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271.31 [CLIMBING INTO] [ATTEMPTING TO OR SETTING IN MOTION] A VEHICLE WITH INTENT TO STEAL, COMMIT MALICIOUS INJURY, ETC. N.C. Gen. Stat. § 14-160.4(b)<sup>1</sup>. MISDEMEANOR.

The defendant has been charged with [climbing into or upon a vehicle] [attempting to manipulate any mechanism of a vehicle which is at rest and unattended] [setting in motion a vehicle which is at rest and unattended] with the intent to [steal] [commit malicious mischief or injury] [*describe other crime*].

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

First, that the defendant intended to [steal] [commit malicious mischief or injury] [*describe similar crime and define its elements*].<sup>2</sup>

And Second, that the defendant, with this intent, [climbed into or upon a vehicle<sup>3</sup>] [attempted<sup>4</sup> to manipulate any mechanism of a vehicle<sup>2</sup> which was at rest and unattended] [set in motion a vehicle which was at rest and unattended].

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant with intent to [[steal] [commit any malicious mischief or injury] [*describe other crime*]] [[climbed into or upon a vehicle] [attempted to manipulate any mechanism of a vehicle which was at rest and unattended]], it would be your duty to return a verdict of guilty. If you do not so find or if you have a reasonable doubt as to one or more of these things it would be your duty to return a verdict of not guilty.

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1. This offense was previously covered by N.C. Gen. Stat. § 20-107 but was recodified as § 14-160.4 by Session Law 2022-73.

2. Intent to steal is the intent to permanently deprive the rightful possessor of the vehicle. Intent to commit malicious mischief or injury is intent to injure another's person or property when actuated by animosity, hatred, or ill will.

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3. N.C. Gen. Stat. § 20-4.01(49) defines “vehicle” as “every device, in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon fixed rails or tracks; provided, that for the purposes of this chapter bicycles shall be deemed vehicles and every rider of a bicycle upon a highway shall be subject to the provisions of this chapter applicable to the driver of a vehicle except those which by their nature can have no application.”

4. For further definition of attempt see N.C.P.I.—Crim. 201.10.