

June 2016 Supplement to Pattern Jury Instructions for Criminal Cases

This supplement contains a new table of contents for the criminal instructions, a number of new or replacement instructions for criminal cases, and a new criminal index. Place the instructions in the book in the proper numerical sequence. Old instructions with the same number should be discarded. The supplement contains three copies of the table of contents so that each criminal volume will include a complete table of contents; they are inserted in the supplement at the appropriate places for Volumes II and III.

Interim Instructions. As the Pattern Jury Instructions Committee considers new or updated instructions, it posts Interim Instructions that are too important to wait until the annual summer distribution of hard copy supplements to the School of Government Website at <http://www.sog.unc.edu/programs/ncpji>. You may check the site periodically for these instructions or join the Pattern Jury Interim Instructions Listserv to receive notification when instructions are posted to the website. Go to the following link to join the Listserv: http://lists.unc.edu/read/all_forums/subscribe?name=ncpji.

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North Carolina
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Committee on Pattern Jury Instructions

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for Criminal Cases

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Volume I

Criminal Volume
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* On or after 12/1/97, Voluntary Manslaughter is a Class D felony.

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* On or after 12/1/97, Voluntary Manslaughter is a Class D felony.

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206.41	Voluntary Manslaughter Not Involving Self-Defense. G.S. 14-18. (6/2014)	F, H	E, F*
206.50	Involuntary Manslaughter—Other Than by Automobile. G.S. 14-18. (6/2014)	H	F
206.55	Involuntary Manslaughter—(Including Misdemeanor Death by Vehicle). G.S. 14-18, 20-141.4. (6/2014)	H, Misd	F, Misd 1
206.55A	Involuntary Manslaughter—(Impaired Driving). (Offenses after Dec. 1, 2006). G.S. 20-141.4. (6/2014)	H	F
206.56	Involuntary Manslaughter—(Impaired Driving). (Offenses prior to Dec. 1, 2006). G.S. 20-141.4. (6/2014)	H	F
206.57	Felony Death by Vehicle (offenses prior to Dec. 1, 2006). G.S. 20-141.4(a1). (6/2014)	I	G
206.57A	Felony Death by Vehicle (offenses after Dec. 1, 2006). G.S. 20-141.4(a1). (6/2014)	I	G
206.57B	Aggravated Felony Death by Vehicle. G.S. 20-141.4(a5). (6/2014)		D
206.57C	Felony Serious Injury by Vehicle. G.S. 20-141.4(a3). (6/2014)		F
206.57D	Aggravated Felony Serious Injury by Vehicle. G.S. 20-141.4(a4). (6/2014)		E
206.58	Misdemeanor Death by Vehicle. G.S. 20-141.4(a2). (6/2014)	Misd	Misd 1
206.60	Murder of Unborn Child—Willful and Malicious Act (6/2012)		A
206.61	Murder of Unborn Child—Inherently Dangerous Act (6/2014)		B2
206.62	Murder of Unborn Child—[Murder] [Voluntary Manslaughter] [Involuntary Manslaughter] of Mother (6/2012)		B2, D, F
206.63	Murder of Unborn Child—Willful and Malicious Act. G.S. 14-23.2(a)(1). (6/2014)		A
	Rape and Sexual Offenses.		
207.10	First Degree Rape (Weapon, Serious Injury, or Multiple Assailants) and Lesser Included Offenses. G.S. 14-27.2, 14-27.3, 14-27.6, 14-33(b)(2). (6/2016)	B, D, F, H, Misd	B1, C, F, H, Misd 1
207.10A	First Degree Forcible Rape (Weapon, Serious Injury, or Multiple Assailants) and Lesser Included Offenses. G.S. 14-27.21, 14-27.22, 14-27.34. (6/2016)		B1, B2, C, D, Misd
207.11	Attempted First Degree Rape (Weapon, Serious Injury, or Multiple Assailants) Covering Attempted Second Degree Rape as a Lesser Included Offense. G.S. 14-27.2(2), 14-27.3(1), 14-27.6. (6/2016)	F, H	F, H

*207.11A	Attempted First Degree Rape (Weapon, Serious Injury, or Multiple Assailants) Covering Attempted Second Degree Rape as a Lesser Included Offense. G.S. 14-27.21, 14-27.22, 14-27.34. (6/2016)		
207.15	Rape of a Child. G.S. 14-27.2A. (6/2016)		B1
207.15.1	First Degree Rape—Female under the Age of Thirteen Years. G.S. 14-27.2(1). (6/2016)	B	B1
207.15.1A	First Degree Statutory Rape—Alleged Victim Under the Age of Thirteen Years. G.S. 14-27.24. (6/2016)		
207.15.2	Statutory Rape Against a Victim Who Was Thirteen, Fourteen, or Fifteen Years Old. G.S. 14-27.7A. (6/2016)		B1, C
207.15.2A	Statutory Rape Against an Alleged Victim Who Is Fifteen Years of Age or Younger. G.S. 14-27.25. (6/2016)		
207.15.3	Statutory Sexual Offense against a Victim Who Was Thirteen, Fourteen, or Fifteen Years Old. G.S. 14-27.7A. (6/2016)		
207.15.3A	Statutory Sexual Offense of an Alleged Victim Who Was Fifteen Years of Age or Younger. G.S. 14-27.30. (6/2016)		B1, C
*207.15A	Statutory Rape of a Child by an Adult G.S. 14-27.23. (6/2016)		
207.15A.1	Attempted First Degree Rape—Alleged Victim Under the Age of Thirteen Years. G.S. 14-27.2(a)(1), 14-27.8 (6/2016).	F	F
*207.15A.1A	Attempted First Degree Statutory Rape—Alleged Victim Under the Age of Thirteen Years. G.S. 14-27.24(a)(1), 14-27.34. (6/2016)		
207.20	Second Degree Rape—Forcible. G.S. 14-27.3. (6/2016)	D	C
207.20A	Second Degree Rape—Forcible (Victim Asleep or Similarly Incapacitated). G.S. 14-27.3. (6/2016)		
207.20A.1	Second Degree Rape—Forcible (Alleged Victim Asleep or Similarly Incapacitated). G.S. 14-27.3. (6/2016)		
207.20B	Second Degree Forcible Rape. G.S. 14-27.22. (6/2016)		
207.25	Second Degree Rape—Victim Mentally Disabled, Mentally Incapacitated or Physically Helpless. G.S. 14-27.3. (6/2016)	D	C
207.25A	Second Degree Rape—Victim Mentally Disabled, Mentally Incapacitated or Physically Helpless. G.S. 14-27.3. (6/2016)		
207.40	First Degree Sexual Offense—Weapon, Serious Injury, or Multiple Assailants, Covering Second Degree Sex Offense as a Lesser Included Offense. G.S. 14-27.4, 14-27.5. (5/2016)	B, D	B1, C
207.40A	Attempted First Degree Sexual Offense (Weapon, Serious Injury, or Multiple Assailants) Covering Attempted Second Degree Sex Offense as a Lesser Included Offense. G.S. 14-27.4(2), 14-27.5(2), 14-27.6. (5/2016)	F, H	F, H
207.40A.1	Attempted First Degree Forcible Sexual Offense—(Weapon, Serious Injury, or Multiple Assailants) Covering Attempted Second Degree Forcible Sex Offense as a Lesser Included Offense. G.S. 14-27.26, 14-27.27, 14-27.34. (6/2016)		
207.40B	First Degree Forcible Sexual Offense—(Weapon, Serious Injury, or Multiple Assailants) Covering Second Degree Sex Offense as a Lesser Included Offense. G.S. 14-27.26, 14-27.27. (6/2016)		
207.45	Sexual Offense with a Child. G.S. 14-27.4A. (6/2016)		B1
207.45.1	First Degree Sexual Offense—Child under the Age of Thirteen Years. G.S. 14-27.4. (6/2016)	B	B1

207.45.1A	First Degree Statutory Sexual Offense—Child under the Age of Thirteen Years. G.S. 14-27.29. (6/2016)		
207.45A	Statutory Sexual Offense with a Child by an Adult. G.S. 14-27.28. (6/2016)		
207.45A.1	Attempted First Degree Sexual Offense—Child under the Age of Thirteen Years. G.S. 14-27.4, 14-27.8. (6/2016)	F	F
207.45A.1A	Attempted First Degree Statutory Sexual Offense—Child Under the Age of Thirteen Years. G.S. 14-27.29, 14-27.34. (6/2016)		
207.60	Second Degree Sexual Offense—Forcible. G.S. 14-27.5. (6/2016)	D	C
207.60A	Second Degree Forcible Sexual Offense. G.S. 14-27.27. (6/2016)		
207.65	Second Degree Sexual Offense—Victim Mentally Defective, Mentally Incapacitated or Physically Helpless. G.S. 14-27.5. (6/2016)	D	C
207.65A	Second Degree Forcible Sexual Offense—Alleged Victim Mentally Disabled, Mentally Incapacitated, or Physically Helpless.		
207.70	Felonious Sexual Activity with Person in Defendant’s Custody. G.S. 14-27.7. (6/2016)	G	E
207.70A	Felonious Sexual Activity with Person in Defendant’s Custody. G.S. 14-27.7. (6/2016)		
207.71	Unlawfully Accessing a Commercial Social Networking Website by a Sex Offender. G.S. 14-202.5A. (6/2009)		I
207.72	Sex Offender Unlawfully on Premises. G.S. 14-208.18. (6/2009)		H
207.73	Failure to Enroll in a Satellite-Based Monitoring Program. G.S. 14-208.44(a). (6/2008)		F
207.74	Failing to [Provide Necessary Information to] [Cooperate with Guidelines and Regulations of] the Department of Corrections While Required to Enroll in a Satellite-Based Monitoring Program. G.S. 14-208.44(c). (6/2008)		Misd 1
207.75	Willfully Failing to Comply with Sex Offender Registration Law. G.S. 14-208.11. (6/2016)	-	F
207.76	Failure to Comply with Sex Offender Residential Restrictions. G.S. 14-208.16. (6/2015)	-	F
207.77	Failure to Comply with Sex Offender Limitations on Residential Use—Minor in Residence. G.S. 14-208.17(b). (6/2007)	-	F
207.78	Intentionally [Tampering with] [Removing] [Vandalizing] [Interfering with Proper Functioning of] a Satellite-Based Monitoring Device. G.S. 14-208.44(a). (6/2008)	-	F
207.79	Failure to Comply with Sex Offender Prohibition on Working or Volunteering for Child-Involved Activities. G.S. 14-208.17(a). (6/2007)	-	F
207.80A	Felonious Sexual Activity Involving Students (by teacher, school administrator, student teacher, school safety officer, coach). G.S. 14-27.7(b). (6/2016)	-	G
207.80A.1	Felonious Sexual Activity With a Student (by Teacher, School Administrator, Student Teacher, School Safety Officer, Coach). G.S. 14-27.32. (6/2016)		

207.80B	Felonious Sexual Activity Involving Students (by member of school personnel other Than teacher, school administrator, student teacher, school safety officer, coach). G.S. 14-27.7(b). (6/2016)	-	G, Misd A1
207.80B.1	Felonious Sexual Activity With a Student (by Member of School Personnel Other Than Teacher, School Administrator, Student Teacher, School Safety Officer, Coach). G.S. 14-27.32. (6/2016)		
207.90	Sexual Battery. G.S. 14-27.5A. (6/2016)		Misd A1
207.90A	Sexual Battery. G.S. 14-27.33. (6/2016)		
207.95	Knowingly and Without Authority [Removing] [Destroying] [Circumventing Operation of] an Electronic Monitoring Device. G.S. 14-226.3 (June 2010)		
	Assaults.		
208.01	Assault on [Legislative] [Executive] [Court] Officer. G.S. 14-16.6(a). (6/2011)	H	I
208.01A	Making a Violent Attack upon the [Residence] [Office] [Temporary Accommodation] [Means of Transport] of a(n) [Legislative] [Executive] [Court] Officer. G.S. 14-16.6(a). (4/2004)	H	I
208.02	Assault on a(n) [Legislative] [Executive] [Court] Officer with a Deadly Weapon. G.S. 14-16.6(a), (b). (4/2004)	G	F
208.02A	Making a Violent Attack with a Deadly Weapon upon the [Residence] [Office] [Temporary Accommodation] [Means of Transport] of a(n) [Legislative] [Executive] [Court] Officer. G.S. 14-16.6(a), (b). (4/2004)	G	F
208.03	Assault on a(n) [Legislative] [Executive] [Court] Officer Inflicting Serious Injury. G.S. 14-16.6(c). (4/2004)	F	F
208.03A	Making a Violent Attack upon the [Residence] [Office] [Temporary Accommodation] [Means of Transport] of a(n) [Legislative] [Executive] [Court] Officer Inflicting Serious Injury to a(n) [Legislative] [Executive] [Court] Officer. G.S. 14-16.6(c). (4/2004)	F	F
208.04	Threatening to Kill or Inflict Serious Bodily Injury upon a [Legislative] [Executive] [Court] Officer. G.S. 14-16.7(a), 14-16.8. (4/2004)	J	I
208.04A	Mailing a Threat to Kill or Inflict Serious Bodily Injury upon a(n) [Legislative] [Executive] [Court] Officer. G.S. 14-16.7(b), 14-16.8. (4/2004)	J	I
208.05	Malicious Castration. G.S. 14-28, -29. (3/2002)	D, H	C, E
208.06	Castration or Other Maiming without Malice Aforethought. G.S. 14-29. (3/2002)	H	E
208.07	Malicious Maiming. G.S. 14-30. (3/2002)	H	C
208.08	Malicious Throwing of Corrosive Acid or Alkali. G.S. 14-30.1. (3/2002)	H	E
208.09	Malicious Assault and Battery in a Secret Manner with a Deadly Weapon with Intent to Kill. G.S. 14-31. (3/2002)	F	E
208.10	Assault with a Deadly Weapon with Intent to Kill Inflicting Serious Injury. G.S. 14-32(a). (3/2002)	F	C
208.13	Hazing. G.S. 14-35. (4/2004)		Misd 2
208.14	Assault upon a Sports Official. G.S. 14-33(b)(9). (6/2011)	Misd	Misd 1
208.15	Assault with a Deadly Weapon Inflicting Serious Injury. G.S. 14-32(b). (6/2008)	H	E

		Before 10/1/94	On or After 10/1/94
208.16	Felonious Assault Inflicting Serious Bodily Injury. G.S. 14-32.4. (3/2002)		F
208.25	Assault with a Deadly Weapon with Intent to Kill. G.S. 14-32(c). (3/2002)	H	E
208.30	Assault Offense Classification Chart. (12/1995)		
208.40	Simple Assault—(Not Involving Physical Contact) G.S. 14-33(a). (6/2011)	Misd	Misd 2
208.40A	Simple Assault on a Handicapped Person. G.S. 14-32.1(f). (6/2011)	Misd	Misd 1
208.41	Simple Assault—(Involving Physical Contact) G.S. 14-33(a). (6/2010)	Misd	Misd 2
208.45	Habitual Misdemeanor Assault. G.S. 14-33.2. (6/2011)		H
208.45A	Habitual Misdemeanor Assault. G.S. 14-33.2. (6/2013)		H
208.50	Assault with a Deadly Weapon. G.S. 14-33(c)(1). (3/2002)	Misd	Misd 1
208.50A	Aggravated Assault on a Handicapped Person. G.S. 14-32.1(e). (6/2011)	I	F
208.55	Assault Attempting to Inflict Serious Injury. G.S. 14-33(c)(1). (3/2002)	Misd	Misd 1
208.60	Assault Inflicting Serious Injury. G.S. 14-33(c)(1). (3/2002)	Misd	Misd A1
208.61	Assault Inflicting Physical Injury by Strangulation. G.S. 14-32.4. (2/2005)		H
208.65	Assault by a Prisoner with a Deadly Weapon Inflicting Bodily Injury. G.S. 14-258.2. (3/2002)	H	F
208.67	Malicious Conduct by a Prisoner—Throwing of [Bodily Fluids] [Excrement] by a Prisoner at a State or Local Government Employee. G.S. 14-258.4. (2/2002)		F
208.70	Assault on a Female by a Male Person. G.S. 14-33(c)(2). (6/2015)	Misd	Misd A1
208.75	Assault on a Child under the Age of Twelve Years. G.S. 14-33(c)(3). (6/2011)	Misd	Misd A1
208.76	Assault on an Unborn Child (6/2012)		Misd A1
208.77	Assault Inflicting Serious Bodily Injury—Unborn Child 6/2012)		F
208.80 Series	Notes to 208.80, 208.80A, 208.80B, 208.80C		
208.80	Index to Instructions in 208.81 Series. Assault on an Officer—Arrest Situations. G.S. 14-33(c)(4); 15A-401. (6/2015)		
208.81	Model Instruction—Assault on an Officer—Arrest Situations. G.S. 14-33(c)(4); 15A-401. (6/2015)		
208.81A	Assault on an Officer—Arrest Situations (Only Officer’s and Defendant’s Force in Dispute). G.S. 14-33(c)(4). (6/2015)	Misd	Misd A1
208.81B	Assault on an Officer and Simple Assault—Arrest Situations (Issues as to Lawfulness of Arrest and Defendant’s Force). G.S. 14-33(c)(4); 15A-401, 15A-402. (6/2015)	Misd	Misd A1
208.81C	Assault on an Officer and Simple Assault—Arrest Situations (Issues as to Lawfulness of Arrest without a Warrant, and as to Force Used by Officer and Defendant). G.S.14-33(c)(4). (6/2015)	Misd	Misd A1
208.81D	Simple Assault—Arrest Situations (Issue as to Force Used by Defendant to Resist Unlawful Arrest). G.S. 14-33(c)(4). (6/2015)	Misd	Misd A1

		Before 10/1/94	On or After 10/1/94
208.81E	Assault on an Officer—Arrest Situations (Issues as to Officer Status of Victim, Fact of Arrest, and Lawfulness of Arrest—Neither Officer’s Nor Defendant’s Force in Dispute). G.S. 14-33(c)(4). (6/2015)	Misd	Misd A1
208.81F	Assault on an Officer and Simple Assault—Arrest Situations (All Issues in Dispute). G.S. 14-33(c)(4). (6/2015)	Misd	Misd A1
208.81G	Assault on [[Law Enforcement] [Probation] [Parole] Officer] [Person Employed at a [State] [Local] Detention Facility]. G.S. 14-34.7. (6/2013)		F
208.82	Assault upon an Officer or Employee of the State or of Any Political Subdivision of the State or Public Transit Operator. G.S. 14-33(c)(4). (6/2011)	Misd	Misd A1
208.83	Assault upon a School Employee or Volunteer. G.S. 14-33(c)(6). (6/2011)	-	Misd A1
208.84	Ethnic Intimidation. G.S. 14-401.14. (4/2002)	Misd	Misd 1
208.85	Assault by Pointing a Gun. G.S. 14-34. (4/2002)	Misd	Misd A1
208.90	Discharging a Firearm into Occupied Property. G.S. 14-34.1. (6/2011)	H	E
208.90A	Discharging Barreled Weapon into Occupied Property. G.S. 14-34.1. (6/2011)	H	E
208.90B	Discharging a Firearm into Occupied Dwelling. G.S. 14-34.1(b). (6/2014)		D
208.90C	Discharging a Barreled Weapon into Occupied Dwelling. G.S. 14-34.1. (6/2016)		D
208.90D	Discharging a Firearm into Occupied Vehicle in Operation. G.S. 14-34.1(b). (6/2011)		D
208.90E	Discharging a Barreled Weapon into Occupied Vehicle in Operation. G.S. 14-34.1(b). (6/2011)		D
208.90F	Discharging a Firearm into Occupied Property Inflicting Serious Bodily Injury. G.S. 14-34.1(c). (6/2011)		C
208.90G	Discharging a Barreled Weapon into Occupied Property Inflicting Serious Bodily Injury. G.S. 14-34.1(c). 6/2011)		C
208.90H	Discharging a Firearm into Occupied Dwelling Inflicting Serious Bodily Injury. G.S. 14-34.1(c). (6/2011)		C
208.90I	Discharging a Barreled Weapon into Occupied Dwelling Inflicting Serious Bodily Injury. G.S. 14-34.1(c). (6/2011)		C
208.90J	Discharging a Firearm into Occupied Vehicle in Operation Inflicting Serious Bodily Injury. G.S. 14-34.(c). (6/2011)		C
208.90K	Discharging a Barreled Weapon into Occupied Vehicle in Operation Inflicting Serious Bodily Injury. G.S. 14-34.1(c). (6/2011)		C
208.94	Assault Inflicting [Serious Bodily] [Serious] Injury on a [[Law Enforcement] [Probation] [Parole] Officer] [Person Employed at a [State] [Local] Detention Facility]. G.S. 14-34.7. (6/2016)		F
208.95	Assault with a Firearm on a Law Enforcement, Probation, or Parole Officer or on a Person Employed at a State or Local Detention Facility. G.S. 14-34.5. (11/1998)	I	E, G
208.95A	Assault with a Firearm or Other Deadly Weapon upon Emergency Medical Services Personnel. G.S. 14-34.6. (2/1999)	I	I, F

208.95B	Assault with a Firearm or Other Deadly Weapon upon an Officer or Employee of the State or of any Political Subdivision of the State, Company Police Officer, or Campus Police Officer. G.S. 14-34.2. (3/1999)	I	F
208.95C	Assault on [[Law Enforcement] [Probation] [Parole] Officer] [Person Employed at a [State] [Local] Detention Facility] (6/2016)		I
208.95D	Assault on [Firefighter] [Emergency Medical Technician] [Emergency Health Care Provider] [Medical Responder] [Emergency Department Personnel] (6/2016)		I
208.95E	[Serious Bodily Injury Inflicted] [Deadly Weapon Used Other Than a Firearm] in Assault on [Firefighter] [Emergency Medical Technician] [Emergency Health Care Provider] [Medical Responder] [Emergency Department Personnel] (6/2012)		H
208.95F	Assault on Emergency Personnel—Dangerous [Weapon] [Substance] (6/2012)		I, F
208.95G	Assault on Emergency Personnel—Physical Injury (6/2012)		
208.96A	Adulteration or Misbranding of Food, Drugs or Cosmetics with Intent to Inflict Serious Injury or Death. G.S. 14-34.4(a). (4/2002)	C	C
208.96B	Extortion by Adulteration or Misbranding of Food, Drugs, or Cosmetics. G.S. 14-34.4(b). (4/2002)	C	C
	Kidnapping.		
210.15	False Imprisonment. (4/2002)	Misd	Misd 1
210.20	First Degree Kidnapping (Hostage, Ransom, Shield, or Terror) Covering Second Degree Kidnapping as a Lesser Included Offense. G.S. 14-39. (6/2011)	D, E	C, E
210.25	First Degree Kidnapping (To Commit Felony or Serious Injury) Covering Second Degree Kidnapping as a Lesser Included Offense. G.S. 14-39. (6/2016)	D, E	C, E
210.26	First Degree Kidnapping (Involuntary Servitude) Covering Second Degree Kidnapping as a Lesser Included Offense. G.S. 14-39; 14-43.2. (3/2005)	D, E	C, E
210.30	Second Degree Kidnapping (Hostage, Ransom, Shield, or Terror). G.S. 14-39. (6/2011)	E	E
210.35	Second Degree Kidnapping (to Commit Felony or Serious Injury). G.S. 14-39. (6/2011)	E	E
210.36	Second Degree Kidnapping (Involuntary Servitude). G.S. 14-39; 14-43.2. (4/2002)	E	E
210.40	Felonious Restraint. G.S. 14-43.3. (6/2011)	J	F
210.50	Involuntary Servitude (offenses prior to Dec. 1, 2006). G.S. 14-43.2. (6/2011)	I	F
210.50A	Involuntary Servitude (offenses after Dec. 1, 2006). G.S. 14-43.12. (6/2011)	I	F
210.52	Involuntary Servitude of a Minor. G.S. 14-43.12. (6/2007)		C
210.60	Child Abduction. G.S. 14-41. (6/2011)	G	F
210.70	Sexual Servitude. G.S. 14-43.13. (6/2007)		F
210.72	Sexual Servitude of a Minor. G.S. 14-43.13. (6/2007)		C
210.80	Human Trafficking Involving Involuntary Servitude. G.S. 14-43.11. (6/2014)		F
210.82	Human Trafficking Involving Sexual Servitude. G.S. 14-43.11. (6/2014)		F

210.84	Human Trafficking of a Minor Involving Involuntary Servitude. G.S. 14-43.11. (6/2014)		C
210.86	Human Trafficking of a Minor Involving Sexual Servitude. G.S. 14-43.11. (6/2014)		C
210.88	Unlawful [Sale] [Surrender] [Purchase] of a Minor. G.S. 14-43.14. (6/2013)		F
Abortion and Similar Offenses.			
211.50	Concealing Birth of a Child. G.S. 14-46. (5/2002)	H	H
211.60	Unlawful Sale of the Remains of an Unborn Child From [Abortion] [Miscarrage]. G.S. 14-46.1 (6/2016)		
Libel and Slander.			
212.10	Communicating Libelous Matter to Newspapers. G.S. 14-47. (5/2002)	Misd	Misd 2
Use of Explosives or Incendiary Devices.			
213.10	Malicious Use of Explosive or Incendiary Device—Personal Injury. G.S. 14-49(a). (5/2002)	E	D
213.15	Malicious Use of Explosive or Incendiary Device—Property Damage. G.S. 14-49(b). (5/2002)	E	G
213.20	Malicious Damage of Occupied Property by Use of Explosive or Incendiary [Device] [Material]. G.S. 14-49.1. (11/2003)	C	D
213.25	Maliciously Damaging Church or Other Building of Worship by Use of an Explosive or Incendiary Device. G.S. 14-49(b1). (1/2004)		E
213.30	Maliciously Damaging State or Local Government Buildings by Use of an Explosive or Incendiary Device. G.S. 14/49(b2). (1/2004)		E
Burglary and Breaking and Entering.			
214.10	First Degree Burglary Covering Second Degree Burglary, Felonious Breaking or Entering, and Nonfelonious Breaking or Entering as Lesser Included Offenses. G.S. 14-51, -52, -54. (6/2011)	C, D, H, Misd	D, G, H, Misd 1
214.11	Second-Degree Burglary. G.S. 14-51, -52. (6/2011)	D	G
214.20	Habitual Breaking or Entering (6/2012)		E
214.30	Felonious Breaking or Entering. G.S. 14-54. (5/2002)	H, Misd	H, Misd 1
214.31	First-Degree Trespass. G.S. 14-159.12. (5/2002)	Misd	Misd 2
214.31A	Second-Degree Trespass. G.S. 14-159.13. (5/2002)	Misd	Misd 3
214.32	Felonious Breaking or Entering. G.S. 14-54. Felonious Larceny—Pursuant to a Breaking or Entering Where the Property Is Worth More Than \$1,000. G.S. 14-70, 14-72(a), (b)(2). (6/2012)	H, Misd	H, Misd 1
214.34	Misdemeanor Breaking or Entering. G.S. 14-54. (5/2002)	Misd	Misd 1
214.35	Possession without Lawful Excuse of an Implement of Housebreaking. G.S. 14-55. (6/2011)	E	I
214.40	Breaking or Entering into Motor Vehicle. G.S. 14-56. (6/2016)	I	I
214.41	Preparation to Commit Breaking or Entering into Motor Vehicles—Possession of a Motor Vehicle [Master Key] [Manipulative Key] [Lock-Picking Device] [Hot Wiring Device]. G.S. 14-56.4(b). (6/2006)		Misd 1

214.42	Preparation to Commit Breaking or Entering into Motor Vehicles—Possession of a Motor Vehicle [Master Key] [Manipulative Key] [Lock-Picking Device] [Hot Wiring Device]. G.S. 14-56.4(b). (6/2006)		I, Misd 1
214.43	Preparation to Commit Breaking or Entering into Motor Vehicles—[Buying] [Selling] [Transferring] a Motor Vehicle [Master Key] [Manipulative Key] [Key Cutting Device] [Lock-Picking Device] [Hot Wiring Device]. G.S. 14-56.4(c). (6/2006)		Misd 1
214.44	Preparation to Commit Breaking or Entering into Motor Vehicles—[Buying] [Selling] [Transferring] a Motor Vehicle [Master Key] [Manipulative Key] [Key Cutting Device] [Lock-Picking Device] [Hot Wiring Device]. G.S. 14-56.4(c). (6/2006)		I, Misd 1
214.45	Felonious Breaking or Entering—Place of Religious Worship. G.S. 14-54.1. (6/2006)		G
214.47	Felonious Breaking or Entering—Intent to [Injure] [Terrorize] Occupant. G.S. 14-54. (6/2014)		H
214.50	(Misdemeanor) Opening Coin- or Currency-Operated Machines by Unauthorized Use of [a Key] [an Instrument]. G.S. 14-56.1. (5/2002)	Misd	Misd 1
214.51	Opening Coin- or Currency-Operated Machines by Unauthorized Use of [a Key] [an Instrument]. G.S. 14-56.1. (5/2002)	H, Misd	H, Misd 1
214.55	(Misdemeanor) Breaking into Coin- or Currency-Operated Machines. G.S. 14-56.1, -56.3. (5/2002)	Misd	Misd 1
214.56	Breaking into Coin- or Currency-Operated Machines. G.S. 14-56.1, -56.3. (5/2002)	H, Misd	H, Misd 1
214.60	Destroying or Damaging Coin- or Currency-Operated Machines. G.S. 14-56.2. (5/2002)	Misd	Misd 1
214.65	Burglary with Explosives or Acetylene Torch. G.S. 14-57. (5/2002)	E, H, Misd	D, H, Misd 1
	Arson and Other Burnings.		
215.11	First Degree Arson (Including Second Degree Arson, Burning an Uninhabited House). G.S. 14-58, -62. (5/2002)	C, D, E	D, G, F
215.11A	First Degree Arson, Burning a Structure within the Curtilage of the Dwelling House (Including Second Degree Arson, Burning an Uninhabited House). G.S. 14-58, -62. (3/2005)	C, D, E	D, G, F
215.12	Second Degree Arson. G.S. 14-58. (5/2002)	D	G
215.25	Wanton and Willful Burning—Property (Including Note on Specific Buildings and Structures Named in Art. 15). G.S. 14-58 through 14-67.1. (5/2002)	E	D-H
215.30	Wanton and Willful Burning of a [Boat] [Barge] [Ferry] [Float]. G.S. 14-63. (5/2002)	H	H
215.35	Wanton and Willful Burning of a [Ginhouse] [Tobacco House] [Miscellaneous Structure]. G.S. 14-64, -67.1. (5/2002)	H	H
215.40	Wanton and Willful or Fraudulent Burning of a Dwelling House by the Owner or Occupant. G.S. 14-65. (5/2002)	H	H
215.45	Burning Personal Property with Intent to Injure or Prejudice. G.S. 14-66. (5/2002)	H	H
215.50	Arson or Other Unlawful Burning Resulting in Serious Bodily Injury to a Firefighter or Emergency Medical Technician. G.S. 14-69.3. (5/2004)		E

215.85	Making a False Report concerning a Destructive Device. (Other Than Public Building). G.S. 14-69.1(a). (6/2006)	-	H
215.85B	Making a False Report concerning a Destructive Device— (Public Building). G.S. 14-69.1(c). (6/2006)	-	H, G
215.86	Perpetrating Hoax by Use of a False Bomb or Other Device— (Other Than Public Building). G.S. 14-69.2(a). (2/2000)	-	H
215.86B	Perpetrating Hoax by Use of a False Bomb or Other Device— (Public Building). G.S. 14-69.2(c). (2/2000)	-	H, G
215.87	Making a False Report concerning a Threat of Mass Violence on Educational Property. G.S. 14-277.5(b). (6/2008)	H	
	Larceny.		
216.05	Misdemeanor Larceny. G.S. 14-72(a). (6/2013)	Misd	Misd 1
216.07	Larceny of Motor Fuel Valued at Less Than \$1,000. G.S. 14-72.5(a). (6/2010)		Misd 1
216.08	Felonious Larceny—Habitual Misdemeanor Larceny. G.S. 14-72(b)(6). (6/2013).		H
216.10	Felonious Larceny—Goods Worth More Than \$1,000. G.S. 14-70, -72(a). (6/2010)	H, Misd	H, Misd 1
216.11	Felonious Larceny—[Explosive Device] [Incendiary Device]. G.S. 14-70, -72(b)(3). (2/2000)	H, Misd	H, Misd 1
216.11A	Felonious Larceny—Firearm. G.S. 14-70, -72(b)(4). (12/1999)	H, Misd	H, Misd 1
216.15	Felonious Larceny by Trick. G.S. 14-70, -72. (5/2002)	H, Misd	H, Misd 1
216.20	Felonious Larceny—From the Person. G.S. 14-70, -72(b)(1). (6/2011)	H, Misd	H, Misd 1
216.30	Felonious Larceny—Pursuant to Breaking/Entering Offense. G.S. 14-70, -72(b)(2). (5/2002)	H	H
216.35	Felonious Larceny—Pursuant to Breaking/Entering Offense Where the Property Is Worth More Than \$1,000. G.S. 14-70, -72(a), (b)(2). (5/2002)	H, Misd	H, Misd 1
216.36	Larceny from a Permitted Construction Site—Goods Worth More Than \$300 but Less Than \$1,000. G.S. 14-72.6. (6/2006)		
216.37	Felonious Larceny—Motor Vehicle Parts Worth More Than \$1,000. G.S. 14-72.8 (6/2010)		I
216.40	Feloniously Receiving Stolen Goods—Goods Worth More Than \$1,000. G.S. 14-71, -72. (5/2002)	H, Misd	H, Misd 1
216.41	Feloniously Receiving Stolen Goods from a Permitted Construction Site—Goods Valued in Excess of \$300 and Less Than \$1,000. G.S. 14-72.6. (6/2006)		I
216.42	Felonious [Receiving] [Possessing] Property in the Custody of a Law Enforcement Agency. G.S. 14-71(b). (6/2009)		H
216.45	Feloniously Receiving Stolen Goods Pursuant to a Breaking or Entering. G.S. 14-71, -72. (5/2002)	H, Misd	H, Misd 1
216.46	Misdemeanor Possession of Stolen Goods. G.S. 14-70, -72(a). (5/2002)	Misd	Misd 1
216.47	Felonious Possession of Stolen Goods—Goods Worth More Than \$1,000. G.S. 14-70, -71.1, -72(a). (5/2002)	H, Misd	H, Misd 1
216.48	Possession of Property Stolen Pursuant to a Breaking or Entering. G.S. 14-71.1, -72(b)(1) and (2). (5/2002)	H	H

216.48A	Felonious Possession of Stolen Goods—Stolen Pursuant to a Breaking or Entering or Worth More Than \$1,000 (Including Non-Felonious Possession). G.S. 14-71.1, -72(b)(1) and (2). (6/2008)	H, Misd	H, Misd 1
216.49	Possession of Stolen Explosives, Firearms, Public Records. G.S. 14-71.1, -72(b)(3), (4), and (5). (5/2002)	H	H
216.49A	Possession of Feloniously Taken Property Other Than by Larceny (e.g., Embezzlement). G.S. 14-70, -71.1, -72(a). (5/2002)	H, Misd	H, Misd 1
216.49B	Possession of Stolen Firearm. G.S. 14-71.1 and -72(b)(4). (5/2002)	H	H
216.49C	Felonious Possession of Stolen Goods from Permitted Construction Site—Goods Valued in Excess of \$300 but Less Than \$1,000. G.S. 14-72.6. (6/2006)		
216.50	Willfully Concealing the Merchandise of a Store—Shoplifting. G.S. 14-72.1(a). (3/2003)	Misd	Misd 3
216.52	Larceny by Price Tag Change. G.S. 14-72.1(d). (5/2002)	Misd	Misd 3
216.55	Willfully Concealing the Merchandise of a Store—Using Lead- or Aluminum-Lined Bag or Article of Clothing to Prevent Activation of Anti-Shoplifting Device or Inventory Control Device. G.S. 14-72.1(a), (d1). (5/2004)		H
216.56	Larceny from a Merchant. G.S. 14-72.11. (6/2009)		H
216.57	Organized Retail Theft. G.S. 14-86.6(a)(1). (6/2009)		H
216.58	[Receiving] [Possessing] Retail Property Obtained by Organized Retail Theft. G.S. 14-86.6(a)(2). (6/2009)		H
216.60	Larceny by an Employee. G.S. 14-74. (3/1998)	H	H
216.60A	Larceny by an Employee. G.S. 14-74, -75. (4/1998)		C, H (12/97)
216.61	Appropriation of Partnership Funds by Partner to Personal Use. G.S. 14-97. (5/1998)		C, H
216.62	Embezzlement by Insurance Agents, Brokers, or Administrators. G.S. 58-2-162. (6/2010)		C, H
216.70	Felonious [Altering] [Destroying] [Disassembling] [Dismantling] [Reassembling] [Storing] of Any [Motor Vehicle] [Motor Vehicle Part] Obtained by [Theft] [Fraud] [Other Illegal Means]. G.S. 14-72.7(a)(1). (6/2014)		
216.71	Felonious Permitting of Chop Shop Activity on Property. G.S. 14-72.7(a)(2). (6/2014)		H
216.72	Felonious [Purchasing] [Disposing] [Selling] [Transferring] [Receiving] [Possessing] of [Motor Vehicles] [Motor Vehicle Parts] with an Altered [Vehicle Identification Number] [Vehicle Part Identification Number]. G.S. 14-72.7(a)(3). (6/2014)		H
216.73	Felonious [Purchasing] [Disposing of] [Selling] [Transferring] [Receiving] [Possessing] [Motor Vehicles] [Motor Vehicle Parts] from a Person Engaged in a Chop Shop Activity. G.S. 14-72.7(a)(4). (6/2014)		H
216.80	Purchase of Regulated Metals by Secondary Metals Recyclers from Other Than a Fixed Location. G.S. 66-11(d)(1). (6/2008)		Misd 1
216.81	[Purchasing] [Receiving] of Regulated Metals by Secondary Metals Recyclers from (a) Minor(s). G.S. 66-11(d)(1). (6/2008)		Misd 1

		<u>Offense Classification</u>	Before	On or After
			10/1/94	10/1/94
216.82	[Cutting] [Mutilating] [Defacing] [Otherwise Injuring] Property to Obtain Nonferrous Metals—Property [Injury] [Loss in Value] [Repairs] [Loss Including Fixtures or Improvements] Less than \$1,000. G.S. 14-159.4(c)(1) (6/2013)			Misd 1
216.83	[Cutting] [Mutilating] [Defacing] [Otherwise Injuring] Property to Obtain Nonferrous Metals—Property [Injury] [Loss in Value] [Repairs] [Loss Including Fixtures or Improvements] \$1,000 or More (But Less than \$10,000). G.S. 14-159.4(c)(1) (6/2013)			H
216.84	[Cutting] [Mutilating] [Defacing] [Otherwise Injuring] Property to Obtain Nonferrous Metals—Property [Injury] [Loss in Value] [Repairs] [Loss Including Fixtures or Improvements] \$10,000 or More. G.S. 14-159.4(c)(1) (6/2013)			F
216.85	[Cutting] [Mutilating] [Defacing] [Otherwise Injuring] Property to Obtain Nonferrous Metals—Serious Injury. G.S. 14-159.4(c)(2) (6/2013)			Misd A1
216.86	[Cutting] [Mutilating] [Defacing] [Otherwise Injuring] Property to Obtain Nonferrous Metals—Serious Bodily Injury. G.S. 14-159.4(c)(3). (6/2013)			F
216.87	[Cutting] [Mutilating] [Defacing] [Otherwise Injuring] Property to Obtain Nonferrous Metals—Death. G.S. 14-159.4(c)(4) (6/2013)			D
216.88	[Cutting] [Mutilating] [Defacing] [Otherwise Injuring] Property to Obtain Nonferrous Metals—Critical Infrastructure. G.S. 14-159.4 (c)(5) (6/2013)			Misd 1
216.90	Unauthorized Use of a Conveyance. G.S. 14-72.2. (5/2002)	I, Misd		I, Misd 7
216.93	Larceny of Pinestraw. G.S. 14-79.1. (11/1998)			H
216.95	Felonious Larceny of Ungathered Crops. G.S. 14-78. (5/2002)	H, Misd		H, Misd 1
216.96	Felonious Larceny of Horses, Mules, Swine, Cattle, or Dogs. G.S. 14-81. (2/2003)	H, J		H, I
216.97	Unlawful Taking and Carrying Away of Any [Horse] [Mare] [Gelding] [Mule] [Dog] with the Intent to Deprive the Owner of the [Special] [Temporary] Use of Such Property. G.S. 14-82. (2/2003)	Misd		Misd 2
216.98	Unlawful Taking and Carrying Away of Any [Horse] [Mare] [Gelding] [Mule] [Dog] with the Intent to Use Such Property for a [Special] [Temporary] Purpose. G.S. 14-82. (2/2003)	Misd		Misd 2
	Robbery.			
217.10	Common Law Robbery. G.S. 4-1, 14-2, 14-87.1. (6/2016)	H		G
217.20	Robbery with a Firearm. G.S. 14-87. (6/2016)	D		D
217.25	Attempted Robbery with a Firearm. G.S. 14-87. (5/2003)	D		D
217.30	Robbery with a Dangerous Weapon—Other Than a Firearm Covering Common Law Robbery as a Lesser Included Offense. G.S. 14-87, 14-87.1, 14.1, 14.2. (5/2003)	D, H		D, G
217.50	Safecracking—By Explosives, Drills, or Tools. G.S. 14-89.1(a)(1). (5/2003)	H		I
217.51	Safecracking—By Stolen or Fraudulently Acquired Implement or Means. G.S. 14-89.1(a)(2). (5/2003)	H		I
217.52	Safecracking—By Use of Key or Device Obtained in Unauthorized Manner. G.S. 14-89.1(a)(3). (5/2003)	H		I
217.53	Safecracking—All Other Means. G.S. 14-89.1(a)(3) and (4). (5/2003)	H		I

		Before 10/1/94	On or After 10/1/94
217.54	Safecracking—Removing Safe or Vault from Premises. G.S. 14-89.1(b). (5/2003)	H	I
218.10	Embezzlement. Embezzlement of Property by Virtue of Office or Employment. G.S. 14-90, 58-2-162. (6/2010)	H	H
218.10A	Embezzlement of Property Valued at \$100,000 or More by Virtue of Office or Employment. G.S. 14-90; 58-2-162. (6/2010)		C, H (12/97)
218.15	Embezzlement of Property by Virtue of Office or Employment. G.S. 14-90, 58-2-162, 45A-3. (6/2010)		H
218.15A	Embezzlement of Property Valued at \$100,000 or More by Virtue of Office or Employment. G.S. 14-90, 58-2-162, 45A-3. (6/2010)		C
218.20	Willful Misapplication of Corporate Moneys, Funds or Credits. G.S. 14-254. (5/2003)	G	H
218.21	Unauthorized Issuance of Corporate Instruments. G.S. 14- 254. (5/2003)	G	H
218.22	False Entries by Corporate Officers or Agents. G.S. 14-254. (5/2003)	G	H
218.25	Embezzlement of State Property by Public Officers and Employees. G.S. 14-91. (6/2010)		F
218.25A	Embezzlement of State Property Valued at \$100,000 or More Public Officers and Employees. G.S. 14-91. (6/2010)		C
218.30	[Misapplication] [Embezzlement] of Bank Funds (6/2013)		C, H
	False Pretenses and Cheats.		
219.10	Obtaining Property by False Pretenses. G.S. 14-100. (6/2016)	H	H
219.10A	Obtaining Property by False Pretenses. G.S. 14-100. (6/2016)		C, H (12/97)
219.11	Fraudulent Misrepresentation Involving Child Care Subsidies. G.S. 110-107. (4/2000)	-	Class 1; I
219.20	Obtaining Advances under Promise to Work. G.S. 14-104. (10/1998)	-	Misd 2
219.40	Obtaining Property in Return for Worthless Check, with Intent to Cheat and Defraud. G.S. 14-106. (3/2003)	Misd	Misd 2
219.50A	Worthless Check—Insufficient Funds (Less Than \$2,000). G.S. 14-107(a), (d)(1). (6/2014)	-	Misd 2
219.51A	Worthless Check—Insufficient Funds (More Than \$2,000). G.S. 14-107(a), (d). (6/2014)	J	I
219.52	Worthless Check—Drawn on Non-Existent Account. G.S. 14- 107(d)(3). (5/2000)	Misd	Misd 1
219.53	Worthless Check—Drawn on Closed Account. G.S. 14- 107(d)(4). (5/2000)	Misd	Misd 1
	Credit Card Crime Act.		
219B.10	Credit Card (Financial Transaction Card) Theft. G.S. 14- 113.9(a)(1). (4/2003)	J	I
219B.11	Credit Card (Financial Transaction Card) Theft—Receiving Stolen Card. G.S. 14-113.9(a)(1). (4/2003)	J	I

219B.20	Credit Card (Financial Transaction Card) Theft—Use of Lost, Mislaid, or Mistakenly Delivered Card. G.S. 14-113.9(a)(2). (4/2003)	J	I
219B.25	Credit Card (Financial Transaction Card) Theft—Buying a Credit Card. G.S. 14-113.9(a)(3). (5/2003)	J	I
219B.26	Credit Card (Financial Transaction Card) Theft—Selling a Credit Card. G.S. 14-113.9(a)(3). (5/2003)	J	I
219B.30	Forgery of a Credit Card (Financial Transaction Card)—Making or Embossing Credit Card. G.S. 14-113.11(a)(1). (4/2003)	J	I
219B.31	Forgery or Uttering of a Forged Credit Card (Financial Transaction Card)—Falsely Encoded, Duplicated, Altered, or Uttered. G.S. 14-113.11(a)(2). (4/2003)	J	I
219B.35	Forgery of a Credit Card (Financial Transaction Card)—Unauthorized Signing of a Credit Card. G.S. 14-113.11(a)(3). (4/2003)	J	I
219B.40	Credit Card (Financial Transaction Card) Fraud—Credit Card Stolen, Forged, Falsely Represented, Expired, or Revoked. G.S. 14-113.13(a)(1)(2); (b). (4/2003)	J, Misd	I, Misd 2
219B.41	Credit Card Fraud—False Representation as to Holding or Issuance of Card. G.S. 14-113.13(a)(2). (5/2003)	J, Misd	I, Misd 2
219B.42	Credit Card Fraud—Where Defendant Held or Controlled Card as Security for Debt. G.S. 14-113.13(a)(3). (5/2003)	J, Misd	I, Misd 2
219B.43	Credit Card Fraud—By Furnisher of Goods and Services. G.S. 14-113.13(b)(1). (4/2003)	J, Misd	I, Misd 2
219B.44	Credit Card (Financial Transaction Card)—Fraud by Misrepresentation to Issuer. G.S. 14-113.13(b)(2). (4/2003)	J, Misd	I, Misd 2
219B.50	Criminal Possession of Incomplete Credit Cards (Financial Transaction Card). G.S. 14-113.14(a)(1). (4/2003)	J	I
219B.55	Criminal Possession of Credit Card (Financial Transaction Card)—Reproduction Device. G.S. 14-113.14(a)(2). (4/2003)	J	I
219B.60	Credit Card Fraud—Criminal Factoring of Transaction Card Records of Sale. G.S. 14-113.15A. (4/2003)	I	I
219B.80	Identity Theft. G.S. 14-113.20, 14-113.22.		F, G
219B.80A	Identity Theft—Financial Identity Fraud Resulting in Another Person’s Arrest, Detention, or Conviction of a Criminal Offense. G.S. 14-113.20, -113.22. (6/2010)	-	F, G
219B.80B	Identity Theft—Possession of Identifying Information Pertaining to Three or More Persons. G.S. 14-113.20, -113.22. (6/2010)		F, G
219B.85	Identity Theft—Trafficking in Stolen Identities. G.S. 14-113.20A. (6/2010)		E
219C.05	Willfully Failing to Make North Carolina Income Tax Returns. G.S. 105-236(9). Deleted. (6/2013).	Misd	Misd 1
	Frauds.		
220.10	Fraudulent Disposal of Personal Property on Which There Is a Security Interest. G.S. 14-114. (5/2003)	Misd	Misd 2
220.20	Secreting Property to Hinder Enforcement of Lien or Security Interest. G.S. 14-115. (5/2003)	Misd	Misd 2
220.22	Filing False Security Agreements (6/2013)		I
220.24	Improper Filing of Lien on [Real Property]. G.S. 44A-12.1(c). (6/2013)		I
220.26	Filing [False Lien] [Encumbrance]. G.S. 14-118.6. (6/2016)		I

		<u>Offense Classification</u>	Before	On or After
			10/1/94	10/1/94
220.28	Simulation of Court Process in Connection with Collection of [a Claim] [a Demand] [an Account]. G.S. 14-118.1 (6/2013)			I
220.30	Residential Mortgage Fraud. G.S. 14-118.12(a)(1)–(2). (6/2013)			H
220.31	[Receiving] [Attempting to Receive] Proceeds from Residential Mortgage Fraud. G.S. 14-118.12(a)(3). (6/2008)			H
220.32	Conspiracy to Commit Residential Mortgage Fraud. G.S. 14-118.12(a)(4). (6/2008)			H
220.33	Solicitation of Residential Mortgage Fraud. G.S. 14-118.12(a)(4). (6/2008)			H
220.34	Pattern of Residential Mortgage Fraud. G.S. 14-118.15. (6/2008)			H, E
220.35	False Statement of Sums Due for [Labor] [Materials] Furnished at Site of Improvements to Real Property (6/2013)			Misd 1
220.40	Fraudulent and Deceptive Advertising. G.S. 14-117. (5/2003)	Misd		Misd 2
220.50	[Improper] [Fraudulent] Receipt of Decedent’s [Retirement Allowance] [Disability Benefit]. G.S. 135-18.11. (6/2013)			Misd 1
220.53	Improper Receipt of Decedent’s Disability Income Plan Allowance from the State of North Carolina. G.S. 135.111.1. (6/2014)			Misd 1
220.55	Fraudulently [Obtaining] [Increasing] Benefit Under Unemployment Insurance. G.S. 96-18.A. (6/2013)			I, Misd 1
220.60	Blackmail—Other Than by Accusation of Crime. G.S. 14-118. (5/2003)	Misd		Misd 1
220.65	Blackmail—By Accusation of Crime. G.S. 14-118. (5/2003)	Misd		Misd 1
220.70	Obtaining Academic Credit by Fraudulent Means. G.S. 14-118.2. (5/2003)	Misd		Misd 2
220.80	Extortion. G.S. 14-118.4. (5/2003)	H		F
220.85	Exploitation of [Disabled] [Older] Adult by a Person in a [Position of Trust] [Business Relationship with the Adult]. G.S. 14-112.2(b), (d). (6/2014)			F, G, H
220.90	Fraud in Connection with Rental of Motor Vehicle. G.S. 20-106.1. (3/2003)		J	I
220.91	Failing to Return Rented Property on Which There Is a Purchase Option (Rent to Own). G.S. 14-168.4. (5/2003)	Misd		Misd 2
220.95	Interfering with Gas, Electric, and Steam [Appliances] [Meters]. G.S. 14-151. (6/2014)			Misd 1
220.97	[Possession] [Transfer] [Use] of Automated Sale Suppression Device. G.S. 14-118.7. (6/2014)			H
221.10	Forgery. Forgery of Notes, Checks, and Other Securities. G.S. 14-119(a). (6/2008)		I	I
221.12	Possession of Counterfeit Instrument(s). G.S. 14-119(a). (6/2008)			I
221.14	Possession of Five or More Counterfeit Instruments. G.S. 14-119(b). (6/2008)			G
221.16	Transporting Five or More Counterfeit Instruments. G.S. 14-119(b). (6/2008)			G
221.20	Uttering Forged Instrument or Instrument Containing a Forged Endorsement. G.S. 14-120. (4/2003)		I	I
221.40	Forgery of Deeds, Wills and Certain Other Instruments. G.S. 14-122. (5/2003)		I	H

221.41	Showing Forth in Evidence Forged Deeds, Wills, and Certain Other Instruments. G.S. 14-122. (5/2003)	I	H
221.80	Forgery of Writings (Common Law Misdemeanor). (5/2003)	Misd	Misd 1; H
222.15	Trespasses to Land and Fixtures. Willful and Wanton Injury to Real Property. G.S. 14-127. (5/2003)	Misd	Misd 1
222.16	Felonious Injury to Houses or Other Buildings Including Lesser Offense (6/2009)		I
222.17	Misdemeanor Injury to Houses or Other Buildings. G.S. 14-144. (6/2009)		Misd 2
222.18	Felonious Injury to Fences or Walls Including Lesser Offense. G.S. 14-144. (6/2009)		I
222.19	Misdemeanor Injury to Fences or Walls. G.S. 14-144. (6/2009)		Misd 2
222.20	Forcible Trespass to Real Property (Common Law Misdemeanor). (5/2003)	Misd	Misd 1
222.22	Unlawfully [Stopping] [Impeding] [Delaying] [Detaining] a Public School Bus or Public School Activity Bus. G.S. 14-132.2. (5/2002)		Misd 1
222.23	Refusing to Leave a Public School Bus or Public School Activity Bus. G.S. 14-132.2. (5/2002)		Misd 1
222.24	Trespassing on Public School Bus or Public School Activity Bus. G.S. 14-132.2. (5/2002)		Misd 1
222.26	Trespass—Electric Power Supplier—Basic Offense. G.S. 14-159.12(c). (6/2013)		Misd A1
222.28	Trespass—Electric Power Supplier—[Intent to Disrupt Normal Operation of Facility] [Act that Placed [Offender] [Another Person] at Risk of Serious Bodily Injury]. G.S. 14-159.12(d). (6/2013)		H
222.30	Domestic Criminal Trespass. G.S. 14-134.3(a). (5/2003)		Misd 1
222.31	Aggravated Domestic Criminal Trespass. G.S. 14-134.3(b). (5/2003)		G
222.32	Interfering with Emergency Communications. G.S. 14-286.2. (5/2002)		Misd A1
222.33	Felony Trespassing at a Safe House by Person Subject to Domestic Violence Protective Order (6/2011)		H
222.40	Setting Fire to [Grassland] [Brushland] [Woodland] Property of Another. G.S. 14-136. (4/2003)	Misd	Misd 2
222.40A	Setting Fire to [Grassland] [Brushland] [Woodland] (Defendant's Property). G.S. 14-136. (4/2003)	Misd	Misd 2
222.41	Setting Fire to [Grassland] [Brushland] [Woodland] with Intent to Damage Property of Another. G.S. 14-136. (3/2003)	I	I
222.42	[Cutting] [Injuring] [Removing] Another's Timber. G.S. 14-135, 14-72.		Misd 1, H
222.45	Toxic Substances, Dumping. G.S. 14-284.2. (5/2003)		F
222.50	Desecration of a Gravesite. G.S. 14-148(a). (6/2008)		Misd 1
222.51	Desecration of Human Remains. G.S. 14-149. (6/2008)		H
222.52	Felonious Desecration of a Gravesite. G.S. 14-148(a). (6/2008)		I
222.60	Injuring Telecommunication Wires. G.S. 14-154. (6/2008)		I
222.65	Trespassing for the Purpose of [Hunting] [Fishing] [Trapping] (6/2012)		Misd 1
222.66	Trespassing for the Purpose of [Raking] [Removing] Pine Straw (6/2012)		Misd 1

222.68	Improper Taking of [Menhaden] [Atlantic Thread] Herring. G.S. 113-187. (6/2013)		Misd A1
222.69	Unlawful Dealings with [Ginseng] [Galax] [Venus Flytrap]. G.S. 106-202.19(a). (6/2013)		Misd 2
222.70	Trespass to Land on a Motorized All Terrain Vehicle. G.S. 14-159.3. (6/2015)		Misd 2
222.75	Collection of [Seismic] [Geophysical] Data on Another's Property Without Written Consent. G.S. 113-395.4. (6/2015)		Misd 1
222.80	Graffiti Vandalism. G.S. 14-127.1. (6/2016)		Misd
222.85	Graffiti Vandalism. G.S. 14-127.1. (6/2016)		
	Trespasses to Personal Property.		
223.15	Willful and Wanton Injury to Personal Property Causing Damage of More Than \$200. G.S. 14-160. (5/2003)	Misd	Misd 1, 2
223.20	[Alteration] [Destruction] [Removal] of Permanent Identification Marks from Personal Property. G.S. 14-160.1(a). (3/2003)	Misd	Misd 1
223.21	[Buying] [Selling] [Possessing] Item of Personal Property on Which the Permanent Identification Mark Has Been [Altered] [Destroyed] [Defaced] [Removed]. G.S. 14-160.1(b). (3/2003)	Misd	Misd 1
223.25	Felonious Trespass. G.S. 14-453, -458. (4/2000)		Class 3; 1/I
223.30	Willfully Damaging [Computers] [Computer Programs] [Computer Systems] [Computer Networks]. G.S. 14-455. (6/2009)		Misd 1
223.31	Willfully Damaging Government [Computers] [Computer Programs] [Computer Systems] [Computer Networks]. G.S. 14-455(b). (6/2009)		F
223.40	Unlawful Operation of an Audiovisual Recording Device. G.S. 14-440.1. (6/2006)		Misd 1
223.45	Unlawful Operation of an Audiovisual Recording Device. G.S. 14-440.1. (6/2006)		I, Misd 1
	Vehicles and Draft Animals—Protection of Bailor against Acts of Bailee.		
224.10	[Willful] [Malicious] Injury to [Rented] [Hired] Personal Property. G.S. 14-165. (3/2003)	Misd	Misd 2
224.20	Failure to Return [Rented] [Hired] Property. G.S. 14-167. (3/2003)	Misd	Misd 2
224.25	Failure to Return [Rented] [Hired] [Leased] Motor Vehicle Valued in Excess of \$4,000. G.S. 14-167. (6/2006)		
224.30	Felonious Conversion by Bailee. G.S. 14-168.1 (4/2003)	H, Misd	H, Misd 1
	Offenses against Public Morality and Decency.		
226.10	Crime against Nature—Animals. G.S. 14-177. (6/2006)	H	I
226.10A	Crime against Nature—Persons. G.S. 14-177. (6/2006)		
226.20	Incest. G.S. 14-178. (3/2003)	G	F
226.20A	Incest with a Person under the Age of Thirteen Years. G.S. 14-178. (3/2003)	G	B1
226.20B	Incest with a Person [Thirteen] [Fourteen] [Fifteen] Years of Age. G.S. 14-178. (3/2003)		B1, C
226.45	Bigamy. G.S. 14-183. (3/2003)	H	I
226.46	Bigamous Cohabitation. G.S. 14-183. (4/2003)	H	I
226.50	Fornication and Adultery. G.S. 14-184. (1/2004)	Misd	Misd 2

		Before 10/1/94	On or After 10/1/94
226.55	Using Profane or Indecent Language over a Telephone. G.S. 14-196(a)(1). (3/2001)	Misd	Misd 2
226.56	Using Threatening Language by Way of Telephone. G.S. 14-196(a)(2). (3/2001)	Misd	Misd 2
226.57	Harassing by Repeated Telephone Calls. G.S. 14-196(a)(3). (3/2001)	Misd	Misd 2
226.58	Disrupting Telephone Service of Another. G.S. 14-196(a)(4). (3/2001)	Misd	Misd 2
226.59	Harassing by Imparting False Information by Telephone. G.S. 14-196(a)(5). (3/2001)	Misd	Misd 2
226.60	Cyberstalking—Threatening Language. G.S. 14-196.3(b)(1). (3/2001)		Misd 2
226.60A	Cyberstalking—Harassment. G.S. 14-196.3(b)(2). (1/2001)		Misd 2
226.60B	Cyberstalking—False Statement. G.S. 14-196.3(b)(3). (3/2001)		Misd 2
226.60C	Cyberstalking—Permitting Communication. G.S. 14-196.3(b)(4). (3/2001)		Misd 2
226.62	Cyberstalking Through Use of An Electronic Tracking Device. G.S. 14-196.3. (6/2016)		
226.65	Cyber-bullying with Intent to [Intimidate] [Torment] a Minor. G.S. 14-458.1(a)(1). (6/2010)		Misd 1, Misd 2
226.66	Cyber-bullying with Intent to [Intimidate] [Torment] [A Minor] [A Minor's [Parent] or [Guardian]]. G.S. 14-458.1(a)(2). (6/2010)		Misd 1, Misd 2
226.67	Cyber-bullying—Using a [Computer] [Computer Network] to Plant any Statement to Provoke a Third Party to [Stalk] [Harass] a Minor. G.S. 14-458.1(a)(3). (6/2010)		Misd 1, Misd 2
226.68	Cyber-bullying—Using a [Computer] [Computer Network] to [Copy and Disseminate] [Cause to be Made] an Unauthorized Copy of Data Pertaining to a Minor for the Purpose of [Intimidating] [Tormenting] that Minor. G.S. 14-458.1(a)(4). (6/2010)		Misd 1, Misd 2
226.69	Cyber-bullying—Signing up a Minor for a Pornographic Internet Site. G.S. 14-458.1(a)(5). (6/2010)		Misd 1, Misd 2
226.70	Cyber-bullying—Using a [Computer] [Computer Network] to Sign up a Minor for [Electronic Mailing List] [Electronic Messages] Without Consent of the [Minor] [Minor's [Parent] [Guardian]] Resulting in [Intimidation] [Torment] of the Minor. G.S. 14-458.1(a)(6). (6/2010)		Misd 1, Misd 2
226.71A	Cyber-bullying of School Employee by Student—[Computer] [Internet] Interference with Employee. G.S. 14-458.2(b)(1). (6/2013)		Misd 2
226.72B	Cyber-bullying of School Employee by Student—Statements Likely to Provoke Action. G.S. 14-458.2(b)(2). (6/2013)		Misd 2
226.72C	Cyber-bullying of School Employee by Student—Unauthorized Copying of Data. G.S. 14-458.2(b)(3). (6/2013)		Misd 2
226.72D	Cyber-bullying of School Employee by Student—Pornographic Internet Site. G.S. 14-458.2(b)(4). (6/2013)		Misd 2
226.72E	Cyber-bullying of School Employee by Student—Electronic Mailing Lists. G.S. 14-458.2(b)(5). (6/2013)		Misd 2
226.75	Secretly Peeping into Room Occupied by Another Person. G.S. 14-202(a). (12/2003)	Misd	Misd 1
226.75A	Secretly Peeping through the Use of a Mirror or Other Device. G.S. 14-202(a1). (2/2005)		Misd 1

		Before	On or After
		10/1/94	10/1/94
226.76	Secretly Peeping into Room While in Possession of a Device Used to Create a Photographic Image. G.S. 14-202(c). (4/2004)		Misd A1
226.77	Felonious Secretly Peeping into Room Occupied by Another Person and Using a Device to Create a Photographic Image of a Person in That Room for the Purpose of Sexual Arousal or Gratification. G.S. 14-202(d). (4/2004)		I
226.78	Secretly or Surreptitiously Using a Device to Create a Photographic Image of Another Person Underneath or through the Clothing. G.S. 14-202(e). (4/2004)		I
226.79	Secretly or Surreptitiously Installing a Device Used to Create a Photographic Image. G.S. 14-202(f). (4/2004)		I
226.80	Knowingly Possessing a Photographic Image Obtained by Secretly Peeping. G.S. 14-202(g). (5/2004)		I
226.81	Knowingly Disseminating a Photographic Image Obtained by Secretly Peeping. G.S. 14-202(h). (5/2004)		H
226.85	Taking an Indecent Liberty with a Child. G.S. 14-202.1. (4/2003)	H	F
226.86A	Taking Indecent Liberties with a Student (by Teacher, School Administrator, Student Teacher, School Safety Officer, Coach). G.S. 14-202.4. (6/2016)	-	I
226.86B	Taking Indecent Liberties with a Student (by Member of School Personnel Other Than Teacher, School Administrator, Student Teacher, School Safety Officer, Coach). G.S. 14-202.4. (6/2016)	-	Misd A1
226.90	Promoting Prostitution. G.S. 14-205.3. (6/2014)		E, F
226.91	Patronizing a Prostitute. G.S. 14-205.2. (6/2014)		E, F
226.92	Patronizing a Prostitute G.S. 14-205.2. (6/2014)		E, F
226.93	Patronizing a Prostitute who is [Severely] [Profoundly] Mentally Disabled. G.S. 14-205.2. (6/2014)		C, D
226.96	Solicitation for Prostitution with a Person who is [Severely] [Profoundly] Mentally Disabled. G.S. 14-204(5), 14-205.1. (6/2014)		E
226.97	Solicitation for Prostitution. G.S. 14-204(5), 14-205.1. (6/2014)		G, H
226.98	Solicitation for Prostitution. G.S. 14-204(5), 14-205.1. (6/2014)	Misd	Misd 1
	Perjury.		
228.10	Perjury. G.S. 14-209. (1/2001)	H	F
228.20	Subornation of Perjury. G.S. 14-210. (1/2001)	H	I
228.30	Presenting a False Statement to Procure Benefit of Insurance Policy. G.S. 58-2-161(b)(1). (2/1999)	I	I
228.30A	Presenting a False Statement to Deny Benefit of Insurance Policy. G.S. 58-2-161(b)(1). (2/1999)	I	I
228.35	Making (or Participating in) a False Statement to Procure Benefit of an Insurance Policy. G.S. 58-2-161(b)(2). (2/1999)	I	I
228.35A	Making (or Participating in) a False Statement to Deny Benefit of Insurance Policy. G.S. 58-2-161(b)(2). (2/1999)	I	I
	Bribery.		
229.05	Bribery of Officials. G.S. 14-217. (5/2005)	I	F
229.10	Offering a Bribe to Public Officials. G.S. 14-218. (4/2003)	I	F
229.15	[Buying] [Selling] Public Offices. G.S. 14-228. (6/2016)		

229.20	Commercial Bribery. G.S. 14-353. (6/2014)	Misd	Misd 2
229.21	Commercial Bribery (Making Bribe). G.S. 14-353. (6/2014)	Misd	Misd 2
	Obstructing Justice.		
230.20	Breaking or Entering with the Intent of Altering, Destroying, or Stealing Evidence. G.S. 14-221.1. (1/1999)	I	I
230.21	[Altering] [Destroying] [Stealing] Evidence of Criminal Conduct. G.S. 14-221.1. (6/2010)	I	I
230.25	[Destroying] [Altering] [Concealing] [Tampering With] Biological Evidence of Criminal Conduct. G.S. 15A-268. (6/2010)		H, I
230.26	Felonious Misrepresentation of Evidence (6/2012)		H
230.27	Non-Felonious Misrepresentation of Evidence (6/2012)		Misd 1
230.30	Resisting, Delaying, or Obstructing a Public Officer—All Situations Other Than Arrest. G.S. 14-223. (1/1999)	Misd	Misd 2
230.31	Resisting Arrest—Lawfulness of Arrest. G.S. 14-223. (1/1999)	Misd	Misd 2
230.32	Resisting, Delaying, or Obstructing an Officer—Excessive Force by the Officer. G.S. 14-223. (1/1999)	Misd	Misd 2
230.40	Obstructing the Administration of Justice by [Picketing] [Parading] [Use of a Sound Truck or Similar Device]. G.S. 14-225.1. (12/1998)	Misd	Misd 1
230.60	Harassment or Intimidation of or Communication with Juror. G.S. 14-225.2. (12/1998)	I	H, I
230.60A	Harassment or Intimidation of or Communication with Juror’s Spouse. G.S. 14-225.2. (1/1999)	I	H, I
230.61A	Intimidating Witnesses by Threatening the Assertion or Denial of Parental Rights. G.S. 14-226. (2/2005)		H
230.62	Obstruction of Justice. Common Law Misdemeanor. (3/2003)	Misd	Misd 1, H
230.65	[Intimidating] [Interfering] With A Witness. G.S. 14-226(a). (6/2016)		G
230.70	Impersonation of Law-Enforcement Officer. Misdemeanor. G.S. 14-277(a). (6/2011)	Misd	Misd 1
230.70A	Impersonating a Law Enforcement Officer. Felony. (6/2011)		H, I
230.71	Impersonating a Law Enforcement Officer by Operating a Vehicle with an Operating Blue Light Causing a Person to [Stop] [Yield] (Blue Light Bandit). G.S. 14-277(a)(4), (b)(5). (12/1997)		H, I
230.73	Impersonation of [A Firefighter] [An Emergency Medical Services Personnel]. G.S. 14-276.1 (6/2016)		
230.75	Impersonation of Law-Enforcement Officer (Carrying Out an Act in Accordance with the Authority Granted to a Law-Enforcement Officer). Misdemeanor. G.S. 14-277(b). (6/2011)	Misd	Misd 1
230.75A	Impersonation of Law-Enforcement Officer (Carrying Out an Act in Accordance with the Authority Granted to a Law-Enforcement Officer). Felony. G.S. 14-277(b). (6/2011)		H, I
230.80	Concealment of Death. G.S. 14-401.22. (6/2006)		Felony
230.81	Harassment of a Participant in a Neighborhood Crime Watch Program. G.S. 14-226.2. (6/2007)		Misd 1
230.91	Concealment of Death—Intent to Conceal Death by Dismembering or Destroying Human Remains (6/2012)		H
230.92	Concealment of Death—Intent to Conceal Unnatural Death by Dismembering or Destroying Human Remains (6/2012)		D

230.93	Concealment of Death—Aiding, Counseling, and Abetting (6/2012)		Misd 1
230.94	Disturbing Human Remains—Physical Alteration or Manipulation (6/2012)		I
230.95	Disturbing Human Remains—Acts of Sexual Penetration (6/2012)		I
Prison Breach and Prisoners.			
233.45	Prison Breach and Escape from [County] [Municipal] Confinement [Facilities] [Officers]. G.S. 14-256. (6/2014)		Misd 1, H
233.50	Feloniously Harboring or Aiding an Escaped Prisoner. G.S. 14-259. (12/1998)	I	I
233.60	Injury to Prisoner by Jailer. G.S. 162-55. (12/1998)	Misd	Misd 1
233.70	Harboring a Fugitive. G.S. 14-267. (2/1999)	Misd	Misd 1
233.80	Furnishing a Controlled Substance to an Inmate. G.S. 14-258.1(a). (6/2010)	H	H
233.81	Furnishing a Deadly Weapon, Cartridge or Ammunition to an Inmate. G.S. 14-258.1(a). (6/2010)	H	H
233.82	Furnishing an Alcoholic Beverage to an Inmate. G.S. 14-258.1(b). (6/2010)	Misd	Misd 1
233.83	Furnishing a Tobacco Product (Including Vapor Products) to an Inmate. G.S. 14-258.1(c). (6/2015)	Misd	Misd 1
233.84	Furnishing a [Mobile Telephone] [Wireless Communication Device] [Component of a [Mobile Telephone] [Wireless Communication Device]] to an Inmate. G.S. 14-258.1(d). (6/2016)	Misd	Misd 1
233.90	Possession of a Tobacco Product (Including Vapor Products) by an Inmate. G.S. 14-258.1(e). (6/2015)	Misd	Misd 1
233.95	Possession of a [Mobile Telephone] [Wireless Communication Device] [Component of a [Mobile Telephone] [Wireless Communication Device]]. G.S. 14-258.1(d). (6/2016)	Misd	Misd 1
Offenses against the Public Peace.			
235.10	Carrying a Concealed Weapon Other Than a Pistol or Handgun. G.S. 14-269(a). (6/2014)	Misd	Misd 2
235.12	Carrying a Concealed [Pistol] [Handgun]. G.S. 14-269(a1). (6/2015)		Misd 2, H
235.15	Carrying Weapons into Assemblies. G.S. 14-269.3. (6/2014)	Misd	Misd 1
235.16	Carrying Weapons into Establishments Where Alcoholic Beverages Are Sold and Consumed. G.S. 14-269.3. (6/2014)	Misd	Misd 1
235.17	Carrying or Possessing Weapons on [Educational Property] (or) [at School Sponsored Activity]. G.S. 14-269.2(b) and (b1). (6/2016)	I, Misd	I, Misd 1
235.17A	[Causing] [Encouraging] [Aiding] a Minor to [Carry] [Possess] Weapons on Educational Property. G.S. 14-269.2(c) and (c1). (6/2014)	I, Misd	I, Misd 1
235.17B	Willfully Discharging a Firearm on Educational Property or at School Sponsored Activity. G.S. 14-269.2(b) and (b1). (6/2014)		F
235.18	Communicating Threats. G.S. 14-277.1. (2/2000)	Misd	Misd 1
235.19	Stalking. G.S. 14-277.3A(c)(d). (6/2009)	I, Misd	F, H, Misd A1
235.19A	Stalking (Court Order in Effect). G.S. 14-277.3A(c)(d). (6/2009)		H

235.19B	Stalking (Previously Convicted). G.S. 14-277.3A(c)(d). (6/2009)		F
235.20	Going about Armed with Unusual and Dangerous Weapons to the Terror of the People (Common Law Misdemeanor). (4/1999)	Misd	Misd 1
235.30	Pointing a Laser Device towards an Aircraft. G.S. 14-280.2. (6/2006)		H
235.35	Interference With Manned Aircraft By Unmanned Aircraft Systems. G.S. 14-280.3. (6/2015)		H
235.50	Terrorism (Basic Offense). G.S. 14-10.1. (6/2013)		B1*
235.51	Terrorism—Continuing Criminal Enterprise. G.S. 14-7.20. (6/2013)		D
235.61	Unlawful Distribution Of Images Taken by Unmanned Aircraft. G.S. 14-401.25. (6/2015)		Misd A1
235.65	Disclosure of Private Images by Offender Under the Age of 18. G.S. 14-190.5(c)(2). (6/2016)		
235.67	Disclosure of Private Images by Offender 18 Years of Age Or Older. G.S. 14-190.5(c)(1). (6/2016)		
235.69	Felonious Disclosure of Private Images by Offender Under the Age of 18. G.S. 14-190.5(c)(3). (6/2016)		
Riots and Civil Disorders.			
236A.10	Feloniously Engaging in a Riot Where the Defendant Has Actually Participated in the Violence—More Than \$1,500 Property Damage or Serious Injury. G.S. 14-288.2(c)(1). (5/1999)	I, Misd	H, Misd 1
236A.15	Feloniously Engaging in a Riot Where the Defendant Has Actually Participated in the Violence—Dangerous Weapon or Substance. G.S. 14-288.2(c)(2). (5/1999)	I, Misd	H, Misd 1
236A.20	Inciting to Riot—\$1,500 or Less in Damage—Misdemeanor. G.S. 14-288.2(d). (5/1999)	Misd	Misd 1
236A.25	Felonious Inciting to Riot—Damage in Excess of \$1,500 or Serious Bodily Injury (With Misdemeanor Inciting as a Lesser Included Offense). G.S. 14-288.2(e). (5/1999)	H, Misd	F, Misd 1 Misd 2
236A.27	Failure to Disperse. G.S. 14-288.5. (6/2013)		Misd 2
236A.28	[Standing] [Sitting] [Lying] Upon [Highways] [Streets]. G.S. 20-174.1. (6/2015)		Misd 2
236A.30	Disorderly Conduct (Fighting or Other Violent Conduct). G.S. 14-288.4(a)(1). (5/1999)	Misd	Misd 2
236A.31	Disorderly Conduct (Abusive Language or Gestures). G.S. 14-288.4(a)(2). (5/1999)	Misd	Misd 2
236A.33	Disorderly Conduct at a Funeral. G.S. 14-288.4 (a)(8). (6/2014)		Misd 1, H, I
236A.35	Disorderly Conduct at a Funeral. G.S. 14-288.4 (a)(8). (6/2014)		Misd 1, H, I
236A.40	Disorderly Conduct [In] [Near] a Public [Building] [Facility]. G.S. 14-132(a)(1). (6/2016)		
236A.60	Looting (Lesser Included Offense of Trespass during Emergency). G.S. 14-288.6. (5/1999)	I, Misd	H, Misd 1

Lotteries and Gaming.

* If the underlying act of violence is a Class A or B1 felony offense. Otherwise, it is one class higher than felony for underlying act of violence.

