child abuse apply, it would be your duty to return a verdict of not guilty.

1. “Physical injury” includes cuts, scrapes, bruises, abrasions, or other physical injury which does not constitute serious injury. See N.C. Gen. Stat. § 14-34.7.

2. See N.C.P.I.—Crim. 307.11 for an instruction on accident if the defendant raises the issue of accident.

3. See *State v. Varner*, 252 N.C. App. 226, 796 S.E.2d 834 (2017).

254A.11 POSSESSION¹ OF A FIREARM OR WEAPON OF MASS DEATH AND
DESTRUCTION BY A FELON. FELONY.

NOTE WELL: Prior offenses which cause disenfranchisement under N.C. Gen. Stat. § 14-415.1(b) include felony convictions in North Carolina and also convictions of substantially similar offenses under the laws of any other state or of the United States which are punishable where committed by imprisonment for a term exceeding one year.

NOTE WELL: Effective February 1, 2011, this section does not apply to a person whose firearms rights have been restored under N.C. Gen. Stat. § 14-415.4 pursuant to the judicial procedure described therein, unless the person is convicted of a subsequent felony after the petition to restore the person's firearms rights is granted. Also effective February 1, 2011, this section does not apply if the felony conviction is a violation under the laws of North Carolina, another state, or the United States that pertains to crimes involving antitrust violations, unfair trade practices, or restraints of trade.

The defendant has been charged with [possessing] [owning] [purchasing] [[having within defendant's [custody] [care] [control]]] a [firearm]² [weapon of mass death and destruction]³ after having been convicted⁴ of a felony.

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

First, that on (*name date*) in (*name court*) the defendant [was convicted of] [pled guilty to] the felony of (*name felony*) that was committed on (*name date*) in violation of the laws of the [State of North Carolina] [State of (*name other state*)] [United States].

And Second, that after (*name date from the first element as alleged in the indictment*)⁵, the defendant [possessed]⁶ [owned] [purchased] [[had within defendant's [custody] [care] [control]]] a [firearm] [weapon of mass death and destruction]⁷.

If you find from the evidence beyond a reasonable doubt that the defendant [was convicted of] [pled guilty to] the felony of (*name felony*) that was committed on (*name date*) in violation of the laws of the [State of North Carolina] [State of (*name other state*)] [United States], and that the defendant, after (*name date from the first element alleged in the indictment*), [possessed] [owned] [purchased] [[had within defendant’s [custody] [care] [control]]] a [firearm] [weapon of mass death and destruction], 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 both of these things, it would be your duty to return a verdict of not guilty.

1. The statute also covers purchasing, owning, or having a firearm or such weapon in his custody, care or control.

2. A firearm is any weapon, including a starter gun, which will or is designed to or may readily be converted to expel a projectile by the action of an explosive, or its frame or receiver, or any firearm muffler or firearm silencer. This statute does not apply to an antique firearm as defined in N.C. Gen. Stat. § 14-409.11.

3. The term “weapon of mass death and destruction” includes:

- 1) Any explosive or incendiary:
 - a. Bomb; or
 - b. Grenade; or
 - c. Rocket having a propellant charge of more than four ounces; or
 - d. Missile having an explosive or incendiary charge of more than one-quarter ounce; or
 - e. Mine; or
 - f. Device similar to any of the devices described above; or
- 2) Any type of weapon (other than a shotgun or a shotgun shell of a type particularly suitable for sporting purposes) which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter; or
- 3) Any firearm capable of fully automatic fire, any shotgun with a barrel or barrels of less than 18 inches in length or an overall length of less than 26 inches, any rifle with a barrel or barrels of less than 16 inches in length or an overall length of less than 26 inches, any muffler or silencer for any firearm, whether or not such firearm is included within this definition. For the purposes of this section, rifle is defined as a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder; or

- 4) Any combination of parts either designed or intended for use in converting any device into any weapon described above and from which a weapon of mass death and destruction may readily be assembled.

See *State v. Carey*, 373 N.C. 445, (2020), holding that courts are not required to engage in a fact-intensive examination of the extent to which any particular weapon is capable of causing mass death and destruction. In *Carey*, the Court held that any “explosive or incendiary grenade” is a weapon of mass death and destruction for the purposes of prohibition set out in N.C.G.S. § 14-288.8(a). *State v. Carey*, 838 S.E. 2d 367 (2020).

4. The term “conviction” is defined as a final judgment in any case in which felony punishment, or imprisonment for a term exceeding one year, as the case may be, is permissible, without regard to the plea entered or to the sentence imposed. See N.C. Gen. Stat. § 14-415.1(b).

5. See *State v. Howard*, 243 N.C. App. 828, 780 S.E.2d 599 (2015).

6. The meaning of “possession” is explained in N.C.P.I.—Crim 104.41. The trial judge should refer to this instruction for a definition of actual possession, and also when constructive possession is an issue.

7. The North Carolina Supreme Court has recognized that in narrow and extraordinary circumstances, justification may be available as a defense to a charge under N.C.G.S. § 14-415.1. See *State v. Mercer*, 373 N.C. 459, 838 S.E. 2d 359. See also, *United States v. Deleveaux*, 205 F.3d 1292, 1297 (11th Cir. 2000). *Mercer* is not the first decision to apply the *Deleveaux* test, but it is the first decision in which the Court of Appeals has found that every element of the test is satisfied. In addressing whether an instruction on justification is required, the Court of Appeals explained, “[c]onsistent with the precedent from this Court, we assume without deciding, that the *Deleveaux* rationale applies in North Carolina prosecutions for possession of a firearm by felon.” *State v. Edwards*, 239 N.C. App. 391, 394, 768 S.E. 2d 619, 621 (2015) (citing *State v. Monroe*, 233 N.C. App. 563, 568, 756 S.E.2d 376, 380 (2014)).

In *State v. Edwards*, the Court explained, that “the *Deleveaux* rationale applies in North Carolina prosecutions for possession of a firearm by felon.” *State v. Edwards*, 239 N.C.App. 391, 768 S.E. 2d 619 (2015) (citing *State v. Monroe*, 233 N.C.App. 563, 756 S.E.2d 376, 380 (2014)). “The test in *Deleveaux* requires a criminal defendant to produce evidence of the following to be entitled to an instruction on justification as a defense to a charge of possession of a firearm by felon: (1) that the defendant was under unlawful and present, imminent, and impending threat of death or serious bodily injury; (2) that the defendant did not negligently or recklessly place himself in a situation where he would be forced to engage in criminal conduct; (3) that the defendant had no reasonable legal alternative to violating the law; and (4) that there was a direct causal relationship between the criminal action and the avoidance of the threatened harm.” *State v. Edwards*, 239 N.C App. 391, 768 S.E. 2d 619 (2015) (citing *United States v. Deleveaux*, 205 F.3d 1292, 1297 (11th Cir. 2000)). See also *State v. Mercer*, 373 N.C. 459, 838 S.E. 2d 359 (2020). See N.C.P.I.—Crim. 310.14 if an instruction on justification is warranted.

258.17 POSSESSION OF CATALYTIC CONVERTER REMOVED FROM A MOTOR VEHICLE. FELONY.

The defendant has been charged with unlawful possession of a catalytic converter removed from a motor vehicle.

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

First, that the defendant possessed a catalytic converter that has been removed from a motor vehicle. A person possesses an item when the person is aware of its presence, and has (either by [himself] [herself] or together with others) both the power and intent to control the disposition or use of that item.

