

PERPETRATING HOAX BY USE OF A FALSE BOMB OR OTHER DEVICE--(Public Building). G.S. 14-69.2(c).<sup>1</sup> FELONY.

NOTE WELL: *Effective September 1, 1999, applying to offenses committed on or after that date, this is a Class H felony. G.S. 14-69.2(c) also provides that "[a]ny person who receives a second conviction for a violation of this subsection within five years of the first conviction for violation of this subsection is guilty of a Class G felony."*

The defendant has been charged with perpetrating a hoax by use of a false bomb or other device in or at a public building.

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

First, that the defendant [concealed] [placed] (or) [displayed] a (*describe device*) in such a way as to cause another person to reasonably believe that the device was a bomb or other device capable of causing injury to persons or property.

Second, that the defendant did so [in] (or) [at] a public building.<sup>2</sup>

And Third, that the defendant did so with the intent to perpetrate a hoax.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant [concealed] [placed]

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<sup>1</sup>G.S. 14-69.2(d) authorizes the court to order restitution (costs and consequential damages).

<sup>2</sup>G.S. 14-69.2(c) states "For purposes of this subsection, 'public building' means educational property as defined in G.S. 14-269.2(a)(1), a hospital as defined in G.S. 131E-76(3), a building housing only State, federal, or local government offices, or the offices of State, federal, or local government located in a building that is not exclusively occupied by the State, federal, or local government."

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(or) [displayed] a (*describe device*) [in] (or) [at] a public building in such a way as to cause another person reasonably to believe that it was a bomb or other device capable of causing injury to persons or property with the intent to perpetrate a hoax, 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.