		Before 10/1/94	On or After 10/1/94
237.20	Possession of Lottery Tickets Used in the Operation of a Lottery. G.S. 14-290. (6/2006)	Misd	Misd 2
237.25	Sale of Lottery Tickets. G.S. 14-291. (6/2006)	Misd	Misd 2
237.26	Sale of Tickets Used in a Numbers Lottery. G.S. 14-291.1. (6/2006)	Misd	Misd 2
237.30	Gambling. G.S. 14-292. (1/2000)	Misd	Misd 2
237.60	Possession of Illegal Slot Machine. G.S. 14-301. (8/1999)	Misd	Misd 2
237.70	Unlawful [Operation] [Possession] of Video Gaming Machines. G.S. 14-306.1, -306.1A. (6/2007).		Misd 1, H, G
237.75	Operating Electronic Sweepstakes. G.S. 14-306.4(b). (6/2013)		Misd 1, H, G
237.80	Unlawful [Promotion] [Operation] [Conducting] of a Server-Based Electronic Game Promotion. G.S. 14-306.3(a). (6/2009)		Misd 1, H, G
237.90	Unlawful Possession of Game Terminal for the Purpose of [Promoting] [Operating] [Conducting] a Server-Based Electronic Game Promotion. G.S. 14-306.3(b). (6/2009)		Misd 1
237.91	Felonious Possession of Game Terminals for the Purpose of [Promoting] [Operating] [Conducting] a Server-Based Electronic Game Promotion. G.S. 14-306.3; 14-309(c). (6/2009)		G
	Obscenity.		
238.10	Disseminating Obscenity Intentionally (Physical Transfers). G.S. 14-190.1(a)(1), (3). (11/1999)	J	I
238.10A	Disseminating Obscenity Intentionally (Live Performance). G.S. 14-190.1(a)(2). (12/1999)	J	I
238.10B	Disseminating Obscenity Intentionally (Transmissions or Deliveries of Actual Images Not Drawings). G.S. 14-190.1(a)(4). (12/1999)	J	I
238.11	Creating, Buying, Procuring, or Possessing Obscene Material with the Intent to Disseminate. G.S. 14-190.1(e). (12/1999)	J	I
238.12	Advertising or Promoting Sale of Material as Obscene. G.S. 14-190.1(f). (12/1999)	J	I
238.13	Preparing Obscene [Films] [Photographs] [Slides] [Negatives] [Motion Pictures] of Himself or Another for the Purpose of Dissemination. G.S. 14-190.5(1). (12/1999)	Misd	Misd 1
238.13A	Preparing Obscene [Films] [Photographs] [Slides] [Negatives] [Motion Pictures] for the Purpose of Dissemination (Modeling or Assisting the Photographer). G.S. 14-190.5(2). (12/1999)	Misd	Misd 1
238.14	Intentionally [Employing] [Permitting] Minor to Assist in Obscenity Offense. G.S. 14-190.6. (12/1999)	I	I
238.15	Disseminating Obscene Material to Minors under the Age of Sixteen. G.S. 14-190.7. (12/1999)	I	I
238.16	Disseminating Obscene Material to Minors under the Age of Thirteen. G.S. 14-190.8. (12/1999)	H	I
238.17	Indecent Exposure. G.S. 14-190.9. (6/2006)	Misd	Misd 2
238.17A	Indecent Exposure to Minor for Purpose of Arousing or Gratifying Sexual Desire. G.S. 14-190.9. (6/2006)		
238.18	Displaying Material Harmful to Minors. G.S. 14-190.14. (12/1999)	Misd	Misd 2
238.19	Disseminating Harmful Material to Minors (Distribution). G.S. 14-190.15(a)(1). (12/1999)	Misd	Misd 1

		Before 10/1/94	On or After 10/1/94
238.19A	Disseminating Harmful Material to Minors (Allowing Minor to Review). G.S. 14-190.15(a)(2). (12/1999)	Misd	Misd 1
238.20	Exhibiting a Harmful Performance To Minors. G.S. 14-190.15(b). (12/1999)	Misd	Misd 1
238.21	First Degree Sexual Exploitation of a Minor (Using or Employing a Minor to Engage in or Assist Others in Engaging in Sexual Activity). G.S. 14-190.16(a)(1). (1/2000)	G	D
238.21A	First Degree Sexual Exploitation of a Minor (Permitting a Minor to Engage in Sexual Activity for Live Performance, etc.) G.S. 14-190.16(a)(2). (1/2000)	G	D
238.21B	First Degree Sexual Exploitation of a Minor by Transporting a Minor. G.S. 14-190.16(a)(3). (1/2000)	G	D
238.21C	First Degree Sexual Exploitation of a Minor by Photographing, etc. G.S. 14-190.16(a)(4). (1/2000)	G	D
238.22	Second Degree Sexual Exploitation of a Minor (Producing Material). G.S. 14-190.17(a)(1). (1/2000)	H	F
238.22A	Second Degree Sexual Exploitation of a Minor (Circulating Material). G.S. 14-190.17(a)(2). (1/2000)	H	F
238.22B	Third Degree Sexual Exploitation of a Minor. G.S. 14-190.17A. (6/2015)	J	I
238.23	Promoting Prostitution of a Minor (Enticing the Prostitution). G.S. 14-190.18(a)(1). (6/2014)	G	D
238.23A	Promoting Prostitution of A Minor (Supervising the Prostitution). G.S. 14-190.18(a)(2). (6/2014)	G	D
238.23C	Patronizing a Prostitute, a Minor. G.S. 14-205.2. (6/2014)		Misd 1, D, F, G
238.24	Participating in Prostitution of a Minor. G.S. 14-190.19(a). (6/2014)	H	F
238.26A	Solicitation for Prostitution with a Minor. G.S. 14-204(5), 14-205.1 (6/2014)		Misd 1, E, G, H
238.30	Solicitation of a [Child] [Person Defendant Believed to Be a Child] by Computer to Commit a Sex Act. G.S. 14-202.3. (6/2009)		H
238.35	Solicitation of a [Child] [Person Defendant Believed to Be a Child] by Computer to Commit a Sex Act and Appearing at Location. G.S. 14-202.3(c)(2). (6/2009)		G
238.40	Soliciting a Child by [Computer] [Electronic Device] to Commit an Unlawful Sex Act. (Offenses after December 1, 2009). G.S. 14-202.3 (June 2010)		H, G
	Protection of Minors.		
239.10	[Selling] [Giving] a Weapon to a Minor. G.S. 14-315. (11/1999)	-	H, Misd 1
239.11	Improper Storage of Firearms to Protect Minors. G.S. 14-315.1. (8/1999)	Misd	Misd 1
239.20	Permitting a Young Child to Use a Dangerous Firearm—Parent. G.S. 14-316. (6/2014)	Misd	Misd 2
239.21	Furnishing a Young Child a Dangerous Firearm—Nonparent. G.S. 14-316. (6/2014)	Misd	Misd 2
239.23	Possession of Handguns by Minors (6/2012)		Misd 1
239.25	Contributing to Delinquency and Neglect by Parents and Others. G.S. 14-316.1; 7B-101(1), (15); 7B-1501(7), (27). (6/2015)	Misd	Misd 1

		Before 10/1/94	On or After 10/1/94
239.30	Child Care Facility Report of Missing Child. G.S. 110-102.1(a). (6/2014)		
239.31	Concealment of Death—Failure to Notify Law Enforcement of Death of Child or Secretly Burying Child. G.S. 14-401.22(a1). (6/2014)		H
239.32	Failure to Report the Disappearance of a Child to Law Enforcement. G.S. 14-318.5. (6/2014)		I
239.33	False Reports to Law Enforcement [Agency] [Officer] Related to the Disappearance of a Child. G.S. 14-225(b). (6/2014)		Misd 2, H
239.34	False Reports to Law Enforcement [Agency] [Officer]. G.S. 14-225(a). (6/2014)		Misd 2
239.35	Failure to Report [Abuse] [Neglect] [Death] Due to Maltreatment of a Juvenile. G.S. 7B-301(a), (b). (6/2014)		Misd 1
239.36	Failure of Department of Social Services Director to Notify the State Bureau of Investigations of a Report of Sexual Abuse of a Juvenile in a Child Care Facility. G.S. 7B-301(a), (c) (6/2014)		Misd 1
239.55	Felonious Child Abuse. G.S. 14-318.4(a); 14-318.2. (6/2009)	H, Misd	E, Misd 1
239.55A	Felonious Child Abuse—Prostitution. G.S. 14-318.4(a1). (5/2000)	H	E
239.55B	Felonious Child Abuse by a Sexual Act. G.S. 14-318.4(a2). (5/2000)	H	E
239.55C	Felonious Child Abuse (Reckless Disregard—Serious Bodily Injury). G.S. 14-318.4(a4); 2414-318.2. (6/2014)		E
239.55D	Felonious Child Abuse (Reckless Disregard—Serious Physical Injury). G.S. 14-318.4(a5); 14-318.2 (6/2014)		H
239.57	Felonious Child Abuse [Inflicting Serious Bodily Injury] [Resulting in Permanent or Protracted Loss or Impairment of any Mental or Emotional Function]. G.S. 14-318.4(a3). (6/2009)		C
239.60	Misdemeanor Child Abuse. G.S. 14-318.2. (6/2009)	Misd	Misd 1
239.65	Permitting Child under 16 Years of Age to [Operate] [Be a Passenger on] a Bicycle without Protective Bicycle Helmet. G.S. 20-171.9. (2/2002)		Infraction
239.70	Failure to Secure a Child in a Restraint System. G.S. 20-137.1. (2/2005)		Infraction
239.80	[Transporting] [Keeping] Child Outside the State with Intent to Violate Custody Order. G.S. 14-320.1. (5/2000)	J	I
239.90	Felonious Unauthorized Administration of Medication to a Child. G.S. 110-102.1A. (4/2004)		F, Misd A1
239.91	Unauthorized Administration of Medication to a Child. G.S. 110-102.1A. (4/2004)		Misd A1
239.95	Distribution of Certain Food at Halloween and All Other Times Prohibited—Controlled Substance. G.S. 14-401.11. (6/2006)		F
239.96	Distribution of Certain Food at Halloween and All Other Times Prohibited—Noxious Substances; Greater Than Mild Physical Discomfort. G.S. 14-401.11. (6/2006)		H
239.97	Distribution of Certain Food at Halloween and All Other Times Prohibited—Noxious Substances; Mild Physical Discomfort. G.S. 14-401.11. (6/2006)		I

239.98	Distribution of Certain Food at Halloween and All Other Times Prohibited—Poisonous Chemical, Compound, or Foreign Substance. G.S. 14-401.11. (6/2006)		C
Protection of Family.			
240.05	Abandonment by Supporting Spouse. G.S. 14-322(b). (5/2000)	Misd	Misd 2
240.06	Failure to Support Child. G.S. 14-322(d). (5/2000)	Misd	Misd 2
240.07	Felonious Abandonment and Lesser Included Offense of Failure to Support by Parent. G.S. 14-322.1, -322(d). (6/2014)	I, Misd	I, Misd 2
240.10	Failure of Supporting Spouse to Provide Adequate Support for Dependent Spouse. G.S. 14-322(c). (5/2000)	Misd	Misd 2
240.40	Willful Neglect or Refusal to Adequately Support and Maintain an Illegitimate Child. G.S. 49-2. (6/2014)	Misd	Misd 2
240.50	Violation of Valid Protective Order. G.S. 50B.4.1(a). (6/2016)		Misd A1
240.51	Violation of Protective Order While in Possession of a Deadly Weapon. G.S. 50B-4.1(g). (6/2016)		H
240.55	Felonious Violation of a Valid Protective Order. G.S. 50B.4.1(f). (6/2009)		H
240.60	Violation of Permanent Civil No-Contact Order. G.S. 50D-10. (6/2016)		
240.70	Domestic Abuse of a [Disabled] [Elder] Adult Inflicting [Mental] [Physical] Injury. G.S. 14-32.3. (6/2015)		II, H
240.71	Domestic Neglect of a [Disabled] [Elder] Adult Inflicting [Mental] [Physical] Injury. G.S. 14-32.3 (6/2015)		I, H
240.75	Domestic Abuse of a [Disabled] [Elder] Adult Inflicting Serious [Mental] [Physical] Injury. G.S. 14-32.3. (6/2015)		F
240.76	Domestic Neglect of a [Disabled] [Elder] Adult Inflicting Serious [Mental] [Physical] Injury. G.S. 14-32.3 (6/2015)		F
240.80	[Employee] [Volunteer] At a [Care] [Treatment] [Habilitation] [Rehabilitation] Facility of Individuals With [Mental Illness] [Developmental Disabilities] [Substance Abuse Disorders] Causes [Pain] [Injury] to a Client Other Than as Part of a Generally Accepted [Medical] [Therapeutic] Procedure. G.S. 122C-66(a). (6/2016)		
240.82	[Employee] [Volunteer] at a Facility Who [Borrows] [Takes] Personal Property From a Client. G.S. 122C-66(a)(1). (6/2016)		
240.84	[Employee] [Volunteer] at a Facility Failed to Report Violations of Client Abuse. G.S. 122C-66(b). (6/2016)		
240.86	[Employee] [Volunteer] at a Facility Failed to Report Violations of Borrowing Client Property. G.S. 122C-66(a1)-(b). (6/2016)		
240.88	[Employee] [Volunteer] at a Facility Failed to Report Accidental Injury To a Client. G.S. 122C-66(b). (6/2016)		
Intoxicating Liquors.			
241.05	Manufacturing Poisonous Spirituous Liquor for Use as a Beverage. G.S. 14-329(a). (8/2000)	H	H
241.10	Selling Spirituous Liquor for Use as a Beverage Knowing It to Be Poisonous. G.S. 14-329(b). (8/2000)	H	F

		Before 10/1/94	On or After 10/1/94
241.11	[Transporting for Other Than Personal Use] [Possessing for Purpose of Sale] of Spirituous Liquor for Use as a Beverage Knowing It to Be Poisonous. G.S. 14-329(b). (8/2000)	H	F
241.15	Selling Poisonous Spirituous Liquor for Use as a Beverage. G.S. 14-329(c). (8/2000)	Misd	Misd 2
241.16	[Transporting for Other Than Personal Use] [Possessing for Purpose of Sale] Poisonous Spirituous Liquor. G.S. 14-329(c). (8/2000)	Misd	Misd 2
241.20	[Transportation] [Possession] of Poisonous Spirituous Liquor for Use as a Beverage. G.S. 14-329(d). (8/2000)	Misd	Misd 1
242.10	Intentional Patient Abuse Resulting in Death. G.S. 14-32.2(a)-(b)(1). (6/2008)		C
242.15	Culpably Negligent Patient Abuse Resulting in Death. G.S. 14-32.2(a)-(b)(2). (6/2008)		E
242.20	Patient Abuse Resulting in Serious Bodily Injury. G.S. 14-32.2(a)-(b)(3). (6/2008)		F
242.25	Pattern of Patient Abuse Resulting in Bodily Injury. G.S. 14-32.2(a)-(b)(4). (6/2008)		H
	Cruelty to Animals.		
247.10	Non-Felonious Cruelty to Animals. G.S. 14-360. (6/2012)	Misd	Misd 1
247.10A	Felonious Cruelty to Animals. G.S. 14-360. (6/2015)		I
247.10B	Non-Felonious Cruelty to Animals by Depriving of Necessary Sustenance. G.S. 14-360(a1). (6/2008)		Misd 1
247.15	Willful Killing of [Law Enforcement Agency] [Assistance] [Search and Rescue] Animal. G.S. 14-163.1. (6/2010)		H
247.15A	[Causing] [Attempting to Cause] Serious Harm to a [Law Enforcement Agency] [Assistance] [Search and Rescue] Animal. G.S. 14-163.1. (6/2010)		I
247.15B	Willfully [Taunting] [Teasing] [Harassing] [Delaying] [Obstructing] [Attempting to [Delay] [Obstruct]] a [Law Enforcement Agency] [Assistance] [Search and Rescue] Animal in the Performance of its Duties. G.S. 14-163.1. (6/2010)		Misd 2
247.20	Instigating or Promoting Cruelty to Animals. G.S. 14-361. (1/2001)	Misd	Misd 1
247.30	Cockfighting. G.S. 14-362. (1/2001)	Misd	Misd 2
247.31	Dog Fighting and Baiting. G.S. 14-362.2. (6/2008)		H
247.40	Interference with Animal Research Involving Release of an Animal Having an Infectious Disease. G.S. 14-159.2(a)(1), (b), (c). (12/2000)	J, Misd	I, Misd 1
247.50	Interference with Animal Research—Willfully Damaging an Animal Research Facility. G.S. 14-159.2(a)(2). (8/2000)	Misd	Misd 1
247.60	Interference with Animal Research—Willful, Unauthorized Release of an Animal from an Enclosure or Restraining Device. G.S. 14-159.2(a)(3). (12/2000)	Misd	Misd 1
247.70	Interference with Animal Research—Willful Interference with the Care of an Animal Kept within an Animal Research Facility. G.S. 14-159.2(a)(4). (12/2000)	Misd	Misd 1
247.80	[Owning] [Possessing] [Using] [Transporting] [Trafficking] of Venomous Reptile not Housed in a Sturdy and Secure Enclosure. G.S. 14-417. (6/2010)		Misd 2, Misd A1

247.80A	[Owning] [Possessing] [Using] [Transporting] [Trafficking] of Crocodilian not Housed in a Sturdy and Secure Enclosure. G.S. 14-417. (6/2010)		Misd 2, Misd A1
247.80B	[Owning] [Possessing] [Using] [Transporting] [Trafficking] of Constricting Snake not Housed in a Sturdy and Secure Enclosure. G.S. 14-417. (6/2010)		Misd 2, Misd A1
247.81	Failure to Immediately Notify Local Law Enforcement of Escape of [Venomous Reptile] [Large Constricting Snake] [Crocodilian]. G.S. 14-417. (6/2010)		Misd 2, Misd A1
247.82	Handling a [Venomous Reptile] [Large Constricting Snake] [Crocodilian] in a Manner that [Intentionally] [Negligently] Exposes Another to Unsafe Contact with the [Venomous Reptile] [Large Constricting Snake] [Crocodilian]. G.S. 14-418. (6/2010)		Misd 2, Misd A1
247.83	Intentionally Releasing into the Wild a Nonnative [Venomous Reptile] [Large Constricting Snake] [Crocodilian]. G.S. 14-422. (6/2010)		Misd A1
247.84	[Intentionally] [Negligently] [[Suggesting] [Enticing] [Inviting] [Challenging] [Intimidating] [Exhorting] [Inducing] [Aiding]] Any Person to [Handle] [Be Exposed] in an Unsafe Manner to a [Venomous Reptile] [Large Constricting Snake] [Crocodilian]. G.S. 14-418. (6/2010)		Misd 2, Misd A1
252.65	Miscellaneous Police Regulations. Tattooing a Minor. G.S. 14-400. (8/2000)	Misd	Misd 2
254A.11	Felony Firearms. Possession of a Firearm or Weapon of Mass Death and Destruction by a Felon. G.S. 14-415.1. (6/2016)		G
254A.15	[Altering] [Defacing] [Destroying] [Removing] the Serial Number of a Firearm. G.S. 14-160.2 (6/2010)		H
254A.17	[Selling] [Buying] [Possessing] Firearm with Serial Number [Altered] [Defaced] [Destroyed] [Removed]. G.S. 14-160.2 (6/2010)		H
255.01	Miscellaneous. Felony Willful Failure to Appear. G.S. 15A-543. (12/2000)		I
255.02	Misdemeanor Willful Failure to Appear. G.S. 15A-543. (12/2000)	Misd	Misd 2
255.03	Driving after Failure to Appear—Alcohol-Related Offenses. G.S. 20-28(a2). (6/2007)		Misd 1
256.10	Intoxicated and Disruptive in Public. G.S. 14-444. (12/2000)	Misd	Misd 3
257.10	Willfully Violating Occupational Safety and Health Act of North Carolina Resulting in Death of an Employee. G.S. 95-139. (6/2010)		Misd 2
257.11	Knowingly Making a False [Statement] [Representation] [Certification] in a(n) [Application] [Record] [Report] [Plan] [Document] Required to be [Filed] [Maintained] Pursuant to the Occupational Safety and Health Act of North Carolina. G.S. 95-139. (6/2010)		Misd 2
257.12	Giving Advance Notice of OSHA Inspection Without Authorization. G.S. 95-139. (6/2010)		Misd 2
258.10	Failure of Secondary Metals Recycler to Issue Receipt for Purchase of Regulated Metals Property. G.S. 66-11(a1)		

	(6/2010)	Misd 1, I
258.12	Failure of Secondary Metals Recycler to Maintain Records of Purchases of Regulated Metals. G.S. 66-11(b)	
	(6/2010)	Misd 1, I
258.14	Failure to Hold and Retain Regulated Metals for Seven Days Before [Selling] [Dismantling] [Defacing] [Altering] [Disposing of] Regulated Metals. G.S. 66-11(d1)	
	(6/2010)	Misd 1, I
258.16	Purchase of [Air Conditioning [Coils] [Condensers]] [Catalytic Converter] by Secondary Metals Recycler. G.S. 66-11(d)(3) (6/2010)	Misd 1, I
258.18	Purchase of Nonferrous Metals by Secondary Metals Recycler. G.S. 66-11(d)(4) (6/2010)	Misd 1, I
258.20	Purchase of Prohibited Material by Secondary Metals Recycler. G.S. 66-11(d)(4) (6/2010)	Misd 1, I
258.30	Erecting or Maintaining Signs on Highways (6/2012)	Misd 3
258.31	Erecting or Maintaining Political Advertising Signs in Highway Rights of Way (6/2012)	Misd 1, 3
258.32	Erecting or Maintaining Commercial Advertising Signs in Highway Rights of Way (6/2012)	Misd 1
258.33	[Stealing] [Defacing] [Vandalizing] [Unlawfully Removing] Political Signs That Are Lawfully Placed (6/2012)	Misd 3
258.35	Removal or Destruction of Warning Signs—Water Quality in Coastal Recreation Waters (6/2012)	Misd 2
258.36	Possession of Signs Posted by Department of Environment and Natural Resources—Water Quality in Coastal Recreation Waters (6/2012)	Misd 2
259.10	Unauthorized Practice of Medicine—Practicing Without a License (6/2012)	Misd 1
259.11	Unauthorized Practice of Medicine—Practicing Without a License While Representing Oneself as Being Licensed (6/2012)	I
259.12	Unauthorized Practice of Medicine—Practicing Without a License in North Carolina By an Out-of-State Practitioner (6/2012)	I
259.13	Unauthorized Practice of Medicine—Practicing Without a License Due to Failure to Complete Timely Annual Registration or Practice While Licensed Under Another Article (6/2012)	Misd 1
259.20	Unauthorized Practice of Law—Non-Members of the State Bar (6/2012)	Misd 1
259.21	Unauthorized Practice of Law—Corporations (6/2012)	Misd 1
259.22	Unauthorized Practice of Law—Foreclosure Fees (6/2012)	Misd 1
259.23	Unauthorized Practice of Law—Appearing for Creditors in [Insolvency] [Bankruptcy] and Other Proceedings (6/2012)	Misd 1
259.30	Practice as a Clinical Addiction Specialist Without a License. G.S. 90-113.43(a)(1). (6/2013)	Misd 1
259.31	Practice as a Clinical Addiction Specialist Without a License—Using [Letters] [Words] [Numerical Codes] [Insignia]. G.S. 90-113.43(a)(2). (6/2013)	Misd 1
259.32	[Practice] [Attempt to Practice] as a Clinical Addiction Specialist With a [Revoked] [Lapsed] [Suspended] Certification or License. G.S. 90-113.43(a)(3). (6/2013)	Misd 1

259.33	[Aiding] [Abetting] [Assisting] the Practice of a Clinical Addiction Specialist Without a License. G.S. 90-113.43(a)(4). (6/2013)		Misd 1
259.34	Knowingly Serving in a Position Required by Law to be Filled by a Clinical Addiction Specialist. G.S. 90-113.43(a)(5). (6/2013)		Misd 1
259.40	Bank Examiner Making False Report. G.S. 53C-8-7. (6/2013)		H
259.41	[Bank Examiner] [Other Employee] Disclosing Confidential Information. G.S. 53C-8-8. (6/2013)		Misd 1
259.42	Willfully and Maliciously Making [False] [Derogatory] Reports. G.S. 53C-8-10. (6/2013)		Misd 1
259.43	[Bank] [Officer] [Director] [Employee] Making Extension of Credit to a Disqualified Individual. G.S. 53C-8-9. (6/2013)		Misd 1
259.50	Attempt to [Evade] [Defeat] Tax. G.S. 105-236(a)(7). (6/2016)		H
259.51	Willful Failure to [Collect] [Withhold] [Pay Over] Tax. G.S. 105-236(a)(8). (6/2016)		Misd 1
259.52	Willful Failure to [File Return] [Supply Information] [Pay Tax]. G.S. 105-236(a)(9). (6/2016)		Misd 1
259.53	[Aiding] [Assisting] [Procuring] [Counseling] [Advising] in the [Preparation] [Presentation] [Filing] of a [Fraudulent] [False] Tax Document by a Tax Return Preparer. G.S. 105-236(a)(9a). (6/2016)		C, F, H
259.53A	[Aiding] [Assisting] [Procuring] [Counseling] [Advising] in the [Preparation] [Presentation] [Filing] of a [Fraudulent] [False] Tax Document by Any Person Other Than a Tax Return Preparer. G.S. 105-236(a)(7). (6/2016)		C, F, H
259.60	Unlawful Handling of Waste Kitchen Grease. G.S. 14-79.2. (6/2013)		H, Misd 1
259.70	Medicaid Subrogation – Withholding Information. G.S. 108A-57(b). (6/2014)		Misd 1
259.80	Misuse of 911 System. G.S. 14-111.4. (6/2014)		Misd 1
259.85	Subsurface Injection of Waste. G.S. 113-395.2, 143-214.2 (6/2015)		Misd 1
259.90	Member of a [County] [City] Inspection Department Who Willfully [Fails to Perform Duties] [Improperly [Issues Permit] [[Gives Certificate of Compliance] [Without First Making the Required Inspections by Law.]]]. G.S. 153A-356; 160A-416. (6/2016)		
259.95	Illegal Operation of Amusement Devices Causing [Death] [Serious Injury]. G.S. 95-111.13. (6/2016)		
	Dangerous Drugs.		
	260 Series—Directory of Dangerous Drug Charges. (6/1996)		
260.10	Possession of a Controlled Substance. G.S. 1, 90-95(a)(3)(d). (6/2014)	I, Misd	I, Misd 1, Misd 2, 3
260.11	Aggravated Possession of a Controlled Substance—Including Lesser Offenses. G.S. 90-95. (6/2014)	I, Misd	I, Misd 1, Misd 2, 3
260.12	Possession of a Controlled Substance on Premises of a Penal Institution or Local Confinement Facility. G.S. 90-95(a)(3), (e)(9). *(On or after 12/97, Voluntary Manslaughter Is a Class D felony.) (6/2014)	I	I*

* On or after 12/1/97, Voluntary Manslaughter is a Class D felony.

260.15	Possession of a Controlled Substance with Intent to [Manufacture] [Sell] [Deliver]—Lesser Included Offense. G.S. 90-95(a)(1), (3); (b); (d). (6/2014)	H, I, Misd	H, I, Misd 1, Misd 2, 3
260.15A	Possession of a Counterfeit Controlled Substance with Intent to [Sell] [Deliver]. G.S. 90-87(6) and 90-95(a)(2), (c). (6/2014)	I	I
260.15B	Possession of an Immediate Precursor Chemical. G.S. 90-95(d1), (d2). (12/2004)	H	H
260.16	Aggravated Possession of a Controlled Substance with Intent to [Manufacture] [Sell] [Deliver]—Lesser Included Offenses. G.S. 90-95(a)(1), (b)(2), (e)(1-4). (6/2014)	E, H, I, Misd	E, H, I, Misd 1,2,3
260.17	Drug Trafficking—Possession (Marijuana, Methaqualone, Cocaine, Amphetamine, Methamphetamine, Opium or Heroin, Lysergic Acid Diethylamide, Methylenedioxyamphetamine, Methylenedioxymethamphetamine, Methylenedioxypropylone, Mephedrone, or Synthetic Cannabinoid). G.S. 90-95(h). (6/2016)	C, D, E, F, G, H	C, D, E, F, G, H
260.18	Forged Prescription—Acquiring or Obtaining Possession of a Controlled Substance by Misrepresentation, Fraud, Forgery, Deception or Subterfuge. G.S. 90-108(a)(10). (6/2014)	I	I
260.19	Manufacturing a Controlled Substance. G.S. 90-95(a)(1). (1/2001)	H, I	H, I
260.19A	Creating a Counterfeit Controlled Substance. G.S. 90-95(a)(2) and 90-87(b). (1/2001)	I	I
260.20	Aggravated Manufacture of Controlled Substance—Lesser Included Offense. G.S. 90-95(a)(1), (e)(1-4). (1/2001)	Misd	Misd 1, 2
260.20A	Drug Trafficking—Manufacturing (Marijuana, Methaqualone, Cocaine, Amphetamine, Methamphetamine, Opium or Heroin, Lysergic Acid Diethylamide, Methylenedioxyamphetamine, Methylenedioxymethamphetamine, Methylenedioxypropylone, Mephedrone, or Synthetic Cannabinoid) (6/2016)	C, D, E, F, G, H	C, D, E, F, G, H
260.21	[Selling] [Delivering] a Controlled Substance. G.S. 90-95(a)(1). *(On or after 12/97, Voluntary Manslaughter is a Class D felony.) (1/2001)	H, I	H, I*
260.21A	[Selling] [Delivering] a Counterfeit Controlled Substance. G.S. 90-95(a)(2) and 90-87(6). (1/2001)	I	I
260.22	Sale or Delivery of a Controlled Substance to a Minor or Pregnant Woman—Lesser Included Offense. G.S. 90-95(a)(1), (e)(5). (1/2001)	E, H, I	E, H
260.22A	Sale or Delivery of a Controlled Substance on or within 1,000 Feet of School Property. G.S. 90-95(e)(8). (6/2012)		E
260.22B	Sale or Delivery of a Controlled Substance on or within 1,000 Feet of a Public Park G.S. 90-95(e)(10). (6/2008)		E
260.22C	Sale or Delivery of a Controlled Substance on Property Used for a Child Care Center. G.S. 90-95(e)(8). (6/2008)		E

* On or after 12/1/97, Voluntary Manslaughter is a Class D felony.

		Before 10/1/94	On or After 10/1/94
260.23	Drug Trafficking—[Selling] [Delivering] (Marijuana, Methaqualone, Cocaine, Amphetamine, Methamphetamine, Opium or Heroin, Lysergic Acid Diethylamide, Methylenedioxyamphetamine, Methylenedioxymethamphetamine, Methylenedioxypropylone, Mephedrone, or Synthetic Cannabinoid) G.S. 90-95(h). (6/2012)	C, D, E, F, G, H	C, D, E, F, G, H
260.30	Drug Trafficking—Transportation (Marijuana, Methaqualone, Cocaine, Amphetamine, Methamphetamine, Opium or Heroin, Lysergic Acid Diethylamide, Methylenedioxyamphetamine, Methylenedioxymethamphetamine, Methylenedioxypropylone, Mephedrone, or Synthetic Cannabinoid)G.S. 90-95(h). (6/2016)	C, D, E, F, G, H	C, D, E, F, G, H
260.40	Employing a Minor to Commit a Drug Law Violation. G.S. 90-95.4. (1/2001)		
260.41	Promoting Drug Sales by a Minor. G.S. 90-95.6. (1/2001)		D
260.42	Participating in a Drug Violation by a Minor. G.S. 90-95.7. (3/2001)		G
260.45	General Aggravating Conditions Applicable to Drug Charges. G.S. 90-95(d), (e)(1-5). (12/2003)		
260.70	Continuing Criminal Enterprise—The Controlled Substances Act. G.S. 90-95.1. (3/2001)	C	C
260.80	Feloniously Dispensing a Controlled Substance (Practitioner or Registrant)—Lesser Included Offense. G.S. 90-108(a)(2) and (b); 90-106. (3/2001)	I, Misd	I, Misd 1
260.90	[Intentionally] [Knowingly] [Keeping] [Maintaining] a Building for the [Use] [Keeping] [Selling] of Controlled Substances. G.S. 90-108(a)(7). (6/2009)	I, Misd	I, Misd 1
260.95	Possession or Use of Drug Paraphernalia. G.S. 90-113.22. (6/2014)	Misd	Misd 1
260.96A	Willfully and Knowingly Offering a [Glass Tube] [Splitter] for Retail Sale by Self-Service. G.S. 90-113.82(a) (6/2010)		Misd 2
260.96B	Failure to Comply with Restrictions on Sales of [Glass Tubes] [Splitters]. G.S. 20-113.82(b) (6/2010)		Misd 1
260.96C	Failure to Maintain Records of Purchasers of [Glass Tubes] [Splitters]. G.S. 20-113.82(c) (6/2010)		Misd 2
260.96D	Failure to Train Agents and Employees on Requirements of Sales of [Glass Tubes] [Splitters]. G.S. 20-113.82(c) (6/2010)		Misd 2
261.10	Adulterating a [Urine] [Bodily Fluid] Sample with the Intent to Defraud a [Drug] [Alcohol] Test. G.S. 14-401.20(b). (4/2003)		Misd 1, I
261.20	Attempt to [Foil] [Defeat] a [Drug] [Alcohol] Screening Test by the [[Substitution] [Spiking] of a Urine Sample] [Advertisement of a [Sample Substitution] [Spiking Device or Measure]]. G.S. 14-401.20(a)(2). (4/2003)		Misd 1, I
261.30	Distributing or Transporting Urine to Defraud a [Drug] [Alcohol] Test. G.S. 14-401.20. (4/2003)		Misd 1, I
261.40	[Possessing] [Selling] Adulterants Intended to Be Used to Adulterate a [Urine] [Bodily Fluid] Sample for the Purpose of Defrauding a [Drug] [Alcohol] Screening Test. G.S. 14-401.20(b)(2), (3). (4/2003)		Misd 1, I
261.50	Pseudoephedrine Sales—Retailer. G.S. 90-113.56. (6/2013)		Misd A1, I
261.51	Pseudoephedrine Sales—Purchaser. G.S. 90-113.56. (6/2013)		Misd 1, A1, I

261.52	Pseudoephedrine Sales—[Employee of Retailer] [Other Person]. G.S. 90-113.56. (6/2013)		Misd 1, A1, I
261.53	Pseudoephedrine Sales—Retailer Who Fails to Train Employees. G.S. 90-113.56. (6/2012)		
261.55	Possession of a Pseudoephedrine Product with Prior Conviction for the [Possession] With Intent to [Sell] [Deliver]] [Trafficing] [Manufacture of] a [Methamphetamine] [Immediate Precursor Chemical]. G.S. 90-95(d1)(1)(c) (6/2016)		F
	Traffic Offenses.		
270.00	Model Jury Instruction. (6/2011)		
270.05	Punishment Levels For Impaired Driving. (1/1995)		
270.05A	Punishment Levels For Impaired Driving. (1/1999)		
270.15	Aggravating Factors for Impaired Driving. G.S. 20-179. (6/2016)		
270.15A	Verdict Form—Aggravating Factors for Impaired Driving. G.S. 20-179. (6/2016)		
270.20	Impaired Driving (offenses prior to Dec. 1, 2006). G.S. 20-138.1. (6/2010)	Misd	Misd
270.20A	Impaired Driving (offenses after Dec. 1, 2006). G.S. 20-138.1. (6/2016)		
270.21	Impaired Driving of a Commercial Vehicle (offenses prior to Dec. 1, 2006). G.S. 20-138.2 and -138.2A. (6/2010)		Misd 1
270.21A	Impaired Driving in a Commercial Vehicle (offenses after Dec. 1, 2006). G.S. 20-138.2 and -138.2A. (6/2014)		Misd 3
270.23	Operating a [School Bus] [School Activity Bus] [Child Care Vehicle] [Ambulance] [EMS Vehicle] [Firefighting Vehicle] [Law Enforcement Vehicle] After Consuming Alcohol. G.S. 20-138.2B(a). (6/2014)		Misd 3
270.25	Habitual Impaired Driving—Including Chemical Test (offenses prior to Dec. 1, 2006). G.S. 20-138.5. (6/2015)	J	F
270.25A	Habitual Impaired Driving—Including Chemical Test (offenses after Dec. 1, 2006). G.S. 20-138.5. (6/2015)	J	F
270.30	Driving by a person Less Than 21 Years Old [While] [After] Consuming Alcohol or Drugs. G.S. 20-138.3. (5/1999)	Misd	Misd 2
270.35	Possession of an Open Container of Alcoholic Beverage. G.S. 20-138.7(a1). (6/2014)		Infraction
270.40	Transporting An Open Container of Alcoholic Beverage. G.S. 20-138.7(a). (6/2010)		Misd 2, Misd 3
270.50	Speeding in Excess of [15 mph More Than Speed Limit] [80 mph]. G.S. 20-141(j1). (5/2001)	Misd, Infraction	Misd 2, Infraction
270.51	Driving Too Fast for Conditions. G.S. 20-141(a). (4/2001)	Infraction	Infraction
270.52	Speeding Inside Municipal Corporate Limits—No Limit Posted. G.S. 20-141(b). (3/2001)	Infraction	Infraction
270.53	Exceeding the Posted Speed Limit. G.S. 20-141(d), (e), (f). (4/2001)	Infraction	Infraction
270.54	Misdemeanor Operating a Motor Vehicle to Elude Arrest. G.S. 20-141.5(a). (4/2001)	Misd	Misd 1
270.54A	Felony, Misdemeanor Operating a Motor Vehicle to Elude Arrest. G.S. 20-141.5(a) and (b). (4/2001)		H, Misd 1
270.54B	Operating a Motor Vehicle to Elude Arrest Resulting in Death. G.S. 20-141.5(b1). (6/2006)		H

		Before 10/1/94	On or After 10/1/94
270.54C	Operating a Motor Vehicle to Elude Arrest Accompanied by Aggravating Factors Resulting in Death. G.S. 20-141.5(b1). (6/2006)		E
270.55	Willfully Engaging in a Speed Competition on a Street or Highway. G.S. 20-141.3(b). (3/2001)	Misd	Misd 1
270.56	Willfully Engaging in a Prearranged Speed Competition on a Street or Highway. G.S. 20-141.3(a). (3/2001)	Misd	Misd 2
270.57	Failure to Slow Down. G.S. 20-141(m). (3/2001)		Infraction
270.58	Turning at Intersections. G.S. 20-153. (4/2001)	Infraction	Infraction
270.59	Turning at Intersections—Local Ordinance. G.S. 20-153(c). (4/2001)		
270.60	Unsafe Movement (Starting, Stopping, or Turning). G.S. 20-154. (6/2014)	Infraction	Infraction
270.60A	Unsafe Movement Causing [Property Damage] [Personal Injury] to Motorcycle Operator. G.S. 20-154(a1). (6/2014)		Infraction
270.60B	Unsafe Movement Causing [Property Damage in Excess of Five Thousand (\$5,000) Dollars] [Serious Bodily Injury] to a Motorcycle [Operator] [Passenger]. G.S. 20-154(a1), (a2). (6/2014)		Infraction
270.61	Unsafe Movement (Backing). G.S. 20-154. (6/2012)	Infraction	Infraction
270.61A	Unsafe Movement (Backing) Causing [Property Damage] [Personal Injury] to Motorcycle Operator. G.S. 20-154(a1). (6/2014)		Infraction
270.61B	Unsafe Movement (Backing) Causing [Property Damage in Excess of Five Thousand Dollars (\$5,000)] [Serious Bodily Injury] to a Motorcycle [Operator] [Passenger]. G.S. 20-154(a1), (a2). (6/2014)		Infraction
270.62	Willfully Covering Registration Plate. G.S. 20-63(g). (2/2005)		Misd 2
270.65	Failure to Stop for Blue Light and Siren (Approaching Police Vehicle). G.S. 20-157(a); 20-125. (6/2013)	Misd	Misd 2
270.66	Failure to Stop for Blue Light and Siren (Approaching Law Enforcement Vehicle) Causing Serious Injury or Death to a Law Enforcement Officer, Firefighter, or Other Rescue Worker. G.S. 20-157(a), (i); 20-125. (6/2006)		I
270.67	Failure to Stop for Blue Light and Siren (Approaching Law Enforcement Vehicle) Causing Injury to a Law Enforcement Officer, Firefighter, or Other Rescue Worker. G.S. 20-157(a), (h); 20-125. (6/2006)		Misd 1
270.68	Failure to Stop for Blue Light and Siren (Approaching Law Enforcement Vehicle) Causing Damage to Property in Excess of \$500. G.S. 20-157(a), (h); 20-125. (6/2006)		Misd 1
270.70	Failure to Stop for a Traffic Control Signal. G.S. 20-158(b)(2). (12/2004)	Infraction	Infraction
270.71	Failure to Stop for Flashing Red Light. G.S. 20-158(b)(3). (4/2004)	Infraction	Infraction
270.72	Failure to Stop for Stop Sign. G.S. 20-158(b)(1). (4/2004)	Infraction	Infraction
270.73	Failure to Yield to a Pedestrian. G.S. 20-158(b). (3/2005)		
270.75	Passing Stopped School Bus. G.S. 20-217. (6/2006)	Misd	Misd 2
270.76	Passing Stopped School Bus—Striking a Person Causing Serious Bodily Injury. G.S. 20-217. (6/2010)		I
270.76A	Passing Stopped School Bus—Striking a Person Causing Death. G.S. 20-217. (6/2010)		H

270.77	Unlawful Use of Mobile Phone to [Manually Enter Multiple Letters or Text As a Means of Communicating with Another Person] [Read Any [Electronic Mail] [Text Message] [Transmitted to] [Stored Within] the Device] While Operating a School Bus. (Texting While Operating a School Bus)G.S. 20-137.4(b). (6/2010)		Misd 2
270.80	Reckless Driving—Carelessly and Heedlessly. G.S. 20-140(a). (5/2001)	Misd	Misd 2
270.81	Reckless Driving—Driving to Endanger. G.S. 20-140(b). (5/2001)	Misd	Misd 2
270A.10	Infliction of Serious Bodily Injury by Operation of Aircraft While Impaired (Flying High). G.S. 63-28. (5/2001)	H	F
270A.15	Operation of Aircraft While Impaired (Flying High). G.S. 63-27. (5/2001)	Misd	Misd 1
270A.20	Operating Vessel in Reckless Manner. G.S. 75A-10(a). (6/2008)		Misd 2
270A.25	Operating Vessel While under the Influence of an Impairing Substance. G.S. 75A-10(b1). (6/2008)		Misd 2
270A.30	Improper Vessel Registration. (6/2009)		Misd 3
	Non-Traffic Automobile Offenses.		
271.10	Driving a Motor Vehicle on a Public Highway While License Has Been Suspended or Revoked. G.S. 20-28. (5/2001)	Misd	Misd 1
271.15	Operating a Motor Vehicle in Violation of License Limitation. G.S. 20-7(e). (5/2001)	Misd	Misd 1
271.16	Operating a Motor Vehicle in Violation of a Limited Driving Privilege. G.S. 20-179.3(j). (5/2001)	Misd	Misd 1
271.21	Knowingly Permitting Motor Vehicle to Be Driven by a Person Having No Legal Right to Do So. G.S. 20-34; 20-35. (5/2001)	Misd	Misd 2
271.22	[Driving] Permitting Another to Drive] a Vehicle that [is Not Register] [Does Not Display a Registration Plate]. Misdemeanor. G.S. 20-111(1) (6/2011)		Misd 2
271.23	Sex Offender Driving [commercial passenger vehicle] [school bus]. G.S. 20-27.1. (6/2010)		
271.25	[Receiving] [Transferring] a Stolen Vehicle with Intent to [Procure] [Pass] Title to That Vehicle. G.S. 20-106. (5/2001)	I	H
271.26	Possession of a Stolen Vehicle. G.S. 20-106. (6/2016)	I	H
271.30	Willfully Injuring or Tampering with or Removing Parts from a Vehicle without the Consent of the Owner. G.S. 20-107(a). (5/2001)	Misd	Misd 2
271.31	[Climbing Into] [Attempting to or Setting in Motion] a Vehicle with Intent to Steal, Commit Malicious Injury, etc. G.S. 20-107(b). (5/2001)	Misd	Misd 2
271.34	[Failure] [Refusal] to Surrender to the Division of Motor Vehicles, Upon Demand, Any [Title Certificate] [Registration Card] [Registration Number Plate] Which Has Been [Suspended] [Cancelled] Revoked]. Misdemeanor. G.S. 20-111(4) (6/2011)		Misd. 2
271.35	Alteration or Change of Engine or Other Number on a Vehicle. G.S. 20-109(a)(1). (5/2001)	Misd	I
271.36	Permitting the Alteration or Change of Engine or Other Numbers on a Vehicle. G.S. 20-109(a)(2). (5/2001)	Misd	I

		Before 10/1/94	On or After 10/1/94
271.37	Unlawful Placing or Stamping of a Serial or Other Number upon a Vehicle, Where Such Number Has Not Been Assigned to the Vehicle by the Division of Motor Vehicles. G.S. 20-109(a)(3). (5/2001)	Misd	I
271.38	Knowingly Permitting the Placing or Stamping of a Serial or Motor Number upon a Motor Vehicle by Its Owner, Where the Number Has Not Been Assigned to Such Vehicle by the Division of Motor Vehicles. G.S. 20-109(a)(4). (5/2001)	Misd	I
271.39	Alteration of a Serial or Motor Number Assigned to a Vehicle by the Division of Motor Vehicles with the Intent to Conceal or Misrepresent Its True Identity. G.S. 20-109(b)(1). (5/2001)	I	I
271.40	Permitting by Owner of a Vehicle the Alteration or Use of a Serial or Motor Number Assigned to That Vehicle by the Division of Motor Vehicles with the Intent to Conceal or Misrepresent Its True Identity. G.S. 20-109(b)(2). (5/2001)	I	I
271.41	Unlawful Use of a [Driver's License] [Learner's Permit] [Special Identification Card] Issued by the Division of Motor Vehicles. G.S. 20-30; 20-37.8(b). (2/2000)	-	I
271.42	Possession or Manufacture of Certain Fraudulent Forms of Identification. G.S. 14-100.1. (5/2002)		Misd 1
271.43	Willfully Displaying an Expired [License] [Registration Plate] on a Vehicle Knowing the Same to be Expired. G.S. 20-111(2). Misdemeanor. (6/2011)		Misd 2
271.44	[Displaying] [Causing to be Displayed] [Permitting to be Displayed] a [Registration Card] [Certificate of Title] [Registration Number Plate] that is [Fictitious] [Has Been [Cancelled] [Revoked] [Suspended] [Altered]] Misdemeanor. G.S. 20-111(2). (6/2011)		Misd 2
271.45	Performing [Safety] [Emissions] Inspection Without a License. G.S. 20-138.8. (6/2010)		Misd 3
271.46	[Giving] [Lending] [Borrowing] of a License Plate for the Purpose of Using Same on Some Motor Vehicle Other Than That For Which Issued. Misdemeanor. G.S. 20-111(3). (6/2011)		Misd 3
271.47	Knowingly [Making a False Statement] [Concealing a Material Fact] [Committing Fraud] in Any Application for [the Registration of Any Vehicle] [Certificate of Title] [Renewal] [Duplicate]. G.S. 20-111(5). Misdemeanor. (6/2011)		Misd 1
271.48	Use of a [Name] [Address] that is [False] [Fictitious] in Any Application for [the Registration of Any Vehicle] [Certificate of Title] [Renewal] [Duplicate]. G.S. 20-111(5). (6/2011)		Misd 1
271.49	[Giving] [Lending] [Selling] [Obtaining] a Certificate of Title for the Purpose of Using the Certificate for Any Purpose Other than the [Registration] [Sale] [Other Use in Connection with the Vehicle for which the Certificate was Issued]. G.S. 20-111(6). (6/2011)		Misd 2
271.50	Series—Introduction to Hit and Run Instructions. (1/1997)		
271.50	Felonious Hit and Run with Serious Bodily Injury or Death (Failure to Stop), Including Lesser Offense. G.S. 20-166(a), (c)(2). (6/2011)		H, Misd 1
271.51	Hit and Run with Personal Injury or Death (Failure to Stop or Give Required Information). G.S. 20-166(c), (c1). (6/2009)		Misd 1

271.52	Hit and Run with Serious Bodily Injury or Death (Defendant Stopped but Failed to Give Required Information or Render Assistance). G.S. 20-166(b). (6/2009)		Misd 1
271.53	Hit and Run with Property Damage. G.S. 20-166(c), (c1). (6/2009)	Misd	Misd 1
271.54	Felonious Hit and Run with Injury (Failure to Stop) Including Lesser Offense. G.S. 20-166(a1), (c)(2). (6/2009)		H
271.61	Removal of Vehicle from Scene after Accident Resulting in [Injury] [Death] to Any Person—Driver. G.S. 20-166(a). (6/2006)		F
271.62	Removal of Vehicle from Scene after Accident Resulting in [Damage to Property] [[Injury] [Death] to Any Person of Which the Driver Was Unaware]—Driver. G.S. 20-166(c). (6/2006)		Misd 1
271.66	Failure to Return with the Vehicle after Being Permitted to Remove It from the Scene after an Accident Resulting in [Injury] [Death] to Any Person—Driver. G.S. 20-166(a). (6/2006)		F
271.67	Failure to Return with the Vehicle after Being Permitted to Remove It from the Scene after an Accident Resulting in [Damage to Property] [[Injury] [Death] to Person of Which the Driver Was Unaware]—Driver. G.S. 20-166(c). (6/2006)		Misd 1
271.70	Leaving Scene after Accident Resulting in [Injury] [Death] to Any Person—Passenger. G.S. 20-166.2(a). (6/2006)		H
271.71	Leaving Scene after Accident Resulting in [Damage to Property] [[Injury] [Death] to Person of Which the Passenger was Unaware]—Passenger. G.S. 20-166.2(a). (6/2006)		Misd 1
271.72	Failure to Render Assistance—Passenger. G.S. 20-166.2(b) (6/2006)		Misd 1
271.73	Failure to Stop or Give Required Information after Accident—Passenger. G.S. 20-166.2(b). (6/2006)		Misd 1
271.74	Removal of Vehicle from Scene after Accident Resulting in [Injury] [Death] to Any Person—Passenger. G.S. 20-166.2(a). (6/2006)		H
271.75	Removal of Vehicle from Scene after Accident Resulting in [Damage to Property] [Injury or Death to Person of Which the Passenger Was Unaware]—Passenger. G.S. 20-166.2(a). (6/2006)		Misd 1
271.76	Failure to Return with the Vehicle after Being Permitted to Remove It from the Scene after an Accident Resulting in [Injury] [Death] to Any Person—Passenger. G.S. 20-166.2(a). (6/2006)		H
271.77	Failure to Return with the Vehicle after Being Permitted to Remove It from the Scene after an Accident Resulting in [Damage to Property] [Injury or Death to Person of Which the Passenger was Unaware]—Passenger. G.S. 20-166.2(a). (6/2006)		Misd 1
271.80	Tampering with Ignition Interlock Device—Avoiding or Altering Testing in Operation of a Vehicle (6/2012)		Misd 1
271.81	Tampering with Ignition Interlock Device—Altering Testing Results on Ignition Interlock Device (6/2012)		Misd 1
271.91	Liability Insurance for Motor Vehicles (6/2012)		Misd 1
271.92	Operation of Motor Vehicles Without Financial Responsibility (6/2012)		Misd 1

	Intoxicating Liquors.		
272.10	Possession of Nontaxpaid Alcoholic Beverages. G.S. 18B-101(4), -102. (5/2001)	Misd	Misd 1
272.11	Transporting of Nontaxpaid Alcoholic Beverages. G.S. 18B-101(4), -102. (5/2001)	Misd	Misd 1
272.13	Possession of Nontaxpaid Alcoholic Beverages with Intent to Sell. G.S. 18B-304(b)(3). (5/2002)		Misd 1
272.14	Knowingly Selling or Giving Cigarettes, Cut Tobacco, Cigarette Wrapping Papers, or Smokeless Tobacco to a Person under the Age of 18 Years. G.S. 14-313. (6/2014)	Misd	Misd 2
272.15A	Selling or Giving Fortified Wine, Spirituous Liquor, or Mixed Beverages to a Person Less Than Twenty-One Years. G.S. 18B-302(a)(2). (5/2001)	Misd	Misd 1
272.18	Purchase or Possession of Fortified Wine, Spirituous Liquor or Mixed Beverages by a Person Less Than Twenty-One. G.S. 18B-302(b)(2). (6/2014)	Misd	Misd 1
272.18A	Attempt to Purchase Fortified Wine, Spirituous Liquor, or Mixed Beverages by a Person Less Than Twenty-One Years. G.S. 18B-302(b)(2). (5/2001)	Misd	Misd 2
272.19	Aiding and Abetting an Underage Person to Purchase or Possess Malt Beverages, Unfortified Wine, Fortified Wine, Spirituous Liquor or Mixed Beverages. G.S. 18B-302(c). (5/2001)	Misd	Misd 1,2
272.20	Transportation within Passenger Area of Motor Vehicle of Fortified Wine or Spirituous Liquor in Other Than Manufacturer's Unopened Original Container. G.S. 18B-401(a). (5/2001)	Misd	Misd 3
272.21	Consuming Malt Beverage or Unfortified Wine by the Driver of Motor Vehicle. G.S. 18B-401(a). (5/2001)	Misd	Misd 3
272.21A	Possession of Malt Beverages with the Intent to Sell without Obtaining Permit or License. G.S. 18B-304(a). (5/2002)		Misd 1
272.22	Fraudulent Use of Identification by an Underage Person in Obtaining or Attempting to Obtain Alcoholic Beverage. G.S. 18B-302(e); (b). (5/2001)	Misd	Misd 1 or Infraction
272.25	Consumption of Alcohol by a Person Less Than 19 Years of Age. G.S. 18B-302(b)(3). (6/2014)		Misd 1
272.26	Consumption of Alcohol by Person Greater Than 19 Years of Age but Less Than 21 Years of Age. G.S. 18B-302(i) (6/2014)		Misd 3
272.40	[Manufacturer] [Sale] [Transportation] [Importation] [Furnishing] [Consumption] [Possession] Of Powdered Alcohol. G.S. 18B-102 (6/2016)		
272.60	[Sale] [Offer for Sale] [Introduction Into Commerce in North Carolina] of an E-liquid Container Without Child-Resistant Packaging. G.S. 14-401.18A. (6/2016)		
272.65	[Sale] [Offer for Sale] [Introduction Into Commerce in North Carolina] of an E-liquid Container for E-liquid Product Containing Nicotine Without Labeling Nicotine Contents on Packaging. G.S. 14-401.18A (6/2016)		

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273.10	Firelighting or Spotlighting (Taking Deer by Artificial Light). G.S. 113-291.1(b)(2), -130(7), -294(e). (5/2001)	Misd	Misd 1
273.20	Taking a Deer from a Boat. G.S. 113-109(e). (9/2001)	Misd	Misd 1
273.30	Hunting, etc., While License Is Revoked. G.S. 113-300.8. (6/2009)		Misd 1
273.40	[Purchasing] [Possessing] License to Hunt, etc., While License Is Revoked. G.S. 113-300.8. (6/2009)		Misd 1
273.50	Unlawful Hunting with a Firearm on Sunday. G.S. 103-2. (6/2016)		
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274.15	Felonious Misrepresentation in Obtaining Public Assistance—More Than \$400. G.S. 108A-39(b). (9/2001)	I,Misd	I,Misd 1
274.20	Misdemeanor Obtaining Food Stamps by Misrepresentation. G.S. 108A-53(b). (10/2001)	Misd	Misd 1
274.21	Feloniously Obtaining Food Stamps by Misrepresentation—More Than \$400 G.S. 108A-53(a). (10/2001)	I,Misd	I,Misd 1
274.22	Misdemeanor Obtaining Food Stamps by Misrepresentation—Aiding and Abetting. G.S. 108A-53(b). (10/2001)	Misd	Misd 1
274.23	Feloniously Obtaining Food Stamps by Misrepresentation—Aiding and Abetting. G.S. 108A-53(a). (10/2001)	I,Misd	I,Misd 1
Escape.			
280.20	Felonious Escape. G.S. 148-45(a), (b); 14-256(1), (2). *(On or after 12/97, Voluntary Manslaughter Is a Class D felony.) (6/2014)	J	I*
280.21	Escape from Private Correction Facility. G.S. 14-256.1. (5/2001)		H
280.40	Escape from Imprisonment by Use of a Dangerous Weapon. G.S. 14-258.2. (5/2001)	H	F
280.41	Assault with a Deadly Weapon Inflicting Bodily Injury While Assisting a Prisoner to Escape or Attempt to Escape. G.S. 14-258.2(b). (12/2001)	H	H
280.42	Using a Deadly Weapon in Assisting a Prisoner to Effect His Escape. G.S. 14-258.2. (5/2001)	H	H
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280.44	Misdemeanor Jailbreak or Escape from Confinement Facility Officer. G.S. 14-256. (5/2001)	J, Misd	Misd 1
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* On or after 12/1/97, Voluntary Manslaughter is a Class D felony.

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N.C.P.I.—Crim. 104.65
STIPULATIONS.
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104.65 STIPULATIONS.¹

The State and defendant (*name defendant*) have agreed or stipulated that certain facts shall be accepted by you as true without further proof. The agreed facts in this case are as follows:

(Here read stipulated facts)

Since the parties have so agreed, you are to take these facts as true for the purpose of this case.

¹ A stipulation is a judicial admission and ordinarily is binding on the parties who make it. *State v. Huey*, 204 N.C. App. 513, 518 (2010) (*citing State v. Murchinson*, 18 N.C. App. 194, 197 (1973)). A stipulation of fact is an adequate substitute for proof in both criminal and civil cases. *State v. Smith*, 291 N.C. 438 (1976) (*citing State v. Powell*, 254 N.C. 231 (1961)). Such an admission is not evidence, but rather removes the admitted fact from the field of evidence by formally conceding its existence. It is binding in every sense, preventing the party who makes it from introducing evidence to dispute it, and relieving the opponent of the necessity of producing evidence to establish the admitted fact. In short the subject matter of the admission ceases to be an issue in the case. *Id.* at 441 (*citing State v. Powell*, 254 N.C. 231 (1961)).

N.C.P.I.—Crim 150.05

DEATH PENALTY—INTELLECTUAL DISABILITY JURY DETERMINATION
(WITH SPECIAL VERDICT FORM).

CRIMINAL VOLUME

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N.C. Gen. Stat. § 15A-2005(a),(b),(e),(f), and (g)

150.05 DEATH PENALTY—INTELLECTUAL DISABILITY JURY DETERMINATION
(WITH SPECIAL VERDICT FORM). (*This document has an attachment at
Crim. 150.05A. See Instruction References.*)

NOTE WELL: N.C. Gen. Stat. § 15A-2005 was amended in 2015 to refer to defendants with an intellectual disability, rather than mental retardation. The revised statute also seeks to comport with the United States Supreme Court's decisions in Hall v. Florida, 134 S. Ct. 1986 (2014), and Brumfield v. Cain, 135 S. Ct. 2269 (2015), which held that it was unconstitutional to require a defendant to show an IQ test score of 70 or below in order to establish intellectual disability. The revised statute makes clear that an IQ test score of 70 or below is evidence of intellectual disability, but that such score is approximate and a higher score resulting from the application of the standard error of measurement shall not preclude the defendant from being able to present additional evidence of intellectual disability including testimony regarding adaptive deficits.

N.C. Gen. Stat. § 15A-2005(e) provides that "... upon the introduction of evidence of the defendant's intellectual disability during the sentencing hearing, the court shall submit a special issue to the jury as to whether the defendant is intellectually disabled as defined in this section. This special issue shall be considered and answered by the jury prior to the consideration of aggravating or mitigating factors [circumstances] and the determination of sentence. If the jury determines the defendant to be intellectually disabled, the court shall declare the case noncapital and the defendant shall be sentenced to life imprisonment without parole. However, if the offense occurred prior to October 1, 1994, the sentence would be life imprisonment.

Per N.C. Gen. Stat. § 15A-2005(e), this instruction is to be used at the sentencing hearing and requires the jury to answer the intellectually disabled question prior to hearing arguments and being instructed according to N.C.P.I.-Crim. 150.10.

At the sentencing hearing, "the defendant has the burden of production and persuasion to demonstrate intellectual disability to the jury by a preponderance of the evidence," according to N.C. Gen. Stat. § 15A-2005(e).

The issue of intellectual disability may be raised at a pretrial hearing. N.C. Gen. Stat. § 15A-2005(c) provides that

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"[u]pon motion of the defendant, supported by appropriate affidavits, the court may order a pretrial hearing with consent of the State to determine if the defendant has an intellectual disability. The defendant has the burden of production and persuasion to demonstrate intellectual disability by clear and convincing evidence. If the court determines that the defendant has an intellectual disability, the court shall declare the case noncapital, and the State may not seek the death penalty against the defendant."

Members of the jury, [having found the defendant guilty of] [the defendant having pled guilty to] murder in the first degree, you must now determine whether or not the defendant is intellectually disabled.

All of the evidence relevant to this determination has been presented, and it is now your duty to decide what the facts are. You must then apply to those facts the law, which I am about to give you, concerning intellectual disability. It is absolutely necessary that you understand and apply the law as I give it to you and not as you think it is or might like it to be. This is important because justice requires that anyone found to be guilty of first-degree murder who has presented evidence of his or her intellectual disability is entitled to have his or her mental status determined in the same manner and to have the same law applied to the person.

You are the sole judges of the credibility of each witness, meaning that you must decide for yourselves whether to believe the testimony of any witness. You may believe all, any part, or none of what a witness has testified to on the stand.

In determining whether to believe any witness, you should apply the same tests of truthfulness, which you apply in your everyday affairs. As applied to this trial, these tests may include: the opportunity of the witness to see, hear, know, or remember the facts or occurrences about which the

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DEATH PENALTY—INTELLECTUAL DISABILITY JURY DETERMINATION
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witness testified; the manner and appearance of the witness; any interest, bias, or prejudice the witness may have; the apparent understanding and fairness of the witness; whether the witness's testimony is reasonable; and whether the witness's testimony is consistent with other believable evidence in the case.

You are also the sole judges of the weight to be given any evidence. By this I mean, if you decide that certain evidence is believable you must then determine the importance of that evidence in light of all other believable evidence in the case.

You have heard evidence relevant to the defendant's intellectual disability from [a witness] [witnesses] who [has] [have] testified as (an) expert witness(es). An expert witness is permitted to testify in the form of an opinion in a field where the expert witness purports to have specialized skill or knowledge.

As I have instructed you, you are the sole judges of the credibility of each witness and the weight to be given to the testimony of each witness. In making this determination as to the testimony of an expert witness, you should consider, in addition to the other tests of credibility and weight, the witness's training, qualifications, and experience or lack thereof; the reasons, if any, given for the opinion; whether the opinion is supported by facts that you find from the evidence; whether the opinion is reasonable; and whether it is consistent with other believable evidence in the case.

You should consider the opinion of an expert witness, but you are not bound by it. In other words, you are not required to accept an expert witness's opinion to the exclusion of the facts and circumstances disclosed by other testimony.

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The law provides that no defendant who is intellectually disabled shall be sentenced to death.¹ In the event the jury determines the defendant to be intellectually disabled, the court shall impose a sentence of life imprisonment without parole.²

The one issue for you to determine at this stage of the proceedings reads:

“Is the defendant, (*name*), intellectually disabled?”

The defendant has the burden of persuading you by a preponderance of the evidence that the defendant is intellectually disabled.³ Preponderance of the evidence means that the evidence taken as a whole must satisfy you - not beyond a reasonable doubt, but simply satisfy you - that the defendant is intellectually disabled. To meet this burden, the defendant must persuade you by a preponderance of the evidence of the following three things:

First, that the defendant has significant sub-average general intellectual functioning,⁴ which means that the defendant has an intelligence quotient of approximately 70 or below.⁵ An intelligence quotient of approximately 70 or below⁶ on an individually administered scientifically recognized standardized intelligence quotient test administered by a licensed psychiatrist or psychologist is evidence of significant sub-average general intellectual functioning.⁷ Significant means important or notable. An intelligence quotient is not conclusive of the determination of intellectual disability, and an intelligence quotient higher than 70 would not preclude you from determining the defendant is intellectually disabled, if you conclude from the evidence that defendant has significant sub-average general intellectual functioning. It is for you to determine whether or not you find the defendant intellectually disabled.

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Second, that the defendant has significant limitations in adaptive functioning,⁸ which means having significant limitations in two or more of the following adaptive skill areas: [communication] [self-care] [home living] [social skills] [community use] [self-direction] [health and safety] [functional academics] [leisure skills] [work skills].⁹

And Third, that the defendant's sub-average general intellectual functioning and the defendant's significant limitations in adaptive skill areas both were manifested before the defendant reached the age of 18.¹⁰

If the defendant has persuaded you by a preponderance of the evidence that the defendant has significant sub-average general intellectual functioning existing concurrently with significant limitations in adaptive functioning, it would be your duty to answer this issue "yes."

If you are not persuaded by a preponderance of the evidence, it would be your duty to answer this issue "no."

Your answer to this intellectual disability issue, either "yes" or "no," must be unanimous.

When you have agreed upon a unanimous answer, your foreperson should so indicate on the Intellectual Disability Issue Form.

NOTE WELL: Inform the alternate jurors to remain seated as the first twelve retire, then segregate them to have them available to continue with issues and punishment recommendation in the event the jury answers the intellectual disability issue "no."

After reaching the jury room your first order of business is to select your foreperson. You may begin your deliberations when the bailiff delivers the Intellectual Disability Issue Form to you. Your foreperson should lead the deliberations. When you have unanimously agreed upon an answer to this issue and are ready to announce it, your foreperson should record your

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answer, sign and date the form, and notify the bailiff by knocking on the jury room door (or otherwise summoning the bailiff). You will be returned to the courtroom and your answer will be announced.

Thank you. You may retire and select your foreperson.

Intellectual Disability Issue Form found in N.C.P.I.—Crim. 150.05A

1 N.C. Gen. Stat. § 15A-2005(b).

2 See *State v. Locklear*, 363 N.C. 438, 681 S.E.2d 293, 2009 WL 2753029 (2009).

3 N.C. Gen. Stat. § 15A-2005(f).

4 N.C. Gen. Stat. § 15A-2005(a)(2)1.

5 N.C. Gen. Stat. § 15A-2005(a)(1)c.

6 The Supreme Court of the United States has held the strict IQ cutoff score of 70 to be unconstitutional. Further, the Court provided that the rule is invalid under the Constitution's Cruel and Unusual Punishments Clause. *Hall v. Florida*, 134 S. Ct. 1986 (2014). The North Carolina General Assembly addressed this issue with amendments to N.C. Gen Stat. § 15A-2005 in 2015 N.C. Sess. Law. 247.

7 N.C. Gen. Stat. § 15A-2005(a)(2).

8 *Id.*

9 N.C. Gen. Stat. § 15A-2005(a)(1)b. Adaptive functioning is a person's ability to function in the adaptive skill areas of communication, self-care, home living, social skills, community use, self-direction, health and safety, functional academics, leisure skills and work skills.

10 N.C. Gen. Stat. § 15A-2005(a)(1)a and (2). While the statute indicates that both of these conditions must be manifested before the defendant reaches the age of 18, the Pattern Jury Committee recognizes that such conditions could both manifest themselves after the age of 18, e.g., as a result of an injury or disease such as a traumatic brain injury, Alzheimer's, dementia, etc. If there was a capital prosecution of an individual who met the definition of intellectual disability *except for the age of onset*, it would seem that principles of equality likely would require comparable exemption from capital punishment. In addition, the age onset provision would create other Constitutional concerns as it could potentially allow for the imposition of the death penalty against a defendant who is actually intellectually disabled at the time of sentencing in contravention of United States Supreme Court precedent. *Atkins v. Virginia*, 536 U.S. 304 (2002) (holding that the imposition of the death penalty against defendants with intellectual disabilities violates the Eighth Amendment's ban on cruel and unusual punishments). While the Court in *Atkins* allowed states to define who qualifies as intellectually disabled, the Court in *Hall v. Florida*, 134 S. Ct. 1986 (2014), limited the states' discretion in this regard by concluding that a state

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statute providing a hard and fast demarcation of intellectual disability as an IQ of 70 is unconstitutional. This age onset requirement is likely subject to such Constitutional challenge as well, since it contradicts the Court's precedent in *Atkins*. If there is evidence that a defendant meets the definition of intellectual disability, *except for the age of onset*, the trial judge should consider whether to edit the instruction accordingly to eliminate this third element and its prior to age 18 onset requirement.

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150.05A INTELLECTUAL DISABILITY ISSUE FORM

State of North Carolina

In the General Court of Justice

County of _____

Superior Court Division

State of North Carolina

)

)

—VS—

)

INTELLECTUAL DISABILITY ISSUE

)

)

DEFENDANT

Is the defendant, (*name*) _____, intellectually disabled?

Answer: _____

This the _____ day of _____, _____

Jury Foreperson

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150.10 DEATH PENALTY—INSTRUCTIONS TO JURY AT SEPARATE
SENTENCING PROCEEDING.

NOTE WELL: This instruction and the verdict form which follows include changes required by Enmund v. Florida, 458 U.S. 782, 102 S.Ct. 3368, 73 L.Ed.2d 1140 (1982), Cabana v. Bullock, 474 U.S. 376, 106 S.Ct. 689, 88 L.Ed.2d 704 (1986) and Tison v. Arizona, 481 U.S. 137 (1987), which held that the death penalty may not constitutionally be adjudged against a defendant convicted of first degree felony murder, if that defendant personally did not kill or attempt to kill, or intend to kill the victim or intend that deadly force would be used in the course of the felony, or was a major participant in the underlying felony and exhibited reckless indifference to human life. The designation of the first issue as One-A has been made to simplify the numbers of the remaining issues. Also included are the changes required by McKoy v. North Carolina, 494 U.S. 433, 110 S.Ct. 1227, 108 L.Ed.2d 369 (1990).

Members of the Jury, [having found the defendant guilty of] [the defendant having pled guilty to]¹ murder in the first degree [and the defendant having been determined by you not to be intellectually disabled], it is now your duty to recommend to the Court whether the defendant should be sentenced to death or to life imprisonment [(without parole.) (A sentence of life imprisonment means a sentence of life without parole.)² Your recommendation will be binding upon the Court. If you unanimously recommend that the defendant be sentenced to death, the Court will impose a sentence of death. If you unanimously recommend a sentence of life imprisonment, the Court will impose a sentence of life imprisonment.³

All of the evidence relevant to your recommendation has been presented. (There is no requirement to resubmit, during the sentencing proceeding, any evidence which was submitted during the guilt phase of this case. All of the evidence which you hear in both phases of the case is competent for your consideration in recommending punishment,)⁴ (including

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evidence of intellectual disability of the defendant; that is, you may consider any evidence of intellectual disability when determining aggravating and mitigating circumstances and your sentence recommendation).⁵

It is now your duty to decide, from all the evidence presented (in both phases),⁶ what the facts are. You must then apply the law which I am about to give you concerning punishment to those facts. It is absolutely necessary that you understand and apply the law as I give it to you, and not as you think it is, or might like it to be. This is important, because justice requires that everyone who is sentenced for first degree murder have the sentence recommendation determined in the same manner, and have the same law applied to *him* or *her*.

You are the sole judges of the credibility of each witness. You must decide for yourselves whether to believe the testimony of any witness. You may believe all, or any part, or none of what a witness has said on the stand.

In determining whether to believe any witness, you should apply the same tests of truthfulness which you apply in your everyday affairs. As applied to this trial, these tests may include: the opportunity of the witness to see, hear, know or remember the facts or occurrences about which the witness testified; the manner and appearance of the witness; any interest, bias, or prejudice the witness may have; the apparent understanding and fairness of the witness, whether the witness's testimony is reasonable; and whether the witness's testimony is consistent with other believable evidence in the case.

You are the sole judges of the weight to be given any evidence. By this I mean, if you decide that certain evidence is believable you must then

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determine the importance of that evidence in light of all other believable evidence in the case.

NOTE WELL: If there is no evidence that any person(s) other than defendant participated in the killing, the Enmund case does not apply, and the first element of proof set out below should not be given. If there is evidence that defendant may not have been involved in the killing (except for the fact that he was guilty of the underlying felony) the first element of proof should be included.

For you to recommend that the defendant be sentenced to death, the State must prove [three] [four] things beyond a reasonable doubt.⁷ A reasonable doubt is a doubt based on reason and common sense, arising out of some or all of the evidence that has been presented, or lack or insufficiency of the evidence, as the case may be. Proof beyond a reasonable doubt is proof that fully satisfies or entirely convinces you of each of the following things:

[First,⁸ that the defendant himself/herself:

- [a. Killed or attempted to kill the victim;] (or)
- [b. Intended to kill the victim;] (or)
- [c. Intended that deadly force would be used in the course of the felony.] (or)
- [d. Was a major participant in the underlying felony and exhibited reckless indifference to human life.]]⁹

[First] [Second], that one or more aggravating circumstances existed;

[Second] [Third], that the mitigating circumstances are insufficient to outweigh any aggravating circumstances you have found.¹⁰

And [Third] [Fourth], that any aggravating circumstances you have

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found are sufficiently substantial to call for the imposition of the death penalty when considered with any mitigating circumstances.

If you unanimously find all [three] [four] of these things beyond a reasonable doubt, it would be your duty to recommend that the defendant be sentenced to death.¹¹ On the other hand, if you unanimously find that one or more of these [three] [four] things has not been proven beyond a reasonable doubt, it would be your duty to recommend that the defendant be sentenced to life imprisonment.¹²

When you retire to deliberate your recommendation as to punishment, you will take with you a form entitled, "Issues and Recommendation as to Punishment." This form contains a written list of [four] [five] issues, [four of which relate] [relating] to aggravating and mitigating circumstances. I will now take up these [four] [five] issues with you in greater detail, one by one. To enable you to follow me more easily, the bailiff will now give each of you a copy of the form entitled "Issues and Recommendation as to Punishment," which you will take with you when you retire to deliberate. Do not read ahead on this form, but refer to it as I instruct you on the law. Your answers to issues (One-A), One, Three, and Four, either "yes" or "no," must be unanimous.

NOTE WELL: At this point have the bailiff give a copy of your "Issues and Recommendation as to Punishment" form to each juror. In preparing this form for your case use the pattern form in N.C.P.I.-Crim. 150.10 (App.) at the end of this Pattern Instruction.

[Issue One-A is, "Do you unanimously find from the evidence, beyond a reasonable doubt, that the defendant himself/herself:

[a. Killed or attempted to kill the victim;] (or)

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- [b. Intended to kill the victim;] (or)
- [c. Intended that deadly force would be used in the course of the underlying felony;] (or)
- [d. Was a major participant in the underlying felony and exhibited reckless indifference to human life.]]

If you find from the evidence beyond a reasonable doubt that the defendant [killed or attempted to kill the victim] (or) [intended to kill the victim] (or) [intended that deadly force would be used in the course of the (name underlying felony),] (or) [was a major participant in the underlying felony and exhibited a reckless indifference to human life], you would answer Issue One-A "Yes." If you unanimously find beyond a reasonable doubt that none of these facts exist, you would answer Issue One-A "No." If you answer Issue One-A "No," you would skip Issues One, Two, Three, and Four and recommend that the defendant be sentenced to life imprisonment. If you answer Issue One-A "Yes," you would consider Issue One.

Issue One is, "Do you unanimously find from the evidence, beyond a reasonable doubt, the existence of one or more of the following aggravating circumstances?" (*State number*) possible aggravating circumstances are listed on the form, and you should consider each of them before you answer Issue One.

The State must prove from the evidence beyond a reasonable doubt the existence of any aggravating circumstance, and, before you may find any aggravating circumstance, you must agree unanimously that it has been so proven. An aggravating circumstance is a fact or group of facts which tend to make a specific murder particularly deserving of the maximum punishment prescribed by law. Our law identifies the aggravating

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circumstances which might justify a sentence of death. Only those circumstances identified by statute may be considered by you as aggravating circumstances. Under the evidence in this case (*state number*) possible aggravating circumstances may be considered.

The following are the aggravating circumstances which might be applicable to this case.

NOTE WELL: The following pages contain 15 bracketed options relating to the 11 aggravating circumstances listed in N.C. Gen. Stat. § 15A-2000(e). The options are numbered in the margin according to the subsection of N.C. Gen. Stat. § 15A-2000(e) to which they relate. Since some subsections support more than one option, the options which derive from the same subsection are lettered, e.g., "8A" and "8B."

The judge should select from the following options, only those aggravating circumstances which pertain to the case at hand and then should then proceed with the mandate.

In choosing the aggravating circumstances to submit to the jury, the judge should keep the following admonition in mind:

"In some cases the same evidence will support inferences from which the jury might find that more than one of the enumerated aggravating circumstances is present. This duality will normally occur where the defendant's motive is being examined rather than where the state relies upon a specific factual element of aggravation. In such cases it will be difficult for the trial court to decide which factors should be presented to the jury for their consideration. We believe that error in cases in which a person's life is at stake, if there be any, should be made in the defendant's favor, and that the jury should not be instructed upon one of the statutory circumstances in a doubtful case." S. v. Goodman, 298 N.C. 1, 30 (1979).

(1) [First, was the defendant lawfully incarcerated? A person is lawfully incarcerated if that person is being held in custody pursuant to a lawful order of a court or judicial officer. If you find from the evidence beyond a reasonable doubt that when the defendant killed the victim, the

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defendant was incarcerated and that this was pursuant to a judicial order, you would find this aggravating circumstance, and would so indicate by having your foreperson write, "Yes," in the space after this aggravating circumstance on the "Issues and Recommendation" form. If you do not so find, or have a reasonable doubt as to one or more of these things, you will not find this aggravating circumstance, and will so indicate by having your foreperson write, "No," in that space.]

(2) [(*State ordinal number*), had the defendant been previously convicted of another capital felony?¹³ First degree murder is a capital felony. A person has been previously convicted if the defendant has been convicted and not merely charged, and if the defendant's conviction is based on conduct which occurred before the events out of which this murder arose.¹⁴ If you find from the evidence beyond a reasonable doubt that the defendant had been convicted of first degree murder, and that the defendant killed the victim after the defendant committed that first degree murder you would find this aggravating circumstance, and would so indicate by having your foreperson write, "Yes," in the space after this aggravating circumstance on the "Issues and Recommendation" form. If you do not so find, or have a reasonable doubt as to one or more of these things, you will not find this aggravating circumstance, and will so indicate by having your foreperson write, "No," in that space.]

NOTE WELL: N.C. Gen. Stat. § 7B-3000(f) was amended to allow a court to order that the juvenile records of any juvenile, who is found delinquent for an offense that would have been a class A-E felony if committed by an adult, may be used in subsequent criminal proceedings against that juvenile or to prove an aggravating factor at the sentencing of that juvenile. The prosecutor in a subsequent criminal proceeding against the juvenile now has a right to examine the juvenile's record without

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an order of the judge. The juvenile's record may be used only by court order upon the prosecutor's motion and after an in-camera hearing on the record with the defendant present to determine whether or not the record in question is admissible.

N.C. Gen. Stat. § 15A-2000(e) was amended to expand the definition of prior conviction to include an adjudication of delinquency for an offense that would have been a class A-E felony if committed by an adult.

N.C. Gen. Stat. § 15A-2000(e) was amended to expand the list of aggravating circumstances to include previous adjudications of delinquency for an offense that would have been a capital offense or a class A-E felony involving use or threat of violence if committed by an adult.

These amendments apply to offenses committed on or after May 1, 1994.

(3) [(*State ordinal number*), had the defendant been previously convicted of a felony involving the [use] [threat] of violence to the person?¹⁵ [(*Name felony, e.g., armed robbery*) is by definition a felony involving the [use] [threat] of violence to the person.]¹⁶ [A felony involves the [use] [threat] of violence to the person if the perpetrator kills or inflicts physical injury on the victim, or threatens to do so, in order to accomplish his/her criminal act.]¹⁷ A person has been previously convicted if that person has been convicted and not merely charged, and if that person's conviction is based on conduct which occurred before the events out of which this murder arose.¹⁸ If you find from the evidence beyond a reasonable doubt that the defendant had been convicted of (*name felony*) (and that the defendant [used] [threatened to use] violence to the person in order to accomplish the defendant's criminal act) and that the defendant killed the victim after the defendant committed (*name felony*), you would find this aggravating circumstance, and would so indicate by having your foreperson write, "Yes," in the space after this aggravating circumstance on the "Issues and Recommendation" form. If you do not so find, or have a reasonable doubt

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as to one or more of these things, you will not find this aggravating circumstance, and will so indicate by having your foreperson write, "No," in that space.]

(4A) [(*State ordinal number*), was this murder committed for the purpose of [avoiding] [preventing] a lawful arrest?

NOTE WELL: "Before the trial judge can instruct the jury on this aggravating circumstance, there must be evidence from which the jury can infer that at least one of the purposes motivating the killing was the defendant's desire to avoid subsequent detection and apprehension for his crime The mere fact of a death is not enough to invoke this factor." S. v. Williams, 304 N.C. 394, 424-5 (1981); S. v. Goodman, 298 N.C. 1, 27 (1979). See also S. v. Hunt, 323 N.C. 407, 430-31 (1988); and S. v. Reese, 319 N.C. 110, 146 (1987). "Proof of the requisite intent to avoid arrest and detection must be very strong in these cases." Id.

In cases where the murder was committed to hinder or prevent an arrest, submit either aggravating circumstance #7B, or this aggravating circumstance, but DO NOT SUBMIT BOTH. S. v. Goodman, 298 N.C. 1, 29 (1979).

A murder is committed for such purpose if the defendant's purpose at the time the defendant kills is, by that killing, to [avoid] [prevent] the arrest of the defendant or some other person and that arrest [was] [would have been] lawful.¹⁹ If you find from the evidence beyond a reasonable doubt that when the defendant killed the victim, it was in fact the defendant's purpose to [avoid] [prevent] [defendant's arrest] (or) [the arrest of another person] and that such arrest [was] [would have been] lawful, you would find this aggravating circumstance, and would so indicate by having your foreperson write, "Yes," in the space after this aggravating circumstance on the "Issues and Recommendation" form. If you do not so find, or have a reasonable doubt as to one or more of these things, you will

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not find this aggravating circumstance, and will so indicate by having your foreperson write, "No," in that space.]

(4B) [(*State ordinal number*), was this murder committed for the purpose of effecting an escape from custody? A murder is committed for such purpose if the defendant's purpose at the time the defendant kills is, by that killing, to effect the defendant's or another person's escape from custody. If you find from the evidence beyond a reasonable doubt that when the defendant killed the victim, it was the defendant's purpose to effect [the defendant's] [another person's] escape from custody, you would find this aggravating circumstance, and would so indicate by having your foreperson write, "Yes," in the space after this aggravating circumstance on the "Issues and Recommendation" form. If you do not so find, or have a reasonable doubt as to one or more of these things, you will not find this aggravating circumstance, and will so indicate by having your foreperson write, "No," in that space.]

(5A)²⁰ [(*State ordinal number*), was this murder committed by the defendant while the defendant was engaged in [the commission of] [an attempt to commit] [a flight after [committing] [attempting to commit]] (*name felony*)²¹?

*NOTE WELL: Submit this aggravating circumstance only when the defendant has been convicted of first degree murder under a theory of premeditation and deliberation, or when the defendant has also committed a separate violent felony in addition to the felony underlying the felony murder conviction.*²²

(Define the felony, using the Pattern Instruction for that felony, e.g., "Robbery is taking and carrying away any personal property of another from a person or in that person's presence without that person's consent, by violence or by putting that person in fear, with the intent to deprive that person of its use permanently, the taker knowing that he/she is not entitled to

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take it.") If you find from the evidence beyond a reasonable doubt that when the defendant killed the victim, the defendant was (set out the findings necessary for the felony, using the Mandate from the Pattern Instruction for that felony), you would find this aggravating circumstance, and would so indicate by having your foreperson write, "Yes," in the space after this aggravating circumstance on the "Issues and Recommendation" form. If you do not so find, or have a reasonable doubt as to one or more of these things, you will not find this aggravating circumstance, and will so indicate by having your foreperson write, "No," in that space.]

(5B) ²³[(*State ordinal number*), did the defendant kill the victim while the defendant was an [aider] [abettor] in the [commission of] [attempt to commit] [flight after committing] (*name felony*) by another person)?²⁴

Note Well: Submit this aggravating circumstance only when the defendant has been convicted of first degree murder under a theory of premeditation and deliberation,²⁵ or when the defendant has also committed a separate violent felony in addition to the felony underlying the felony murder conviction.

(Define the felony, using the Pattern Instruction for that felony, e.g., "Robbery is taking and carrying away any personal property of another from a person or in that person's presence without that person's consent, by violence or by putting that person in fear, with the intent to deprive that person of its use permanently, the taker knowing that he/she is not entitled to take it.") A person [aids] [abets] another to commit a felony if the defendant [is present when the felony is committed and intentionally advises, instigates, encourages or aids another to commit it,] (or) [though not present when the felony is committed, shares another's criminal purpose and to the other's knowledge is aiding the person or is in a position to aid the person when the felony is committed]. If you find from the evidence beyond a reasonable doubt that when the defendant killed the victim,

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another person was perpetrating (name felony), (describe elements of offense,) and that defendant intentionally [aided] [abetted] another person in that person's [commission] [attempt to commit] [flight after committing] (name felony), you would find this aggravating circumstance, and would so indicate by having your foreperson write, "Yes," in the space after this aggravating circumstance on the "Issues and Recommendation" form. If you do not so find, or have a reasonable doubt as to one or more of these things, you will not find this aggravating circumstance, and will so indicate by having your foreperson write, "No," in that space.]

(6) [(*State ordinal number*), was this murder committed for pecuniary gain? A murder is committed for pecuniary gain if the defendant, when the defendant commits it, has obtained, or intends or expects to obtain, money or some other thing which can be valued in money, either as compensation for committing it, or as a result of the death of the victim.²⁶ If you find from the evidence beyond a reasonable doubt that when the defendant killed the victim, the defendant (*describe pecuniary gain, e.g., had been hired to do so, took personal property or other items belonging to the victim, etc.*), and that the defendant intended or expected to obtain money or other things of value that can be valued in money as a result of the victim's death²⁷ you would find this aggravating circumstance, and would so indicate by having your foreperson write, "Yes," in the space after this aggravating circumstance on the "Issues and Recommendation" form. If you do not so find, or have a reasonable doubt as to one or more of these things, you will not find this aggravating circumstance, and will so indicate by having your foreperson write, "No," in that space.]

(7A) [(*State ordinal number*), was this murder committed to [disrupt] [hinder] the lawful exercise of a governmental function?

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A murder is committed for such purpose if the defendant's purpose at the time the defendant kills is, by that killing, to [disrupt] [hinder] the exercise, by some branch or agency of government, of some lawful function. If you find from the evidence beyond a reasonable doubt that when the defendant killed the victim it was the defendant's purpose to [prevent] [hinder] a lawful governmental function you would find this aggravating circumstance, and would so indicate by having your foreperson write, "Yes," in the space after this aggravating circumstance on the "Issues and Recommendation" form. If you do not so find, or have a reasonable doubt as to one or more of these things, you will not find this aggravating circumstance, and will so indicate by having your foreperson write, "No," in that space.]

(7B) [(*State ordinal number*), was this murder committed to [disrupt] [hinder] the enforcement of the laws?

NOTE WELL: In cases where the murder was committed to hinder or prevent an arrest, submit either aggravating circumstance #4A, or this aggravating circumstance, but DO NOT SUBMIT BOTH. S. v. Goodman, 298 N.C. 1, 29 (1979).

A murder is committed for such purpose if the defendant's purpose at the time the defendant kills is, by that killing, to [disrupt] [hinder] the enforcement of the laws in any way. The enforcement of the laws includes any lawful activity²⁸ by any agency of the government, to prevent or deter persons from violating any law, to detect or investigate such violations, or to apprehend or prosecute persons properly chargeable with crime. If you find from the evidence beyond a reasonable doubt that when the defendant killed the victim, it was the defendant's purpose to [disrupt] [hinder] the enforcement of the law(s) by a law enforcement agency, you would find this aggravating circumstance, and would so indicate by having your foreperson

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write, "Yes," in the space after this aggravating circumstance on the "Issues and Recommendation" form. If you do not so find, or have a reasonable doubt as to one or more of these things, you will not find this aggravating circumstance, and will so indicate by having your foreperson write, "No," in that space.]

(8A)²⁹ [(*State ordinal number*), was this murder committed against a (*describe victim's position*)³⁰ while engaged in the performance of the victim's official duties? A murder is so committed if, at the time the defendant kills the victim, the victim is (*state victim's position*) and is, at that time, engaged in the performance of an official duty. An official duty is anything which is necessary for a (*state position*) to do in the victim's capacity as a (*state position*). If you find from the evidence beyond a reasonable doubt that when the defendant killed the victim, the victim was a (*state position*) and at that time was engaged in an official duty (and that this was among the victim's official duties as a (*state position*))³¹ you would find this aggravating circumstance, and would so indicate by having your foreperson write, "Yes," in the space after this aggravating circumstance on the "Issues and Recommendation" form. If you do not so find, or have a reasonable doubt as to one or more of these things, you will not find this aggravating circumstance, and will so indicate by having your foreperson write, "No," in that space.]

(8B)³² [(*State ordinal number*), was this murder committed against a (*state victim's position*)³³ because of the exercise of the victim's official duty? A murder is so committed when the victim is a [former] (*state position*), and at the time of the killing the victim [was planning to exercise] [had exercised] one of the victim's official duties, and the fact that the victim [was to do] [had done] so constituted the defendant's motive for killing the

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victim. An official duty is anything which is necessary for a (*state position*) to do as a (*state position*). If you find from the evidence beyond a reasonable doubt that when the defendant killed the victim, the victim was a [former] (*state position*) and that on or about the alleged date the victim [was planning to exercise] [had exercised] an official duty necessary to the victim's position and that this constituted the motive for the defendant's killing the victim, you would find this aggravating circumstance, and would so indicate by having your foreperson write, "Yes," in the space after this aggravating circumstance on the "Issues and Recommendation" form. If you do not so find, or have a reasonable doubt as to one or more of these things, you will not find this aggravating circumstance, and will so indicate by having your foreperson write, "No," in that space.]

(9) [(*State ordinal number*), was this murder especially heinous, atrocious or cruel?

NOTE WELL: While every murder is, at least arguably, heinous, atrocious and cruel, this aggravating circumstance is not intended to be submitted in every case. There must be some evidence upon which the jury could reasonably conclude that the brutality involved in the murder in question exceeded that normally present in any killing. S. v. Goodman, 298 N.C. 1, 24-25 (1979). In addition, this aggravating circumstance is limited to acts done during the commission of the murder but not after the death. State v. Rose, 335 N.C. 301, at 343 (1994).

In this context heinous means extremely wicked or shockingly evil; atrocious means outrageously wicked and vile; and cruel means designed to inflict a high degree of pain with utter indifference to, or even enjoyment of, the suffering of others. However it is not enough that this murder be heinous, atrocious or cruel as those terms have just been defined. This murder must have been especially heinous, atrocious or cruel, and not every

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murder is especially so.³⁴ For this murder to have been especially heinous, atrocious or cruel, any brutality which was involved in it must have exceeded that which is normally present in any killing, or this murder must have been a conscienceless or pitiless crime which was unnecessarily torturous to the victim.³⁵ If you find from the evidence beyond a reasonable doubt that this murder was especially heinous, atrocious or cruel, you would find this aggravating circumstance, and would so indicate by having your foreperson write, "Yes," in the space after this aggravating circumstance on the "Issues and Recommendation" form. If you do not so find, or have a reasonable doubt as to one or more of these things, you will not find this aggravating circumstance, and will so indicate by having your foreperson write, "No," in that space.]