NOTE WELL: If constructive possession of the catalytic converter is an issue, or if an amplified definition of actual possession is needed, the trial judge should refer to N.C.P.I.-Crim 104.41 for further instructions.

And Second, that the defendant acted knowingly.

*NOTE WELL: N.C.G.S. § 14-164.1 provides three exceptions where a defendant may lawfully possess a catalytic converter removed from a motor vehicle. **If the defendant presents evidence of one or more of these exceptions (1)-(3) below, the trial judge should instruct on the relevant subdivision(s) below with regard to the defendant's evidence before proceeding to the final mandate.** See e.g., State v. Carey ("Carey II"), 273 N.C. App. 593, 849 S.E.2d 111 (2020) (holding that, where the evidence supported an instruction that the defendant was in lawful possession of a weapon of mass destruction as a contractor for the military, such evidence was "exculpatory, and not an underlying element of the offense," under N.C.G.S. § 288.8(b), and the trial court committed plain error by not instructing the jury on this defense).*

If the defendant does not present evidence of any of the exceptions (1)-(3) below, then the trial judge would skip the parenthetical below and go directly to the final mandate.

(There is evidence in this case tending to show that the defendant could legally possess a catalytic converter that has been removed from a motor vehicle. The

burden of proving that is on the defendant. It need not be proved beyond a reasonable doubt, but only to your satisfaction. The defendant would not be guilty of possession of a catalytic converter removed from a motor vehicle if the defendant proves to your satisfaction that the defendant was, at the time of the possession:

- 1) [an employee of a company] [an agent of a company] [an individual] acting in their official duties for a [motor vehicle dealer] [motor vehicle repair shop] [secondary metals recycler] [salvage yard] that is licensed, permitted, or registered pursuant to State law;
- 2) an individual who possesses vehicle registration documentation indicating that the catalytic converter in the individual's possession is from a vehicle registered in that individual's name and [is replaced] [will be replaced] with another legally obtained catalytic converter; or
- 3) an individual who possesses a catalytic converter lawfully received from an individual in subdivision (2) of this section, proof of vehicle ownership, and a copy of the most recent vehicle registration documentation for the vehicle from which the catalytic converter was removed.

The defendant's assertion that the defendant was in legal possession of a catalytic converter removed from a motor vehicle for [this] [these] reason(s) is a denial that the defendant committed any crime. The burden remains on the State to prove the defendant's guilt beyond a reasonable doubt.

If the defendant has proven to your satisfaction that the defendant at the time of the alleged defense was:

- 1) [an employee of a company] [an agent of a company] [an individual] acting in their official duties for a [motor vehicle dealer] [motor vehicle repair shop] [secondary metals recycler] [salvage yard] that is licensed, permitted, or registered pursuant to State law;
- 2) an individual who possesses vehicle registration documentation indicating that the catalytic converter in the individual's possession is from a vehicle

registered in that individual's name and [is replaced] [will be replaced] with another legally obtained catalytic converter; or

- 3) an individual who possesses a catalytic converter lawfully received from an individual in subdivision (2) of this section, proof of vehicle ownership, and a copy of the most recent vehicle registration documentation for the vehicle from which the catalytic converter was removed,

you will not consider this case further, and it would be your duty to return a verdict of not guilty. However, if you do not so find then you must decide if the defendant is guilty of possession of a catalytic converter removed from a motor vehicle.)

FINAL MANDATE:

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant knowingly possessed a catalytic converter that has been removed from a motor vehicle (and none of the above defenses apply), 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.

DRUG TRAFFICKING—POSSESSION (MARIJUANA, METHAQUALONE, COCAINE, AMPHETAMINE, METHAMPHETAMINE, OPIUM, OPIATE, OPIOID OR HEROIN, LYSERGIC ACID DIETHYLAMIDE, METHYLENEDIOXYAMPHETAMINE, METHYLENEDIOXYMETHAMPHETAMINE, SUBSTITUTED CATHINONES, OR SYNTHETIC CANNABINOID). FELONY.

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260.17 DRUG TRAFFICKING—POSSESSION (MARIJUANA, METHAQUALONE, COCAINE, AMPHETAMINE, METHAMPHETAMINE, OPIUM OPIATE, OPIOID OR HEROIN, LYSERGIC ACID DIETHYLAMIDE, METHYLENEDIOXYAMPHETAMINE, METHYLENEDIOXYMETHAMPHETAMINE, SUBSTITUTED CATHINONES, OR SYNTHETIC CANNABINOID). FELONY.

The defendant has been charged with trafficking in [marijuana¹] [methaqualone] [cocaine] [[amphetamine] [any mixture containing amphetamine]]² [[methamphetamine] [any mixture containing methamphetamine]]³ [opium] [opiate] [opioid] [heroin] [lysergic acid diethylamide (LSD)] [methylenedioxyamphetamine (MDA)] [methylenedioxyamphetamine (MDMA)] [any substituted cathinones]⁴ [synthetic cannabinoid], which is the unlawful possession of (*state amount*)⁵ of (*name substance*).

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

First, that the defendant knowingly⁶ possessed [marijuana] [methaqualone] [cocaine] [[amphetamine] [any mixture containing amphetamine]] [[methamphetamine] [any mixture containing methamphetamine]] [opium] [opiate] [opioid] [heroin] [LSD] [MDA] [MDMA] [any substituted cathinones] [synthetic cannabinoid].⁷ A person possesses (*name controlled substance*) if the person is aware of its presence and has (either by oneself or together with others) both the power and intent to control the disposition or use of that substance.

NOTE WELL: If constructive possession of the controlled substance is an issue, or if an amplified definition of possession is needed, the trial judge should refer to N.C.P.I.—Crim. 104.41 for further instructions.

NOTE WELL: Where the state seeks to establish the exact amount of the controlled substance involved, this exact amount may be inserted. Where the exact amount is at issue, the judge should instruct on the appropriate range of amounts under the statute. Care should be used in explaining the applicable range. See State v. Charles, 669 S.E.2d 859

(N.C. App. 2008) (holding that the court’s instruction did not constitute plain error where the court instructed the jury that the amount trafficked by the defendant was “between 10 and 50 pounds”, although the statute provided that the amount be “in excess of 10 pounds but less than 50 pounds”; there was no evidence that the weight was 10 pounds.)

And Second, that the amount of (*name controlled substance*) which the defendant possessed was (*state amount*)⁸.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant knowingly possessed (*name controlled substance*) and that the amount which the defendant possessed was (*state amount*), 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 both of these things, it would be your duty to return a verdict of not guilty⁹.

1. If the controlled substance is marijuana, see N.C. Gen. Stat. §90-87(16). The term marijuana does not include hemp or hemp products, as defined in N.C. Gen. Stat. § 90-87(13a) and (13b).

2. For offenses occurring on or after September 1, 2009, the charge of trafficking in amphetamine is based on the weight of the entire powder or liquid mixture rather than the weight of the actual amount of amphetamine in the powder or liquid mixture. See N.C. Gen. Stat. § 90-95(h)(3b).

3. For offenses occurring on or after September 1, 2009, the charge of trafficking in methamphetamine is based on the weight of the entire powder or liquid mixture rather than the weight of the actual amount of methamphetamine in the powder or liquid mixture. See N.C. Gen. Stat. § 90-95(h)(3b).

