

N.C.P.I.—Criminal 222.33

TRESPASSING BY PERSON SUBJECT TO VALID PROTECTIVE ORDER ONTO PROPERTY OPERATED AS A SAFE HOUSE OR HAVEN FOR VICTIMS OF DOMESTIC VIOLENCE.

G.S. 50B-4.1(g1). FELONY

General Criminal Volume

Replacement June 2011

The defendant has been charged with trespassing onto property operated as a safe house or haven for victims of domestic violence.

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

First, that the defendant was subject to a valid domestic violence protective order.

Second, that the defendant entered property operated as a safe house or haven¹ for victims of domestic violence.

And Third, that a person protected under the order was residing at said safe house or haven.²

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant was subject to a valid domestic violence protective order, that the defendant entered property operated as a safe house or haven for victims of domestic violence, and that a person protected under the order was residing at the safe house or haven, 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.

¹ The terms “safe house” and “haven” are not defined by statute. However, the statute does define shelter as “a facility that meets the criteria set forth in G.S. 50B-9 and is funded through the Domestic Violence Center Fund providing shelter to victims of domestic violence, nonconsensual sexual conduct, or stalking.”

² Note that a person violates this subsection regardless of whether the person protected under the order is present on the property.