(10) [(*State ordinal number*), did the defendant knowingly create a great risk of death to more than one person by means of a [weapon] [device] which would normally be hazardous to the lives of more than one person?³⁶ A defendant does so, if, at the time the defendant kills, the defendant is using a [weapon] [device] and the [weapon] [device] would normally be hazardous to the lives of more than one person, and the defendant uses it in such a way as to create a risk of death to more than one person and the risk is great and the defendant knows that the defendant is thereby creating such a great risk. If you find from the evidence beyond a reasonable doubt that when the defendant killed the victim, the defendant was using a [weapon] [device] and that this [weapon] [device] would normally be hazardous to the lives of more than one person and that the defendant used the [weapon] [device] and thereby created a risk of death to more than one person and that the risk was great and that the defendant knew that the defendant was thereby creating such a great risk, you would

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find this aggravating circumstance and would so indicate by having your foreperson write, "Yes," in the space after this aggravating circumstance on the "Issues and Recommendation" form. If you do not so find, or have a reasonable doubt as to one or more of these things, you will not find this aggravating circumstance, and will so indicate by having your foreperson write, "No," in that space.]

(11) [Finally, was this murder part of a course of conduct in which the defendant engaged and did that course of conduct include the commission by the defendant of other crimes of violence against another person or persons?³⁷ A murder is part of such a course of conduct if you find from the evidence beyond a reasonable doubt that, in addition to killing the victim, the defendant on or about the alleged date was engaged in a course of conduct which involved the commission of another crime of violence against another person³⁸ and that [this] [these] other crime(s) were included in the same course of conduct in which the killing of the victim was also a part,³⁹ you would find this aggravating circumstance and would so indicate by having your foreperson write, "Yes," in the space after this aggravating circumstance on the "Issues and Recommendation" form. If you do not find, or have a reasonable doubt as to one or more of these things, you will not find this aggravating circumstance, and will so indicate by having your foreperson write, "No," in that space.]

(You are instructed that the same evidence cannot be used as a basis for finding more than one aggravating factor.⁴⁰)

NOTE WELL: This ends the aggravating circumstances. The judge should, in all cases, resume the instruction at this point.

If you unanimously find from the evidence beyond a reasonable doubt that one or more of these aggravating circumstances existed, and have so

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indicated by writing, "Yes," in the space after one or more of them on the "Issues and Recommendation" form, you would answer Issue One, "Yes." On the other hand, if you unanimously find from the evidence that none of the aggravating circumstances existed, and if you have so indicated by writing, "No," in the space after every one of them on that form, you would answer Issue One, "No."⁴¹ If you answer Issue One, "No," you would skip Issues Two, Three and Four and you must recommend that the defendant be sentenced to life imprisonment. If you answer Issue One, "Yes," then you would consider Issue Two.

Issue Two is, "Do you find from the evidence the existence of one or more of the following mitigating circumstances?⁴²" (*State number*) possible mitigating circumstances are listed on the form, and you should consider each of them before answering Issue Two.

A mitigating circumstance is a fact or group of facts, which do not constitute a justification or excuse for a killing, or reduce it to a lesser degree of crime than first degree murder, but which may be considered as extenuating or reducing the moral culpability of the killing or making it less deserving of extreme punishment than other first degree murders. Our law identifies several possible mitigating circumstances. However, in considering Issue Two, it would be your duty to consider, as a mitigating circumstance, any (aspect of the defendant's character) (or) (record) (or) (evidence of mental retardation)⁴³ (and any) of the circumstances of this murder that the defendant contends is a basis for a sentence less than death, and any other circumstances arising from the evidence which you deem to have mitigating value.

The defendant has the burden of persuading you that a given mitigating circumstance exists. The existence of any mitigating

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circumstance must be established by a preponderance of the evidence, that is, the evidence, taken as a whole must satisfy you--not beyond a reasonable doubt, but simply satisfy you--that any mitigating circumstance exists. If the evidence satisfies any of you that a mitigating circumstance exists, you would indicate that finding on the "Issues and Recommendation" form. A juror may find that any mitigating circumstance exists by a preponderance of the evidence whether or not that circumstance was found to exist by all the jurors. In any event you would move on to consider the other mitigating circumstances and continue in like manner until you have considered all of the mitigating circumstances listed on the form and any others which you deem to have mitigating value.

It is your duty to consider the following mitigating circumstances and any others which you find from the evidence.

NOTE WELL: The following pages contain 12 bracketed options relating to the mitigating circumstances listed in N.C. Gen. Stat. § 15A-2000(f). The options are numbered in the margin according to the subsection of N.C. Gen. Stat. § 15A-2000(f) to which they relate. Since some subsections support more than one option, the options which derive from the same subsection are lettered, e.g., "3A" and "3B".

The judge should select from the following options all those which pertain to the case at hand. The Judge should then proceed with this Pattern Instruction to (9). Read the NOTE WELL preceding (9) carefully.

"Where all of the evidence, if believed, tends to show that a particular mitigating circumstance does exist, the defendant is entitled to a peremptory instruction." S. v. Spruill, 320 N.C. 688 (1987) and S. v. Johnson, 298 N.C. 47, 76 (1979).

(1) [First, consider whether the defendant has no significant history of prior criminal activity before the date of the murder.⁴⁴ Significant means important or notable. Whether any history of prior criminal activity is

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significant is for you to determine from all of the facts and circumstances which you find from the evidence. However you should not determine whether it is significant only on the basis of the number of convictions, if any, in the defendant's record. Rather you should consider the nature and quality of the defendant's history, if any, in determining whether it is significant.

You would find this mitigating circumstance if you find that (*describe all defendant's prior criminal activity*⁴⁵) and that this is not a significant history of prior criminal activity. If one or more of you finds by a preponderance of the evidence that this circumstance exists, you would so indicate by having your foreperson write, "Yes," in the space provided after this mitigating circumstance on the "Issues and Recommendation" form. If none of you finds this circumstance to exist, you would so indicate by having your foreperson write, "No," in that space.]

(2) [(*State ordinal number*), consider whether this murder was committed while the defendant was under the influence of mental or emotional disturbance. A defendant is under such influence if the defendant is in any way affected or influenced by a mental or emotional disturbance at the time the defendant kills.

*NOTE WELL: Note the relationship between this mitigating circumstance and the sixth mitigating circumstance, especially where there is evidence concerning the defendant's mental health. Often such evidence might support either or both of these mitigating circumstances, and if both are supported, both should be submitted.*⁴⁶

The main difference between the two circumstances is that this mitigating circumstance seems conceptually related to the "heat of passion" defense, while the sixth mitigating circumstance is related to the insanity defense. To emphasize this distinction in an appropriate case, give the following

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*paragraph.*⁴⁷

(Being under the influence of mental or emotional disturbance is similar to but not the same as being in a heat of passion upon adequate provocation. A person may be under the influence of mental or emotional disturbance even if that person had no adequate provocation and even if that person's disturbance was not so strong as to constitute heat of passion or preclude deliberation. For this mitigating circumstance to exist, it is enough that the defendant's mind or emotions were disturbed, from any cause, and that the defendant was under the influence of the disturbance when the defendant killed the victim.)

You would find this mitigating circumstance if you find (describe source of disturbance, e.g., that the defendant suffered from schizophrenia; or, e.g., that the victim had evicted the defendant from his apartment and this had enraged the defendant) and that, as a result, the defendant was under the influence of [mental] [emotional] disturbance when the defendant killed the victim. If one or more of you finds by a preponderance of the evidence that this circumstance exists, you would so indicate by having your foreperson write, "Yes," in the space provided after this mitigating circumstance on the "Issues and Recommendation" form. If none of you finds this circumstance to exist, you would so indicate by having your foreperson write, "No," in that space.]

(3A) [(*State ordinal number*), consider whether the victim was a voluntary participant in the defendant's homicidal conduct. A victim is a voluntary participant in the defendant's homicidal conduct if the victim willingly takes part, in any way, in the conduct which results in the victim's death.

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You would find this mitigating circumstance if you find that the victim willingly took part in the conduct which resulted in the victim's death and that this constituted participation by the victim in the defendant's homicidal conduct. If one or more of you finds by a preponderance of the evidence that the circumstance exists, you would so indicate by having your foreperson write, "Yes," in the space provided after this mitigating circumstance on the "Issues and Recommendation" form. If none of you finds this circumstance to exist, you would so indicate by having your foreperson write, "No," in that space.]

(3B) [(*State ordinal number*), consider whether the victim consented to the defendant's homicidal act. A victim consents to a defendant's homicidal act if the victim approves, acquiesces in, submits to or otherwise agrees to the act which results in the victim's death.

You would find this mitigating circumstance if you find that the victim [approved] [acquiesced in] [submitted to] [agreed with] the act which resulted in the victim's death and that this constituted consent to the defendant's homicidal act. If one or more of you finds by a preponderance of the evidence that the circumstance exists, you would so indicate by having your foreperson write, "Yes," in the space provided after this mitigating circumstance on the "Issues and Recommendation" form. If none of you finds this circumstance to exist, you would so indicate by having your foreperson write, "No," in that space.

(4) [(*State ordinal number*), consider whether this murder was actually committed by another person, and the defendant was only an [accomplice in] [accessory to] the murder and the defendant's participation in the murder was relatively minor. The distinguishing feature of an [accomplice] [accessory] is that the defendant is not the person who actually

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committed the murder.

You would find this mitigating circumstance if you find that the victim was killed by another person, and that the defendant was only [an accomplice] [an accessory]⁴⁸ to the killing and that the defendant's conduct constituted relatively minor participation in the murder. If one or more of you finds by a preponderance of the evidence that the circumstance exists, you would so indicate by having your foreperson write, "Yes," in the space provided after this mitigating circumstance on the "Issues and Recommendation" form. If none of you finds this circumstance to exist, you would so indicate by having your foreperson write, "No," in that space.]

(5A) [(*State ordinal number*), consider whether the defendant acted under duress. A defendant acts under duress, (even though it would not justify or excuse the killing)⁴⁹ if the defendant acts under the pressure of any threat or compulsion from any source.

You would find this mitigating circumstance if you find that the defendant acted under [the pressure of a threat] [compulsion], and that this constituted duress. If one or more of you finds by a preponderance of the evidence that this circumstance exists, you would so indicate by having your foreperson write, "Yes," in the space provided after this mitigating circumstance on the "Issues and Recommendation" form. If none of you finds this circumstance to exist, you would so indicate by having your foreperson write, "No," in that space.]

(5B) [(*State ordinal number*), consider whether the defendant acted under the domination of another person. A defendant acts under the domination of another person if the defendant acts at the command or under the control of the other person or in response to the assertion of any

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authority to which the defendant believes the defendant is bound to submit or which defendant did not have sufficient will to resist.

You would find this mitigating circumstance if you find (describe domination, e.g., that the defendant was in love with (name other person) and would do anything to stay in her favor and (name other person) told the defendant that if the defendant did not kill the victim she'd never see him again) and that as a result the defendant was under the domination of another person when the defendant killed the victim. If one or more of you finds by a preponderance of the evidence that the circumstance exists, you would so indicate by having your foreperson write, "Yes," in the space provided after this mitigating circumstance on the "Issues and Recommendation" form. If none of you finds this circumstance to exist, you would so indicate by having your foreperson write, "No," in that space.]

(6) [(State ordinal number), consider whether the capacity of the defendant to appreciate the criminality of the defendant's conduct or to conform the defendant's conduct to the requirements of the law was impaired.

NOTE WELL: In cases where the evidence attributes the defendant's impairment in part to mental disease or defect, give the following two paragraphs. S. v. Johnson, 298 N.C. 47, 69-70 (1979). (See also, S. v. Johnson (II), 298 N.C. 355, 373-375 (1979).) The judge should consider giving them in any case where the defendant claims this mitigating circumstance. However, in those cases where the evidence attributes the defendant's impairment to a cause such as intoxication, which does not involve mental disease or defect, and which may be "better understood by the average layman," the second paragraph may be all that is required. Compare S. v. Johnson, supra, with S. v. Goodman, 298 N.C. 1, 32 (1979).

A person's capacity to appreciate the criminality of that person's

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conduct or to conform that person's conduct to the law is not the same as that person's ability to know right from wrong generally, or to know that what that person is doing at a given time is killing or that such killing is wrong. A person may indeed know that a killing is wrong and still not appreciate its wrongfulness because that person does not fully comprehend or is not fully sensible to what that person is doing or how wrong it is. Further, for this mitigating circumstance to exist, the defendant's capacity to appreciate does not need to have been totally obliterated. It is enough that it was lessened or diminished. Finally, this mitigating circumstance would exist, even if the defendant did appreciate the criminality of the defendant's conduct, if the defendant's capacity to conform the defendant's conduct to the law was impaired, since a person may appreciate that the defendant's killing is wrong and still lack the capacity to refrain from doing it. Again, the defendant need not wholly lack all capacity to conform. It is enough that such capacity as the defendant might otherwise have had in the absence of the defendant's impairment is lessened or diminished because of such impairment.

You would find this mitigating circumstance if you find that the defendant (describe source of impairment, e.g., had drunk a quart of whiskey during the three hours before the killing, suffered from schizophrenia, and/or list any evidence presented as to the defendant's intellectual disability, if relevant to this circumstance) and that this impaired the defendant's capacity to appreciate the criminality of the defendant's conduct or to conform the defendant's conduct to the requirements of the law. If one or more of you finds by a preponderance of the evidence that the circumstance exists, you would so indicate by having your foreperson write, "Yes," in the space provided after this mitigating circumstance on the

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"Issues and Recommendation" form. If none of you finds this circumstance to exist, you would so indicate by having your foreperson write, "No," in that space.]

(7) [(*State ordinal number*), consider whether the age of the defendant at the time of this murder is a mitigating factor. The mitigating effect of the age of the defendant is for you to determine from all of the facts and circumstances which you find from the evidence. ("Age" is a flexible and relative concept. The chronological age of a defendant is not always the determinative factor.)⁵⁰ If one or more of you finds by a preponderance of the evidence that the circumstance exists, you would so indicate by having your foreperson write, "Yes," in the space provided after this mitigating circumstance on the "Issues and Recommendation" form. If none of you finds this circumstance to exist, you would so indicate by having your foreperson write, "No," in that space.]

(8A) [(*State ordinal number*) consider whether the defendant aided in the apprehension of another capital felon? A capital felon is a person who has committed a felony punishable by death. (*Name person apprehended*) was a capital felon. A defendant would have aided in the apprehension of another capital felon if the defendant gave any assistance which in any way advanced the time or reduced the difficulty of taking that person into custody.

You would find this mitigating circumstance if you find (*describe aid, e.g., told the place where (name capital felon) was hiding*) and that this aided in the apprehension of another capital felon. If one or more of you finds by a preponderance of the evidence that the circumstance exists, you would so indicate by having your foreperson write, "Yes," in the space provided after this mitigating circumstance on the "Issues and

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Recommendation" form. If none of you finds this circumstance to exist, you would so indicate by having your foreperson write, "No," in that space.]

(8B) [(*State ordinal number*) consider whether the defendant testified truthfully on behalf of the prosecution in another prosecution of a felony? A defendant does so if the defendant is called as a witness for the State at any stage of the prosecution of any felony and truthfully answers any questions asked by the prosecutor. The felony need not be connected with the murder for which you are recommending punishment. (*Name felony*) is a felony.

You would find this mitigating circumstance if you find that the defendant testified and that this was truthful testimony on behalf of the prosecution. If one or more of you finds by a preponderance of the evidence that the circumstance exists, you would so indicate by having your foreperson write, "Yes," in the space provided after this mitigating circumstance on the "Issues and Recommendation" form. If none of you finds this circumstance to exist, you would so indicate by having your foreperson write, "No," in that space.]

NOTE WELL: If the defendant makes a timely request for a listing in writing of possible mitigating circumstances, in addition to those listed in N.C. Gen. Stat. § 15-2000(f), and if they are supported by the evidence, and if these circumstances are such that a juror could reasonably deem them to have mitigating value, the judge must (1) instruct on each of them at this point in the instruction and (2) include them on the "Issues and Recommendation" form, where indicated. S. v. Cummings, 326 N.C. 298 (1990). In the absence of a written request, the judge is not required to sift through the evidence and search out every possible circumstance which a juror might find to have mitigating value, S. v. Goodman, 298 N.C. 1, 34 (1979), and "the failure to mention any particular item as a mitigating circumstance will not be held error so long as the trial judge instructs that the jury may consider any circumstance which it finds to have mitigating value." S. v. Johnson, 298 N.C. 47, 72 (1979). It is the better

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practice, however, " . . . to include on the verdict form all mitigating circumstances that are to be submitted to the jury." S. v. McDougall, 308 N.C. 1, 25 (1983). The court is not required to entertain evidence or submit any circumstance which is "in no way related to the defendant, his character, his record, or the circumstances of the charged offense." S. v. Cherry, 298 N.C. 86, 97-99 (1979); S. v. Johnson (II), 298 N.C. 367 (1979).

(9) You should also consider the following circumstances arising from the evidence which you find to have mitigating value. If one or more of you find by a preponderance of the evidence that any of the following circumstances exist and also are deemed by you to have mitigating value, you would so indicate by having your foreperson write "Yes" in the space provided. If none of you find the circumstance to exist, or if none of you deem it to have mitigating value, you would so indicate by having your foreperson write "No" in that space. *(Here list each nonstatutory circumstance submitted by defendant and raised by the evidence, e.g.:*

(A) (State ordinal number) Consider whether the defendant was abused by the defendant's parents and whether you deem this to have mitigating value. You would find this mitigating circumstance if you find that the defendant was abused by the defendant's parents and that this circumstance has mitigating value. If one or more of you finds by a preponderance of the evidence that this circumstance exists and also is deemed mitigating, you would so indicate by having your foreperson write "Yes" in the space provided after this mitigating circumstance on the "Issues and Recommendation" form. If none of you find the circumstances to exist, or if none of you deem it to have mitigating value, you would so indicate by having your foreperson write "No" in that space.

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(B) *etc.*)

NOTE WELL: In all cases the judge should conclude his treatment of mitigating circumstances with the following "catch-all" paragraph, and then proceed.

(10) (*State ordinal number*), finally, you may consider any other circumstance or circumstances arising from the evidence which you deem to have mitigating value. If one or more of you so find by a preponderance of the evidence, you would so indicate by having your foreperson write "Yes" in the space provided after this mitigating circumstance on the "Issues and Recommendations" form. If none of you finds any such circumstance to exist, you would so indicate by having your foreperson write "No" in that space.

If one or more of you finds by a preponderance of the evidence one or more mitigating circumstances, and have so indicated by writing "Yes" in the space provided after this mitigating circumstance on the "Issues and Recommendation" form, you would answer Issue Two, "Yes." If none of you find any of these mitigating circumstances to exist and have so indicated by writing, "No," in the space after every one of them on that form, you would answer Issue Two, "No." If you answer Issue Two, "Yes," you must consider Issue Three. If you answer Issue Two, "No," do not answer Issue Three. Instead, skip Issue Three, and answer Issue Four.

Issue Three is, "Do you unanimously find beyond a reasonable doubt that the mitigating circumstance or circumstances found is, or are, insufficient to outweigh the aggravating circumstance or circumstances found by you?"

If you find from the evidence one or more mitigating circumstances, you must weigh the aggravating circumstance(s) against the mitigating

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circumstance(s). When deciding this issue, each juror may consider any mitigating circumstance or circumstances that he or she determined to exist by a preponderance of the evidence in Issue Two. In so doing, you are the sole judges of the weight to be given to any individual circumstance which you find, whether aggravating or mitigating. You should not merely add up the number of aggravating circumstances and mitigating circumstances. Rather, you must decide from all the evidence what value to give to each circumstance, and then weigh the aggravating circumstances, so valued, against the mitigating circumstances, so valued, and finally determine whether the mitigating circumstances are insufficient to outweigh the aggravating circumstances.

If you unanimously find beyond a reasonable doubt that the mitigating circumstances found are insufficient to outweigh the aggravating circumstance(s) found, you would answer Issue Three, "Yes." If you unanimously fail to so find, you would answer Issue Three "No." If you answer Issue Three, "No," it would be your duty to recommend that the defendant be sentenced to life imprisonment. If you answer Issue Three, "Yes," you must consider Issue Four.

Issue Four is, "Do you unanimously find beyond a reasonable doubt that the aggravating circumstance or circumstances you found is, or are, sufficiently substantial to call for the imposition of the death penalty when considered with the mitigating circumstance or circumstances found by one or more of you?"

In deciding this issue, you are not to consider the aggravating circumstances standing alone. You must consider them in connection with any mitigating circumstances found by one or more of you. When making this comparison, each juror may consider any mitigating circumstance or

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circumstances that juror determined to exist by a preponderance of the evidence. After considering the totality of the aggravating and mitigating circumstances, each of you must be convinced beyond a reasonable doubt that the imposition of the death penalty is justified and appropriate in this case before you can answer the issue "Yes." In so doing, you are not applying a mathematical formula. For example, three circumstances of one kind do not automatically and of necessity outweigh one circumstance of another kind. You may very properly give more weight to one circumstance than another. You must consider the relative substantiality and persuasiveness of the existing aggravating and mitigating circumstances in making this determination. You, the jury, must determine how compelling and persuasive the totality of the aggravating circumstances are when compared with the totality of the mitigating circumstances. After so doing, if you find beyond a reasonable doubt that the aggravating circumstances found by you are sufficiently substantial to call for the death penalty when considered with mitigating circumstances found by one or more of you, it would be your duty to answer the issue "Yes." If you unanimously fail to so find, it would be your duty to answer the issue "No."

In the event you do not find the existence of any mitigating circumstances, you must still answer this issue. In such case, you must determine whether the aggravating circumstances found by you are of such value, weight, importance, consequence, or significance as to be sufficiently substantial to call for the imposition of the death penalty.

Substantial means having substance or weight, important, significant or momentous. Aggravating circumstances may exist in a particular case and still not be sufficiently substantial to call for the death penalty. Therefore, it is not enough for the State to prove from the evidence beyond

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a reasonable doubt the existence of one or more aggravating circumstances. It must also prove beyond a reasonable doubt that such aggravating circumstances are sufficiently substantial to call for the death penalty, and before you may answer Issue Four, "Yes," you must agree unanimously that they are.

If you answer Issue Four, "No," you must recommend that the defendant be sentenced to life imprisonment. If you answer Issue Four, "Yes," it would be your duty to recommend that the defendant be sentenced to death.

Now members of the jury, you have heard the evidence and the arguments of counsel for the State and for the defendant. The Court has not summarized all of the evidence, but it is your duty to remember all the evidence whether it has been called to your attention or not, and if your recollection of the evidence differs from that of the Court, or of the District Attorney, or of the defense attorney (or the defendant), you are to rely solely upon your recollection of the evidence in your deliberations. I have not reviewed the contentions of the State or of the defendant, but it is your duty not only to consider all the evidence, but also to consider all the arguments, the contentions and positions urged by the State's attorney(s) and the defendant's attorney(s) (and the defendant) in their speeches to you, and any other contention that arises from the evidence, and to weigh them in the light of your common sense, and to make your recommendation as to punishment.

The law, as indeed it should, requires the presiding judge to be impartial. You are not to draw any inference from any ruling that I have made, or any inflection in my voice or expression on my face, or any question I may have asked a witness or anything else that I may have said

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or done during this trial, that I have an opinion or have intimated an opinion, as to whether any part of the evidence should be believed or disbelieved, as to whether any aggravating or mitigating circumstance has been proved or disproved, or as to what your recommendation ought to be. It is your exclusive province to find the true facts of the case and to make a recommendation reflecting the truth as you find it.

When you are ready to make a recommendation, have your foreperson write in your recommendation as directed on the "Issues and Recommendation" form.

NOTE WELL: Excuse the alternate jurors.

After reaching the jury room your first order of business is to select your foreperson. You may begin your deliberations when the bailiff delivers the Issues and Recommendation as Punishment Form to you. Your foreperson should lead the deliberations. When you have unanimously agreed upon an answer to this issue and are ready to announce it, your foreperson should record your answer, sign and date the form, and notify the bailiff by knocking on the jury room door (or otherwise summoning the bailiff). You will be returned to the courtroom and your answer will be announced.

You may retire and select your foreperson.

NOTE WELL: After the jury retires the Judge must address the attorneys as follows:

Before sending the original "Issues and Recommendation" form to the jury and allowing them to begin their deliberations I will now consider any requests for corrections to the charge to the jury, or any additional matters that anyone feels are necessary or appropriate to submit a proper and

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accurate charge to the jury.

Are there any specific requests for corrections or additions to the charge?

NOTE WELL: Consider all specific requests and if appropriate bring the jury back and correct or add to the charge. If request(s) for corrections or additions are rejected, attorneys must be allowed to make specific objections on the record.

After all specific requests have been considered and the proper record notation(s) made, give the "Issues and Recommendation" form to the bailiff and ask him to hand it to the jury without comment. If it is necessary to return the jury to the courtroom for corrections or additions to the charge the Judge should address the jury as follows:

Members of the jury, after you left the courtroom, it was brought to my attention that some further instructions are necessary to [correct] [add to] the previous instructions I gave you.

I charge you that

You may now retire and begin your deliberations as soon as you receive the written form.

NOTE WELL: Repeat the question to the lawyers regarding corrections or additions to the charge. If there are further specific requests repeat the same procedure as before; if not, hand the original written form to the bailiff to give to the jury.

NOTE WELL: If the sentencing jury asks the judge what will happen if it fails to reach a unanimous decision as to issues (One-A), One, Three, Four, or as to punishment, the proper response to such an inquiry is to instruct the jurors as follows:

"Your inability to reach a unanimous [answer to issues (One-A), One, Three, or Four] (or) [recommendation as to punishment] should not be your concern but should simply be reported to the court." S. v. Smith, 320 N.C. 404, 420-422, 358 S.E.2d 329, 338-39 (1987). As to questions about parole, see note 2, supra.

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1 *S. v. Britt*, 320 N.C. 705 (1987).

2 This parenthetical language regarding "life without parole" would be eliminated if the offense occurred prior to October 1, 1994.

3 "Neither the State nor the defendant should be allowed [in arguing to the jury at the sentencing phase] to speculate upon the outcome of possible appeals, paroles, executive commutations or pardons." *S. v. Jones*, 296 N.C. 495 at 502 (1979); *see also S. v. Boyd*, 311 N.C. 408, 425 (1984). If a juror inquires about the possibility of parole, the court should instruct the jury as follows: "The question of eligibility for parole is not a proper matter for you to consider in recommending punishment, and it should be eliminated entirely from your consideration and dismissed from your minds. In considering whether to recommend death or life imprisonment, you should determine the question as though life imprisonment means exactly what the statute says: 'imprisonment for life in the State's prison.' *S. v. Conner*, 241 N.C. 468, 472 (1955)." *Accord, S. v. Robbins*, 319 N.C. 465, 518 (1987).

For offenses occurring on or after October 1, 1994, the statutory language is: "A sentence of life imprisonment means a sentence of life without parole." *See State v. Smith*, 351 N.C. 251, 524 S.E.2d 28 (2000).

4 Omit parenthetical when defendant pled guilty, or where the sentencing jury is not the jury which determined guilt.

5 N.C. Gen. Stat. § 15A-2005(g).

6 *See* note 3.

7 The statute makes it clear that the State must bear the burden of proving aggravating circumstances beyond a reasonable doubt. N.C. Gen. Stat. § 15A-2000(c)(1). *S. v. Johnson*, 298 N.C. 47, 75 (1979).

8 If there is no evidence that anyone other than defendant participated in the killing, omit the first requirement of proof and re-number the other three.

9 *See Cabana v. Bullock*, 474 U.S. 376, 98 L.Ed. 704 (1986) and *Tison v. Arizona*, 481 U.S. 137 (1987), which further construe the meaning of *Enmund v. Florida*, 458 U.S. 782 (1982) regarding the mental state of an aider and abettor. *See also S. v. Stokes*, 319 N.C. 1 (1987).

10 *See* N.C. Gen. Stat. § 15A-2000(c)(3); *S. v. McDougal*, 308 N.C. 1, 33 (1983).

11 *S. v. Robbins*, 319 N.C. 465 (1987).

12 If a juror inquires as to whether a negative finding as to Issues 1, 3, and 4 must be unanimous, the court should instruct the jury as follows: "The answers to Issues 1, 3, and 4 -whether affirmative or negative- must be unanimous." *S. v. McCarver*, 341 N.C. 364 (1995); *S. v. Walls*, 342 N.C. 1 (1995).

13 If a juvenile adjudication is involved *see* N.C. Gen. Stat. § 15A-2000(e), and 7B-3000(f). *See* NOTE WELL on page 11.

14 *S. v. Goodman*, 298 N.C. 1, 22-23 (1979).

15 *See* note 12, *supra*.

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16 Use this bracketed phrase when the defendant's previous felony does, by definition, involve the use or threat of violence to the person.

17 Use this bracketed phrase when the defendant's previous felony does not, by definition, involve the use or threat of violence to the person.

18 *S. v. Goodman*, 298 N.C. 1, 22-23 (1979). See also *S. v. McLaughlin*, 323 N.C. 68, 97 (1988); *S. v. Green*, 321 N.C. 594, 610-11 (1988); *S. v. Holden*, 321 N.C. 125, 154 (1987); and *S. v. Brown*, 320 N.C. 179, 213 (1987).

19 If the defendant contends, in the sentencing proceeding, that the arrest was unlawful, define a lawful arrest. See N.C.P.I.-Crim. 208.82, *et seq.*

20 Use this option when the defendant was the principal actor in the felony. When the defendant merely aided or abetted another person in committing the felony, use option #5B.

21 Only the following felonies are applicable: another homicide, robbery, rape or a sex(ual) offense as defined in N.C. Gen. Stat. §§ 14-27.4 and 27.5, arson, burglary, kidnapping, aircraft piracy, or the "unlawful throwing, placing or discharging of a destructive device or bomb." N.C. Gen. Stat. § 15A-2000(e)(5).

22 When a defendant is convicted of first degree murder under the felony murder rule, the trial judge shall not submit to the jury at the sentencing phase of the trial the aggravating circumstances concerning the underlying felony. *S. v. Cherry*, 298 N.C. 86, 113 (1979); *cf. S. v. Goodman*, 298 N.C. 1, 24 (1979) (Submission of this aggravating circumstance is proper when defendant found guilty on both premeditation and felony murder theories).

In *S. v. Murvin*, 304 N.C. 523 (1981), defendant was convicted of felony murder when he shot and killed a night guard. The conviction was based upon the underlying felonies of breaking and entering and felonious larceny. The Supreme Court of North Carolina held that he could be convicted and sentenced separately for armed robbery of the guard, committed contemporaneously with the other offenses, since the robbery was not the underlying felony of the murder. It would appear that in such a situation the armed robbery could also serve as an aggravating circumstance under this paragraph. See also *S. v. Johnson*, 317 N.C. 343, 395 (1986).

23 Use this option when the defendant committed the murder but was merely aiding or abetting another person in committing the felony. When the defendant was the principal actor in the felony, use option #5A.

24 See note 19 and 21.

25 See note 23.

26 See *S. v. Williams*, 317 N.C. 474 (1986) and *S. v. Oliver*, 309 N.C. 326 (1983), discussing robbery as a basis for pecuniary gain.

27 See *State v. Maske*, 358 N.C. 40 (Feb. 6, 2004) (noting that, for this aggravating circumstance to apply, there must be some causal connection between the murder and the pecuniary gain at the time the killing occurs); *State v. Jones*, 357 N.C. 409 (2003). The trial court must describe what constitutes pecuniary gain.

28 If the defendant contends, in the sentencing proceeding, that his victim was doing

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one thing, which would not be a lawful activity, and the State contends that the victim was doing something else, which would be a lawful activity, state what would and would not be a lawful activity. See, e.g., N.C.P.I.-Crim. 230.20 *et seq.*

29 When the evidence shows that the victim was a witness against the defendant, use 8A (engaged in) if the State has shown that the victim was actively engaged at the time of the murder in performance of a duty of a witness, such as swearing out a warrant, discussion of the case with a prosecutor, traveling to court to testify, or actively testifying.

On the other hand, use 8B (because of) if the State has shown that the defendant's motive for killing the victim was that the victim was either scheduled to be or had been a witness against him. For guidance, see *State v. Long*, 354 N.C. 534 (Dec. 18, 2001).

30 Only the following officials are included: law enforcement officer, employee of the Department of Correction, jailer, fireman, judge or justice, prosecutor, juror, witness against the defendant. N.C. Gen. Stat. § 15A-2000(e)(8).

31 Use this parenthetical only when the defendant contends that what the victim was doing was something which would not be an official duty.

32 See *State v. Long*, *supra* note 28.

33 Only the following officials are included: law enforcement officer, employee of the Department of Correction, jailer, fireman, judge or justice, former judge or justice, prosecutor or former prosecutor, juror or former juror, witness or former witness against the defendant. N.C. Gen. Stat. § 15A-2000(e)(8).

34 *S. v. Johnson*, 298 N.C. 47, 82 (1979). See also *S. v. McNeil*, 324 N.C. 33 (1989); and *S. v. Spruill*, 320 N.C. 688 (1987).

35 *S. v. Oliver*, 309 N.C. 326 (1983). See also *S. v. Gladden*, 315 N.C. 398 (1986). *S. v. Lloyd*, 321 N.C. 301, 319 (1988).

36 *S. v. Moose*, 310 N.C. 482 (1984). It is a violation of due process principles to instruct that a particular type weapon is a weapon which would normally be hazardous to the lives of more than one person. *S. v. Nobles*, 350 N.C. 483, 515 S.E.2d 885 (1999). See also *S. v. Davis*, 349 N.C. 1 (1998).

37 *S. v. Price*, 326 N.C. 56, 80 (1990).

38 See *S. v. Price*, 326 N.C. 56, 80 (1990); *S. v. Williams*, 305 N.C. 656, 684 (1982).

39 This phrase is critically important because the mere fact that one murder or violent act followed the other does not establish a course of conduct. Rather, the jury must conclude beyond a reasonable doubt that the acts were part of the same course of conduct. *State v. Berry*, 356 N.C. 490, 573 S.E.2d 132 (2002).

40 *State v. Mosley*, 338 N.C. 1 at 55 (1994).

41 See *supra* note 11.

42 The burden of persuading the jury on the issue of the existence of any mitigating circumstances is on the defendant and the standard of proof is by a preponderance of the evidence." *S. v. Johnson*, 298 N.C. 47, 76 (1979). See also *S. v. Benson*, 323 N.C. 318, 325-6 (1988).

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43 N.C. Gen. Stat. § 15A-2005(g).

44 This circumstance should be submitted whenever requested by the defendant. In *S. v. Wilson*, 322 N.C. 117 (1988) defendant had a prior history of kidnapping, storing illegal drugs and theft. It was held that the existence of this mitigating circumstance should have been submitted to the jury. Evidence of criminal activity after the date of the murder should not be admitted into evidence. *State v. Coffey*, 336 N.C. at 412 (1994). When a defendant objects to the submission of a particular mitigating circumstance, the trial court should instruct the jury as follows: "The defendant did not request that this mitigating circumstance be submitted, but the submission of this mitigating circumstance is required as a matter of law." *State v. Walker*, 343 N.C. 216 (1996). Where the State and defendant stipulate that defendant has no significant history of prior criminal activity, the jury must be instructed that this mitigating circumstance exists as a matter of law and that the jury must give it some weight. *State v. Jones*, 346 N.C. 704 (1997).

45 Where neither side submits evidence of any prior criminal activity or lack thereof, do not submit this mitigating circumstance. *State v. Fullwood*, 323 N.C. 371, 394 (1988).

46 See *S. v. Johnson*, 298 N.C. 47 (1979) where the judge submitted both, the jury found one but not the other, and the Court reversed the death penalty on the basis of the inadequacy of the instruction on the one which they did not find. See also *S. v. Greene*, 324 N.C. 1 (1989) and *S. v. Stokes*, 308 N.C. 634 (1983).

47 The instruction for this mitigating circumstance parallels that for the sixth mitigating circumstance, which provides for any impairment of the defendant's capacity to appreciate the criminality of his conduct or to conform his conduct to the requirements of the law.

48 Care should be taken not to confuse this mitigating circumstance with the felony murder rule of the *Enmund* case. See NOTE WELL, p. 1. The number of cases in which defendant knowingly participated in the homicide under *Enmund*, yet played a "relatively minor role" in the murder may be fewer than originally contemplated before the *Enmund* decision.

49 Use this parenthetical when the defendant has contended to the jury at the guilt phase that the duress did justify or excuse his killing.

50 See *State v. Holden*, 338 N.C. 394 (1994), where mental age served as a statutory mitigating circumstance, rather than chronological age. See also *State v. Zonign*, 348 N.C. 214 (1988).

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150.10A (APP) DEATH PENALTY—ISSUES AND RECOMMENDATION AS TO PUNISHMENT.

NOTE WELL: When the jury retires to deliberate the punishment in a capital case, the judge shall furnish them a written list of issues relating to the aggravating or mitigating circumstances which arise from the evidence. N.C. Gen. Stat. § 15A-2000(b). When the jury recommends a sentence of death the foreperson shall sign the "Issues and Recommendation" form on behalf of the jury which shall show the requisite findings to support that sentence. N.C. Gen. Stat. § 15A-2000(c). The following pattern form combines the issues and the recommendation.

The judge, in each case, should use this "Issues and Recommendation", and should furnish this form to the jury. In preparing the actual form to be given to the jury, the judge should omit all the bracketed aggravating and mitigating circumstances which do not relate to the evidence in the case. The judge is required to add all non-statutory mitigating circumstances that arise from the evidence which are explained in the Note Well below and incorporate those into this form. The statutory and non-statutory mitigating circumstances are to be listed on this form in consecutive order. Also, make sure the reporter does not type the brackets themselves, and numbers the aggravating and mitigating circumstances which are incorporated in their own consecutive order.

Issue One-A should be included only if there is evidence that the defendant personally may not have committed the killing. See NOTE WELL, N.C.P.I.-Crim. 150.10. The designation of Issue One-A has been adopted to simplify the numbers of the remaining issues.

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STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF
JUSTICE

SUPERIOR COURT DIVISION

No. _____

STATE OF NORTH CAROLINA)
)
 Plaintiff)
)
)
 vs.)
)
 (Name defendant))
)
 Defendant)
 _____)

ISSUES AND
RECOMMENDATION

AS TO PUNISHMENT

ISSUES

Issue One-A:

Do you unanimously find from the evidence, beyond a reasonable doubt, that the defendant:

[a. Killed or attempted to kill the victim;] (or)

[b. Intended to kill the victim;] (or)

[c. Intended that deadly force would be used in the course of the underlying felony] (or)

[d. Was a major participant in the underlying felony and exhibited reckless indifference to human life]?

Answer _____.

IF YOU ANSWER ISSUE ONE-A "NO," SKIP ISSUES ONE, TWO, THREE, AND FOUR AND INDICATE LIFE IMPRISONMENT UNDER "RECOMMENDATION

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AS TO PUNISHMENT" ON THE LAST PAGE OF THIS FORM. IF YOU ANSWERED ISSUE ONE-A "YES," PROCEED TO ISSUE ONE.

Issue One:

Do you unanimously find from the evidence, beyond a reasonable doubt, the existence of one or more of the following aggravating circumstances?

ANSWER _____.

BEFORE YOU ANSWER ISSUE ONE, CONSIDER EACH OF THE FOLLOWING AGGRAVATING CIRCUMSTANCES. IN THE SPACE AFTER EACH AGGRAVATING CIRCUMSTANCE, WRITE "YES," IF YOU UNANIMOUSLY FIND THAT AGGRAVATING CIRCUMSTANCE FROM THE EVIDENCE BEYOND A REASONABLE DOUBT. WRITE, "NO," IF YOU DO NOT FIND THAT AGGRAVATING CIRCUMSTANCE FROM THE EVIDENCE BEYOND A REASONABLE DOUBT.

IF YOU WRITE, "YES," IN ONE OR MORE OF THE SPACES AFTER THE FOLLOWING AGGRAVATING CIRCUMSTANCES, WRITE, "YES," IN THE SPACE AFTER ISSUE ONE AS WELL. IF YOU WRITE, "NO," IN ALL OF THE SPACES AFTER THE FOLLOWING AGGRAVATING CIRCUMSTANCES, WRITE, "NO," IN THE SPACE AFTER ISSUE ONE.

(1) [Was the defendant lawfully incarcerated?

ANSWER _____]

(2) [Had the defendant been previously convicted of another capital felony?

ANSWER _____]

(3) [Had the defendant been previously convicted of a felony involving the [use] [threat] of violence to the person?

ANSWER _____]

(4A) [Was this murder committed for the purpose of [avoiding] [preventing] a lawful arrest?

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ANSWER_____]

(5A) [Was this murder committed while the defendant was engaged in [the commission of] [an attempt to commit] [a flight after [committing] [attempting to commit]] (*name felony*)?ⁱ

ANSWER_____]

(5B) [Was the murder committed while the defendant was an [aider] [abettor] in the [commission of] [attempt to commit] [flight after [committing] [attempting to commit]] (*name felony*)?¹

ANSWER_____]

(6) [Was this murder committed for pecuniary gain?

ANSWER_____]

(7A) [Was this murder committed to [disrupt] [hinder] the lawful exercise of a governmental function?

ANSWER_____]

(7B) [Was this murder committed to [disrupt] [hinder] the enforcement of the laws?

ANSWER_____]

(8A) [Was this murder committed against a (*describe victim's position*)ⁱⁱ while engaged in the performance of his official duties?

ANSWER_____]

(8B) [Was this murder committed against a (*describe victim's position*)² because of the exercise of his official duty?

ANSWER_____]

(9) [Was this murder especially heinous, atrocious or cruel?

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ANSWER_____]

(10) [Did the defendant knowingly create a great risk of death to more than one person by means of a [weapon] [device] which would normally be hazardous to the lives of more than one person?

ANSWER_____]

(11) [Was this murder part of a course of conduct in which the defendant engaged and did that course of conduct include the commission by the defendant of other crimes of violence against other persons?

ANSWER_____]

IF YOU ANSWERED ISSUE ONE "NO," SKIP ISSUES TWO, THREE, AND FOUR, AND INDICATE LIFE IMPRISONMENT UNDER "RECOMMENDATION AS TO PUNISHMENT", ON THE LAST PAGE OF THIS FORM. IF YOU ANSWERED ISSUE ONE "YES," PROCEED TO ISSUE TWO.

Issue Two:

Do you find from the evidence the existence of one or more of the following mitigating circumstances?

ANSWER_____

NOTE WELL: List any of the following mitigating circumstances for which there is any evidence. In addition, if the defendant makes a timely request for a listing in writing of possible mitigating circumstances in addition to those listed here, and if they are supported by the evidence, and if those circumstances are such that the jury could possibly deem them to have mitigating value, add all such circumstances to the list as you prepare the form to be given to the jury. S. v. Johnson, 298 N.C. 47, 72, 74 (1979). If all the evidence indicates that the mitigating circumstances exist, the judge is required to give peremptory instructions. For peremptory instructions see N.C.P.I.-Crim. 150.11 and N.C.P.I.-Crim. 150.12.

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BEFORE YOU ANSWER ISSUE TWO, CONSIDER EACH OF THE FOLLOWING MITIGATING CIRCUMSTANCES. IN THE SPACE AFTER EACH MITIGATING CIRCUMSTANCE, WRITE "YES," IF ONE OR MORE OF YOU FINDS THAT CIRCUMSTANCE BY A PREPONDERANCE OF THE EVIDENCE. WRITE, "NO," IF NONE OF YOU FINDS THAT MITIGATING CIRCUMSTANCE.

IF YOU WRITE, "YES," IN ONE OR MORE OF THE FOLLOWING SPACES, WRITE, "YES," IN THE SPACE AFTER ISSUE TWO AS WELL. IF YOU WRITE, "NO," IN ALL OF THE FOLLOWING SPACES, WRITE, "NO," IN THE SPACE AFTER ISSUE TWO.

(1) [The defendant has no significant history of prior criminal activity.

ANSWER _____ One or more of us finds this mitigating circumstance to exist.]

(2) [This murder was committed while the defendant was under the influence of mental or emotional disturbance.

ANSWER _____ One or more of us finds this mitigating circumstance to exist.]

(3A) [The victim was a voluntary participant in the defendant's homicidal act.

ANSWER _____ One or more of us finds this mitigating circumstance to exist.]

(3B) [The victim consented to the defendant's homicidal act.

ANSWER _____ One or more of us finds this mitigating circumstance to exist.]

(4) [This murder was actually committed by another person and the defendant was only an [accomplice in] [accessory to] the murder and his participation in the murder was relatively minor.

ANSWER _____ One or more of us finds this mitigating

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circumstance to exist.]

(5A) [The defendant acted under duress.

ANSWER _____ One or more of us finds this mitigating
circumstance to exist.]

(5B) [The defendant acted under the domination of another person.

ANSWER _____ One or more of us finds this mitigating
circumstance to exist.]

(6) [The capacity of the defendant to appreciate the criminality of his
conduct or to conform his conduct to the requirements of the law
was impaired.

ANSWER _____ One or more of us finds this mitigating
circumstance to exist.]

(7) [The age of the defendant at the time of this murder is a mitigating
circumstance.

ANSWER _____ One or more of us finds this mitigating
circumstance to exist.]

(8A) [The defendant aided in the apprehension of another capital
felon.

ANSWER _____ One or more of us finds this mitigating
circumstance to exist.]

(8B) [The defendant testified truthfully on behalf of the prosecution in
another prosecution of a felony.

ANSWER _____ One or more of us finds this mitigating
circumstance to exist.]

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(9) *NOTE WELL: Here list the non-statutory mitigating circumstances requested by the defendant.*

ANSWER _____ One or more of us finds this circumstance to exist and deem it to have mitigating value.

NOTE WELL: Always include Number 10 following:

(10) Any other circumstance or circumstances arising from the evidence which one or more of you deems to have mitigating value.

ANSWER _____ One or more of us finds the mitigating circumstance to exist.

ANSWER ISSUE THREE IF YOU ANSWERED ISSUE TWO, "YES." IF YOU ANSWERED ISSUE TWO, "NO," SKIP ISSUE THREE AND ANSWER ISSUE FOUR.

Issue Three:

Do you unanimously find beyond a reasonable doubt that the mitigating circumstance or circumstances found is, or are, insufficient to outweigh the aggravating circumstance or circumstances found by you?

ANSWER _____

IF YOU ANSWER ISSUE THREE, "YES," PROCEED TO ISSUE FOUR. IF YOU ANSWER ISSUE THREE, "NO," INDICATE LIFE IMPRISONMENT UNDER "RECOMMENDATION AS TO PUNISHMENT."

Issue Four:

Do you unanimously find beyond a reasonable doubt that the aggravating circumstance or circumstances you found is, or are, sufficiently substantial to call for the imposition of the death penalty when considered with the mitigating circumstance or circumstances found by one or more of you?

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ANSWER_____

IF YOU ANSWER ISSUE FOUR "YES," INDICATE DEATH UNDER "RECOMMENDATION AS TO PUNISHMENT." IF YOU ANSWER ISSUE FOUR, "NO," INDICATE LIFE IMPRISONMENT UNDER "RECOMMENDATION AS TO PUNISHMENT."

RECOMMENDATION AS TO PUNISHMENT

INDICATE YOUR RECOMMENDATION AS TO PUNISHMENT BY WRITING "DEATH," OR "LIFE IMPRISONMENT," IN THE BLANK IN THE FOLLOWING SENTENCE:

We, the jury, unanimously recommend that the defendant, (*name defendant*) be sentenced to _____.

This _____ day of _____, ____.

_____(signature)

Foreperson of the Jury

1 Only the following felonies are applicable: robbery, rape or a sexual offense as defined in N.C. Gen. Stat. §§ 14-27.4 and 27.5, arson, burglary, kidnapping, aircraft piracy, or "the unlawful throwing, placing or discharging of a destructive device or bomb." (N.C. Gen. Stat. § 15A-2000(e)(5).)

2 Only the following officials are included: law enforcement officer, employee of the Department of Correction, jailer, firemen, judge or justice, former judge or justice, prosecutor or former prosecutor, juror or former juror, witness or former witness against the defendant. N.C. Gen. Stat. § 15A-2000(e)(8).

N.C.P.I.—Crim. 203.10A
HABITUAL FELON—INTRODUCTORY REMARKS.
CRIMINAL VOLUME
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203.10A HABITUAL FELON—INTRODUCTORY REMARKS.

Members of the jury, thank you very much for your service in this case thus far. We will now begin another phase of this trial. In this case, the defendant has also been charged with being an habitual felon. Being an habitual felon is not a crime in and of itself. It is a status that requires a jury determination of whether the defendant is a habitual felon. In this case, you have found the defendant guilty of (*name crime*).

In the second phase of this trial, you will determine whether or not the defendant is an habitual felon. The State must prove beyond a reasonable doubt that the defendant is an habitual felon. The rules of law applicable to the first phase of the trial also apply to this phase of the trial. During this second phase we will proceed in much the same fashion as in the first phase of the trial.

N.C.P.I.—Crim 203.11A
VIOLENT HABITUAL FELON—INTRODUCTORY REMARKS.
CRIMINAL VOLUME
JUNE 2016

203.11A VIOLENT HABITUAL FELON—INTRODUCTORY REMARKS.

Members of the jury, thank you very much for your service in this case thus far. We will now begin another phase of this trial. In this case, the defendant has also been charged with being a violent habitual felon. Being a violent habitual felon is not a crime in and of itself. It is a status that requires a jury determination of whether the defendant is a violent habitual felon. In this case, you have found the defendant guilty of (*name crime*).

In the second phase of this trial, you will determine whether or not the defendant is a violent habitual felon. The State must prove beyond a reasonable doubt that the defendant is a violent habitual felon. The rules of law applicable to the first phase of the trial also apply to this phase of the trial. During this second phase, we will proceed in much the same fashion as in the first phase of the trial.

N.C.P.I.—Crim 207.10

FIRST DEGREE RAPE (WEAPON, SERIOUS INJURY OR MULTIPLE ASSAILANTS) AND LESSER INCLUDED OFFENSES. (OFFENSES PRIOR TO DEC. 1, 2015) CLASS B, D, F, H FELONIES AND MISDEMEANOR. CRIMINAL VOLUME

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N.C. Gen. Stat. §§ 14-27.2, 14-27.3, 14-27.8

207.10 FIRST DEGREE RAPE (WEAPON, SERIOUS INJURY OR MULTIPLE ASSAILANTS) AND LESSER INCLUDED OFFENSES. (OFFENSES PRIOR TO DEC. 1, 2015) CLASS B, D, F, H FELONIES, MISDEMEANOR.¹

NOTE WELL: This instruction is valid for offenses committed before December 1, 2015. For offenses committed on or after December 1, 2015, use N.C.P.I.—Crim. 207.10A.

Marriage is no longer a defense where the alleged crime was committed after July 5, 1993. N.C. Gen. Stat. § 14-27.8 (1993).

The defendant has been charged with first degree rape.

Under the law and the evidence in this case, it is your duty to return one of the following verdicts:

- (1) guilty of first degree rape;
- (2) guilty of second degree rape;
- (3) guilty of attempted first degree rape;
- (4) guilty of attempted second degree rape;
- (5) not guilty.

For you to find the defendant guilty of first degree rape, the State must prove four things beyond a reasonable doubt:

First, that the defendant engaged in vaginal intercourse with the alleged victim. Vaginal intercourse is penetration, however slight, of the female sex organ by the male sex organ. (The actual emission of semen is not necessary.)

Second, that the defendant used or threatened to use force sufficient to overcome any resistance the alleged victim might make. (The force necessary to constitute rape need not be actual physical force. Fear or

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FIRST DEGREE RAPE (WEAPON, SERIOUS INJURY OR
MULTIPLE ASSAILANTS) AND LESSER INCLUDED OFFENSES. (OFFENSES
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coercion may take the place of physical force.)

Third, that the alleged victim did not consent and it was against the alleged victim's will. (Consent induced by fear is not consent at law.)

And Fourth, that the defendant

(A) [[employed] [displayed]

(1) [a dangerous or deadly weapon. [(*Name weapon*) is a dangerous or deadly weapon.] [A dangerous or deadly weapon is a weapon which is likely to cause death or serious bodily injury. (In determining whether a particular object is a dangerous or deadly weapon, you should consider its nature, the manner in which it was used and the size and strength of the defendant as compared to the alleged victim.)]]

(2) [an object that the alleged victim reasonably believed was a dangerous or deadly weapon.² A dangerous or deadly weapon is a weapon which is likely to cause death or serious bodily injury. (In determining whether a particular object is a dangerous or deadly weapon you should consider its nature, the manner in which it was used, and the size and strength of the defendant as compared with the alleged victim).]]

(B) [inflicted serious personal³ injury upon the alleged victim or any other person injured.]

(C) [was aided and abetted by one or more other persons. A defendant would be aided and abetted by another person if that person [was present at the time the rape was committed and knowingly [advised] [encouraged] [instigated] [aided] him to

N.C.P.I.—Crim 207.10

FIRST DEGREE RAPE (WEAPON, SERIOUS INJURY OR MULTIPLE ASSAILANTS) AND LESSER INCLUDED OFFENSES. (OFFENSES PRIOR TO DEC. 1, 2015) CLASS B, D, F, H FELONIES AND MISDEMEANOR. CRIMINAL VOLUME

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commit the crime] (or) [though not physically present at the time the rape was committed, shared the defendant's criminal purpose and to the defendant's knowledge was aiding or was in a position to aid him at the time the rape was committed.]

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant engaged in vaginal intercourse with the alleged victim and that the defendant did so by force or threat of force and that this was sufficient to overcome any resistance which the alleged victim might make, and that the alleged victim did not consent and it was against the alleged victim's will, and that the defendant

- (A) [[employed] (or) [displayed] a [weapon] [object] (and that [this was] [the alleged victim reasonably believed that this was] a dangerous or deadly weapon).]
- (B) [inflicted serious personal injury upon [the alleged victim] [another person].]
- (C) [was aided and abetted by another person(s).]

it would be your duty to return a verdict of guilty of first degree rape. If you do not so find or if you have a reasonable doubt as to one or more of these things you would not return a verdict of guilty of first degree rape but would determine whether the defendant is guilty of second degree rape which differs from first degree rape only in that it is not necessary for the State to prove beyond a reasonable doubt that the defendant

- (A) [[employed] (or) [displayed] [a dangerous or deadly weapon] [an object which the alleged victim reasonably believed was a dangerous or deadly weapon].]

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FIRST DEGREE RAPE (WEAPON, SERIOUS INJURY OR
MULTIPLE ASSAILANTS) AND LESSER INCLUDED OFFENSES. (OFFENSES
PRIOR TO DEC. 1, 2015) CLASS B, D, F, H FELONIES AND MISDEMEANOR.
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(B) [inflicted serious personal injury upon [the alleged victim]
[another person.]

(C) [was aided and abetted by [another person] [other persons].]

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant engaged in vaginal intercourse with the alleged victim and that the defendant did so by [force] [threat of force] and that this was sufficient to overcome any resistance which the alleged victim might make, and that the alleged victim did not consent and it was against the alleged victim's will, it would be your duty to return a verdict of guilty of second degree rape. If you do not so find or have a reasonable doubt as to one or more of these things, you would not return a verdict of guilty of second degree rape but would determine whether the defendant is guilty of attempted first degree rape.

For you to find the defendant guilty of attempted first degree rape, the State must prove three things beyond a reasonable doubt:

First, that the defendant intended to engage in vaginal intercourse with the alleged victim by force and against the alleged victim's will.

Second, that at the time the defendant had this intent, the defendant performed an act which was calculated and designed to bring about vaginal intercourse by force and against the will of the alleged victim and which came so close to bringing it about that in the ordinary and likely course of things the defendant would have completed such intercourse had the defendant not been stopped or prevented from completing his apparent course of action.

(Mere preparation or planning is not enough to constitute such an act.

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MULTIPLE ASSAILANTS) AND LESSER INCLUDED OFFENSES. (OFFENSES
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But the act need not necessarily be the last act required to complete the offense.)

And Third, that the defendant

- (A) [[employed] [displayed] a
- (1) [dangerous or deadly weapon. [(*Name weapon*) is a dangerous or deadly weapon.] [A dangerous or deadly weapon is a weapon which is likely to cause death or serious bodily injury. (In determining whether a particular object is a deadly weapon, you should consider the nature of the object, the manner in which it was used and the size and strength of the defendant as compared to the alleged victim.)]]
- (2) [an object that the alleged victim reasonably believed was a dangerous or deadly weapon.]]
- (B) [inflicted serious personal⁴ injury upon the alleged victim or another person.]
- (C) [was aided and abetted by one or more other persons.]

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant intended to have vaginal intercourse with the alleged victim by force and against the alleged victim's will and that the defendant performed [an act] [acts] which [was] [were] calculated and designed to bring about vaginal intercourse by force and against the alleged victim's will and would have resulted in such intercourse had the defendant not been [stopped] [prevented] from completing his apparent course of action, and that

N.C.P.I.—Crim 207.10

FIRST DEGREE RAPE (WEAPON, SERIOUS INJURY OR MULTIPLE ASSAILANTS) AND LESSER INCLUDED OFFENSES. (OFFENSES PRIOR TO DEC. 1, 2015) CLASS B, D, F, H FELONIES AND MISDEMEANOR. CRIMINAL VOLUME

REPLACEMENT JUNE 2016

N.C. Gen. Stat. §§ 14-27.2, 14-27.3, 14-27.8

-
- (A) [the defendant] [employed] [displayed] a [weapon] [object] (and that [this was] [the alleged victim reasonably believed that this was] a dangerous or deadly weapon).]
 - (B) [inflicted serious personal injury upon the alleged victim] [another person.]
 - (C) [was aided and abetted by another person(s).]

it would be your duty to return a verdict of guilty of attempted first degree rape. If you do not so find or if you have a reasonable doubt as to one or more of these things you would not return a verdict of guilty of attempted first degree rape but would determine whether defendant is guilty of attempted second degree rape. Attempted second degree rape differs from attempted first degree rape only in that it is not necessary for the State to prove beyond a reasonable doubt that the defendant

- (A) [[employed] [displayed] [a dangerous or deadly weapon] [an object which the alleged victim reasonably believed was a dangerous or deadly weapon]]
- (B) [inflicted serious personal injury upon [the alleged victim] [another person]]
- (C) [was aided and abetted by another person(s)].

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant intended to have vaginal intercourse with the alleged victim by force and against the alleged victim's will and that the defendant performed [an act] [acts] which [was] [were] calculated and designed to bring about vaginal intercourse by force and against the alleged victim's will and would have resulted in such intercourse had the defendant

N.C.P.I.—Crim 207.10
FIRST DEGREE RAPE (WEAPON, SERIOUS INJURY OR
MULTIPLE ASSAILANTS) AND LESSER INCLUDED OFFENSES. (OFFENSES
PRIOR TO DEC. 1, 2015) CLASS B, D, F, H FELONIES AND MISDEMEANOR.
CRIMINAL VOLUME
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not been [stopped] [prevented] from completing his apparent course of action it would be your duty to return a verdict of guilty of attempted second degree rape. 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.⁵

1 N.C. Gen. Stat. § 15-144.1 provides that an indictment for rape in the first degree will support a verdict of guilty of rape in the first degree, rape in the second degree, attempted rape or assault on a female.

2 See *State v. Williams*, 335 N.C. 518 (1994), regarding a mandatory presumption of dangerous or deadly weapon in certain factual situations.

3 Note that N.C. Gen. Stat. § 14-27.2 includes serious mental injury, as well as physical or bodily injury. *State v. Boone*, 307 N.C. 198 (1982), held that, "proof of the element of infliction of 'serious personal injury' . . . may be met by the showing of mental injury as well as bodily injury," but that, "in order to support a jury finding of serious personal injury because of injury to the mind or nervous system, the state must ordinarily offer proof that such injury was not only caused by the defendant but that the injury extended for some appreciable time beyond the incidents surrounding the crime itself." If the state relies on such a theory of personal injury, the judge should instruct the jury in accordance with the rule set forth in *Boone*, above.

4 See note 1, *supra*.

5 In *S. v. Wortham*, 318 N.C. 669 (1987), where the defendant was indicted for attempted second degree rape, the North Carolina Supreme Court held that assault on a female is not a lesser included offense of attempted rape, because:

- (1) An assault on a female is not legally the same as the overt act required in attempted rape; and
- (2) The defendant in the crime of assault on a female must be first, a male, and second, at least 18 years old. Neither of these is an element of attempted rape.

N.C.P.I.—Crim 207.10A

FIRST DEGREE FORCIBLE RAPE (WEAPON, SERIOUS INJURY OR MULTIPLE ASSAILANTS) AND LESSER INCLUDED OFFENSES. (OFFENSES ON OR AFTER DEC. 1, 2015) CLASS B1, B2, C, D FELONIES AND MISDEMEANOR.

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N.C. Gen. Stat. §§ 14-27.21, 14-27.22, 14-27.34

207.10A FIRST DEGREE FORCIBLE RAPE (WEAPON, SERIOUS INJURY OR MULTIPLE ASSAILANTS) AND LESSER INCLUDED OFFENSES. (OFFENSES ON OR AFTER DEC 1, 2015) CLASS B1, B2, C, D FELONIES, MISDEMEANOR.¹

NOTE WELL: This instruction is valid for offenses committed on or after December 1, 2015. For offenses committed on before December 1, 2015, use N.C.P.I.—Crim. 207.10.

Marriage is not a defense to this offense. N.C. Gen. Stat. § 14-27.34 (2015).

The defendant has been charged with first degree forcible rape.

Under the law and the evidence in this case, it is your duty to return one of the following verdicts:

- (1) guilty of first degree forcible rape;
- (2) guilty of second degree forcible rape;
- (3) guilty of attempted first degree forcible rape;
- (4) guilty of attempted second degree forcible rape;
- (5) not guilty.

For you to find the defendant guilty of first degree forcible rape, the State must prove four things beyond a reasonable doubt:

First, that the defendant engaged in vaginal intercourse with the victim. Vaginal intercourse is penetration, however slight, of the female sex organ by the male sex organ. (The actual emission of semen is not necessary.)

Second, that the defendant used or threatened to use force sufficient to overcome any resistance the alleged victim might make. (The force necessary to constitute rape need not be actual physical force. Fear or coercion may take the place of physical force.)

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FIRST DEGREE FORCIBLE RAPE (WEAPON, SERIOUS INJURY OR MULTIPLE ASSAILANTS) AND LESSER INCLUDED OFFENSES. (OFFENSES ON OR AFTER DEC. 1, 2015) CLASS B1, B2, C, D FELONIES AND MISDEMEANOR.

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N.C. Gen. Stat. §§ 14-27.21, 14-27.22, 14-27.34

Third, that the alleged victim did not consent and it was against alleged victim's will. (Consent induced by fear is not consent at law.)

And Fourth that the defendant

(A) [[employed] [displayed]

(1) [a dangerous or deadly weapon. [(*Name weapon*) is a dangerous or deadly weapon.] [A dangerous or deadly weapon is a weapon which is likely to cause death or serious bodily injury. (In determining whether a particular object is a dangerous or deadly weapon, you should consider its nature, the manner in which it was used and the size and strength of the defendant as compared to the victim.)]]

(2) [an object that the alleged victim reasonably believed was a dangerous or deadly weapon.² A dangerous or deadly weapon is a weapon which is likely to cause death or serious bodily injury. (In determining whether a particular object is a dangerous or deadly weapon you should consider its nature, the manner in which it was used, and the size and strength of the defendant as compared with the victim).]]

(B) [inflicted serious personal³ injury upon the alleged victim or any other person injured.]

(C) [was aided and abetted by one or more other persons. A defendant would be aided and abetted by another person if that person [was present at the time the rape was committed and knowingly [advised] [encouraged] [instigated] [aided] the defendant to commit the crime] (or) [though not physically

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FIRST DEGREE FORCIBLE RAPE (WEAPON, SERIOUS INJURY OR MULTIPLE ASSAILANTS) AND LESSER INCLUDED OFFENSES. (OFFENSES ON OR AFTER DEC. 1, 2015) CLASS B1, B2, C, D FELONIES AND MISDEMEANOR.

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present at the time the rape was committed, shared the defendant's criminal purpose and to the defendant's knowledge was aiding or was in a position to aid the defendant at the time the rape was committed.]

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant engaged in vaginal intercourse with the alleged victim and that the defendant did so by force or threat of force and that this was sufficient to overcome any resistance which the alleged victim might make, and that the alleged victim did not consent and it was against alleged victim will, and that the defendant

- (A) [[employed] (or) [displayed] a [weapon] [object] (and that [this was] [the alleged victim reasonably believed that this was] a dangerous or deadly weapon).]
- (B) [inflicted serious personal injury upon [the victim] [another person].]
- (C) [was aided and abetted by another person(s).]

it would be your duty to return a verdict of guilty of first degree forcible rape. If you do not so find or if you have a reasonable doubt as to one or more of these things you would not return a verdict of guilty of first degree forcible rape but would determine whether the defendant is guilty of second degree forcible rape which differs from first degree forcible rape only in that it is not necessary for the State to prove beyond a reasonable doubt that the defendant

- (A) [[employed] (or) [displayed] [a dangerous or deadly weapon] [an object which the alleged victim reasonably believed was a

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FIRST DEGREE FORCIBLE RAPE (WEAPON, SERIOUS INJURY OR MULTIPLE ASSAILANTS) AND LESSER INCLUDED OFFENSES. (OFFENSES ON OR AFTER DEC. 1, 2015) CLASS B1, B2, C, D FELONIES AND MISDEMEANOR.

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dangerous or deadly weapon].]

(B) [inflicted serious personal injury upon [the victim] [another person.]

(C) [was aided and abetted by [another person] [other persons].]

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant engaged in vaginal intercourse with the alleged victim and that the defendant did so by [force] [threat of force] and that this was sufficient to overcome any resistance which the alleged victim might make, and that the alleged victim did not consent and it was against the alleged victim's will it would be your duty to return a verdict of guilty of second degree forcible rape. If you do not so find or have a reasonable doubt as to one or more of these things, you would not return a verdict of guilty of second degree rape but would determine whether the defendant is guilty of attempted first degree forcible rape.

For you to find the defendant guilty of attempted first degree forcible rape, the State must prove three things beyond a reasonable doubt:

First, that the defendant intended to engage in vaginal intercourse with the alleged victim by force and against the alleged victim's will.

Second, that at the time the defendant had this intent, the defendant performed an act which was calculated and designed to bring about vaginal intercourse by force and against the will of the alleged victim and which came so close to bringing it about that in the ordinary and likely course of things the defendant would have completed such intercourse had the defendant not been stopped or prevented from completing his apparent course of action.

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FIRST DEGREE FORCIBLE RAPE (WEAPON, SERIOUS INJURY OR MULTIPLE ASSAILANTS) AND LESSER INCLUDED OFFENSES. (OFFENSES ON OR AFTER DEC. 1, 2015) CLASS B1, B2, C, D FELONIES AND MISDEMEANOR.

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(Mere preparation or planning is not enough to constitute such an act. But the act need not necessarily be the last act required to complete the offense.)

And Third, that the defendant

(A) [[employed] [displayed] a

(1) [dangerous or deadly weapon. [(*Name weapon*) is a dangerous or deadly weapon.] [A dangerous or deadly weapon is a weapon which is likely to cause death or serious bodily injury. (In determining whether a particular object is a deadly weapon, you should consider the nature of the object, the manner in which it was used and the size and strength of the defendant as compared to the victim.)]]

(2) [an object that the alleged victim reasonably believed was a dangerous or deadly weapon.]

(B) [inflicted serious personal⁴ injury upon the alleged victim or another person.]

(C) [was aided and abetted by one or more other persons.]

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant intended to have vaginal intercourse with the alleged victim by force and against the alleged victim's will and that the defendant performed [an act] [acts] which [was] [were] calculated and designed to bring about vaginal intercourse by force and against the alleged victim's will and would have resulted in such intercourse had the defendant not been [stopped] [prevented] from completing his apparent course of action, and that

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FIRST DEGREE FORCIBLE RAPE (WEAPON, SERIOUS INJURY OR MULTIPLE ASSAILANTS) AND LESSER INCLUDED OFFENSES. (OFFENSES ON OR AFTER DEC. 1, 2015) CLASS B1, B2, C, D FELONIES AND MISDEMEANOR.

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-
- (A) [the defendant] [employed] [displayed] a [weapon] [object] (and that [this was] [the alleged victim reasonably believed that this was] a dangerous or deadly weapon).]
 - (B) [inflicted serious personal injury upon the victim] [another person.]
 - (C) [was aided and abetted by another person(s).]

it would be your duty to return a verdict of guilty of attempted first degree forcible rape. If you do not so find or if you have a reasonable doubt as to one or more of these things you would not return a verdict of guilty of attempted first degree forcible rape but would determine whether defendant is guilty of attempted second degree forcible rape. Attempted second degree forcible rape differs from attempted first degree rape only in that it is not necessary for the State to prove beyond a reasonable doubt that the defendant

- (A) [[employed] [displayed] [a dangerous or deadly weapon] [an object which the alleged victim reasonably believed was a dangerous or deadly weapon]]
- (B) [inflicted serious personal injury upon [the victim] [another person]]
- (C) [was aided and abetted by another person(s)].

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant intended to have vaginal intercourse with the alleged victim by force and against the alleged victim's will and that the defendant performed [an act] [acts] which [was] [were] calculated and designed to bring about vaginal intercourse by force and against the victim's

N.C.P.I.—Crim 207.10A

FIRST DEGREE FORCIBLE RAPE (WEAPON, SERIOUS INJURY OR MULTIPLE ASSAILANTS) AND LESSER INCLUDED OFFENSES. (OFFENSES ON OR AFTER DEC. 1, 2015) CLASS B1, B2, C, D FELONIES AND MISDEMEANOR.

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will and would have resulted in such intercourse had the defendant not been [stopped] [prevented] from completing his apparent course of action it would be your duty to return a verdict of guilty of attempted second degree forcible rape. 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.⁵

1 N.C. Gen. Stat. § 15-144.1 provides that an indictment for rape in the first degree will support a verdict of guilty of rape in the first degree, rape in the second degree, attempted rape or assault on a female.

2 See *State v. Williams*, 335 N.C. 518 (1994), regarding a mandatory presumption of dangerous or deadly weapon in certain factual situations.

3 Note the term "serious personal injury" includes serious mental injury, as well as physical or bodily injury. *State v. Boone*, 307 N.C. 198 (1982), held in relation to N.C. Gen. Stat. § 14-27.2, the predecessor to N.C. Gen. Stat. § 14-27.21, that, "proof of the element of infliction of 'serious personal injury' . . . may be met by the showing of mental injury as well as bodily injury," but that, "in order to support a jury finding of serious personal injury because of injury to the mind or nervous system, the state must ordinarily offer proof that such injury was not only caused by the defendant but that the injury extended for some appreciable time beyond the incidents surrounding the crime itself." If the state relies on such a theory of personal injury, the judge should instruct the jury in accordance with the rule set forth in *Boone*, above.

4 See note 1, *supra*.

5 In *S. v. Wortham*, 318 N.C. 669 (1987), where the defendant was indicted for attempted second degree rape, the North Carolina Supreme Court held that assault on a female is not a lesser included offense of attempted rape, because:

(1) An assault on a female is not legally the same as the overt act required in attempted rape; and

(2) The defendant in the crime of assault on a female must be first, a male, and second, at least 18 years old. Neither of these is an element of attempted rape.

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ATTEMPTED FIRST DEGREE RAPE (WEAPON, SERIOUS INJURY OR MULTIPLE ASSAILANTS) COVERING ATTEMPTED SECOND DEGREE RAPE AS A LESSER INCLUDED OFFENSE. (OFFENSES PRIOR TO DEC 1, 2015) FELONIES.

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N.C. Gen. Stat. §§ 14-27.2(2), 14-27.3(1), 14-27.8

207.11 ATTEMPTED FIRST DEGREE RAPE (WEAPON, SERIOUS INJURY OR MULTIPLE ASSAILANTS) COVERING ATTEMPTED SECOND DEGREE RAPE AS A LESSER INCLUDED OFFENSE. (OFFENSES PRIOR TO DEC 1, 2015) FELONIES.

NOTE WELL: This instruction is valid for offenses committed before December 1, 2015. For offenses committed on or after December 1, 2015, use N.C.P.I.—Crim. 207.11A.

Marriage is no longer a defense where the alleged crime was committed after July 5, 1993. N.C. Gen. Stat. § 14-27.8 (1993).

The defendant has been charged with attempted first degree rape.

Under the law and the evidence in this case, it is your duty to return one of the following verdicts:

- (1) guilty of attempted first degree rape;
- (2) guilty of attempted second degree rape;
- (3) not guilty.

For you to find the defendant guilty of attempted first degree rape, the State must prove three things beyond a reasonable doubt:

First, that the defendant intended to engage in vaginal intercourse with the alleged victim by force and against the alleged victim's will. Vaginal intercourse is penetration, however slight, of the female sex organ by the male sex organ. (The actual emission of semen is not necessary.)

Second, that at the time the defendant had this intent, the defendant performed an act which was calculated and designed to bring about vaginal intercourse by force and against the will of the alleged victim and which came so close to bringing it about that in the ordinary and likely course of things the defendant would have completed such intercourse had the

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ATTEMPTED FIRST DEGREE RAPE (WEAPON, SERIOUS INJURY OR MULTIPLE ASSAILANTS) COVERING ATTEMPTED SECOND DEGREE RAPE AS A LESSER INCLUDED OFFENSE. (OFFENSES PRIOR TO DEC 1, 2015) FELONIES.

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defendant not been stopped or prevented from completing his apparent course of action.

(Mere preparation or planning is not enough to constitute such an act, but the act need not necessarily be the last act required to complete the offense.)

And Third, that the defendant

(A) [[employed] [displayed]

(1) [a dangerous or deadly weapon. (*Name weapon*) is a dangerous or deadly weapon.] [A dangerous or deadly weapon is a weapon which is likely to cause death or serious bodily injury. (In determining whether a particular object is a dangerous or deadly weapon, you should consider the nature of the object, the manner in which it was used and the size and strength of the defendant as compared to the victim.)]]

(2) [an object that the alleged victim reasonably believed was a dangerous or deadly weapon.¹ A dangerous or deadly weapon is a weapon which is likely to cause death or serious bodily injury. (In determining whether a particular object is a dangerous or deadly weapon you should consider its nature, the manner in which it was used, and the size and strength of the defendant as compared with the alleged victim).]]

(B) [inflicted serious personal² injury upon the alleged victim or any other person injured.]

(C) [was aided or abetted by one or more other persons. A defendant would be aided or abetted by another person if that

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ATTEMPTED FIRST DEGREE RAPE (WEAPON, SERIOUS INJURY OR MULTIPLE ASSAILANTS) COVERING ATTEMPTED SECOND DEGREE RAPE AS A LESSER INCLUDED OFFENSE. (OFFENSES PRIOR TO DEC 1, 2015) FELONIES.

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person [was present at the time the rape was attempted and knowingly [advised] [encouraged] [instigated] [aided] him to commit the crime] (or) [though not physically present at the time the rape was attempted, shared the defendant's criminal purpose and to the defendant's knowledge was aiding or was in a position to aid him at the time the rape was attempted.]

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant intended to have vaginal intercourse with the alleged victim by force and against the alleged victim's will and that the defendant performed [an act] [acts] which [was] [were] calculated and designed to bring about vaginal intercourse by force and against the victim's will and would have resulted in such intercourse had the defendant not been [stopped] [prevented] from completing his apparent course of action, and that the defendant

- (A) [employed] [displayed] a [weapon] [object] (and that [this was] [the alleged victim reasonably believed that this was] a dangerous or deadly weapon).]
- (B) [inflicted serious personal injury upon the victim] [another person].
- (C) [was aided and abetted by another person(s).]

it would be your duty to return a verdict of guilty of attempted first degree rape. If you do not so find or have a reasonable doubt as to one or more of these things you would not return a verdict of guilty of attempted first degree rape but would determine whether the defendant is guilty of attempted second degree rape which differs from attempted first degree

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ATTEMPTED FIRST DEGREE RAPE (WEAPON, SERIOUS INJURY OR MULTIPLE ASSAILANTS) COVERING ATTEMPTED SECOND DEGREE RAPE AS A LESSER INCLUDED OFFENSE. (OFFENSES PRIOR TO DEC 1, 2015) FELONIES.

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rape only in that it is not necessary for the State to prove beyond a reasonable doubt that the defendant

- (A) [[employed] [displayed] [a dangerous or deadly weapon] [an object which the alleged victim reasonably believed was a dangerous or deadly weapon]]
- (B) [inflicted serious personal injury upon [the victim] [another person]]
- (C) [was aided and abetted by another person(s)].

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant intended to have vaginal intercourse with the alleged victim by force and against the alleged victim's will and that the defendant performed [an act] [acts] which [was] [were] calculated and designed to bring about vaginal intercourse by force and against the victim's will and would have resulted in such intercourse had the defendant not been [stopped] [prevented] from completing his apparent course of action it would be your duty to return a verdict of guilty of attempted second degree rape. 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.³

1 See *State v. Williams*, 335 N.C. 518 (1994), regarding a mandatory presumption of dangerous or deadly weapon in certain factual situations.

2 Note that N.C. Gen. Stat. § 14-27.2 includes serious mental injury, as well as physical or bodily injury. *State v. Boone*, 307 N.C. 198 (1982), held that, "proof of the element of infliction of 'serious personal injury' . . . may be met by the showing of mental injury as well as bodily injury," but that, "in order to support a jury finding of serious personal injury because of injury to the mind or nervous system, the State must ordinarily offer proof that such injury was not only caused by the defendant but that the injury extended for some appreciable time beyond the incidents surrounding the crime itself." If the state relies on such a theory of personal injury, the judge should instruct the jury in accordance with the rule set forth in *Boone*, above.

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ATTEMPTED FIRST DEGREE RAPE (WEAPON, SERIOUS INJURY OR MULTIPLE ASSAILANTS) COVERING ATTEMPTED SECOND DEGREE RAPE AS A LESSER INCLUDED OFFENSE. (OFFENSES PRIOR TO DEC 1, 2015) FELONIES.

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3 In *S. v. Wortham*, 318 N.C. 669 (1987), where the defendant was indicted for attempted second degree rape, the North Carolina Supreme Court held that assault on a female is not a lesser included offense of attempted rape, because:

- (1) An assault on a female is not legally the same as the overt act required in attempted rape; and
- (2) The defendant in the crime of assault on a female must be first, a male, and second, at least 18 years old.

Neither of these is an element of attempted rape.

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ATTEMPTED FIRST DEGREE FORCIBLE RAPE (WEAPON, SERIOUS INJURY OR MULTIPLE ASSAILANTS) COVERING ATTEMPTED SECOND DEGREE FORCIBLE RAPE AS A LESSER INCLUDED OFFENSE. (OFFENSES ON OR AFTER DEC 1, 2015) FELONIES.

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207.11A ATTEMPTED FIRST DEGREE FORCIBLE RAPE (WEAPON, SERIOUS INJURY OR MULTIPLE ASSAILANTS) COVERING ATTEMPTED SECOND DEGREE FORCIBLE RAPE AS A LESSER INCLUDED OFFENSE. (OFFENSES ON OR AFTER DEC 1, 2015) FELONIES.

NOTE WELL: This instruction is valid for offenses committed on or after December 1, 2015. For offenses occurring before December 1, 2015, use N.C.P.I.—Crim. 207.11.

Marriage is not a defense to this offense. N.C. Gen. Stat. § 14-27.34 (2015).

The defendant has been charged with attempted first degree forcible rape.

Under the law and the evidence in this case, it is your duty to return one of the following verdicts:

- (1) guilty of attempted first degree forcible rape;
- (2) guilty of attempted second degree forcible rape;
- (3) not guilty.

For you to find the defendant guilty of attempted first degree forcible rape, the State must prove three things beyond a reasonable doubt:

First, that the defendant intended to engage in vaginal intercourse with the alleged victim by force and against the alleged victim's will. Vaginal intercourse is penetration, however slight, of the female sex organ by the male sex organ. (The actual emission of semen is not necessary.)

Second, that at the time the defendant had this intent, the defendant performed an act which was calculated and designed to bring about vaginal intercourse by force and against the will of the alleged victim and which came so close to bringing it about that in the ordinary and likely course of

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ATTEMPTED FIRST DEGREE FORCIBLE RAPE (WEAPON, SERIOUS INJURY OR MULTIPLE ASSAILANTS) COVERING ATTEMPTED SECOND DEGREE FORCIBLE RAPE AS A LESSER INCLUDED OFFENSE. (OFFENSES ON OR AFTER DEC 1, 2015) FELONIES.

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things the defendant would have completed such intercourse had the defendant not been stopped or prevented from completing his apparent course of action.

(Mere preparation or planning is not enough to constitute such an act, but the act need not necessarily be the last act required to complete the offense.)

And Third, that the defendant

(A) [[employed] [displayed]

(1) [a dangerous or deadly weapon. (*Name weapon*) is a dangerous or deadly weapon.] [A dangerous or deadly weapon is a weapon which is likely to cause death or serious bodily injury. (In determining whether a particular object is a dangerous or deadly weapon, you should consider the nature of the object, the manner in which it was used and the size and strength of the defendant as compared to the alleged victim.)]]

(2) [an object that the alleged victim reasonably believed was a dangerous or deadly weapon.¹ A dangerous or deadly weapon is a weapon which is likely to cause death or serious bodily injury. (In determining whether a particular object is a dangerous or deadly weapon you should consider its nature, the manner in which it was used, and the size and strength of the defendant as compared with the alleged victim).]]

(B) [inflicted serious personal² injury upon the alleged victim or any other person injured.]

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ATTEMPTED FIRST DEGREE FORCIBLE RAPE (WEAPON, SERIOUS INJURY OR MULTIPLE ASSAILANTS) COVERING ATTEMPTED SECOND DEGREE FORCIBLE RAPE AS A LESSER INCLUDED OFFENSE. (OFFENSES ON OR AFTER DEC 1, 2015) FELONIES.

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- (C) [was aided or abetted by one or more other persons. A defendant would be aided or abetted by another person if that person [was present at the time the rape was attempted and knowingly [advised] [encouraged] [instigated] [aided] him to commit the crime] (or) [though not physically present at the time the rape was attempted, shared the defendant's criminal purpose and to the defendant's knowledge was aiding or was in a position to aid him at the time the rape was attempted.]

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant intended to have vaginal intercourse with the alleged victim by force and against the alleged victim's will and that the defendant performed [an act] [acts] which [was] [were] calculated and designed to bring about vaginal intercourse by force and against the victim's will and would have resulted in such intercourse had the defendant not been [stopped] [prevented] from completing his apparent course of action, and that the defendant

- (A) [employed] [displayed] a [weapon] [object] (and that [this was] [the alleged victim reasonably believed that this was] a dangerous or deadly weapon).]
- (B) [inflicted serious personal injury upon the alleged victim] [another person].
- (C) [was aided and abetted by another person(s).]

it would be your duty to return a verdict of guilty of attempted first degree forcible rape. If you do not so find or have a reasonable doubt as to one or more of these things you would not return a verdict of guilty of attempted

N.C.P.I.—Crim 207.11A

ATTEMPTED FIRST DEGREE FORCIBLE RAPE (WEAPON, SERIOUS INJURY OR MULTIPLE ASSAILANTS) COVERING ATTEMPTED SECOND DEGREE FORCIBLE RAPE AS A LESSER INCLUDED OFFENSE. (OFFENSES ON OR AFTER DEC 1, 2015) FELONIES.