4. Substituted cathinone” is defined by N.C. Gen. Stat. § 90-89(5)(j) as “a compound, other than bupropion, that is structurally derived from 2-amino-1-phenyl-1-propanone by modification in any of the following ways: (i) by substitution in the phenyl ring to any extent with alkyl, alkoxy, alkylendioxy, haloalkyl, or halide substituents, whether or not further substituted in the phenyl ring by one or more other univalent substituents; (ii) by substitution at the 3-position to any extent; or (iii) by substitution at the nitrogen atom with alkyl, dialkyl, benzyl, or methoxybenzyl groups or by inclusion of the nitrogen atom in a cyclic structure.”

5. The range of amounts set out in each subsection of N.C. Gen. Stat. § 90-95(h) is given in the following chart. The trial judge should consult the statute directly for the range of punishment under each subsection.

Chart of Range of Amounts found in attached PDF

DRUG TRAFFICKING—POSSESSION (MARIJUANA, METHAQUALONE, COCAINE, AMPHETAMINE, METHAMPHETAMINE, OPIUM, OPIATE, OPIOID OR HEROIN, LYSERGIC ACID DIETHYLAMIDE, METHYLENEDIOXYAMPHETAMINE, METHYLENEDIOXYMETHAMPHETAMINE, SUBSTITUTED CATHINONES, OR SYNTHETIC CANNABINOID). FELONY.

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6. If the defendant contends that the defendant did not know the true identity of what the defendant possessed, add this language to the first sentence: "and the defendant knew that what the defendant possessed was (*name substance*)."

S. v. Boone, 310 N.C. 284, 291 (1984). In a proper case in determining the amount it is not required that the substance be included in only one container, and in determining the weight the statute has the words "any mixture containing such substance." N.C. Gen. Stat. § 90-95(h).

7. Prior to searching a person, a person's premises, or a person's vehicle, an officer may ask the person whether the person is in possession of a hypodermic needle or other sharp object that may cut or puncture the officer or whether such a hypodermic needle or other sharp object is on the premises or in the vehicle to be searched. If there is a hypodermic needle or other sharp object on the person, on the person's premises, or in the person's vehicle and the person alerts the officer of that fact prior to the search, the person shall not be charged with or prosecuted for possession of drug paraphernalia for the needle or sharp object. The exemption under this subsection does not apply to any other drug paraphernalia that may be present and found during the search. For purposes of this subsection, the term "officer" includes "criminal justice officers" as defined in N.C. Gen. Stat. § 17C-2(3) and "justice officer" as defined in N.C. Gen. Stat. § 17E-2(3).

8. The state is not required to prove that the defendant had knowledge of the weight or amount of the controlled substance the defendant knowingly possessed; only that the defendant knowingly possessed the controlled substance. *State v. Shelman*, 159 N.C. App. 300, 584 S.E.2d 88 (2003).

9. If there is to be instruction on lesser included offenses, the last phrase should be: ". . . you will not return a verdict of guilty of trafficking in (*name controlled substance*)."

DRUG TRAFFICKING—MANUFACTURING (MARIJUANA, METHAQUALONE, COCAINE, AMPHETAMINE, METHAMPHETAMINE, OPIUM, OPIATE, OPIOID OR HEROIN, LYSERGIC ACID DIETHYLAMIDE, METHYLENEDIOXYAMPHETAMINE, METHYLENEDIOXYMETHAMPHETAMINE, SUBSTITUTED CATHINONES, OR SYNTHETIC CANNABINOID). FELONY.

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260.20A DRUG TRAFFICKING—MANUFACTURING (MARIJUANA, METHAQUALONE, COCAINE, AMPHETAMINE, METHAMPHETAMINE, OPIUM, OPIATE, OPIOID OR HEROIN, LYSERGIC ACID DIETHYLAMIDE, METHYLENEDIOXYAMPHETAMINE, METHYLENEDIOXYMETHAMPHETAMINE, SUBSTITUTED CATHINONES, OR SYNTHETIC CANNABINOID). FELONY.

The defendant has been charged with trafficking in [marijuana]¹ [methaqualone] [cocaine] [[amphetamine] [any mixture containing amphetamine]]² [[methamphetamine] [any mixture containing methamphetamine]]³ [opium] [opiate] [opioid] [heroin] [lysergic acid diethylamide (LSD)] [methylenedioxyamphetamine (MDA)] [methylenedioxyamphetamine (MDMA)] [any substituted cathinones]⁴ [synthetic cannabinoid], which is the unlawful manufacturing of (*state amount*) of (*name controlled substance*).

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

First, that the defendant manufactured [marijuana] [methaqualone] [cocaine] [[amphetamine] [any mixture containing amphetamine]] [[methamphetamine] [any mixture containing methamphetamine]] [opium] [opiate] [opioid] [heroin] [LSD] [MDA] [MDMA] [any substituted cathinones] [synthetic cannabinoid]. (Describe manner in which manufacturing was done, *e.g.*, growing, chemically compounding⁵ (*name controlled substance*) would be manufacture of (*name controlled substance*).

And Second, that the amount of (*name controlled substance*) which the defendant manufactured was (*state amount*)⁶.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant manufactured (*name controlled substance*) by (*describe manner of manufacturing*) it, and that the amount which the defendant manufactured was (*state amount*), 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 both of these things, it would be your duty to return a verdict of not guilty.⁷

1. If the controlled substance is marijuana, see N.C. Gen. Stat. §90-87(16). The term marijuana does not include hemp or hemp products, as defined in N.C. Gen. Stat. § 90-87(13a) and (13b).

2. For offenses occurring on or after September 1, 2009, the charge of trafficking in amphetamine is based on the weight of the entire powder or liquid mixture rather than the weight of the actual amount of amphetamine in the powder or liquid mixture. See N.C. Gen. Stat. § 90-95(h)(3b).

3. For offenses occurring on or after September 1, 2009, the charge of trafficking in methamphetamine is based on the weight of the entire powder or liquid mixture rather than the weight of the actual amount of methamphetamine in the powder or liquid mixture. See N.C. Gen. Stat. § 90-95(h)(3b).

4. "Substituted cathinone" is defined by N.C. Gen. Stat. § 90-89(5)(j) as "a compound, other than bupropion, that is structurally derived from 2-amino-1-phenyl-1-propanone by modification in any of the following ways: (i) by substitution in the phenyl ring to any extent with alkyl, alkoxy, alkylenedioxy, haloalkyl, or halide substituents, whether or not further substituted in the phenyl ring by one or more other univalent substituents; (ii) by substitution at the 3-position to any extent; or (iii) by substitution at the nitrogen atom with alkyl, dialkyl, benzyl, or methoxybenzyl groups or by inclusion of the nitrogen atom in a cyclic structure."

5. "Manufacture" is defined by N.C. Gen. Stat. § 90-87(15). It includes producing, preparing, propagating, compounding, converting or processing a controlled substance, either by extraction from substances of natural origin or by chemical synthesis. Also included are packaging or repackaging and labeling or relabeling of the container of a controlled substance.

6. The range of amounts set out in each subsection of N.C. Gen. Stat. § 90-95(h) is given in note one of N.C.P.I.—Crim. 260.17. The trial judge should consult the statute directly for the range of punishment under each subsection.

Where the state seeks to establish the exact amount of the controlled substance involved, this exact amount may be inserted. Where the exact amount is at issue, the judge should instruct on the appropriate range of amounts under the statute. Care should be used in explaining the applicable range. See *State v. Charles*, 669 S.E.2d 859 (N.C. App. 2008) (holding that the court's instruction did not constitute plain error where the court instructed the jury that the amount trafficked by the defendant was "between 10 and 50 pounds", although the statute provided that the amount be "in excess of 10 pounds but less than 50 pounds"; there was no evidence that the weight was 10 pounds.)

