

SECRETLY OR SURREPTITIOUSLY INSTALLING A DEVICE USED TO  
CREATE A PHOTOGRAPHIC IMAGE<sup>1</sup>. FELONY. G.S. 14-202(f).

NOTE WELL: *When a person is convicted under this statute the sentencing court shall consider whether the person is a danger to the community and whether requiring the person to register as a sex offender pursuant to Article 27A of Chapter 14 would further the purposes of that Article as stated in G.S. 14-208.5. If the sentencing court rules that the person is a danger to the community and that the person shall register then an order shall be entered requiring the person to register.*

The defendant has been charged with secretly installing a device used to create a photographic image.

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

First, that the defendant [used] (or) [installed] in a room any device

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<sup>1</sup>A second or subsequent felony conviction under this section shall be punished as though convicted of an offense one class higher.

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that could be used to create a photographic image<sup>2</sup>.

Second, that the installation was done secretly or  
surreptitiously.

Third, that the defendant [used] (or) [installed] the  
device with the intent to capture the image of another  
person.

Fourth, that the defendant acted without the consent of  
the other person.

And Fifth, that the defendant acted for the purpose of  
arousing or gratifying the sexual desire of any person.

If you find from the evidence beyond a reasonable doubt  
that on or about the alleged date the defendant, without the  
consent of the other person and acting for the purpose of  
arousing or gratifying the sexual desire of any person,  
secretly or surreptitiously [used] (or) [installed] in a room  
any device that can be used to create a photographic image,  
and that he did so with the intent to capture the image of  
another person, it would be your duty to return a verdict of

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<sup>2</sup>The term "photographic image" means any photograph or  
photographic reproduction, still or moving, or any videotape, motion  
picture, or live television transmission, or any digital image of any  
television.

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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: *This section does not affect the legal  
activities of those who are licensed pursuant to Chapter  
74C, Private Protective Services, or Chapter 74D, Alarm  
Services, of the General Statutes, who are legally  
engaged in the discharge of their official duties within  
their respective professions, and who are not engaging  
in activities for an improper purpose as described in  
this section.*