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N.C. Gen. Stat. §§ 14-27.21, 14-27.22, 14-27.34

first degree forcible rape but would determine whether the defendant is guilty of attempted second degree forcible rape which differs from attempted first degree rape only in that it is not necessary for the State to prove beyond a reasonable doubt that the defendant

- (A) [[employed] [displayed] [a dangerous or deadly weapon] [an object which the alleged victim reasonably believed was a dangerous or deadly weapon]]
- (B) [inflicted serious personal injury upon [the alleged victim] [another person]]
- (C) [was aided and abetted by another person(s)].

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant intended to have vaginal intercourse with the alleged victim by force and against the alleged victim's will and that the defendant performed [an act] [acts] which [was] [were] calculated and designed to bring about vaginal intercourse by force and against the victim's will and would have resulted in such intercourse had the defendant not been [stopped] [prevented] from completing his apparent course of action it would be your duty to return a verdict of guilty of attempted second degree forcible rape. 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.³

1 See *State v. Williams*, 335 N.C. 518 (1994), regarding a mandatory presumption of dangerous or deadly weapon in certain factual situations.

2 Note the term "serious personal injury" includes serious mental injury, as well as physical or bodily injury. *State v. Boone*, 307 N.C. 198 (1982), held in relation to N.C. Gen. Stat. § 14-27.2, the predecessor to N.C. Gen. Stat. § 14-27.21, held that, "proof of the

N.C.P.I.—Crim 207.11A

ATTEMPTED FIRST DEGREE FORCIBLE RAPE (WEAPON, SERIOUS INJURY OR MULTIPLE ASSAILANTS) COVERING ATTEMPTED SECOND DEGREE FORCIBLE RAPE AS A LESSER INCLUDED OFFENSE. (OFFENSES ON OR AFTER DEC 1, 2015) FELONIES.

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element of infliction of 'serious personal injury' . . . may be met by the showing of mental injury as well as bodily injury," but that, "in order to support a jury finding of serious personal injury because of injury to the mind or nervous system, the State must ordinarily offer proof that such injury was not only caused by the defendant but that the injury extended for some appreciable time beyond the incidents surrounding the crime itself." If the state relies on such a theory of personal injury, the judge should instruct the jury in accordance with the rule set forth in *Boone*, above.

3 In *S v. Wortham*, 318 N.C. 669 (1987), where the defendant was indicted for attempted second degree rape, the North Carolina Supreme Court held that assault on a female is not a lesser included offense of attempted rape, because:

- (1) An assault on a female is not legally the same as the overt act required in attempted rape; and
- (2) The defendant in the crime of assault on a female must be first, a male, and second, at least 18 years old.

Neither of these is an element of attempted rape.

N.C.P.I.—Crim 207.15

RAPE OF A CHILD. (OFFENSES PRIOR TO DEC. 1, 2015) FELONY.

CRIMINAL VOLUME

REPLACEMENT JUNE 2016

N.C. Gen. Stat. § 14-27.2A

207.15 RAPE OF A CHILD. (OFFENSES PRIOR TO DEC. 1, 2015) FELONY.

NOTE WELL: This instruction is valid for offenses committed before December 1, 2015. For offenses committed on or after December 1, 2015, use N.C.P.I.—Crim. 207.15A.

The defendant has been charged with rape of a child.

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

First, that the defendant engaged in vaginal intercourse with the victim. Vaginal intercourse is penetration, however slight, of the female sex organ by the male sex organ. (The actual emission of semen is not necessary.)

Second, that at the time of the acts alleged, the alleged victim was a child under the age of thirteen years.¹

And Third, that at the time of the acts alleged, the defendant was at least eighteen years of age.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant engaged in vaginal intercourse with the alleged victim and that at that time the alleged victim was a child under the age of thirteen years and that the defendant was at least eighteen years of age, 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.²

¹ A child would be under the age of thirteen if she had not yet reached her thirteenth birthday. *In re Robinson*, 120 N.C. App. 874 (1995).

² N.C. Gen. Stat. § 14-27.2A provides that N.C. Gen. Stat. § 14-27.2(a)(1) is a lesser included offense. Caution should be used in considering whether a lesser included offense instruction is warranted. For example, N.C. Gen. Stat. § 14-27.2(a)(1) differs from this offense in that the State need not prove that the defendant is 18 or older. If there are

N.C.P.I.—Crim 207.15

RAPE OF A CHILD. (OFFENSES PRIOR TO DEC. 1, 2015) FELONY.

CRIMINAL VOLUME

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N.C. Gen. Stat. § 14-27.2A

lesser included offenses, change the last phrase to ". . . you would not return a verdict of guilty of rape of a child."

N.C.P.I.—Crim 207.15.1

FIRST DEGREE RAPE-FEMALE UNDER THE AGE OF THIRTEEN YEARS.

(OFFENSES PRIOR TO DEC. 1, 2015) FELONY.

CRIMINAL VOLUME

REPLACEMENT JUNE 2016

N.C. Gen. Stat. § 14-27.2(a)(1)

207.15.1 FIRST DEGREE RAPE—FEMALE UNDER THE AGE OF THIRTEEN YEARS. (OFFENSES PRIOR TO DEC. 1, 2015) FELONY.

NOTE WELL: Use the following instruction when the alleged crime was committed between April 18, 1983 and July 10, 1983, or on or after October 1, 1983 and before December 1, 2015. For offenses committed on or after December 1, 2015, use N.C.P.I.—Crim. 207.15.1A.

The defendant has been charged with first degree rape.

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

First, that the defendant engaged in vaginal intercourse with the victim. Vaginal intercourse is penetration, however slight, of the female sex organ by the male sex organ. (The actual emission of semen is not necessary.)

Second, that at the time of the acts alleged, the alleged victim was a child under the age of thirteen years.¹

And Third, that at the time of the acts alleged, the defendant was at least twelve years old and was at least four years older than the alleged victim.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant engaged in vaginal intercourse with the alleged victim and that at that time the alleged victim was a child under the age of thirteen years and that the defendant was at least twelve years old and was at least four years older than the victim, 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.²

N.C.P.I.—Crim 207.15.1

FIRST DEGREE RAPE-FEMALE UNDER THE AGE OF THIRTEEN YEARS.

(OFFENSES PRIOR TO DEC. 1, 2015) FELONY.

CRIMINAL VOLUME

REPLACEMENT JUNE 2016

N.C. Gen. Stat. § 14-27.2(a)(1)

NOTE WELL: If the indictment alleges both forcible and statutory rape, and if there is any question as to the age of the victim, and if there is evidence of a forcible rape, give either N.C.P.I.-Crim. 207.10 or 207.20 as an alternative instruction.

In an appropriate case the judge should use N.C.P.I.-Crim. 207.15A.1 to charge on attempted first degree (statutory) rape as a lesser included offense.

Taking Indecent Liberties with a Child, N.C. Gen. Stat. § 14-202.1, Assault on a Female, N.C. Gen. Stat. § 14-33(c)(2), and Assault on a Child Under Twelve, N.C. Gen. Stat. § 14-33(c)(3), are still crimes. However, in State v. Weaver, 306 N.C. 629 (1983), the North Carolina Supreme Court held that none of those crimes is a lesser included offense of N.C. Gen. Stat. § 14-27.2(a)(1).

1 A child would be under the age of thirteen if she had not yet reached her thirteenth birthday. *In re Robinson*, 120 N.C. App. 874 (1995).

2 If there are lesser included offenses, change the last phrase to ". . . you would not return a verdict of guilty of first degree rape."

N.C.P.I.—Crim 207.15.1A
FIRST DEGREE STATUTORY RAPE—ALLEGED VICTIM UNDER THE AGE OF
THIRTEEN YEARS. (OFFENSES ON OR AFTER DEC. 1, 2015) FELONY.
CRIMINAL VOLUME
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N.C. Gen. Stat. § 14-27.24

207.15.1A FIRST DEGREE STATUTORY RAPE—ALLEGED VICTIM UNDER THE
AGE OF THIRTEEN YEARS. (OFFENSES ON OR AFTER DEC 1, 2015) FELONY.

*NOTE WELL: Use this instruction for offenses committed on or
after December 1, 2015. For offenses committed before
December 1, 2015, use N.C.P.I.—Crim. 207.15.1.*

The defendant has been charged with first degree statutory rape.

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

First, that the defendant engaged in vaginal intercourse with the
victim. Vaginal intercourse is penetration, however slight, of the female sex
organ by the male sex organ. (The actual emission of semen is not
necessary.)

Second, that at the time of the acts alleged, the alleged victim was a
child under the age of thirteen years.¹

And Third, that at the time of the acts alleged, the defendant was at
least twelve years old and was at least four years older than the alleged
victim.

If you find from the evidence beyond a reasonable doubt that on or
about the alleged date, the defendant engaged in vaginal intercourse with
the alleged victim and that at that time the alleged victim was a child under
the age of thirteen years and that the defendant was at least twelve years
old and was at least four years older than the victim, 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.²

*NOTE WELL: If the indictment alleges both forcible and statutory
rape, and if there is any question as to the age of the victim, and*

N.C.P.I.—Crim 207.15.1A
FIRST DEGREE STATUTORY RAPE—ALLEGED VICTIM UNDER THE AGE OF
THIRTEEN YEARS. (OFFENSES ON OR AFTER DEC. 1, 2015) FELONY.
CRIMINAL VOLUME
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N.C. Gen. Stat. § 14-27.24

if there is evidence of a forcible rape, give either N.C.P.I.-Crim. 207.10A or 207.20A as an alternative instruction.

In an appropriate case the judge should use N.C.P.I.-Crim. 207.15A.1A to charge on attempted first degree (statutory) rape as a lesser included offense.

Taking Indecent Liberties with a Child, N.C. Gen. Stat. § 14-202.1, Assault on a Female, N.C. Gen. Stat. § 14-33(c)(2), and Assault on a Child Under Twelve, N.C. Gen. Stat. § 14-33(c)(3), are still crimes. However, in State v. Weaver, 306 N.C. 629 (1983), the North Carolina Supreme Court held that none of those crimes is a lesser included offense of N.C. Gen. Stat. § 14-27.2(a)(1).

1 A child would be under the age of thirteen if she had not yet reached her thirteenth birthday. *In re Robinson*, 120 N.C. App. 874 (1995).

2 If there are lesser included offenses, change the last phrase to ". . . you would not return a verdict of guilty of first degree rape."

N.C.P.I.—Crim 207.15.2

STATUTORY RAPE AGAINST AN ALLEGED VICTIM WHO WAS THIRTEEN, FOURTEEN, OR FIFTEEN YEARS OLD. (OFFENSES PRIOR TO DEC 1, 2015) FELONY.

CRIMINAL VOLUME

REPLACEMENT JUNE 2016

N.C. Gen. Stat. § 14-27.7A

207.15.2 STATUTORY RAPE AGAINST AN ALLEGED VICTIM WHO WAS THIRTEEN, FOURTEEN, OR FIFTEEN YEARS OLD. (OFFENSES PRIOR TO DEC. 1, 2015) FELONY.

NOTE WELL: This instruction is valid for offenses committed before December 1, 2015. For offenses committed on or after December 1, 2015, use N.C.P.I.—Crim. 207.15.2A.

The defendant has been charged with statutory rape of an alleged victim who was [thirteen] [fourteen] [fifteen] years old at the time of the offense.

For you to find the defendant guilty of statutory rape of an alleged victim who was [thirteen] [fourteen] [fifteen] years old, the State must prove four things beyond a reasonable doubt:

First, that the defendant engaged in vaginal intercourse with the victim. Vaginal intercourse is penetration, however slight, of the female sex organ by the male sex organ. (The actual emission of semen is not necessary).

Second, that at the time of the act, the alleged victim was [thirteen] [fourteen] [fifteen] years old.

Third, that at the time of the act, the defendant was [at least six] [more than 4 but less than six] years older than the alleged victim.

And Fourth, that at the time of the act, the defendant was not lawfully married to the alleged victim.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant engaged in vaginal intercourse with the alleged victim when the alleged victim was [thirteen] [fourteen] [fifteen] years old, and that the defendant was [at least six] [more than four but less

N.C.P.I.—Crim 207.15.2

STATUTORY RAPE AGAINST AN ALLEGED VICTIM WHO WAS THIRTEEN,
FOURTEEN, OR FIFTEEN YEARS OLD. (OFFENSES PRIOR TO DEC 1, 2015)
FELONY.

CRIMINAL VOLUME

REPLACEMENT JUNE 2016

N.C. Gen. Stat. § 14-27.7A

than six] years older than the alleged victim and was not lawfully married to
the alleged victim, 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.

N.C.P.I.—Crim 207.15.2A
STATUTORY RAPE OF AN ALLEGED VICTIM WHO WAS FIFTEEN YEARS OF
AGE OR YOUNGER. (OFFENSES ON OR AFTER DEC. 1, 2015) FELONY.
CRIMINAL VOLUME
JUNE 2016
N.C. Gen. Stat. § 14-27.25

207.15.2A STATUTORY RAPE OF AN ALLEGED VICTIM WHO WAS FIFTEEN
YEARS OF AGE OR YOUNGER. (OFFENSES ON OR AFTER DEC. 1, 2015)
FELONY.

*NOTE WELL: This instruction is valid for offenses committed on
or after December 1, 2015. For offenses committed before
December 1, 2015, use N.C.P.I.—Crim. 207.15.2.*

The defendant has been charged with statutory rape of an alleged
victim who was fifteen years of age or younger at the time of the offense.

For you to find the defendant guilty of statutory rape of an alleged
victim who was fifteen years of age or younger, the State must prove four
things beyond a reasonable doubt:

First, that the defendant engaged in vaginal intercourse with the
victim. Vaginal intercourse is penetration, however slight, of the female sex
organ by the male sex organ. (The actual emission of semen is not
necessary).

Second, that at the time of the act, the alleged victim was fifteen
years of age or younger.

Third, that at the time of the act, the defendant was at least twelve
years old and [at least six] [more than four but less than six] years older
than the alleged victim.

And Fourth, that at the time of the act, the defendant was not lawfully
married to the alleged victim.

If you find from the evidence beyond a reasonable doubt that on or
about the alleged date the defendant engaged in vaginal intercourse with the
alleged victim when the alleged victim was fifteen years of age or younger,
and that the defendant was at least twelve years old and [at least six] [more

N.C.P.I.—Crim 207.15.2A

STATUTORY RAPE OF AN ALLEGED VICTIM WHO WAS FIFTEEN YEARS OF AGE OR YOUNGER. (OFFENSES ON OR AFTER DEC. 1, 2015) FELONY.

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N.C. Gen. Stat. § 14-27.25

than four but less than six] years older than the alleged victim and was not lawfully married to the alleged victim, 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.

N.C.P.I.—Crim 207.15.3

STATUTORY SEXUAL OFFENSE AGAINST AN ALLEGED VICTIM WHO WAS THIRTEEN, FOURTEEN, OR FIFTEEN YEARS OLD. (OFFENSES PRIOR TO DEC. 1, 2015) FELONY.

CRIMINAL VOLUME

REPLACEMENT JUNE 2016

N.C. Gen. Stat. § 14-27.7A

207.15.3 STATUTORY SEXUAL OFFENSE AGAINST AN ALLEGED VICTIM WHO WAS THIRTEEN, FOURTEEN, OR FIFTEEN YEARS OLD. (OFFENSES PRIOR TO DEC. 1, 2015) FELONY.

NOTE WELL: Use this instruction for offenses committed on or after December 1, 1995, and before December 1, 2015. For offenses committed on or after December 1, 2015, use N.C.P.I.—Crim. 207.15.3A.

The defendant has been charged with statutory sexual offense against an alleged victim who was [thirteen] [fourteen] [fifteen] years old at the time of the offense.

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

First, that the defendant engaged in a sexual act with the alleged victim. A sexual act means

- (A) [cunnilingus, which is any touching, however slight, by the lips or tongue of one person to any part of the female sex organ of another.]¹
- (B) [fellatio, which is any touching by the lips or tongue of one person and the male sex organ of another.]²
- (C) [analingus, which is any touching by the lips or tongue of one person and the anus of another.]
- (D) [anal intercourse, which is any penetration, however slight, of the anus of any person by the male sexual organ of another.]
- (E) [any penetration, however slight, by an object into the [genital] [anal] opening of a person's body.]

Second, that at the time of the act[s], the alleged victim was

N.C.P.I.—Crim 207.15.3
STATUTORY SEXUAL OFFENSE AGAINST AN ALLEGED VICTIM WHO WAS
THIRTEEN, FOURTEEN, OR FIFTEEN YEARS OLD. (OFFENSES PRIOR TO
DEC. 1, 2015) FELONY.
CRIMINAL VOLUME
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[thirteen] [fourteen] [fifteen] years old.

Third, that at the time of the act[s], the defendant was [at least six]
[more than four but less than six] years older than the alleged victim.

And Fourth, that at the time of the act[s], the defendant was not
lawfully married to the alleged victim.

If you find from the evidence beyond a reasonable doubt that on or
about the alleged date the defendant engaged in a sexual act with the
alleged victim who was [thirteen] [fourteen] [fifteen] years old, and that the
defendant was [at least six] [more than four but less than six] years older
than the victim, and was not lawfully married to the victim, 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 *State v. Ludlum*, 303 N.C. 666 (1981), held that penetration of the female sex
organ is not required to complete the act of cunnilingus under Sexual Offense Statutes, N.C.
Gen. Stat. § 14-27.4 *et seq.* However, the court did specifically adhere to the rule of
earlier cases that penetration is required to complete the offense of crime against nature
(N.C.P.I.—Crim. 226.10).

2 *State v. Warren*, 309 N.C. 224 (1983) held that crime against nature is not a lesser
included offense of first or second degree sexual offense, but when the bill charges anal
intercourse Warren infers that crime against nature is a lesser included offense.

N.C.P.I.—Crim 207.15.3A

STATUTORY SEXUAL OFFENSE OF AN ALLEGED VICTIM WHO WAS FIFTEEN YEARS OF AGE OR YOUNGER. (OFFENSES ON OR AFTER DEC. 1, 2015) FELONY.

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N.C. Gen. Stat. § 14-27.30

207.15.3A STATUTORY SEXUAL OFFENSE OF AN ALLEGED VICTIM WHO WAS FIFTEEN YEARS OF AGE OR YOUNGER. (OFFENSES ON OR AFTER DEC. 1, 2015) FELONY.

NOTE WELL: Use this instruction for offenses committed on or after December 1, 2015. For offenses committed before December 1, 2015 and after December 1, 1995, use N.C.P.I.—Crim. 207.15.3.

The defendant has been charged with statutory sexual offense against an alleged victim who was fifteen years of age or younger at the time of the offense.

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

First, that the defendant engaged in a sexual act with the alleged victim. A sexual act means

- a) [cunnilingus, which is any touching, however slight, by the lips or tongue of one person to any part of the female sex organ of another.]¹
- b) [fellatio, which is any touching by the lips or tongue of one person and the male sex organ of another.]²
- c) [analingus, which is any touching by the lips or tongue of one person and the anus of another.]
- d) [anal intercourse, which is any penetration, however slight, of the anus of any person by the male sexual organ of another.]
- e) [any penetration, however slight, by an object into the [genital] [anal] opening of a person's body.]

Second, that at the time of the act[s], the alleged victim was fifteen years of age or younger.

N.C.P.I.—Crim 207.15.3A
STATUTORY SEXUAL OFFENSE OF AN ALLEGED VICTIM WHO WAS FIFTEEN
YEARS OF AGE OR YOUNGER. (OFFENSES ON OR AFTER DEC. 1, 2015)
FELONY.
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Third, that at the time of the act[s], the defendant was at least twelve years old and [at least six] [more than four but less than six] years older than the alleged victim.

And Fourth, that at the time of the act[s], the defendant was not lawfully married to the alleged victim.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant engaged in a sexual act with the alleged victim who was [thirteen] [fourteen] [fifteen] years old, and that the defendant was at least twelve years old and [at least six] [more than four but less than six] years older than the victim, and was not lawfully married to the alleged victim, 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 *State v. Ludlum*, 303 N.C. 666 (1981), held that penetration of the female sex organ is not required to complete the act of cunnilingus under Sexual Offense Statutes, N.C. Gen. Stat. § 14-27.4 *et seq.* However, the court did specifically adhere to the rule of earlier cases that penetration is required to complete the offense of crime against nature (N.C.P.I.—Crim. 226.10).

2 *State v. Warren*, 309 N.C. 224 (1983) held that crime against nature is not a lesser included offense of first or second degree sexual offense, but when the bill charges anal intercourse Warren infers that crime against nature is a lesser included offense.

N.C.P.I.—Crim 207.15A
STATUTORY RAPE OF A CHILD BY AN ADULT. (OFFENSES ON OR AFTER
DEC. 1, 2015) FELONY.
CRIMINAL VOLUME
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N.C. Gen. Stat. § 14-27.23

207.15A STATUTORY RAPE OF A CHILD BY AN ADULT. (OFFENSES ON OR
AFTER DEC. 1, 2015) FELONY.

*NOTE WELL: This instruction is valid for offenses committed on
or after December 1, 2015. For offenses committed before
December 1, 2015, use N.C.P.I.—Crim. 207.15.*

The defendant has been charged with statutory rape of a child by an
adult.

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

First, that the defendant engaged in vaginal intercourse with the
victim. Vaginal intercourse is penetration, however slight, of the female sex
organ by the male sex organ. (The actual emission of semen is not
necessary.)

Second, that at the time of the acts alleged, the alleged victim was a
child under the age of thirteen years.¹

And Third, that at the time of the acts alleged, the defendant was at
least eighteen years of age.

If you find from the evidence beyond reasonable a doubt that on or
about the alleged date, the defendant engaged in vaginal intercourse with
the alleged victim and that at that time the alleged victim was a child under
the age of thirteen years and that the defendant was at least eighteen years
of age, 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.²

¹ A child would be under the age of thirteen if she had not yet reached her thirteenth
birthday. *In re Robinson*, 120 N.C. App. 874 (1995).

² N.C. Gen. Stat. § 14-27.23 provides that N.C. Gen. Stat. § 14-27.24 is a lesser

N.C.P.I.—Crim 207.15A
STATUTORY RAPE OF A CHILD BY AN ADULT. (OFFENSES ON OR AFTER
DEC. 1, 2015) FELONY.
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N.C. Gen. Stat. § 14-27.23

included offense. Caution should be used in considering whether a lesser included offense instruction is warranted. For example, N.C. Gen. Stat. § 14-27.24 differs from this offense in that the State need not prove that the defendant is 18 or older. If there are lesser included offenses, change the last phrase to ". . . you would not return a verdict of guilty of rape of a child."

N.C.P.I.—Crim 207.15A.1

ATTEMPTED FIRST DEGREE RAPE—ALLEGED VICTIM UNDER THE AGE OF THIRTEEN YEARS. (OFFENSES PRIOR TO DEC 1, 2015) FELONY.

CRIMINAL VOLUME

REPLACEMENT JUNE 2016

N.C. Gen. Stat. §§ 14-27.2(a)(1), 14-27.8

207.15A.1 ATTEMPTED FIRST DEGREE RAPE—ALLEGED VICTIM UNDER THE AGE OF THIRTEEN YEARS. (OFFENSES PRIOR TO DEC 1, 2015) FELONY.

NOTE WELL: Use the following instruction when the alleged crime was committed between April 18, 1983 and July 10, 1983, or on or after October 1, 1983 and before December 1, 2015. For offenses committed on or after December 1, 2015, use N.C.P.I.—Crim. 207.15A.1A.

The defendant has been charged with attempted first degree rape.

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

First, that the defendant intended to engage in vaginal intercourse with the alleged victim. Vaginal intercourse is penetration, however slight, of the female sex organ by the male sex organ. (The actual emission of semen is not necessary.)

Second, that at the time of the acts alleged, the alleged victim was a child under the age of thirteen years.¹

Third, that at the time of the acts, the defendant was at least twelve years old and was at least four years older than the alleged victim.

And Fourth, that the defendant performed an act that was calculated and designed to accomplish vaginal intercourse with the alleged victim and such conduct came so close to bringing about the vaginal intercourse that in the ordinary course of events the defendant would have completed the act with the alleged victim had the defendant not been stopped or prevented.

(Mere preparation or planning is not enough to constitute such an act. But the act need not necessarily be the last act required to complete the offense.)

If you find from the evidence beyond a reasonable doubt that on or

N.C.P.I.—Crim 207.15A.1

ATTEMPTED FIRST DEGREE RAPE—ALLEGED VICTIM UNDER THE AGE OF THIRTEEN YEARS. (OFFENSES PRIOR TO DEC 1, 2015) FELONY.

CRIMINAL VOLUME

REPLACEMENT JUNE 2016

N.C. Gen. Stat. §§ 14-27.2(a)(1), 14-27.8

about the alleged date, the defendant intended to engage in vaginal intercourse with the alleged victim and that at that time the alleged victim was a child under the age of thirteen years and that the defendant was at least twelve years old and was at least four years older than the alleged victim, and that the defendant performed [an act] [acts] which in the ordinary course of events would have resulted in vaginal intercourse by defendant with the alleged victim had not the defendant been stopped or prevented from completing his apparent course of action, 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 A child would be under the age of thirteen if she had not yet reached her thirteenth birthday. *In Re Robinson*, 120 N.C. App. 874 (1995).

N.C.P.I.—Crim 207.15A.1A

ATTEMPTED FIRST DEGREE STATUTORY RAPE—ALLEGED VICTIM UNDER THE AGE OF THIRTEEN YEARS. (OFFENSES ON OR AFTER DEC 1, 2015) FELONY.

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N.C. Gen. Stat. §§ 14-27.24(a)(1), 14-27.34

207.15A.1A ATTEMPTED FIRST DEGREE STATUTORY RAPE—ALLEGED VICTIM UNDER THE AGE OF THIRTEEN YEARS. (OFFENSES ON OR AFTER DEC. 1, 2015) FELONY.

NOTE WELL: This instruction is valid for offenses committed on or after December 1, 2015. For offenses committed before December 1, 2015, use N.C.P.I.-Crim. 207.15A.1.

The defendant has been charged with attempted first degree statutory rape.

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

First, that the defendant intended to engage in vaginal intercourse with the alleged victim. Vaginal intercourse is penetration, however slight, of the female sex organ by the male sex organ. (The actual emission of semen is not necessary.)

Second, that at the time of the acts alleged, the alleged victim was a child under the age of thirteen years.¹

Third, that at the time of the acts, the defendant was at least twelve years old and was at least four years older than the alleged victim.

And Fourth, that the defendant performed an act that was calculated and designed to accomplish vaginal intercourse with the alleged victim and such conduct came so close to bringing about the vaginal intercourse that in the ordinary course of events the defendant would have completed the act with the alleged victim had the defendant not been stopped or prevented.

(Mere preparation or planning is not enough to constitute such an act. But the act need not necessarily be the last act required to complete the offense.)

N.C.P.I.—Crim 207.15A.1A

ATTEMPTED FIRST DEGREE STATUTORY RAPE—ALLEGED VICTIM UNDER
THE AGE OF THIRTEEN YEARS. (OFFENSES ON OR AFTER DEC 1, 2015)
FELONY.

CRIMINAL VOLUME

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N.C. Gen. Stat. §§ 14-27.24(a)(1), 14-27.34

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant intended to engage in vaginal intercourse with the alleged victim and that at that time the alleged victim was a child under the age of thirteen years and that the defendant was at least twelve years old and was at least four years older than the alleged victim, and that the defendant performed [an act] [acts] which in the ordinary course of events would have resulted in vaginal intercourse by defendant with the alleged victim had not the defendant been stopped or prevented from completing his apparent course of action, 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 A child would be under the age of thirteen if she had not yet reached her thirteenth birthday. *In Re Robinson*, 120 N.C. App. 874 (1995).

N.C.P.I.—Crim 207.20
SECOND DEGREE RAPE—FORCIBLE. (OFFENSES PRIOR TO DEC, 1, 2015)
FELONY.
CRIMINAL VOLUME
REPLACEMENT JUNE 2016
N.C. Gen. Stat. § 14-27.3

207.20 SECOND DEGREE RAPE—FORCIBLE. (OFFENSES PRIOR TO DEC. 1, 2015) FELONY.

NOTE WELL: Where there are facts supporting the conclusion that the alleged victim was asleep or similarly incapacitated, force can be implied. In such cases, use N.C.P.I.—Crim. 207.20A.

This instruction is valid for offenses committed before December 1, 2015. For offenses committed on or after December 1, 2015, use N.C.P.I.—Crim. 207.20B.

The defendant has been charged with second degree rape.

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

First, that the defendant engaged in vaginal intercourse with the alleged victim. Vaginal intercourse is penetration, however slight, of the female sex organ by the male sex organ. (The actual emission of semen is not necessary.)

Second, that the defendant used or threatened to use force sufficient to overcome any resistance the alleged victim might make. (The force necessary to constitute rape need not be actual physical force. Fear or coercion may take the place of physical force.)

And Third, that the alleged victim did not consent and it was against the alleged victim's will. (Consent induced by fear is not consent in law.)¹

NOTE WELL: Marriage is no longer a defense where the alleged crime was committed after July 5, 1993. N.C. Gen. Stat. § 14-27.8 (1993). Do not give the fourth element for offenses occurring after July 5, 1993.

(And Fourth, that the defendant and the alleged victim were married but were living separate and apart.)

N.C.P.I.—Crim 207.20
SECOND DEGREE RAPE—FORCIBLE. (OFFENSES PRIOR TO DEC, 1, 2015)
FELONY.
CRIMINAL VOLUME
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N.C. Gen. Stat. § 14-27.3

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant engaged in vaginal intercourse with the alleged victim and that the defendant did so by force or threat of force and that this was sufficient to overcome any resistance which the alleged victim might make, and that the alleged victim did not consent and it was against the alleged victim's will, (and that the defendant and the alleged victim were married but were living separate and apart), 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.²

NOTE WELL: In an appropriate case the judge should use N.C.P.I.—Crim. 201.10 to charge on an attempted second degree rape as lesser included offense under this charge. See N.C.P.I.—Crim. 207.10 for guidance.

¹ See *State v. Moorman*, 320 N.C. 387, 358 S.E.2d 502 (1987); *State v. Smith*, 360 N.C. 341, 626 S.E.2d 258 (2006).

² If there are lesser included offenses, the last phrase should be ". . . you would not return a verdict of second degree forcible rape, but would consider whether the defendant is guilty of"

N.C.P.I.—Crim 207.20A
SECOND DEGREE RAPE—FORCIBLE (ALLEGED VICTIM ASLEEP OR
SIMILARLY INCAPACITATED). (OFFENSES PRIOR TO DEC. 1, 2015) FELONY.
CRIMINAL VOLUME
REPLACEMENT JUNE 2016
N.C. Gen. Stat. § 14-27.3

207.20A SECOND DEGREE RAPE—FORCIBLE (ALLEGED VICTIM ASLEEP OR
SIMILARLY INCAPACITATED). (OFFENSES PRIOR TO DEC. 1, 2015) FELONY.

NOTE WELL: This instruction is intended for use where there is some evidence that the alleged victim was asleep or similarly incapacitated. Where there are no facts supporting the conclusion that the alleged victim was asleep or otherwise incapacitated, use N.C.P.I.—Crim. 207.20.

This instruction is valid for offenses committed before December 1, 2015. For offenses committed on or after December 1, 2015, use N.C.P.I.—Crim. 207.20A.1.

The defendant has been charged with second degree rape.

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

First, that the defendant engaged in vaginal intercourse with the alleged victim. Vaginal intercourse is penetration, however slight, of the female sex organ by the male sex organ. (The actual emission of semen is not necessary.)

Second, that at this time, the alleged victim was asleep or similarly incapacitated.

And Third, that the alleged victim did not consent and it was against the alleged victim's will. (Consent induced by fear is not consent in law.)¹

NOTE WELL: Marriage is no longer a defense where the alleged crime was committed after July 5, 1993. N.C. Gen. Stat. § 14-27.8 (1993). Do not give the fourth element for offenses occurring after July 5, 1993.

(And Fourth, that the defendant and the alleged victim were married but were living separate and apart.)

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant engaged in vaginal intercourse with

N.C.P.I.—Crim 207.20A
SECOND DEGREE RAPE—FORCIBLE (ALLEGED VICTIM ASLEEP OR
SIMILARLY INCAPACITATED). (OFFENSES PRIOR TO DEC. 1, 2015) FELONY.
CRIMINAL VOLUME
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N.C. Gen. Stat. § 14-27.3

the alleged victim, that at that time the alleged victim was asleep or similarly incapacitated, and that the alleged victim did not consent and it was against the alleged victim's will, (and that the defendant and the alleged victim were married but were living separate and apart), 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.²

NOTE WELL: In an appropriate case the judge should use N.C.P.I.—Crim. 201.10 to charge on an attempted second degree rape as lesser included offense under this charge. See N.C.P.I.—Crim. 207.10 for guidance.

¹ See *State v. Moorman*, 320 N.C. 387, 358 S.E.2d 502 (1987); *State v. Smith*, 360 N.C. 341, 626 S.E.2d 258 (2006).

² If there are lesser included offenses, the last phrase should be ". . . you would not return a verdict of second degree rape, but would consider whether the defendant is guilty of"

N.C.P.I.—Crim 207.20A.1

SECOND DEGREE RAPE—FORCIBLE (ALLEGED VICTIM ASLEEP OR SIMILARLY INCAPACITATED). (OFFENSES ON OR AFTER DEC. 1, 2015) FELONY.

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JUNE 2016

N.C. Gen. Stat. § 14-27.22

207.20A.1 SECOND DEGREE FORCIBLE RAPE (ALLEGED VICTIM ASLEEP OR SIMILARLY INCAPACITATED). (OFFENSES ON OR AFTER DEC. 1, 2015) FELONY.

NOTE WELL: This instruction is intended for use where there is some evidence that the alleged victim was asleep or similarly incapacitated. Where there are no facts supporting the conclusion that the alleged victim was asleep or otherwise incapacitated, use N.C.P.I.—Crim. 207.20.

This instruction is valid for offenses committed on or after December 1, 2015. For offenses committed before December 1, 2015, see N.C.P.I.—Crim. 207.20A.

The defendant has been charged with second degree forcible rape.

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

First, that the defendant engaged in vaginal intercourse with the alleged victim. Vaginal intercourse is penetration, however slight, of the female sex organ by the male sex organ. (The actual emission of semen is not necessary.)

Second, that at this time, the alleged victim was asleep or similarly incapacitated.

And Third, that the alleged victim did not consent and it was against the alleged victim's will. (Consent induced by fear is not consent in law.)¹

NOTE WELL: Marriage is not a defense to this offense. N.C. Gen. Stat. § 14-27.34 (2015).

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant engaged in vaginal intercourse with the alleged victim, that at that time the alleged victim was asleep or similarly incapacitated, and that the alleged victim did not consent and it

N.C.P.I.—Crim 207.20A.1

SECOND DEGREE RAPE—FORCIBLE (ALLEGED VICTIM ASLEEP OR SIMILARLY INCAPACITATED). (OFFENSES ON OR AFTER DEC. 1, 2015) FELONY.

CRIMINAL VOLUME

JUNE 2016

N.C. Gen. Stat. § 14-27.22

was against the alleged victim's will, 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.²

NOTE WELL: In an appropriate case the judge should use N.C.P.I.—Crim. 201.10 to charge on an attempted second degree rape as lesser included offense under this charge. See N.C.P.I.—Crim. 207.10 for guidance.

¹ See *State v. Moorman*, 320 N.C. 387, 358 S.E.2d 502 (1987); *State v. Smith*, 360 N.C. 341, 626 S.E.2d 258 (2006).

² If there are lesser included offenses, the last phrase should be ". . . you would not return a verdict of second degree forcible rape, but would consider whether the defendant is guilty of"

N.C.P.I.—Crim 207.20B

SECOND DEGREE FORCIBLE RAPE. (OFFENSES ON OR AFTER DEC. 1, 2015)
FELONY.

CRIMINAL VOLUME

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N.C. Gen. Stat. § 14-27.22

207.20B SECOND DEGREE FORCIBLE RAPE. (OFFENSES ON OR AFTER DEC.
1, 2015) FELONY.

NOTE WELL: Where there are facts supporting the conclusion that the alleged victim was asleep or similarly incapacitated, force can be implied. In such cases, use N.C.P.I.—Crim. 207.20A.

This instruction is valid for offenses committed on or after December 1, 2015. For offenses committed before December 1, 2015, use N.C.P.I.—Crim. 207.20.

The defendant has been charged with second degree forcible rape.

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

First, that the defendant engaged in vaginal intercourse with the victim. Vaginal intercourse is penetration, however slight, of the female sex organ by the male sex organ. (The actual emission of semen is not necessary.)

Second, that the defendant used or threatened to use force sufficient to overcome any resistance the alleged victim might make. (The force necessary to constitute rape need not be actual physical force. Fear or coercion may take the place of physical force.)

And Third, that the alleged victim did not consent and it was against the alleged victim's will. (Consent induced by fear is not consent in law.)¹

NOTE WELL: Marriage is not a defense to this offense. N.C. Gen. Stat. § 14-27.34 (2015).

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant engaged in vaginal intercourse with the alleged victim and that *the defendant* did so by force or threat of force and that this was sufficient to overcome any resistance which the alleged

N.C.P.I.—Crim 207.20B

SECOND DEGREE FORCIBLE RAPE. (OFFENSES ON OR AFTER DEC. 1, 2015)
FELONY.

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N.C. Gen. Stat. § 14-27.22

victim might make, and that the alleged victim did not consent and it was against the alleged victim's will, 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.²

NOTE WELL: In an appropriate case the judge should use N.C.P.I.—Crim. 201.10 to charge on an attempted second degree rape as lesser included offense under this charge. See N.C.P.I.—Crim. 207.10A for guidance.

¹ See *State v. Moorman*, 320 N.C. 387, 358 S.E.2d 502 (1987); *State v. Smith*, 360 N.C. 341, 626 S.E.2d 258 (2006).

² If there are lesser included offenses, the last phrase should be ". . . you would not return a verdict of second degree forcible rape, but would consider whether the defendant is guilty of"

N.C.P.I.—Crim 207.25

SECOND DEGREE FORCIBLE RAPE—ALLEGED VICTIM MENTALLY DISABLED,
MENTALLY INCAPACITATED OR PHYSICALLY HELPLESS. (OFFENSES PRIOR
TO DEC 1, 2015) FELONY.

CRIMINAL VOLUME

REPLACEMENT JUNE 2016

N.C. Gen. Stat. § 14-27.3

207.25 SECOND DEGREE FORCIBLE RAPE—ALLEGED VICTIM MENTALLY
DISABLED, MENTALLY INCAPACITATED OR PHYSICALLY HELPLESS.
(OFFENSES PRIOR TO DEC 1, 2015) FELONY.

*NOTE WELL: This instruction is valid for offenses committed
before December 1, 2015. For offenses committed on or after
December 1, 2015, use N.C.P.I.—Crim. 207.25A.*

The defendant has been charged with second degree rape.

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

First, that the defendant engaged in vaginal intercourse with the
alleged victim. [Vaginal intercourse is penetration, however slight, of the
female sex organ by the male sex organ. The actual emission of semen is
not necessary.]

Second, that the alleged victim was

a. [mentally disabled. A person is mentally disabled if the person
suffers from [mental retardation] [mental disorder] and this [mental
retardation] [mental disorder] temporarily or permanently renders the
person substantially incapable of [appraising the nature of the person's
conduct] [resisting the act of vaginal intercourse] [communicating
unwillingness to submit to the act of vaginal intercourse] [resisting a
sexual act]¹.]²

b. [mentally incapacitated. A person is mentally incapacitated
when, due to any act committed upon the person, the person is
rendered substantially incapable of [appraising the nature of the
person's conduct] [resisting the act of vaginal intercourse] [resisting a
sexual act].]³

N.C.P.I.—Crim 207.25

SECOND DEGREE FORCIBLE RAPE—ALLEGED VICTIM MENTALLY DISABLED,
MENTALLY INCAPACITATED OR PHYSICALLY HELPLESS. (OFFENSES PRIOR
TO DEC 1, 2015) FELONY.

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N.C. Gen. Stat. § 14-27.3

c. [physically helpless. A person is physically helpless if the person is [unconscious] [physically unable to resist an act of vaginal intercourse] [physically unable to communicate unwillingness to submit to an act of vaginal intercourse] [physically unable to resist a sexual act].]⁴

And Third, that the defendant knew or should reasonably have known that the alleged victim was [mentally disabled] [mentally incapacitated] [physically helpless.]

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant engaged in vaginal intercourse with the alleged victim and at that time

a. [the alleged victim suffered from [mental retardation] [mental disorder] and as a result was [temporarily] [permanently] rendered so substantially incapable of [appraising the nature of the victim's conduct] [resisting an act of vaginal intercourse] [communicating unwillingness to submit to an act of vaginal intercourse] [resisting a sexual act] as to be mentally disabled,]

b. [the alleged victim was so substantially incapable of [appraising the nature of her conduct] [resisting an act of vaginal intercourse] [resisting a sexual act] as to be mentally incapacitated,]

c. [the alleged victim was so physically unable to [resist an act of vaginal intercourse] [communicate unwillingness to submit to an act of vaginal intercourse] [resist a sexual act] as to be physically helpless]

and that the defendant knew or should reasonably have known that the alleged victim was [mentally disabled] [mentally incapacitated]

N.C.P.I.—Crim 207.25

SECOND DEGREE FORCIBLE RAPE—ALLEGED VICTIM MENTALLY DISABLED,
MENTALLY INCAPACITATED OR PHYSICALLY HELPLESS. (OFFENSES PRIOR
TO DEC 1, 2015) FELONY.

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N.C. Gen. Stat. § 14-27.3

[physically helpless], 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.⁵

*NOTE WELL: In an appropriate case the judge should use
N.C.P.I.—Crim. 201.10 to charge on attempted second degree
rape as a lesser included offense under this charge, and the
judge should similarly use N.C.P.I.—Crim. 208.70 (Assault on a
Female) where appropriate.*

1 N.C. Gen. Stat. § 14-27.1(4).

2 N.C. Gen. Stat. § 14-27.1(1).

3 N.C. Gen. Stat. § 14-27.1(2).

4 N.C. Gen. Stat. § 14-27.1(3).

5 If there are lesser included offenses, the last phrase should be, “. . . you would not
return a verdict of second degree rape, but would consider whether the defendant is guilty
of”

N.C.P.I.—Crim 207.25A

SECOND DEGREE RAPE—ALLEGED VICTIM MENTALLY DISABLED, MENTALLY INCAPACITATED OR PHYSICALLY HELPLESS. (OFFENSES ON OR AFTER DEC 1, 2015) FELONY.

CRIMINAL VOLUME

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N.C. Gen. Stat. § 14-27.22, 14-27.34

207.25A SECOND DEGREE RAPE—ALLEGED VICTIM MENTALLY DISABLED, MENTALLY INCAPACITATED OR PHYSICALLY HELPLESS. (OFFENSES ON OR AFTER DEC.1, 2015) FELONY.

NOTE WELL: This instruction is valid for offenses committed on or after December 1, 2015. For offenses committed before December 1, 2015, use N.C.P.I.—Crim. 207.25.

The defendant has been charged with second degree forcible rape.

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

First, that the defendant engaged in vaginal intercourse with the victim. [Vaginal intercourse is penetration, however slight, of the female sex organ by the male sex organ. The actual emission of semen is not necessary.]

Second, that the alleged victim was

a. [mentally disabled. A person is mentally disabled if the person suffers from [mental retardation] [mental disorder] and this [mental retardation] [mental disorder] temporarily or permanently renders the person substantially incapable of [appraising the nature of the person’s conduct] [resisting the act of vaginal intercourse] [communicating unwillingness to submit to the act of vaginal intercourse] [resisting a sexual act]¹.]²

b. [mentally incapacitated. A person is mentally incapacitated when, due to any act committed upon the person, the person is rendered substantially incapable of [appraising the nature of the person’s conduct] [resisting the act of vaginal intercourse] [resisting a sexual act].]³

N.C.P.I.—Crim 207.25A

SECOND DEGREE RAPE—ALLEGED VICTIM MENTALLY DISABLED, MENTALLY INCAPACITATED OR PHYSICALLY HELPLESS. (OFFENSES ON OR AFTER DEC 1, 2015) FELONY.

CRIMINAL VOLUME

JUNE 2016

N.C. Gen. Stat. § 14-27.22, 14-27.34

c. [physically helpless. A person is physically helpless if the person is [unconscious] [physically unable to resist an act of vaginal intercourse] [physically unable to communicate unwillingness to submit to an act of vaginal intercourse] [physically unable to resist a sexual act].]⁴

And Third, that the defendant knew or should reasonably have known that the alleged victim was [mentally disabled] [mentally incapacitated] [physically helpless.]

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant engaged in vaginal intercourse with the alleged victim and at that time

a. [the alleged victim suffered from [mental retardation] [mental disorder] and as a result was [temporarily] [permanently] rendered so substantially incapable of [appraising the nature of the victim's conduct] [resisting an act of vaginal intercourse] [communicating unwillingness to submit to an act of vaginal intercourse] [resisting a sexual act] as to be mentally disabled,]

b. [the alleged victim was so substantially incapable of [appraising the nature of her conduct] [resisting an act of vaginal intercourse] [resisting a sexual act] as to be mentally incapacitated,]

c. [the alleged victim was so physically unable to [resist an act of vaginal intercourse] [communicate unwillingness to submit to an act of vaginal intercourse] [resist a sexual act] as to be physically helpless]

and that the defendant knew or should reasonably have known that the

N.C.P.I.—Crim 207.25A

SECOND DEGREE RAPE—ALLEGED VICTIM MENTALLY DISABLED, MENTALLY INCAPACITATED OR PHYSICALLY HELPLESS. (OFFENSES ON OR AFTER DEC 1, 2015) FELONY.

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N.C. Gen. Stat. § 14-27.22, 14-27.34

alleged victim was [mentally disabled] [mentally incapacitated] [physically helpless], it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt about one or more of these things, it would be your duty to return a verdict of not guilty.⁵

NOTE WELL: In an appropriate case the judge should use N.C.P.I.—Crim. 201.10 to charge on attempted second degree rape as a lesser included offense under this charge, and the judge should similarly use N.C.P.I.—Crim. 208.70 (Assault on a Female) where appropriate.

1 N.C. Gen. Stat. § 14-27.1(4).

2 N.C. Gen. Stat. § 14-27.1(1).

3 N.C. Gen. Stat. § 14-27.1(2).

4 N.C. Gen. Stat. § 14-27.1(3).

5 If there are lesser included offenses, the last phrase should be, “. . . you would not return a verdict of second degree rape.”

N.C.P.I.—Crim 207.40

FIRST DEGREE SEXUAL OFFENSE-WEAPON, SERIOUS INJURY OR MULTIPLE ASSAILANTS, COVERING SECOND DEGREE SEX OFFENSE AS A LESSER INCLUDED OFFENSE. (OFFENSES PRIOR TO DEC. 1, 2015) FELONY. CRIMINAL VOLUME

REPLACEMENT JUNE 2016

N.C. Gen. Stat. §§ 14-27.4, 14-27.5

207.40 FIRST DEGREE SEXUAL OFFENSE - WEAPON, SERIOUS INJURY OR MULTIPLE ASSAILANTS, COVERING SECOND DEGREE SEX OFFENSE AS A LESSER INCLUDED OFFENSE. (OFFENSES PRIOR TO DEC. 1, 2015) FELONY.

NOTE WELL: This instruction is valid for offenses committed before December 1, 2015. For offenses committed on or after December 1, 2015, use N.C.P.I.—Crim. 207.40B.

The defendant has been charged with first degree sexual offense.

For you to find the defendant guilty of first degree sexual offense, the State must prove four things beyond a reasonable doubt:

First, that the defendant engaged in a sexual act with the victim. A sexual act means

- (A) [cunnilingus, which is any touching, however slight, by the lips or tongue of one person to any part of the female sex organ of another.]¹
- (B) [fellatio, which is any touching by the lips or tongue of one person and the male sex organ of another.]²
- (C) [analingus, which is any touching by the lips or tongue of one person and the anus of another.]
- (D) [anal intercourse, which is any penetration, however slight, of the anus of any person by the male sexual organ of another.]
- (E) [any penetration, however slight, by an object into the [genital] [anal] opening of a person's body.]³

Second, that the defendant used or threatened to use force sufficient to overcome any resistance the alleged victim might make. (The force necessary to constitute sexual offense need not be actual physical force. Fear or coercion may take the place of physical force.)

N.C.P.I.—Crim 207.40

FIRST DEGREE SEXUAL OFFENSE-WEAPON, SERIOUS INJURY OR
MULTIPLE ASSAILANTS, COVERING SECOND DEGREE SEX OFFENSE AS A
LESSER INCLUDED OFFENSE. (OFFENSES PRIOR TO DEC. 1, 2015) FELONY.
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N.C. Gen. Stat. §§ 14-27.4, 14-27.5

Third, that the alleged victim did not consent and it was against the
alleged defendant's will. (Consent induced by fear is not consent at law.)

And Fourth, that the defendant

(A) [[employed] [displayed]

(1) [a dangerous or deadly weapon.] [(*Name weapon*) is a
dangerous or deadly weapon.] [A dangerous or deadly weapon
is a weapon which is likely to cause death or serious bodily
injury. (In determining whether the particular object is a
dangerous or deadly weapon, you should consider the nature of
the object, the manner in which it was used, and the size and
strength of the defendant as compared to the alleged victim.)]]

(2) [an object that the alleged victim reasonably believed was a
dangerous or deadly weapon.⁴ A dangerous or deadly weapon is
a weapon which is likely to cause death or serious bodily injury.
(In determining whether the particular object is a dangerous or
deadly weapon, you should consider the nature of the object, the
manner in which it was used, and the size and strength of the
defendant as compared to the alleged victim.)]]

(B) [inflicted serious personal injury⁵ upon the [the victim] [another
person.]

(C) [was aided or abetted by one or more other persons. A
defendant would be aided or abetted by another person if that
person [was present at the time the sexual offense was
committed and knowingly [advised] [encouraged] [instigated]
[aided] *the defendant* to commit the crime] (or) [though not

N.C.P.I.—Crim 207.40

FIRST DEGREE SEXUAL OFFENSE-WEAPON, SERIOUS INJURY OR
MULTIPLE ASSAILANTS, COVERING SECOND DEGREE SEX OFFENSE AS A
LESSER INCLUDED OFFENSE. (OFFENSES PRIOR TO DEC. 1, 2015) FELONY.
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N.C. Gen. Stat. §§ 14-27.4, 14-27.5

physically present at the time the sexual offense was committed,
shared the defendant's criminal purpose and, to the defendant's
knowledge, was aiding or was in a position to aid *the defendant*
at the time the sexual offense was committed.]

If you find from the evidence beyond a reasonable doubt that on or
about the alleged date, the defendant engaged in a sexual act with the
alleged victim and that the defendant did so by [force] [threat of force] and
that this was sufficient to overcome any resistance which the alleged victim
might make, that the alleged victim did not consent and it was against the
alleged victim's will, and that the defendant

- (A) [employed] [displayed] a [weapon] [an object] (and that [this
was] [the alleged victim reasonably believed that this was] a
dangerous or deadly weapon).]
- (B) [inflicted serious personal injury upon [the victim] [another
person]].
- (C) [was aided and abetted by [another person] [other persons].]

it would be your duty to return a verdict of guilty of first degree sexual
offense. If you do not so find or have a reasonable doubt as to one or more
of these things, you would not return a verdict of guilty of first degree sexual
offense but would consider whether the defendant is guilty of second degree
sexual offense. Second degree sexual offense differs from first degree
sexual offense only in that it is not necessary for the State to prove beyond
a reasonable doubt that the defendant

- (A) [[employed] [displayed] a [dangerous or deadly weapon] [an
object which the alleged victim reasonably believed was a

N.C.P.I.—Crim 207.40

FIRST DEGREE SEXUAL OFFENSE-WEAPON, SERIOUS INJURY OR MULTIPLE ASSAILANTS, COVERING SECOND DEGREE SEX OFFENSE AS A LESSER INCLUDED OFFENSE. (OFFENSES PRIOR TO DEC. 1, 2015) FELONY. CRIMINAL VOLUME

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dangerous or deadly weapon]]

(B) [inflicted serious personal injury upon [the alleged victim] [another person]

(C) [was aided and abetted by [another person] [other persons].]

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant engaged in a sexual act with the alleged victim and that the defendant did so by force or threat of force and that this was sufficient to overcome any resistance which the alleged victim might make, and that the alleged victim did not consent and it was against the alleged victim's will, it would be your duty to return a verdict of guilty of second degree sexual offense. 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.⁶

NOTE WELL: In an appropriate case the judge should use N.C.P.I.—Crim. 207.40A to charge on attempted first and second degree sexual offense as lesser included offenses under this charge.

1 *S v. Ludlum*, 303 N.C. 666 (1981), held that penetration of the female sex organ is not required to complete the act of cunnilingus under Sexual Offense Statutes, N.C. Gen. Stat. § 14.27.4 *et seq.* However, the Court did specifically adhere to the rule of earlier cases that penetration is required to complete the offense of Crime Against Nature (N.C. Gen. Stat. § 14-177; N.C.P.I.-Crim. 226.10).

2 *S v. Warren*, 309 N.C. 224 (1983) held that Crime Against Nature is not a lesser included offense of first or second degree sexual offense, but when the bill charges anal intercourse *Warren* infers that Crime Against Nature is a lesser included offense.

3 N.C. Gen. Stat. § 14-27.1(4) provides that it shall be an affirmative defense to the fifth type of sexual act that the penetration was for accepted medical purposes. If there is evidence of such a purpose, instruct accordingly at the end of the charge.

4 *See State v. Williams*, 335 N.C. 518, regarding a mandatory presumption of dangerous or deadly weapon in certain factual situations.

5 Note that N.C. Gen. Stat. § 14-27.4 includes serious mental injury, as well as

N.C.P.I.—Crim 207.40

FIRST DEGREE SEXUAL OFFENSE-WEAPON, SERIOUS INJURY OR
MULTIPLE ASSAILANTS, COVERING SECOND DEGREE SEX OFFENSE AS A
LESSER INCLUDED OFFENSE. (OFFENSES PRIOR TO DEC. 1, 2015) FELONY.
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N.C. Gen. Stat. §§ 14-27.4, 14-27.5

physical or bodily injury. *State v. Boone*, 307 N.C. 198 (1982), held that, "proof of the element of infliction of 'serious personal injury' . . . may be met by the showing of mental injury as well as bodily injury," but that, "in order to support a jury finding of serious personal injury because of injury to the mind or nervous system, the State must ordinarily offer proof that such injury was not only caused by the defendant but that the injury extended for some appreciable time beyond the incidents surrounding the crime itself." If the state relies on such a theory of personal injury, the judge should instruct the jury in accordance with the rule set forth in *Boone*, above.

6 If there are other lesser included offenses, the last phrase should be, "You would not return a verdict of guilty of second degree sexual offense, but would consider whether the defendant is guilty of"

N.C.P.I.—Crim 207.40A

ATTEMPTED FIRST DEGREE SEXUAL OFFENSE (WEAPON, SERIOUS INJURY OR MULTIPLE ASSAILANTS) COVERING ATTEMPTED SECOND DEGREE SEX OFFENSE AS A LESSER INCLUDED OFFENSE. (OFFENSES PRIOR TO DEC. 1, 2015) FELONY.

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N.C. Gen. Stat. §§ 14-27.4(2), 14-27.5(2), 14-27.8

207.40A ATTEMPTED FIRST DEGREE SEXUAL OFFENSE (WEAPON, SERIOUS INJURY OR MULTIPLE ASSAILANTS) COVERING ATTEMPTED SECOND DEGREE SEX OFFENSE AS A LESSER INCLUDED OFFENSE. (OFFENSES PRIOR TO DEC. 1, 2015) FELONY.

NOTE WELL: This instruction is valid for offenses committed before December 1, 2015. For offenses committed on or after December 1, 2015, use 207.40A.1.

The defendant has been charged with attempted first degree sexual offense.

Under the law and the evidence in this case, it is your duty to return one of the following verdicts:

- (1) guilty of attempted first degree sexual offense;
- (2) guilty of attempted second degree sexual offense;
- (3) not guilty.

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

First, that the defendant intended to engage in a sexual act with the alleged victim by force and against the alleged victim's will. A sexual act means

- (A) [cunnilingus, which is any touching, however slight, by the lips or tongue of one person to any part of the female sex organ of another.]
- (B) [fellatio, which is any touching by the lips or tongue of one person and the male sex organ of another.]
- (C) [analingus, which is any touching by the lips or tongue of one

N.C.P.I.—Crim 207.40A

ATTEMPTED FIRST DEGREE SEXUAL OFFENSE (WEAPON, SERIOUS INJURY OR MULTIPLE ASSAILANTS) COVERING ATTEMPTED SECOND DEGREE SEX OFFENSE AS A LESSER INCLUDED OFFENSE. (OFFENSES PRIOR TO DEC. 1, 2015) FELONY.

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person and the anus of another.]

- (D) [anal intercourse, which is any penetration, however slight, of the anus of any person by the male sexual organ of another.]
- (E) [any penetration, however slight, by an object into the [genital] [anal] opening of a person's body.]¹

Second, that at the time the defendant had this intent, the defendant performed an act which was calculated and designed to bring about a sexual act by force and against the victim's will, and which came so close to bringing it about that in the ordinary and likely course of things the defendant would have completed the sexual act had the defendant not been stopped or prevented from completing the defendant's apparent course of action.

(Mere preparation or mere planning is not enough to constitute such an act. But the act need not necessarily be the last act required to complete the offense.)

And Third, that the defendant

- (A) [[employed] [displayed]

- (1) [a dangerous or deadly weapon.] [(*Name weapon*) is a dangerous or deadly weapon.] [A dangerous or deadly weapon is a weapon which is likely to cause death or serious bodily injury. (In determining whether the particular object is a dangerous or deadly weapon, you should consider the nature of the object, the manner in which it was used, and the size and strength of the defendant as compared to the alleged victim.)]]

N.C.P.I.—Crim 207.40A

ATTEMPTED FIRST DEGREE SEXUAL OFFENSE (WEAPON, SERIOUS INJURY OR MULTIPLE ASSAILANTS) COVERING ATTEMPTED SECOND DEGREE SEX OFFENSE AS A LESSER INCLUDED OFFENSE. (OFFENSES PRIOR TO DEC. 1, 2015) FELONY.

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N.C. Gen. Stat. §§ 14-27.4(2), 14-27.5(2), 14-27.8

- (2) [an object that the alleged victim reasonably believed was a dangerous or deadly weapon.² A dangerous or deadly weapon is a weapon which is likely to cause death or serious bodily injury. (In determining whether the particular object is a dangerous or deadly weapon, you should consider the nature of the object, the manner in which it was used, and the size and strength of the defendant as compared to the alleged victim.)]]
- (B) [inflicted serious personal injury³ upon [the alleged victim] [another person.]]
- (C) [was aided or abetted by one or more other persons. A defendant would be aided or abetted by another person if that person [was present at the time the sexual offense was committed and knowingly [advised] [encouraged] [instigated] [aided] the defendant to commit the crime] (or) [though not physically present at the time the sexual offense was committed, shared the defendant's criminal purpose and, to the defendant's knowledge, was aiding or was in a position to aid the defendant at the time the sexual offense was committed.]

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant intended to engage in a sexual act with the alleged victim by force and against the alleged victim's will and that the defendant performed [an act] [acts] which [was] [were] calculated and designed to bring about a sexual act by force and against the alleged victim's will and would have resulted in such an act had the defendant not been [stopped] [prevented] from completing the defendant's apparent

N.C.P.I.—Crim 207.40A

ATTEMPTED FIRST DEGREE SEXUAL OFFENSE (WEAPON, SERIOUS INJURY OR MULTIPLE ASSAILANTS) COVERING ATTEMPTED SECOND DEGREE SEX OFFENSE AS A LESSER INCLUDED OFFENSE. (OFFENSES PRIOR TO DEC. 1, 2015) FELONY.

CRIMINAL VOLUME

REPLACEMENT JUNE 2016

N.C. Gen. Stat. §§ 14-27.4(2), 14-27.5(2), 14-27.8

course of action, and that the defendant

- (A) [employed] [displayed] a [weapon] [an object] (and that [this was] [the alleged victim reasonably believed that this was] a dangerous or deadly weapon).]
- (B) [inflicted serious personal injury upon [the alleged victim] [another person]].
- (C) [was aided and abetted by [another person] [other persons].]

it would be your duty to return a verdict of guilty of attempted first degree sexual offense. If you do not so find or have a reasonable doubt as to one or more of these things you would not return a verdict of guilty of attempted first degree sexual offense but would consider whether the defendant is guilty of attempted second degree sexual offense. Attempted second degree sexual offense differs from attempted first degree sexual offense in that it is not necessary for the State to prove beyond a reasonable doubt that the defendant

- (A) [[employed] [displayed] a [dangerous or deadly weapon] [an object which the alleged victim reasonably believed was a dangerous or deadly weapon]]
- (B) [inflicted serious personal injury upon [the alleged victim] [another person]
- (C) [was aided and abetted by [another person] [other persons].]

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant intended to engage in a sexual act with the alleged victim by force and against the alleged victim's will and that

N.C.P.I.—Crim 207.40A

ATTEMPTED FIRST DEGREE SEXUAL OFFENSE (WEAPON, SERIOUS INJURY OR MULTIPLE ASSAILANTS) COVERING ATTEMPTED SECOND DEGREE SEX OFFENSE AS A LESSER INCLUDED OFFENSE. (OFFENSES PRIOR TO DEC. 1, 2015) FELONY.

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the defendant performed [an act] [acts] which [was] [were] calculated and designed to bring about a sexual act by force and against the alleged victim's will and would have resulted in such an act had the defendant not been [stopped] [prevented] from completing the defendant's apparent course of action, it would be your duty to return a verdict of guilty of attempted second degree sexual offense. 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.⁴

1 N.C. Gen. Stat. § 14-27.1(4) provides that it shall be an affirmative defense to the fifth type of sexual act that the penetration was for accepted medical purposes. If there is evidence of such a purpose, instruct accordingly at the end of the charge.

2 See *State v. Williams*, 335 N.C. 518, regarding a mandatory presumption of dangerous or deadly weapon in certain factual situations.

3 Note that N.C. Gen. Stat. § 14-27.4 includes serious mental injury, as well as physical or bodily injury. *State v. Boone*, 307 N.C. 198 (1982), held that, "proof of the element of infliction of 'serious personal injury' . . . may be met by the showing of mental injury as well as bodily injury," but that, "in order to support a jury finding of serious personal injury because of injury to the mind or nervous system, the State must ordinarily offer proof that such injury was not only caused by the defendant but that the injury extended for some appreciable time beyond the incidents surrounding the crime itself." If the state relies on such a theory of personal injury, the judge should instruct the jury in accordance with the rule set forth in *Boone*, above.

4 In *S v. Wortham*, 318 N.C. 669 (1987), the North Carolina Supreme Court held that assault on a female is not a lesser included offense of attempted rape, because, *inter alia*, the defendant in the crime of assault on a female must be first, a male, and second, at least 18 years old. Neither of these is an element of sexual offense.

Simple assault may still be an appropriate lesser included offense. If so, use N.C.P.I.-Crim. 208.40.

N.C.P.I.—Crim 207.40A.1
ATTEMPTED FIRST DEGREE FORCIBLE SEXUAL OFFENSE
(WEAPON, SERIOUS INJURY OR MULTIPLE ASSAILANTS) COVERING
ATTEMPTED SECOND DEGREE FORCIBLE SEXUAL OFFENSE AS A LESSER
INCLUDED OFFENSE. (OFFENSES ON OR AFTER DEC. 1, 2015) FELONY.
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207.40A.1 ATTEMPTED FIRST DEGREE FORCIBLE SEXUAL OFFENSE
(WEAPON, SERIOUS INJURY OR MULTIPLE ASSAILANTS) COVERING
ATTEMPTED SECOND DEGREE SEXUAL OFFENSE AS A LESSER INCLUDED
OFFENSE. (OFFENSES ON OR AFTER DEC. 1, 2015) FELONY.

*NOTE WELL: This instruction is valid for offenses committed on
or after December 1, 2015. For offenses committed before
December 1, 2015, see N.C.P.I.—Crim. 207.40A.*

The defendant has been charged with attempted first degree forcible sexual offense.

Under the law and the evidence in this case, it is your duty to return one of the following verdicts:

- (1) guilty of attempted first degree forcible sexual offense;
- (2) guilty of attempted second degree forcible sexual offense;
- (3) not guilty.

For you to find the defendant guilty of attempted first degree forcible sexual offense, the State must prove three things beyond a reasonable doubt:

First, that the defendant intended to engage in a sexual act with the alleged victim by force and against the alleged victim's will. A sexual act means

- (A) [cunnilingus, which is any touching, however slight, by the lips or tongue of one person to any part of the female sex organ of another.]
- (B) [fellatio, which is any touching by the lips or tongue of one

N.C.P.I.—Crim 207.40A.1
ATTEMPTED FIRST DEGREE FORCIBLE SEXUAL OFFENSE
(WEAPON, SERIOUS INJURY OR MULTIPLE ASSAILANTS) COVERING
ATTEMPTED SECOND DEGREE FORCIBLE SEXUAL OFFENSE AS A LESSER
INCLUDED OFFENSE. (OFFENSES ON OR AFTER DEC. 1, 2015) FELONY.
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person and the male sex organ of another.]

- (C) [analingus, which is any touching by the lips or tongue of one person and the anus of another.]
- (D) [anal intercourse, which is any penetration, however slight, of the anus of any person by the male sexual organ of another.]
- (E) [any penetration, however slight, by an object into the [genital] [anal] opening of a person's body.]¹

Second, that at the time the defendant had this intent, the defendant performed an act which was calculated and designed to bring about a sexual act by force and against the victim's will, and which came so close to bringing it about that in the ordinary and likely course of things the defendant would have completed the sexual act had the defendant not been stopped or prevented from completing the defendant's apparent course of action.

(Mere preparation or mere planning is not enough to constitute such an act. But the act need not necessarily be the last act required to complete the offense.)

And Third, that the defendant

- (A) [[employed] [displayed]

(1) [a dangerous or deadly weapon.] [(Name weapon) is a dangerous or deadly weapon.] [A dangerous or deadly weapon is a weapon which is likely to cause death or serious bodily injury. (In determining whether the particular object is a dangerous or deadly weapon, you should consider the nature of

N.C.P.I.—Crim 207.40A.1
ATTEMPTED FIRST DEGREE FORCIBLE SEXUAL OFFENSE
(WEAPON, SERIOUS INJURY OR MULTIPLE ASSAILANTS) COVERING
ATTEMPTED SECOND DEGREE FORCIBLE SEXUAL OFFENSE AS A LESSER
INCLUDED OFFENSE. (OFFENSES ON OR AFTER DEC. 1, 2015) FELONY.
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the object, the manner in which it was used, and the size and strength of the defendant as compared to the victim.))]

(2) [an object that the alleged victim reasonably believed was a dangerous or deadly weapon.² A dangerous or deadly weapon is a weapon which is likely to cause death or serious bodily injury. (In determining whether the particular object is a dangerous or deadly weapon, you should consider the nature of the object, the manner in which it was used, and the size and strength of the defendant as compared to the alleged victim.))]

(B) [inflicted serious personal injury³ upon [the victim] [another person.]]

(C) [was aided or abetted by one or more other persons. A defendant would be aided or abetted by another person if that person [was present at the time the sexual offense was committed and knowingly [advised] [encouraged] [instigated] [aided] the defendant to commit the crime] (or) [though not physically present at the time the sexual offense was committed, shared the defendant's criminal purpose and, to the defendant's knowledge, was aiding or was in a position to aid the defendant at the time the sexual offense was committed.]

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant intended to engage in a sexual act with the alleged victim by force and against the alleged victim's will and that the defendant performed [an act] [acts] which [was] [were] calculated and

N.C.P.I.—Crim 207.40A.1
ATTEMPTED FIRST DEGREE FORCIBLE SEXUAL OFFENSE
(WEAPON, SERIOUS INJURY OR MULTIPLE ASSAILANTS) COVERING
ATTEMPTED SECOND DEGREE FORCIBLE SEXUAL OFFENSE AS A LESSER
INCLUDED OFFENSE. (OFFENSES ON OR AFTER DEC. 1, 2015) FELONY.
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designed to bring about a sexual act by force and against the victim's will and would have resulted in such an act had the defendant not been [stopped] [prevented] from completing *the defendant's* apparent course of action, and that the defendant

- (A) [employed] [displayed] a [weapon] [an object] (and that [this was] [the alleged victim reasonably believed that this was] a dangerous or deadly weapon).]
- (B) [inflicted serious personal injury upon [the alleged victim] [another person]].
- (C) [was aided and abetted by [another person] [other persons].]

it would be your duty to return a verdict of guilty of attempted first degree forcible sexual offense. If you do not so find or have a reasonable doubt as to one or more of these things you would not return a verdict of guilty of attempted first degree forcible sexual offense but would consider whether the defendant is guilty of attempted second degree forcible sexual offense. Attempted second degree forcible sexual offense differs from attempted first degree forcible sexual offense in that it is not necessary for the State to prove beyond a reasonable doubt that the defendant

- (A) [[employed] [displayed] a [dangerous or deadly weapon] [an object which the alleged victim reasonably believed was a dangerous or deadly weapon]]
- (B) [inflicted serious personal injury upon [the alleged victim] [another person]]

N.C.P.I.—Crim 207.40A.1
ATTEMPTED FIRST DEGREE FORCIBLE SEXUAL OFFENSE
(WEAPON, SERIOUS INJURY OR MULTIPLE ASSAILANTS) COVERING
ATTEMPTED SECOND DEGREE FORCIBLE SEXUAL OFFENSE AS A LESSER
INCLUDED OFFENSE. (OFFENSES ON OR AFTER DEC. 1, 2015) FELONY.
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(C) [was aided and abetted by [another person] [other persons].]

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant intended to engage in a sexual act with the alleged victim by force and against the alleged victim's will and that the defendant performed [an act] [acts] which [was] [were] calculated and designed to bring about a sexual act by force and against the alleged victim's will and would have resulted in such an act had the defendant not been [stopped] [prevented] from completing the defendant's apparent course of action, it would be your duty to return a verdict of guilty of attempted second degree forcible sexual offense. 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.⁴

1 N.C. Gen. Stat. § 14-27.20 provides that it shall be an affirmative defense to the fifth type of sexual act that the penetration was for accepted medical purposes. If there is evidence of such a purpose, instruct accordingly at the end of the charge.

2 See *State v. Williams*, 335 N.C. 518, regarding a mandatory presumption of dangerous or deadly weapon in certain factual situations.

3 Note the term "serious personal injury" includes serious mental injury, as well as physical or bodily injury. *State v. Boone*, 307 N.C. 198 (1982), held in relation to N.C. Gen. Stat. § 14-27.2, the predecessor to N.C. Gen. Stat. § 14-27.21, that, "proof of the element of infliction of 'serious personal injury' . . . may be met by the showing of mental injury as well as bodily injury," but that, "in order to support a jury finding of serious personal injury because of injury to the mind or nervous system, the State must ordinarily offer proof that such injury was not only caused by the defendant but that the injury extended for some appreciable time beyond the incidents surrounding the crime itself." If the state relies on such a theory of personal injury, the judge should instruct the jury in accordance with the rule set forth in *Boone*, above.

4 In *S v. Wortham*, 318 N.C. 669 (1987), the North Carolina Supreme Court held that assault on a female is not a lesser included offense of attempted rape, because, *inter alia*, the defendant in the crime of assault on a female must be first, a male, and second, at

N.C.P.I.—Crim 207.40A.1
ATTEMPTED FIRST DEGREE FORCIBLE SEXUAL OFFENSE
(WEAPON, SERIOUS INJURY OR MULTIPLE ASSAILANTS) COVERING
ATTEMPTED SECOND DEGREE FORCIBLE SEXUAL OFFENSE AS A LESSER
INCLUDED OFFENSE. (OFFENSES ON OR AFTER DEC. 1, 2015) FELONY.
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least 18 years old. Neither of these is an element of sexual offense.

Simple assault may still be an appropriate lesser included offense. If so, use
N.C.P.I.-Crim. 208.40.

N.C.P.I.—Crim 207.40B

FIRST DEGREE FORCIBLE SEXUAL OFFENSE-WEAPON, SERIOUS INJURY OR MULTIPLE ASSAILANTS, COVERING SECOND DEGREE SEX OFFENSE AS A LESSER INCLUDED OFFENSE. (OFFENSES ON OR AFTER DEC. 1, 2015) FELONY.

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N.C. Gen. Stat. §§ 14-27.26, 14-27.27

207.40B FIRST DEGREE FORCIBLE SEXUAL OFFENSE—(WEAPON, SERIOUS INJURY, OR MULTIPLE ASSAILANTS) COVERING SECOND DEGREE SEX OFFENSE AS A LESSER INCLUDED OFFENSE. (OFFENSES ON OR AFTER DEC. 1, 2015) FELONY.

NOTE WELL: This instruction is valid for offenses committed on or after December 1, 2015. For offenses committed before December 1, 2015, use N.C.P.I.—Crim. 207.40.

The defendant has been charged with first degree forcible sexual offense.

For you to find the defendant guilty of first degree forcible sexual offense, the State must prove four things beyond a reasonable doubt:

First, that the defendant engaged in a sexual act with the victim. A sexual act means

- (A) [cunnilingus, which is any touching, however slight, by the lips or tongue of one person to any part of the female sex organ of another.]¹
- (B) [fellatio, which is any touching by the lips or tongue of one person and the male sex organ of another.]²
- (C) [analingus, which is any touching by the lips or tongue of one person and the anus of another.]
- (D) [anal intercourse, which is any penetration, however slight, of the anus of any person by the male sexual organ of another.]
- (E) [any penetration, however slight, by an object into the [genital] [anal] opening of a person's body.]³

Second, that the defendant used or threatened to use force sufficient

N.C.P.I.—Crim 207.40B

FIRST DEGREE FORCIBLE SEXUAL OFFENSE-WEAPON, SERIOUS INJURY OR MULTIPLE ASSAILANTS, COVERING SECOND DEGREE SEX OFFENSE AS A LESSER INCLUDED OFFENSE. (OFFENSES ON OR AFTER DEC. 1, 2015) FELONY.

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to overcome any resistance the alleged victim might make. (The force necessary to constitute sexual offense need not be actual physical force. Fear or coercion may take the place of physical force.)

Third, that the alleged victim did not consent and it was against the alleged victim's will. (Consent induced by fear is not consent at law.)

And Fourth, that the defendant

(A) [[employed] [displayed]

(1) [a dangerous or deadly weapon.] [(*Name weapon*) is a dangerous or deadly weapon.] [A dangerous or deadly weapon is a weapon which is likely to cause death or serious bodily injury. (In determining whether the particular object is a dangerous or deadly weapon, you should consider the nature of the object, the manner in which it was used, and the size and strength of the defendant as compared to the alleged victim.)]]

(2) [an object that the alleged victim reasonably believed was a dangerous or deadly weapon.⁴ A dangerous or deadly weapon is a weapon which is likely to cause death or serious bodily injury. (In determining whether the particular object is a dangerous or deadly weapon, you should consider the nature of the object, the manner in which it was used, and the size and strength of the defendant as compared to the alleged victim.)]]

(B) [inflicted serious personal injury⁵ upon the [the alleged victim] [another person.]

(C) [was aided or abetted by one or more other persons. A

N.C.P.I.—Crim 207.40B

FIRST DEGREE FORCIBLE SEXUAL OFFENSE-WEAPON, SERIOUS INJURY OR MULTIPLE ASSAILANTS, COVERING SECOND DEGREE SEX OFFENSE AS A LESSER INCLUDED OFFENSE. (OFFENSES ON OR AFTER DEC. 1, 2015) FELONY.

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N.C. Gen. Stat. §§ 14-27.26, 14-27.27

defendant would be aided or abetted by another person if that person [was present at the time the sexual offense was committed and knowingly [advised] [encouraged] [instigated] [aided] the defendant to commit the crime] (or) [though not physically present at the time the sexual offense was committed, shared the defendant's criminal purpose and, to the defendant's knowledge, was aiding or was in a position to aid the defendant at the time the sexual offense was committed.]

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant engaged in a sexual act with the alleged victim and that the defendant did so by [force] [threat of force] and that this was sufficient to overcome any resistance which the alleged victim might make, that the alleged victim did not consent and it was against the alleged victim's will, and that the defendant

(A) [employed] [displayed] a [weapon] [an object] (and that [this was] [the alleged victim reasonably believed that this was] a dangerous or deadly weapon).]

(B) [inflicted serious personal injury upon [the alleged victim] [another person]].

(C) [was aided and abetted by [another person] [other persons]].]

it would be your duty to return a verdict of guilty of first degree forcible sexual offense. If you do not so find or have a reasonable doubt as to one or more of these things, you would not return a verdict of guilty of first degree forcible sexual offense but would consider whether the defendant is guilty of second degree forcible sexual offense. Second degree forcible

N.C.P.I.—Crim 207.40B

FIRST DEGREE FORCIBLE SEXUAL OFFENSE-WEAPON, SERIOUS INJURY OR MULTIPLE ASSAILANTS, COVERING SECOND DEGREE SEX OFFENSE AS A LESSER INCLUDED OFFENSE. (OFFENSES ON OR AFTER DEC. 1, 2015) FELONY.

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N.C. Gen. Stat. §§ 14-27.26, 14-27.27

sexual offense differs from first degree sexual offense only in that it is not necessary for the state to prove beyond a reasonable doubt that the defendant

- (A) [[employed] [displayed] a [dangerous or deadly weapon] [an object which the alleged victim reasonably believed was a dangerous or deadly weapon]]
- (B) [inflicted serious personal injury upon [the alleged victim] [another person]
- (C) [was aided and abetted by [another person] [other persons].]

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant engaged in a sexual act with the alleged victim and that the defendant did so by force or threat of force and that this was sufficient to overcome any resistance which the alleged victim might make, and that the alleged victim did not consent and it was against the alleged victim's will, it would be your duty to return a verdict of guilty of second degree forcible sexual offense. 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.⁶

NOTE WELL: In an appropriate case the judge should use N.C.P.I.—Crim. 207.40A to charge on attempted first and second degree sexual offense as lesser included offenses under this charge.

¹ *S v. Ludlum*, 303 N.C. 666 (1981), held that penetration of the female sex organ is not required to complete the act of cunnilingus under Sexual Offense Statutes, N.C. Gen. Stat. § 14.27.4 *et seq.* However, the Court did specifically adhere to the rule of earlier cases that penetration is required to complete the offense of Crime Against Nature (N.C. Gen. Stat. § 14-177; N.C.P.I.-Crim. 226.10).

N.C.P.I.—Crim 207.40B

FIRST DEGREE FORCIBLE SEXUAL OFFENSE-WEAPON, SERIOUS INJURY OR MULTIPLE ASSAILANTS, COVERING SECOND DEGREE SEX OFFENSE AS A LESSER INCLUDED OFFENSE. (OFFENSES ON OR AFTER DEC. 1, 2015) FELONY.

CRIMINAL VOLUME

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N.C. Gen. Stat. §§ 14-27.26, 14-27.27

2 *S v. Warren*, 309 N.C. 224 (1983) held that Crime Against Nature is not a lesser included offense of first or second degree sexual offense, but when the bill charges anal intercourse *Warren* infers that Crime Against Nature is a lesser included offense.

3 N.C. Gen. Stat. § 14-27.1(4) provides that it shall be an affirmative defense to the fifth type of sexual act that the penetration was for accepted medical purposes. If there is evidence of such a purpose, instruct accordingly at the end of the charge.

4 See *State v. Williams*, 335 N.C. 518, regarding a mandatory presumption of dangerous or deadly weapon in certain factual situations.

5 Note the term "serious personal injury" includes serious mental injury, as well as physical or bodily injury. *State v. Boone*, 307 N.C. 198 (1982), held in relation to N.C. Gen. Stat. § 14-27.2, the predecessor to N.C. Gen. Stat. § 14-27.21, that, "proof of the element of infliction of 'serious personal injury' . . . may be met by the showing of mental injury as well as bodily injury," but that, "in order to support a jury finding of serious personal injury because of injury to the mind or nervous system, the State must ordinarily offer proof that such injury was not only caused by the defendant but that the injury extended for some appreciable time beyond the incidents surrounding the crime itself." If the state relies on such a theory of personal injury, the judge should instruct the jury in accordance with the rule set forth in *Boone*, above.

6 If there are other lesser included offenses, the last phrase should be, "You would not return a verdict of guilty of second degree forcible sexual offense, but would consider whether the defendant is guilty of"

N.C.P.I.—Crim 207.45

SEXUAL OFFENSE WITH A CHILD. (OFFENSES PRIOR TO DEC. 1, 2015)
FELONY.

CRIMINAL VOLUME

REPLACEMENT JUNE 2016

N.C. Gen. Stat. § 14-27.4A

207.45 SEXUAL OFFENSE WITH A CHILD. (OFFENSES PRIOR TO DEC. 1,
2015) FELONY.

*NOTE WELL: This instruction is valid for offenses committed
before December 1, 2015. For offenses committed on or after
December 1, 2015, use N.C.P.I.—Crim. 207.45A.*

The defendant has been charged with sexual offense with a child.

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

First, that the defendant engaged in a sexual act with the alleged
victim. A sexual act means

- (A) [cunnilingus, which is any touching, however slight, by the lips
or tongue of one person to any part of the female sex organ of
another.]¹
- (B) [fellatio, which is any touching by the lips or tongue of one
person and the male sex organ of another.]²
- (C) [analingus, which is any touching by the lips or tongue of one
person and the anus of another.]
- (D) [anal intercourse, which is any penetration, however slight, of
the anus of any person by the male sexual organ of another.]
- (E) [any penetration, however slight, by an object into the [genital]
[anal] opening of a person's body.]

Second, that at the time of the act[s], the alleged victim was a child
under the age of thirteen years.

And Third, that at the time of the act[s], the defendant was at least
eighteen years of age.

If you find from the evidence beyond a reasonable doubt that on or

N.C.P.I.—Crim 207.45
SEXUAL OFFENSE WITH A CHILD. (OFFENSES PRIOR TO DEC. 1, 2015)
FELONY.
CRIMINAL VOLUME
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N.C. Gen. Stat. § 14-27.4A

about the alleged date the defendant engaged in a sexual act with the alleged victim who was a child under the age of thirteen years, and that the defendant was at least eighteen years of age, 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.³

1 *State v. Ludlum*, 303 N.C. 666 (1981), held that penetration of the female sex organ is not required to complete the act of cunnilingus under Sexual Offense Statutes, N.C. Gen. Stat. § 14-27.4 *et seq.* However, the court did specifically adhere to the rule of earlier cases that penetration is required to complete the offense of crime against nature (N.C.P.I.-Crim. 226.10).

2 *State v. Warren*, 309 N.C. 224 (1983) held that crime against nature is not a lesser included offense of first or second degree sexual offense, but when the bill charges anal intercourse *Warren* infers that crime against nature is a lesser included offense.

3 N.C. Gen. Stat. § 14-27.4A provides that N.C. Gen. Stat. § 14-27.4(a)(1) is a lesser included offense. Caution should be used in considering whether a lesser included offense instruction is warranted. For example, N.C. Gen. Stat. § 14-27.4(a)(1) differs from this offense in that the State need not prove that the defendant is 18 or older. If there are lesser included offenses, change the last phrase to ". . . you would not return a verdict of guilty of sexual offense with a child, but would consider whether the defendant is guilty of . . ."