7. If there is to be instruction on lesser included offenses, the last phrase should be: "...you will not return a verdict of guilty of trafficking in (*name controlled substance*). See *State v. McCain*, 713 S.E.2d 21, 24 (N.C. Ct. App. 2011) ("possession with the intent to manufacture cocaine is not a lesser included offense of trafficking in cocaine.")

DRUG TRAFFICKING—[SELLING] [DELIVERING] (MARIJUANA, METHAQUALONE, COCAINE, AMPHETAMINE, METHAMPHETAMINE, OPIUM, OPIATE, OPIOID OR HEROIN, LYSERGIC ACID DIETHYLAMIDE, METHYLENEDIOXYAMPHETAMINE, METHYLENEDIOXYMETHAMPHETAMINE, SUBSTITUTED CATHINONES, OR SYNTHETIC CANNABINOID). FELONY.

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260.23 DRUG TRAFFICKING—[SELLING] [DELIVERING] (MARIJUANA, METHAQUALONE, COCAINE, AMPHETAMINE, METHAMPHETAMINE, OPIUM, OPIATE, OPIOID OR HEROIN, LYSERGIC ACID DIETHYLAMIDE, METHYLENEDIOXYAMPHETAMINE, METHYLENEDIOXYMETHAMPHETAMINE, SUBSTITUTED CATHINONES, OR SYNTHETIC CANNABINOID). FELONY.

The defendant has been charged with trafficking in [marijuana]¹ [methaqualone] [cocaine] [[amphetamine] [any mixture containing amphetamine]]² [[methamphetamine] [any mixture containing methamphetamine]]³ [opium] [opiate] [opioid] [heroin] [lysergic acid diethylamide (LSD)] [methylemedioxyamphetamine (MDA)] [methylenedioxyamphetamine (MDMA)] [any substituted cathinones]⁴ [synthetic cannabinoid], which is the unlawful [sale] [delivery] of (*state amount*)⁵ of (*name controlled substance*).

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

First, that the defendant knowingly⁶ [sold] [delivered]⁷ [marijuana] [methaqualone] [cocaine] [[amphetamine] [any mixture containing amphetamine]] [[methamphetamine] [any mixture containing methamphetamine]] [opium] [opiate] [opioid] [heroin] [LSD] [MDA] [MDMA] [any substituted cathinones] [synthetic cannabinoid] to (*name buyer or distributee*).

And Second, that the amount of (*name controlled substance*) which the defendant [sold] [delivered] was (*state amount*).

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant knowingly [sold] [delivered] (*name controlled substance*) to (*name buyer or distributee*), and that the amount which *he* [sold] [delivered] was (*state amount*), 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.⁸

DRUG TRAFFICKING—[SELLING] [DELIVERING] (MARIJUANA, METHAQUALONE, COCAINE, AMPHETAMINE, METHAMPHETAMINE, OPIUM, OPIATE, OPIOID OR HEROIN, LYSERGIC ACID DIETHYLAMIDE, METHYLENEDIOXYAMPHETAMINE, METHYLENEDIOXYMETHAMPHETAMINE, SUBSTITUTED CATHINONES, OR SYNTHETIC CANNABINOID). FELONY.

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N.C. Gen. Stat. § 90-95(h)

1. If the controlled substance is marijuana, see N.C. Gen. Stat. §90-87(16). The term marijuana does not include hemp or hemp products, as defined in N.C. Gen. Stat. § 90-87(13a) and (13b).

2. For offenses occurring on or after September 1, 2009, the charge of trafficking in amphetamine is based on the weight of the entire powder or liquid mixture rather than the weight of the actual amount of amphetamine in the powder or liquid mixture. See N.C. Gen. Stat. § 90-95(h)(3b).

3. For offenses occurring on or after September 1, 2009, the charge of trafficking in methamphetamine is based on the weight of the entire powder or liquid mixture rather than the weight of the actual amount of methamphetamine in the powder or liquid mixture. See N.C. Gen. Stat. § 90-95(h)(3b).

4. "Substituted cathinone" is defined by N.C. Gen. Stat. § 90-89(5)(j) as "a compound, other than bupropion, that is structurally derived from 2-amino-1-phenyl-1-propanone by modification in any of the following ways: (i) by substitution in the phenyl ring to any extent with alkyl, alkoxy, alkylendioxy, haloalkyl, or halide substituents, whether or not further substituted in the phenyl ring by one or more other univalent substituents; (ii) by substitution at the 3-position to any extent; or (iii) by substitution at the nitrogen atom with alkyl, dialkyl, benzyl, or methoxybenzyl groups or by inclusion of the nitrogen atom in a cyclic structure."

5. The range of amounts set out in each subsection of N.C. Gen. Stat. § 90-95(h) is given in note one of N.C.P.I.—Crim. 260.17. The trial judge should consult the statute directly for the range of punishment under each subsection.

Where the state may seek to establish the exact amount of the controlled substance involved, this exact amount may be inserted. Where the exact amount is at issue, the judge may instruct on the appropriate range of amounts under the statute. Care should be used in explaining the applicable range. See *State v. Charles*, 669 S.E.2d 859 (N.C. App. 2008) (holding that the court's instruction did not constitute plain error where the court instructed the jury that the amount trafficked by the defendant was "between 10 and 50 pounds", although the statute provided that the amount be "in excess of 10 pounds but less than 50 pounds"; there was no evidence that the weight was 10 pounds.)

6. If the defendant contends that *he* did not know the true identity of what he [sold] [delivered], add this language to the first sentence: "and the defendant knew that what he [sold] [delivered] was (*name substance*)."
S. v. Boone, 310 N.C. 284, 291 (1984).

7. "Delivery" is defined by N.C. Gen. Stat. § 90-87(7) as the actual, constructive, or attempted transfer from one person to another of a controlled substance.

8. If there is to be instruction on lesser included offenses, the last phrase should be: "...you will not return a verdict of guilty of trafficking in (*name controlled substance*)."

DRUG TRAFFICKING—TRANSPORTATION (MARIJUANA, METHAQUALONE, COCAINE, AMPHETAMINE, METHAMPHETAMINE, OPIUM, OPIATE, OPIOID OR HEROIN, LYSERGIC ACID DIETHYLAMIDE, METHYLENEDIOXYAMPHETAMINE, METHYLENEDIOXYMETHAMPHETAMINE, SUBSTITUTED CATHINONES, OR SYNTHETIC CANNABINOID). FELONY.

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N.C. Gen. Stat. § 90-95(h)

260.30 DRUG TRAFFICKING—TRANSPORTATION (MARIJUANA, METHAQUALONE, COCAINE, AMPHETAMINE, METHAMPHETAMINE, OPIUM, OPIATE, OPIOID OR HEROIN, LYSERGIC ACID DIETHYLAMIDE, METHYLENEDIOXYAMPHETAMINE, METHYLENEDIOXYMETHAMPHETAMINE, SUBSTITUTED CATHINONES, OR SYNTHETIC CANNABINOID). FELONY.

