

238.22B. SECOND DEGREE SEXUAL EXPLOITATION OF A MINOR
(CIRCULATING A CHILD SEX DOLL). FELONY.

The defendant has been charged with second degree sexual exploitation of a 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 [distributed] [transported] [exhibited] [received] [sold] [purchased] [exchanged] [solicited] a child sex doll.¹

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 [distributed] [transported] [exhibited] [received] [sold] [purchased] [exchanged] [solicited] a child sex doll 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. § 14-190.17(c) provides that mistake of age is not a defense to prosecution.

N.C. Gen. Stat. § 14-190.17(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."

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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."

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N.C. Gen. Stat. § 14-190.17(a)(3)

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.”