N.C.P.I.—Crim 207.45.1

FIRST DEGREE SEXUAL OFFENSE—CHILD UNDER THE AGE OF THIRTEEN YEARS. (OFFENSES PRIOR TO DEC. 1, 2015) FELONY.
CRIMINAL VOLUME

REPLACEMENT JUNE 2016

N.C. Gen. Stat. § 14-27.4

207.45.1 FIRST DEGREE SEXUAL OFFENSE—CHILD UNDER THE AGE OF THIRTEEN YEARS. (OFFENSES PRIOR TO DEC. 1, 2015) FELONY.

NOTE WELL: N.C. Gen. Stat. § 14.27.4 covers sexual acts other than vaginal intercourse and applies regardless of the gender of the defendant or the alleged victim. Use this instruction only for crimes committed between April 18, 1983 and July 10, 1983 or on or after October 1, 1983 but before December 1, 2015. For offenses committed on or after December 1, 2015, use N.C.P.I.—Crim. 207.45.1A.

The defendant has been charged with first degree sexual offense.

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

First, that the defendant engaged in a sexual act with the alleged victim. A sexual act means

- (A) [cunnilingus, which is any touching, however slight, by the lips or the tongue of one person to any part of the female sex organ of another.]¹
- (B) [fellatio, which is any touching by the lips or tongue of one person and the male sex organ of another.]²
- (C) [analingus, which is any touching by the lips or tongue of one person and the anus of another.]
- (D) [anal intercourse, which is any penetration, however slight, of the anus of any person by the male sexual organ of another.]
- (E) [any penetration, however slight, by an object into the [genital] [anal] opening of a person's body.]³

Second, that at the time of the acts alleged, the alleged victim was a child under the age of thirteen.

N.C.P.I.—Crim 207.45.1
FIRST DEGREE SEXUAL OFFENSE—CHILD UNDER THE AGE OF
THIRTEEN YEARS. (OFFENSES PRIOR TO DEC. 1, 2015) FELONY.
CRIMINAL VOLUME
REPLACEMENT JUNE 2016
N.C. Gen. Stat. § 14-27.4

And Third, that, at the time of the alleged offense the defendant was at least twelve years old, and was at least four years older than the alleged victim.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant engaged in a sexual act with the alleged victim and that at that time the alleged victim was a child under the age of thirteen years, and that the defendant was at least twelve years old and was at least four years older than the alleged victim, 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.⁴

NOTE WELL: In an appropriate case the judge should use N.C.P.I.—Crim. 207.45A.1 to charge on attempted first degree sexual offense against a child.

1 *State v. Ludlum*, 303 N.C. 666 (1981), held that penetration of the female sex organ is not required to complete the act of cunnilingus under the Sexual Offense Statutes set out in N.C. Gen. Stat. § 14.27.4 *et seq.* However, the Court did specifically adhere to the rule of earlier cases that penetration is required to complete the offense of Crime Against Nature. (N.C. Gen. Stat. § 14-177; N.C.P.I.—Crim. 226.10).

2 *State v. Warren*, 309 N.C. 224 (1983) held that Crime Against Nature is not a lesser included offense of first or second degree sexual offense (fellatio).

3 N.C. Gen. Stat. § 14-27.1(d) provides that it shall be an affirmative defense to the final type of sexual act that the penetration was for accepted medical purposes. If there is evidence of such a purpose, instruct accordingly at the end of this charge.

4 If there are lesser included offenses, the last phrase should read, ". . . you would not return a verdict of guilty of first degree sexual offense, but would consider whether the defendant is guilty of"

N.C.P.I.—Crim 207.45.1A
FIRST DEGREE STATUTORY SEXUAL OFFENSE—CHILD UNDER THE
AGE OF THIRTEEN YEARS. (OFFENSES ON OR AFTER DEC. 1, 2015) FELONY.
CRIMINAL VOLUME
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N.C. Gen. Stat. § 14-27.29

207.45.1A FIRST DEGREE STATUTORY SEXUAL OFFENSE—CHILD UNDER
THE AGE OF THIRTEEN YEARS. (OFFENSES ON OR AFTER DEC. 1, 2015)
FELONY.

*NOTE WELL: N.C. Gen. Stat. § 14-27.29 covers sexual acts
other than vaginal intercourse and applies regardless of the
gender of the defendant or the alleged victim.*

*This instruction is valid for offenses committed on or after
December 1, 2015. For offenses committed before December 1,
2015, use N.C.P.I.—Crim. 207.45.1.*

The defendant has been charged with first degree statutory sexual
offense.

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

First, that the defendant engaged in a sexual act with the alleged
victim. A sexual act means

- (A) [cunnilingus, which is any touching, however slight, by the lips
or the tongue of one person to any part of the female sex organ
of another.]¹
- (B) [fellatio, which is any touching by the lips or tongue of one
person and the male sex organ of another.]²
- (C) [analingus, which is any touching by the lips or tongue of one
person and the anus of another.]
- (D) [anal intercourse, which is any penetration, however slight, of
the anus of any person by the male sexual organ of another.]
- (E) [any penetration, however slight, by an object into the [genital]
[anal] opening of a person's body.]³

Second, that at the time of the acts alleged, the alleged victim was a

N.C.P.I.—Crim 207.45.1A
FIRST DEGREE STATUTORY SEXUAL OFFENSE—CHILD UNDER THE
AGE OF THIRTEEN YEARS. (OFFENSES ON OR AFTER DEC. 1, 2015) FELONY.
CRIMINAL VOLUME
JUNE 2016
N.C. Gen. Stat. § 14-27.29

child under the age of thirteen.

And Third, that, at the time of the alleged offense the defendant was at least twelve years old, and was at least four years older than the alleged victim.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant engaged in a sexual act with the alleged victim and that at that time the alleged victim was a child under the age of thirteen years, and that the defendant was at least twelve years old and was at least four years older than the alleged victim, 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.⁴

NOTE WELL: In an appropriate case the judge should use N.C.P.I.—Crim. 207.45A.1A to charge on attempted first degree sexual offense against a child.

1 *State v. Ludlum*, 303 N.C. 666 (1981), held that penetration of the female sex organ is not required to complete the act of cunnilingus under the Sexual Offense Statutes set out in N.C. Gen. Stat. § 14.27.4 *et seq.* However, the Court did specifically adhere to the rule of earlier cases that penetration is required to complete the offense of Crime Against Nature. (N.C. Gen. Stat. § 14-177; N.C.P.I.-Crim. 226.10).

2 *State v. Warren*, 309 N.C. 224 (1983) held that Crime Against Nature is not a lesser included offense of first or second degree sexual offense (fellatio).

3 N.C. Gen. Stat. § 14-27.20 provides that it shall be an affirmative defense to the final type of sexual act that the penetration was for accepted medical purposes. If there is evidence of such a purpose, instruct accordingly at the end of this charge.

4 If there are lesser included offenses, the last phrase should read, ". . . you would not return a verdict of guilty of first degree sexual offense."

N.C.P.I.—Crim 207.45A

STATUTORY SEXUAL OFFENSE WITH A CHILD BY AN ADULT. (OFFENSES ON OR AFTER DEC. 1, 2015) FELONY.

CRIMINAL VOLUME

JUNE 2016

N.C. Gen. Stat. §14-27.28

207.45A STATUTORY SEXUAL OFFENSE WITH A CHILD BY AN ADULT.
(OFFENSES ON OR AFTER DEC. 1, 2015) FELONY.

NOTE WELL: This instruction is valid for offenses committed on or after December 1, 2015. For offenses committed before December 1, 2015, use N.C.P.I.—Crim. 207-45.

The defendant has been charged with statutory sexual offense with a child by an adult.

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

First, that the defendant engaged in a sexual act with the alleged victim. A sexual act means

- (A) [cunnilingus, which is any touching, however slight, by the lips or tongue of one person to any part of the female sex organ of another.]¹
- (B) [fellatio, which is any touching by the lips or tongue of one person and the male sex organ of another.]²
- (C) [analingus, which is any touching by the lips or tongue of one person and the anus of another.]
- (D) [anal intercourse, which is any penetration, however slight, of the anus of any person by the male sexual organ of another.]
- (E) [any penetration, however slight, by an object into the [genital] [anal] opening of a person's body.]

Second, that at the time of the act[s], the alleged victim was a child under the age of thirteen years.

And Third, that at the time of the act[s], the defendant was at least

N.C.P.I.—Crim 207.45A

STATUTORY SEXUAL OFFENSE WITH A CHILD BY AN ADULT. (OFFENSES ON OR AFTER DEC. 1, 2015) FELONY.

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N.C. Gen. Stat. §14-27.28

eighteen years of age.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant engaged in a sexual act with the alleged victim who was a child under the age of thirteen years, and that the defendant was at least eighteen years of age, 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.³

¹ *State v. Ludlum*, 303 N.C. 666 (1981), held that penetration of the female sex organ is not required to complete the act of cunnilingus under Sexual Offense Statutes, N.C. Gen. Stat. § 14-27.4 *et seq.* However, the court did specifically adhere to the rule of earlier cases that penetration is required to complete the offense of crime against nature (N.C.P.I.-Crim. 226.10).

² *State v. Warren*, 309 N.C. 224 (1983) held that crime against nature is not a lesser included offense of first or second degree sexual offense, but when the bill charges anal intercourse *Warren* infers that crime against nature is a lesser included offense.

³ N.C. Gen. Stat. § 14-27.28 provides that N.C. Gen. Stat. § 14-27.29 is a lesser included offense. Caution should be used in considering whether a lesser included offense instruction is warranted. For example, N.C. Gen. Stat. § 14-27.29 differs from this offense in that the State need not prove that the defendant is 18 or older. If there are lesser included offenses, change the last phrase to ". . . you would not return a verdict of guilty of sexual offense with a child."

N.C.P.I.—Crim 207.45A.1

ATTEMPTED FIRST DEGREE SEXUAL OFFENSE—CHILD UNDER THE AGE OF THIRTEEN YEARS. (OFFENSES PRIOR TO DEC. 1, 2015) FELONY.

CRIMINAL VOLUME

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N.C Gen. Stat. §§ 14-27.4, 14-27.8

207.45A.1 ATTEMPTED FIRST DEGREE SEXUAL OFFENSE - CHILD UNDER THE AGE OF THIRTEEN YEARS. (OFFENSES PRIOR TO DEC. 1, 2015) FELONY.

NOTE WELL: Use the following instruction only when the alleged crime was committed between April 18, 1983 and July 10, 1983, or on or after October 1, 1983 and before December 1, 2015. For offenses committed on or after December 1, 2015, use N.C.P.I.—Crim. 207.45A.1A. See the Directory of Rape and Sexual Offense Instructions preceding N.C.P.I.—Crim. 207.10 for crimes committed during other periods.

The defendant has been charged with attempted first degree sexual offense.

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

First, that the defendant intended to engage in a sexual act with the alleged victim. A sexual act means

- (A) [cunnilingus, which is any touching, however slight, by the lips or the tongue of one person to any part of the female sex organ of another.]
- (B) [fellatio, which is any touching by the lips or tongue of one person and the male sex organ of another.]
- (C) [analingus, which is any touching by the lips or tongue of one person and the anus of another.]
- (D) [anal intercourse, which is any penetration, however slight, of the anus of any person by the male sexual organ of another.]
- (E) [any penetration, however slight, by an object into the [genital] [anal] opening of a person's body.]¹

N.C.P.I.—Crim 207.45A.1

ATTEMPTED FIRST DEGREE SEXUAL OFFENSE—CHILD UNDER THE AGE OF THIRTEEN YEARS. (OFFENSES PRIOR TO DEC. 1, 2015) FELONY.

CRIMINAL VOLUME

REPLACEMENT JUNE 2016

N.C Gen. Stat. §§ 14-27.4, 14-27.8

Second, that at the time of the acts alleged, the alleged victim was a child under the age of thirteen years.

Third, that, at the time of the alleged offense the defendant was at least twelve years old and was at least four years older than the alleged victim.

And Fourth, that the defendant performed an act that was calculated and designed to accomplish [cunnilingus] [fellatio] [analingus] [anal intercourse] [penetration by an object into the [genital] [anal] opening of a person's body], which conduct came so close to bringing about that sexual act that in the ordinary course of events the defendant would have completed the act with the alleged victim had *the defendant* not been stopped or prevented.

(Mere preparation or mere planning is not enough to constitute such an act. But, the act need not necessarily be the last act required to complete the offense.)

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant intended to engage in a sexual act with the alleged victim and that at that time the alleged victim was a child under thirteen years, and that the defendant was at least twelve years old and was at least four or more years older than the alleged victim and that defendant performed [an act] [acts] which in the ordinary course of events would have resulted in a sexual act by defendant with the alleged victim had not the defendant been stopped or prevented from completing defendant's apparent course of action, 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.

N.C.P.I.—Crim 207.45A.1

ATTEMPTED FIRST DEGREE SEXUAL OFFENSE—CHILD UNDER THE AGE OF THIRTEEN YEARS. (OFFENSES PRIOR TO DEC. 1, 2015) FELONY.

CRIMINAL VOLUME

REPLACEMENT JUNE 2016

N.C Gen. Stat. §§ 14-27.4, 14-27.8

1 N.C. Gen. Stat. § 14-27.1(d) provides that it shall be an affirmative defense to the final type of sexual act that the penetration was for accepted medical purpose. If there is evidence of such a purpose, instruct accordingly at the end of this charge.

N.C.P.I.—Crim 207.45A.1A

ATTEMPTED FIRST DEGREE STATUTORY SEXUAL OFFENSE—CHILD UNDER THE AGE OF THIRTEEN YEARS. (OFFENSES ON OR AFTER DEC. 1, 2015) FELONY.

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N.C Gen. Stat. §§ 14-27.29, 14-27.34

207.45A.1A ATTEMPTED FIRST DEGREE STATUTORY SEXUAL OFFENSE - CHILD UNDER THE AGE OF THIRTEEN YEARS. (OFFENSES ON OR AFTER DEC. 1, 2015) FELONY.

NOTE WELL: Use the following instruction for offenses committed on or after December 1, 2015. For offenses committed before December 1, 2015, use N.C.P.I.—Crim. 207.45A.1.

The defendant has been charged with attempted first degree statutory sexual offense.

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

First, that the defendant intended to engage in a sexual act with the alleged victim. A sexual act means

- (A) [cunnilingus, which is any touching, however slight, by the lips or the tongue of one person to any part of the female sex organ of another.]
- (B) [fellatio, which is any touching by the lips or tongue of one person and the male sex organ of another.]
- (C) [analingus, which is any touching by the lips or tongue of one person and the anus of another.]
- (D) [anal intercourse, which is any penetration, however slight, of the anus of any person by the male sexual organ of another.]
- (E) [any penetration, however slight, by an object into the [genital] [anal] opening of a person's body.]¹

Second, that at the time of the acts alleged, the alleged victim was a child under the age of thirteen years.

N.C.P.I.—Crim 207.45A.1A

ATTEMPTED FIRST DEGREE STATUTORY SEXUAL OFFENSE—CHILD UNDER THE AGE OF THIRTEEN YEARS. (OFFENSES ON OR AFTER DEC. 1, 2015) FELONY.

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JUNE 2016

N.C Gen. Stat. §§ 14-27.29, 14-27.34

Third, that, at the time of the alleged offense the defendant was at least twelve years old and was at least four years older than the alleged victim.

And Fourth, that the defendant performed an act that was calculated and designed to accomplish [cunnilingus] [fellatio] [analingus] [anal intercourse] [penetration by an object into the [genital] [anal] opening of a person's body], which conduct came so close to bringing about that sexual act that in the ordinary course of events the defendant would have completed the act with the alleged victim had the defendant not been stopped or prevented.

(Mere preparation or mere planning is not enough to constitute such an act. But, the act need not necessarily be the last act required to complete the offense.)

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant intended to engage in a sexual act with the alleged victim and that at that time the alleged victim was a child under thirteen years, and that the defendant was at least twelve years old and was at least four or more years older than the alleged victim and that defendant performed [an act] [acts] which in the ordinary course of events would have resulted in a sexual act by defendant with the alleged victim had not the defendant been stopped or prevented from completing *the defendant's* apparent course of action, 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.

N.C.P.I.—Crim 207.45A.1A

ATTEMPTED FIRST DEGREE STATUTORY SEXUAL OFFENSE—CHILD UNDER
THE AGE OF THIRTEEN YEARS. (OFFENSES ON OR AFTER DEC. 1, 2015)
FELONY.

CRIMINAL VOLUME

JUNE 2016

N.C Gen. Stat. §§ 14-27.29, 14-27.34

1 N.C. Gen. Stat. § 14-27.20 provides that it shall be an affirmative defense to the
final type of sexual act that the penetration was for accepted medical purpose. If there is
evidence of such a purpose, instruct accordingly at the end of this charge.

N.C.P.I.—Crim 207.60
SECOND DEGREE SEXUAL OFFENSE-FORCIBLE. (OFFENSES
PRIOR TO DEC. 1, 2015) FELONY.
CRIMINAL VOLUME
REPLACEMENT JUNE 2016
N.C. Gen. Stat. § 14-27.5

207.60 SECOND DEGREE SEXUAL OFFENSE - FORCIBLE. (OFFENSES PRIOR
TO DEC. 1, 2015) FELONY.

NOTE WELL: The crime of sexual offense covers sexual acts other than vaginal intercourse and applies regardless of the gender of the defendant or the alleged victim.

This instruction is valid for offenses committed before December 1, 2015. For offenses committed on or after December 1, 2015, use N.C.P.I.-Crim. 207.60A.

The defendant has been charged with second degree sexual offense.

For you to find the defendant guilty of second degree sexual offense, the state must prove three things beyond a reasonable doubt:

First, that the defendant engaged in a sexual act with the alleged victim. A sexual act means

- a) [cunnilingus, which is any touching, however slight, by the lips or the tongue of one person to any part of the female sex organ of another.]¹
- b) [fellatio, which is any touching by the lips or tongue of one person and the male sex organ of another.]²
- c) [analingus, which is any touching by the lips or tongue of one person and the anus of another.]
- d) [anal intercourse, which is any penetration, however slight, of the anus of any person by the male sexual organ of another.]
- e) [any penetration, however slight, by an object into the [genital] [anal] opening of a person's body.]³

Second, that the defendant used or threatened to use force sufficient to overcome any resistance the alleged victim might make.

And Third, that the alleged victim did not consent and it was against the alleged victim's will. (Consent induced by fear is not consent at law).

N.C.P.I.—Crim 207.60
 SECOND DEGREE SEXUAL OFFENSE-FORCIBLE. (OFFENSES
 PRIOR TO DEC. 1, 2015) FELONY.
 CRIMINAL VOLUME
 REPLACEMENT JUNE 2016
 N.C. Gen. Stat. § 14-27.5

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant engaged in a sexual act with the alleged victim and that the defendant did so by force or threat of force and that this was sufficient to overcome any resistance which the alleged victim might make and that the alleged victim did not consent and it was against the alleged victim's will, it would be your duty to return a verdict of guilty of second degree sexual offense. 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.⁴

NOTE WELL. In an appropriate case the judge should use N.C.P.I.—Crim. 201.10 to charge on attempted second degree sexual offense as a lesser included offense.

Simple Assault may still be an appropriate lesser included offense. If so, use N.C.P.I.—Crim. 208.40. See also State v. Wortham, 318 N.C. 669 (1987).

¹ In *S v. Ludlum*, 303 N.C. 666 (1981), the North Carolina Supreme Court held that penetration of the female sex organ is not required to complete the act of cunnilingus under the Sexual Offense Statutes set out in N.C. Gen. Stat. § 14-27.4 *et seq.* However, the Court did specifically adhere to the rule of earlier cases that penetration is required to complete the offense of Crime Against Nature. (N.C. Gen. Stat. § 14-177; N.C.P.I.—Crim. 226.10).

² *S v. Warren*, 309 N.C. 224 (1983), held that Crime Against Nature is not a lesser included offense of first or second degree sexual offense, but when the bill charges anal intercourse *Warren* infers that Crime Against Nature is a lesser included offense.

³ N.C. Gen. Stat. § 14-27.1(4) provides that it shall be an affirmative defense to the fifth type of sexual act that the penetration was for accepted medical purposes. If there is evidence of such a purpose, instruct accordingly at the end of the charge.

⁴ If there are other lesser included offenses, the last phrase should be "you would not return a verdict of guilty of second degree sexual offense, but would consider whether the defendant is guilty of"

N.C.P.I.—Crim 207.60A
SECOND DEGREE FORCIBLE SEXUAL OFFENSE. (OFFENSES ON OR AFTER
DEC 1, 2015) FELONY.
CRIMINAL VOLUME
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N.C. Gen. Stat. § 14-27.27

207.60A SECOND DEGREE FORCIBLE SEXUAL OFFENSE. (OFFENSES ON OR
AFTER DEC 1, 2015) FELONY.

NOTE WELL: The crime of sexual offense covers sexual acts other than vaginal intercourse and applies regardless of the gender of the defendant or the alleged victim.

This instruction is valid for offenses committed on or after December 1, 2015. For offenses committed before December 1, 2015, use N.C.P.I.—Crim. 207.60.

The defendant has been charged with second degree forcible sexual offense.

For you to find the defendant guilty of second degree forcible sexual offense, the state must prove three things beyond a reasonable doubt:

First, that the defendant engaged in a sexual act with the alleged victim. A sexual act means

- a) [cunnilingus, which is any touching, however slight, by the lips or the tongue of one person to any part of the female sex organ of another.]¹
- b) [fellatio, which is any touching by the lips or tongue of one person and the male sex organ of another.]²
- c) [analingus, which is any touching by the lips or tongue of one person and the anus of another.]
- d) [anal intercourse, which is any penetration, however slight, of the anus of any person by the male sexual organ of another.]
- e) [any penetration, however slight, by an object into the [genital] [anal] opening of a person's body.]³

Second, that the defendant used or threatened to use force sufficient to overcome any resistance the alleged victim might make.

And Third, that the alleged victim did not consent and it was against

N.C.P.I.—Crim 207.60A
 SECOND DEGREE FORCIBLE SEXUAL OFFENSE. (OFFENSES ON OR AFTER
 DEC 1, 2015) FELONY.
 CRIMINAL VOLUME
 JUNE 2016
 N.C. Gen. Stat. § 14-27.27

the alleged victim's will. (Consent induced by fear is not consent at law).

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant engaged in a sexual act with the alleged victim and that *the defendant* did so by force or threat of force and that this was sufficient to overcome any resistance which the alleged victim might make and that the alleged victim did not consent and it was against the alleged victim's will, it would be your duty to return a verdict of guilty of second degree forcible sexual offense. 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.⁴

NOTE WELL. In an appropriate case the judge should use N.C.P.I.—Crim. 201.10 to charge on attempted second degree sexual offense as a lesser included offense.

Simple Assault may still be an appropriate lesser included offense. If so, use N.C.P.I.—Crim. 208.40. See also State v. Wortham, 318 N.C. 669 (1987).

¹ In *S v. Ludlum*, 303 N.C. 666 (1981), the North Carolina Supreme Court held that penetration of the female sex organ is not required to complete the act of cunnilingus under the Sexual Offense Statutes set out in N.C. Gen. Stat. § 14-27.4 *et seq.* However, the Court did specifically adhere to the rule of earlier cases that penetration is required to complete the offense of Crime Against Nature. (N.C. Gen. Stat. § 14-177; N.C.P.I.—Crim. 226.10).

² *S v. Warren*, 309 N.C. 224 (1983), held that Crime Against Nature is not a lesser included offense of first or second degree sexual offense, but when the bill charges anal intercourse *Warren* infers that Crime Against Nature is a lesser included offense.

³ N.C. Gen. Stat. § 14-27.20 provides that it shall be an affirmative defense to the fifth type of sexual act that the penetration was for accepted medical purposes. If there is evidence of such a purpose, instruct accordingly at the end of the charge.

⁴ If there are other lesser included offenses, the last phrase should be "you would not return a verdict of guilty of second degree forcible sexual offense, but would consider whether the defendant is guilty of . . ."

N.C.P.I.—Crim 207.65

SECOND DEGREE SEXUAL OFFENSE—ALLEGED VICTIM MENTALLY
DISABLED, MENTALLY INCAPACITATED OR PHYSICALLY HELPLESS.
(OFFENSES PRIOR TO DEC. 1, 2015) FELONY.

CRIMINAL VOLUME

REPLACEMENT JUNE 2016

N.C. Gen. Stat. § 14-27.5

207.65 SECOND DEGREE SEXUAL OFFENSE - ALLEGED VICTIM MENTALLY
DISABLED, MENTALLY INCAPACITATED OR PHYSICALLY HELPLESS.
(OFFENSES PRIOR TO DEC. 1, 2015) FELONY.

*NOTE WELL: The crime of Sexual Offense covers sexual acts
other than vaginal intercourse and applies regardless of the
gender of the defendant or the alleged victim.*

*This instruction is valid for offenses committed before
December 1, 2015. For offenses committed on or after
December 1, 2015, use N.C.P.I.—Crim. 207.65A.*

The defendant has been charged with second degree sexual offense.

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

First, that the defendant engaged in a sexual act with the alleged
victim. A sexual act means

- a) [cunnilingus, which is any touching, however slight, by the lips
or the tongue of one person to any part of the female sex organ
of another.]¹
- b) [fellatio, which is any touching by the lips or tongue of one
person and the male sex organ of another.]²
- c) [analingus, which is any contact between the mouth or lips of
one person and the anus of another.]
- d) [anal intercourse, which is any penetration, however slight, of
the anus of any person by the male sexual organ of another.]
- e) [any penetration, however slight, by an object into the [genital]
[anal] opening of a person's body.]³

Second, that the alleged victim was

N.C.P.I.—Crim 207.65

SECOND DEGREE SEXUAL OFFENSE—ALLEGED VICTIM MENTALLY
DISABLED, MENTALLY INCAPACITATED OR PHYSICALLY HELPLESS.
(OFFENSES PRIOR TO DEC. 1, 2015) FELONY.

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N.C. Gen. Stat. § 14-27.5

- a) [mentally disabled. A person is mentally disabled if the person suffers from [mental retardation] [mental disorder] and this [mental retardation] [mental disorder] temporarily or permanently renders the person substantially incapable of
 - 1) [appraising the nature of the person’s conduct]
 - 2) [resisting a sexual act]
 - 3) [communicating unwillingness to submit to a sexual act.]]
- b) [mentally incapacitated. A person is mentally incapacitated when, due to any act committed upon the person, the person is rendered substantially incapable of [appraising the nature of the person’s conduct] [resisting a sexual act]].
- c) [physically helpless. A person is physically helpless if that person is
 - 1) [unconscious]
 - 2) [physically unable to resist a sexual act]
 - 3) [physically unable to communicate unwillingness to submit to a sexual act].]

And Third, that the defendant knew or should reasonably have known that the alleged victim was [mentally disabled] [mentally incapacitated] [physically helpless].

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant engaged in a sexual act with the alleged victim and that at that time the alleged victim was [mentally disabled] [mentally incapacitated] [physically helpless] and that the

N.C.P.I.—Crim 207.65
SECOND DEGREE SEXUAL OFFENSE—ALLEGED VICTIM MENTALLY
DISABLED, MENTALLY INCAPACITATED OR PHYSICALLY HELPLESS.
(OFFENSES PRIOR TO DEC. 1, 2015) FELONY.
CRIMINAL VOLUME
REPLACEMENT JUNE 2016
N.C. Gen. Stat. § 14-27.5

defendant knew or should reasonably have known that the alleged victim was [mentally disabled] [mentally incapacitated] [physically helpless], it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt about one or more of these things, it would be your duty to return a verdict of not guilty.⁴

*NOTE WELL: In an appropriate case the judge should use N.C.P.I.—Crim. 201.10 to charge on attempted second degree sexual offense as a lesser included offense under this charge
Simple Assault may still be an appropriate lesser included offense. If so, use N.C.P.I.—Crim. 208.40.*

1 In *S v. Ludlum*, 303 N.C. 666 (1981), the North Carolina Supreme Court held that penetration of the female sex organ is not required to complete the act of cunnilingus under the Sexual Offense Statutes set out in N.C. Gen. Stat. § 14-27.4 *et seq.* However, the Court did specifically adhere to the rule of earlier cases that penetration is required to complete the offense of Crime Against Nature. (N.C. Gen. Stat. § 14-177; N.C.P.I.-Crim. 226.10.)

2 *S v. Warren*, 309 N.C. 224 (1983), held that Crime Against Nature is not a lesser included offense of first or second degree sexual offense, but when the bill of indictment charges anal intercourse *Warren* infers that Crime Against Nature is a lesser included offense.

3 N.C. Gen. Stat. § 14-27.20 provides that it shall be an affirmative defense to the fifth type of sexual act that the penetration was for accepted medical purposes. If there is evidence of such a purpose, instruct accordingly at the end of the charge.

N.C.P.I.—Crim 207.65A

SECOND DEGREE FORCIBLE SEXUAL OFFENSE—ALLEGED VICTIM MENTALLY DISABLED, MENTALLY INCAPACITATED OR PHYSICALLY HELPLESS.

(OFFENSES ON OR AFTER DEC. 1, 2015) FELONY.

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N.C. Gen. Stat. § 14-27.27

207.65A SECOND DEGREE FORCIBLE SEXUAL OFFENSE—ALLEGED VICTIM MENTALLY DISABLED, MENTALLY INCAPACITATED OR PHYSICALLY HELPLESS. (OFFENSES ON OR AFTER DEC. 1, 2015) FELONY.

NOTE WELL: The crime of Sexual Offense covers sexual acts other than vaginal intercourse and applies regardless of the gender of the defendant or the alleged victim.

This instruction is valid for offenses committed on or after December 1, 2015. For offenses committed before December 1, 2015, use N.C.P.I.—Crim. 207.65.

The defendant has been charged with second degree forcible sexual offense.

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

First, that the defendant engaged in a sexual act with the alleged victim. A sexual act means

- a) [cunnilingus, which is any touching, however slight, by the lips or the tongue of one person to any part of the female sex organ of another.]¹
- b) [fellatio, which is any touching by the lips or tongue of one person and the male sex organ of another.]²
- c) [analingus, which is any contact between the mouth or lips of one person and the anus of another.]
- d) [anal intercourse, which is any penetration, however slight, of the anus of any person by the male sexual organ of another.]
- e) [any penetration, however slight, by an object into the [genital] [anal] opening of a person's body.]³

N.C.P.I.—Crim 207.65A

SECOND DEGREE FORCIBLE SEXUAL OFFENSE—ALLEGED VICTIM MENTALLY DISABLED, MENTALLY INCAPACITATED OR PHYSICALLY HELPLESS.

(OFFENSES ON OR AFTER DEC. 1, 2015) FELONY.

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N.C. Gen. Stat. § 14-27.27

Second, that the alleged victim was

- a) [mentally disabled. A person is mentally disabled if the person suffers from [mental retardation] [mental disorder] and this [mental retardation] [mental disorder] temporarily or permanently renders the person substantially incapable of
 - 1) [appraising the nature of the person’s conduct]
 - 2) [resisting a sexual act]
 - 3) [communicating unwillingness to submit to a sexual act.]]
- b) [mentally incapacitated. A person is mentally incapacitated when, due to any act committed upon the person, the person is rendered substantially incapable of [appraising the nature of the person’s conduct] [resisting a sexual act]].
- c) [physically helpless. A person is physically helpless if that person is
 - 1) [unconscious]
 - 2) [physically unable to resist a sexual act]
 - 3) [physically unable to communicate unwillingness to submit to a sexual act].]

And Third, that the defendant knew or should reasonably have known that the alleged victim was [mentally disabled] [mentally incapacitated] [physically helpless].

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant engaged in a sexual act with the alleged victim and that at that time the alleged victim was [mentally

N.C.P.I.—Crim 207.65A

SECOND DEGREE FORCIBLE SEXUAL OFFENSE—ALLEGED VICTIM MENTALLY DISABLED, MENTALLY INCAPACITATED OR PHYSICALLY HELPLESS.

(OFFENSES ON OR AFTER DEC. 1, 2015) FELONY.

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N.C. Gen. Stat. § 14-27.27

disabled] [mentally incapacitated] [physically helpless] and that the defendant knew or should reasonably have known that the alleged victim was [mentally disabled] [mentally incapacitated] [physically helpless], it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt about one or more of these things, it would be your duty to return a verdict of not guilty.⁴

NOTE WELL: In an appropriate case the judge should use N.C.P.I.—Crim. 201.10 to charge on attempted second degree sexual offense as a lesser included offense under this charge

Simple Assault may still be an appropriate lesser included offense. If so, use N.C.P.I.—Crim. 208.40.

1 In *S v. Ludlum*, 303 N.C. 666 (1981), the North Carolina Supreme Court held that penetration of the female sex organ is not required to complete the act of cunnilingus under the Sexual Offense Statutes set out in N.C. Gen. Stat. § 14-27.4 *et seq.* However, the Court did specifically adhere to the rule of earlier cases that penetration is required to complete the offense of Crime Against Nature. (N.C. Gen. Stat. § 14-177; N.C.P.I.-Crim. 226.10.)

2 *S v. Warren*, 309 N.C. 224 (1983), held that Crime Against Nature is not a lesser included offense of first or second degree sexual offense, but when the bill of indictment charges anal intercourse *Warren* infers that Crime Against Nature is a lesser included offense.

3 N.C. Gen. Stat. § 14-27.20 provides that it shall be an affirmative defense to the fifth type of sexual act that the penetration was for accepted medical purposes. If there is evidence of such a purpose, instruct accordingly at the end of the charge.

N.C.P.I.—Crim 207.70

FELONIOUS SEXUAL ACTIVITY WITH A PERSON IN DEFENDANT'S CUSTODY.
(OFFENSES PRIOR TO DEC. 1, 2015) FELONY.

CRIMINAL VOLUME

REPLACEMENT JUNE 2016

N.C. Gen. Stat. § 14-27.7

207.70 FELONIOUS SEXUAL ACTIVITY WITH A PERSON IN DEFENDANT'S
CUSTODY. (OFFENSES PRIOR TO DEC. 1, 2015) FELONY.

NOTE WELL: N.C. Gen. Stat. § 14-27.7 involves a alleged victim who was in the defendant's custody. Consent is no defense to a charge under this section.

This instruction is valid for offenses committed before December 1, 2015. For offenses committed on or after December 1, 2015, use N.C.P.I.-Crim. 207.70A.

The defendant has been charged with feloniously engaging in [vaginal intercourse] [a sexual act] with a [person over whom [*the defendant*] [the defendant's employer] had assumed custody] [minor over whom the defendant had assumed the position of a parent residing in the home].

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

First, that the defendant

- a) [engaged in vaginal intercourse with the alleged victim. Vaginal intercourse is penetration, however slight, of the female sex organ by the male sex organ. (The actual emission of semen is not necessary.)]
- b) [engaged in a sexual act with the alleged victim. A sexual act means [cunnilingus, which is any touching, however slight, by the lips or tongue of one person to any part of the female sex organ of another.]]¹
 - [fellatio, which is any touching, by the lips or tongue of one person and the male sex organ of another.]²
 - [analingus, which is any contact between the tongue or lips of one person and the anus of another.]

N.C.P.I.—Crim 207.70

FELONIOUS SEXUAL ACTIVITY WITH A PERSON IN DEFENDANT'S CUSTODY.
(OFFENSES PRIOR TO DEC. 1, 2015) FELONY.

CRIMINAL VOLUME

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N.C. Gen. Stat. § 14-27.7

- [anal intercourse, which is any penetration, however slight, of the anus of one person by the male sex organ of another.]
- [any penetration, however slight, by an object into the [genital] [anal] opening of a person's body.]]³

NOTE WELL: The remaining elements of this crime are set forth in this instruction in three separate options, each containing a different number of elements. Use Option A when the alleged victim was in the defendant's personal custody. Use Option B when the alleged victim was in the custody of the defendant's employer. Use Option C when the alleged victim was a minor and the defendant had assumed the position of parent in the alleged victim's home.

[OPTION A:

And Second, the defendant had custody⁴ of the alleged victim. Custody is the care, keeping or control of one person by another.]

[OPTION B:

And Second, that the defendant's employer had custody of the alleged victim. Custody is the care, keeping or control of one person by another.]

[OPTION C:

Second, that the alleged victim was a minor. A minor is someone who has not attained the age of eighteen years (or who has not otherwise been emancipated).

And Third, that the defendant had assumed the position of a parent in the home where the alleged victim resided.]

N.C.P.I.—Crim 207.70
FELONIOUS SEXUAL ACTIVITY WITH A PERSON IN DEFENDANT'S CUSTODY.
(OFFENSES PRIOR TO DEC. 1, 2015) FELONY.
CRIMINAL VOLUME
REPLACEMENT JUNE 2016
N.C. Gen. Stat. § 14-27.7

NOTE WELL: Options end; continue here in all cases.

(Consent is no defense to this charge.)

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant engaged in [vaginal intercourse] [a sexual act] with the alleged victim and that at that time

- a) [the defendant had custody of the victim.]
- b) [the defendant's employer had custody of the alleged victim.]
- c) [the alleged victim was less than eighteen years of age and had not been emancipated and was thereby a minor, and that the defendant had assumed the position of a parent in the home where the alleged victim resided.]

it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt about one or more of these things, it would be your duty to return a verdict of not guilty.

1 *State v. Ludlum*, 303 N.C. 666 (1981), held that penetration of the female sex organ is not required to complete the act of cunnilingus under the Sexual Offense Statutes set out in N.C. Gen. Stat. § 14.27.4 *et seq.* However, the Court did specifically adhere to the rule of earlier cases that penetration is required to complete the offense of Crime Against Nature. (N.C. Gen. Stat. § 14-177; N.C.P.I.-Crim. 226.10).

2 *State v. Warren*, 309 N.C. 224 (1983) held that Crime Against Nature is not a lesser included offense of First or Second Degree Sexual Offense (fellatio), but when the bill of indictment charges anal intercourse, Warren infers that crime against nature is a lesser included offense of anal intercourse.

3 N.C. Gen. Stat. § 14-27.1(d) provides that it shall be an affirmative defense to the fifth type of sexual act, that the penetration was for accepted medical purposes. If there is evidence of such a purpose, instruct accordingly at the end of the charge.

4 "Custody" of the alleged victim is the only extra element the State must prove under this variation of N.C. Gen. Stat. § 14-27.7. The statute does not define custody. The concept evidently goes beyond quasi-parental custody of minors, since such custody of minors is covered by another variation under N.C. Gen. Stat. § 14-27.7. It appears to be intended to make criminal all sexual activity of persons having legal custody, such as guardians, jailers, or employees of mental institutions, with their wards.

N.C.P.I.—Crim 207.70

FELONIOUS SEXUAL ACTIVITY WITH A PERSON IN DEFENDANT'S CUSTODY.
(OFFENSES PRIOR TO DEC. 1, 2015) FELONY.

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REPLACEMENT JUNE 2016

N.C. Gen. Stat. § 14-27.7

For the purposes of this statute, the word custody also applies to voluntary patients in private hospitals. See *State v. Raines*, 319 N.C. 258 (1987).

N.C.P.I.—Crim 207.70A
FELONIOUS SEXUAL ACTIVITY WITH A PERSON IN DEFENDANT'S CUSTODY.
(OFFENSES ON OR AFTER DEC. 1, 2015) FELONY.
CRIMINAL VOLUME
JUNE 2016
N.C. Gen. Stat. § 14-27.31

207.70A FELONIOUS SEXUAL ACTIVITY WITH A PERSON IN DEFENDANT'S CUSTODY. (OFFENSES ON OR AFTER DEC. 1, 2015) FELONY.

NOTE WELL: N.C. Gen. Stat. § 14-27.31 involves an alleged victim who was in the defendant's custody. Consent is no defense to a charge under this section.

This instruction is valid for offenses committed on or after December 1, 2015. For offenses committed before December 1, 2015, use N.C.P.I.—Crim. 207.70.

The defendant has been charged with feloniously engaging in [vaginal intercourse] [a sexual act] with a [person over whom [the defendant] [the defendant's employer] had assumed custody] [minor over whom the defendant had assumed the position of a parent residing in the home].

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

First, that the defendant

- a) [engaged in vaginal intercourse with the alleged victim. Vaginal intercourse is penetration, however slight, of the female sex organ by the male sex organ. (The actual emission of semen is not necessary.)]
- b) [engaged in a sexual act with the alleged victim. A sexual act means
 - 1) [cunnilingus, which is any touching, however slight, by the lips or tongue of one person to any part of the female sex organ of another.]]¹
 - 2) [fellatio, which is any touching, by the lips or tongue of one person and the male sex organ of another.]]²
 - 3) [analingus, which is any contact between the tongue or

N.C.P.I.—Crim 207.70A

FELONIOUS SEXUAL ACTIVITY WITH A PERSON IN DEFENDANT'S CUSTODY.
(OFFENSES ON OR AFTER DEC. 1, 2015) FELONY.

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JUNE 2016

N.C. Gen. Stat. § 14-27.31

lips of one person and the anus of another.]

- 4) [anal intercourse, which is any penetration, however slight, of the anus of one person by the male sex organ of another.]
- 5) [any penetration, however slight, by an object into the [genital] [anal] opening of a person's body.]]³

NOTE WELL: The remaining elements of this crime are set forth in this instruction in three separate options, each containing a different number of elements. Use Option A when the alleged victim was in the defendant's personal custody. Use Option B when the alleged victim was in the custody of the defendant's employer. Use Option C when the alleged victim was a minor and the defendant had assumed the position of parent in the alleged victim's home.

[OPTION A:

And Second, the defendant had custody⁴ of the alleged victim. Custody is the care, keeping or control of one person by another.]

[OPTION B:

And Second, that the defendant's employer had custody of the alleged victim. Custody is the care, keeping or control of one person by another.]

[OPTION C:

Second, that the alleged victim was a minor. A minor is someone who has not attained the age of eighteen years (or who has not otherwise been emancipated).

And Third, that the defendant had assumed the position of a parent in

N.C.P.I.—Crim 207.70A
FELONIOUS SEXUAL ACTIVITY WITH A PERSON IN DEFENDANT'S CUSTODY.
(OFFENSES ON OR AFTER DEC. 1, 2015) FELONY.
CRIMINAL VOLUME
JUNE 2016
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the home where the alleged victim resided.]

NOTE WELL: Options end; continue here in all cases.

(Consent is no defense to this charge.)

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant engaged in [vaginal intercourse] [a sexual act] with the alleged victim and that at that time

- a) [the defendant had custody of the alleged victim.]
- b) [the defendant's employer had custody of the alleged victim.]
- c) [the alleged victim was less than eighteen years of age and had not been emancipated and was thereby a minor, and that the defendant had assumed the position of a parent in the home where the alleged victim resided.]

it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt about one or more of these things, it would be your duty to return a verdict of not guilty.

1 *State v. Ludlum*, 303 N.C. 666 (1981), held that penetration of the female sex organ is not required to complete the act of cunnilingus under the Sexual Offense Statutes set out in N.C. Gen. Stat. § 14.27.4 *et seq.* However, the Court did specifically adhere to the rule of earlier cases that penetration is required to complete the offense of Crime Against Nature. (N.C. Gen. Stat. § 14-177; N.C.P.I.-Crim. 226.10).

2 *State v. Warren*, 309 N.C. 224 (1983) held that Crime Against Nature is not a lesser included offense of First or Second Degree Sexual Offense (fellatio), but when the bill of indictment charges anal intercourse, Warren infers that crime against nature is a lesser included offense of anal intercourse.

3 N.C. Gen. Stat. § 14-27.20 provides that it shall be an affirmative defense to the fifth type of sexual act, that the penetration was for accepted medical purposes. If there is evidence of such a purpose, instruct accordingly at the end of the charge.

4 "Custody" of the alleged victim is the only extra element the State must prove under this variation of N.C. Gen. Stat. §14-27.31. The statute does not define custody. The concept evidently goes beyond quasi-parental custody of minors, since such custody of

N.C.P.I.—Crim 207.70A

FELONIOUS SEXUAL ACTIVITY WITH A PERSON IN DEFENDANT'S CUSTODY.
(OFFENSES ON OR AFTER DEC. 1, 2015) FELONY.

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N.C. Gen. Stat. § 14-27.31

minors is covered by another variation under N.C. Gen. Stat. §14-27.31. It appears to be intended to make criminal all sexual activity of persons having legal custody, such as guardians, jailers, or employees of mental institutions, with their wards.

For the purposes of this statute, the word custody also applies to voluntary patients in private hospitals. See *State v. Raines*, 319 N.C. 258 (1987).

N.C.P.I.—Crim 207.75

WILLFULLY FAILING TO COMPLY WITH SEX OFFENDER REGISTRATION
LAW. FELONY.

CRIMINAL VOLUME

REPLACEMENT JUNE 2016

N.C. Gen. Stat. §§ 14-208.11, 14-208.9

207.75 WILLFULLY FAILING TO COMPLY WITH SEX OFFENDER
REGISTRATION LAW. FELONY.

NOTE WELL: Registration shall be maintained for a period of at least 30 years following the date of initial county registration unless the person, after 10 years of registration, successfully petitions the superior court to shorten his or her registration time period under N.C. Gen. Stat. § 14-208.12A.

The defendant has been charged with willfully failing to comply with the sex offender registration law.

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

First, that the defendant

- a) [was a resident of] [had established a residence in this state.]
- b) [had been present in this state for 15 days].¹
- c) [was a [nonresident student] [nonresident worker] in this state].²

Second, that the defendant had previously been convicted of a reportable offense³ for which the defendant must register. If you find beyond a reasonable doubt that on (*name date*) in (*name court*), the defendant was convicted of (*name offense; e.g., second degree rape*), then this would constitute a reportable offense for which the defendant must register.

And Third, the defendant willfully

- a) [failed to register in person with the Sheriff's office in the county of the defendant's residence [[within three business days of the defendant's [release from a penal institution] [arrival in the county]]]⁴ [immediately upon the defendant's conviction]⁵

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WILLFULLY FAILING TO COMPLY WITH SEX OFFENDER REGISTRATION
LAW. FELONY.

CRIMINAL VOLUME

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N.C. Gen. Stat. §§ 14-208.11, 14-208.9

- b) [failed to provide written notice of a change of address in person at the Sheriff's office no later than three business days after the change of address to the Sheriff's office in the county with whom the defendant had last registered.]⁶
- c) [failed to verify and return an address verification form in person within three business days of receiving it to the Sheriff's office listed on the address verification form.]²
- d) [[forged] [submitted under false pretenses] the information or verification notices required. (Information or a verification is forged if it is false, but appears to be genuine, and it is submitted with the intent to deceive.) (Information or a verification is submitted under false pretenses if it is a false representation and calculated and intended to deceive.)]
- e) [failed to inform the registering Sheriff's office of [enrollment] [termination of enrollment] as a student]
- f) [failed to inform the registering Sheriff's office of [employment at an institution of higher education] [termination of employment at an institution of higher education]]
- g) [failed within three business days to report in person to the Sheriff of the county of defendant's residence, of [his] [her] intent to remain in this state, after previously having given notice to that Sheriff of [his] [her] county of residence, of [his] [her] intent to reside in another state].
- h) [failed to report to the Sheriff of a county within 10 days after moving to that county]
- i) [failed to notify the registering Sheriff's office of out-of-county employment where temporary residence had been established]⁸

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WILLFULLY FAILING TO COMPLY WITH SEX OFFENDER REGISTRATION
LAW. FELONY.

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- j) [failed to inform the registering Sheriff of any [new] (or) [changes to existing] online identifiers that the person uses or intends to use⁹].

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant [was a resident of or had established a residence in this state] [had been present in this state for more than 15 days] [was a nonresident student or nonresident worker in this state], that the defendant had previously been convicted of a reportable offense for which the defendant must register, and that the defendant willfully

- a) [failed to register in person with the Sheriff's office in the county of the defendant's residence [[within three business days of the defendant's [release from a penal institution] [arrival in the county]]¹⁰ [immediately upon the defendant's conviction]
- b) [changed the defendant's address and failed to provide written notice of the defendant's new address in person at the Sheriff's office no later than three business days after the change of address to the Sheriff's office in the county with whom the defendant had last registered.]
- c) [failed to verify and return the form in person within three business days of receiving it to the Sheriff's office listed on the address verification form.]
- d) [[forged] [submitted under false pretenses] the information or verification notices required. (Information or a verification is forged if it is false, but appears to be genuine, and it is submitted with the intent to deceive.) (Information or a verification is submitted under false pretenses if it is a false representation, and calculated and intended to deceive.)]

N.C.P.I.—Crim 207.75

WILLFULLY FAILING TO COMPLY WITH SEX OFFENDER REGISTRATION
LAW. FELONY.

CRIMINAL VOLUME

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N.C. Gen. Stat. §§ 14-208.11, 14-208.9

-
- e) [failed to inform the registering Sheriff's office of [enrollment] [termination of enrollment] as a student]
 - f) [failed to inform the registering Sheriff's office of [employment at an institution of higher education] [termination of employment at an institution of higher education]]
 - g) [failed within three business days to report in person to the Sheriff of the county of defendant's residence, of [his] [her] intent to remain in this state, after previously having given notice to that Sheriff of [his] [her] county of residence, of [his] [her] intent to reside in another state].
 - h) [failed to report to the Sheriff of a county within 10 days after moving to that county]
 - i) [failed to notify the registering Sheriff's office of out-of-county employment where temporary residence had been established¹¹]
 - j) [failed to inform the registering Sheriff of any [new] (or) [changes to existing] online identifiers that the person uses or intends to use¹²]

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 See N.C. Gen. Stat. § 14-208.7.

2 See N.C. Gen. Stat. § 14-208.6.

3 See N.C. Gen. Stat. § 14-208.6(4) for definition of 'reportable offense.'

4 See N.C. Gen. Stat. § 14-208.7(a)(1).

5 See N.C. Gen. Stat. § 14-208.7(a)(2).

6 See N.C. Gen. Stat. § 14-208.9. See also *State v. Holmes*, 149 N.C. App. 572, 562 S.E.2d 26 (2002) (construing N.C. Gen. Stat. §§ 14-208.9 and 14-208.11 together and

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WILLFULLY FAILING TO COMPLY WITH SEX OFFENDER REGISTRATION
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concluding that the failure to timely notify the sheriff in writing about a change of address constitutes a felony).

7 See N.C. Gen. Stat. § 14-208.9A(4).

8 For temporary residence conditions see N.C. Gen. Stat. § 14-208.8A.

9 N.C. Gen. Stat. § 14-208.11(a)(10) defines "online identifiers" as "electronic mail address, instant message screen name, user ID chat or other Internet communication name, but it does not mean social security number, date of birth or pin number".

10 See N.C. Gen. Stat. § 14-208.7(a)(1).

11 For temporary residence conditions see N.C. Gen. Stat. § 14-208.8A.

12 N.C. Gen. Stat. § 14-208.11(a)(10) defines "online identifiers" as "electronic mail address, instant message screen name, user ID chat or other Internet communication name, but it does not mean social security number, date of birth or pin number".

N.C.P.I.—Crim 207.80A
FELONIOUS SEXUAL ACTIVITY INVOLVING STUDENTS (BY TEACHER,
SCHOOL ADMINISTRATOR, STUDENT TEACHER, SCHOOL SAFETY OFFICER,
COACH). (OFFENSES PRIOR TO DEC. 1, 2015) FELONY.
CRIMINAL VOLUME
REPLACEMENT JUNE 2016
N.C. Gen. Stat. § 14-27.7

207.80A FELONIOUS SEXUAL ACTIVITY INVOLVING STUDENTS (BY
TEACHER, SCHOOL ADMINISTRATOR, STUDENT TEACHER, SCHOOL SAFETY
OFFICER, COACH). (OFFENSES PRIOR TO DEC. 1, 2015) FELONY.

NOTE WELL: School safety officers were added to the statute effective December 1, 2003, and are covered by the statute for offenses committed on or after that date.

This instruction is valid for offenses committed before December 1, 2015. For offenses committed on or after December 1, 2015, use N.C.P.I.—Crim. 207.80A.1.

The defendant has been charged with felonious sexual activity with a student.

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

First, that the alleged victim was a student.¹

Second, that the defendant was a [teacher] [school administrator] [student teacher] [school safety officer]² [coach] at the same school³ as the alleged victim.

Third, that the defendant:

- a) Engaged in vaginal intercourse with the alleged victim. Vaginal intercourse is penetration, however slight, of the female sex organ by the male sex organ. (The actual emission of semen is not necessary.)
- b) Engaged in a sexual act with the alleged victim. A sexual act means:
 - 1) [cunnilingus, which is any touching, however slight, by the lips or tongue of one person to any part of the female sex organ of another.]⁴

N.C.P.I.—Crim 207.80A
FELONIOUS SEXUAL ACTIVITY INVOLVING STUDENTS (BY TEACHER,
SCHOOL ADMINISTRATOR, STUDENT TEACHER, SCHOOL SAFETY OFFICER,
COACH). (OFFENSES PRIOR TO DEC. 1, 2015) FELONY.
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N.C. Gen. Stat. § 14-27.7

- 2) [fellatio, which is any touching, by the lips or tongue of one person and the male sex organ of another.]⁵
- 3) [analingus, which is any contact between the tongue or lips of one person and the anus of another.]
- 4) [anal intercourse, which is any penetration, however slight, of the anus of one person by the male sex organ of another.]
- 5) [any penetration, however slight, by an object into the [genital] [anal] opening of a person's body.]⁶

And Fourth, that this act occurred [during] [after] the time the defendant and the alleged victim were present together in the same school.⁷

(Consent is no defense to this charge.)

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the alleged victim was a student, that the defendant was a [teacher] [school administrator] [student teacher] [school safety officer] [coach] at the same school as the alleged victim, that the defendant engaged in [vaginal intercourse] [a sexual act] with the alleged victim, and that this act occurred [during] [after] the time the defendant and the alleged victim were present together in the same school, 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 "Student" means a person enrolled in kindergarten, or in grade one through grade 12 in any school. N.C. Gen. Stat. § 14-202.4(d)(4).

2 "School safety officer" means any other person who is regularly present in a school

N.C.P.I.—Crim 207.80A
FELONIOUS SEXUAL ACTIVITY INVOLVING STUDENTS (BY TEACHER,
SCHOOL ADMINISTRATOR, STUDENT TEACHER, SCHOOL SAFETY OFFICER,
COACH). (OFFENSES PRIOR TO DEC. 1, 2015) FELONY.
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for the purpose of promoting and maintaining safe and orderly schools and includes a school resource officer.

3 "Same school" means a school at which the student is enrolled and the school personnel is employed or volunteers, as set out in Section 1 of the Statute.

4 *State v. Ludlum*, 303 N.C. 666 (1981), held that penetration of the female sex organ is not required to complete the act of cunnilingus under the Sexual Offense Statutes set out in N.C. Gen. Stat. § 14-27.4 *et seq.* However, the Court did specifically adhere to the rule of earlier cases that penetration is required to complete the offense of Crime Against Nature. (N.C. Gen. Stat. § 14-177; N.C.P.I.-Crim. 226.10).

5 *State v. Warren*, 309 N.C. 224 (1983), held that Crime Against Nature is not a lesser included offense of First or Second Degree Sexual Offense (fellatio), but when the bill of indictment charges anal intercourse, *Warren* infers that crime against nature is a lesser included offense of anal intercourse.

6 N.C. Gen. Stat. § 14-27.1(d) provides that it shall be an affirmative defense to the fifth type of sexual act, that the penetration was for accepted medical purposes. If there is evidence of such a purpose, instruct accordingly at the end of the charge.

7 "Same school" means a school at which the student is enrolled and the school personnel is employed or volunteers.

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FELONIOUS SEXUAL ACTIVITY WITH A STUDENT (BY TEACHER,
SCHOOL ADMINISTRATOR, STUDENT TEACHER, SCHOOL SAFETY OFFICER,
COACH). (OFFENSES ON OR AFTER DEC. 1, 2015) FELONY.
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N.C. Gen. Stat. § 14-27.32

207.80A.1 FELONIOUS SEXUAL ACTIVITY WITH A STUDENT (BY TEACHER,
SCHOOL ADMINISTRATOR, STUDENT TEACHER, SCHOOL SAFETY OFFICER,
COACH). (OFFENSES ON OR AFTER DEC. 1, 2015) FELONY.

NOTE WELL: School safety officers were added to the statute effective December 1, 2003, and are covered by the statute for offenses committed on or after that date.

This instruction is valid for offenses committed on or after December 1, 2015. For offenses committed before December 1, 2015, use N.C.P.I.—Crim. 207.80.

The defendant has been charged with felonious sexual activity with a student.

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

First, that the alleged victim was a student.¹

Second, that the defendant was a [teacher] [school administrator] [student teacher] [school safety officer]² [coach] at the same school³ as the alleged victim.

Third, that the defendant:

- a) Engaged in vaginal intercourse with the alleged victim. Vaginal intercourse is penetration, however slight, of the female sex organ by the male sex organ. (The actual emission of semen is not necessary.)
- b) Engaged in a sexual act with the alleged victim. A sexual act means:

- 1) [cunnilingus, which is any touching, however slight, by the lips or tongue of one person to any part of the female sex organ of another.]⁴

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FELONIOUS SEXUAL ACTIVITY WITH A STUDENT (BY TEACHER, SCHOOL ADMINISTRATOR, STUDENT TEACHER, SCHOOL SAFETY OFFICER, COACH). (OFFENSES ON OR AFTER DEC. 1, 2015) FELONY.

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- 2) [fellatio, which is any touching, by the lips or tongue of one person and the male sex organ of another.]⁵
- 3) [analingus, which is any contact between the tongue or lips of one person and the anus of another.]
- 4) [anal intercourse, which is any penetration, however slight, of the anus of one person by the male sex organ of another.]
- 5) [any penetration, however slight, by an object into the [genital] [anal] opening of a person's body.]⁶

And Fourth, that this act occurred [during] [after] the time the defendant and the alleged victim were present together in the same school.⁷

(Consent is no defense to this charge.)

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the alleged victim was a student, that the defendant was a [teacher] [school administrator] [student teacher] [school safety officer] [coach] at the same school as the alleged victim, that the defendant engaged in [vaginal intercourse] [a sexual act] with the alleged victim, and that this act occurred [during] [after] the time the defendant and the alleged victim were present together in the same school, 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 "Student" means a person enrolled in kindergarten, or in grade one through grade 12 in any school. N.C. Gen. Stat. § 14-202.4(d)(4).

2 "School safety officer" means any other person who is regularly present in a school for the purpose of promoting and maintaining safe and orderly schools and includes a school resource officer.

N.C.P.I.—Crim 207.80A.1

FELONIOUS SEXUAL ACTIVITY WITH A STUDENT (BY TEACHER, SCHOOL ADMINISTRATOR, STUDENT TEACHER, SCHOOL SAFETY OFFICER, COACH). (OFFENSES ON OR AFTER DEC. 1, 2015) FELONY.

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N.C. Gen. Stat. § 14-27.32

3 "Same school" means a school at which the student is enrolled and the school personnel is employed or volunteers, as set out in Section 1 of the Statute.

4 *State v. Ludlum*, 303 N.C. 666 (1981), held that penetration of the female sex organ is not required to complete the act of cunnilingus under the Sexual Offense Statutes set out in N.C. Gen. Stat. § 14-27.4 *et seq.* However, the Court did specifically adhere to the rule of earlier cases that penetration is required to complete the offense of Crime Against Nature. (N.C. Gen. Stat. § 14-177; N.C.P.I.-Crim. 226.10).

5 *State v. Warren*, 309 N.C. 224 (1983), held that Crime Against Nature is not a lesser included offense of First or Second Degree Sexual Offense (fellatio), but when the bill of indictment charges anal intercourse, *Warren* infers that crime against nature is a lesser included offense of anal intercourse.

6 N.C. Gen. Stat. § 14-27.20 provides that it shall be an affirmative defense to the fifth type of sexual act, that the penetration was for accepted medical purposes. If there is evidence of such a purpose, instruct accordingly at the end of the charge.

7 "Same school" means a school at which the student is enrolled and the school personnel is employed or volunteers.

N.C.P.I.—Crim 207.80B

FELONIOUS SEXUAL ACTIVITY INVOLVING STUDENTS (BY MEMBER OF SCHOOL PERSONNEL OTHER THAN TEACHER, SCHOOL ADMINISTRATOR, STUDENT TEACHER, SCHOOL SAFETY OFFICER, COACH). (OFFENSES PRIOR TO DEC. 1, 2015) FELONY; MISDEMEANOR.

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N.C. Gen. Stat. § 14-27.7(b)

207.80B FELONIOUS SEXUAL ACTIVITY INVOLVING STUDENTS (BY MEMBER OF SCHOOL PERSONNEL OTHER THAN TEACHER, SCHOOL ADMINISTRATOR, STUDENT TEACHER, SCHOOL SAFETY OFFICER,¹ COACH). (OFFENSES PRIOR TO DEC. 1, 2015) FELONY; MISDEMEANOR.²

NOTE WELL: School safety officers were added to the statute effective December 1, 2003, and applies to offenses committed on or after that date.

This instruction is valid for offenses committed before December 1, 2015. For offenses committed on or after December 1, 2015, use N.C.P.I.—Crim. 207.80B.1.

The defendant has been charged with felonious sexual activity with a student.

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

First, that the alleged victim was a student.³

Second, that the defendant was a member of the school personnel⁴ at the same school⁵ as the alleged victim. [(Name position) is a member of the school personnel.]

Third, that the defendant was at least four years older than the alleged victim.

Fourth, that the defendant:

- a) Engaged in vaginal intercourse with the alleged victim. Vaginal intercourse is penetration, however slight, of the female sex organ by the male sex organ. (The actual emission of semen is not necessary.)
- b) Engaged in a sexual act with the alleged victim. A sexual act

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FELONIOUS SEXUAL ACTIVITY INVOLVING STUDENTS (BY MEMBER OF SCHOOL PERSONNEL OTHER THAN TEACHER, SCHOOL ADMINISTRATOR, STUDENT TEACHER, SCHOOL SAFETY OFFICER, COACH). (OFFENSES PRIOR TO DEC. 1, 2015) FELONY; MISDEMEANOR.

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N.C. Gen. Stat. § 14-27.7(b)

means:

- 1) [cunnilingus, which is any touching, however slight, by the lips or tongue of one person to any part of the female sex organ of another.]⁶
- 2) [fellatio, which is any touching, by the lips or tongue of one person and the male sex organ of another.]⁷
- 3) [analingus, which is any contact between the tongue or lips of one person and the anus of another.]
- 4) [anal intercourse, which is any penetration, however slight, of the anus of one person by the male sex organ of another.]
- 5) [any penetration, however slight, by an object into the [genital] [anal] opening of a person's body.]⁸

And Fifth, that this act occurred at some time [during] [after] the time the defendant and the alleged victim were present together in the same school.⁹

(Consent is no defense to this charge.)

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the alleged victim was a student, that the defendant was a member of the school personnel at the same school as the alleged victim, that the defendant was at least four years older than the alleged victim, that the defendant engaged in [vaginal intercourse] [a sexual act] with the alleged victim, and that this act occurred at some time [during] [after] the time the defendant and the alleged victim were present together in the same school, it would be your duty to return a verdict of guilty of

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FELONIOUS SEXUAL ACTIVITY INVOLVING STUDENTS (BY MEMBER OF SCHOOL PERSONNEL OTHER THAN TEACHER, SCHOOL ADMINISTRATOR, STUDENT TEACHER, SCHOOL SAFETY OFFICER, COACH). (OFFENSES PRIOR TO DEC. 1, 2015) FELONY; MISDEMEANOR.

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N.C. Gen. Stat. § 14-27.7(b)

felonious sexual activity with a student. If you do not so find or have a reasonable doubt as to one or more of these things, you would not return a verdict of guilty of felonious sexual activity with a student,¹⁰ but will consider whether the defendant is guilty of misdemeanor sexual activity with a student. The misdemeanor differs from the felony in that the State need not prove that the defendant was at least four years older than the alleged victim.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the alleged victim was a student, that the defendant was a member of the school personnel at the same school as the alleged victim, that the defendant engaged in [vaginal intercourse] [a sexual act] with the alleged victim, and that this act occurred at some time [during] [after] the time the defendant and the alleged victim were present together in the same school, it would be your duty to return a verdict of guilty of misdemeanor sexual activity with a student. 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.

1 "School safety officer" means any other person who is regularly present in a school for the purpose of promoting and maintaining safe and orderly schools and includes a school resource officer.

2 A defendant who is school personnel, other than a teacher, school administrator, student teacher, school safety officer, or coach, and is less than four years older than the alleged victim and engages in vaginal intercourse or a sexual act with a alleged victim who is a student, is guilty of a Class A1 misdemeanor.

3 "Student" means a person enrolled in kindergarten, or in grade one through grade 12 in any school. N.C. Gen. Stat. § 14-202.4(d)(4).

4 "School Personnel" means any employee of a local board of education whether full-time or part-time, or independent contractor or employee of an independent contractor of a local board of education, if the independent contractor carries out duties customarily

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FELONIOUS SEXUAL ACTIVITY INVOLVING STUDENTS (BY MEMBER OF SCHOOL PERSONNEL OTHER THAN TEACHER, SCHOOL ADMINISTRATOR, STUDENT TEACHER, SCHOOL SAFETY OFFICER, COACH). (OFFENSES PRIOR TO DEC. 1, 2015) FELONY; MISDEMEANOR.

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performed by school personnel, whether paid with federal, State, local or other funds, who has significant access to students. School personnel also include substitute teachers, driver training teachers, bus drivers, clerical staff, and custodians. In addition, N.C. Gen. Stat. § 14-202.4 includes any person who volunteers at a school or school sponsored activity.

5 "Same school" means a school at which the student is enrolled and the school personnel is employed or volunteers.

6 *State v. Ludlum*, 303 N.C. 666 (1981), held that penetration of the female sex organ is not required to complete the act of cunnilingus under the Sexual Offense Statutes set out in N.C. Gen. Stat. § 14-27.4 *et seq.* However, the Court did specifically adhere to the rule of earlier cases that penetration is required to complete the offense of Crime Against Nature. (N.C. Gen. Stat. § 14-177; N.C.P.I.-Crim. 226.10).

7 *State v. Warren*, 309 N.C. 224 (1983), held that Crime Against Nature is not a lesser included offense of First or Second Degree Sexual Offense (fellatio), but when the bill of indictment charges anal intercourse, *Warren* infers that crime against nature is a lesser included offense of anal intercourse.

8 N.C. Gen. Stat. § 14-27.1(d) provides that it shall be an affirmative defense to the fifth type of sexual act, that the penetration was for accepted medical purposes. If there is evidence of such a purpose, instruct accordingly at the end of the charge.

9 See note 5, *supra*.

10 If there is to be no instruction on lesser included offenses, the last phrase should be: ". . .it would be your duty to return a verdict of not guilty."

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FELONIOUS SEXUAL ACTIVITY WITH A STUDENT (BY MEMBER OF SCHOOL PERSONNEL OTHER THAN TEACHER, SCHOOL ADMINISTRATOR, STUDENT TEACHER, SCHOOL SAFETY OFFICER, COACH). (OFFENSES ON OR AFTER DEC. 1, 2015) FELONY; MISDEMEANOR.

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N.C. Gen. Stat. § 14-27.32

207.80B.1 FELONIOUS SEXUAL ACTIVITY WITH A STUDENT (BY MEMBER OF SCHOOL PERSONNEL OTHER THAN TEACHER, SCHOOL ADMINISTRATOR, STUDENT TEACHER, SCHOOL SAFETY OFFICER,¹ COACH). (OFFENSES ON OR AFTER DEC. 1, 2015) FELONY; MISDEMEANOR.²

NOTE WELL: School safety officers were added to the statute effective December 1, 2003, and applies to offenses committed on or after that date.

This instruction is valid for offenses committed on or after December 1, 2015. For offenses committed before December 1, 2015, use N.C.P.I.—Crim. 207.80B.

The defendant has been charged with felonious sexual activity with a student.

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

First, that the alleged victim was a student.³

Second, that the defendant was a member of the school personnel⁴ at the same school⁵ as the alleged victim. [(Name position) is a member of the school personnel.]

Third, that the defendant was at least four years older than the alleged victim.

Fourth, that the defendant:

- a) Engaged in vaginal intercourse with the alleged victim. Vaginal intercourse is penetration, however slight, of the female sex organ by the male sex organ. (The actual emission of semen is not necessary.)
- b) Engaged in a sexual act with the alleged victim. A sexual act

N.C.P.I.—Crim 207.80B.1

FELONIOUS SEXUAL ACTIVITY WITH A STUDENT (BY MEMBER OF SCHOOL PERSONNEL OTHER THAN TEACHER, SCHOOL ADMINISTRATOR, STUDENT TEACHER, SCHOOL SAFETY OFFICER, COACH). (OFFENSES ON OR AFTER DEC. 1, 2015) FELONY; MISDEMEANOR.

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means:

- 1) [cunnilingus, which is any touching, however slight, by the lips or tongue of one person to any part of the female sex organ of another.]⁶
- 2) [fellatio, which is any touching, by the lips or tongue of one person and the male sex organ of another.]⁷
- 3) [analingus, which is any contact between the tongue or lips of one person and the anus of another.]
- 4) [anal intercourse, which is any penetration, however slight, of the anus of one person by the male sex organ of another.]
- 5) [any penetration, however slight, by an object into the [genital] [anal] opening of a person's body.]⁸

And Fifth, that this act occurred at some time [during] [after] the time the defendant and the alleged victim were present together in the same school.⁹

(Consent is no defense to this charge.)

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the alleged victim was a student, that the defendant was a member of the school personnel at the same school as the alleged victim, that the defendant was at least four years older than the alleged victim, that the defendant engaged in [vaginal intercourse] [a sexual act] with the alleged victim, and that this act occurred at some time [during] [after] the time the defendant and the alleged victim were present together in the same school, it would be your duty to return a verdict of guilty of

N.C.P.I.—Crim 207.80B.1

FELONIOUS SEXUAL ACTIVITY WITH A STUDENT (BY MEMBER OF SCHOOL PERSONNEL OTHER THAN TEACHER, SCHOOL ADMINISTRATOR, STUDENT TEACHER, SCHOOL SAFETY OFFICER, COACH). (OFFENSES ON OR AFTER DEC. 1, 2015) FELONY; MISDEMEANOR.

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felonious sexual activity with a student. If you do not so find or have a reasonable doubt as to one or more of these things, you would not return a verdict of guilty of felonious sexual activity with a student,¹⁰ but will consider whether the defendant is guilty of misdemeanor sexual activity with a student. The misdemeanor differs from the felony in that the State need not prove that the defendant was at least four years older than the alleged victim.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the alleged victim was a student, that the defendant was a member of the school personnel at the same school as the alleged victim, that the defendant engaged in [vaginal intercourse] [a sexual act] with the alleged victim, and that this act occurred at some time [during] [after] the time the defendant and the alleged victim were present together in the same school, it would be your duty to return a verdict of guilty of misdemeanor sexual activity with a student. 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.

1 "School safety officer" means any other person who is regularly present in a school for the purpose of promoting and maintaining safe and orderly schools and includes a school resource officer.

2 A defendant who is school personnel, other than a teacher, school administrator, student teacher, school safety officer, or coach, and is less than four years older than the alleged victim and engages in vaginal intercourse or a sexual act with an alleged victim who is a student, is guilty of a Class A1 misdemeanor.

3 "Student" means a person enrolled in kindergarten, or in grade one through grade 12 in any school. N.C. Gen. Stat. § 14-202.4(d)(4).

4 "School Personnel" means any employee of a local board of education whether full-time or part-time, or independent contractor or employee of an independent contractor of a local board of education, if the independent contractor carries out duties customarily

N.C.P.I.—Crim 207.80B.1

FELONIOUS SEXUAL ACTIVITY WITH A STUDENT (BY MEMBER OF SCHOOL PERSONNEL OTHER THAN TEACHER, SCHOOL ADMINISTRATOR, STUDENT TEACHER, SCHOOL SAFETY OFFICER, COACH). (OFFENSES ON OR AFTER DEC. 1, 2015) FELONY; MISDEMEANOR.

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performed by school personnel, whether paid with federal, State, local or other funds, who has significant access to students. School personnel also include substitute teachers, driver training teachers, bus drivers, clerical staff, and custodians. In addition, N.C. Gen. Stat. § 14-202.4 includes any person who volunteers at a school or school sponsored activity.

5 "Same school" means a school at which the student is enrolled and the school personnel is employed or volunteers.

6 *State v. Ludlum*, 303 N.C. 666 (1981), held that penetration of the female sex organ is not required to complete the act of cunnilingus under the Sexual Offense Statutes set out in N.C. Gen. Stat. § 14-27.4 *et seq.* However, the Court did specifically adhere to the rule of earlier cases that penetration is required to complete the offense of Crime Against Nature. (N.C. Gen. Stat. § 14-177; N.C.P.I.-Crim. 226.10).

7 *State v. Warren*, 309 N.C. 224 (1983), held that Crime Against Nature is not a lesser included offense of First or Second Degree Sexual Offense (fellatio), but when the bill of indictment charges anal intercourse, *Warren* infers that crime against nature is a lesser included offense of anal intercourse.

8 N.C. Gen. Stat. § 14-27.1(d) provides that it shall be an affirmative defense to the fifth type of sexual act, that the penetration was for accepted medical purposes. If there is evidence of such a purpose, instruct accordingly at the end of the charge.

9 See note 5, *supra*.

10 If there is to be no instruction on lesser included offenses, the last phrase should be: ". . .it would be your duty to return a verdict of not guilty."

N.C.P.I.—Crim 207.90

SEXUAL BATTERY. (OFFENSES PRIOR TO DEC. 1, 2015) MISDEMEANOR.

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N.C. Gen. Stat. § 14-27.5A

207.90 SEXUAL BATTERY. (OFFENSES PRIOR TO DEC. 1, 2015)
MISDEMEANOR.

NOTE WELL: Use this instruction for offenses occurring on or after December 1, 2003 and before December 1, 2015. For offenses committed on or after December 1, 2015, use N.C.P.I.—Crim. 207.90A.

The defendant has been charged with sexual battery.

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

First, that the defendant engaged in sexual contact with another person. Sexual contact means

- a) [touching the [sexual organ] [anus] [breast] [groin] [buttocks] of any person]
- b) [a person touching another person with their own [sexual organ] [anus] [breast] [groin] [buttocks]]

Second, that

- a) [the contact was by force and against the will of the other person]
- b) [the alleged victim was [mentally disabled] [mentally incapacitated] [physically helpless] and the defendant [knew] [should reasonably have known] that the alleged victim was [mentally disabled] [mentally incapacitated] [physically helpless],

And Third, that the defendant acted for the purpose of [sexual arousal] [sexual gratification] [sexual abuse].

If you find from the evidence beyond a reasonable doubt that on or

N.C.P.I.—Crim 207.90

SEXUAL BATTERY. (OFFENSES PRIOR TO DEC. 1, 2015) MISDEMEANOR.

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N.C. Gen. Stat. § 14-27.5A

about the alleged date the defendant engaged in sexual contact with another person, that the defendant acted for the purpose of [sexual arousal] [sexual gratification] [sexual abuse] and that

- a) [the contact was by force and against the will of the other person]
- b) [the alleged victim was [mentally disabled] [mentally incapacitated] [physically helpless]] and the defendant [knew] [should reasonably have known] that the alleged victim was [mentally disabled] [mentally incapacitated] [physically helpless],

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.

N.C.P.I.—Crim 207.90A

SEXUAL BATTERY. (OFFENSES ON OR AFTER DEC. 1, 2015) MISDEMEANOR
CRIMINAL VOLUME

JUNE 2016

N.C. Gen. Stat. § 14-27.33

207.90A SEXUAL BATTERY. (OFFENSES ON OR AFTER DEC. 1, 2015)
MISDEMEANOR.

NOTE WELL: Use this instruction for offenses committed on or after December 1, 2015. For offenses committed before December 1, 2015, use N.C.P.I.—Crim. 207.90.

The defendant has been charged with sexual battery.

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

First, that the defendant engaged in sexual contact with another person. Sexual contact means

- a) [touching the [sexual organ] [anus] [breast] [groin] [buttocks] of any person]
- b) [a person touching another person with their own [sexual organ] [anus] [breast] [groin] [buttocks]]

Second, that

- a) [the contact was by force and against the will of the other person]
- b) [the alleged victim was [mentally disabled] [mentally incapacitated] [physically helpless] and the defendant [knew] [should reasonably have known] that the alleged victim was [mentally disabled] [mentally incapacitated] [physically helpless],

And Third, that the defendant acted for the purpose of [sexual arousal] [sexual gratification] [sexual abuse].

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant engaged in sexual contact with another person, that the defendant acted for the purpose of [sexual arousal] [sexual

N.C.P.I.—Crim 207.90A

SEXUAL BATTERY. (OFFENSES ON OR AFTER DEC. 1, 2015) MISDEMEANOR
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gratification] [sexual abuse] and that

- a) [the contact was by force and against the will of the other person]
- b) [the alleged victim was [mentally disabled] [mentally incapacitated] [physically helpless]] and the defendant [knew] [should reasonably have known] that the alleged victim was [mentally disabled] [mentally incapacitated] [physically helpless],

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.

N.C.P.I.—Crim 208.90C
DISCHARGING A BARRELED WEAPON INTO AN OCCUPIED DWELLING.
FELONY.
CRIMINAL VOLUME
REPLACEMENT JUNE 2016
N.C. Gen. Stat. § 14-34.1

208.90C DISCHARGING A BARRELED WEAPON INTO AN OCCUPIED
DWELLING. FELONY.

The defendant has been charged with discharging a barreled weapon¹
into an occupied dwelling.²

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

First, that the defendant willfully or wantonly discharged a barreled
weapon into a dwelling (without justification or excuse).³ An act is willful or
wanton when it is done intentionally⁴ with knowledge or a reasonable ground
to believe that the act would endanger the rights or safety or others. A
barreled weapon is a weapon capable of discharging shot, bullets, pellets, or
other missiles at a muzzle velocity of at least 600 feet per second. (A
(*describe weapon*) is a barreled weapon.)

Second, that the dwelling was occupied by one or more persons at the
time that the barreled weapon was discharged.

And Third, that the defendant [knew] [had reasonable grounds to
believe] that the dwelling was occupied by one or more persons.

If you find from the evidence beyond a reasonable doubt that on or
about the alleged date, the defendant willfully or wantonly discharged a
barreled weapon into dwelling (without justification or excuse), while it was
occupied by one or more persons, and that the defendant [knew] [had
reasonable grounds to believe] that it was occupied by one or more persons,
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.

N.C.P.I.—Crim 208.90C

DISCHARGING A BARRELED WEAPON INTO AN OCCUPIED DWELLING.
FELONY.

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N.C. Gen. Stat. § 14-34.1

1 Where the charge involves use of a firearm under the statute, use N.C.P.I.—Crim. 208.90B.

2 A dwelling house is a house that is inhabited, that is, a house that is the permanent, temporary, or seasonal residence of some person. A dwelling house is occupied when some person is physically present in the dwelling house at that time.

3 The parenthetical phrase should be used only where there is evidence of justification or excuse, such as self-defense.

4 See *State v. Bryant*, ___ N.C. App. ___, 779 S.E.2d 508 (2015) (holding that, in a discharging a barreled weapon into occupied property case, the trial court did not err by instructing the jury that because the crime was a general intent crime, the state need not prove that the defendant intentionally discharged the firearm into occupied property, and that it needed only prove that he intentionally discharged the firearm).

N.C.P.I.—Crim 208.94

ASSAULT INFLICTING SERIOUS BODILY INJURY ON A [[LAW ENFORCEMENT] [PROBATION] [PAROLE] OFFICER] [MEMBER OF THE NORTH CAROLINA NATIONAL GUARD] [PERSON EMPLOYED AT A [STATE] [LOCAL] DETENTION FACILITY]. FELONY.

CRIMINAL VOLUME

REPLACEMENT JUNE 2016

N.C. Gen. Stat. § 14-34.7

208.94 ASSAULT INFLICTING SERIOUS BODILY INJURY ON A [[LAW ENFORCEMENT] [PROBATION] [PAROLE] OFFICER] [MEMBER OF THE NORTH CAROLINA NATIONAL GUARD] [PERSON EMPLOYED AT A [STATE] [LOCAL] DETENTION FACILITY]. FELONY.

The defendant has been charged with assault¹ on a [[law enforcement] [probation] [parole] officer]] [member of the North Carolina National Guard] [person employed at a [state] [local] detention facility] inflicting serious bodily-injury.

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

First, that the defendant assaulted the alleged victim by intentionally² (and without justification or excuse)³ (*describe assault*);

Second, that the defendant inflicted serious bodily injury. Serious bodily injury is injury that creates or causes [a substantial risk of death] [serious permanent disfigurement] [coma] [a permanent or protracted condition that causes extreme pain] [permanent or protracted loss or impairment of the function of any bodily member or organ] [prolonged hospitalization].

Third, that the alleged victim was a [[law enforcement] [probation] [parole] officer]] [member of the North Carolina National Guard] [person who is employed at a detention facility operated under the jurisdiction of [the State] [a local government]];

Fourth, that the defendant knew or had reasonable grounds to know that the alleged victim was a [[law enforcement] [probation] [parole] officer]] [member of the North Carolina National Guard] [person who was

N.C.P.I.—Crim 208.94

ASSAULT INFLICTING SERIOUS BODILY INJURY ON A [[LAW ENFORCEMENT] [PROBATION] [PAROLE] OFFICER] [MEMBER OF THE NORTH CAROLINA NATIONAL GUARD] [PERSON EMPLOYED AT A [STATE] [LOCAL] DETENTION FACILITY]. FELONY.

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employed at a detention facility operated under the jurisdiction of [the State] [a local government];

And Fifth, that the alleged victim was in the performance of the alleged victim's duties. (*Describe duty, e.g., serving a warrant is a duty.*)

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant intentionally assaulted and inflicted serious bodily injury upon the alleged victim who was a [[law enforcement] [probation] [parole] officer]] [member of the North Carolina National Guard] [person who was employed at a detention facility operated under the jurisdiction of [the State] [a local government] in the performance of the alleged victim's duties and the defendant knew or had reasonable grounds to know that the alleged victim was a [[law enforcement] [probation] [parole] officer]] [member of the North Carolina National Guard] [person who is employed at a detention facility operated under the jurisdiction of [the State] [a local government]], 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.⁴

1 If a definition of assault is needed, see N.C.P.I.-Crim. 120.20.

2 If a definition of intent is needed, see N.C.P.I.-Crim. 120.10

3 The parenthetical phrase should only be used where there is some evidence of justification or excuse, such as self-defense.

4 Assault on a law enforcement officer inflicting physical injury is a lesser-included offense. N.C. Gen. Stat. § 14-34.7(c). See N.C.P.I.-Crim. 208.95C. If there is to be a lesser include offense of simple assault, see N.C.P.I.-Crim. 208.60 and 208.82.

N.C.P.I.—Crim 208.95C
ASSAULT ON [[LAW ENFORCEMENT] [PROBATION] [PAROLE] OFFICER]]
[MEMBER OF THE NORTH CAROLINA NATIONAL GUARD] [PERSON
EMPLOYED AT A [STATE] [LOCAL] DETENTION FACILITY]—PHYSICAL
INJURY. FELONY.
CRIMINAL VOLUME
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N.C. Gen. Stat. § 14-34.7

208.95C ASSAULT ON [[LAW ENFORCEMENT] [PROBATION] [PAROLE]
OFFICER]] [MEMBER OF THE NORTH CAROLINA NATIONAL GUARD]
[PERSON EMPLOYED AT A [STATE] [LOCAL] DETENTION FACILITY]—
PHYSICAL INJURY. FELONY.

The defendant has been charged with assault on a [[law enforcement]
[probation] [parole] officer]] [member of the North Carolina National Guard]
[person employed at a [state] [local] detention facility] by inflicting physical
injury.