The defendant has been charged with trafficking in [marijuana]¹ [methaqualone] [cocaine] [[amphetamine] [any mixture containing amphetamine]]² [[methamphetamine] [any mixture containing methamphetamine]]³ [opium] [opiate] [opioid] [heroin] [lysergic acid diethylamide (LSD)] [methylemedioxyamphetamine (MDA)] [methylenedioxyamphetamine (MDMA)] [any substituted cathinones]⁴ [synthetic cannabinoid], which is the unlawful transportation of (*state amount*)⁵ of (*name controlled substance*).

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

First, that the defendant knowingly⁶ transported [marijuana] [methaqualone] [cocaine] [[amphetamine] [any mixture containing amphetamine]] [[methamphetamine] [any mixture containing methamphetamine]] [opium] [opiate] [opioid] [heroin] [LSD] [MDA] [MDMA] [any substituted cathinones] [synthetic cannabinoid] from one place to another.⁷

And Second, that the amount of (*name controlled substance*) which the defendant transported was (*state amount*).^{8 9}

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant knowingly transported (*name controlled substance*), from one place to another and that the amount which the defendant transported was (*state amount*), 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 both of these things, it would be your duty to return a verdict of not guilty.¹⁰

1. If the controlled substance is marijuana, see N.C. Gen. Stat. §90-87(16). The term marijuana does not include hemp or hemp products, as defined in N.C. Gen. Stat. § 90-87(13a) and (13b).

2. For offenses occurring on or after September 1, 2009, the charge of trafficking in amphetamine is based on the weight of the entire powder or liquid mixture rather than the weight of the actual amount of amphetamine in the powder or liquid mixture. See N.C. Gen. Stat. § 90-95(h)(3b).

3. For offenses occurring on or after September 1, 2009, the charge of trafficking in methamphetamine is based on the weight of the entire powder or liquid mixture rather than the weight of the actual amount of methamphetamine in the powder or liquid mixture. See N.C. Gen. Stat. § 90-95(h)(3b).

4. "Substituted cathinone" is defined by N.C. Gen. Stat. § 90-89(5)(j) as "a compound, other than bupropion, that is structurally derived from 2-amino-1-phenyl-1-propanone by modification in any of the following ways: (i) by substitution in the phenyl ring to any extent with alkyl, alkoxy, alkylenedioxy, haloalkyl, or halide substituents, whether or not further substituted in the phenyl ring by one or more other univalent substituents; (ii) by substitution at the 3-position to any extent; or (iii) by substitution at the nitrogen atom with alkyl, dialkyl, benzyl, or methoxybenzyl groups or by inclusion of the nitrogen atom in a cyclic structure."

5. The range of amounts set out in each subsection of N.C. Gen. Stat. § 90-95(h) is given in note one of N.C.P.I.—Crim. 260.17. The trial judge should consult the statute directly for the range of punishment under each subsection.

6. If the defendant contends that the defendant did not know the true identity of what the defendant transported, add this language to the first sentence: "and the defendant knew what the defendant transported was (*name substance*)."
See S. v. Boone, 310 N.C. 284, 291 (1984).

7. If the defendant contends there is not "substantial movement" to constitute transportation, see *S. v. Greenridge*, 102 N.C. App. 447 (1991); *S. v. Outlaw*, 96 N.C. App. 192 (1989).

8. The state is not required to prove that the defendant had knowledge of the weight or amount of the controlled substance *the defendant* knowingly transported, only that *the defendant* knowingly transported the controlled substance. *State v. Shelman*, 159 N.C. App. 300 (2003).

9. Where the state may seek to establish the exact amount of the controlled substance involved, this exact amount may be inserted. Where the exact amount is at issue, the judge may instruct on the appropriate range of amounts under the statute. Care should be used in explaining the applicable range. See *State v. Charles*, 669 S.E.2d 859 (N.C. App. 2008) (holding that the court's instruction did not constitute plain error where the court instructed the jury that the amount trafficked by the defendant was "between 10 and 50 pounds",

DRUG TRAFFICKING—TRANSPORTATION (MARIJUANA, METHAQUALONE, COCAINE, AMPHETAMINE, METHAMPHETAMINE, OPIUM, OPIATE, OPIOID OR HEROIN, LYSERGIC ACID DIETHYLAMIDE, METHYLENEDIOXYAMPHETAMINE, METHYLENEDIOXYMETHAMPHETAMINE, SUBSTITUTED CATHINONES, OR SYNTHETIC CANNABINOID). FELONY.

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although the statute provided that the amount be “in excess of 10 pounds but less than 50 pounds”; there was no evidence that the weight was 10 pounds.)

10. If there is to be instruction on lesser included offenses, the last phrase should be: “...you will not return a verdict of guilty of trafficking in (*name controlled substance*). See *State v. McCain*, 212 N.C. App. 157, 160, 713 S.E.2d 21, 24 (2021) (“possession with the intent to manufacture cocaine is not a lesser included offense of trafficking cocaine.”)

271.30 WILLFULLY INJURING OR TAMPERING WITH OR REMOVING PARTS
FROM A VEHICLE WITHOUT THE CONSENT OF THE OWNER. N.C. Gen. Stat.
§ 14-160.4(a)¹. MISDEMEANOR

The defendant has been charged with willfully [injuring] [tampering with] [removing parts from] a vehicle without the consent of the owner.

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

First, that the defendant [injured] [tampered with] [broke or removed a part from] a vehicle.²

Second, that the defendant acted willfully; that is, intentionally and without justification or excuse.

And Third, that the defendant acted without the consent of the owner.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant willfully [injured] [tampered with] [broke or removed a part from] a vehicle without the consent of the owner, it would be your duty to return a verdict of guilty. If you do not so find or if you 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. This offense was previously covered by N.C. Gen. Stat. § 20-107 but was recodified as § 14-160.4 by Session Law 2022-73.

2. "Vehicle" is defined in N.C. Gen. Stat. § 20-4.01(49) as "[e]very device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon fixed rails or tracks; provided that for the purposes of this chapter bicycles shall be deemed vehicles and every rider of a bicycle upon a highway shall be subject to the provisions of this chapter applicable to the driver of a vehicle except those which by their nature can have no application."

271.31 [CLIMBING INTO] [ATTEMPTING TO OR SETTING IN MOTION] A VEHICLE WITH INTENT TO STEAL, COMMIT MALICIOUS INJURY, ETC. N.C. Gen. Stat. § 14-160.4(b)¹. MISDEMEANOR.

The defendant has been charged with [climbing into or upon a vehicle] [attempting to manipulate any mechanism of a vehicle which is at rest and unattended] [setting in motion a vehicle which is at rest and unattended] with the intent to [steal] [commit malicious mischief or injury] [(*describe other crime*)].

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

First, that the defendant intended to [steal] [commit malicious mischief or injury] [(*describe similar crime and define its elements*)].²

And Second, that the defendant, with this intent, [climbed into or upon a vehicle³] [attempted⁴ to manipulate any mechanism of a vehicle² which was at rest and unattended] [set in motion a vehicle which was at rest and unattended].

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant with intent to [[steal] [commit any malicious mischief or injury] [(*describe other crime*)]] [[climbed into or upon a vehicle] [attempted to manipulate any mechanism of a vehicle which was at rest and unattended]], it would be your duty to return a verdict of guilty. If you do not so find or if you 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. This offense was previously covered by N.C. Gen. Stat. § 20-107 but was recodified as § 14-160.4 by Session Law 2022-73.

2. Intent to steal is the intent to permanently deprive the rightful possessor of the vehicle. Intent to commit malicious mischief or injury is intent to injure another's person or property when actuated by animosity, hatred, or ill will.

