

222.94. INJURING A WASTEWATER TREATMENT SYSTEM. FELONY.

The defendant has been charged with injuring a wastewater treatment system.

For you to find the defendant guilty of injuring a wastewater treatment system, the State must prove three things beyond a reasonable doubt.

First, that the defendant [[stopped] [obstructed] [impaired] [weakened] [destroyed] [injured] [otherwise damaged]] [attempted to [stop] [obstruct] [impair] [weaken] [destroy] [injure] [otherwise damage]] the [property] [equipment] of a wastewater treatment system.¹

Second, that the wastewater treatment system was [owned] [operated] by a [public utility²] [local government unit³].

And Third, that the defendant acted knowingly and willfully. Willfully means intentionally and without justification or excuse.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant knowingly and willfully [[stopped] [obstructed] [impaired] [weakened] [destroyed] [injured] [otherwise damaged]] [attempted to [stop] [obstruct] [impair] [weaken] [destroy] [injure] [otherwise damage]] the [property] [equipment] of a wastewater treatment system [owned] [operated] by a [public utility] [local government unit], it would be your duty to return a verdict of guilty. If you do not so find or have 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 “wastewater treatment facility” means the various facilities and devices used in the treatment of sewage, industrial waste, or other wastes of a liquid nature, including the necessary interceptor sewers, outfall sewers, nutrient removal equipment, pumping equipment, power and other equipment, and their appurtenances.

2. For a definition of public utility, see N.C. Gen. Stat. § 62-3(23).

3. For a definition of local government unit, see N.C. Gen. Stat. § 159G-20(13).