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

First, that the alleged victim was a [[law enforcement] [probation]
[parole] officer]] [member of the North Carolina National Guard] [person
employed at a [state] [local] detention facility];

Second, that the defendant assaulted the [[law enforcement]
[probation] [parole] officer]] [member of the North Carolina National Guard]
[person employed at a [state] [local] detention facility operated under the
jurisdiction of the [state] [local] government] by (*describe assault*);

Third, that the defendant

- a) [did so while the [[law enforcement] [probation] [parole]
officer]] [member of the North Carolina National Guard] was
[discharging] [attempting to discharge] an official duty of said
office]. (*Describe duties, e.g., making an arrest is a duty*).
- b) [did so while the person employed at a [state] [local] detention
facility was in the performance of the employee's duties].
(*Describe duties, e.g., supervision of inmates is a duty*);

N.C.P.I.—Crim 208.95C

ASSAULT ON [[LAW ENFORCEMENT] [PROBATION] [PAROLE] OFFICER]]
[MEMBER OF THE NORTH CAROLINA NATIONAL GUARD] [PERSON
EMPLOYED AT A [STATE] [LOCAL] DETENTION FACILITY]—PHYSICAL
INJURY. FELONY.

CRIMINAL VOLUME

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N.C. Gen. Stat. § 14-34.7

Fourth, that the defendant knew or had reasonable grounds to know that the alleged victim was a [[law enforcement] [probation] [parole] officer]] [member of the North Carolina National Guard] [person employed at a [state] [local] detention facility];

And Fifth, that the defendant inflicted physical injury¹ on the [[law enforcement] [probation] [parole] officer]] [member of the North Carolina National Guard] [person employed at a [state] [local] detention facility].

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the alleged victim was a [[law enforcement] [probation] [parole] officer]] [person employed at a [state] [local] detention facility], that the defendant assaulted the [[law enforcement] [probation] [parole] officer]] [member of the North Carolina National Guard] [person employed at a [state] [local] detention facility] operated under the jurisdiction of the [State] [local] government], that the defendant [did so while the [[law enforcement] [probation] [parole] officer]] [member of the North Carolina National Guard] was [discharging] [attempting to discharge] an official duty of said office] [did so while the person employed at a [state] [local] detention facility was in the performance of the employee's duties], that the defendant knew or had reasonable grounds to know that the alleged victim was a [[law enforcement] [probation] [parole] officer]] [member of the North Carolina National Guard] [person employed at a [state] [local] detention facility], and that the defendant inflicted physical injury on the [[law enforcement] [probation] [parole] officer]] [member of the North Carolina National Guard] [person employed at a [state] [local] detention facility], then it would be your duty to return a verdict of guilty. If you do

N.C.P.I.—Crim 208.95C
ASSAULT ON [[LAW ENFORCEMENT] [PROBATION] [PAROLE] OFFICER]]
[MEMBER OF THE NORTH CAROLINA NATIONAL GUARD] [PERSON
EMPLOYED AT A [STATE] [LOCAL] DETENTION FACILITY]—PHYSICAL
INJURY. FELONY.

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N.C. Gen. Stat. § 14-34.7

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.

1 N.C. Gen. Stat. § 14-34.7 defines “physical injury” as to include “cuts, scrapes, bruises, or other physical injury which does not constitute serious injury.”

N.C.P.I.—Crim 208.95D
ASSAULT ON [FIREFIGHTER] [EMERGENCY MEDICAL
TECHNICIAN] [EMERGENCY HEALTH CARE PROVIDER] [MEDICAL
RESPONDER] [EMERGENCY DEPARTMENT PERSONNEL]. FELONY.
CRIMINAL VOLUME
REPLACEMENT JUNE 2016
N.C. Gen. Stat. § 14-34.6 (a)

208.95D ASSAULT ON [FIREFIGHTER] [EMERGENCY MEDICAL TECHNICIAN]
[EMERGENCY HEALTH CARE PROVIDER] [MEDICAL RESPONDER] [HOSPITAL
PERSONNEL] [LICENSED HEALTH PROVIDER]. FELONY.

The defendant has been charged with assault¹ on [an emergency medical technician] [an emergency health care provider] [a medical responder] [a member of hospital personnel] [a licensed health provider] [a firefighter]].

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

First, that the [alleged victim] was [an emergency medical technician] [an emergency health care provider] [a medical responder] [a member of (*name hospital*) personnel] [a licensed health provider] [a firefighter]²;

Second, that the defendant [assaulted] the alleged victim intentionally³ (and without justification or excuse)⁴ by (*describe assault*);

Third, that the defendant inflicted physical injury on the alleged victim⁵;

Fourth, that the defendant knew or had reasonable grounds to know that the alleged victim was [an emergency medical technician] [an emergency health care provider] [a medical responder] [a member of (*name hospital*) personnel] [a licensed health provider] [a firefighter];

And Fifth, that the defendant did so while the alleged victim was [discharging] [attempting to discharge] [his] [her] official duties. (*Describe duties, e.g., controlling and extinguishing fires is a duty of a firefighter*).

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the alleged victim was [an emergency medical

N.C.P.I.—Crim 208.95D
ASSAULT ON [FIREFIGHTER] [EMERGENCY MEDICAL
TECHNICIAN] [EMERGENCY HEALTH CARE PROVIDER] [MEDICAL
RESPONDER] [EMERGENCY DEPARTMENT PERSONNEL]. FELONY.
CRIMINAL VOLUME
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N.C. Gen. Stat. § 14-34.6 (a)

technician] [an emergency health care provider] [a member of [*name hospital*] personnel] [a licensed health provider] [a firefighter], that the defendant assaulted the alleged victim, that the defendant inflicted physical injury on the alleged victim, that the defendant knew or had reasonable grounds to know that the alleged victim was [an emergency medical technician] [an emergency health care provider] [a medical responder] [a member of [*name hospital*] personnel] [a licensed health provider] [a firefighter], and that the defendant did so while the alleged victim was [discharging] [attempting to discharge] [his] [her] official duties, (nothing else appearing), 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.⁶

1 If a definition of assault is needed, see N.C.P.I.-Crim. 120.20.

2 N.C. Gen. Stat. § 14-34.6 (a)(3) defines emergency department personnel.

3 If a definition of intent is needed, see N.C.P.I.-Crim. 120.10.

4 The parenthetical phrase should only be used where there is some evidence of justification or excuse, such as self-defense.

5 N.C. Gen. Stat. § 14-34.7 defines "physical injury" as to include "cuts, scrapes, bruises, or other physical injury which does not constitute serious injury."

6. If there is to be a lesser included offense, see *e.g.*, N.C.P.I.-Crim. 208.60, 208.82 or other appropriate instructions.

North Carolina
Conference of Superior Court Judges
Committee on Pattern Jury Instructions

North Carolina
PATTERN JURY
INSTRUCTIONS
for Criminal Cases

June 1975
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* On or after 12/1/97, Voluntary Manslaughter is a Class D felony.

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206.10A	First Degree Murder—Special Instruction for Accessory before the Fact. G.S. 14-5.2. (12/2001)		
206.11	First Degree Murder Where No Deadly Weapon Is Used, Covering All Lesser Included Homicide Offenses and Self-Defense. G.S. 14-17, 14-18. (6/2014)	A, C, F, H	A, B2, E, F*
206.12	First Degree Murder by Means of Poison (Including All Lesser Included Offenses). G.S. 14-17. (6/2014)	A, H	A, F
206.13	First Degree Murder Where a Deadly Weapon Is Used, Not Involving Self-Defense, Covering All Lesser Included Homicide Offenses. G.S. 14-17, 14-18. (6/2014)	A, C, F, H	A, B2, E, F*
206.14	First Degree Murder—Murder Committed in Perpetration of a Felony or Murder with Premeditation and Deliberation Where a Deadly Weapon Is Used & Verdict Sheet. G.S. 14-17, 14-18. (6/2014)	A, C	A, B2
206.15	First Degree Murder in Perpetration of a Felony. G.S. 14-17. (6/2014)	A	A
206.16	First Degree Murder by Lying in Wait. G.S. 14-17. (6/2014)	A	A
206.17	Solicitation to Commit Murder. G.S. 14-2.6. (1/2002)	E	E
206.17A	Attempted First Degree Murder (Where a Deadly Weapon Is Used). (3/2003)		B1
206.18	Conspiracy to Commit Murder. G.S. 14-2.4(a). (2/2001)	E	B2
206.20	First Degree Murder by Torture. G.S. 14-17. (6/2014)	A	A
206.30	Second Degree Murder Where a Deadly Weapon Is Used, Covering All Lesser Included Homicide Offenses and Self-Defense. G.S. 14-17, 14-18. (6/2014)	C, F, H	B2, E, F*
206.30A	Second Degree Murder Where a Deadly Weapon Is Used, Not Including Self-Defense, Covering All Lesser Included Homicide Offenses. G.S. 14-17, 14-18. (6/2014)	C, F, H	B2, E, F*
206.31	Second Degree Murder Where No Deadly Weapon Is Used, Covering All Lesser Included Homicide Offenses and Self-Defense. G.S. 14-17, 14-18. (6/2014)	C, F, H	B2, E, F*
206.31A	Second Degree Murder Where No Deadly Weapon Is Used, Not Involving Self-Defense, Covering All Lesser Included Homicide Offenses. G.S. 14-17, 14-18. (6/2014)	C, F, H	B2, E, F*
206.31B	Second Degree Murder, Caused by Controlled Substance. G.S. 14-17. (6/2014)	C	B2
206.32	Second Degree Murder by Vehicle, Including Involuntary Manslaughter and Misdemeanor Death by Vehicle. (Impaired Driving). G.S. 14-17, 14-18, 20-139.1, 20-141.4. (6/2014)	C, H, Misd	B2, F, Misd 1

* On or after 12/1/97, Voluntary Manslaughter is a Class D felony.

206.32A	Second Degree Murder by Vehicle, Including Involuntary Manslaughter and Misdemeanor Death by Vehicle. (Not Involving Impaired Driving). G.S. 14-17, 14-18, 20-139.1, 20-141.4. (6/2010)	C, H, Misd	B2, F, Misd 1
206.35	Second Degree Murder (Child Beating) Covering Involuntary Manslaughter as a Lesser Included Offense. G.S. 14-17, 14-18, 14-318.2, -318.4. (6/2014)	C, H	B2, F
206.40	Voluntary Manslaughter Including Self-Defense (In the Heat of Passion or Imperfect Self-Defense), Also Including Involuntary Manslaughter. G.S. 14-18. (6/2014)	F, H	E, F*
206.41	Voluntary Manslaughter Not Involving Self-Defense. G.S. 14-18. (6/2014)	F, H	E, F*
206.50	Involuntary Manslaughter—Other Than by Automobile. G.S. 14-18. (6/2014)	H	F
206.55	Involuntary Manslaughter—(Including Misdemeanor Death by Vehicle). G.S. 14-18, 20-141.4. (6/2014)	H, Misd	F, Misd 1
206.55A	Involuntary Manslaughter—(Impaired Driving). (Offenses after Dec. 1, 2006). G.S. 20-141.4. (6/2014)	H	F
206.56	Involuntary Manslaughter—(Impaired Driving). (Offenses prior to Dec. 1, 2006). G.S. 20-141.4. (6/2014)	H	F
206.57	Felony Death by Vehicle (offenses prior to Dec. 1, 2006). G.S. 20-141.4(a1). (6/2014)	I	G
206.57A	Felony Death by Vehicle (offenses after Dec. 1, 2006). G.S. 20-141.4(a1). (6/2014)	I	G
206.57B	Aggravated Felony Death by Vehicle. G.S. 20-141.4(a5). (6/2014)		D
206.57C	Felony Serious Injury by Vehicle. G.S. 20-141.4(a3). (6/2014)		F
206.57D	Aggravated Felony Serious Injury by Vehicle. G.S. 20-141.4(a4). (6/2014)		E
206.58	Misdemeanor Death by Vehicle. G.S. 20-141.4(a2). (6/2014)	Misd	Misd 1
206.60	Murder of Unborn Child—Willful and Malicious Act (6/2012)		A
206.61	Murder of Unborn Child—Inherently Dangerous Act (6/2014)		B2
206.62	Murder of Unborn Child—[Murder] [Voluntary Manslaughter] [Involuntary Manslaughter] of Mother (6/2012)		B2, D, F
206.63	Murder of Unborn Child—Willful and Malicious Act. G.S. 14-23.2(a)(1). (6/2014)		A
	Rape and Sexual Offenses.		
207.10	First Degree Rape (Weapon, Serious Injury, or Multiple Assailants) and Lesser Included Offenses. G.S. 14-27.2, 14-27.3, 14-27.6, 14-33(b)(2). (6/2016)	B, D, F, H, Misd	B1, C, F, H, Misd 1
207.10A	First Degree Forcible Rape (Weapon, Serious Injury, or Multiple Assailants) and Lesser Included Offenses. G.S. 14-27.21, 14-27.22, 14-27.34. (6/2016)		B1, B2, C, D, Misd
207.11	Attempted First Degree Rape (Weapon, Serious Injury, or Multiple Assailants) Covering Attempted Second Degree Rape as a Lesser Included Offense. G.S. 14-27.2(2), 14-27.3(1), 14-27.6. (6/2016)	F, H	F, H

*207.11A	Attempted First Degree Rape (Weapon, Serious Injury, or Multiple Assailants) Covering Attempted Second Degree Rape as a Lesser Included Offense. G.S. 14-27.21, 14-27.22, 14-27.34. (6/2016)		
207.15	Rape of a Child. G.S. 14-27.2A. (6/2016)		B1
207.15.1	First Degree Rape—Female under the Age of Thirteen Years. G.S. 14-27.2(1). (6/2016)	B	B1
207.15.1A	First Degree Statutory Rape—Alleged Victim Under the Age of Thirteen Years. G.S. 14-27.24. (6/2016)		
207.15.2	Statutory Rape Against a Victim Who Was Thirteen, Fourteen, or Fifteen Years Old. G.S. 14-27.7A. (6/2016)		B1, C
207.15.2A	Statutory Rape Against an Alleged Victim Who Is Fifteen Years of Age or Younger. G.S. 14-27.25. (6/2016)		
207.15.3	Statutory Sexual Offense against a Victim Who Was Thirteen, Fourteen, or Fifteen Years Old. G.S. 14-27.7A. (6/2016)		
207.15.3A	Statutory Sexual Offense of an Alleged Victim Who Was Fifteen Years of Age or Younger. G.S. 14-27.30. (6/2016)		B1, C
*207.15A	Statutory Rape of a Child by an Adult G.S. 14-27.23. (6/2016)		
207.15A.1	Attempted First Degree Rape—Alleged Victim Under the Age of Thirteen Years. G.S. 14-27.2(a)(1), 14-27.8 (6/2016).	F	F
*207.15A.1A	Attempted First Degree Statutory Rape—Alleged Victim Under the Age of Thirteen Years. G.S. 14-27.24(a)(1), 14-27.34. (6/2016)		
207.20	Second Degree Rape—Forcible. G.S. 14-27.3. (6/2016)	D	C
207.20A	Second Degree Rape—Forcible (Victim Asleep or Similarly Incapacitated). G.S. 14-27.3. (6/2016)		
207.20A.1	Second Degree Rape—Forcible (Alleged Victim Asleep or Similarly Incapacitated). G.S. 14-27.3. (6/2016)		
207.20B	Second Degree Forcible Rape. G.S. 14-27.22. (6/2016)		
207.25	Second Degree Rape—Victim Mentally Disabled, Mentally Incapacitated or Physically Helpless. G.S. 14-27.3. (6/2016)	D	C
207.25A	Second Degree Rape—Victim Mentally Disabled, Mentally Incapacitated or Physically Helpless. G.S. 14-27.3. (6/2016)		
207.40	First Degree Sexual Offense—Weapon, Serious Injury, or Multiple Assailants, Covering Second Degree Sex Offense as a Lesser Included Offense. G.S. 14-27.4, 14-27.5. (5/2016)	B, D	B1, C
207.40A	Attempted First Degree Sexual Offense (Weapon, Serious Injury, or Multiple Assailants) Covering Attempted Second Degree Sex Offense as a Lesser Included Offense. G.S. 14-27.4(2), 14-27.5(2), 14-27.6. (5/2016)	F, H	F, H
207.40A.1	Attempted First Degree Forcible Sexual Offense—(Weapon, Serious Injury, or Multiple Assailants) Covering Attempted Second Degree Forcible Sex Offense as a Lesser Included Offense. G.S. 14-27.26, 14-27.27, 14-27.34. (6/2016)		
207.40B	First Degree Forcible Sexual Offense—(Weapon, Serious Injury, or Multiple Assailants) Covering Second Degree Sex Offense as a Lesser Included Offense. G.S. 14-27.26, 14-27.27. (6/2016)		
207.45	Sexual Offense with a Child. G.S. 14-27.4A. (6/2016)		B1
207.45.1	First Degree Sexual Offense—Child under the Age of Thirteen Years. G.S. 14-27.4. (6/2016)	B	B1

		Before	On or After
		10/1/94	10/1/94
207.45.1A	First Degree Statutory Sexual Offense—Child under the Age of Thirteen Years. G.S. 14-27.29. (6/2016)		
207.45A	Statutory Sexual Offense with a Child by an Adult. G.S. 14-27.28. (6/2016)		
207.45A.1	Attempted First Degree Sexual Offense—Child under the Age of Thirteen Years. G.S. 14-27.4, 14-27.8. (6/2016)	F	F
207.45A.1A	Attempted First Degree Statutory Sexual Offense—Child Under the Age of Thirteen Years. G.S. 14-27.29, 14-27.34. (6/2016)		
207.60	Second Degree Sexual Offense—Forcible. G.S. 14-27.5. (6/2016)	D	C
207.60A	Second Degree Forcible Sexual Offense. G.S. 14-27.27. (6/2016)		
207.65	Second Degree Sexual Offense—Victim Mentally Defective, Mentally Incapacitated or Physically Helpless. G.S. 14-27.5. (6/2016)	D	C
207.65A	Second Degree Forcible Sexual Offense—Alleged Victim Mentally Disabled, Mentally Incapacitated, or Physically Helpless.		
207.70	Felonious Sexual Activity with Person in Defendant’s Custody. G.S. 14-27.7. (6/2016)	G	E
207.70A	Felonious Sexual Activity with Person in Defendant’s Custody. G.S. 14-27.7. (6/2016)		
207.71	Unlawfully Accessing a Commercial Social Networking Website by a Sex Offender. G.S. 14-202.5A. (6/2009)		I
207.72	Sex Offender Unlawfully on Premises. G.S. 14-208.18. (6/2009)		H
207.73	Failure to Enroll in a Satellite-Based Monitoring Program. G.S. 14-208.44(a). (6/2008)		F
207.74	Failing to [Provide Necessary Information to] [Cooperate with Guidelines and Regulations of] the Department of Corrections While Required to Enroll in a Satellite-Based Monitoring Program. G.S. 14-208.44(c). (6/2008)		Misd 1
207.75	Willfully Failing to Comply with Sex Offender Registration Law. G.S. 14-208.11. (6/2016)	-	F
207.76	Failure to Comply with Sex Offender Residential Restrictions. G.S. 14-208.16. (6/2015)	-	F
207.77	Failure to Comply with Sex Offender Limitations on Residential Use—Minor in Residence. G.S. 14-208.17(b). (6/2007)	-	F
207.78	Intentionally [Tampering with] [Removing] [Vandalizing] [Interfering with Proper Functioning of] a Satellite-Based Monitoring Device. G.S. 14-208.44(a). (6/2008)	-	F
207.79	Failure to Comply with Sex Offender Prohibition on Working or Volunteering for Child-Involved Activities. G.S. 14-208.17(a). (6/2007)	-	F
207.80A	Felonious Sexual Activity Involving Students (by teacher, school administrator, student teacher, school safety officer, coach). G.S. 14-27.7(b). (6/2016)	-	G
207.80A.1	Felonious Sexual Activity With a Student (by Teacher, School Administrator, Student Teacher, School Safety Officer, Coach). G.S. 14-27.32. (6/2016)		

207.80B	Felonious Sexual Activity Involving Students (by member of school personnel other Than teacher, school administrator, student teacher, school safety officer, coach). G.S. 14-27.7(b). (6/2016)	-	G, Misd A1
207.80B.1	Felonious Sexual Activity With a Student (by Member of School Personnel Other Than Teacher, School Administrator, Student Teacher, School Safety Officer, Coach). G.S. 14-27.32. (6/2016)		
207.90	Sexual Battery. G.S. 14-27.5A. (6/2016)		Misd A1
207.90A	Sexual Battery. G.S. 14-27.33. (6/2016)		
207.95	Knowingly and Without Authority [Removing] [Destroying] [Circumventing Operation of] an Electronic Monitoring Device. G.S. 14-226.3 (June 2010)		
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208.01	Assault on [Legislative] [Executive] [Court] Officer. G.S. 14-16.6(a). (6/2011)	H	I
208.01A	Making a Violent Attack upon the [Residence] [Office] [Temporary Accommodation] [Means of Transport] of a(n) [Legislative] [Executive] [Court] Officer. G.S. 14-16.6(a). (4/2004)	H	I
208.02	Assault on a(n) [Legislative] [Executive] [Court] Officer with a Deadly Weapon. G.S. 14-16.6(a), (b). (4/2004)	G	F
208.02A	Making a Violent Attack with a Deadly Weapon upon the [Residence] [Office] [Temporary Accommodation] [Means of Transport] of a(n) [Legislative] [Executive] [Court] Officer. G.S. 14-16.6(a), (b). (4/2004)	G	F
208.03	Assault on a(n) [Legislative] [Executive] [Court] Officer Inflicting Serious Injury. G.S. 14-16.6(c). (4/2004)	F	F
208.03A	Making a Violent Attack upon the [Residence] [Office] [Temporary Accommodation] [Means of Transport] of a(n) [Legislative] [Executive] [Court] Officer Inflicting Serious Injury to a(n) [Legislative] [Executive] [Court] Officer. G.S. 14-16.6(c). (4/2004)	F	F
208.04	Threatening to Kill or Inflict Serious Bodily Injury upon a [Legislative] [Executive] [Court] Officer. G.S. 14-16.7(a), 14-16.8. (4/2004)	J	I
208.04A	Mailing a Threat to Kill or Inflict Serious Bodily Injury upon a(n) [Legislative] [Executive] [Court] Officer. G.S. 14-16.7(b), 14-16.8. (4/2004)	J	I
208.05	Malicious Castration. G.S. 14-28, -29. (3/2002)	D, H	C, E
208.06	Castration or Other Maiming without Malice Aforethought. G.S. 14-29. (3/2002)	H	E
208.07	Malicious Maiming. G.S. 14-30. (3/2002)	H	C
208.08	Malicious Throwing of Corrosive Acid or Alkali. G.S. 14-30.1. (3/2002)	H	E
208.09	Malicious Assault and Battery in a Secret Manner with a Deadly Weapon with Intent to Kill. G.S. 14-31. (3/2002)	F	E
208.10	Assault with a Deadly Weapon with Intent to Kill Inflicting Serious Injury. G.S. 14-32(a). (3/2002)	F	C
208.13	Hazing. G.S. 14-35. (4/2004)		Misd 2
208.14	Assault upon a Sports Official. G.S. 14-33(b)(9). (6/2011)	Misd	Misd 1
208.15	Assault with a Deadly Weapon Inflicting Serious Injury. G.S. 14-32(b). (6/2008)	H	E

208.16	Felonious Assault Inflicting Serious Bodily Injury. G.S. 14-32.4. (3/2002)		F
208.25	Assault with a Deadly Weapon with Intent to Kill. G.S. 14-32(c). (3/2002)	H	E
208.30	Assault Offense Classification Chart. (12/1995)		
208.40	Simple Assault—(Not Involving Physical Contact) G.S. 14-33(a). (6/2011)	Misd	Misd 2
208.40A	Simple Assault on a Handicapped Person. G.S. 14-32.1(f). (6/2011)	Misd	Misd 1
208.41	Simple Assault—(Involving Physical Contact) G.S. 14-33(a). (6/2010)	Misd	Misd 2
208.45	Habitual Misdemeanor Assault. G.S. 14-33.2. (6/2011)		H
208.45A	Habitual Misdemeanor Assault. G.S. 14-33.2. (6/2013)		H
208.50	Assault with a Deadly Weapon. G.S. 14-33(c)(1). (3/2002)	Misd	Misd 1
208.50A	Aggravated Assault on a Handicapped Person. G.S. 14-32.1(e). (6/2011)	I	F
208.55	Assault Attempting to Inflict Serious Injury. G.S. 14-33(c)(1). (3/2002)	Misd	Misd 1
208.60	Assault Inflicting Serious Injury. G.S. 14-33(c)(1). (3/2002)	Misd	Misd A1
208.61	Assault Inflicting Physical Injury by Strangulation. G.S. 14-32.4. (2/2005)		H
208.65	Assault by a Prisoner with a Deadly Weapon Inflicting Bodily Injury. G.S. 14-258.2. (3/2002)	H	F
208.67	Malicious Conduct by a Prisoner—Throwing of [Bodily Fluids] [Excrement] by a Prisoner at a State or Local Government Employee. G.S. 14-258.4. (2/2002)		F
208.70	Assault on a Female by a Male Person. G.S. 14-33(c)(2). (6/2015)	Misd	Misd A1
208.75	Assault on a Child under the Age of Twelve Years. G.S. 14-33(c)(3). (6/2011)	Misd	Misd A1
208.76	Assault on an Unborn Child (6/2012)		Misd A1
208.77	Assault Inflicting Serious Bodily Injury—Unborn Child 6/2012)		F
208.80 Series	Notes to 208.80, 208.80A, 208.80B, 208.80C		
208.80	Index to Instructions in 208.81 Series. Assault on an Officer—Arrest Situations. G.S. 14-33(c)(4); 15A-401. (6/2015)		
208.81	Model Instruction—Assault on an Officer—Arrest Situations. G.S. 14-33(c)(4); 15A-401. (6/2015)		
208.81A	Assault on an Officer—Arrest Situations (Only Officer’s and Defendant’s Force in Dispute). G.S. 14-33(c)(4). (6/2015)	Misd	Misd A1
208.81B	Assault on an Officer and Simple Assault—Arrest Situations (Issues as to Lawfulness of Arrest and Defendant’s Force). G.S. 14-33(c)(4); 15A-401, 15A-402. (6/2015)	Misd	Misd A1
208.81C	Assault on an Officer and Simple Assault—Arrest Situations (Issues as to Lawfulness of Arrest without a Warrant, and as to Force Used by Officer and Defendant). G.S.14-33(c)(4). (6/2015)	Misd	Misd A1
208.81D	Simple Assault—Arrest Situations (Issue as to Force Used by Defendant to Resist Unlawful Arrest). G.S. 14-33(c)(4). (6/2015)	Misd	Misd A1

		Before 10/1/94	On or After 10/1/94
208.81E	Assault on an Officer—Arrest Situations (Issues as to Officer Status of Victim, Fact of Arrest, and Lawfulness of Arrest—Neither Officer’s Nor Defendant’s Force in Dispute). G.S. 14-33(c)(4). (6/2015)	Misd	Misd A1
208.81F	Assault on an Officer and Simple Assault—Arrest Situations (All Issues in Dispute). G.S. 14-33(c)(4). (6/2015)	Misd	Misd A1
208.81G	Assault on [[Law Enforcement] [Probation] [Parole] Officer] [Person Employed at a [State] [Local] Detention Facility]. G.S. 14-34.7. (6/2013)		F
208.82	Assault upon an Officer or Employee of the State or of Any Political Subdivision of the State or Public Transit Operator. G.S. 14-33(c)(4). (6/2011)	Misd	Misd A1
208.83	Assault upon a School Employee or Volunteer. G.S. 14-33(c)(6). (6/2011)	-	Misd A1
208.84	Ethnic Intimidation. G.S. 14-401.14. (4/2002)	Misd	Misd 1
208.85	Assault by Pointing a Gun. G.S. 14-34. (4/2002)	Misd	Misd A1
208.90	Discharging a Firearm into Occupied Property. G.S. 14-34.1. (6/2011)	H	E
208.90A	Discharging Barreled Weapon into Occupied Property. G.S. 14-34.1. (6/2011)	H	E
208.90B	Discharging a Firearm into Occupied Dwelling. G.S. 14-34.1(b). (6/2014)		D
208.90C	Discharging a Barreled Weapon into Occupied Dwelling. G.S. 14-34.1. (6/2016)		D
208.90D	Discharging a Firearm into Occupied Vehicle in Operation. G.S. 14-34.1(b). (6/2011)		D
208.90E	Discharging a Barreled Weapon into Occupied Vehicle in Operation. G.S. 14-34.1(b). (6/2011)		D
208.90F	Discharging a Firearm into Occupied Property Inflicting Serious Bodily Injury. G.S. 14-34.1(c). (6/2011)		C
208.90G	Discharging a Barreled Weapon into Occupied Property Inflicting Serious Bodily Injury. G.S. 14-34.1(c). 6/2011)		C
208.90H	Discharging a Firearm into Occupied Dwelling Inflicting Serious Bodily Injury. G.S. 14-34.1(c). (6/2011)		C
208.90I	Discharging a Barreled Weapon into Occupied Dwelling Inflicting Serious Bodily Injury. G.S. 14-34.1(c). (6/2011)		C
208.90J	Discharging a Firearm into Occupied Vehicle in Operation Inflicting Serious Bodily Injury. G.S. 14-34.(c). (6/2011)		C
208.90K	Discharging a Barreled Weapon into Occupied Vehicle in Operation Inflicting Serious Bodily Injury. G.S. 14-34.1(c). (6/2011)		C
208.94	Assault Inflicting [Serious Bodily] [Serious] Injury on a [[Law Enforcement] [Probation] [Parole] Officer] [Person Employed at a [State] [Local] Detention Facility]. G.S. 14-34.7. (6/2016)		F
208.95	Assault with a Firearm on a Law Enforcement, Probation, or Parole Officer or on a Person Employed at a State or Local Detention Facility. G.S. 14-34.5. (11/1998)	I	E, G
208.95A	Assault with a Firearm or Other Deadly Weapon upon Emergency Medical Services Personnel. G.S. 14-34.6. (2/1999)	I	I, F

208.95B	Assault with a Firearm or Other Deadly Weapon upon an Officer or Employee of the State or of any Political Subdivision of the State, Company Police Officer, or Campus Police Officer. G.S. 14-34.2. (3/1999)	I	F
208.95C	Assault on [[Law Enforcement] [Probation] [Parole] Officer] [Person Employed at a [State] [Local] Detention Facility] (6/2016)		I
208.95D	Assault on [Firefighter] [Emergency Medical Technician] [Emergency Health Care Provider] [Medical Responder] [Emergency Department Personnel] (6/2016)		I
208.95E	[Serious Bodily Injury Inflicted] [Deadly Weapon Used Other Than a Firearm] in Assault on [Firefighter] [Emergency Medical Technician] [Emergency Health Care Provider] [Medical Responder] [Emergency Department Personnel] (6/2012)		H
208.95F	Assault on Emergency Personnel—Dangerous [Weapon] [Substance] (6/2012)		I, F
208.95G	Assault on Emergency Personnel—Physical Injury (6/2012)		
208.96A	Adulteration or Misbranding of Food, Drugs or Cosmetics with Intent to Inflict Serious Injury or Death. G.S. 14-34.4(a). (4/2002)	C	C
208.96B	Extortion by Adulteration or Misbranding of Food, Drugs, or Cosmetics. G.S. 14-34.4(b). (4/2002)	C	C
	Kidnapping.		
210.15	False Imprisonment. (4/2002)	Misd	Misd 1
210.20	First Degree Kidnapping (Hostage, Ransom, Shield, or Terror) Covering Second Degree Kidnapping as a Lesser Included Offense. G.S. 14-39. (6/2011)	D, E	C, E
210.25	First Degree Kidnapping (To Commit Felony or Serious Injury) Covering Second Degree Kidnapping as a Lesser Included Offense. G.S. 14-39. (6/2016)	D, E	C, E
210.26	First Degree Kidnapping (Involuntary Servitude) Covering Second Degree Kidnapping as a Lesser Included Offense. G.S. 14-39; 14-43.2. (3/2005)	D, E	C, E
210.30	Second Degree Kidnapping (Hostage, Ransom, Shield, or Terror). G.S. 14-39. (6/2011)	E	E
210.35	Second Degree Kidnapping (to Commit Felony or Serious Injury). G.S. 14-39. (6/2011)	E	E
210.36	Second Degree Kidnapping (Involuntary Servitude). G.S. 14-39; 14-43.2. (4/2002)	E	E
210.40	Felonious Restraint. G.S. 14-43.3. (6/2011)	J	F
210.50	Involuntary Servitude (offenses prior to Dec. 1, 2006). G.S. 14-43.2. (6/2011)	I	F
210.50A	Involuntary Servitude (offenses after Dec. 1, 2006). G.S. 14-43.12. (6/2011)	I	F
210.52	Involuntary Servitude of a Minor. G.S. 14-43.12. (6/2007)		C
210.60	Child Abduction. G.S. 14-41. (6/2011)	G	F
210.70	Sexual Servitude. G.S. 14-43.13. (6/2007)		F
210.72	Sexual Servitude of a Minor. G.S. 14-43.13. (6/2007)		C
210.80	Human Trafficking Involving Involuntary Servitude. G.S. 14-43.11. (6/2014)		F
210.82	Human Trafficking Involving Sexual Servitude. G.S. 14-43.11. (6/2014)		F

210.84	Human Trafficking of a Minor Involving Involuntary Servitude. G.S. 14-43.11. (6/2014)		C
210.86	Human Trafficking of a Minor Involving Sexual Servitude. G.S. 14-43.11. (6/2014)		C
210.88	Unlawful [Sale] [Surrender] [Purchase] of a Minor. G.S. 14-43.14. (6/2013)		F
Abortion and Similar Offenses.			
211.50	Concealing Birth of a Child. G.S. 14-46. (5/2002)	H	H
211.60	Unlawful Sale of the Remains of an Unborn Child From [Abortion] [Miscarrage]. G.S. 14-46.1 (6/2016)		
Libel and Slander.			
212.10	Communicating Libelous Matter to Newspapers. G.S. 14-47. (5/2002)	Misd	Misd 2
Use of Explosives or Incendiary Devices.			
213.10	Malicious Use of Explosive or Incendiary Device—Personal Injury. G.S. 14-49(a). (5/2002)	E	D
213.15	Malicious Use of Explosive or Incendiary Device—Property Damage. G.S. 14-49(b). (5/2002)	E	G
213.20	Malicious Damage of Occupied Property by Use of Explosive or Incendiary [Device] [Material]. G.S. 14-49.1. (11/2003)	C	D
213.25	Maliciously Damaging Church or Other Building of Worship by Use of an Explosive or Incendiary Device. G.S. 14-49(b1). (1/2004)		E
213.30	Maliciously Damaging State or Local Government Buildings by Use of an Explosive or Incendiary Device. G.S. 14/49(b2). (1/2004)		E
Burglary and Breaking and Entering.			
214.10	First Degree Burglary Covering Second Degree Burglary, Felonious Breaking or Entering, and Nonfelonious Breaking or Entering as Lesser Included Offenses. G.S. 14-51, -52, -54. (6/2011)	C, D, H, Misd	D, G, H, Misd 1
214.11	Second-Degree Burglary. G.S. 14-51, -52. (6/2011)	D	G
214.20	Habitual Breaking or Entering (6/2012)		E
214.30	Felonious Breaking or Entering. G.S. 14-54. (5/2002)	H, Misd	H, Misd 1
214.31	First-Degree Trespass. G.S. 14-159.12. (5/2002)	Misd	Misd 2
214.31A	Second-Degree Trespass. G.S. 14-159.13. (5/2002)	Misd	Misd 3
214.32	Felonious Breaking or Entering. G.S. 14-54. Felonious Larceny—Pursuant to a Breaking or Entering Where the Property Is Worth More Than \$1,000. G.S. 14-70, 14-72(a), (b)(2). (6/2012)	H, Misd	H, Misd 1
214.34	Misdemeanor Breaking or Entering. G.S. 14-54. (5/2002)	Misd	Misd 1
214.35	Possession without Lawful Excuse of an Implement of Housebreaking. G.S. 14-55. (6/2011)	E	I
214.40	Breaking or Entering into Motor Vehicle. G.S. 14-56. (6/2016)	I	I
214.41	Preparation to Commit Breaking or Entering into Motor Vehicles—Possession of a Motor Vehicle [Master Key] [Manipulative Key] [Lock-Picking Device] [Hot Wiring Device]. G.S. 14-56.4(b). (6/2006)		Misd 1

214.42	Preparation to Commit Breaking or Entering into Motor Vehicles—Possession of a Motor Vehicle [Master Key] [Manipulative Key] [Lock-Picking Device] [Hot Wiring Device]. G.S. 14-56.4(b). (6/2006)		I, Misd 1
214.43	Preparation to Commit Breaking or Entering into Motor Vehicles—[Buying] [Selling] [Transferring] a Motor Vehicle [Master Key] [Manipulative Key] [Key Cutting Device] [Lock-Picking Device] [Hot Wiring Device]. G.S. 14-56.4(c). (6/2006)		Misd 1
214.44	Preparation to Commit Breaking or Entering into Motor Vehicles—[Buying] [Selling] [Transferring] a Motor Vehicle [Master Key] [Manipulative Key] [Key Cutting Device] [Lock-Picking Device] [Hot Wiring Device]. G.S. 14-56.4(c). (6/2006)		I, Misd 1
214.45	Felonious Breaking or Entering—Place of Religious Worship. G.S. 14-54.1. (6/2006)		G
214.47	Felonious Breaking or Entering—Intent to [Injure] [Terrorize] Occupant. G.S. 14-54. (6/2014)		H
214.50	(Misdemeanor) Opening Coin- or Currency-Operated Machines by Unauthorized Use of [a Key] [an Instrument]. G.S. 14-56.1. (5/2002)	Misd	Misd 1
214.51	Opening Coin- or Currency-Operated Machines by Unauthorized Use of [a Key] [an Instrument]. G.S. 14-56.1. (5/2002)	H, Misd	H, Misd 1
214.55	(Misdemeanor) Breaking into Coin- or Currency-Operated Machines. G.S. 14-56.1, -56.3. (5/2002)	Misd	Misd 1
214.56	Breaking into Coin- or Currency-Operated Machines. G.S. 14-56.1, -56.3. (5/2002)	H, Misd	H, Misd 1
214.60	Destroying or Damaging Coin- or Currency-Operated Machines. G.S. 14-56.2. (5/2002)	Misd	Misd 1
214.65	Burglary with Explosives or Acetylene Torch. G.S. 14-57. (5/2002)	E, H, Misd	D, H, Misd 1
	Arson and Other Burnings.		
215.11	First Degree Arson (Including Second Degree Arson, Burning an Uninhabited House). G.S. 14-58, -62. (5/2002)	C, D, E	D, G, F
215.11A	First Degree Arson, Burning a Structure within the Curtilage of the Dwelling House (Including Second Degree Arson, Burning an Uninhabited House). G.S. 14-58, -62. (3/2005)	C, D, E	D, G, F
215.12	Second Degree Arson. G.S. 14-58. (5/2002)	D	G
215.25	Wanton and Willful Burning—Property (Including Note on Specific Buildings and Structures Named in Art. 15). G.S. 14-58 through 14-67.1. (5/2002)	E	D-H
215.30	Wanton and Willful Burning of a [Boat] [Barge] [Ferry] [Float]. G.S. 14-63. (5/2002)	H	H
215.35	Wanton and Willful Burning of a [Ginhouse] [Tobacco House] [Miscellaneous Structure]. G.S. 14-64, -67.1. (5/2002)	H	H
215.40	Wanton and Willful or Fraudulent Burning of a Dwelling House by the Owner or Occupant. G.S. 14-65. (5/2002)	H	H
215.45	Burning Personal Property with Intent to Injure or Prejudice. G.S. 14-66. (5/2002)	H	H
215.50	Arson or Other Unlawful Burning Resulting in Serious Bodily Injury to a Firefighter or Emergency Medical Technician. G.S. 14-69.3. (5/2004)		E

215.85	Making a False Report concerning a Destructive Device. (Other Than Public Building). G.S. 14-69.1(a). (6/2006)	-	H
215.85B	Making a False Report concerning a Destructive Device— (Public Building). G.S. 14-69.1(c). (6/2006)	-	H, G
215.86	Perpetrating Hoax by Use of a False Bomb or Other Device— (Other Than Public Building). G.S. 14-69.2(a). (2/2000)	-	H
215.86B	Perpetrating Hoax by Use of a False Bomb or Other Device— (Public Building). G.S. 14-69.2(c). (2/2000)	-	H, G
215.87	Making a False Report concerning a Threat of Mass Violence on Educational Property. G.S. 14-277.5(b). (6/2008)	H	
	Larceny.		
216.05	Misdemeanor Larceny. G.S. 14-72(a). (6/2013)	Misd	Misd 1
216.07	Larceny of Motor Fuel Valued at Less Than \$1,000. G.S. 14-72.5(a). (6/2010)		Misd 1
216.08	Felonious Larceny—Habitual Misdemeanor Larceny. G.S. 14-72(b)(6). (6/2013).		H
216.10	Felonious Larceny—Goods Worth More Than \$1,000. G.S. 14-70, -72(a). (6/2010)	H, Misd	H, Misd 1
216.11	Felonious Larceny—[Explosive Device] [Incendiary Device]. G.S. 14-70, -72(b)(3). (2/2000)	H, Misd	H, Misd 1
216.11A	Felonious Larceny—Firearm. G.S. 14-70, -72(b)(4). (12/1999)	H, Misd	H, Misd 1
216.15	Felonious Larceny by Trick. G.S. 14-70, -72. (5/2002)	H, Misd	H, Misd 1
216.20	Felonious Larceny—From the Person. G.S. 14-70, -72(b)(1). (6/2011)	H, Misd	H, Misd 1
216.30	Felonious Larceny—Pursuant to Breaking/Entering Offense. G.S. 14-70, -72(b)(2). (5/2002)	H	H
216.35	Felonious Larceny—Pursuant to Breaking/Entering Offense Where the Property Is Worth More Than \$1,000. G.S. 14-70, -72(a), (b)(2). (5/2002)	H, Misd	H, Misd 1
216.36	Larceny from a Permitted Construction Site—Goods Worth More Than \$300 but Less Than \$1,000. G.S. 14-72.6. (6/2006)		
216.37	Felonious Larceny—Motor Vehicle Parts Worth More Than \$1,000. G.S. 14-72.8 (6/2010)		I
216.40	Feloniously Receiving Stolen Goods—Goods Worth More Than \$1,000. G.S. 14-71, -72. (5/2002)	H, Misd	H, Misd 1
216.41	Feloniously Receiving Stolen Goods from a Permitted Construction Site—Goods Valued in Excess of \$300 and Less Than \$1,000. G.S. 14-72.6. (6/2006)		I
216.42	Felonious [Receiving] [Possessing] Property in the Custody of a Law Enforcement Agency. G.S. 14-71(b). (6/2009)		H
216.45	Feloniously Receiving Stolen Goods Pursuant to a Breaking or Entering. G.S. 14-71, -72. (5/2002)	H, Misd	H, Misd 1
216.46	Misdemeanor Possession of Stolen Goods. G.S. 14-70, -72(a). (5/2002)	Misd	Misd 1
216.47	Felonious Possession of Stolen Goods—Goods Worth More Than \$1,000. G.S. 14-70, -71.1, -72(a). (5/2002)	H, Misd	H, Misd 1
216.48	Possession of Property Stolen Pursuant to a Breaking or Entering. G.S. 14-71.1, -72(b)(1) and (2). (5/2002)	H	H

216.48A	Felonious Possession of Stolen Goods—Stolen Pursuant to a Breaking or Entering or Worth More Than \$1,000 (Including Non-Felonious Possession). G.S. 14-71.1, -72(b)(1) and (2). (6/2008)	H, Misd	H, Misd 1
216.49	Possession of Stolen Explosives, Firearms, Public Records. G.S. 14-71.1, -72(b)(3), (4), and (5). (5/2002)	H	H
216.49A	Possession of Feloniously Taken Property Other Than by Larceny (e.g., Embezzlement). G.S. 14-70, -71.1, -72(a). (5/2002)	H, Misd	H, Misd 1
216.49B	Possession of Stolen Firearm. G.S. 14-71.1 and -72(b)(4). (5/2002)	H	H
216.49C	Felonious Possession of Stolen Goods from Permitted Construction Site—Goods Valued in Excess of \$300 but Less Than \$1,000. G.S. 14-72.6. (6/2006)		
216.50	Willfully Concealing the Merchandise of a Store—Shoplifting. G.S. 14-72.1(a). (3/2003)	Misd	Misd 3
216.52	Larceny by Price Tag Change. G.S. 14-72.1(d). (5/2002)	Misd	Misd 3
216.55	Willfully Concealing the Merchandise of a Store—Using Lead- or Aluminum-Lined Bag or Article of Clothing to Prevent Activation of Anti-Shoplifting Device or Inventory Control Device. G.S. 14-72.1(a), (d1). (5/2004)		H
216.56	Larceny from a Merchant. G.S. 14-72.11. (6/2009)		H
216.57	Organized Retail Theft. G.S. 14-86.6(a)(1). (6/2009)		H
216.58	[Receiving] [Possessing] Retail Property Obtained by Organized Retail Theft. G.S. 14-86.6(a)(2). (6/2009)		H
216.60	Larceny by an Employee. G.S. 14-74. (3/1998)	H	H
216.60A	Larceny by an Employee. G.S. 14-74, -75. (4/1998)		C, H (12/97)
216.61	Appropriation of Partnership Funds by Partner to Personal Use. G.S. 14-97. (5/1998)		C, H
216.62	Embezzlement by Insurance Agents, Brokers, or Administrators. G.S. 58-2-162. (6/2010)		C, H
216.70	Felonious [Altering] [Destroying] [Disassembling] [Dismantling] [Reassembling] [Storing] of Any [Motor Vehicle] [Motor Vehicle Part] Obtained by [Theft] [Fraud] [Other Illegal Means]. G.S. 14-72.7(a)(1). (6/2014)		
216.71	Felonious Permitting of Chop Shop Activity on Property. G.S. 14-72.7(a)(2). (6/2014)		H
216.72	Felonious [Purchasing] [Disposing] [Selling] [Transferring] [Receiving] [Possessing] of [Motor Vehicles] [Motor Vehicle Parts] with an Altered [Vehicle Identification Number] [Vehicle Part Identification Number]. G.S. 14-72.7(a)(3). (6/2014)		H
216.73	Felonious [Purchasing] [Disposing of] [Selling] [Transferring] [Receiving] [Possessing] [Motor Vehicles] [Motor Vehicle Parts] from a Person Engaged in a Chop Shop Activity. G.S. 14-72.7(a)(4). (6/2014)		H
216.80	Purchase of Regulated Metals by Secondary Metals Recyclers from Other Than a Fixed Location. G.S. 66-11(d)(1). (6/2008)		Misd 1
216.81	[Purchasing] [Receiving] of Regulated Metals by Secondary Metals Recyclers from (a) Minor(s). G.S. 66-11(d)(1). (6/2008)		Misd 1

		<u>Offense Classification</u>	Before	On or After
			10/1/94	10/1/94
216.82	[Cutting] [Mutilating] [Defacing] [Otherwise Injuring] Property to Obtain Nonferrous Metals—Property [Injury] [Loss in Value] [Repairs] [Loss Including Fixtures or Improvements] Less than \$1,000. G.S. 14-159.4(c)(1) (6/2013)			Misd 1
216.83	[Cutting] [Mutilating] [Defacing] [Otherwise Injuring] Property to Obtain Nonferrous Metals—Property [Injury] [Loss in Value] [Repairs] [Loss Including Fixtures or Improvements] \$1,000 or More (But Less than \$10,000). G.S. 14-159.4(c)(1) (6/2013)			H
216.84	[Cutting] [Mutilating] [Defacing] [Otherwise Injuring] Property to Obtain Nonferrous Metals—Property [Injury] [Loss in Value] [Repairs] [Loss Including Fixtures or Improvements] \$10,000 or More. G.S. 14-159.4(c)(1) (6/2013)			F
216.85	[Cutting] [Mutilating] [Defacing] [Otherwise Injuring] Property to Obtain Nonferrous Metals—Serious Injury. G.S. 14-159.4(c)(2) (6/2013)			Misd A1
216.86	[Cutting] [Mutilating] [Defacing] [Otherwise Injuring] Property to Obtain Nonferrous Metals—Serious Bodily Injury. G.S. 14-159.4(c)(3). (6/2013)			F
216.87	[Cutting] [Mutilating] [Defacing] [Otherwise Injuring] Property to Obtain Nonferrous Metals—Death. G.S. 14-159.4(c)(4) (6/2013)			D
216.88	[Cutting] [Mutilating] [Defacing] [Otherwise Injuring] Property to Obtain Nonferrous Metals—Critical Infrastructure. G.S. 14-159.4(c)(5) (6/2013)			Misd 1
216.90	Unauthorized Use of a Conveyance. G.S. 14-72.2. (5/2002)	I, Misd		I, Misd 7
216.93	Larceny of Pinestraw. G.S. 14-79.1. (11/1998)			H
216.95	Felonious Larceny of Ungathered Crops. G.S. 14-78. (5/2002)	H, Misd		H, Misd 1
216.96	Felonious Larceny of Horses, Mules, Swine, Cattle, or Dogs. G.S. 14-81. (2/2003)	H, J		H, I
216.97	Unlawful Taking and Carrying Away of Any [Horse] [Mare] [Gelding] [Mule] [Dog] with the Intent to Deprive the Owner of the [Special] [Temporary] Use of Such Property. G.S. 14-82. (2/2003)	Misd		Misd 2
216.98	Unlawful Taking and Carrying Away of Any [Horse] [Mare] [Gelding] [Mule] [Dog] with the Intent to Use Such Property for a [Special] [Temporary] Purpose. G.S. 14-82. (2/2003)	Misd		Misd 2
	Robbery.			
217.10	Common Law Robbery. G.S. 4-1, 14-2, 14-87.1. (6/2016)	H		G
217.20	Robbery with a Firearm. G.S. 14-87. (6/2016)	D		D
217.25	Attempted Robbery with a Firearm. G.S. 14-87. (5/2003)	D		D
217.30	Robbery with a Dangerous Weapon—Other Than a Firearm Covering Common Law Robbery as a Lesser Included Offense. G.S. 14-87, 14-87.1, 14.1, 14.2. (5/2003)	D, H		D, G
217.50	Safecracking—By Explosives, Drills, or Tools. G.S. 14-89.1(a)(1). (5/2003)	H		I
217.51	Safecracking—By Stolen or Fraudulently Acquired Implement or Means. G.S. 14-89.1(a)(2). (5/2003)	H		I
217.52	Safecracking—By Use of Key or Device Obtained in Unauthorized Manner. G.S. 14-89.1(a)(3). (5/2003)	H		I
217.53	Safecracking—All Other Means. G.S. 14-89.1(a)(3) and (4). (5/2003)	H		I

		Before 10/1/94	On or After 10/1/94
217.54	Safecracking—Removing Safe or Vault from Premises. G.S. 14-89.1(b). (5/2003)	H	I
218.10	Embezzlement. Embezzlement of Property by Virtue of Office or Employment. G.S. 14-90, 58-2-162. (6/2010)	H	H
218.10A	Embezzlement of Property Valued at \$100,000 or More by Virtue of Office or Employment. G.S. 14-90; 58-2-162. (6/2010)		C, H (12/97)
218.15	Embezzlement of Property by Virtue of Office or Employment. G.S. 14-90, 58-2-162, 45A-3. (6/2010)		H
218.15A	Embezzlement of Property Valued at \$100,000 or More by Virtue of Office or Employment. G.S. 14-90, 58-2-162, 45A-3. (6/2010)		C
218.20	Willful Misapplication of Corporate Moneys, Funds or Credits. G.S. 14-254. (5/2003)	G	H
218.21	Unauthorized Issuance of Corporate Instruments. G.S. 14- 254. (5/2003)	G	H
218.22	False Entries by Corporate Officers or Agents. G.S. 14-254. (5/2003)	G	H
218.25	Embezzlement of State Property by Public Officers and Employees. G.S. 14-91. (6/2010)		F
218.25A	Embezzlement of State Property Valued at \$100,000 or More Public Officers and Employees. G.S. 14-91. (6/2010)		C
218.30	[Misapplication] [Embezzlement] of Bank Funds (6/2013)		C, H
	False Pretenses and Cheats.		
219.10	Obtaining Property by False Pretenses. G.S. 14-100. (6/2016)	H	H
219.10A	Obtaining Property by False Pretenses. G.S. 14-100. (6/2016)		C, H (12/97)
219.11	Fraudulent Misrepresentation Involving Child Care Subsidies. G.S. 110-107. (4/2000)	-	Class 1; I
219.20	Obtaining Advances under Promise to Work. G.S. 14-104. (10/1998)	-	Misd 2
219.40	Obtaining Property in Return for Worthless Check, with Intent to Cheat and Defraud. G.S. 14-106. (3/2003)	Misd	Misd 2
219.50A	Worthless Check—Insufficient Funds (Less Than \$2,000). G.S. 14-107(a), (d)(1). (6/2014)	-	Misd 2
219.51A	Worthless Check—Insufficient Funds (More Than \$2,000). G.S. 14-107(a), (d). (6/2014)	J	I
219.52	Worthless Check—Drawn on Non-Existent Account. G.S. 14- 107(d)(3). (5/2000)	Misd	Misd 1
219.53	Worthless Check—Drawn on Closed Account. G.S. 14- 107(d)(4). (5/2000)	Misd	Misd 1
	Credit Card Crime Act.		
219B.10	Credit Card (Financial Transaction Card) Theft. G.S. 14- 113.9(a)(1). (4/2003)	J	I
219B.11	Credit Card (Financial Transaction Card) Theft—Receiving Stolen Card. G.S. 14-113.9(a)(1). (4/2003)	J	I

		Before 10/1/94	On or After 10/1/94
219B.20	Credit Card (Financial Transaction Card) Theft—Use of Lost, Mislaid, or Mistakenly Delivered Card. G.S. 14-113.9(a)(2). (4/2003)	J	I
219B.25	Credit Card (Financial Transaction Card) Theft—Buying a Credit Card. G.S. 14-113.9(a)(3). (5/2003)	J	I
219B.26	Credit Card (Financial Transaction Card) Theft—Selling a Credit Card. G.S. 14-113.9(a)(3). (5/2003)	J	I
219B.30	Forgery of a Credit Card (Financial Transaction Card)—Making or Embossing Credit Card. G.S. 14-113.11(a)(1). (4/2003)	J	I
219B.31	Forgery or Uttering of a Forged Credit Card (Financial Transaction Card)—Falsely Encoded, Duplicated, Altered, or Uttered. G.S. 14-113.11(a)(2). (4/2003)	J	I
219B.35	Forgery of a Credit Card (Financial Transaction Card)—Unauthorized Signing of a Credit Card. G.S. 14-113.11(a)(3). (4/2003)	J	I
219B.40	Credit Card (Financial Transaction Card) Fraud—Credit Card Stolen, Forged, Falsely Represented, Expired, or Revoked. G.S. 14-113.13(a)(1)(2); (b). (4/2003)	J, Misd	I, Misd 2
219B.41	Credit Card Fraud—False Representation as to Holding or Issuance of Card. G.S. 14-113.13(a)(2). (5/2003)	J, Misd	I, Misd 2
219B.42	Credit Card Fraud—Where Defendant Held or Controlled Card as Security for Debt. G.S. 14-113.13(a)(3). (5/2003)	J, Misd	I, Misd 2
219B.43	Credit Card Fraud—By Furnisher of Goods and Services. G.S. 14-113.13(b)(1). (4/2003)	J, Misd	I, Misd 2
219B.44	Credit Card (Financial Transaction Card)—Fraud by Misrepresentation to Issuer. G.S. 14-113.13(b)(2). (4/2003)	J, Misd	I, Misd 2
219B.50	Criminal Possession of Incomplete Credit Cards (Financial Transaction Card). G.S. 14-113.14(a)(1). (4/2003)	J	I
219B.55	Criminal Possession of Credit Card (Financial Transaction Card)—Reproduction Device. G.S. 14-113.14(a)(2). (4/2003)	J	I
219B.60	Credit Card Fraud—Criminal Factoring of Transaction Card Records of Sale. G.S. 14-113.15A. (4/2003)	I	I
219B.80	Identity Theft. G.S. 14-113.20, 14-113.22.		F, G
219B.80A	Identity Theft—Financial Identity Fraud Resulting in Another Person’s Arrest, Detention, or Conviction of a Criminal Offense. G.S. 14-113.20, -113.22. (6/2010)	-	F, G
219B.80B	Identity Theft—Possession of Identifying Information Pertaining to Three or More Persons. G.S. 14-113.20, -113.22. (6/2010)		F, G
219B.85	Identity Theft—Trafficking in Stolen Identities. G.S. 14-113.20A. (6/2010)		E
219C.05	Willfully Failing to Make North Carolina Income Tax Returns. G.S. 105-236(9). Deleted. (6/2013).	Misd	Misd 1
	Frauds.		
220.10	Fraudulent Disposal of Personal Property on Which There Is a Security Interest. G.S. 14-114. (5/2003)	Misd	Misd 2
220.20	Secreting Property to Hinder Enforcement of Lien or Security Interest. G.S. 14-115. (5/2003)	Misd	Misd 2
220.22	Filing False Security Agreements (6/2013)		I
220.24	Improper Filing of Lien on [Real Property]. G.S. 44A-12.1(c). (6/2013)		I
220.26	Filing [False Lien] [Encumbrance]. G.S. 14-118.6. (6/2016)		I

		Before 10/1/94	On or After 10/1/94
220.28	Simulation of Court Process in Connection with Collection of [a Claim] [a Demand] [an Account]. G.S. 14-118.1 (6/2013)		I
220.30	Residential Mortgage Fraud. G.S. 14-118.12(a)(1)-(2). (6/2013)		H
220.31	[Receiving] [Attempting to Receive] Proceeds from Residential Mortgage Fraud. G.S. 14-118.12(a)(3). (6/2008)		H
220.32	Conspiracy to Commit Residential Mortgage Fraud. G.S. 14-118.12(a)(4). (6/2008)		H
220.33	Solicitation of Residential Mortgage Fraud. G.S. 14-118.12(a)(4). (6/2008)		H
220.34	Pattern of Residential Mortgage Fraud. G.S. 14-118.15. (6/2008)		H, E
220.35	False Statement of Sums Due for [Labor] [Materials] Furnished at Site of Improvements to Real Property (6/2013)		Misd 1
220.40	Fraudulent and Deceptive Advertising. G.S. 14-117. (5/2003)	Misd	Misd 2
220.50	[Improper] [Fraudulent] Receipt of Decedent's [Retirement Allowance] [Disability Benefit]. G.S. 135-18.11. (6/2013)		Misd 1
220.53	Improper Receipt of Decedent's Disability Income Plan Allowance from the State of North Carolina. G.S. 135.111.1. (6/2014)		Misd 1
220.55	Fraudulently [Obtaining] [Increasing] Benefit Under Unemployment Insurance. G.S. 96-18.A. (6/2013)		I, Misd 1
220.60	Blackmail—Other Than by Accusation of Crime. G.S. 14-118. (5/2003)	Misd	Misd 1
220.65	Blackmail—By Accusation of Crime. G.S. 14-118. (5/2003)	Misd	Misd 1
220.70	Obtaining Academic Credit by Fraudulent Means. G.S. 14-118.2. (5/2003)	Misd	Misd 2
220.80	Extortion. G.S. 14-118.4. (5/2003)	H	F
220.85	Exploitation of [Disabled] [Older] Adult by a Person in a [Position of Trust] [Business Relationship with the Adult]. G.S. 14-112.2(b), (d). (6/2014)		F, G, H
220.90	Fraud in Connection with Rental of Motor Vehicle. G.S. 20-106.1. (3/2003)	J	I
220.91	Failing to Return Rented Property on Which There Is a Purchase Option (Rent to Own). G.S. 14-168.4. (5/2003)	Misd	Misd 2
220.95	Interfering with Gas, Electric, and Steam [Appliances] [Meters]. G.S. 14-151. (6/2014)		Misd 1
220.97	[Possession] [Transfer] [Use] of Automated Sale Suppression Device. G.S. 14-118.7. (6/2014)		H
221.10	Forgery. Forgery of Notes, Checks, and Other Securities. G.S. 14-119(a). (6/2008)	I	I
221.12	Possession of Counterfeit Instrument(s). G.S. 14-119(a). (6/2008)		I
221.14	Possession of Five or More Counterfeit Instruments. G.S. 14-119(b). (6/2008)		G
221.16	Transporting Five or More Counterfeit Instruments. G.S. 14-119(b). (6/2008)		G
221.20	Uttering Forged Instrument or Instrument Containing a Forged Endorsement. G.S. 14-120. (4/2003)	I	I
221.40	Forgery of Deeds, Wills and Certain Other Instruments. G.S. 14-122. (5/2003)	I	H

		<u>Offense Classification</u>	
		Before	On or After
		10/1/94	10/1/94
221.41	Showing Forth in Evidence Forged Deeds, Wills, and Certain Other Instruments. G.S. 14-122. (5/2003)	I	H
221.80	Forgery of Writings (Common Law Misdemeanor). (5/2003)	Misd	Misd 1; H
	Trespasses to Land and Fixtures.		
222.15	Willful and Wanton Injury to Real Property. G.S. 14-127. (5/2003)	Misd	Misd 1
222.16	Felonious Injury to Houses or Other Buildings Including Lesser Offense (6/2009)		I
222.17	Misdemeanor Injury to Houses or Other Buildings. G.S. 14-144. (6/2009)		Misd 2
222.18	Felonious Injury to Fences or Walls Including Lesser Offense. G.S. 14-144. (6/2009)		I
222.19	Misdemeanor Injury to Fences or Walls. G.S. 14-144. (6/2009)		Misd 2
222.20	Forcible Trespass to Real Property (Common Law Misdemeanor). (5/2003)	Misd	Misd 1
222.22	Unlawfully [Stopping] [Impeding] [Delaying] [Detaining] a Public School Bus or Public School Activity Bus. G.S. 14-132.2. (5/2002)		Misd 1
222.23	Refusing to Leave a Public School Bus or Public School Activity Bus. G.S. 14-132.2. (5/2002)		Misd 1
222.24	Trespassing on Public School Bus or Public School Activity Bus. G.S. 14-132.2. (5/2002)		Misd 1
222.26	Trespass—Electric Power Supplier—Basic Offense. G.S. 14-159.12(c). (6/2013)		Misd A1
222.28	Trespass—Electric Power Supplier—[Intent to Disrupt Normal Operation of Facility] [Act that Placed [Offender] [Another Person] at Risk of Serious Bodily Injury]. G.S. 14-159.12(d). (6/2013)		H
222.30	Domestic Criminal Trespass. G.S. 14-134.3(a). (5/2003)		Misd 1
222.31	Aggravated Domestic Criminal Trespass. G.S. 14-134.3(b). (5/2003)		G
222.32	Interfering with Emergency Communications. G.S. 14-286.2. (5/2002)		Misd A1
222.33	Felony Trespassing at a Safe House by Person Subject to Domestic Violence Protective Order (6/2011)		H
222.40	Setting Fire to [Grassland] [Brushland] [Woodland] Property of Another. G.S. 14-136. (4/2003)	Misd	Misd 2
222.40A	Setting Fire to [Grassland] [Brushland] [Woodland] (Defendant's Property). G.S. 14-136. (4/2003)	Misd	Misd 2
222.41	Setting Fire to [Grassland] [Brushland] [Woodland] with Intent to Damage Property of Another. G.S. 14-136. (3/2003)	I	I
222.42	[Cutting] [Injuring] [Removing] Another's Timber. G.S. 14-135, 14-72.		Misd 1, H
222.45	Toxic Substances, Dumping. G.S. 14-284.2. (5/2003)		F
222.50	Desecration of a Gravesite. G.S. 14-148(a). (6/2008)		Misd 1
222.51	Desecration of Human Remains. G.S. 14-149. (6/2008)		H
222.52	Felonious Desecration of a Gravesite. G.S. 14-148(a). (6/2008)		I
222.60	Injuring Telecommunication Wires. G.S. 14-154. (6/2008)		I
222.65	Trespassing for the Purpose of [Hunting] [Fishing] [Trapping] (6/2012)		Misd 1
222.66	Trespassing for the Purpose of [Raking] [Removing] Pine Straw (6/2012)		Misd 1

222.68	Improper Taking of [Menhaden] [Atlantic Thread] Herring. G.S. 113-187. (6/2013)		Misd A1
222.69	Unlawful Dealings with [Ginseng] [Galax] [Venus Flytrap]. G.S. 106-202.19(a). (6/2013)		Misd 2
222.70	Trespass to Land on a Motorized All Terrain Vehicle. G.S. 14-159.3. (6/2015)		Misd 2
222.75	Collection of [Seismic] [Geophysical] Data on Another's Property Without Written Consent. G.S. 113-395.4. (6/2015)		Misd 1
222.80	Graffiti Vandalism. G.S. 14-127.1. (6/2016)		Misd
222.85	Graffiti Vandalism. G.S. 14-127.1. (6/2016)		
	Trespasses to Personal Property.		
223.15	Willful and Wanton Injury to Personal Property Causing Damage of More Than \$200. G.S. 14-160. (5/2003)	Misd	Misd 1, 2
223.20	[Alteration] [Destruction] [Removal] of Permanent Identification Marks from Personal Property. G.S. 14-160.1(a). (3/2003)	Misd	Misd 1
223.21	[Buying] [Selling] [Possessing] Item of Personal Property on Which the Permanent Identification Mark Has Been [Altered] [Destroyed] [Defaced] [Removed]. G.S. 14-160.1(b). (3/2003)	Misd	Misd 1
223.25	Felonious Trespass. G.S. 14-453, -458. (4/2000)		Class 3; 1/I
223.30	Willfully Damaging [Computers] [Computer Programs] [Computer Systems] [Computer Networks]. G.S. 14-455. (6/2009)		Misd 1
223.31	Willfully Damaging Government [Computers] [Computer Programs] [Computer Systems] [Computer Networks]. G.S. 14-455(b). (6/2009)		F
223.40	Unlawful Operation of an Audiovisual Recording Device. G.S. 14-440.1. (6/2006)		Misd 1
223.45	Unlawful Operation of an Audiovisual Recording Device. G.S. 14-440.1. (6/2006)		I, Misd 1
	Vehicles and Draft Animals—Protection of Bailor against Acts of Bailee.		
224.10	[Willful] [Malicious] Injury to [Rented] [Hired] Personal Property. G.S. 14-165. (3/2003)	Misd	Misd 2
224.20	Failure to Return [Rented] [Hired] Property. G.S. 14-167. (3/2003)	Misd	Misd 2
224.25	Failure to Return [Rented] [Hired] [Leased] Motor Vehicle Valued in Excess of \$4,000. G.S. 14-167. (6/2006)		
224.30	Felonious Conversion by Bailee. G.S. 14-168.1 (4/2003)	H, Misd	H, Misd 1
	Offenses against Public Morality and Decency.		
226.10	Crime against Nature—Animals. G.S. 14-177. (6/2006)	H	I
226.10A	Crime against Nature—Persons. G.S. 14-177. (6/2006)		
226.20	Incest. G.S. 14-178. (3/2003)	G	F
226.20A	Incest with a Person under the Age of Thirteen Years. G.S. 14-178. (3/2003)	G	B1
226.20B	Incest with a Person [Thirteen] [Fourteen] [Fifteen] Years of Age. G.S. 14-178. (3/2003)		B1, C
226.45	Bigamy. G.S. 14-183. (3/2003)	H	I
226.46	Bigamous Cohabitation. G.S. 14-183. (4/2003)	H	I
226.50	Fornication and Adultery. G.S. 14-184. (1/2004)	Misd	Misd 2

		Before 10/1/94	On or After 10/1/94
226.55	Using Profane or Indecent Language over a Telephone. G.S. 14-196(a)(1). (3/2001)	Misd	Misd 2
226.56	Using Threatening Language by Way of Telephone. G.S. 14-196(a)(2). (3/2001)	Misd	Misd 2
226.57	Harassing by Repeated Telephone Calls. G.S. 14-196(a)(3). (3/2001)	Misd	Misd 2
226.58	Disrupting Telephone Service of Another. G.S. 14-196(a)(4). (3/2001)	Misd	Misd 2
226.59	Harassing by Imparting False Information by Telephone. G.S. 14-196(a)(5). (3/2001)	Misd	Misd 2
226.60	Cyberstalking—Threatening Language. G.S. 14-196.3(b)(1). (3/2001)		Misd 2
226.60A	Cyberstalking—Harassment. G.S. 14-196.3(b)(2). (1/2001)		Misd 2
226.60B	Cyberstalking—False Statement. G.S. 14-196.3(b)(3). (3/2001)		Misd 2
226.60C	Cyberstalking—Permitting Communication. G.S. 14-196.3(b)(4). (3/2001)		Misd 2
226.62	Cyberstalking Through Use of An Electronic Tracking Device. G.S. 14-196.3. (6/2016)		
226.65	Cyber-bullying with Intent to [Intimidate] [Torment] a Minor. G.S. 14-458.1(a)(1). (6/2010)		Misd 1, Misd 2
226.66	Cyber-bullying with Intent to [Intimidate] [Torment] [A Minor] [A Minor's [Parent] or [Guardian]]. G.S. 14-458.1(a)(2). (6/2010)		Misd 1, Misd 2
226.67	Cyber-bullying—Using a [Computer] [Computer Network] to Plant any Statement to Provoke a Third Party to [Stalk] [Harass] a Minor. G.S. 14-458.1(a)(3). (6/2010)		Misd 1, Misd 2
226.68	Cyber-bullying—Using a [Computer] [Computer Network] to [Copy and Disseminate] [Cause to be Made] an Unauthorized Copy of Data Pertaining to a Minor for the Purpose of [Intimidating] [Tormenting] that Minor. G.S. 14-458.1(a)(4). (6/2010)		Misd 1, Misd 2
226.69	Cyber-bullying—Signing up a Minor for a Pornographic Internet Site. G.S. 14-458.1(a)(5). (6/2010)		Misd 1, Misd 2
226.70	Cyber-bullying—Using a [Computer] [Computer Network] to Sign up a Minor for [Electronic Mailing List] [Electronic Messages] Without Consent of the [Minor] [Minor's [Parent] [Guardian]] Resulting in [Intimidation] [Torment] of the Minor. G.S. 14-458.1(a)(6). (6/2010)		Misd 1, Misd 2
226.71A	Cyber-bullying of School Employee by Student—[Computer] [Internet] Interference with Employee. G.S. 14-458.2(b)(1). (6/2013)		Misd 2
226.72B	Cyber-bullying of School Employee by Student—Statements Likely to Provoke Action. G.S. 14-458.2(b)(2). (6/2013)		Misd 2
226.72C	Cyber-bullying of School Employee by Student—Unauthorized Copying of Data. G.S. 14-458.2(b)(3). (6/2013)		Misd 2
226.72D	Cyber-bullying of School Employee by Student—Pornographic Internet Site. G.S. 14-458.2(b)(4). (6/2013)		Misd 2
226.72E	Cyber-bullying of School Employee by Student—Electronic Mailing Lists. G.S. 14-458.2(b)(5). (6/2013)		Misd 2
226.75	Secretly Peeping into Room Occupied by Another Person. G.S. 14-202(a). (12/2003)	Misd	Misd 1
226.75A	Secretly Peeping through the Use of a Mirror or Other Device. G.S. 14-202(a1). (2/2005)		Misd 1

		Before	On or After
		10/1/94	10/1/94
226.76	Secretly Peeping into Room While in Possession of a Device Used to Create a Photographic Image. G.S. 14-202(c). (4/2004)		Misd A1
226.77	Felonious Secretly Peeping into Room Occupied by Another Person and Using a Device to Create a Photographic Image of a Person in That Room for the Purpose of Sexual Arousal or Gratification. G.S. 14-202(d). (4/2004)		I
226.78	Secretly or Surreptitiously Using a Device to Create a Photographic Image of Another Person Underneath or through the Clothing. G.S. 14-202(e). (4/2004)		I
226.79	Secretly or Surreptitiously Installing a Device Used to Create a Photographic Image. G.S. 14-202(f). (4/2004)		I
226.80	Knowingly Possessing a Photographic Image Obtained by Secretly Peeping. G.S. 14-202(g). (5/2004)		I
226.81	Knowingly Disseminating a Photographic Image Obtained by Secretly Peeping. G.S. 14-202(h). (5/2004)		H
226.85	Taking an Indecent Liberty with a Child. G.S. 14-202.1. (4/2003)	H	F
226.86A	Taking Indecent Liberties with a Student (by Teacher, School Administrator, Student Teacher, School Safety Officer, Coach). G.S. 14-202.4. (6/2016)	-	I
226.86B	Taking Indecent Liberties with a Student (by Member of School Personnel Other Than Teacher, School Administrator, Student Teacher, School Safety Officer, Coach). G.S. 14-202.4. (6/2016)	-	Misd A1
226.90	Promoting Prostitution. G.S. 14-205.3. (6/2014)		E, F
226.91	Patronizing a Prostitute. G.S. 14-205.2. (6/2014)		E, F
226.92	Patronizing a Prostitute G.S. 14-205.2. (6/2014)		E, F
226.93	Patronizing a Prostitute who is [Severely] [Profoundly] Mentally Disabled. G.S. 14-205.2. (6/2014)		C, D
226.96	Solicitation for Prostitution with a Person who is [Severely] [Profoundly] Mentally Disabled. G.S. 14-204(5), 14-205.1. (6/2014)		E
226.97	Solicitation for Prostitution. G.S. 14-204(5), 14-205.1. (6/2014)		G, H
226.98	Solicitation for Prostitution. G.S. 14-204(5), 14-205.1. (6/2014)	Misd	Misd 1
	Perjury.		
228.10	Perjury. G.S. 14-209. (1/2001)	H	F
228.20	Subornation of Perjury. G.S. 14-210. (1/2001)	H	I
228.30	Presenting a False Statement to Procure Benefit of Insurance Policy. G.S. 58-2-161(b)(1). (2/1999)	I	I
228.30A	Presenting a False Statement to Deny Benefit of Insurance Policy. G.S. 58-2-161(b)(1). (2/1999)	I	I
228.35	Making (or Participating in) a False Statement to Procure Benefit of an Insurance Policy. G.S. 58-2-161(b)(2). (2/1999)	I	I
228.35A	Making (or Participating in) a False Statement to Deny Benefit of Insurance Policy. G.S. 58-2-161(b)(2). (2/1999)	I	I
	Bribery.		
229.05	Bribery of Officials. G.S. 14-217. (5/2005)	I	F
229.10	Offering a Bribe to Public Officials. G.S. 14-218. (4/2003)	I	F
229.15	[Buying] [Selling] Public Offices. G.S. 14-228. (6/2016)		

229.20	Commercial Bribery. G.S. 14-353. (6/2014)	Misd	Misd 2
229.21	Commercial Bribery (Making Bribe). G.S. 14-353. (6/2014)	Misd	Misd 2
	Obstructing Justice.		
230.20	Breaking or Entering with the Intent of Altering, Destroying, or Stealing Evidence. G.S. 14-221.1. (1/1999)	I	I
230.21	[Altering] [Destroying] [Stealing] Evidence of Criminal Conduct. G.S. 14-221.1. (6/2010)	I	I
230.25	[Destroying] [Altering] [Concealing] [Tampering With] Biological Evidence of Criminal Conduct. G.S. 15A-268. (6/2010)		H, I
230.26	Felonious Misrepresentation of Evidence (6/2012)		H
230.27	Non-Felonious Misrepresentation of Evidence (6/2012)		Misd 1
230.30	Resisting, Delaying, or Obstructing a Public Officer—All Situations Other Than Arrest. G.S. 14-223. (1/1999)	Misd	Misd 2
230.31	Resisting Arrest—Lawfulness of Arrest. G.S. 14-223. (1/1999)	Misd	Misd 2
230.32	Resisting, Delaying, or Obstructing an Officer—Excessive Force by the Officer. G.S. 14-223. (1/1999)	Misd	Misd 2
230.40	Obstructing the Administration of Justice by [Picketing] [Parading] [Use of a Sound Truck or Similar Device]. G.S. 14-225.1. (12/1998)	Misd	Misd 1
230.60	Harassment or Intimidation of or Communication with Juror. G.S. 14-225.2. (12/1998)	I	H, I
230.60A	Harassment or Intimidation of or Communication with Juror’s Spouse. G.S. 14-225.2. (1/1999)	I	H, I
230.61A	Intimidating Witnesses by Threatening the Assertion or Denial of Parental Rights. G.S. 14-226. (2/2005)		H
230.62	Obstruction of Justice. Common Law Misdemeanor. (3/2003)	Misd	Misd 1, H
230.65	[Intimidating] [Interfering] With A Witness. G.S. 14-226(a). (6/2016)		G
230.70	Impersonation of Law-Enforcement Officer. Misdemeanor. G.S. 14-277(a). (6/2011)	Misd	Misd 1
230.70A	Impersonating a Law Enforcement Officer. Felony. (6/2011)		H, I
230.71	Impersonating a Law Enforcement Officer by Operating a Vehicle with an Operating Blue Light Causing a Person to [Stop] [Yield] (Blue Light Bandit). G.S. 14-277(a)(4), (b)(5). (12/1997)		H, I
230.73	Impersonation of [A Firefighter] [An Emergency Medical Services Personnel]. G.S. 14-276.1 (6/2016)		
230.75	Impersonation of Law-Enforcement Officer (Carrying Out an Act in Accordance with the Authority Granted to a Law-Enforcement Officer). Misdemeanor. G.S. 14-277(b). (6/2011)	Misd	Misd 1
230.75A	Impersonation of Law-Enforcement Officer (Carrying Out an Act in Accordance with the Authority Granted to a Law-Enforcement Officer). Felony. G.S. 14-277(b). (6/2011)		H, I
230.80	Concealment of Death. G.S. 14-401.22. (6/2006)		Felony
230.81	Harassment of a Participant in a Neighborhood Crime Watch Program. G.S. 14-226.2. (6/2007)		Misd 1
230.91	Concealment of Death—Intent to Conceal Death by Dismembering or Destroying Human Remains (6/2012)		H
230.92	Concealment of Death—Intent to Conceal Unnatural Death by Dismembering or Destroying Human Remains (6/2012)		D

230.93	Concealment of Death—Aiding, Counseling, and Abetting (6/2012)		Misd 1
230.94	Disturbing Human Remains—Physical Alteration or Manipulation (6/2012)		I
230.95	Disturbing Human Remains—Acts of Sexual Penetration (6/2012)		I
Prison Breach and Prisoners.			
233.45	Prison Breach and Escape from [County] [Municipal] Confinement [Facilities] [Officers]. G.S. 14-256. (6/2014)		Misd 1, H
233.50	Feloniously Harboring or Aiding an Escaped Prisoner. G.S. 14-259. (12/1998)	I	I
233.60	Injury to Prisoner by Jailer. G.S. 162-55. (12/1998)	Misd	Misd 1
233.70	Harboring a Fugitive. G.S. 14-267. (2/1999)	Misd	Misd 1
233.80	Furnishing a Controlled Substance to an Inmate. G.S. 14-258.1(a). (6/2010)	H	H
233.81	Furnishing a Deadly Weapon, Cartridge or Ammunition to an Inmate. G.S. 14-258.1(a). (6/2010)	H	H
233.82	Furnishing an Alcoholic Beverage to an Inmate. G.S. 14-258.1(b). (6/2010)	Misd	Misd 1
233.83	Furnishing a Tobacco Product (Including Vapor Products) to an Inmate. G.S. 14-258.1(c). (6/2015)	Misd	Misd 1
233.84	Furnishing a [Mobile Telephone] [Wireless Communication Device] [Component of a [Mobile Telephone] [Wireless Communication Device]] to an Inmate. G.S. 14-258.1(d). (6/2016)	Misd	Misd 1
233.90	Possession of a Tobacco Product (Including Vapor Products) by an Inmate. G.S. 14-258.1(e). (6/2015)	Misd	Misd 1
233.95	Possession of a [Mobile Telephone] [Wireless Communication Device] [Component of a [Mobile Telephone] [Wireless Communication Device]]. G.S. 14-258.1(d). (6/2016)	Misd	Misd 1
Offenses against the Public Peace.			
235.10	Carrying a Concealed Weapon Other Than a Pistol or Handgun. G.S. 14-269(a). (6/2014)	Misd	Misd 2
235.12	Carrying a Concealed [Pistol] [Handgun]. G.S. 14-269(a1). (6/2015)		Misd 2, H
235.15	Carrying Weapons into Assemblies. G.S. 14-269.3. (6/2014)	Misd	Misd 1
235.16	Carrying Weapons into Establishments Where Alcoholic Beverages Are Sold and Consumed. G.S. 14-269.3. (6/2014)	Misd	Misd 1
235.17	Carrying or Possessing Weapons on [Educational Property] (or) [at School Sponsored Activity]. G.S. 14-269.2(b) and (b1). (6/2016)	I, Misd	I, Misd 1
235.17A	[Causing] [Encouraging] [Aiding] a Minor to [Carry] [Possess] Weapons on Educational Property. G.S. 14-269.2(c) and (c1). (6/2014)	I, Misd	I, Misd 1
235.17B	Willfully Discharging a Firearm on Educational Property or at School Sponsored Activity. G.S. 14-269.2(b) and (b1). (6/2014)		F
235.18	Communicating Threats. G.S. 14-277.1. (2/2000)	Misd	Misd 1
235.19	Stalking. G.S. 14-277.3A(c)(d). (6/2009)	I, Misd	F, H, Misd A1
235.19A	Stalking (Court Order in Effect). G.S. 14-277.3A(c)(d). (6/2009)		H

235.19B	Stalking (Previously Convicted). G.S. 14-277.3A(c)(d). (6/2009)		F
235.20	Going about Armed with Unusual and Dangerous Weapons to the Terror of the People (Common Law Misdemeanor). (4/1999)	Misd	Misd 1
235.30	Pointing a Laser Device towards an Aircraft. G.S. 14-280.2. (6/2006)		H
235.35	Interference With Manned Aircraft By Unmanned Aircraft Systems. G.S. 14-280.3. (6/2015)		H
235.50	Terrorism (Basic Offense). G.S. 14-10.1. (6/2013)		B1*
235.51	Terrorism—Continuing Criminal Enterprise. G.S. 14-7.20. (6/2013)		D
235.61	Unlawful Distribution Of Images Taken by Unmanned Aircraft. G.S. 14-401.25. (6/2015)		Misd A1
235.65	Disclosure of Private Images by Offender Under the Age of 18. G.S. 14-190.5(c)(2). (6/2016)		
235.67	Disclosure of Private Images by Offender 18 Years of Age Or Older. G.S. 14-190.5(c)(1). (6/2016)		
235.69	Felonious Disclosure of Private Images by Offender Under the Age of 18. G.S. 14-190.5(c)(3). (6/2016)		
Riots and Civil Disorders.			
236A.10	Feloniously Engaging in a Riot Where the Defendant Has Actually Participated in the Violence—More Than \$1,500 Property Damage or Serious Injury. G.S. 14-288.2(c)(1). (5/1999)	I, Misd	H, Misd 1
236A.15	Feloniously Engaging in a Riot Where the Defendant Has Actually Participated in the Violence—Dangerous Weapon or Substance. G.S. 14-288.2(c)(2). (5/1999)	I, Misd	H, Misd 1
236A.20	Inciting to Riot—\$1,500 or Less in Damage—Misdemeanor. G.S. 14-288.2(d). (5/1999)	Misd	Misd 1
236A.25	Felonious Inciting to Riot—Damage in Excess of \$1,500 or Serious Bodily Injury (With Misdemeanor Inciting as a Lesser Included Offense). G.S. 14-288.2(e). (5/1999)	H, Misd	F, Misd 1 Misd 2
236A.27	Failure to Disperse. G.S. 14-288.5. (6/2013)		Misd 2
236A.28	[Standing] [Sitting] [Lying] Upon [Highways] [Streets]. G.S. 20-174.1. (6/2015)		Misd 2
236A.30	Disorderly Conduct (Fighting or Other Violent Conduct). G.S. 14-288.4(a)(1). (5/1999)	Misd	Misd 2
236A.31	Disorderly Conduct (Abusive Language or Gestures). G.S. 14-288.4(a)(2). (5/1999)	Misd	Misd 2
236A.33	Disorderly Conduct at a Funeral. G.S. 14-288.4 (a)(8). (6/2014)		Misd 1, H, I
236A.35	Disorderly Conduct at a Funeral. G.S. 14-288.4 (a)(8). (6/2014)		Misd 1, H, I
236A.40	Disorderly Conduct [In] [Near] a Public [Building] [Facility]. G.S. 14-132(a)(1). (6/2016)		
236A.60	Looting (Lesser Included Offense of Trespass during Emergency). G.S. 14-288.6. (5/1999)	I, Misd	H, Misd 1

Lotteries and Gaming.

