

N.C.P.I.—Crim—222.26
 TRESPASS—ELECTRIC POWER SUPPLIER—(BASIC OFFENSE).
 CRIMINAL VOLUME
 JUNE 2013
 N.C. Gen. Stat. § 14-159.12 (c).

 222.26 TRESPASS—ELECTRIC POWER SUPPLIER—(BASIC OFFENSE).

The defendant has been charged with the crime of trespass on the property of an electric power supplier.

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

First, that the defendant without authorization [entered into] [remained in] [[the building of another] [on the premises of another so [enclosed] [secured] as to demonstrate clearly an intent to keep out intruders]]];

Second, that the [building] [premise] was:

- (a) [[a facility¹ [owned] [operated] by an electric power supplier and that was a(n) [electric generation facility] [transmission substation] [transmission switching station] [transmission switching structure] [control center used to manage transmission operations or electrical power generating at multiple plant locations]]];
- (b) [[a facility [used] [available] for use in the [collection] [treatment] [testing] storing] [pumping] [distribution] of water for a public water system];
- (c) [[a facility including any [liquefied natural gas storage facility] [propane air facility] that is was [owned] [operated] by a [natural gas local distribution company] [natural gas pipeline] operating under a certificate of public convenience and necessity

¹ G.S. 14-159.12 (e) states "as used in subsections (c) and (d) of this section, the term 'facility' shall mean a building or other infrastructure."

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from the [Utilities Commission] [municipal corporation operating a municipally owned gas distribution system] [regional natural gas district organized and operated for [transmission] [distribution] [measurement] [testing] [regulating] [compression] [control] [storage] of natural gas];

And Third, that the defendant [entered a building] [climbed over] [went under] [(otherwise) surmounted a [fence] [*describe other barrier*]] to reach the facility].

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant without authorization [entered into] [remained in] [[the building of another] [on the premises of another so [enclosed] [secured] as to demonstrate clearly an intent to keep out intruders]], that the [building] [premise] was:

- (a) [[a facility [owned] [operated] by an electric power supplier and that was a(n) [electric generation facility] [transmission substation] [transmission switching station] [transmission switching structure] [control center used to manage transmission operations or electrical power generating at multiple plant locations]]];
- (b) [[a facility [used] [available] for use in the [collection] [treatment] [testing] storing] [pumping] [distribution] of water for a public water system];
- (c) [[a facility including any [liquefied natural gas storage facility] [propane air facility] that was [owned] [operated] by a [natural gas local distribution company] [natural gas pipeline] operating under a certificate of public convenience and necessity from the [Utilities Commission] [municipal corporation operating a

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municipally owned gas distribution system] [regional natural gas district organized and operated for [transmission] [distribution] [measurement] [testing] [regulating] [compression] [control] [storage of natural gas]], and that the defendant [entered a building] [climbed over] [went under] [(otherwise) surmounted a [fence] [*describe other barrier*]] to reach the facility), 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, then it would be your duty to return a verdict of not guilty.²

² If there is to be an instruction on lesser included offenses, the last phrase should be: “. . . you will not return a verdict of guilty of trespassing on the property of an electric power supplier, but will consider whether the defendant is guilty of misdemeanor trespass.” See N.C.P.I. Crim. 214.31 (G.S. 14.159.12 (a)).

