

N.C.P.I.—Crim. 238.21E

FIRST DEGREE SEXUAL EXPLOITATION OF A MINOR BY CREATING A CHILD
SEX DOLL OF AN IDENTIFIABLE MINOR. FELONY.

GENERAL CRIMINAL VOLUME

JANUARY 2025

N.C. Gen. Stat. § 14-190.16(a)(6)

238.21E. FIRST DEGREE SEXUAL EXPLOITATION OF A MINOR BY CREATING
A CHILD SEX DOLL OF AN IDENTIFIABLE MINOR. FELONY.

*NOTE WELL: N.C. Gen. Stat. § 14-190.16(c) provides that a
mistake of age is not a defense to prosecution.*

The defendant has been charged with first degree sexual exploitation of
a minor by creating a child sex doll of an identifiable minor.

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

First, that the defendant created for [sale] [pecuniary gain] a child sex
doll¹ of an identifiable minor.²

And Second, that the defendant knew the [character] [content] of the
material.

If you find from the evidence beyond a reasonable doubt that on or
about the alleged date, the defendant created for [sale] [pecuniary gain] a
child sex doll of an identifiable minor, and that the defendant knew the
[character] [content] of the material, 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.

*NOTE WELL: N.C. Gen. Stat. § 14-190.16(b) states that “[i]n a
prosecution under this section, the trier of fact may infer that a
participant in sexual activity whom material through its title, text,
visual representations, or otherwise represents or depicts as a
minor is a minor.”*

1. N.C. Gen. Stat. § 14-190.13(7) provides that “child sex doll” “[m]eans an
anatomically correct doll, mannequin, or robot that meets both of the following requirements:

a. Has the features of or features that resemble those of a minor,
b. Is intended to be used for sexual stimulation or gratification.”

2. N.C. Gen. Stat. § 14-190.13(3) defines “minor” as “an individual who is less than
eighteen (18) years old and is not married or judicially emancipated.” N.C. Gen. Stat. § 14-

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190.13(1a) provides that “identifiable minor” means “[a]n individual who meets all of the following criteria:

- c. Was a minor at the time either of the following occurred:
 - 1. The material was created, adapted, or modified,
 - 2. The image that was used in creating, adapting, or modifying the material was taken.
- d. Is recognizable as an actual person by the person’s face, likeness, or other distinguishing characteristic, such as a unique birthmark or other recognizable feature.

The term “identifiable minor” does not require proof of the actual identity of the minor.