* If the underlying act of violence is a Class A or B1 felony offense. Otherwise, it is one class higher than felony for underlying act of violence.

		Before 10/1/94	On or After 10/1/94
237.20	Possession of Lottery Tickets Used in the Operation of a Lottery. G.S. 14-290. (6/2006)	Misd	Misd 2
237.25	Sale of Lottery Tickets. G.S. 14-291. (6/2006)	Misd	Misd 2
237.26	Sale of Tickets Used in a Numbers Lottery. G.S. 14-291.1. (6/2006)	Misd	Misd 2
237.30	Gambling. G.S. 14-292. (1/2000)	Misd	Misd 2
237.60	Possession of Illegal Slot Machine. G.S. 14-301. (8/1999)	Misd	Misd 2
237.70	Unlawful [Operation] [Possession] of Video Gaming Machines. G.S. 14-306.1, -306.1A. (6/2007).		Misd 1, H, G
237.75	Operating Electronic Sweepstakes. G.S. 14-306.4(b). (6/2013)		Misd 1, H, G
237.80	Unlawful [Promotion] [Operation] [Conducting] of a Server-Based Electronic Game Promotion. G.S. 14-306.3(a). (6/2009)		Misd 1, H, G
237.90	Unlawful Possession of Game Terminal for the Purpose of [Promoting] [Operating] [Conducting] a Server-Based Electronic Game Promotion. G.S. 14-306.3(b). (6/2009)		Misd 1
237.91	Felonious Possession of Game Terminals for the Purpose of [Promoting] [Operating] [Conducting] a Server-Based Electronic Game Promotion. G.S. 14-306.3; 14-309(c). (6/2009)		G
	Obscenity.		
238.10	Disseminating Obscenity Intentionally (Physical Transfers). G.S. 14-190.1(a)(1), (3). (11/1999)	J	I
238.10A	Disseminating Obscenity Intentionally (Live Performance). G.S. 14-190.1(a)(2). (12/1999)	J	I
238.10B	Disseminating Obscenity Intentionally (Transmissions or Deliveries of Actual Images Not Drawings). G.S. 14-190.1(a)(4). (12/1999)	J	I
238.11	Creating, Buying, Procuring, or Possessing Obscene Material with the Intent to Disseminate. G.S. 14-190.1(e). (12/1999)	J	I
238.12	Advertising or Promoting Sale of Material as Obscene. G.S. 14-190.1(f). (12/1999)	J	I
238.13	Preparing Obscene [Films] [Photographs] [Slides] [Negatives] [Motion Pictures] of Himself or Another for the Purpose of Dissemination. G.S. 14-190.5(1). (12/1999)	Misd	Misd 1
238.13A	Preparing Obscene [Films] [Photographs] [Slides] [Negatives] [Motion Pictures] for the Purpose of Dissemination (Modeling or Assisting the Photographer). G.S. 14-190.5(2). (12/1999)	Misd	Misd 1
238.14	Intentionally [Employing] [Permitting] Minor to Assist in Obscenity Offense. G.S. 14-190.6. (12/1999)	I	I
238.15	Disseminating Obscene Material to Minors under the Age of Sixteen. G.S. 14-190.7. (12/1999)	I	I
238.16	Disseminating Obscene Material to Minors under the Age of Thirteen. G.S. 14-190.8. (12/1999)	H	I
238.17	Indecent Exposure. G.S. 14-190.9. (6/2006)	Misd	Misd 2
238.17A	Indecent Exposure to Minor for Purpose of Arousing or Gratifying Sexual Desire. G.S. 14-190.9. (6/2006)		
238.18	Displaying Material Harmful to Minors. G.S. 14-190.14. (12/1999)	Misd	Misd 2
238.19	Disseminating Harmful Material to Minors (Distribution). G.S. 14-190.15(a)(1). (12/1999)	Misd	Misd 1

238.19A	Disseminating Harmful Material to Minors (Allowing Minor to Review). G.S. 14-190.15(a)(2). (12/1999)	Misd	Misd 1
238.20	Exhibiting a Harmful Performance To Minors. G.S. 14-190.15(b). (12/1999)	Misd	Misd 1
238.21	First Degree Sexual Exploitation of a Minor (Using or Employing a Minor to Engage in or Assist Others in Engaging in Sexual Activity). G.S. 14-190.16(a)(1). (1/2000)	G	D
238.21A	First Degree Sexual Exploitation of a Minor (Permitting a Minor to Engage in Sexual Activity for Live Performance, etc.) G.S. 14-190.16(a)(2). (1/2000)	G	D
238.21B	First Degree Sexual Exploitation of a Minor by Transporting a Minor. G.S. 14-190.16(a)(3). (1/2000)	G	D
238.21C	First Degree Sexual Exploitation of a Minor by Photographing, etc. G.S. 14-190.16(a)(4). (1/2000)	G	D
238.22	Second Degree Sexual Exploitation of a Minor (Producing Material). G.S. 14-190.17(a)(1). (1/2000)	H	F
238.22A	Second Degree Sexual Exploitation of a Minor (Circulating Material). G.S. 14-190.17(a)(2). (1/2000)	H	F
238.22B	Third Degree Sexual Exploitation of a Minor. G.S. 14-190.17A. (6/2015)	J	I
238.23	Promoting Prostitution of a Minor (Enticing the Prostitution). G.S. 14-190.18(a)(1). (6/2014)	G	D
238.23A	Promoting Prostitution of A Minor (Supervising the Prostitution). G.S. 14-190.18(a)(2). (6/2014)	G	D
238.23C	Patronizing a Prostitute, a Minor. G.S. 14-205.2. (6/2014)		Misd 1, D, F, G
238.24	Participating in Prostitution of a Minor. G.S. 14-190.19(a). (6/2014)	H	F
238.26A	Solicitation for Prostitution with a Minor. G.S. 14-204(5), 14-205.1 (6/2014)		Misd 1, E, G, H
238.30	Solicitation of a [Child] [Person Defendant Believed to Be a Child] by Computer to Commit a Sex Act. G.S. 14-202.3. (6/2009)		H
238.35	Solicitation of a [Child] [Person Defendant Believed to Be a Child] by Computer to Commit a Sex Act and Appearing at Location. G.S. 14-202.3(c)(2). (6/2009)		G
238.40	Soliciting a Child by [Computer] [Electronic Device] to Commit an Unlawful Sex Act. (Offenses after December 1, 2009). G.S. 14-202.3 (June 2010)		H, G
	Protection of Minors.		
239.10	[Selling] [Giving] a Weapon to a Minor. G.S. 14-315. (11/1999)	-	H, Misd 1
239.11	Improper Storage of Firearms to Protect Minors. G.S. 14-315.1. (8/1999)	Misd	Misd 1
239.20	Permitting a Young Child to Use a Dangerous Firearm—Parent. G.S. 14-316. (6/2014)	Misd	Misd 2
239.21	Furnishing a Young Child a Dangerous Firearm—Nonparent. G.S. 14-316. (6/2014)	Misd	Misd 2
239.23	Possession of Handguns by Minors (6/2012)		Misd 1
239.25	Contributing to Delinquency and Neglect by Parents and Others. G.S. 14-316.1; 7B-101(1), (15); 7B-1501(7), (27). (6/2015)	Misd	Misd 1

239.30	Child Care Facility Report of Missing Child. G.S. 110-102.1(a). (6/2014)		
239.31	Concealment of Death—Failure to Notify Law Enforcement of Death of Child or Secretly Burying Child. G.S. 14-401.22(a1). (6/2014)		H
239.32	Failure to Report the Disappearance of a Child to Law Enforcement. G.S. 14-318.5. (6/2014)		I
239.33	False Reports to Law Enforcement [Agency] [Officer] Related to the Disappearance of a Child. G.S. 14-225(b). (6/2014)		Misd 2, H
239.34	False Reports to Law Enforcement [Agency] [Officer]. G.S. 14-225(a). (6/2014)		Misd 2
239.35	Failure to Report [Abuse] [Neglect] [Death] Due to Maltreatment of a Juvenile. G.S. 7B-301(a), (b). (6/2014)		Misd 1
239.36	Failure of Department of Social Services Director to Notify the State Bureau of Investigations of a Report of Sexual Abuse of a Juvenile in a Child Care Facility. G.S. 7B-301(a), (c) (6/2014)		Misd 1
239.55	Felonious Child Abuse. G.S. 14-318.4(a); 14-318.2. (6/2009)	H, Misd	E, Misd 1
239.55A	Felonious Child Abuse—Prostitution. G.S. 14-318.4(a1). (5/2000)	H	E
239.55B	Felonious Child Abuse by a Sexual Act. G.S. 14-318.4(a2). (5/2000)	H	E
239.55C	Felonious Child Abuse (Reckless Disregard—Serious Bodily Injury). G.S. 14-318.4(a4); 2414-318.2. (6/2014)		E
239.55D	Felonious Child Abuse (Reckless Disregard—Serious Physical Injury). G.S. 14-318.4(a5); 14-318.2 (6/2014)		H
239.57	Felonious Child Abuse [Inflicting Serious Bodily Injury] [Resulting in Permanent or Protracted Loss or Impairment of any Mental or Emotional Function]. G.S. 14-318.4(a3). (6/2009)		C
239.60	Misdemeanor Child Abuse. G.S. 14-318.2. (6/2009)	Misd	Misd 1
239.65	Permitting Child under 16 Years of Age to [Operate] [Be a Passenger on] a Bicycle without Protective Bicycle Helmet. G.S. 20-171.9. (2/2002)		Infraction
239.70	Failure to Secure a Child in a Restraint System. G.S. 20-137.1. (2/2005)		Infraction
239.80	[Transporting] [Keeping] Child Outside the State with Intent to Violate Custody Order. G.S. 14-320.1. (5/2000)	J	I
239.90	Felonious Unauthorized Administration of Medication to a Child. G.S. 110-102.1A. (4/2004)		F, Misd A1
239.91	Unauthorized Administration of Medication to a Child. G.S. 110-102.1A. (4/2004)		Misd A1
239.95	Distribution of Certain Food at Halloween and All Other Times Prohibited—Controlled Substance. G.S. 14-401.11. (6/2006)		F
239.96	Distribution of Certain Food at Halloween and All Other Times Prohibited—Noxious Substances; Greater Than Mild Physical Discomfort. G.S. 14-401.11. (6/2006)		H
239.97	Distribution of Certain Food at Halloween and All Other Times Prohibited—Noxious Substances; Mild Physical Discomfort. G.S. 14-401.11. (6/2006)		I

239.98	Distribution of Certain Food at Halloween and All Other Times Prohibited—Poisonous Chemical, Compound, or Foreign Substance. G.S. 14-401.11. (6/2006)		C
Protection of Family.			
240.05	Abandonment by Supporting Spouse. G.S. 14-322(b). (5/2000)	Misd	Misd 2
240.06	Failure to Support Child. G.S. 14-322(d). (5/2000)	Misd	Misd 2
240.07	Felonious Abandonment and Lesser Included Offense of Failure to Support by Parent. G.S. 14-322.1, -322(d). (6/2014)	I, Misd	I, Misd 2
240.10	Failure of Supporting Spouse to Provide Adequate Support for Dependent Spouse. G.S. 14-322(c). (5/2000)	Misd	Misd 2
240.40	Willful Neglect or Refusal to Adequately Support and Maintain an Illegitimate Child. G.S. 49-2. (6/2014)	Misd	Misd 2
240.50	Violation of Valid Protective Order. G.S. 50B.4.1(a). (6/2016)		Misd A1
240.51	Violation of Protective Order While in Possession of a Deadly Weapon. G.S. 50B-4.1(g). (6/2016)		H
240.55	Felonious Violation of a Valid Protective Order. G.S. 50B.4.1(f). (6/2009)		H
240.60	Violation of Permanent Civil No-Contact Order. G.S. 50D-10. (6/2016)		
240.70	Domestic Abuse of a [Disabled] [Elder] Adult Inflicting [Mental] [Physical] Injury. G.S. 14-32.3. (6/2015)		II, H
240.71	Domestic Neglect of a [Disabled] [Elder] Adult Inflicting [Mental] [Physical] Injury. G.S. 14-32.3 (6/2015)		I, H
240.75	Domestic Abuse of a [Disabled] [Elder] Adult Inflicting Serious [Mental] [Physical] Injury. G.S. 14-32.3. (6/2015)		F
240.76	Domestic Neglect of a [Disabled] [Elder] Adult Inflicting Serious [Mental] [Physical] Injury. G.S. 14-32.3 (6/2015)		F
240.80	[Employee] [Volunteer] At a [Care] [Treatment] [Habilitation] [Rehabilitation] Facility of Individuals With [Mental Illness] [Developmental Disabilities] [Substance Abuse Disorders] Causes [Pain] [Injury] to a Client Other Than as Part of a Generally Accepted [Medical] [Therapeutic] Procedure. G.S. 122C-66(a). (6/2016)		
240.82	[Employee] [Volunteer] at a Facility Who [Borrows] [Takes] Personal Property From a Client. G.S. 122C-66(a)(1). (6/2016)		
240.84	[Employee] [Volunteer] at a Facility Failed to Report Violations of Client Abuse. G.S. 122C-66(b). (6/2016)		
240.86	[Employee] [Volunteer] at a Facility Failed to Report Violations of Borrowing Client Property. G.S. 122C-66(a1)-(b). (6/2016)		
240.88	[Employee] [Volunteer] at a Facility Failed to Report Accidental Injury To a Client. G.S. 122C-66(b). (6/2016)		
Intoxicating Liquors.			
241.05	Manufacturing Poisonous Spirituous Liquor for Use as a Beverage. G.S. 14-329(a). (8/2000)	H	H
241.10	Selling Spirituous Liquor for Use as a Beverage Knowing It to Be Poisonous. G.S. 14-329(b). (8/2000)	H	F

		Before 10/1/94	On or After 10/1/94
241.11	[Transporting for Other Than Personal Use] [Possessing for Purpose of Sale] of Spirituous Liquor for Use as a Beverage Knowing It to Be Poisonous. G.S. 14-329(b). (8/2000)	H	F
241.15	Selling Poisonous Spirituous Liquor for Use as a Beverage. G.S. 14-329(c). (8/2000)	Misd	Misd 2
241.16	[Transporting for Other Than Personal Use] [Possessing for Purpose of Sale] Poisonous Spirituous Liquor. G.S. 14-329(c). (8/2000)	Misd	Misd 2
241.20	[Transportation] [Possession] of Poisonous Spirituous Liquor for Use as a Beverage. G.S. 14-329(d). (8/2000)	Misd	Misd 1
242.10	Intentional Patient Abuse Resulting in Death. G.S. 14-32.2(a)-(b)(1). (6/2008)		C
242.15	Culpably Negligent Patient Abuse Resulting in Death. G.S. 14-32.2(a)-(b)(2). (6/2008)		E
242.20	Patient Abuse Resulting in Serious Bodily Injury. G.S. 14-32.2(a)-(b)(3). (6/2008)		F
242.25	Pattern of Patient Abuse Resulting in Bodily Injury. G.S. 14-32.2(a)-(b)(4). (6/2008)		H
	Cruelty to Animals.		
247.10	Non-Felonious Cruelty to Animals. G.S. 14-360. (6/2012)	Misd	Misd 1
247.10A	Felonious Cruelty to Animals. G.S. 14-360. (6/2015)		I
247.10B	Non-Felonious Cruelty to Animals by Depriving of Necessary Sustenance. G.S. 14-360(a1). (6/2008)		Misd 1
247.15	Willful Killing of [Law Enforcement Agency] [Assistance] [Search and Rescue] Animal. G.S. 14-163.1. (6/2010)		H
247.15A	[Causing] [Attempting to Cause] Serious Harm to a [Law Enforcement Agency] [Assistance] [Search and Rescue] Animal. G.S. 14-163.1. (6/2010)		I
247.15B	Willfully [Taunting] [Teasing] [Harassing] [Delaying] [Obstructing] [Attempting to [Delay] [Obstruct]] a [Law Enforcement Agency] [Assistance] [Search and Rescue] Animal in the Performance of its Duties. G.S. 14-163.1. (6/2010)		Misd 2
247.20	Instigating or Promoting Cruelty to Animals. G.S. 14-361. (1/2001)	Misd	Misd 1
247.30	Cockfighting. G.S. 14-362. (1/2001)	Misd	Misd 2
247.31	Dog Fighting and Baiting. G.S. 14-362.2. (6/2008)		H
247.40	Interference with Animal Research Involving Release of an Animal Having an Infectious Disease. G.S. 14-159.2(a)(1), (b), (c). (12/2000)	J, Misd	I, Misd 1
247.50	Interference with Animal Research—Willfully Damaging an Animal Research Facility. G.S. 14-159.2(a)(2). (8/2000)	Misd	Misd 1
247.60	Interference with Animal Research—Willful, Unauthorized Release of an Animal from an Enclosure or Restraining Device. G.S. 14-159.2(a)(3). (12/2000)	Misd	Misd 1
247.70	Interference with Animal Research—Willful Interference with the Care of an Animal Kept within an Animal Research Facility. G.S. 14-159.2(a)(4). (12/2000)	Misd	Misd 1
247.80	[Owning] [Possessing] [Using] [Transporting] [Trafficking] of Venomous Reptile not Housed in a Sturdy and Secure Enclosure. G.S. 14-417. (6/2010)		Misd 2, Misd A1

247.80A	[Owning] [Possessing] [Using] [Transporting] [Trafficking] of Crocodilian not Housed in a Sturdy and Secure Enclosure. G.S. 14-417. (6/2010)		Misd 2, Misd A1
247.80B	[Owning] [Possessing] [Using] [Transporting] [Trafficking] of Constricting Snake not Housed in a Sturdy and Secure Enclosure. G.S. 14-417. (6/2010)		Misd 2, Misd A1
247.81	Failure to Immediately Notify Local Law Enforcement of Escape of [Venomous Reptile] [Large Constricting Snake] [Crocodilian]. G.S. 14-417. (6/2010)		Misd 2, Misd A1
247.82	Handling a [Venomous Reptile] [Large Constricting Snake] [Crocodilian] in a Manner that [Intentionally] [Negligently] Exposes Another to Unsafe Contact with the [Venomous Reptile] [Large Constricting Snake] [Crocodilian]. G.S. 14-418. (6/2010)		Misd 2, Misd A1
247.83	Intentionally Releasing into the Wild a Nonnative [Venomous Reptile] [Large Constricting Snake] [Crocodilian]. G.S. 14-422. (6/2010)		Misd A1
247.84	[Intentionally] [Negligently] [[Suggesting] [Enticing] [Inviting] [Challenging] [Intimidating] [Exhorting] [Inducing] [Aiding]] Any Person to [Handle] [Be Exposed] in an Unsafe Manner to a [Venomous Reptile] [Large Constricting Snake] [Crocodilian]. G.S. 14-418. (6/2010)		Misd 2, Misd A1
252.65	Miscellaneous Police Regulations. Tattooing a Minor. G.S. 14-400. (8/2000)	Misd	Misd 2
254A.11	Felony Firearms. Possession of a Firearm or Weapon of Mass Death and Destruction by a Felon. G.S. 14-415.1. (6/2016)		G
254A.15	[Altering] [Defacing] [Destroying] [Removing] the Serial Number of a Firearm. G.S. 14-160.2 (6/2010)		H
254A.17	[Selling] [Buying] [Possessing] Firearm with Serial Number [Altered] [Defaced] [Destroyed] [Removed]. G.S. 14-160.2 (6/2010)		H
255.01	Miscellaneous. Felony Willful Failure to Appear. G.S. 15A-543. (12/2000)		I
255.02	Misdemeanor Willful Failure to Appear. G.S. 15A-543. (12/2000)	Misd	Misd 2
255.03	Driving after Failure to Appear—Alcohol-Related Offenses. G.S. 20-28(a2). (6/2007)		Misd 1
256.10	Intoxicated and Disruptive in Public. G.S. 14-444. (12/2000)	Misd	Misd 3
257.10	Willfully Violating Occupational Safety and Health Act of North Carolina Resulting in Death of an Employee. G.S. 95-139. (6/2010)		Misd 2
257.11	Knowingly Making a False [Statement] [Representation] [Certification] in a(n) [Application] [Record] [Report] [Plan] [Document] Required to be [Filed] [Maintained] Pursuant to the Occupational Safety and Health Act of North Carolina. G.S. 95-139. (6/2010)		Misd 2
257.12	Giving Advance Notice of OSHA Inspection Without Authorization. G.S. 95-139. (6/2010)		Misd 2
258.10	Failure of Secondary Metals Recycler to Issue Receipt for Purchase of Regulated Metals Property. G.S. 66-11(a1)		

	(6/2010)	Misd 1, I
258.12	Failure of Secondary Metals Recycler to Maintain Records of Purchases of Regulated Metals. G.S. 66-11(b)	
	(6/2010)	Misd 1, I
258.14	Failure to Hold and Retain Regulated Metals for Seven Days Before [Selling] [Dismantling] [Defacing] [Altering] [Disposing of] Regulated Metals. G.S. 66-11(d1)	
	(6/2010)	Misd 1, I
258.16	Purchase of [Air Conditioning [Coils] [Condensers]] [Catalytic Converter] by Secondary Metals Recycler. G.S. 66-11(d)(3) (6/2010)	Misd 1, I
258.18	Purchase of Nonferrous Metals by Secondary Metals Recycler. G.S. 66-11(d)(4) (6/2010)	Misd 1, I
258.20	Purchase of Prohibited Material by Secondary Metals Recycler. G.S. 66-11(d)(4) (6/2010)	Misd 1, I
258.30	Erecting or Maintaining Signs on Highways (6/2012)	Misd 3
258.31	Erecting or Maintaining Political Advertising Signs in Highway Rights of Way (6/2012)	Misd 1, 3
258.32	Erecting or Maintaining Commercial Advertising Signs in Highway Rights of Way (6/2012)	Misd 1
258.33	[Stealing] [Defacing] [Vandalizing] [Unlawfully Removing] Political Signs That Are Lawfully Placed (6/2012)	Misd 3
258.35	Removal or Destruction of Warning Signs—Water Quality in Coastal Recreation Waters (6/2012)	Misd 2
258.36	Possession of Signs Posted by Department of Environment and Natural Resources—Water Quality in Coastal Recreation Waters (6/2012)	Misd 2
259.10	Unauthorized Practice of Medicine—Practicing Without a License (6/2012)	Misd 1
259.11	Unauthorized Practice of Medicine—Practicing Without a License While Representing Oneself as Being Licensed (6/2012)	I
259.12	Unauthorized Practice of Medicine—Practicing Without a License in North Carolina By an Out-of-State Practitioner (6/2012)	I
259.13	Unauthorized Practice of Medicine—Practicing Without a License Due to Failure to Complete Timely Annual Registration or Practice While Licensed Under Another Article (6/2012)	Misd 1
259.20	Unauthorized Practice of Law—Non-Members of the State Bar (6/2012)	Misd 1
259.21	Unauthorized Practice of Law—Corporations (6/2012)	Misd 1
259.22	Unauthorized Practice of Law—Foreclosure Fees (6/2012)	Misd 1
259.23	Unauthorized Practice of Law—Appearing for Creditors in [Insolvency] [Bankruptcy] and Other Proceedings (6/2012)	Misd 1
259.30	Practice as a Clinical Addiction Specialist Without a License. G.S. 90-113.43(a)(1). (6/2013)	Misd 1
259.31	Practice as a Clinical Addiction Specialist Without a License—Using [Letters] [Words] [Numerical Codes] [Insignia]. G.S. 90-113.43(a)(2). (6/2013)	Misd 1
259.32	[Practice] [Attempt to Practice] as a Clinical Addiction Specialist With a [Revoked] [Lapsed] [Suspended] Certification or License. G.S. 90-113.43(a)(3). (6/2013)	Misd 1

Criminal Volume Table of Contents Replacement June 2016 Page 35 of 45		<u>Offense Classification</u>	
		Before 10/1/94	On or After 10/1/94
259.33	[Aiding] [Abetting] [Assisting] the Practice of a Clinical Addiction Specialist Without a License. G.S. 90-113.43(a)(4). (6/2013)		Misd 1
259.34	Knowingly Serving in a Position Required by Law to be Filled by a Clinical Addiction Specialist. G.S. 90-113.43(a)(5). (6/2013)		Misd 1
259.40	Bank Examiner Making False Report. G.S. 53C-8-7. (6/2013)		H
259.41	[Bank Examiner] [Other Employee] Disclosing Confidential Information. G.S. 53C-8-8. (6/2013)		Misd 1
259.42	Willfully and Maliciously Making [False] [Derogatory] Reports. G.S. 53C-8-10. (6/2013)		Misd 1
259.43	[Bank] [Officer] [Director] [Employee] Making Extension of Credit to a Disqualified Individual. G.S. 53C-8-9. (6/2013)		Misd 1
259.50	Attempt to [Evade] [Defeat] Tax. G.S. 105-236(a)(7). (6/2016)		H
259.51	Willful Failure to [Collect] [Withhold] [Pay Over] Tax. G.S. 105-236(a)(8). (6/2016)		Misd 1
259.52	Willful Failure to [File Return] [Supply Information] [Pay Tax]. G.S. 105-236(a)(9). (6/2016)		Misd 1
259.53	[Aiding] [Assisting] [Procuring] [Counseling] [Advising] in the [Preparation] [Presentation] [Filing] of a [Fraudulent] [False] Tax Document by a Tax Return Preparer. G.S. 105-236(a)(9a). (6/2016)		C, F, H
259.53A	[Aiding] [Assisting] [Procuring] [Counseling] [Advising] in the [Preparation] [Presentation] [Filing] of a [Fraudulent] [False] Tax Document by Any Person Other Than a Tax Return Preparer. G.S. 105-236(a)(7). (6/2016)		C, F, H
259.60	Unlawful Handling of Waste Kitchen Grease. G.S. 14-79.2. (6/2013)		H, Misd 1
259.70	Medicaid Subrogation – Withholding Information. G.S. 108A-57(b). (6/2014)		Misd 1
259.80	Misuse of 911 System. G.S. 14-111.4. (6/2014)		Misd 1
259.85	Subsurface Injection of Waste. G.S. 113-395.2, 143-214.2 (6/2015)		Misd 1
259.90	Member of a [County] [City] Inspection Department Who Willfully [Fails to Perform Duties] [Improperly [Issues Permit] [[Gives Certificate of Compliance] [Without First Making the Required Inspections by Law.]]]. G.S. 153A-356; 160A-416. (6/2016)		
259.95	Illegal Operation of Amusement Devices Causing [Death] [Serious Injury]. G.S. 95-111.13. (6/2016)		
	Dangerous Drugs. 260 Series—Directory of Dangerous Drug Charges. (6/1996)		
260.10	Possession of a Controlled Substance. G.S. 1, 90-95(a)(3)(d). (6/2014)	I, Misd	I, Misd 1, Misd 2, 3
260.11	Aggravated Possession of a Controlled Substance—Including Lesser Offenses. G.S. 90-95. (6/2014)	I, Misd	I, Misd 1, Misd 2, 3
260.12	Possession of a Controlled Substance on Premises of a Penal Institution or Local Confinement Facility. G.S. 90-95(a)(3), (e)(9). *(On or after 12/97, Voluntary Manslaughter Is a Class D felony.) (6/2014)	I	I*

* On or after 12/1/97, Voluntary Manslaughter is a Class D felony.

260.15	Possession of a Controlled Substance with Intent to [Manufacture] [Sell] [Deliver]—Lesser Included Offense. G.S. 90-95(a)(1), (3); (b); (d). (6/2014)	H, I, Misd	H, I, Misd 1, Misd 2, 3
260.15A	Possession of a Counterfeit Controlled Substance with Intent to [Sell] [Deliver]. G.S. 90-87(6) and 90-95(a)(2), (c). (6/2014)	I	I
260.15B	Possession of an Immediate Precursor Chemical. G.S. 90-95(d1), (d2). (12/2004)	H	H
260.16	Aggravated Possession of a Controlled Substance with Intent to [Manufacture] [Sell] [Deliver]—Lesser Included Offenses. G.S. 90-95(a)(1), (b)(2), (e)(1-4). (6/2014)	E, H, I, Misd	E, H, I, Misd 1,2,3
260.17	Drug Trafficking—Possession (Marijuana, Methaqualone, Cocaine, Amphetamine, Methamphetamine, Opium or Heroin, Lysergic Acid Diethylamide, Methylenedioxyamphetamine, Methylenedioxymethamphetamine, Methylenedioxypropylone, Mephedrone, or Synthetic Cannabinoid). G.S. 90-95(h). (6/2016)	C, D, E, F, G, H	C, D, E, F, G, H
260.18	Forged Prescription—Acquiring or Obtaining Possession of a Controlled Substance by Misrepresentation, Fraud, Forgery, Deception or Subterfuge. G.S. 90-108(a)(10). (6/2014)	I	I
260.19	Manufacturing a Controlled Substance. G.S. 90-95(a)(1). (1/2001)	H, I	H, I
260.19A	Creating a Counterfeit Controlled Substance. G.S. 90-95(a)(2) and 90-87(b). (1/2001)	I	I
260.20	Aggravated Manufacture of Controlled Substance—Lesser Included Offense. G.S. 90-95(a)(1), (e)(1-4). (1/2001)	Misd	Misd 1, 2
260.20A	Drug Trafficking—Manufacturing (Marijuana, Methaqualone, Cocaine, Amphetamine, Methamphetamine, Opium or Heroin, Lysergic Acid Diethylamide, Methylenedioxyamphetamine, Methylenedioxymethamphetamine, Methylenedioxypropylone, Mephedrone, or Synthetic Cannabinoid) (6/2016)	C, D, E, F, G, H	C, D, E, F, G, H
260.21	[Selling] [Delivering] a Controlled Substance. G.S. 90-95(a)(1). *(On or after 12/97, Voluntary Manslaughter is a Class D felony.) (1/2001)	H, I	H, I*
260.21A	[Selling] [Delivering] a Counterfeit Controlled Substance. G.S. 90-95(a)(2) and 90-87(6). (1/2001)	I	I
260.22	Sale or Delivery of a Controlled Substance to a Minor or Pregnant Woman—Lesser Included Offense. G.S. 90-95(a)(1), (e)(5). (1/2001)	E, H, I	E, H
260.22A	Sale or Delivery of a Controlled Substance on or within 1,000 Feet of School Property. G.S. 90-95(e)(8). (6/2012)		E
260.22B	Sale or Delivery of a Controlled Substance on or within 1,000 Feet of a Public Park G.S. 90-95(e)(10). (6/2008)		E
260.22C	Sale or Delivery of a Controlled Substance on Property Used for a Child Care Center. G.S. 90-95(e)(8). (6/2008)		E

* On or after 12/1/97, Voluntary Manslaughter is a Class D felony.

260.23	Drug Trafficking—[Selling] [Delivering] (Marijuana, Methaqualone, Cocaine, Amphetamine, Methamphetamine, Opium or Heroin, Lysergic Acid Diethylamide, Methylenedioxyamphetamine, Methylenedioxymethamphetamine, Methylenedioxypropylone, Mephedrone, or Synthetic Cannabinoid) G.S. 90-95(h). (6/2012)	C, D, E, F, G, H	C, D, E, F, G, H
260.30	Drug Trafficking—Transportation (Marijuana, Methaqualone, Cocaine, Amphetamine, Methamphetamine, Opium or Heroin, Lysergic Acid Diethylamide, Methylenedioxyamphetamine, Methylenedioxymethamphetamine, Methylenedioxypropylone, Mephedrone, or Synthetic Cannabinoid)G.S. 90-95(h). (6/2016)	C, D, E, F, G, H	C, D, E, F, G, H
260.40	Employing a Minor to Commit a Drug Law Violation. G.S. 90-95.4. (1/2001)		
260.41	Promoting Drug Sales by a Minor. G.S. 90-95.6. (1/2001)		D
260.42	Participating in a Drug Violation by a Minor. G.S. 90-95.7. (3/2001)		G
260.45	General Aggravating Conditions Applicable to Drug Charges. G.S. 90-95(d), (e)(1-5). (12/2003)		
260.70	Continuing Criminal Enterprise—The Controlled Substances Act. G.S. 90-95.1. (3/2001)	C	C
260.80	Feloniously Dispensing a Controlled Substance (Practitioner or Registrant)—Lesser Included Offense. G.S. 90-108(a)(2) and (b); 90-106. (3/2001)	I, Misd	I, Misd 1
260.90	[Intentionally] [Knowingly] [Keeping] [Maintaining] a Building for the [Use] [Keeping] [Selling] of Controlled Substances. G.S. 90-108(a)(7). (6/2009)	I, Misd	I, Misd 1
260.95	Possession or Use of Drug Paraphernalia. G.S. 90-113.22. (6/2014)	Misd	Misd 1
260.96A	Willfully and Knowingly Offering a [Glass Tube] [Splitter] for Retail Sale by Self-Service. G.S. 90-113.82(a) (6/2010)		Misd 2
260.96B	Failure to Comply with Restrictions on Sales of [Glass Tubes] [Splitters]. G.S. 20-113.82(b) (6/2010)		Misd 1
260.96C	Failure to Maintain Records of Purchasers of [Glass Tubes] [Splitters]. G.S. 20-113.82(c) (6/2010)		Misd 2
260.96D	Failure to Train Agents and Employees on Requirements of Sales of [Glass Tubes] [Splitters]. G.S. 20-113.82(c) (6/2010)		Misd 2
261.10	Adulterating a [Urine] [Bodily Fluid] Sample with the Intent to Defraud a [Drug] [Alcohol] Test. G.S. 14-401.20(b). (4/2003)		Misd 1, I
261.20	Attempt to [Foil] [Defeat] a [Drug] [Alcohol] Screening Test by the [[Substitution] [Spiking] of a Urine Sample] [Advertisement of a [Sample Substitution] [Spiking Device or Measure]]. G.S. 14-401.20(a)(2). (4/2003)		Misd 1, I
261.30	Distributing or Transporting Urine to Defraud a [Drug] [Alcohol] Test. G.S. 14-401.20. (4/2003)		Misd 1, I
261.40	[Possessing] [Selling] Adulterants Intended to Be Used to Adulterate a [Urine] [Bodily Fluid] Sample for the Purpose of Defrauding a [Drug] [Alcohol] Screening Test. G.S. 14-401.20(b)(2), (3). (4/2003)		Misd 1, I
261.50	Pseudoephedrine Sales—Retailer. G.S. 90-113.56. (6/2013)		Misd A1, I
261.51	Pseudoephedrine Sales—Purchaser. G.S. 90-113.56. (6/2013)		Misd 1, A1, I

261.52	Pseudoephedrine Sales—[Employee of Retailer] [Other Person]. G.S. 90-113.56. (6/2013)		Misd 1, A1, I
261.53	Pseudoephedrine Sales—Retailer Who Fails to Train Employees. G.S. 90-113.56. (6/2012)		
261.55	Possession of a Pseudoephedrine Product with Prior Conviction for the [Possession] With Intent to [Sell] [Deliver]] [Trafficing] [Manufacture of] a [Methamphetamine] [Immediate Precursor Chemical]. G.S. 90-95(d1)(1)(c) (6/2016)		F
	Traffic Offenses.		
270.00	Model Jury Instruction. (6/2011)		
270.05	Punishment Levels For Impaired Driving. (1/1995)		
270.05A	Punishment Levels For Impaired Driving. (1/1999)		
270.15	Aggravating Factors for Impaired Driving. G.S. 20-179. (6/2016)		
270.15A	Verdict Form—Aggravating Factors for Impaired Driving. G.S. 20-179. (6/2016)		
270.20	Impaired Driving (offenses prior to Dec. 1, 2006). G.S. 20-138.1. (6/2010)	Misd	Misd
270.20A	Impaired Driving (offenses after Dec. 1, 2006). G.S. 20-138.1. (6/2016)		
270.21	Impaired Driving of a Commercial Vehicle (offenses prior to Dec. 1, 2006). G.S. 20-138.2 and -138.2A. (6/2010)		Misd 1
270.21A	Impaired Driving in a Commercial Vehicle (offenses after Dec. 1, 2006). G.S. 20-138.2 and -138.2A. (6/2014)		Misd 3
270.23	Operating a [School Bus] [School Activity Bus] [Child Care Vehicle] [Ambulance] [EMS Vehicle] [Firefighting Vehicle] [Law Enforcement Vehicle] After Consuming Alcohol. G.S. 20-138.2B(a). (6/2014)		Misd 3
270.25	Habitual Impaired Driving—Including Chemical Test (offenses prior to Dec. 1, 2006). G.S. 20-138.5. (6/2015)	J	F
270.25A	Habitual Impaired Driving—Including Chemical Test (offenses after Dec. 1, 2006). G.S. 20-138.5. (6/2015)	J	F
270.30	Driving by a person Less Than 21 Years Old [While] [After] Consuming Alcohol or Drugs. G.S. 20-138.3. (5/1999)	Misd	Misd 2
270.35	Possession of an Open Container of Alcoholic Beverage. G.S. 20-138.7(a1). (6/2014)		Infraction
270.40	Transporting An Open Container of Alcoholic Beverage. G.S. 20-138.7(a). (6/2010)		Misd 2, Misd 3
270.50	Speeding in Excess of [15 mph More Than Speed Limit] [80 mph]. G.S. 20-141(j1). (5/2001)	Misd, Infraction	Misd 2, Infraction
270.51	Driving Too Fast for Conditions. G.S. 20-141(a). (4/2001)	Infraction	Infraction
270.52	Speeding Inside Municipal Corporate Limits—No Limit Posted. G.S. 20-141(b). (3/2001)	Infraction	Infraction
270.53	Exceeding the Posted Speed Limit. G.S. 20-141(d), (e), (f). (4/2001)	Infraction	Infraction
270.54	Misdemeanor Operating a Motor Vehicle to Elude Arrest. G.S. 20-141.5(a). (4/2001)	Misd	Misd 1
270.54A	Felony, Misdemeanor Operating a Motor Vehicle to Elude Arrest. G.S. 20-141.5(a) and (b). (4/2001)		H, Misd 1
270.54B	Operating a Motor Vehicle to Elude Arrest Resulting in Death. G.S. 20-141.5(b1). (6/2006)		H

		Before 10/1/94	On or After 10/1/94
270.54C	Operating a Motor Vehicle to Elude Arrest Accompanied by Aggravating Factors Resulting in Death. G.S. 20-141.5(b1). (6/2006)		E
270.55	Willfully Engaging in a Speed Competition on a Street or Highway. G.S. 20-141.3(b). (3/2001)	Misd	Misd 1
270.56	Willfully Engaging in a Prearranged Speed Competition on a Street or Highway. G.S. 20-141.3(a). (3/2001)	Misd	Misd 2
270.57	Failure to Slow Down. G.S. 20-141(m). (3/2001)		Infraction
270.58	Turning at Intersections. G.S. 20-153. (4/2001)	Infraction	Infraction
270.59	Turning at Intersections—Local Ordinance. G.S. 20-153(c). (4/2001)		
270.60	Unsafe Movement (Starting, Stopping, or Turning). G.S. 20-154. (6/2014)	Infraction	Infraction
270.60A	Unsafe Movement Causing [Property Damage] [Personal Injury] to Motorcycle Operator. G.S. 20-154(a1). (6/2014)		Infraction
270.60B	Unsafe Movement Causing [Property Damage in Excess of Five Thousand (\$5,000) Dollars] [Serious Bodily Injury] to a Motorcycle [Operator] [Passenger]. G.S. 20-154(a1), (a2). (6/2014)		Infraction
270.61	Unsafe Movement (Backing). G.S. 20-154. (6/2012)	Infraction	Infraction
270.61A	Unsafe Movement (Backing) Causing [Property Damage] [Personal Injury] to Motorcycle Operator. G.S. 20-154(a1). (6/2014)		Infraction
270.61B	Unsafe Movement (Backing) Causing [Property Damage in Excess of Five Thousand Dollars (\$5,000)] [Serious Bodily Injury] to a Motorcycle [Operator] [Passenger]. G.S. 20-154(a1), (a2). (6/2014)		Infraction
270.62	Willfully Covering Registration Plate. G.S. 20-63(g). (2/2005)		Misd 2
270.65	Failure to Stop for Blue Light and Siren (Approaching Police Vehicle). G.S. 20-157(a); 20-125. (6/2013)	Misd	Misd 2
270.66	Failure to Stop for Blue Light and Siren (Approaching Law Enforcement Vehicle) Causing Serious Injury or Death to a Law Enforcement Officer, Firefighter, or Other Rescue Worker. G.S. 20-157(a), (i); 20-125. (6/2006)		I
270.67	Failure to Stop for Blue Light and Siren (Approaching Law Enforcement Vehicle) Causing Injury to a Law Enforcement Officer, Firefighter, or Other Rescue Worker. G.S. 20-157(a), (h); 20-125. (6/2006)		Misd 1
270.68	Failure to Stop for Blue Light and Siren (Approaching Law Enforcement Vehicle) Causing Damage to Property in Excess of \$500. G.S. 20-157(a), (h); 20-125. (6/2006)		Misd 1
270.70	Failure to Stop for a Traffic Control Signal. G.S. 20-158(b)(2). (12/2004)	Infraction	Infraction
270.71	Failure to Stop for Flashing Red Light. G.S. 20-158(b)(3). (4/2004)	Infraction	Infraction
270.72	Failure to Stop for Stop Sign. G.S. 20-158(b)(1). (4/2004)	Infraction	Infraction
270.73	Failure to Yield to a Pedestrian. G.S. 20-158(b). (3/2005)		
270.75	Passing Stopped School Bus. G.S. 20-217. (6/2006)	Misd	Misd 2
270.76	Passing Stopped School Bus—Striking a Person Causing Serious Bodily Injury. G.S. 20-217. (6/2010)		I
270.76A	Passing Stopped School Bus—Striking a Person Causing Death. G.S. 20-217. (6/2010)		H

270.77	Unlawful Use of Mobile Phone to [Manually Enter Multiple Letters or Text As a Means of Communicating with Another Person] [Read Any [Electronic Mail] [Text Message] [Transmitted to] [Stored Within] the Device] While Operating a School Bus. (Texting While Operating a School Bus)G.S. 20-137.4(b). (6/2010)		Misd 2
270.80	Reckless Driving—Carelessly and Heedlessly. G.S. 20-140(a). (5/2001)	Misd	Misd 2
270.81	Reckless Driving—Driving to Endanger. G.S. 20-140(b). (5/2001)	Misd	Misd 2
270A.10	Infliction of Serious Bodily Injury by Operation of Aircraft While Impaired (Flying High). G.S. 63-28. (5/2001)	H	F
270A.15	Operation of Aircraft While Impaired (Flying High). G.S. 63-27. (5/2001)	Misd	Misd 1
270A.20	Operating Vessel in Reckless Manner. G.S. 75A-10(a). (6/2008)		Misd 2
270A.25	Operating Vessel While under the Influence of an Impairing Substance. G.S. 75A-10(b1). (6/2008)		Misd 2
270A.30	Improper Vessel Registration. (6/2009)		Misd 3
	Non-Traffic Automobile Offenses.		
271.10	Driving a Motor Vehicle on a Public Highway While License Has Been Suspended or Revoked. G.S. 20-28. (5/2001)	Misd	Misd 1
271.15	Operating a Motor Vehicle in Violation of License Limitation. G.S. 20-7(e). (5/2001)	Misd	Misd 1
271.16	Operating a Motor Vehicle in Violation of a Limited Driving Privilege. G.S. 20-179.3(j). (5/2001)	Misd	Misd 1
271.21	Knowingly Permitting Motor Vehicle to Be Driven by a Person Having No Legal Right to Do So. G.S. 20-34; 20-35. (5/2001)	Misd	Misd 2
271.22	[Driving] Permitting Another to Drive] a Vehicle that [is Not Register] [Does Not Display a Registration Plate]. Misdemeanor. G.S. 20-111(1) (6/2011)		Misd 2
271.23	Sex Offender Driving [commercial passenger vehicle] [school bus]. G.S. 20-27.1. (6/2010)		
271.25	[Receiving] [Transferring] a Stolen Vehicle with Intent to [Procure] [Pass] Title to That Vehicle. G.S. 20-106. (5/2001)	I	H
271.26	Possession of a Stolen Vehicle. G.S. 20-106. (6/2016)	I	H
271.30	Willfully Injuring or Tampering with or Removing Parts from a Vehicle without the Consent of the Owner. G.S. 20-107(a). (5/2001)	Misd	Misd 2
271.31	[Climbing Into] [Attempting to or Setting in Motion] a Vehicle with Intent to Steal, Commit Malicious Injury, etc. G.S. 20-107(b). (5/2001)	Misd	Misd 2
271.34	[Failure] [Refusal] to Surrender to the Division of Motor Vehicles, Upon Demand, Any [Title Certificate] [Registration Card] [Registration Number Plate] Which Has Been [Suspended] [Cancelled] Revoked]. Misdemeanor. G.S. 20-111(4) (6/2011)		Misd. 2
271.35	Alteration or Change of Engine or Other Number on a Vehicle. G.S. 20-109(a)(1). (5/2001)	Misd	I
271.36	Permitting the Alteration or Change of Engine or Other Numbers on a Vehicle. G.S. 20-109(a)(2). (5/2001)	Misd	I

271.37	Unlawful Placing or Stamping of a Serial or Other Number upon a Vehicle, Where Such Number Has Not Been Assigned to the Vehicle by the Division of Motor Vehicles. G.S. 20-109(a)(3). (5/2001)	Misd	I
271.38	Knowingly Permitting the Placing or Stamping of a Serial or Motor Number upon a Motor Vehicle by Its Owner, Where the Number Has Not Been Assigned to Such Vehicle by the Division of Motor Vehicles. G.S. 20-109(a)(4). (5/2001)	Misd	I
271.39	Alteration of a Serial or Motor Number Assigned to a Vehicle by the Division of Motor Vehicles with the Intent to Conceal or Misrepresent Its True Identity. G.S. 20-109(b)(1). (5/2001)	I	I
271.40	Permitting by Owner of a Vehicle the Alteration or Use of a Serial or Motor Number Assigned to That Vehicle by the Division of Motor Vehicles with the Intent to Conceal or Misrepresent Its True Identity. G.S. 20-109(b)(2). (5/2001)	I	I
271.41	Unlawful Use of a [Driver's License] [Learner's Permit] [Special Identification Card] Issued by the Division of Motor Vehicles. G.S. 20-30; 20-37.8(b). (2/2000)	-	I
271.42	Possession or Manufacture of Certain Fraudulent Forms of Identification. G.S. 14-100.1. (5/2002)		Misd 1
271.43	Willfully Displaying an Expired [License] [Registration Plate] on a Vehicle Knowing the Same to be Expired. G.S. 20-111(2). Misdemeanor. (6/2011)		Misd 2
271.44	[Displaying] [Causing to be Displayed] [Permitting to be Displayed] a [Registration Card] [Certificate of Title] [Registration Number Plate] that is [Fictitious] [Has Been [Cancelled] [Revoked] [Suspended] [Altered]] Misdemeanor. G.S. 20-111(2). (6/2011)		Misd 2
271.45	Performing [Safety] [Emissions] Inspection Without a License. G.S. 20-138.8. (6/2010)		Misd 3
271.46	[Giving] [Lending] [Borrowing] of a License Plate for the Purpose of Using Same on Some Motor Vehicle Other Than That For Which Issued. Misdemeanor. G.S. 20-111(3). (6/2011)		Misd 3
271.47	Knowingly [Making a False Statement] [Concealing a Material Fact] [Committing Fraud] in Any Application for [the Registration of Any Vehicle] [Certificate of Title] [Renewal] [Duplicate]. G.S. 20-111(5). Misdemeanor. (6/2011)		Misd 1
271.48	Use of a [Name] [Address] that is [False] [Fictitious] in Any Application for [the Registration of Any Vehicle] [Certificate of Title] [Renewal] [Duplicate]. G.S. 20-111(5). (6/2011)		Misd 1
271.49	[Giving] [Lending] [Selling] [Obtaining] a Certificate of Title for the Purpose of Using the Certificate for Any Purpose Other than the [Registration] [Sale] [Other Use in Connection with the Vehicle for which the Certificate was Issued]. G.S. 20-111(6). (6/2011)		Misd 2
271.50	Series—Introduction to Hit and Run Instructions. (1/1997) Felony Hit and Run with Serious Bodily Injury or Death (Failure to Stop), Including Lesser Offense. G.S. 20-166(a), (c)(2). (6/2011)		H, Misd 1
271.51	Hit and Run with Personal Injury or Death (Failure to Stop or Give Required Information). G.S. 20-166(c), (c1). (6/2009)		Misd 1

271.52	Hit and Run with Serious Bodily Injury or Death (Defendant Stopped but Failed to Give Required Information or Render Assistance). G.S. 20-166(b). (6/2009)		Misd 1
271.53	Hit and Run with Property Damage. G.S. 20-166(c), (c1). (6/2009)	Misd	Misd 1
271.54	Felonious Hit and Run with Injury (Failure to Stop) Including Lesser Offense. G.S. 20-166(a1), (c)(2). (6/2009)		H
271.61	Removal of Vehicle from Scene after Accident Resulting in [Injury] [Death] to Any Person—Driver. G.S. 20-166(a). (6/2006)		F
271.62	Removal of Vehicle from Scene after Accident Resulting in [Damage to Property] [[Injury] [Death] to Any Person of Which the Driver Was Unaware]—Driver. G.S. 20-166(c). (6/2006)		Misd 1
271.66	Failure to Return with the Vehicle after Being Permitted to Remove It from the Scene after an Accident Resulting in [Injury] [Death] to Any Person—Driver. G.S. 20-166(a). (6/2006)		F
271.67	Failure to Return with the Vehicle after Being Permitted to Remove It from the Scene after an Accident Resulting in [Damage to Property] [[Injury] [Death] to Person of Which the Driver Was Unaware]—Driver. G.S. 20-166(c). (6/2006)		Misd 1
271.70	Leaving Scene after Accident Resulting in [Injury] [Death] to Any Person—Passenger. G.S. 20-166.2(a). (6/2006)		H
271.71	Leaving Scene after Accident Resulting in [Damage to Property] [[Injury] [Death] to Person of Which the Passenger was Unaware]—Passenger. G.S. 20-166.2(a). (6/2006)		Misd 1
271.72	Failure to Render Assistance—Passenger. G.S. 20-166.2(b) (6/2006)		Misd 1
271.73	Failure to Stop or Give Required Information after Accident—Passenger. G.S. 20-166.2(b). (6/2006)		Misd 1
271.74	Removal of Vehicle from Scene after Accident Resulting in [Injury] [Death] to Any Person—Passenger. G.S. 20-166.2(a). (6/2006)		H
271.75	Removal of Vehicle from Scene after Accident Resulting in [Damage to Property] [Injury or Death to Person of Which the Passenger Was Unaware]—Passenger. G.S. 20-166.2(a). (6/2006)		Misd 1
271.76	Failure to Return with the Vehicle after Being Permitted to Remove It from the Scene after an Accident Resulting in [Injury] [Death] to Any Person—Passenger. G.S. 20-166.2(a). (6/2006)		H
271.77	Failure to Return with the Vehicle after Being Permitted to Remove It from the Scene after an Accident Resulting in [Damage to Property] [Injury or Death to Person of Which the Passenger was Unaware]—Passenger. G.S. 20-166.2(a). (6/2006)		Misd 1
271.80	Tampering with Ignition Interlock Device—Avoiding or Altering Testing in Operation of a Vehicle (6/2012)		Misd 1
271.81	Tampering with Ignition Interlock Device—Altering Testing Results on Ignition Interlock Device (6/2012)		Misd 1
271.91	Liability Insurance for Motor Vehicles (6/2012)		Misd 1
271.92	Operation of Motor Vehicles Without Financial Responsibility (6/2012)		Misd 1

	Intoxicating Liquors.		
272.10	Possession of Nontaxpaid Alcoholic Beverages. G.S. 18B-101(4), -102. (5/2001)	Misd	Misd 1
272.11	Transporting of Nontaxpaid Alcoholic Beverages. G.S. 18B-101(4), -102. (5/2001)	Misd	Misd 1
272.13	Possession of Nontaxpaid Alcoholic Beverages with Intent to Sell. G.S. 18B-304(b)(3). (5/2002)		Misd 1
272.14	Knowingly Selling or Giving Cigarettes, Cut Tobacco, Cigarette Wrapping Papers, or Smokeless Tobacco to a Person under the Age of 18 Years. G.S. 14-313. (6/2014)	Misd	Misd 2
272.15A	Selling or Giving Fortified Wine, Spirituous Liquor, or Mixed Beverages to a Person Less Than Twenty-One Years. G.S. 18B-302(a)(2). (5/2001)	Misd	Misd 1
272.18	Purchase or Possession of Fortified Wine, Spirituous Liquor or Mixed Beverages by a Person Less Than Twenty-One. G.S. 18B-302(b)(2). (6/2014)	Misd	Misd 1
272.18A	Attempt to Purchase Fortified Wine, Spirituous Liquor, or Mixed Beverages by a Person Less Than Twenty-One Years. G.S. 18B-302(b)(2). (5/2001)	Misd	Misd 2
272.19	Aiding and Abetting an Underage Person to Purchase or Possess Malt Beverages, Unfortified Wine, Fortified Wine, Spirituous Liquor or Mixed Beverages. G.S. 18B-302(c). (5/2001)	Misd	Misd 1,2
272.20	Transportation within Passenger Area of Motor Vehicle of Fortified Wine or Spirituous Liquor in Other Than Manufacturer's Unopened Original Container. G.S. 18B-401(a). (5/2001)	Misd	Misd 3
272.21	Consuming Malt Beverage or Unfortified Wine by the Driver of Motor Vehicle. G.S. 18B-401(a). (5/2001)	Misd	Misd 3
272.21A	Possession of Malt Beverages with the Intent to Sell without Obtaining Permit or License. G.S. 18B-304(a). (5/2002)		Misd 1
272.22	Fraudulent Use of Identification by an Underage Person in Obtaining or Attempting to Obtain Alcoholic Beverage. G.S. 18B-302(e); (b). (5/2001)	Misd	Misd 1 or Infraction
272.25	Consumption of Alcohol by a Person Less Than 19 Years of Age. G.S. 18B-302(b)(3). (6/2014)		Misd 1
272.26	Consumption of Alcohol by Person Greater Than 19 Years of Age but Less Than 21 Years of Age. G.S. 18B-302(i) (6/2014)		Misd 3
272.40	[Manufacturer] [Sale] [Transportation] [Importation] [Furnishing] [Consumption] [Possession] Of Powdered Alcohol. G.S. 18B-102 (6/2016)		
272.60	[Sale] [Offer for Sale] [Introduction Into Commerce in North Carolina] of an E-liquid Container Without Child-Resistant Packaging. G.S. 14-401.18A. (6/2016)		
272.65	[Sale] [Offer for Sale] [Introduction Into Commerce in North Carolina] of an E-liquid Container for E-liquid Product Containing Nicotine Without Labeling Nicotine Contents on Packaging. G.S. 14-401.18A (6/2016)		

Game Laws.

273.10	Firelighting or Spotlighting (Taking Deer by Artificial Light). G.S. 113-291.1(b)(2), -130(7), -294(e). (5/2001)	Misd	Misd 1
273.20	Taking a Deer from a Boat. G.S. 113-109(e). (9/2001)	Misd	Misd 1
273.30	Hunting, etc., While License Is Revoked. G.S. 113-300.8. (6/2009)		Misd 1
273.40	[Purchasing] [Possessing] License to Hunt, etc., While License Is Revoked. G.S. 113-300.8. (6/2009)		Misd 1
273.50	Unlawful Hunting with a Firearm on Sunday. G.S. 103-2. (6/2016)		
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274.10	Misdemeanor Misrepresentation in Obtaining Public Assistance. G.S. 108A-39(a). (9/2001)	Misd	Misd 1
274.15	Felonious Misrepresentation in Obtaining Public Assistance—More Than \$400. G.S. 108A-39(b). (9/2001)	I,Misd	I,Misd 1
274.20	Misdemeanor Obtaining Food Stamps by Misrepresentation. G.S. 108A-53(b). (10/2001)	Misd	Misd 1
274.21	Feloniously Obtaining Food Stamps by Misrepresentation—More Than \$400 G.S. 108A-53(a). (10/2001)	I,Misd	I,Misd 1
274.22	Misdemeanor Obtaining Food Stamps by Misrepresentation—Aiding and Abetting. G.S. 108A-53(b). (10/2001)	Misd	Misd 1
274.23	Feloniously Obtaining Food Stamps by Misrepresentation—Aiding and Abetting. G.S. 108A-53(a). (10/2001)	I,Misd	I,Misd 1
Escape.			
280.20	Felonious Escape. G.S. 148-45(a), (b); 14-256(1), (2). *(On or after 12/97, Voluntary Manslaughter Is a Class D felony.) (6/2014)	J	I*
280.21	Escape from Private Correction Facility. G.S. 14-256.1. (5/2001)		H
280.40	Escape from Imprisonment by Use of a Dangerous Weapon. G.S. 14-258.2. (5/2001)	H	F
280.41	Assault with a Deadly Weapon Inflicting Bodily Injury While Assisting a Prisoner to Escape or Attempt to Escape. G.S. 14-258.2(b). (12/2001)	H	H
280.42	Using a Deadly Weapon in Assisting a Prisoner to Effect His Escape. G.S. 14-258.2. (5/2001)	H	H
280.43	Unauthorized Possession or Fabrication of Dangerous Weapon by Prisoner. G.S. 14-258.2(a). (11/2000)	Misd	H
280.44	Misdemeanor Jailbreak or Escape from Confinement Facility Officer. G.S. 14-256. (5/2001)	J, Misd	Misd 1
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* On or after 12/1/97, Voluntary Manslaughter is a Class D felony.

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APPENDICES:

A. TABLE OF SECTIONS OF GENERAL STATUTES INVOLVED IN CRIMINAL INSTRUCTIONS.

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N.C.P.I.—Crim 210.25
FIRST DEGREE KIDNAPPING TO COMMIT [FELONY] [SERIOUS INJURY]
COVERING SECOND DEGREE KIDNAPPING AS A LESSER INCLUDED
OFFENSE. FELONY.
CRIMINAL VOLUME
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210.25 FIRST DEGREE KIDNAPPING TO COMMIT [FELONY] [SERIOUS
INJURY] COVERING SECOND DEGREE KIDNAPPING AS A LESSER INCLUDED
OFFENSE. FELONY.

NOTE WELL:

(1) Use this instruction when the indictment alleges that a purpose of kidnapping was to facilitate a felony or inflict serious injury.¹ Use N.C.P.I.—Crim. 210.20 when the indictment does not so allege.

(2) Use this instruction when there is evidence that the victim was not released in a safe place, or was seriously injured, or was sexually assaulted. When there is no evidence of any of these three things, use N.C.P.I.—Crim. 210.35.

The defendant has been charged with first degree kidnapping.

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

First, that the defendant unlawfully²

- a) [confined a person, that is, imprisoned [him] [her] within a given area.]
- b) [restrained a person, that is restricted [his] [her] freedom of movement.]
- c) [removed a person from one place to another.]³

Second, that [the person did not consent] [the person had not reached [his] [her] sixteenth birthday and [his] [her] [parent] [guardian] did not consent] to this [confinement] [restraint] [removal].⁴ (Consent (obtained) (induced) by (fraud) (fear) is not consent.)

Third, that the defendant [confined] [restrained] [removed] that person for the purpose of

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COVERING SECOND DEGREE KIDNAPPING AS A LESSER INCLUDED
OFFENSE. FELONY.
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- a) [facilitating [defendant's] [another person's] [commission of] [flight after committing] (*name and define felony*).]
- b) [doing serious bodily injury⁵ to that person.]

Fourth, that this [confinement] [restraint] [removal] was a separate, complete act, independent of and apart from the [(*name felony*)] [injury].

And Fifth, that the person [was not released by the defendant in a safe place]⁶ [had been sexually assaulted]⁷ [had been seriously injured].

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant unlawfully

- a) [confined a person]
- b) [restrained a person]
- c) [removed a person from one place to another]

and that the person [did not consent] [had not reached his sixteenth birthday and his [parent] [guardian] did not consent] to this [confinement] [restraint] [removal]] and that this was done for the purpose of

- a) [facilitating [the defendant's] [another person's] [commission of] [flight after committing] (*name felony*)]
- b) [doing serious bodily injury to the person [confined] [restrained] [removed]].

and that this [confinement] [restraint] [removal] was a separate, complete act, independent of and apart from the [(*name felony*)] [injury], and that the person [confined] [restrained] [removed] [was not released by the defendant in a safe place] [had been sexually assaulted] [had been seriously injured], it would be your duty to return a verdict of guilty of first degree kidnapping. If you do not so find or have a reasonable doubt as to one or

N.C.P.I.—Crim 210.25
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COVERING SECOND DEGREE KIDNAPPING AS A LESSER INCLUDED
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more of these things, you would not return a verdict of guilty of first degree kidnapping.⁸

If you do not find the defendant guilty of first degree kidnapping, you must determine whether defendant is guilty of second degree kidnapping. Second degree kidnapping differs from first degree kidnapping only in that it is unnecessary for the State to prove that the person [was not released by the defendant in a safe place] [had been sexually assaulted] [had been seriously injured].

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant unlawfully

- a) [confined a person]
- b) [restrained a person]
- c) [removed a person from one place to another]

and that the person [did not consent] [had not reached [his] [her] sixteenth birthday and his [parent] [guardian] did not consent] to this [confinement] [restraint] [removal] and that this was done for the purpose of

- a) [facilitating [the defendant's] [another person's] [commission of] [flight after committing] (*name felony*)]
- b) [doing serious bodily injury to the person]

and that this [confinement] [restraint] [removal] was a separate, complete act, independent of and apart from the intended [(name felony)] [injury],⁹ it would be your duty to return a verdict of guilty of second degree kidnapping. 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.¹⁰

NOTE WELL: When there is evidence of restraint which may

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 FIRST DEGREE KIDNAPPING TO COMMIT [FELONY] [SERIOUS INJURY]
 COVERING SECOND DEGREE KIDNAPPING AS A LESSER INCLUDED
 OFFENSE. FELONY.
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have been without any of the purposes required to constitute kidnapping, give N.C.P.I.—Crim. 210.40, Felonious Restraint, and/or N.C.P.I.—Crim. 210.15, False Imprisonment, as a lesser included offense instruction.

1 In cases where the defendant is accused of both kidnapping and the felony which was the purpose of the kidnapping, see *S. v. Fulcher*, 294 N.C. 501 (1978) and *S. v. Williams*, 295 N.C. 655 (1978).

2 There will seldom be any need to state separately or elaborate on the "unlawfully" element. It means "without justification or excuse" and in most cases any facts which would establish a justification or excuse would also negate the purposes necessary to establish kidnapping under N.C. Gen. Stat. § 14-39. However, if the facts should call for further elaboration, the "unlawfully" element should be set out as a separate element.

3 See *State v. Bell*, 166 N.C. App. 261 (2004) (concluding that it was plain error for the judge to instruct the jury on restraint and removal theories of kidnapping when the indictment alleged confinement and restraint theories).

4 N.C. Gen. Stat. § 14-39 proscribes the confinement, restraint or removal of any ". . . person 16 years of age or over without the consent of such person, or any other person under the age of 16 years without the consent of a parent or legal custodian of such person." Use the first bracketed alternative if the person kidnapped was 16 years of age or over, and use the second bracketed phrase if the person kidnapped was under 16.

5 Serious bodily injury may be defined as "such physical injury as causes great pain or suffering." See *S. v. Jones*, 258 N.C. 89 (1962); *S. v. Ferguson*, 261 N.C. 558 (1964). If there is evidence as to injuries which could not conceivably be considered anything but serious, the trial judge may instruct the jury as follows: "(Describe injury) would be a serious injury." *S. v. Johnson*, 320 N.C. 746, 751 (1987).

6 Releasing a kidnap victim when the kidnapper is aware he is cornered and outnumbered by law enforcement officials is not "voluntary" and sending her out into the focal point of their weapons is not a "safe place". See *State v. Heatwole*, 333 N.C. 156, 423 S.E.2d 735 (1992). See also *State v. Corbett*, 168 N.C. App 117, 607 S.E.2d 281 (2005).

7 The defendant cannot be sentenced for both first degree kidnapping and sexual offense/rape if the sole basis for escalating second degree kidnapping to first degree kidnapping is the sexual offense/rape. However, in the above situation, the defendant can be sentenced for both second degree kidnapping and sexual offense/rape. See *State v. Belton*, 318 N.C. 141 (1986).

8 If no lesser included offense instructions are to be given, the last phrase should be "it would be your duty to return a verdict of not guilty."

9 Note that it is not necessary that the felony be committed or the injury actually occur-only that such was the purpose of the defendant.

10 If there is to be an instruction on felonious restraint and/or false imprisonment, the last sentence should read ". . . you would not return a verdict of guilty of second degree kidnapping."

N.C.P.I.—Civil 211.60
UNLAWFUL SALE OF THE REMAINS OF AN UNBORN CHILD
FROM [ABORTION] [MISCARRIAGE]. FELONY.
CRIMINAL VOLUME
JUNE 2016
N.C. Gen. Stat. § 14-46.1

211.60 UNLAWFUL SALE OF THE REMAINS OF AN UNBORN CHILD FROM
[ABORTION] [MISCARRIAGE]. FELONY.

The defendant has been charged with the unlawful sale of the remains¹
of an unborn child from [abortion] [miscarriage].

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

First, that defendant sold² the remains of an unborn child resulting
from [abortion] [miscarriage].

And Second, that the defendant did so knowingly.

If you find from the evidence beyond a reasonable doubt that on or
about the alleged date the defendant knowingly sold the remains of an
unborn child resulting from [abortion] [miscarriage], 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 both of these things, it would be your duty to return a
verdict of not guilty.

¹ "Remains" in this section also includes any aborted or miscarried material. See
N.C. Gen. Stat. § 14-46.1(a).

² For purposes of this section, the term "sell" shall mean the transfer from one
person to another in exchange for any consideration whatsoever. The term shall not include
payment for incineration, burial, cremation, or any services performed pursuant to N.C.
Gen. Stat. § 130A-131.10(f).

N.C.P.I.—Crim 214.40
BREAKING OR ENTERING INTO MOTOR VEHICLE. FELONY.
CRIMINAL VOLUME
REPLACEMENT JUNE 2016
N.C. Gen. Stat. § 14-56

214.40 BREAKING OR ENTERING INTO MOTOR VEHICLE. FELONY.

NOTE WELL: G.S. 14-56 was amended, effective December 1, 2015. For offenses committed after December 1, 2015, it is not a violation of this statute when a person breaks or enters a motor vehicle, boat, etc., to provide assistance to a person inside needing first aid or emergency health care treatment.

The defendant has been charged with breaking or entering into a motor vehicle.¹

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

First, that there was

[a breaking² by the defendant. (*State how breaking allegedly occurred*) would be a breaking.

[an entry by the defendant. (*State how entry allegedly occurred*) would be an entry.

[either a breaking or an entry by the defendant. (*State how breaking allegedly occurred*) would be a breaking. (*State how entry allegedly occurred*) would be an entry.]

Second, the State must prove that it was a motor vehicle which was [broken into] [entered] [broken into or entered].

Third, that there was something of value in the motor vehicle.

Fourth, that the owner did not consent to the [breaking] [entering] [breaking or entering].

And Fifth, that at the time of the [breaking] [entering] [breaking or entering], the defendant intended³ to commit larceny therein. Larceny is the taking and carrying away of the personal property of another without his

N.C.P.I.—Crim 214.40
BREAKING OR ENTERING INTO MOTOR VEHICLE. FELONY.
CRIMINAL VOLUME
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consent with the intent to deprive him of its possession permanently. (If you find that the defendant was found in the motor vehicle and that he had no lawful purpose for being there, you are permitted but not required to infer from this that he entered with the intent to commit larceny therein.)

If you find from the evidence beyond a reasonable doubt, that on or about the alleged date, the defendant without the consent of the owner [broke into] and (or) [entered] another's motor vehicle which contained something of value, intending at that time to commit larceny⁴ therein, 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 Railroad cars, aircraft, boats or other watercraft, and trailers as well as motor vehicles are included under this statute.

2 A breaking need not be actual but may be by threat of force, by some trick or fraudulent representation, inducing someone to open an entry to him.

3 See, *S. v. Accor*, 277 N.C. 65 (1970).

4 Defendant may be charged with intent to commit a felony other than larceny. If so, substitute that felony for larceny and, where appropriate, define the felony.

N.C.P.I.—Crim 217.10
COMMON LAW ROBBERY. FELONY.
CRIMINAL VOLUME
REPLACEMENT JUNE 2016
N.C. Gen. Stat. §§ 4-1, 14-87.1

217.10 COMMON LAW ROBBERY. FELONY.

The defendant has been charged with common law robbery, which is taking and carrying away personal property of another from his/her person or in his/her presence without his/her consent by violence or by putting him/her in fear, and with the intent to deprive him/her of its use permanently, the taker knowing that he/she was not entitled to take it.

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

First, that the defendant took property from the person of another or in *the person's* presence.¹

Second, that the defendant carried away the property.²

Third, that the other person did not voluntarily consent to the taking and carrying away of the property.

Fourth, that at that time, the defendant intended to deprive *the person* of its use permanently.³

Fifth, that the defendant knew the defendant was not entitled to take the property.⁴

And Sixth, that the taking was by violence or by putting the person in fear.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant took and carried away property from the person or the presence of a person without *that person's* voluntary consent, by violence or by putting that person in fear, the defendant knowing that *defendant* was not entitled to take it and intending at that time to deprive the person of its use permanently, it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to

N.C.P.I.—Crim 217.10
COMMON LAW ROBBERY. FELONY.
CRIMINAL VOLUME
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one or more of these things, it would be your duty to return a verdict of not guilty.⁵

1 If there is evidence of conduct which would constitute "taking" but there is also evidence that the defendant's conduct fell short of what would constitute "taking," add the following to this element: "To constitute a taking the defendant must have the property in his possession or under his control, if only for an instant. There must be a severance of the property from the owner's possession." *See State v. Carswell*, 296 N.C. 101 (1978).

2 If there is some dispute as to asportation, the jury should be told that the slightest movement is sufficient.

3 In the event that there is some dispute as to permanent deprivation, the jury should be told that temporary deprivation will not suffice. *But cf. State v. Smith*, 268 N.C. 167 (1966).

4 In the event that a defendant relies on claim of right, the jury should be told that if the defendant honestly believed he was entitled to take the property, he cannot be guilty of robbery.

5 If there is to be instruction on lesser included offenses, the last phrase should be: ". . . you will not return a verdict of guilty of common law robbery."

N.C.P.I.—Crim 217.20
ROBBERY WITH A FIREARM. FELONY.
CRIMINAL VOLUME
REPLACEMENT JUNE 2016
N.C. Gen. Stat. § 14-87

217.20 ROBBERY WITH A FIREARM.¹ FELONY.

The defendant has been charged with robbery with a firearm, which is taking and carrying away the personal property of another from his/her person or in his/her presence without his/her consent by endangering or threatening a person's life with a firearm, the taker knowing that he/she was not entitled to take the property and intending to deprive another of its use permanently.

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

First, that the defendant took property from the person of another or in the person's presence.²

Second, that the defendant carried away the property.³

Third, that the person did not voluntarily consent to the taking and carrying away of the property.

Fourth, that the defendant knew that defendant was not entitled to take the property.

Fifth, that at the time of taking the defendant intended to deprive that person of its use permanently.⁴

Sixth, that the defendant had a firearm in defendant's possession at the time defendant obtained the property (or that it reasonably appeared to the victim that a firearm was being used, in which case you may infer that the said instrument was what the defendant's conduct represented it to be).⁵

And Seventh, that the defendant obtained the property by endangering or threatening the life of [that person] [another person] with the firearm.⁶

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant had in defendant's possession a

N.C.P.I.—Crim 217.20
 ROBBERY WITH A FIREARM. FELONY.
 CRIMINAL VOLUME
 REPLACEMENT JUNE 2016
 N.C. Gen. Stat. § 14-87

 firearm and took and carried away property from the person or presence of a person without that person's voluntary consent by endangering or threatening [that person] [another person's] life with the use or threatened use of a firearm, the defendant knowing that defendant was not entitled to take the property and intending to deprive that person of its use permanently, 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.⁷

1 This instruction is to be used when the robbery was completed. If there may have been only an attempt, which is also punishable under N.C. Gen. Stat. § 14-87, N.C.P.I.-Crim. 217.25 should be used. If there is conflicting evidence on this point, both instructions may be appropriate.

2 If there is evidence of conduct which would constitute "taking" but there is also evidence that the defendant's conduct fell short of what would constitute "taking," add the following to this element: "To constitute a taking the defendant must have the property in his possession or under his control, if only for an instant. There must be a severance of the property from the owner's possession." See *State v. Carswell*, 296 N.C. 101 (1978) and *State v. Barnes*, 345 N.C. 146, 478 S.E.2d 188 (1996).

3 If there is some dispute as to asportation, the jury should be told that the slightest movement is sufficient.

4 In the event there is some dispute as to permanent deprivation, the jury should be told that temporary deprivation will not suffice. *But, cf. S. v. Smith*, 268 N.C. 167 (1966).

5 See *State v. Williams*, 335 N.C. 518 (1994), regarding a mandatory presumption of dangerous or deadly weapon in certain factual situations.

6 Where use of the firearm is in issue, give the following charge:

"Mere possession of the firearm does not, by itself, constitute endangering or threatening the life of the victim." *State v. Gibbons*, 303 N.C. 484 (1981).

Where this fact is in issue, an instruction on the lesser included offense of common law robbery should also be given.

7 If there is to be instruction on lesser included offenses, the last phrase should be: ". . . you will not return a verdict of guilty of robbery with a firearm." In *State v. White*, 322 N.C. 506, 369 S.E.2d 813 (1988), the North Carolina Supreme Court *overruling State v. Hurst*, 320 N.C. 589 (1987) held that larceny and common law robbery are lesser-included offense of armed robbery. Accordingly, instructions on these and other lesser-included offense should be given when raised by the evidence.

N.C.P.I.—Crim 219.10
OBTAINING PROPERTY BY FALSE PRETENSES. FELONY.
CRIMINAL VOLUME
REPLACEMENT JUNE 2016
N.C. Gen. Stat. § 14-100

219.10 OBTAINING PROPERTY BY FALSE PRETENSES. FELONY.¹

NOTE WELL: For offenses occurring on or after December 1, 1997, if the value of the property obtained is \$100,000 or more, use N.C.P.I.—Crim. 219.10A.

The defendant has been charged with obtaining property by false pretenses. For you to find the defendant guilty of this offense, the State must prove five things beyond a reasonable doubt:

First, that the defendant made a representation to another.

Second, that this representation was false.

Third, that this representation was calculated and intended to deceive.²

Fourth, that the victim was in fact deceived by this representation.

And Fifth, that the defendant thereby [obtained] [attempted to obtain] property from the victim.³

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant made a representation and that this representation was false, that this representation was calculated and intended to deceive, that the victim was in fact deceived by it, and that the defendant thereby [obtained] [attempted to obtain] property from the victim, 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 This instruction has been modified to conform with elements of the offense as set out in *S. v. Cronin*, 299 N.C. 229, 242 (1980).

The presentation of a worthless check in exchange for property, standing alone, is sufficient to uphold conviction for obtaining property under false pretenses. *S. v. Rogers*, 346 N.C. 262 (1997).

² See *State v. Holanek*, 776 S.E.2d 225 (N.C. Ct. App. 2015), holding that the trial

N.C.P.I.—Crim 219.10
OBTAINING PROPERTY BY FALSE PRETENSES. FELONY.
CRIMINAL VOLUME
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court did not commit plain error by failing to instruct the jury that under G.S. 14-100(b) "evidence of nonfulfillment of a contract obligation standing alone shall not establish the essential element of intent to defraud."

3 Normally it will be necessary for the defendant to obtain title to the property. However, under the terms of the statute, if the defendant obtains the property in a manner which would constitute larceny or embezzlement, he is subject to conviction.

N.C.P.I.–Crim 219.10A
OBTAINING PROPERTY BY FALSE PRETENSES (VALUE OF
PROPERTY \$100,000 OR MORE). FELONY.¹
CRIMINAL VOLUME
REPLACEMENT JUNE 2016
N.C. Gen. Stat. § 14-100

219.10A OBTAINING PROPERTY BY FALSE PRETENSES (VALUE OF
PROPERTY \$100,000 OR MORE). FELONY.

*NOTE WELL: For offenses occurring before December 1,
1997, or if the value is less than one hundred thousand
dollars (\$100,000), use N.C.P.I.–Crim. 219.10.*

The defendant has been charged with obtaining property worth
\$100,000 or more by false pretenses.

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

First, that the defendant made a representation to another.

Second, that this representation was false.

Third, that this representation was calculated and intended to
deceive.¹

Fourth, that the victim was in fact deceived by this
representation.

Fifth, that the defendant thereby [obtained] [attempted to
obtain] property from the victim.²

And Sixth, that the property was worth \$100,000 or more.

If you find from the evidence beyond a reasonable doubt that on
or about the alleged date, the defendant made a representation and
that this representation was false, that this representation was
calculated and intended to deceive, that the victim was in fact
deceived by it, that the defendant thereby [obtained] [attempted to
obtain] property from the victim, and that the property was worth

N.C.P.I.–Crim 219.10A
OBTAINING PROPERTY BY FALSE PRETENSES (VALUE OF
PROPERTY \$100,000 OR MORE). FELONY.¹
CRIMINAL VOLUME
REPLACEMENT JUNE 2016
N.C. Gen. Stat. § 14-100

\$100,000 or more, it would be your duty to return a verdict of guilty of obtaining property worth \$100,000 or more by false pretenses. If you do not so find, or have a reasonable doubt as to one or more of these things, you will not return a verdict of guilty of obtaining property worth \$100,000 or more by false pretenses³, but you must determine whether *the defendant* is guilty of obtaining property by false pretenses. Obtaining property by false pretenses differs from obtaining property worth \$100,000 or more by false pretenses in that the value of the property need not be worth \$100,000 or more.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant made a representation and that this representation was false, that this representation was calculated and intended to deceive, that the victim was in fact deceived by it, and that the defendant thereby [obtained] [attempted to obtain] property from the victim, 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 See *State v. Holanek*, 776 S.E.2d 225 (N.C. Ct. App. 2015), holding that the trial court did not commit plain error by failing to instruct the jury that under G.S. 14-100(b) "evidence of nonfulfillment of a contract obligation standing alone shall not establish the essential element of intent to defraud."

2 Normally it will be necessary for the defendant to obtain title to the property. However, under the terms of the statute, if the defendant obtains the property in a manner which would constitute larceny or embezzlement, he is subject to conviction.

3 If there is to be no instruction on lesser included offense, the last phrase should be ". . . it would be your duty to return a verdict of not guilty."

N.C.P.I.—Crim 220.26
FILING [FALSE LIEN] [ENCUMBRANCE]. FELONY.
CRIMINAL VOLUME
REPLACEMENT JUNE 2016
N.C. Gen. Stat. § 14-118.6

220.26 FILING FALSE [LIEN] [ENCUMBRANCE]. FELONY.

The defendant has been charged with [filing] [recording] a false [lien] [encumbrance].¹

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

First, that defendant presented for [filing] [recording] in a [public record] [private record generally available to the public] a false² [lien] [encumbrance]³;

Second, that the defendant [filed] [recorded] this false [lien] [encumbrance] against the [real] [personal] property of a [public officer] [public employee] [[spouse] [child] of the [public officer] [public employee]] on account of the performance of the [public officer's] [public employee's] official duties⁴;

And Third, that the defendant [knew] [had reason to know] that the [lien] [encumbrance] was [false] [contained a materially [false] [fictitious] [fraudulent] statement or representation].

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant presented for [filing] [recording] in a [public record] [private record generally available to the public] a [lien] [encumbrance], that the defendant filed this false [lien] [encumbrance] against the [real] [personal] property of a [public officer] [public employee] [[spouse] [child] of the [public officer] [public employee]] on account of the performance of the [public officer's] [public employee's] official duties, and that the defendant [knew] [had reason to know] that the [lien]

N.C.P.I.—Crim 220.26
FILING [FALSE LIEN] [ENCUMBRANCE]. FELONY.
CRIMINAL VOLUME
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[encumbrance] was [false] [contained a materially [false] [fictitious] [fraudulent] statement or representation], 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.

1 N.C. Gen. Stat. § 14-118.6 (b) states, "In the case of a lien or encumbrance presented to the register of deeds for filing, if the register of deeds has a reasonable suspicion that the lien or encumbrance is false, the register of deeds may refuse to file the lien or encumbrance."

2 False is one not legally enforceable.

3 An encumbrance is defined as a claim or liability that is attached to property or some other right and that may lessen its value. *County of Jackson v. Nichols*, 175 N.C. App. 196, 200 (2005). An encumbrance within the meaning of a covenant is any burden or charge on the land and includes any right existing in another whereby the use of the land by the owner is restricted. *Juhan v. Cozart*, 102 N.C. App. 666, 669 (1991).

4 The clerk of superior court shall not file, index, or docket the document against the property of a public officer or public employee until that document is approved for filing by the clerk of superior court by any judge of the judicial district having subject matter jurisdiction. See N.C. Gen. Stat. § 14.118.6 (b1).

N.C.P.I.—Crim 222.80
GRAFFITI VANDALISM. MISDEMEANOR.
CRIMINAL VOLUME
JUNE 2016
N.C. Gen. Stat. § 14-127.1.

222.80 GRAFFITI VANDALISM. MISDEMEANOR.

The defendant has been charged with graffiti vandalism.

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

First, that on or about the alleged date the defendant [wrote] [scribbled] [marked] [painted] [defaced] [besmeared] (on) the [walls of (a) [[public] [private] real property]] [cemetery tombstone] [cemetery monument] [public [building] [facility]]¹ [statue] [monument] situated in a public place], using (a) [pen] [paint] [marker]².

And Second, that the defendant acted unlawfully, that is, knowingly and without the consent of any person authorized to give consent.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant unlawfully [wrote] [scribbled] [marked] [painted] [defaced] [besmeared] (on) [the walls of (a) [[public] [private] real property]] [cemetery tombstone] [cemetery monument] [public [building] [facility]] [statute] [monument] situated in a public place] using (a) [pen] [paint] [marker], 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 both of these things, it would be your duty to return a verdict of not guilty.