3. N.C. Gen. Stat. § 20-4.01(49) defines “vehicle” as “every device, in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon fixed rails or tracks; provided, that for the purposes of this chapter bicycles shall be deemed vehicles and every rider of a bicycle upon a highway shall be subject to the provisions of this chapter applicable to the driver of a vehicle except those which by their nature can have no application.”

4. For further definition of attempt see N.C.P.I.—Crim. 201.10.

285.45 INTENT TO UNLAWFULLY INFLUENCE A(N) [PRIMARY] [ELECTION].
FELONY.

The defendant has been charged with intent to unlawfully influence a(n) [primary] [election].

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

First, that the defendant [committed] [attempted to commit] [conspired to commit] (*describe offense(s)* from applicable statutes, *e.g.*, to fraudulently cause a person's name to be placed upon the registration books of more than one election precinct in violation of G.S. 163-275(1)).^{1 2}

And Second, that the defendant did so with the intent to [[unlawfully influence] [unlawfully interfere with] a(n) [primary] [election]] [unlawfully gain].

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant [committed] [attempted to commit] [conspired to commit] (*describe offense(s)* from applicable statutes) with the intent to [[unlawfully influence] [unlawfully interfere with] a(n) [primary] [election]] [unlawfully gain] , it would be your duty to return a verdict of guilty. If you do not so find or if you have a reasonable doubt as to one or both of these things, then you would return a verdict of not guilty.

1 “[A] crime identified in G.S. 163-82.6(b), 163-226.3(a), 163-274, 163-275, or this section [GS 163-237].” The description in this element would be adapted to include the relevant offense(s) from these statutes.

2 There is some question about whether N.C. Gen. Stat. § 163-274(a)(9) is unconstitutional in that it violates the First Amendment. *See Grimmatt v. Freeman*, 59 F.4th 689 (4th Cir. 2023).

308.40 SELF-DEFENSE—ASSAULTS NOT INVOLVING DEADLY FORCE.
MISDEMEANOR.

NOTE WELL: Use only with N.C.P.I.—Crim. 208.40, 208.40A, 208.70, 208.70A, 206.50, 208.75, and 208.60 when no evidence of deadly force.¹

*NOTE WELL: The trial judge is reminded that this instruction must be combined with the substantive offense instruction in the following manner: (1) the jury should be instructed on the elements of the charged offense; (2) the jury should then be instructed on the definition of self-defense set out in this instruction below; (3) the jury should then be instructed on the mandate of the charged offense; and (4) the jury should be instructed on the mandate for self-defense as set out below in this instruction. **THE FAILURE TO CHARGE ON ALL OF THESE MATTERS CONSTITUTES REVERSIBLE ERROR.***

NOTE WELL: If the assault occurred in defendant's home, place of residence, workplace or motor vehicle, use N.C.P.I.—Crim. 308.80, Defense of Habitation.

NOTE WELL: If the State contends that the defendant is not entitled to the use of defensive force because the defendant was attempting to commit, committing, or escaping after the commission of a felony, and that felony offense was immediately causally connected to the circumstances giving rise to the use of such defensive force, the jury should be instructed pursuant to N.C.P.I.—Crim. 308.90. If the felony offense alleged was immediately causally connected to the circumstances giving rise to the defensive forced use, the defendant would be disqualified from the benefit of using such defensive force.

If the State has satisfied you beyond a reasonable doubt that the defendant assaulted the victim then you would consider whether the defendant's actions are excused and the defendant is not guilty because the defendant acted in self-defense. The State has the burden of proving from the evidence beyond a reasonable doubt that the defendant's action was not in self-defense.

Even if you find beyond a reasonable doubt that the defendant assaulted the victim, the assault would be justified by self-defense under the following circumstances:

1. If the circumstances, at the time the defendant acted, would cause a person of ordinary firmness to reasonably believe that such action was necessary or apparently necessary to protect that person from bodily injury or offensive physical contact, and
2. The circumstances created such belief in the defendant's mind. You determine the reasonableness of the defendant's belief from the circumstances appearing to the defendant at the time.²

Furthermore, the defendant has no duty to retreat in a place where the defendant has a lawful right to be.³ (The defendant would have a lawful right to be in the defendant's [home]⁴ [own premises] [place of residence] [workplace]⁵ [motor vehicle]⁶.)

NOTE WELL: The preceding parenthetical should only be given where the place involved was the defendant's [home] [own premises] [place of residence] [workplace] [motor vehicle].⁷

Additionally, even if the defendant believed there was a right to use force, the amount of force would be limited to reasonable force—not excessive force. The right to use force extends only to such force reasonably appearing to the defendant under the circumstances, necessary to protect the defendant from bodily injury or offensive physical contact. In so determining, you should consider the circumstances you find to have existed from the evidence. You should consider (the size, age and strength of the defendant as compared to the victim), (the fierceness of the assault, if any, upon the defendant), (whether the victim possessed a weapon), (the reputation, if any, of the victim

for danger and violence) (and) (*describe other circumstances supported by the evidence*). Again, you determine the reasonableness of the defendant's belief from the circumstances appearing to the defendant at the time.

(Furthermore, self-defense is justified only if the defendant was not the aggressor.⁸ Justification for defensive force is not present if the person who used defensive force voluntarily entered into the fight or, in other words, initially provoked the use of force against [himself] [herself]. If one uses abusive language toward one's opponent which, considering all of the circumstances, is calculated and intended to bring on a fight, one enters a fight voluntarily. However, if the defendant was the aggressor, the defendant would be justified in using defensive force if the defendant thereafter attempted to abandon the fight and gave notice to the defendant's opponent that the defendant was doing so. In other words, a person who uses defensive force is justified if the person withdraws, in good faith, from physical contact with the person who was provoked, and indicates clearly that [he] [she] desires to withdraw and terminate the use of force, but the person who was provoked continues or resumes the use of force.⁹)

*NOTE WELL: Instructions on aggressors and provocation should only be used if there is some evidence presented that defendant provoked the confrontation. See N.C. Gen. Stat. § 14-51.4(2). If no such evidence is presented, the preceding parenthetical and reference to the aggressor throughout this instruction would not be given. In addition, the remainder of the instruction, including the mandate, would need to be edited accordingly to remove references to the aggressor. **It is reversible error to instruct the jury on the aggressor doctrine if the record lacks evidence from which the jury could infer that the defendant was an aggressor at the time the defendant allegedly acted in self-defense. State v. Hicks, 2022-NCCOA-263.***

*NOTE WELL: The following self-defense mandate must be given after the mandate on each substantive offense instructed upon. **INCLUDING THE SELF-DEFENSE MANDATE IS***

REQUIRED BY STATE V. WOODSON, 31 N.C. APP. 400 (1976). Cf. *State v. Dooley*, 285 N.C. 158 (1974).

SELF-DEFENSE MANDATE

Even if you are satisfied beyond a reasonable doubt that the defendant committed (*name offense*) you may return a verdict of guilty only if the State has also satisfied you beyond a reasonable doubt that the defendant did not act in self-defense. Therefore, if the defendant did not reasonably believe that the defendant's action was necessary or appeared to be necessary to protect the defendant from bodily injury or offensive physical contact, or the defendant used excessive force, or the defendant was the aggressor, the defendant's acts would not be excused or justified in defense of the defendant.

If you do not so find or have a reasonable doubt that the State has proved any of these things, then the defendant's action would be justified by self-defense and it would be your duty to return a verdict of not guilty.

