

FAILURE TO STOP FOR BLUE LIGHT AND SIREN (APPROACHING LAW ENFORCEMENT VEHICLE¹) CAUSING SERIOUS INJURY OR DEATH TO A LAW ENFORCEMENT OFFICER, FIREFIGHTER, OR OTHER RESCUE WORKER. G.S. §§ 20-157(a), (i); 20-125. FELONY; MISDEMEANOR.

The defendant has been charged with failing to stop for an approaching law enforcement vehicle displaying a blue light and sounding a siren causing serious injury or death.

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

First, that the defendant was operating a vehicle. (*Describe vehicle*) is a vehicle.

Second, that the defendant was doing so on a [street] [highway]. (*Describe highway*) is a highway.

Third, that while the defendant was doing so, a law enforcement vehicle approached.² A (*describe police vehicle*) is a law enforcement vehicle.

Fourth, that the law enforcement vehicle was displaying a blue warning light.³

¹G.S. § 20-157(a) also requires drivers to stop for approaching fire department vehicles, public and private ambulances, and rescue squad emergency service vehicles. If such a vehicle is involved, adapt this instruction accordingly.

²G.S. § 20-157(a) does not apply to vehicles traveling in opposite directions on a divided four lane highway.

³G.S. § 20-125(b) authorizes other vehicles of the type covered by G.S. § 20-157(a) to be equipped with "special lights . . . approved by

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Fifth, that the law enforcement vehicle was also sounding a siren⁴ audible under normal conditions from a distance of not less than 1,000 feet.

Sixth, that the defendant [did not immediately drive his vehicle to a position as near as possible and parallel to the right hand [edge] [curb] of the highway, clear of any intersections, and stop] [after stopping properly, did not remain in that position until [otherwise directed by a [police] [traffic] officer] [the (*describe vehicle*) had passed].]⁵

And Seventh, that in doing so, the defendant caused [serious injury] [death] to a [law enforcement officer] [firefighter] [emergency vehicle operator] [(name other emergency response person)] in the immediate area of the authorized [emergency vehicle] [public service vehicle].

the Commission of motor vehicles." When dealing with a vehicle other than a police vehicle specify the appropriate warning light.

⁴G.S. § 20-157(a) also requires drivers to yield to a bell or an exhaust whistle. When dealing with a vehicle other than a police vehicle, insert the appropriate warning sound.

⁵It would be an affirmative defense to this charge if the defendant was directed by a police or traffic officer not to stop or to continue to another location. In appropriate cases the jury should be so instructed.

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If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant was operating a vehicle on a highway, that while he was doing so a law enforcement vehicle approached displaying a blue warning light and sounding a siren audible under normal conditions from a distance of not less than 1,000 feet, that the defendant [did not immediately drive his vehicle to a position as near as possible and parallel to the right hand [edge] [curb] of the highway, clear of any intersections, and stop] [after stopping properly, did not remain in that position until [otherwise directed by a [police] [traffic] officer] [the (*describe vehicle*) had passed], and that in doing so, the defendant caused [serious injury] [death] to a [law enforcement officer] [firefighter] [emergency vehicle operator] [(name other emergency response person)] in the immediate area of the authorized [emergency vehicle] [public service vehicle], 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

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of these things, it would be your duty to return a verdict of not guilty.⁶

⁶If there is evidence to support the submission of a lesser included offense, this last phrase would be amended as follows "If you do not so find or have a reasonable doubt as to one or more of these things, then you would not return a verdict of guilty of failure to stop for blue light and siren causing serious injury or death to a law enforcement officer, but would consider whether the defendant is guilty of"