1. Deadly force is force likely to cause death or great bodily harm. *S. v. Clay*, 297 N.C. 555, 563 (1979). For any assault involving deadly force, use N.C.P.I.—Crim. 308.45 to charge on self-defense. Such assaults include all felonious assaults, misdemeanor assaults such as assault with a deadly weapon, assault by pointing a gun, and may include assault inflicting serious injury. See also *State v. Pender*, 830 S.E.2d 686 (2019).

2. In self-defense, action need only be apparently necessary, not actually. See, e.g., *State v. Jennings*, 276 N.C. 157 (1970).

3. See N.C.P.I.—Crim. 308.10.

4. N.C. Gen. Stat. § 14-51.2 (a) (1) states that a home is a "building or conveyance of any kind, to include its curtilage, whether the building or conveyance is temporary or permanent, mobile or immobile, which has a roof over it, including a tent, and is designed as a temporary or permanent residence." Curtilage is the area "immediately surrounding and associated with the home," which may include "the yard around the dwelling house as well as the area occupied by barns, cribs, and other outbuildings." *State v. Grice*, 367 N.C. 753, 759 (2015) (citations and quotations omitted) (defining curtilage in a Fourth Amendment case).

5. N.C. Gen. Stat. § 14-51.2 (a) (4) states that a workplace is a "building or conveyance of any kind, whether the building or conveyance is temporary or permanent, mobile or immobile, which has a roof over it, including a tent, which is being used for commercial purposes."

6. N.C. Gen. Stat. § 14-51.2 (a) (3); which incorporates N.C. Gen. Stat. § 20-4.01 (23), defines "motor vehicle" as "Every vehicle which is self-propelled and every vehicle designed to run upon the highways which is pulled by a self-propelled vehicle. This shall not include mopeds as defined in N.C. Gen. Stat. § 20-4.01(27)d1."

7. “[W]herever an individual is lawfully located—whether it is his home, motor vehicle, workplace, or any other place where he has the lawful right to be—the individual may stand his ground and defend himself from attack when he reasonably believes such force is necessary to prevent imminent death or great bodily harm to himself or another.” *State v. Bass*, 371 N.C. 456, 541, 819 S.E.2d 322, 326 (2018). “[A] defendant entitled to any self-defense instruction is entitled to a complete self-defense instruction, which includes the relevant stand-your-ground provision.” *Id.*

8. N.C. Gen. Stat. § 14-51.4(2). See also N.C. Gen. Stat. § 14-51.3 (b), which provides that a person who uses force as permitted by the statute is justified in using such force and is immune from civil or criminal liability, unless the person against whom force was used is a law enforcement officer or bail bondsman “who was lawfully acting in the performance of his or her official duties and the officer or bail bondsman identified himself or herself in accordance with any applicable law or the person using force knew or reasonably should have known that the person was a law enforcement officer or bail bondsman in the lawful performance of his or her official duties.”

9. Pursuant to N.C. Gen. Stat. § 14-51.4(1), self-defense is also not available to a person who used defensive force and who was [attempting to commit] [committing] [escaping after the commission of] a felony. If evidence is presented on this point, then the instruction should be modified accordingly pursuant to N.C.P.I.—Crim. 308.90 to add this provision at this point in the substantive instruction.

308.45 SELF-DEFENSE—ALL ASSAULTS INVOLVING DEADLY FORCE.

NOTE WELL: This charge is intended for use where the evidence shows that the defendant used deadly force including, but not limited to, N.C.P.I. - Crim. 208.09, 208.10, 208.15, 208.16, 208.25, 208.50, 208.55, 208.85, and 208.60.¹

*NOTE WELL: The trial judge is reminded that this instruction must be combined with the substantive offense instruction in the following manner: (1) the jury should be instructed on the elements of the charged offense; (2) the jury should then be instructed on the definition of self-defense set out in this instruction below; (3) the jury should then be instructed on the mandate of the charged offense; and (4) the jury should be instructed on the mandate for self-defense as set out below in this instruction. **THE FAILURE TO CHARGE ON ALL OF THESE MATTERS CONSTITUTES REVERSIBLE ERROR.***

NOTE WELL: If the assault occurred in defendant's home, place of residence, workplace or motor vehicle, use N.C.P.I.—Crim. 308.80, Defense of Habitation.

NOTE WELL: If the State contends that the defendant is not entitled to the use of defensive force because the defendant was attempting to commit, committing, or escaping after the commission of a felony, and that felony offense was immediately causally connected to the circumstances giving rise to the use of such defensive force, the jury should be instructed pursuant to N.C.P.I.—Crim. 308.90. If the felony offense alleged was immediately causally connected to the circumstances giving rise to the defensive forced use, the defendant would be disqualified from the benefit of using such defensive force.

If the State has satisfied you beyond a reasonable doubt that the defendant assaulted the victim with deadly force (*insert other lesser-included assault offenses*), then you would consider whether the defendant's actions are excused and the defendant is not guilty because the defendant acted in self-defense. The State has the burden of proving from the evidence beyond a reasonable doubt that the defendant's action was not in self-defense.

If the circumstances would have created a reasonable belief in the mind of a person of ordinary firmness that the assault was necessary or appeared to be necessary to protect that person from imminent death or great bodily harm, and the circumstances did create such belief in the defendant's mind at the time the defendant acted, such assault would be justified by self-defense.² You, the jury, determine the reasonableness of the defendant's belief from the circumstances appearing to the defendant at the time. Furthermore, the defendant has no duty to retreat in a place where the defendant has a lawful right to be.³ (The defendant would have a lawful right to be in the defendant's [home]⁴ [own premises] [place of residence] [workplace]⁵ [motor vehicle]⁶.)

NOTE WELL: The preceding parenthetical should only be given where the place involved was the defendant's [home] [own premises] [place of residence] [workplace] [motor vehicle].

A defendant does not have the right to use excessive force. The defendant had the right to use only such force as reasonably appeared necessary to the defendant under the circumstances to protect the defendant from death or great bodily harm. In making this determination, you should consider the circumstances as you find them to have existed from the evidence, (including the size, age and strength of the defendant as compared to the victim), (the fierceness of the assault, if any, upon the defendant), (whether the victim possessed a weapon), (and the reputation, if any, of the victim for danger and violence) (*describe other circumstances as appropriate from the evidence*). Again, you, the jury, determine the reasonableness of the defendant's belief from the circumstances appearing to the defendant at the time.

(Furthermore, self-defense is justified only if the defendant was not the aggressor.⁷ Justification for defensive force is not present if the person who used defensive force voluntarily entered into the fight or, in other words,

initially provoked the use of force against [himself] [herself]. If one uses abusive language toward one's opponent which, considering all of the circumstances, is calculated and intended to bring on a fight, one enters a fight voluntarily. However, if defendant was the aggressor, the defendant would be justified in using defensive force if the defendant thereafter attempted to abandon the fight and gave notice to the defendant's opponent that the defendant was doing so. In other words, a person who uses defensive force is justified if the person withdraws, in good faith, from physical contact with the person who was provoked, and indicates clearly that [he] [she] desires to withdraw and terminate the use of force, but the person who was provoked continues or resumes the use of force. A person is also justified in using defensive force when the force used by the person who was provoked is so serious that the person using defensive force reasonably believes that [he] [she] was in imminent danger of death or serious bodily harm, the person using defensive force had no reasonable means to retreat, and the use of force likely to cause death or serious bodily harm was the only way to escape the danger.⁸⁾

*NOTE WELL: Instructions on aggressors and provocation should only be used if there is some evidence presented that defendant provoked the confrontation. See N.C. Gen. Stat. § 14-51.4(2). If no such evidence is presented, the preceding parenthetical and reference to the aggressor throughout this instruction would not be given. In addition, the remainder of the instruction, including the mandate, would need to be edited accordingly to remove references to the aggressor. **It is reversible error to instruct the jury on the aggressor doctrine if the record lacks evidence from which the jury could infer that the defendant was an aggressor at the time the defendant allegedly acted in self-defense. State v. Hicks, 2022-NCCOA-263.***

See State v. Holloman, 369 N.C. 615 (2017), reversing, 247 N.C. App. 434, 786 S.E.2d 328 (2016). The Supreme Court in Holloman explained that G.S. 14-51.4(2)(a), allowing an aggressor to regain the right to utilize defensive force under certain circumstances, does not apply where the aggressor initially

uses deadly force against the person provoked. Accordingly, the trial court did not err by instructing that a defendant who was the aggressor using deadly force had forfeited the right to use deadly force and that a person who displays a firearm to his opponent with the intent to use deadly force against him or her and provokes the use of deadly force in response is an aggressor. See also State v. Corbett, 839 S.E. 2d 361 (N.C. Ct. App. 2020).

NOTE WELL: If the defendant used a weapon which is a deadly weapon "per se," do not give the following paragraph, or the paragraph on page 5. If the weapon is not a deadly weapon per se, give the following paragraph and the paragraph on p. 5. State v. Clay, 297 N.C. 555, 566 (1979).

(If you find from the evidence beyond a reasonable doubt that the defendant assaulted the victim, but not with a deadly weapon or other deadly force, that the circumstances would create a reasonable belief in the mind of a person of ordinary firmness that the action was necessary or appeared to be necessary to protect that person from bodily injury or offensive physical contact, and the circumstances did create such belief in the defendant's mind at the time the defendant acted, the assault would be justified by self-defense—even though the defendant was not thereby put in actual danger of death or great bodily harm. However, the force used must not have been excessive. Furthermore, self-defense is an excuse only if the defendant was not the aggressor.)

*NOTE WELL: The following self-defense mandate must be given on each substantive offense instructed upon. **INCLUDING THE SELF-DEFENSE MANDATE IS REQUIRED BY STATE V. WOODSON**, 31 N.C. APP. 400 (1976). Cf. State v. Dooley, 285 N.C. 158 (1974).*

SELF-DEFENSE MANDATE

Therefore I instruct you, if you are satisfied beyond a reasonable doubt that the defendant committed (*name offense, including appropriate lesser included offenses*),⁹ you may return a verdict of guilty only if the State has satisfied you beyond a reasonable doubt that the defendant's action was not

in self-defense; that is, that the defendant did not reasonably believe that the assault was necessary or appeared to be necessary to protect the defendant from death or serious bodily injury, or that the defendant used excessive force, or that the defendant was the aggressor. If you do not so find or have a reasonable doubt that the State has proved any of these things, then the defendant's action would be justified by self-defense and it would be your duty to return a verdict of not guilty.

NOTE WELL: Do not give the following paragraph if the defendant used a weapon, which is a deadly weapon "per se."

(Therefore, I instruct you, if you are satisfied beyond a reasonable doubt that the defendant committed (*name offense, including appropriate lesser included offenses*),¹⁰ you may return a verdict of guilty only if the State has satisfied you beyond a reasonable doubt that the defendant did not reasonably believe that the assault was necessary or appeared to be necessary to protect the defendant from bodily injury or offensive physical contact, or that the defendant used excessive force, or was the aggressor. If you do not so find or have a reasonable doubt that the State has proved one or more of these things, then the defendant's action would be justified by self-defense and it would be your duty to return a verdict of not guilty.)

1. Deadly force is any force likely to cause death or great bodily harm. *S. v. Clay*, 297 N.C. 555, 563 (1979). For any assault not involving deadly force, use N.C.P.I.—Crim. 308.40 to charge on self-defense. *See also State v. Pender*, 830 S.E.2d 686 (2019).

2. This instruction is intended to cover the rule of law that action in self-defense need only be apparently, not actually, necessary. *See, e.g., State v. Jennings*, 276 N.C. 157 (1970).

3. *See* N.C.P.I.—Crim. 308.10; “[W]herever an individual is lawfully located—whether it is his home, motor vehicle, workplace, or any other place where he has the lawful right to be—the individual may stand his ground and defend himself from attack when he reasonably believes such force is necessary to prevent imminent death or great bodily harm to himself or another.” *State v. Bass*, 371 N.C. 456, 541, 819 S.E.2d 322, 326 (2018). “[A] defendant entitled to *any* self-defense instruction is entitled to a *complete* self-defense instruction, which includes the relevant stand-your-ground provision.” *Id.*

4. N.C. Gen. Stat. § 14-51.2 (a) (1) states that a home is a “building or conveyance of any kind, to include its curtilage, whether the building or conveyance is temporary or permanent, mobile or immobile, which has a roof over it, including a tent, and is designed as

a temporary or permanent residence.” Curtilage is the area “immediately surrounding and associated with the home,” which may include “the yard around the dwelling house as well as the area occupied by barns, cribs, and other outbuildings.” *State v. Grice*, 367 N.C. 753, 759 (2015) (citations and quotations omitted) (defining curtilage in a Fourth Amendment case).

5. N.C. Gen. Stat. § 14-51.2 (a) (4) states that a workplace is a “building or conveyance of any kind, whether the building or conveyance is temporary or permanent, mobile or immobile, which has a roof over it, including a tent, which is being used for commercial purposes.”

6. N.C. Gen. Stat. § 14-51.2 (a) (3); which incorporates N.C. Gen. Stat. § 20-4.01 (23), defines “motor vehicle” as “Every vehicle which is self-propelled and every vehicle designed to run upon the highways which is pulled by a self-propelled vehicle. This shall not include mopeds as defined in N.C. Gen. Stat. § 20-4.01(27)d1.”

7. See *State v. Juarez*, 794 S.E.2d 293,299 (N.C. 2016) (holding when there is no evidence that a defendant was the initial aggressor, it is reversible error for the trial court to instruct on the aggressor doctrine, and concluding that it was unnecessary to decide whether an instruction on the aggressor doctrine was improper because the defendant failed to show that the alleged error was so fundamentally prejudicial as to constitute plain error.)

See also N.C. Gen. Stat. § 14-51.3 (b), which provides that a person who uses force as permitted by the statute is justified in using such force and is immune from civil or criminal liability, unless the person against whom force was used is a law enforcement officer or bail bondsman “who was lawfully acting in the performance of his or her official duties and the officer or bail bondsman identified himself or herself in accordance with any applicable law or the person using force knew or reasonably should have known that the person was a law enforcement officer or bail bondsman in the lawful performance of his or her official duties.”

8. Pursuant to N.C. Gen. Stat. § 14-51.4(1), self-defense is also not available to a person who used defensive force and who was attempting to commit, committing, or escaping after the commission of a felony. If evidence is presented on this point, then the instruction should be modified accordingly pursuant to N.C.P.I.—Crim. 308.90 to add this provision at this point in the substantive instruction.

9. Name all offenses that involve the use of deadly force.

10. Name only those lesser included offenses which do not involve the use of a deadly weapon force, e.g., those covered in N.C.P.I.—208.40, 208.60, 208.70, and 208.75.