1 N.C. Gen. Stat. § 14-132(c) defines the term "public building or facility" as used in this section, to include any building or facility which is: (1) One to which the public or a portion of the public has access and is owned or controlled by the State, any subdivision of the State, any other public agency, or any private institution or agency of a charitable, educational, or eleemosynary nature; or (2) Dedicated to the use of the general public for a purpose which is primarily concerned with public recreation, cultural activities, and other events of a public nature or character.

2 The statute applies regardless of whether the pen or marker contains permanent ink, paint, or spray paint.

N.C.P.I.—Crim 222.85
GRAFFITI VANDALISM. FELONY.
CRIMINAL VOLUME
JUNE 2016
N.C. Gen. Stat. § 14-127.1.

222.85 GRAFFITI VANDALISM. FELONY.

NOTE WELL: Use this instruction only if the defendant denies a previous conviction under N.C. Gen. Stat. §14-127.1 or remains silent. If the defendant admits the previous conviction, use N.C.P.I.—Crim. 222.80, the misdemeanor offense. See N.C. Gen. Stat. § 15A-928 for provisions regarding indictment, bifurcated trial, verdict, and judgment. See also N.C.P.I.—Crim. 204.05 for a model instruction for bifurcated proceedings. This instruction is effective for offense occurring on or after December 1, 2015.

The defendant has been charged with graffiti vandalism.¹

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

First, that on or about the alleged date, (name date), the defendant [wrote] [scribbled] [marked] [painted] [defaced] [besmeared] (on) [the walls of [[public] [private] real property]] [cemetery tombstone] [cemetery monument] [public [building] [facility]]² [[statute] [monument] situated in a public place], using (a) [pen] [paint] [marker].³

Second, that the defendant acted unlawfully, that is, knowingly and without the consent of any person authorized to give consent.

Third, that defendant [was convicted of] [pled guilty to] the offense of graffiti vandalism on (name date) in (*name court*) in violation of the law of the [State of North Carolina], which occurred prior to (name date alleged in first element)]⁴.

And Fourth, that defendant [was convicted of] [pled guilty to] the offense of graffiti vandalism on (name date) in (*name court*) in violation of the law of the [State of North Carolina], which occurred prior to (name date alleged in third element).

N.C.P.I.—Crim 222.85
 GRAFFITI VANDALISM. FELONY.
 CRIMINAL VOLUME
 JUNE 2016
 N.C. Gen. Stat. § 14-127.1.

If you find from the evidence beyond a reasonable doubt that on or about (name date alleged in the first element), the defendant unlawfully [wrote] [scribbled] [marked] [painted] [defaced] [besmeared] (on) [the walls of [[public] [private] real property]] [cemetery tombstone] [cemetery monument] [[public [building] [facility]]] [statute] [monument] situated in a public place], using (a) [pen] [paint] [marker], that defendant [was convicted of] [pled guilty to] the offense of graffiti vandalism on (name date) in (*name court*) in violation of the law of the [State of North Carolina] which occurred prior to (name date alleged in first element)], and that defendant [was convicted of] [pled guilty to] the offense of graffiti vandalism on (name date) in (*name court*) in violation of the law of the [State of North Carolina], which occurred prior to (name date alleged in third element), then 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.⁵

1 Pursuant to N.C. Gen. Stat. § 14-127.1(c), any person who has two or more prior convictions for a violation of § 14-127.1(a), where the current violation was committed after the second conviction, and the violation resulting in the second conviction was committed after the first conviction, that person shall be guilty of a Class H felony.

2 N.C. Gen. Stat. § 14-132(c) defines the term "public building or facility" as used in this section, to include any building or facility which is: (1) One to which the public or a portion of the public has access and is owned or controlled by the State, any subdivision of the State, any other public agency, or any private institution or agency of a charitable, educational, or eleemosynary nature; or (2) Dedicated to the use of the general public for a purpose which is primarily concerned with public recreation, cultural activities, and other events of a public nature or character.

3 The statute applies regardless of whether the pen or marker contains permanent ink, paint, or spray paint.

4 The statute does not apply to convictions from any other state.

5 If there is to be an instruction on misdemeanor graffiti vandalism, the last sentence should read ". . . you would not return a verdict of guilty for this offense."

N.C.P.I.—Crim 226.62

CYBERSTALKING THROUGH USE OF AN ELECTRONIC TRACKING DEVICE.
MISDEMEANOR.

CRIMINAL VOLUME

JUNE 2016

N.C. Gen. Stat. § 14-196.3

226.62 CYBERSTALKING THROUGH USE OF AN ELECTRONIC TRACKING
DEVICE. MISDEMEANOR.

The defendant has been charged with cyberstalking through use of an electronic tracking device¹.

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

First, that the defendant had an electronic tracking device under defendant's control. An electronic tracking device is an electronic or mechanical device that permits a person to remotely determine or track the position and movement of another person.

And Second, that the defendant knowingly [[installed] [placed] [used] an electronic tracking device]] [[caused an electronic tracking device to be [installed] [placed] [used]]] without the consent of the victim, (name victim), to track the location of the alleged victim, (name victim).

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant knowingly had an electronic tracking device under defendant's control, and that the defendant knowingly [[installed] [placed] [used] an electronic tracking device]] [[caused an electronic tracking device to be [installed] [placed] [used]]] without consent of the alleged victim to track the location of the alleged victim, then 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 both of these things, it would be your duty to return a verdict of not guilty.

¹ See N.C. Gen. Stat. § 14-196.3(b)(5) for circumstances where the provisions of this subdivision do not apply to the installation, placement, or use of an electronic tracking device by certain individuals, state actors and employers.

N.C.P.I.—Crim 226.86A

TAKING INDECENT LIBERTIES WITH A STUDENT (BY TEACHER, SCHOOL ADMINISTRATOR, STUDENT TEACHER, SCHOOL SAFETY OFFICER, COACH). FELONY.

CRIMINAL VOLUME

REPLACEMENT JUNE 2016

N.C. Gen. Stat. § 14-202.4

226.86A TAKING INDECENT LIBERTIES WITH A STUDENT (BY TEACHER, SCHOOL ADMINISTRATOR, STUDENT TEACHER, SCHOOL SAFETY OFFICER, COACH). FELONY.

NOTE WELL: School safety officers were added to the statute effective December 1, 2003, and applies to offenses committed on or after that date.

The defendant has been charged with taking indecent liberties with a student.

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

First, that the victim was a student.¹

Second, that the defendant was a [teacher] [school administrator] [student teacher] [school safety officer]² [coach] at the same school.³

Third, that the defendant willfully:

- a) [took] [attempted to take]⁴ any immoral, improper, or indecent liberties with the victim for the purpose of arousing or gratifying sexual desire.⁵
- b) [committed] [attempted to commit] a lewd or lascivious act upon or with the body or any part or member of the body of the victim.

And Fourth, that this act occurred [during] [after] the time the defendant and the victim were present together in the same school.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the victim was a student, that the defendant was a [teacher] [school administrator] [student teacher] [school safety officer] [coach] at the same school, that the defendant willfully [took] [attempted to

N.C.P.I.—Crim 226.86A

TAKING INDECENT LIBERTIES WITH A STUDENT (BY TEACHER, SCHOOL ADMINISTRATOR, STUDENT TEACHER, SCHOOL SAFETY OFFICER, COACH). FELONY.

CRIMINAL VOLUME

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N.C. Gen. Stat. § 14-202.4

take] indecent liberties with a student, [during] [after] the time the defendant and the victim were present together in the same school, 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 "Student" means a person enrolled in kindergarten, or in grade one through grade 12 in any school. N.C. Gen. Stat. § 14-202.4(d)(4).

2 "School safety officer" means any other person who is regularly present in a school for the purpose of promoting and maintaining safe and orderly schools and includes a school resource officer.

3 "Same school" means a school at which the student is enrolled or is present for a school sponsored or school-related activity and the school personnel is employed, volunteers, or is present for a school sponsored or school-related activity. N.C. Gen. Stat. § 14-202.4(d)(1a). "School personnel" includes those employed by nonpublic, charter or regional schools.

4 An appropriate instruction on attempt should be given in a case in which there has been some evidence that the defendant attempted to take an indecent liberty.

5 It is not necessary that there be a touching of the child by the defendant in order to constitute an indecent liberty within the meaning of N.C. Gen. Stat. § 14-202.1. *State v. Turman*, 52 N.C App. 376 (1981) (masturbated in front of the child); *State v. Kistle*, 59 N.C App. 724 (1982) (defendant took a photograph of a nude child). *S. v. Hartness*, 326 N.C. 561 (1990), held that the trial court's instruction that an indecent liberty is an immoral, improper or indecent touching or act by defendant upon the child or an inducement by defendant of an immoral or indecent touching by the child did not violate the defendant's right to a unanimous verdict since the crime of indecent liberties is a single offense which may be proved by evidence of the commission of any one of a number of acts, and the requirement of unanimity is met even if some jurors find that one type of sexual conduct occurred and others find that another transpired.

For the purpose of this section, the term "indecent liberty" does not include vaginal intercourse or a sexual act as defined in N.C. Gen. Stat. § 14-27.1.

N.C.P.I.—Crim 226.86B

TAKING INDECENT LIBERTIES WITH A STUDENT (BY MEMBER OF SCHOOL PERSONNEL OTHER THAN TEACHER, SCHOOL ADMINISTRATOR, STUDENT TEACHER, SCHOOL SAFETY OFFICER, COACH). FELONY; MISDEMEANOR.

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N.C. Gen. Stat. § 14-202.4

226.86B TAKING INDECENT LIBERTIES WITH A STUDENT (BY MEMBER OF SCHOOL PERSONNEL OTHER THAN TEACHER, SCHOOL ADMINISTRATOR, STUDENT TEACHER, SCHOOL SAFETY OFFICER,¹ COACH). FELONY; MISDEMEANOR.²

NOTE WELL: School safety officers were added to the statute effective December 1, 2003, and applies to offenses committed on or after that date.

The defendant has been charged with taking indecent liberties with a student.

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

First, that the victim was a student.³

Second, that the defendant was a member of the school personnel⁴ at the same school as the victim.⁵ [(Name position) is a member of the school personnel.]

Third, that the defendant was at least four years older than the victim.

Fourth, that the defendant willfully:

- a) [took] [attempted to take]⁶ any immoral, improper, or indecent liberties with the victim for the purpose of arousing or gratifying sexual desire.⁷
- b) [committed] [attempted to commit] a lewd or lascivious act upon or with the body or any part or member of the body of the victim.

And Fifth, that this act occurred [during] [after] the time the defendant and the victim were present together in the same school.

If you find from the evidence beyond a reasonable doubt that on or

N.C.P.I.—Crim 226.86B

TAKING INDECENT LIBERTIES WITH A STUDENT (BY MEMBER OF SCHOOL PERSONNEL OTHER THAN TEACHER, SCHOOL ADMINISTRATOR, STUDENT TEACHER, SCHOOL SAFETY OFFICER, COACH). FELONY; MISDEMEANOR.

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about the alleged date the victim was a student, that the defendant was a member of the school personnel at the same school as the victim, that the defendant was at least four years older than the victim, that the defendant willfully [took] [attempted to take] indecent liberties with the victim, and that this act occurred [during] [after] the time the defendant and the victim were present together in the same school, 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, you would not return a verdict of guilty of felonious taking of indecent liberties with a student, but will consider whether the defendant is guilty of misdemeanor taking of indecent liberties with a student. The misdemeanor differs from the felony in that the state need not prove that the defendant was at least four years older than the victim.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the victim was a student, that the defendant was a member of the school personnel at the same school as the victim, that the defendant willfully [took] [attempted to take] indecent liberties with the victim, and that this act occurred [during] [after] the time the defendant and the victim were present together in the same school, it would be your duty to return a verdict of guilty of misdemeanor taking indecent liberties with a student. 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.

1 "School safety officer" means any other person who is regularly present in a school for the purpose of promoting and maintaining safe and orderly schools and includes a school resource officer.

2 If the defendant is a member of the school personnel (any person included in the definition contained in N.C. Gen. Stat. § 115C-332(a)(2), and any person who volunteers at

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TAKING INDECENT LIBERTIES WITH A STUDENT (BY MEMBER OF SCHOOL PERSONNEL OTHER THAN TEACHER, SCHOOL ADMINISTRATOR, STUDENT TEACHER, SCHOOL SAFETY OFFICER, COACH). FELONY; MISDEMEANOR.

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a school or school sponsored activity) other than a teacher, school administrator, student teacher, school safety officer, or coach and is at least four years older than the victim, this is a Class I felony. If the defendant is a member of the school personnel, other than a teacher, school administrator, student teacher, or coach, and is less than four years older than the student, then this is a Class A1 misdemeanor.

3 "Student" means a person enrolled in kindergarten, or in grade one through grade 12 in any school. N.C. Gen. Stat. § 14-202.4(d)(4).

4 "School Personnel" means any employee of a local board of education whether full-time or part-time, or independent contractor or employee of an independent contractor of a local board of education, if the independent contractor carries out duties customarily performed by school personnel, whether paid with federal, State, local or other funds, who has significant access to students. School personnel also include substitute teachers, driver training teachers, bus drivers, clerical staff, and custodians. In addition, N.C. Gen. Stat. § 14-202.4 includes any person who volunteers at a school or school sponsored activity.

5 "Same school" means a school at which the student is enrolled or is present for a school-sponsored or school-related activity and the school personnel is employed, volunteers, or is present for a school-sponsored or school-related activity. N.C. Gen. Stat. § 14-202.4(d)(1a). "School personell" includes those employed by nonpublic, charter or regional schools.

6 An appropriate instruction on attempt should be given in a case in which there has been some evidence that the defendant attempted to take an indecent liberty.

7 It is not necessary that there be a touching of the child by the defendant in order to constitute an indecent liberty within the meaning of N.C. Gen. Stat. § 14-202.1. *State v. Turman*, 52 N.C App. 376 (1981) (masturbated in front of the child); *State v. Kistle*, 59 N.C App. 724 (1982) (defendant took a photograph of a nude child). *S. v. Hartness*, 326 N.C. 561 (1990), held that the trial court's instruction that an indecent liberty is an immoral, improper or indecent touching or act by defendant upon the child or an inducement by defendant of an immoral or indecent touching by the child did not violate the defendant's right to a unanimous verdict since the crime of indecent liberties is a single offense which may be proved by evidence of the commission of any one of a number of acts, and the requirement of unanimity is met even if some jurors find that one type of sexual conduct occurred and others find that another transpired.

For the purpose of this section, the term "indecent liberty" does not include vaginal intercourse or a sexual act as defined in N.C. Gen. Stat. § 14-27.1.

N.C.P.I.—Crim 229.15
[BUYING] [SELLING] PUBLIC OFFICES. FELONY.
CRIMINAL VOLUME
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N.C. Gen. Stat. § 14-228.

229.15 [BUYING] [SELLING] PUBLIC OFFICES. FELONY.

The defendant has been charged with [buying] [selling] a public office.

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

First, that the defendant:

- a) [[bargained away] [sold]] a(n) [[office] [deputation¹ of an office]
- b) [[took [money] [a reward] [profit] for a(n) [office] [deputation of an office]]]
- c) [[gave] [paid]] [money] [a reward] [profit] for a(n) [office] [deputation of an office]]
- d) [made a(n) [promise] [agreement] [bond] [assurance] for a(n) [[office] [deputation of an office]]]

A public office is an agency for a state, and the person whose duty it is to perform this agency is a public officer.² A position is a public office when it is created by law, with duties cast upon the incumbent which involves an exercise of some portion of the sovereign power of the state or subdivision thereof and in the performance of which the public is concerned.³

And Second, the office concerned the [administration or execution of justice] [[receipt] [collection] [control] [disbursement] of the public revenue] [a clerkship in any court of record wherein justice is administered].

If you find from the evidence defendant beyond a reasonable doubt that on or about the alleged date, the defendant

- a) [[bargained away] [sold]] a(n) [[office] [deputation of an office]
- b) [[took [money] [a reward] [profit] for a(n) [office] [deputation of an office]]]

N.C.P.I.—Crim 229.15
[BUYING] [SELLING] PUBLIC OFFICES. FELONY.
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- c) [[gave] [paid]] [money] [a reward] [profit] for a(n) [office] [deputation of an office]
- d) [made a(n) [promise] [agreement] [bond] [assurance] for a(n) [[office] [deputation of an office]

and that the office concerned the [administration or execution of justice] [[receipt] [collection] [control] [disbursement] of the public revenue] [a clerkship in any court of record wherein justice is administered], then it would be your duty to return a verdict of guilty. If you do not so find or have reasonable doubt as to one or both of these things, then it would be your duty to return a verdict of not guilty.

-
- 1 A person or group appointed to represent another or others; a delegation.
 - 2 State ex rel. Clark v. Stanley, 66 N.C. 59 (1872).
 - 3 Groves v. Barden, 169 N.C. 8, 84 S.E. 1042 (1915).

N.C.P.I.—Crim 230.65
[INTIMIDATING] [INTERFERING] WITH A WITNESS. FELONY.
CRIMINAL VOLUME
REPLACEMENT JUNE 2016
N.C. Gen. Stat. § 14-226(a)

230.65 [INTIMIDATING] [INTERFERING] WITH A WITNESS.

The defendant has been charged with [intimidating] [interfering] with a witness.

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

First, that a person was [summoned] [acting] as a witness in a court of this State.¹

Second, that the defendant [[intimidated] [attempted to intimidate]² [interfered with] [attempted to interfere with] [deterred] [attempted to deter] [prevented] [attempted to prevent]] any person who was [summoned] [acting] as a witness in the defendant's case. Intimidate means to make timid or fearful; inspire or affect with fear; frighten.³

Third, that the defendant acted intentionally.⁴

And Fourth, that the defendant did so by [*describe the threat or menace or any other conduct that amounts to a threat or menace*]⁵⁶.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date a person was [summoned] [acting] as a witness in the defendant's case in a court of this state and that the defendant intentionally [[intimidated] [attempted to intimidate] [interfered with] [attempted to interfere with] [deterred] [attempted to deter] [prevented] [attempted to prevent]] by (*describe the threat or menace or any other conduct that amounts to a threat or menace*) 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

N.C.P.I.—Crim 230.65
[INTIMIDATING] [INTERFERING] WITH A WITNESS. FELONY.
CRIMINAL VOLUME
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guilty.

1 It is immaterial that the victim was not regularly summoned or legally bound to attend. See *S. v. Neely*, 4 N.C. App. 475 (1969).

2 Influencing testimony is the gravamen of the "intimidates" part of the statute. *S. v. Neeley, supra*, see also *S. v. Isom*, 52 N.C App. 331 (1981).

3 *State v. Hines*, 122 N.C. App. 545, 552 (1996).

4 For the definition of intent see N.C.P.I.—Crim 120.10.

5 See *State v. Williams*, 186083 N.C. App. 36233 (2007) (holding that defendant's letter to witness attempting to persuade her to withdraw the charges in another inmate's case did not amount to threats or coercive statements attempting to deter or prevent the witness from coming to court.)

6 It is the better practice to instruct on this element and describe the threat or other conduct alleged. See *State v. Barnett*, ____ N.C. App.____, ____ S.E.2d____ (2016) (concluding that it was not plain error when the final mandate omitted the language that the defendant must have acted "by threats").

N.C.P.I.—Crim 230.73
IMPERSONATION OF [A FIREFIGHTER] [AN EMERGENCY MEDICAL SERVICES
PERSONNEL]. MISDEMEANOR.
CRIMINAL VOLUME
JUNE 2016
N.C. Gen. Stat. § 14-276.1

230.73 IMPERSONATION OF [A FIREFIGHTER] [AN EMERGENCY MEDICAL
SERVICES PERSONNEL]. MISDEMEANOR.

The defendant has been charged with impersonating [a firefighter¹]
[an emergency medical services personnel²].

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

First, that the defendant, with intent to deceive, impersonated [a
firefighter] [an emergency medical services personnel]. “Impersonation” can
be made by a false statement, display of insignia, emblem, or other
identification on defendant’s person or property, or any other act, which
indicates a false status of affiliation, membership, or level of training or
proficiency.

And Second, that such impersonation [was made with the intent to
impede the performance of the duties of a firefighter or any emergency
medical services personnel] [caused a person to reasonably rely on the
impersonation and as a result suffer injury to that person or person’s
property]

If you find from the evidence beyond a reasonable doubt that on the
alleged date the defendant, with intent to deceive, impersonated [a
firefighter] [an emergency medical services personnel], and that such
impersonation [was made by defendant with the intent to impede the
performance of the duties of a firefighter or an emergency medical services
personnel] [caused a person to reasonably rely on the impersonation and as
a result suffer injury to that person or person’s property], then it would be
your duty to return a verdict of guilty. If you do not so find or have a

N.C.P.I.—Crim 230.73

IMPERSONATION OF [A FIREFIGHTER] [AN EMERGENCY MEDICAL SERVICES PERSONNEL]. MISDEMEANOR.

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N.C. Gen. Stat. § 14-276.1

reasonable doubt as to one or both of these things, it would be your duty to return a verdict of not guilty.

1 This offense applies to both paid and volunteer firemen.

2 For purposes of this section, "emergency medical services personnel" means an emergency medical responder, emergency medical technician, emergency medical technician intermediates, emergency medical technician paramedics, advanced emergency medical technician, paramedic, or other member of a rescue squad or other emergency medical organization. See N.C. Gen. Stat. § 14-276.1.

N.C.P.I.—Crim 233.84
FURNISHING A [MOBILE TELEPHONE] [WIRELESS COMMUNICATION
DEVICE] [COMPONENT OF A [MOBILE TELEPHONE] [WIRELESS
COMMUNICATION DEVICE]] TO AN INMATE. FELONY
CRIMINAL VOLUME
REPLACEMENT JUNE 2016
N.C. Gen. Stat. § 14-258.1(d)

233.84 FURNISHING A [MOBILE TELEPHONE] [WIRELESS COMMUNICATION
DEVICE] [COMPONENT OF A [MOBILE TELEPHONE] [WIRELESS
COMMUNICATION DEVICE]] TO AN INMATE. FELONY.

NOTE WELL: If the offense involves furnishing a controlled substance to an inmate, use N.C.P.I.—Crim. 233.80. If the offense involves furnishing a deadly weapon, cartridge or ammunition to an inmate, use N.C.P.I.—Crim. 233.81. If the offense involves furnishing an alcoholic beverage to an inmate, use N.C.P.I.—Crim. 233.82. If the offense involves furnishing tobacco to an inmate, use N.C.P.I.—Crim. 233.83.

The defendant has been charged with furnishing a [mobile telephone] [wireless communication device] [component of a [mobile telephone] [wireless communication device]] to an [inmate [of the Division of Adult Correction of the Department of Public Safety] [in the custody of a local confinement facility]] [a delinquent juvenile in the custody of the Division of Juvenile Justice of the Department of Public Safety].¹

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

First, that (*name inmate*) was an [inmate [of the Division of Adult Correction of the Department of Public Safety] [in the custody of a local confinement facility]] [a delinquent juvenile in the custody of the Division of Juvenile Justice of the Department of Public Safety]. (*Name facility*) is [within the Division of Adult Correction of the Department of Public Safety] [a local confinement facility] [facility operated by the Division of Juvenile Justice of the Department of Public Safety].

And Second, that while [*name inmate*] was an inmate of (*name facility*), the defendant knowingly² [sold] [gave] a [mobile telephone] [wireless communication device] [a component of a [mobile telephone]

N.C.P.I.—Crim 233.84
FURNISHING A [MOBILE TELEPHONE] [WIRELESS COMMUNICATION
DEVICE] [COMPONENT OF A [MOBILE TELEPHONE] [WIRELESS
COMMUNICATION DEVICE]] TO AN INMATE. FELONY
CRIMINAL VOLUME
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N.C. Gen. Stat. § 14-258.1(d)

[wireless communication device]] to [*name inmate*] [[another] [others] to
give to [name inmate]].

If you find from the evidence beyond a reasonable doubt that on or
about the alleged date (*name inmate*) was an inmate at (*name facility*)
within the Division of Adult Corrections of the Department of Public Safety
and that the defendant knowingly [sold] [gave] a [mobile telephone]
[wireless communication device] [component of a [mobile telephone]
[wireless communication device]] to [*name inmate*] [[another] [others] to
give to [name inmate]], 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. For the purposes of this offense, a delinquent juvenile in the custody of the
Division of Juvenile Justice of the Department of Public Safety shall mean a juvenile
confined in a youth development center or a detention facility as defined in G.S. 7B-1501,
and shall include transportation of a juvenile to or from confinement.

2. A person acts "knowingly" when the person is aware or conscious of what he or
she is doing.

N.C.P.I.—Crim 233.95
POSSESSION OF [MOBILE TELEPHONE] [WIRELESS COMMUNICATION
DEVICE] [COMPONENT OF A [MOBILE TELEPHONE] [WIRELESS
COMMUNICATION DEVICE]] BY AN INMATE. FELONY.
CRIMINAL VOLUME
REPLACEMENT JUNE 2016
N.C. Gen. Stat. § 14-258.1(g)

233.95 POSSESSION OF [MOBILE TELEPHONE] [WIRELESS
COMMUNICATION DEVICE] [COMPONENT OF A [MOBILE TELEPHONE]
[WIRELESS COMMUNICATION DEVICE]] BY AN INMATE. FELONY.

The defendant has been charged with possession of a [mobile telephone] [wireless communication device] [component of a [mobile telephone] [wireless communication device] by an inmate [of the Division of Adult Correction of the Department of Public Safety] [in the custody of a local confinement facility].

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

First, that the defendant was an inmate [of the Division of Adult Correction of the Department of Public Safety] [in the custody of a local confinement facility]. (*Name facility*) is [within the Division of Adult Correction of the Department of Public Safety] [a local confinement facility].

And Second, that while the defendant was an inmate of (*name facility*), the defendant possessed a [mobile telephone] [wireless communication device] [component of a [mobile telephone] [wireless communication device]]. A person possesses a [mobile telephone] [wireless communication device] [component of a [mobile telephone] [wireless communication device]] when the person is aware of its presence, and has both the power and intent to control its disposition or use.

NOTE WELL: If constructive possession is an issue, or if an amplified definition of actual possession is needed, the trial judge should refer to N.C.P.I.—Crim. 104.41 for further instructions.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant was an inmate at (*name facility*) within

N.C.P.I.—Crim 233.95

POSSESSION OF [MOBILE TELEPHONE] [WIRELESS COMMUNICATION
DEVICE] [COMPONENT OF A [MOBILE TELEPHONE] [WIRELESS
COMMUNICATION DEVICE]] BY AN INMATE. FELONY.

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the Division of Adult Correction of the Department of Public Safety and that
the defendant possessed a [mobile telephone] [wireless communication
device] [component of a [mobile telephone] [wireless communication]
device]], 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.

N.C.P.I.—Crim 235.17

[CARRYING] [POSSESSING] WEAPONS [ON EDUCATIONAL PROPERTY] [AT SCHOOL SPONSORED ACTIVITY]. FELONY, MISDEMEANOR.

CRIMINAL VOLUME

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N.C. Gen. Stat. § 14-269.2(b) and (b1)

235.17 [CARRYING] [POSSESSING] WEAPONS [ON EDUCATIONAL PROPERTY] [AT SCHOOL SPONSORED ACTIVITY]. FELONY, MISDEMEANOR.

NOTE WELL: As to the curricular or extracurricular activity sponsored by a school prohibition, this crime became effective for offenses committed on or after December 1, 1999.

NOTE WELL: Amended G.S. 14-269.2(k) adds exemptions for the offense of carrying or possessing weapons on educational property for (1) a person who has a valid concealed handgun permit under Article 54B Ch. 14, (2) a person who is exempted from having a permit under that Article, or (3) a person who has a handgun in a closed compartment or container within the person's locked vehicle or in a locked container securely affixed to the person's vehicle. A person may unlock the vehicle to enter or exit the vehicle provided the firearm remains in the closed compartment at all times and the vehicle is locked immediately following the entrance or exit.

The defendant has been charged with knowingly [carrying] [possessing] a weapon [on educational property] [at a curricular or extracurricular activity sponsored by a school].^{1 2 3 4}

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

First, that the defendant knowingly [carried]⁵ [possessed]⁶ a (*name weapon*).

And Second, that the defendant was knowingly⁷ [on educational property] [at a curricular or extracurricular activity sponsored by a school].⁸

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant knowingly [carried] [possessed] a (*describe weapon*) and that the defendant knowingly was [on educational property] [at a curricular or extracurricular activity sponsored by a school], it would be your duty to return a verdict of guilty. If you do not so find or

N.C.P.I.—Crim 235.17

[CARRYING] [POSSESSING] WEAPONS [ON EDUCATIONAL PROPERTY] [AT SCHOOL SPONSORED ACTIVITY]. FELONY, MISDEMEANOR.

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N.C. Gen. Stat. § 14-269.2(b) and (b1)

have a reasonable doubt as to one or both of these things, it would be your duty to return a verdict of not guilty.

1 See N.C. Gen. Stat. § 14-269.2(a)(1) for a definition of educational property. N.C. Gen. Stat. § 14-269.2(g) explains situations where the statute does not apply. In addition, N.C. Gen. Stat. § 14-269.2(h) provides a statutory defense.

2 N.C. Gen. Stat. § 14-269.2(b) deals with firearms and lists examples, punished as a Class I felony. N.C. Gen. Stat. § 14-269.2(b1) deals with explosives and lists examples, punished as a Class G felony.

3 See N.C. Gen. Stat. § 14-269.2(d) and (f) for a list of weapons and situations which qualify this offense as a misdemeanor.

4 See N.C. Gen. Stat. § 14-269.2(i), (j), and (k) that note exclusions from the statute's coverage.

5 The statute applies whether or not the weapon is concealed.

6 If constructive possession is an issue in the case refer to N.C.P.I.-Crim. 104.41. If the defendant contends that he did not know the true identity of what he possessed, add this language to the first sentence: "and the defendant knew that what he possessed was (*name item*)."
State v. Boone, 310 N.C. 284, 291 (1984).

7 See *State v. Huckelba*, 771 S.E.2d 809 (N.C. Ct. App.), writ allowed, 775 S.E.2d 833 (N.C. 2015), and rev'd, 780 S.E.2d 750 (N.C. 2015) (in a per curiam decision, the Supreme Court reversed the Court of Appeals, relying on a dissent in that court, which had concluded that, while the statute may require a showing that the defendant knew she was on educational property, it was not plain error for the trial court to omit this requirement from its instruction to the jury, where there was substantial evidence that defendant knew she was on educational property and defendant did not introduce any evidence to the contrary).

8 The statute does not require the state to prove *mens rea* or criminal intent. Necessity is not a defense to this charge. See *State v. Haskins*, 160 N.C. App. 349 (2003).

N.C.P.I.—Crim 235.65

DISCLOSURE OF PRIVATE IMAGES BY OFFENDER UNDER THE AGE OF 18.
MISDEMEANOR.

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N.C. Gen. Stat. § 14-190.5(c)(2)

235.65 DISCLOSURE OF PRIVATE IMAGES BY OFFENDER UNDER THE AGE
OF 18. MISDEMEANOR.

NOTE WELL: This instruction should be used for a first offense committed by a person who is under 18 years of age at the time of the offense.

The defendant has been charged with the disclosure of private images.

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

First, that on or about the alleged date the defendant intentionally¹ disclosed an image² of another person with the intent to [coerce] [harass] [intimidate] [demean] [humiliate] [cause financial loss to] the depicted person.

Second, that defendant was under the age of 18 at the time of the offense.

Third, that the depicted person is identifiable from the [disclosed image] [information offered in connection with the image].

Fourth the disclosed image shows the [depicted person's intimate parts³ exposed] [depicted person engaged in sexual conduct⁴]

Fifth, that the defendant disclosed the image without the affirmative consent of the depicted person.

1 For a definition of intentionally, see N.C.P.I.-Crim. 120.10

2 "Image" is defined as photo, film, video, recording, digital, or other reproduction.

3 "Intimate parts" is defined as the genitals, pubic area, anus, or nipple of a female over 12 years old.

4 "Sexual conduct" is defined as vaginal, anal, oral intercourse; masturbation, excretory functions, or lewd exhibition of uncovered genitals.

N.C.P.I.—Crim 235.65

DISCLOSURE OF PRIVATE IMAGES BY OFFENDER UNDER THE AGE OF 18.
MISDEMEANOR.

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N.C. Gen. Stat. § 14-190.5(c)(2)

And Sixth, that the defendant disclosed the image under circumstances such that the defendant [knew] [should have known] that the depicted person had a reasonable expectation of privacy⁵.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant intentionally disclosed an image of another person with the intent to [coerce] [harass] [intimidate] [demean] [humiliate] [cause financial loss to] the depicted person, that defendant was under the age of 18 at the time the offense was committed, that the depicted person is identifiable from the [disclosed image] [information offered in connection with the image], the disclosed image shows the [depicted person's intimate parts exposed] [depicted person engaged in sexual conduct], that the defendant disclosed the image without the affirmative consent of the depicted person, and that the defendant disclosed the image under circumstances such that the defendant [knew] [should have known] that the depicted person had a reasonable expectation of privacy, then 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.

⁵ "Reasonable expectation of privacy" is defined, in N.C. Gen. Stat. § 14-190.5A(a)(5), as when a depicted person has consented to the disclosure of an image within the context of a personal relationship as defined in N.C. Gen. Stat § 50B-1(b) and the depicted person reasonably believes the disclosure will not go beyond that relationship.

N.C.P.I.—Crim 235.67

DISCLOSURE OF PRIVATE IMAGES BY OFFENDER 18 YEARS OF AGE OR OLDER. FELONY.

CRIMINAL VOLUME

JUNE 2016

N.C. Gen. Stat. § 14-190.5(c)(1)

235.67 DISCLOSURE OF PRIVATE IMAGES BY OFFENDER 18 YEARS OF AGE OR OLDER. FELONY.

NOTE WELL: This instruction should be used for offenses committed by a person who is 18 years of age or older at the time of the offense.

The defendant has been charged with the disclosure of private images.

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

First, that the defendant on (name date) intentionally¹ disclosed an image² of another person with the intent to [coerce] [harass] [intimidate] [demean] [humiliate] [cause financial loss to] the depicted person.

Second, that defendant on (name date of offense) was 18 years of age or older.

Third, that the depicted person is identifiable from the [disclosed image] [information offered in connection with the image].

Fourth, the disclosed image shows the [depicted person's intimate parts³ exposed] [depicted person engaged in sexual conduct⁴]

Fifth, that the defendant disclosed the image without the affirmative consent of the depicted person.

And Sixth, that the defendant disclosed the image under circumstances such that the defendant [knew] [should have known] that the depicted person had a reasonable expectation of privacy⁵.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant intentionally disclosed an image⁶ of another person with the intent to [coerce] [harass] [intimidate] [demean] [humiliate] [cause financial loss to] the depicted person, that defendant on

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(name date of offense) was 18 years of age or older, that the depicted person is identifiable from the [disclosed image] [information offered in connection with the image], the disclosed image shows the [depicted person's intimate parts⁷ exposed] [depicted person engaged in sexual conduct], that the defendant disclosed the image without the affirmative consent of the depicted person, and that the defendant disclosed the image under circumstances such that the defendant [knew] [should have known] that the depicted person had a reasonable expectation of privacy, then 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 For a definition of intentionally, see N.C.P.I.—Crim. 120.10

2 "Image" is defined as photo, film, video, recording, digital, or other reproduction.

3 "Intimate parts" is defined as the genitals, pubic area, anus, or nipple of a female over 12 years old.

4 "Sexual conduct" is defined as vaginal, anal, oral intercourse; masturbation, excretory functions, or lewd exhibition of uncovered genitals.

5 "Reasonable expectation of privacy" is defined, in N.C. Gen. Stat. § 14-190.5A(a)(5), as when a depicted person has consented to the disclosure of an image within the context of a personal relationship as defined in N.C. Gen. Stat § 50B-1(b) and the depicted person reasonably believes the disclosure will not go beyond that relationship.

6 "Image" is defined as photo, film, video, recording, digital, or other reproduction.

7 "Intimate parts" is defines as genitals, pubic area, anus, or nipple of female over 12.

N.C.P.I.—Crim 235.69

FELONIOUS DISCLOSURE OF PRIVATE IMAGES BY OFFENDER UNDER THE AGE OF 18. FELONY.

CRIMINAL VOLUME

JUNE 2016

N.C. Gen. Stat. § 14-190.5(c)(3)

235.69 FELONIOUS DISCLOSURE OF PRIVATE IMAGES BY OFFENDER UNDER THE AGE OF 18. FELONY.

NOTE WELL: This instruction should be used for a second or subsequent offense committed by a person who is under the age of 18 at the time of the offense.

NOTE WELL: Use this instruction only if the defendant denies a previous conviction under N.C. Gen. Stat. § 14-190.5(c)(2) or remains silent. If the defendant admits previous conviction, use N.C.P.I. 235.65, the misdemeanor offense. See N.C. Gen. Stat. § 15A-928 for provisions regarding indictment, bifurcated trial, verdict, and judgment. See also N.C.P.I. Crim. 204.05 for a model instruction for bifurcated proceedings. This instruction is effective for offense occurring on or after Dec 1, 2015.

The defendant has been charged with the felonious disclosure of private images.

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

First, that on or about the alleged date the defendant on (name date) intentionally¹ disclosed an image² of another person with the intent to [coerce] [harass] [intimidate] [demean] [humiliate] [cause financial loss to] the depicted person.

Second, that the defendant on (name date of offense) was under the age of 18.

Third, that the depicted person is identifiable from the [disclosed image] [information offered in connection with the image].

Fourth, the disclosed image shows the [depicted person's intimate parts³ exposed] [depicted person engaged in sexual conduct⁴]

N.C.P.I.—Crim 235.69

FELONIOUS DISCLOSURE OF PRIVATE IMAGES BY OFFENDER UNDER THE AGE OF 18. FELONY.

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Fifth, that the defendant disclosed the image without the affirmative consent of the depicted person.

Sixth, that the defendant disclosed the image under circumstances such that the defendant [knew] [should have known] that the depicted person had a reasonable expectation of privacy⁵.

And Seventh, that the defendant has a prior conviction for misdemeanor disclosure of private images; that is:

On (name date) in (name court) the defendant [was convicted of] [pled guilty to] misdemeanor disclosure of private images, that was committed on (name date), in violation of the law of the State of North Carolina.⁶

If you find from the evidence beyond a reasonable doubt, that on or about the alleged date the defendant intentionally disclosed an image of another person with the intent to [coerce] [harass] [intimidate] [demean] [humiliate] [cause financial loss to] the depicted person, that defendant on (name date of offense) was under the age of 18, that the depicted person is identifiable from the [disclosed image] [information offered in connection with the image], that the disclosed image shows the [depicted person's intimate parts exposed] [depicted person engaged in sexual conduct], that the defendant disclosed the image without the affirmative consent of the depicted person, that the defendant disclosed the image under circumstances such that the defendant [knew] [should have known] that the depicted person had a reasonable expectation of privacy, and that defendant had previously been convicted of misdemeanor disclosure of private images, then it would be your duty to return a verdict of guilty. If you do not so find

N.C.P.I.—Crim 235.69

FELONIOUS DISCLOSURE OF PRIVATE IMAGES BY OFFENDER UNDER THE AGE OF 18. FELONY.

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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 For a definition of intentionally, see N.C.P.I.—Crim. 120.10

2 "Image" is defined as photo, film, video, recording, digital, or other reproduction.

3 "Intimate parts" is defined as the genitals, pubic area, anus, or nipple of a female over 12 years old.

4 "Sexual conduct" is defined as vaginal, anal, oral intercourse; masturbation, excretory functions, or lewd exhibition of uncovered genitals.

5 "Reasonable expectation of privacy" is defined, in N.C. Gen. Stat § 14.190.5A(a)(5), as when a depicted person has consented to the disclosure of an image within the context of a personal relationship as defined in N.C. Gen. Stat § 50B-1(b) and the depicted person reasonably believes the disclosure will not go beyond that relationship.

6 This offense applies to a second or subsequent offense and additional prior offenses can be added as additional elements.

N.C.P.I.—Crim 236A.40

DISORDERLY CONDUCT [IN] [NEAR] A PUBLIC [BUILDING] [FACILITY].
MISDEMEANOR.

CRIMINAL VOLUME

JUNE 2016

N.C. Gen. Stat. § 14-132(a)(1)

236A.40 DISORDERLY CONDUCT [IN] [NEAR] A PUBLIC [BUILDING]
[FACILITY]. MISDEMEANOR.

The defendant has been charged with disorderly conduct¹ [in] [near] a public [building] [facility]².

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

First, that on or about the alleged date the defendant willfully (and without justification or excuse) made a [rude] [riotous] noise³.

Second, that such [rude] [riotous] noise was made [in] [near] (name building or facility), a public [building] [facility]⁴.

And Third, that such [rude] [riotous] noise was intentionally caused by the defendant.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant willfully (without justification or excuse) made a [rude] [riotous] noise, that such [rude] [riotous] noise was

1 For other types of disorderly conduct, see N.C.P.I.-Crim. 236A.30 - 236A.31 and N.C. Gen. Stat. § 14-288.4.

2 The term "public building or facility" as used in this section includes any building or facility which is: One to which the public or a portion of the public has access and is owned or controlled by the State, any subdivision of the State, any other public agency, or any private institution or agency of a charitable, educational, or eleemosynary nature; or Dedicated to the use of the general public for a purpose which is primarily concerned with public recreation, cultural activities, and other events of a public nature or character; Designated by the Director of the State Bureau of Investigation in accordance with G.S. 143B-987. See N.C. Gen Stat. § 14-132(c).

3 See State v. Dale, ___ N.C. App. ___, __S.E.2d__ (Feb. 16, 2016) (finding defendant's misbehavior in the lobby of the jail adjacent to the magistrate's courtroom constituted "rude or riotous" noise when the defendant "cursed and shouted" at the officers).

4 The term "building or facility" as used in this section also includes the surrounding grounds and premises of any building or facility used in connection with the operation or functioning of such building or facility. See N.C. Gen Stat. § 14-132(c)(3).

N.C.P.I.—Crim 236A.40

DISORDERLY CONDUCT [IN] [NEAR] A PUBLIC [BUILDING] [FACILITY].

MISDEMEANOR.

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N.C. Gen. Stat. § 14-132(a)(1)

made [in] [near] a public [building] [facility], and that such [rude] [riotous] noise was intentionally caused by the defendant, 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.

North Carolina
Conference of Superior Court Judges
Committee on Pattern Jury Instructions

North Carolina
PATTERN JURY
INSTRUCTIONS
for Criminal Cases

June 1975
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* On or after 12/1/97, Voluntary Manslaughter is a Class D felony.

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* On or after 12/1/97, Voluntary Manslaughter is a Class D felony.

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206.55A	Involuntary Manslaughter—(Impaired Driving). (Offenses after Dec. 1, 2006). G.S. 20-141.4. (6/2014)	H	F
206.56	Involuntary Manslaughter—(Impaired Driving). (Offenses prior to Dec. 1, 2006). G.S. 20-141.4. (6/2014)	H	F
206.57	Felony Death by Vehicle (offenses prior to Dec. 1, 2006). G.S. 20-141.4(a1). (6/2014)	I	G
206.57A	Felony Death by Vehicle (offenses after Dec. 1, 2006). G.S. 20-141.4(a1). (6/2014)	I	G
206.57B	Aggravated Felony Death by Vehicle. G.S. 20-141.4(a5). (6/2014)		D
206.57C	Felony Serious Injury by Vehicle. G.S. 20-141.4(a3). (6/2014)		F
206.57D	Aggravated Felony Serious Injury by Vehicle. G.S. 20-141.4(a4). (6/2014)		E
206.58	Misdemeanor Death by Vehicle. G.S. 20-141.4(a2). (6/2014)	Misd	Misd 1
206.60	Murder of Unborn Child—Willful and Malicious Act (6/2012)		A
206.61	Murder of Unborn Child—Inherently Dangerous Act (6/2014)		B2
206.62	Murder of Unborn Child—[Murder] [Voluntary Manslaughter] [Involuntary Manslaughter] of Mother (6/2012)		B2, D, F
206.63	Murder of Unborn Child—Willful and Malicious Act. G.S. 14-23.2(a)(1). (6/2014)		A
	Rape and Sexual Offenses.		
207.10	First Degree Rape (Weapon, Serious Injury, or Multiple Assailants) and Lesser Included Offenses. G.S. 14-27.2, 14-27.3, 14-27.6, 14-33(b)(2). (6/2016)	B, D, F, H, Misd	B1, C, F, H, Misd 1
207.10A	First Degree Forcible Rape (Weapon, Serious Injury, or Multiple Assailants) and Lesser Included Offenses. G.S. 14-27.21, 14-27.22, 14-27.34. (6/2016)		B1, B2, C, D, Misd
207.11	Attempted First Degree Rape (Weapon, Serious Injury, or Multiple Assailants) Covering Attempted Second Degree Rape as a Lesser Included Offense. G.S. 14-27.2(2), 14-27.3(1), 14-27.6. (6/2016)	F, H	F, H

*207.11A	Attempted First Degree Rape (Weapon, Serious Injury, or Multiple Assailants) Covering Attempted Second Degree Rape as a Lesser Included Offense. G.S. 14-27.21, 14-27.22, 14-27.34. (6/2016)		
207.15	Rape of a Child. G.S. 14-27.2A. (6/2016)		B1
207.15.1	First Degree Rape—Female under the Age of Thirteen Years. G.S. 14-27.2(1). (6/2016)	B	B1
207.15.1A	First Degree Statutory Rape—Alleged Victim Under the Age of Thirteen Years. G.S. 14-27.24. (6/2016)		
207.15.2	Statutory Rape Against a Victim Who Was Thirteen, Fourteen, or Fifteen Years Old. G.S. 14-27.7A. (6/2016)		B1, C
207.15.2A	Statutory Rape Against an Alleged Victim Who Is Fifteen Years of Age or Younger. G.S. 14-27.25. (6/2016)		
207.15.3	Statutory Sexual Offense against a Victim Who Was Thirteen, Fourteen, or Fifteen Years Old. G.S. 14-27.7A. (6/2016)		
207.15.3A	Statutory Sexual Offense of an Alleged Victim Who Was Fifteen Years of Age or Younger. G.S. 14-27.30. (6/2016)		B1, C
*207.15A	Statutory Rape of a Child by an Adult G.S. 14-27.23. (6/2016)		
207.15A.1	Attempted First Degree Rape—Alleged Victim Under the Age of Thirteen Years. G.S. 14-27.2(a)(1), 14-27.8 (6/2016).	F	F
*207.15A.1A	Attempted First Degree Statutory Rape—Alleged Victim Under the Age of Thirteen Years. G.S. 14-27.24(a)(1), 14-27.34. (6/2016)		
207.20	Second Degree Rape—Forcible. G.S. 14-27.3. (6/2016)	D	C
207.20A	Second Degree Rape—Forcible (Victim Asleep or Similarly Incapacitated). G.S. 14-27.3. (6/2016)		
207.20A.1	Second Degree Rape—Forcible (Alleged Victim Asleep or Similarly Incapacitated). G.S. 14-27.3. (6/2016)		
207.20B	Second Degree Forcible Rape. G.S. 14-27.22. (6/2016)		
207.25	Second Degree Rape—Victim Mentally Disabled, Mentally Incapacitated or Physically Helpless. G.S. 14-27.3. (6/2016)	D	C
207.25A	Second Degree Rape—Victim Mentally Disabled, Mentally Incapacitated or Physically Helpless. G.S. 14-27.3. (6/2016)		
207.40	First Degree Sexual Offense—Weapon, Serious Injury, or Multiple Assailants, Covering Second Degree Sex Offense as a Lesser Included Offense. G.S. 14-27.4, 14-27.5. (5/2016)	B, D	B1, C
207.40A	Attempted First Degree Sexual Offense (Weapon, Serious Injury, or Multiple Assailants) Covering Attempted Second Degree Sex Offense as a Lesser Included Offense. G.S. 14-27.4(2), 14-27.5(2), 14-27.6. (5/2016)	F, H	F, H
207.40A.1	Attempted First Degree Forcible Sexual Offense—(Weapon, Serious Injury, or Multiple Assailants) Covering Attempted Second Degree Forcible Sex Offense as a Lesser Included Offense. G.S. 14-27.26, 14-27.27, 14-27.34. (6/2016)		
207.40B	First Degree Forcible Sexual Offense—(Weapon, Serious Injury, or Multiple Assailants) Covering Second Degree Sex Offense as a Lesser Included Offense. G.S. 14-27.26, 14-27.27. (6/2016)		
207.45	Sexual Offense with a Child. G.S. 14-27.4A. (6/2016)		B1
207.45.1	First Degree Sexual Offense—Child under the Age of Thirteen Years. G.S. 14-27.4. (6/2016)	B	B1

207.45.1A	First Degree Statutory Sexual Offense—Child under the Age of Thirteen Years. G.S. 14-27.29. (6/2016)		
207.45A	Statutory Sexual Offense with a Child by an Adult. G.S. 14-27.28. (6/2016)		
207.45A.1	Attempted First Degree Sexual Offense—Child under the Age of Thirteen Years. G.S. 14-27.4, 14-27.8. (6/2016)	F	F
207.45A.1A	Attempted First Degree Statutory Sexual Offense—Child Under the Age of Thirteen Years. G.S. 14-27.29, 14-27.34. (6/2016)		
207.60	Second Degree Sexual Offense—Forcible. G.S. 14-27.5. (6/2016)	D	C
207.60A	Second Degree Forcible Sexual Offense. G.S. 14-27.27. (6/2016)		
207.65	Second Degree Sexual Offense—Victim Mentally Defective, Mentally Incapacitated or Physically Helpless. G.S. 14-27.5. (6/2016)	D	C
207.65A	Second Degree Forcible Sexual Offense—Alleged Victim Mentally Disabled, Mentally Incapacitated, or Physically Helpless.		
207.70	Felonious Sexual Activity with Person in Defendant’s Custody. G.S. 14-27.7. (6/2016)	G	E
207.70A	Felonious Sexual Activity with Person in Defendant’s Custody. G.S. 14-27.7. (6/2016)		
207.71	Unlawfully Accessing a Commercial Social Networking Website by a Sex Offender. G.S. 14-202.5A. (6/2009)		I
207.72	Sex Offender Unlawfully on Premises. G.S. 14-208.18. (6/2009)		H
207.73	Failure to Enroll in a Satellite-Based Monitoring Program. G.S. 14-208.44(a). (6/2008)		F
207.74	Failing to [Provide Necessary Information to] [Cooperate with Guidelines and Regulations of] the Department of Corrections While Required to Enroll in a Satellite-Based Monitoring Program. G.S. 14-208.44(c). (6/2008)		Misd 1
207.75	Willfully Failing to Comply with Sex Offender Registration Law. G.S. 14-208.11. (6/2016)	-	F
207.76	Failure to Comply with Sex Offender Residential Restrictions. G.S. 14-208.16. (6/2015)	-	F
207.77	Failure to Comply with Sex Offender Limitations on Residential Use—Minor in Residence. G.S. 14-208.17(b). (6/2007)	-	F
207.78	Intentionally [Tampering with] [Removing] [Vandalizing] [Interfering with Proper Functioning of] a Satellite-Based Monitoring Device. G.S. 14-208.44(a). (6/2008)	-	F
207.79	Failure to Comply with Sex Offender Prohibition on Working or Volunteering for Child-Involved Activities. G.S. 14-208.17(a). (6/2007)	-	F
207.80A	Felonious Sexual Activity Involving Students (by teacher, school administrator, student teacher, school safety officer, coach). G.S. 14-27.7(b). (6/2016)	-	G
207.80A.1	Felonious Sexual Activity With a Student (by Teacher, School Administrator, Student Teacher, School Safety Officer, Coach). G.S. 14-27.32. (6/2016)		

207.80B	Felonious Sexual Activity Involving Students (by member of school personnel other Than teacher, school administrator, student teacher, school safety officer, coach). G.S. 14-27.7(b). (6/2016)	-	G, Misd A1
207.80B.1	Felonious Sexual Activity With a Student (by Member of School Personnel Other Than Teacher, School Administrator, Student Teacher, School Safety Officer, Coach). G.S. 14-27.32. (6/2016)		
207.90	Sexual Battery. G.S. 14-27.5A. (6/2016)		Misd A1
207.90A	Sexual Battery. G.S. 14-27.33. (6/2016)		
207.95	Knowingly and Without Authority [Removing] [Destroying] [Circumventing Operation of] an Electronic Monitoring Device. G.S. 14-226.3 (June 2010)		
	Assaults.		
208.01	Assault on [Legislative] [Executive] [Court] Officer. G.S. 14-16.6(a). (6/2011)	H	I
208.01A	Making a Violent Attack upon the [Residence] [Office] [Temporary Accommodation] [Means of Transport] of a(n) [Legislative] [Executive] [Court] Officer. G.S. 14-16.6(a). (4/2004)	H	I
208.02	Assault on a(n) [Legislative] [Executive] [Court] Officer with a Deadly Weapon. G.S. 14-16.6(a), (b). (4/2004)	G	F
208.02A	Making a Violent Attack with a Deadly Weapon upon the [Residence] [Office] [Temporary Accommodation] [Means of Transport] of a(n) [Legislative] [Executive] [Court] Officer. G.S. 14-16.6(a), (b). (4/2004)	G	F
208.03	Assault on a(n) [Legislative] [Executive] [Court] Officer Inflicting Serious Injury. G.S. 14-16.6(c). (4/2004)	F	F
208.03A	Making a Violent Attack upon the [Residence] [Office] [Temporary Accommodation] [Means of Transport] of a(n) [Legislative] [Executive] [Court] Officer Inflicting Serious Injury to a(n) [Legislative] [Executive] [Court] Officer. G.S. 14-16.6(c). (4/2004)	F	F
208.04	Threatening to Kill or Inflict Serious Bodily Injury upon a [Legislative] [Executive] [Court] Officer. G.S. 14-16.7(a), 14-16.8. (4/2004)	J	I
208.04A	Mailing a Threat to Kill or Inflict Serious Bodily Injury upon a(n) [Legislative] [Executive] [Court] Officer. G.S. 14-16.7(b), 14-16.8. (4/2004)	J	I
208.05	Malicious Castration. G.S. 14-28, -29. (3/2002)	D, H	C, E
208.06	Castration or Other Maiming without Malice Aforethought. G.S. 14-29. (3/2002)	H	E
208.07	Malicious Maiming. G.S. 14-30. (3/2002)	H	C
208.08	Malicious Throwing of Corrosive Acid or Alkali. G.S. 14-30.1. (3/2002)	H	E
208.09	Malicious Assault and Battery in a Secret Manner with a Deadly Weapon with Intent to Kill. G.S. 14-31. (3/2002)	F	E
208.10	Assault with a Deadly Weapon with Intent to Kill Inflicting Serious Injury. G.S. 14-32(a). (3/2002)	F	C
208.13	Hazing. G.S. 14-35. (4/2004)		Misd 2
208.14	Assault upon a Sports Official. G.S. 14-33(b)(9). (6/2011)	Misd	Misd 1
208.15	Assault with a Deadly Weapon Inflicting Serious Injury. G.S. 14-32(b). (6/2008)	H	E

		Before 10/1/94	On or After 10/1/94
208.16	Felonious Assault Inflicting Serious Bodily Injury. G.S. 14-32.4. (3/2002)		F
208.25	Assault with a Deadly Weapon with Intent to Kill. G.S. 14-32(c). (3/2002)	H	E
208.30	Assault Offense Classification Chart. (12/1995)		
208.40	Simple Assault—(Not Involving Physical Contact) G.S. 14-33(a). (6/2011)	Misd	Misd 2
208.40A	Simple Assault on a Handicapped Person. G.S. 14-32.1(f). (6/2011)	Misd	Misd 1
208.41	Simple Assault—(Involving Physical Contact) G.S. 14-33(a). (6/2010)	Misd	Misd 2
208.45	Habitual Misdemeanor Assault. G.S. 14-33.2. (6/2011)		H
208.45A	Habitual Misdemeanor Assault. G.S. 14-33.2. (6/2013)		H
208.50	Assault with a Deadly Weapon. G.S. 14-33(c)(1). (3/2002)	Misd	Misd 1
208.50A	Aggravated Assault on a Handicapped Person. G.S. 14-32.1(e). (6/2011)	I	F
208.55	Assault Attempting to Inflict Serious Injury. G.S. 14-33(c)(1). (3/2002)	Misd	Misd 1
208.60	Assault Inflicting Serious Injury. G.S. 14-33(c)(1). (3/2002)	Misd	Misd A1
208.61	Assault Inflicting Physical Injury by Strangulation. G.S. 14-32.4. (2/2005)		H
208.65	Assault by a Prisoner with a Deadly Weapon Inflicting Bodily Injury. G.S. 14-258.2. (3/2002)	H	F
208.67	Malicious Conduct by a Prisoner—Throwing of [Bodily Fluids] [Excrement] by a Prisoner at a State or Local Government Employee. G.S. 14-258.4. (2/2002)		F
208.70	Assault on a Female by a Male Person. G.S. 14-33(c)(2). (6/2015)	Misd	Misd A1
208.75	Assault on a Child under the Age of Twelve Years. G.S. 14-33(c)(3). (6/2011)	Misd	Misd A1
208.76	Assault on an Unborn Child (6/2012)		Misd A1
208.77	Assault Inflicting Serious Bodily Injury—Unborn Child 6/2012)		F
208.80 Series—	Notes to 208.80, 208.80A, 208.80B, 208.80C		
208.80	Index to Instructions in 208.81 Series. Assault on an Officer—Arrest Situations. G.S. 14-33(c)(4); 15A-401. (6/2015)		
208.81	Model Instruction—Assault on an Officer—Arrest Situations. G.S. 14-33(c)(4); 15A-401. (6/2015)		
208.81A	Assault on an Officer—Arrest Situations (Only Officer’s and Defendant’s Force in Dispute). G.S. 14-33(c)(4). (6/2015)	Misd	Misd A1
208.81B	Assault on an Officer and Simple Assault—Arrest Situations (Issues as to Lawfulness of Arrest and Defendant’s Force). G.S. 14-33(c)(4); 15A-401, 15A-402. (6/2015)	Misd	Misd A1
208.81C	Assault on an Officer and Simple Assault—Arrest Situations (Issues as to Lawfulness of Arrest without a Warrant, and as to Force Used by Officer and Defendant). G.S.14-33(c)(4). (6/2015)	Misd	Misd A1
208.81D	Simple Assault—Arrest Situations (Issue as to Force Used by Defendant to Resist Unlawful Arrest). G.S. 14-33(c)(4). (6/2015)	Misd	Misd A1

		Before 10/1/94	On or After 10/1/94
208.81E	Assault on an Officer—Arrest Situations (Issues as to Officer Status of Victim, Fact of Arrest, and Lawfulness of Arrest—Neither Officer’s Nor Defendant’s Force in Dispute). G.S. 14-33(c)(4). (6/2015)	Misd	Misd A1
208.81F	Assault on an Officer and Simple Assault—Arrest Situations (All Issues in Dispute). G.S. 14-33(c)(4). (6/2015)	Misd	Misd A1
208.81G	Assault on [[Law Enforcement] [Probation] [Parole] Officer] [Person Employed at a [State] [Local] Detention Facility]. G.S. 14-34.7. (6/2013)		F
208.82	Assault upon an Officer or Employee of the State or of Any Political Subdivision of the State or Public Transit Operator. G.S. 14-33(c)(4). (6/2011)	Misd	Misd A1
208.83	Assault upon a School Employee or Volunteer. G.S. 14-33(c)(6). (6/2011)	-	Misd A1
208.84	Ethnic Intimidation. G.S. 14-401.14. (4/2002)	Misd	Misd 1
208.85	Assault by Pointing a Gun. G.S. 14-34. (4/2002)	Misd	Misd A1
208.90	Discharging a Firearm into Occupied Property. G.S. 14-34.1. (6/2011)	H	E
208.90A	Discharging Barreled Weapon into Occupied Property. G.S. 14-34.1. (6/2011)	H	E
208.90B	Discharging a Firearm into Occupied Dwelling. G.S. 14-34.1(b). (6/2014)		D
208.90C	Discharging a Barreled Weapon into Occupied Dwelling. G.S. 14-34.1. (6/2016)		D
208.90D	Discharging a Firearm into Occupied Vehicle in Operation. G.S. 14-34.1(b). (6/2011)		D
208.90E	Discharging a Barreled Weapon into Occupied Vehicle in Operation. G.S. 14-34.1(b). (6/2011)		D
208.90F	Discharging a Firearm into Occupied Property Inflicting Serious Bodily Injury. G.S. 14-34.1(c). (6/2011)		C
208.90G	Discharging a Barreled Weapon into Occupied Property Inflicting Serious Bodily Injury. G.S. 14-34.1(c). 6/2011)		C
208.90H	Discharging a Firearm into Occupied Dwelling Inflicting Serious Bodily Injury. G.S. 14-34.1(c). (6/2011)		C
208.90I	Discharging a Barreled Weapon into Occupied Dwelling Inflicting Serious Bodily Injury. G.S. 14-34.1(c). (6/2011)		C
208.90J	Discharging a Firearm into Occupied Vehicle in Operation Inflicting Serious Bodily Injury. G.S. 14-34.(c). (6/2011)		C
208.90K	Discharging a Barreled Weapon into Occupied Vehicle in Operation Inflicting Serious Bodily Injury. G.S. 14-34.1(c). (6/2011)		C
208.94	Assault Inflicting [Serious Bodily] [Serious] Injury on a [[Law Enforcement] [Probation] [Parole] Officer] [Person Employed at a [State] [Local] Detention Facility]. G.S. 14-34.7. (6/2016)		F
208.95	Assault with a Firearm on a Law Enforcement, Probation, or Parole Officer or on a Person Employed at a State or Local Detention Facility. G.S. 14-34.5. (11/1998)	I	E, G
208.95A	Assault with a Firearm or Other Deadly Weapon upon Emergency Medical Services Personnel. G.S. 14-34.6. (2/1999)	I	I, F

208.95B	Assault with a Firearm or Other Deadly Weapon upon an Officer or Employee of the State or of any Political Subdivision of the State, Company Police Officer, or Campus Police Officer. G.S. 14-34.2. (3/1999)	I	F
208.95C	Assault on [[Law Enforcement] [Probation] [Parole] Officer] [Person Employed at a [State] [Local] Detention Facility] (6/2016)		I
208.95D	Assault on [Firefighter] [Emergency Medical Technician] [Emergency Health Care Provider] [Medical Responder] [Emergency Department Personnel] (6/2016)		I
208.95E	[Serious Bodily Injury Inflicted] [Deadly Weapon Used Other Than a Firearm] in Assault on [Firefighter] [Emergency Medical Technician] [Emergency Health Care Provider] [Medical Responder] [Emergency Department Personnel] (6/2012)		H
208.95F	Assault on Emergency Personnel—Dangerous [Weapon] [Substance] (6/2012)		I, F
208.95G	Assault on Emergency Personnel—Physical Injury (6/2012)		
208.96A	Adulteration or Misbranding of Food, Drugs or Cosmetics with Intent to Inflict Serious Injury or Death. G.S. 14-34.4(a). (4/2002)	C	C
208.96B	Extortion by Adulteration or Misbranding of Food, Drugs, or Cosmetics. G.S. 14-34.4(b). (4/2002)	C	C
	Kidnapping.		
210.15	False Imprisonment. (4/2002)	Misd	Misd 1
210.20	First Degree Kidnapping (Hostage, Ransom, Shield, or Terror) Covering Second Degree Kidnapping as a Lesser Included Offense. G.S. 14-39. (6/2011)	D, E	C, E
210.25	First Degree Kidnapping (To Commit Felony or Serious Injury) Covering Second Degree Kidnapping as a Lesser Included Offense. G.S. 14-39. (6/2016)	D, E	C, E
210.26	First Degree Kidnapping (Involuntary Servitude) Covering Second Degree Kidnapping as a Lesser Included Offense. G.S. 14-39; 14-43.2. (3/2005)	D, E	C, E
210.30	Second Degree Kidnapping (Hostage, Ransom, Shield, or Terror). G.S. 14-39. (6/2011)	E	E
210.35	Second Degree Kidnapping (to Commit Felony or Serious Injury). G.S. 14-39. (6/2011)	E	E
210.36	Second Degree Kidnapping (Involuntary Servitude). G.S. 14-39; 14-43.2. (4/2002)	E	E
210.40	Felonious Restraint. G.S. 14-43.3. (6/2011)	J	F
210.50	Involuntary Servitude (offenses prior to Dec. 1, 2006). G.S. 14-43.2. (6/2011)	I	F
210.50A	Involuntary Servitude (offenses after Dec. 1, 2006). G.S. 14-43.12. (6/2011)	I	F
210.52	Involuntary Servitude of a Minor. G.S. 14-43.12. (6/2007)		C
210.60	Child Abduction. G.S. 14-41. (6/2011)	G	F
210.70	Sexual Servitude. G.S. 14-43.13. (6/2007)		F
210.72	Sexual Servitude of a Minor. G.S. 14-43.13. (6/2007)		C
210.80	Human Trafficking Involving Involuntary Servitude. G.S. 14-43.11. (6/2014)		F
210.82	Human Trafficking Involving Sexual Servitude. G.S. 14-43.11. (6/2014)		F

210.84	Human Trafficking of a Minor Involving Involuntary Servitude. G.S. 14-43.11. (6/2014)		C
210.86	Human Trafficking of a Minor Involving Sexual Servitude. G.S. 14-43.11. (6/2014)		C
210.88	Unlawful [Sale] [Surrender] [Purchase] of a Minor. G.S. 14-43.14. (6/2013)		F
Abortion and Similar Offenses.			
211.50	Concealing Birth of a Child. G.S. 14-46. (5/2002)	H	H
211.60	Unlawful Sale of the Remains of an Unborn Child From [Abortion] [Miscarrage]. G.S. 14-46.1 (6/2016)		
Libel and Slander.			
212.10	Communicating Libelous Matter to Newspapers. G.S. 14-47. (5/2002)	Misd	Misd 2
Use of Explosives or Incendiary Devices.			
213.10	Malicious Use of Explosive or Incendiary Device—Personal Injury. G.S. 14-49(a). (5/2002)	E	D
213.15	Malicious Use of Explosive or Incendiary Device—Property Damage. G.S. 14-49(b). (5/2002)	E	G
213.20	Malicious Damage of Occupied Property by Use of Explosive or Incendiary [Device] [Material]. G.S. 14-49.1. (11/2003)	C	D
213.25	Maliciously Damaging Church or Other Building of Worship by Use of an Explosive or Incendiary Device. G.S. 14-49(b1). (1/2004)		E
213.30	Maliciously Damaging State or Local Government Buildings by Use of an Explosive or Incendiary Device. G.S. 14/49(b2). (1/2004)		E
Burglary and Breaking and Entering.			
214.10	First Degree Burglary Covering Second Degree Burglary, Felonious Breaking or Entering, and Nonfelonious Breaking or Entering as Lesser Included Offenses. G.S. 14-51, -52, -54. (6/2011)	C, D, H, Misd	D, G, H, Misd 1
214.11	Second-Degree Burglary. G.S. 14-51, -52. (6/2011)	D	G
214.20	Habitual Breaking or Entering (6/2012)		E
214.30	Felonious Breaking or Entering. G.S. 14-54. (5/2002)	H, Misd	H, Misd 1
214.31	First-Degree Trespass. G.S. 14-159.12. (5/2002)	Misd	Misd 2
214.31A	Second-Degree Trespass. G.S. 14-159.13. (5/2002)	Misd	Misd 3
214.32	Felonious Breaking or Entering. G.S. 14-54. Felonious Larceny—Pursuant to a Breaking or Entering Where the Property Is Worth More Than \$1,000. G.S. 14-70, 14-72(a), (b)(2). (6/2012)	H, Misd	H, Misd 1
214.34	Misdemeanor Breaking or Entering. G.S. 14-54. (5/2002)	Misd	Misd 1
214.35	Possession without Lawful Excuse of an Implement of Housebreaking. G.S. 14-55. (6/2011)	E	I
214.40	Breaking or Entering into Motor Vehicle. G.S. 14-56. (6/2016)	I	I
214.41	Preparation to Commit Breaking or Entering into Motor Vehicles—Possession of a Motor Vehicle [Master Key] [Manipulative Key] [Lock-Picking Device] [Hot Wiring Device]. G.S. 14-56.4(b). (6/2006)		Misd 1

214.42	Preparation to Commit Breaking or Entering into Motor Vehicles—Possession of a Motor Vehicle [Master Key] [Manipulative Key] [Lock-Picking Device] [Hot Wiring Device]. G.S. 14-56.4(b). (6/2006)		I, Misd 1
214.43	Preparation to Commit Breaking or Entering into Motor Vehicles—[Buying] [Selling] [Transferring] a Motor Vehicle [Master Key] [Manipulative Key] [Key Cutting Device] [Lock-Picking Device] [Hot Wiring Device]. G.S. 14-56.4(c). (6/2006)		Misd 1
214.44	Preparation to Commit Breaking or Entering into Motor Vehicles—[Buying] [Selling] [Transferring] a Motor Vehicle [Master Key] [Manipulative Key] [Key Cutting Device] [Lock-Picking Device] [Hot Wiring Device]. G.S. 14-56.4(c). (6/2006)		I, Misd 1
214.45	Felonious Breaking or Entering—Place of Religious Worship. G.S. 14-54.1. (6/2006)		G
214.47	Felonious Breaking or Entering—Intent to [Injure] [Terrorize] Occupant. G.S. 14-54. (6/2014)		H
214.50	(Misdemeanor) Opening Coin- or Currency-Operated Machines by Unauthorized Use of [a Key] [an Instrument]. G.S. 14-56.1. (5/2002)	Misd	Misd 1
214.51	Opening Coin- or Currency-Operated Machines by Unauthorized Use of [a Key] [an Instrument]. G.S. 14-56.1. (5/2002)	H, Misd	H, Misd 1
214.55	(Misdemeanor) Breaking into Coin- or Currency-Operated Machines. G.S. 14-56.1, -56.3. (5/2002)	Misd	Misd 1
214.56	Breaking into Coin- or Currency-Operated Machines. G.S. 14-56.1, -56.3. (5/2002)	H, Misd	H, Misd 1
214.60	Destroying or Damaging Coin- or Currency-Operated Machines. G.S. 14-56.2. (5/2002)	Misd	Misd 1
214.65	Burglary with Explosives or Acetylene Torch. G.S. 14-57. (5/2002)	E, H, Misd	D, H, Misd 1
	Arson and Other Burnings.		
215.11	First Degree Arson (Including Second Degree Arson, Burning an Uninhabited House). G.S. 14-58, -62. (5/2002)	C, D, E	D, G, F
215.11A	First Degree Arson, Burning a Structure within the Curtilage of the Dwelling House (Including Second Degree Arson, Burning an Uninhabited House). G.S. 14-58, -62. (3/2005)	C, D, E	D, G, F
215.12	Second Degree Arson. G.S. 14-58. (5/2002)	D	G
215.25	Wanton and Willful Burning—Property (Including Note on Specific Buildings and Structures Named in Art. 15). G.S. 14-58 through 14-67.1. (5/2002)	E	D-H
215.30	Wanton and Willful Burning of a [Boat] [Barge] [Ferry] [Float]. G.S. 14-63. (5/2002)	H	H
215.35	Wanton and Willful Burning of a [Ginhouse] [Tobacco House] [Miscellaneous Structure]. G.S. 14-64, -67.1. (5/2002)	H	H
215.40	Wanton and Willful or Fraudulent Burning of a Dwelling House by the Owner or Occupant. G.S. 14-65. (5/2002)	H	H
215.45	Burning Personal Property with Intent to Injure or Prejudice. G.S. 14-66. (5/2002)	H	H
215.50	Arson or Other Unlawful Burning Resulting in Serious Bodily Injury to a Firefighter or Emergency Medical Technician. G.S. 14-69.3. (5/2004)		E

215.85	Making a False Report concerning a Destructive Device. (Other Than Public Building). G.S. 14-69.1(a). (6/2006)	-	H
215.85B	Making a False Report concerning a Destructive Device— (Public Building). G.S. 14-69.1(c). (6/2006)	-	H, G
215.86	Perpetrating Hoax by Use of a False Bomb or Other Device— (Other Than Public Building). G.S. 14-69.2(a). (2/2000)	-	H
215.86B	Perpetrating Hoax by Use of a False Bomb or Other Device— (Public Building). G.S. 14-69.2(c). (2/2000)	-	H, G
215.87	Making a False Report concerning a Threat of Mass Violence on Educational Property. G.S. 14-277.5(b). (6/2008)	H	
	Larceny.		
216.05	Misdemeanor Larceny. G.S. 14-72(a). (6/2013)	Misd	Misd 1
216.07	Larceny of Motor Fuel Valued at Less Than \$1,000. G.S. 14-72.5(a). (6/2010)		Misd 1
216.08	Felonious Larceny—Habitual Misdemeanor Larceny. G.S. 14-72(b)(6). (6/2013).		H
216.10	Felonious Larceny—Goods Worth More Than \$1,000. G.S. 14-70, -72(a). (6/2010)	H, Misd	H, Misd 1
216.11	Felonious Larceny—[Explosive Device] [Incendiary Device]. G.S. 14-70, -72(b)(3). (2/2000)	H, Misd	H, Misd 1
216.11A	Felonious Larceny—Firearm. G.S. 14-70, -72(b)(4). (12/1999)	H, Misd	H, Misd 1
216.15	Felonious Larceny by Trick. G.S. 14-70, -72. (5/2002)	H, Misd	H, Misd 1
216.20	Felonious Larceny—From the Person. G.S. 14-70, -72(b)(1). (6/2011)	H, Misd	H, Misd 1
216.30	Felonious Larceny—Pursuant to Breaking/Entering Offense. G.S. 14-70, -72(b)(2). (5/2002)	H	H
216.35	Felonious Larceny—Pursuant to Breaking/Entering Offense Where the Property Is Worth More Than \$1,000. G.S. 14-70, -72(a), (b)(2). (5/2002)	H, Misd	H, Misd 1
216.36	Larceny from a Permitted Construction Site—Goods Worth More Than \$300 but Less Than \$1,000. G.S. 14-72.6. (6/2006)		
216.37	Felonious Larceny—Motor Vehicle Parts Worth More Than \$1,000. G.S. 14-72.8 (6/2010)		I
216.40	Feloniously Receiving Stolen Goods—Goods Worth More Than \$1,000. G.S. 14-71, -72. (5/2002)	H, Misd	H, Misd 1
216.41	Feloniously Receiving Stolen Goods from a Permitted Construction Site—Goods Valued in Excess of \$300 and Less Than \$1,000. G.S. 14-72.6. (6/2006)		I
216.42	Felonious [Receiving] [Possessing] Property in the Custody of a Law Enforcement Agency. G.S. 14-71(b). (6/2009)		H
216.45	Feloniously Receiving Stolen Goods Pursuant to a Breaking or Entering. G.S. 14-71, -72. (5/2002)	H, Misd	H, Misd 1
216.46	Misdemeanor Possession of Stolen Goods. G.S. 14-70, -72(a). (5/2002)	Misd	Misd 1
216.47	Felonious Possession of Stolen Goods—Goods Worth More Than \$1,000. G.S. 14-70, -71.1, -72(a). (5/2002)	H, Misd	H, Misd 1
216.48	Possession of Property Stolen Pursuant to a Breaking or Entering. G.S. 14-71.1, -72(b)(1) and (2). (5/2002)	H	H

		Before 10/1/94	On or After 10/1/94
216.48A	Felonious Possession of Stolen Goods—Stolen Pursuant to a Breaking or Entering or Worth More Than \$1,000 (Including Non-Felonious Possession). G.S. 14-71.1, -72(b)(1) and (2). (6/2008)	H, Misd	H, Misd 1
216.49	Possession of Stolen Explosives, Firearms, Public Records. G.S. 14-71.1, -72(b)(3), (4), and (5). (5/2002)	H	H
216.49A	Possession of Feloniously Taken Property Other Than by Larceny (e.g., Embezzlement). G.S. 14-70, -71.1, -72(a). (5/2002)	H, Misd	H, Misd 1
216.49B	Possession of Stolen Firearm. G.S. 14-71.1 and -72(b)(4). (5/2002)	H	H
216.49C	Felonious Possession of Stolen Goods from Permitted Construction Site—Goods Valued in Excess of \$300 but Less Than \$1,000. G.S. 14-72.6. (6/2006)		
216.50	Willfully Concealing the Merchandise of a Store—Shoplifting. G.S. 14-72.1(a). (3/2003)	Misd	Misd 3
216.52	Larceny by Price Tag Change. G.S. 14-72.1(d). (5/2002)	Misd	Misd 3
216.55	Willfully Concealing the Merchandise of a Store—Using Lead- or Aluminum-Lined Bag or Article of Clothing to Prevent Activation of Anti-Shoplifting Device or Inventory Control Device. G.S. 14-72.1(a), (d1). (5/2004)		H
216.56	Larceny from a Merchant. G.S. 14-72.11. (6/2009)		H
216.57	Organized Retail Theft. G.S. 14-86.6(a)(1). (6/2009)		H
216.58	[Receiving] [Possessing] Retail Property Obtained by Organized Retail Theft. G.S. 14-86.6(a)(2). (6/2009)		H
216.60	Larceny by an Employee. G.S. 14-74. (3/1998)	H	H
216.60A	Larceny by an Employee. G.S. 14-74, -75. (4/1998)		C, H (12/97)
216.61	Appropriation of Partnership Funds by Partner to Personal Use. G.S. 14-97. (5/1998)		C, H
216.62	Embezzlement by Insurance Agents, Brokers, or Administrators. G.S. 58-2-162. (6/2010)		C, H
216.70	Felonious [Altering] [Destroying] [Disassembling] [Dismantling] [Reassembling] [Storing] of Any [Motor Vehicle] [Motor Vehicle Part] Obtained by [Theft] [Fraud] [Other Illegal Means]. G.S. 14-72.7(a)(1). (6/2014)		
216.71	Felonious Permitting of Chop Shop Activity on Property. G.S. 14-72.7(a)(2). (6/2014)		H
216.72	Felonious [Purchasing] [Disposing] [Selling] [Transferring] [Receiving] [Possessing] of [Motor Vehicles] [Motor Vehicle Parts] with an Altered [Vehicle Identification Number] [Vehicle Part Identification Number]. G.S. 14-72.7(a)(3). (6/2014)		H
216.73	Felonious [Purchasing] [Disposing of] [Selling] [Transferring] [Receiving] [Possessing] [Motor Vehicles] [Motor Vehicle Parts] from a Person Engaged in a Chop Shop Activity. G.S. 14-72.7(a)(4). (6/2014)		H
216.80	Purchase of Regulated Metals by Secondary Metals Recyclers from Other Than a Fixed Location. G.S. 66-11(d)(1). (6/2008)		Misd 1
216.81	[Purchasing] [Receiving] of Regulated Metals by Secondary Metals Recyclers from (a) Minor(s). G.S. 66-11(d)(1). (6/2008)		Misd 1

216.82	[Cutting] [Mutilating] [Defacing] [Otherwise Injuring] Property to Obtain Nonferrous Metals—Property [Injury] [Loss in Value] [Repairs] [Loss Including Fixtures or Improvements] Less than \$1,000. G.S. 14-159.4(c)(1) (6/2013)		Misd 1
216.83	[Cutting] [Mutilating] [Defacing] [Otherwise Injuring] Property to Obtain Nonferrous Metals—Property [Injury] [Loss in Value] [Repairs] [Loss Including Fixtures or Improvements] \$1,000 or More (But Less than \$10,000). G.S. 14-159.4(c)(1) (6/2013)		H
216.84	[Cutting] [Mutilating] [Defacing] [Otherwise Injuring] Property to Obtain Nonferrous Metals—Property [Injury] [Loss in Value] [Repairs] [Loss Including Fixtures or Improvements] \$10,000 or More. G.S. 14-159.4(c)(1) (6/2013)		F
216.85	[Cutting] [Mutilating] [Defacing] [Otherwise Injuring] Property to Obtain Nonferrous Metals—Serious Injury. G.S. 14-159.4(c)(2) (6/2013)		Misd A1
216.86	[Cutting] [Mutilating] [Defacing] [Otherwise Injuring] Property to Obtain Nonferrous Metals—Serious Bodily Injury. G.S. 14-159.4(c)(3). (6/2013)		F
216.87	[Cutting] [Mutilating] [Defacing] [Otherwise Injuring] Property to Obtain Nonferrous Metals—Death. G.S. 14-159.4(c)(4) (6/2013)		D
216.88	[Cutting] [Mutilating] [Defacing] [Otherwise Injuring] Property to Obtain Nonferrous Metals—Critical Infrastructure. G.S. 14-159.4 (c)(5) (6/2013)		Misd 1
216.90	Unauthorized Use of a Conveyance. G.S. 14-72.2. (5/2002)	I, Misd	I, Misd 7
216.93	Larceny of Pinestraw. G.S. 14-79.1. (11/1998)		H
216.95	Felonious Larceny of Ungathered Crops. G.S. 14-78. (5/2002)	H, Misd	H, Misd 1
216.96	Felonious Larceny of Horses, Mules, Swine, Cattle, or Dogs. G.S. 14-81. (2/2003)	H, J	H, I
216.97	Unlawful Taking and Carrying Away of Any [Horse] [Mare] [Gelding] [Mule] [Dog] with the Intent to Deprive the Owner of the [Special] [Temporary] Use of Such Property. G.S. 14-82. (2/2003)	Misd	Misd 2
216.98	Unlawful Taking and Carrying Away of Any [Horse] [Mare] [Gelding] [Mule] [Dog] with the Intent to Use Such Property for a [Special] [Temporary] Purpose. G.S. 14-82. (2/2003)	Misd	Misd 2
	Robbery.		
217.10	Common Law Robbery. G.S. 4-1, 14-2, 14-87.1. (6/2016)	H	G
217.20	Robbery with a Firearm. G.S. 14-87. (6/2016)	D	D
217.25	Attempted Robbery with a Firearm. G.S. 14-87. (5/2003)	D	D
217.30	Robbery with a Dangerous Weapon—Other Than a Firearm Covering Common Law Robbery as a Lesser Included Offense. G.S. 14-87, 14-87.1, 14.1, 14.2. (5/2003)	D, H	D, G
217.50	Safecracking—By Explosives, Drills, or Tools. G.S. 14-89.1(a)(1). (5/2003)	H	I
217.51	Safecracking—By Stolen or Fraudulently Acquired Implement or Means. G.S. 14-89.1(a)(2). (5/2003)	H	I
217.52	Safecracking—By Use of Key or Device Obtained in Unauthorized Manner. G.S. 14-89.1(a)(3). (5/2003)	H	I
217.53	Safecracking—All Other Means. G.S. 14-89.1(a)(3) and (4). (5/2003)	H	I

		Before 10/1/94	On or After 10/1/94
217.54	Safecracking—Removing Safe or Vault from Premises. G.S. 14-89.1(b). (5/2003)	H	I
218.10	Embezzlement. Embezzlement of Property by Virtue of Office or Employment. G.S. 14-90, 58-2-162. (6/2010)	H	H
218.10A	Embezzlement of Property Valued at \$100,000 or More by Virtue of Office or Employment. G.S. 14-90; 58-2-162. (6/2010)		C, H (12/97)
218.15	Embezzlement of Property by Virtue of Office or Employment. G.S. 14-90, 58-2-162, 45A-3. (6/2010)		H
218.15A	Embezzlement of Property Valued at \$100,000 or More by Virtue of Office or Employment. G.S. 14-90, 58-2-162, 45A-3. (6/2010)		C
218.20	Willful Misapplication of Corporate Moneys, Funds or Credits. G.S. 14-254. (5/2003)	G	H
218.21	Unauthorized Issuance of Corporate Instruments. G.S. 14- 254. (5/2003)	G	H
218.22	False Entries by Corporate Officers or Agents. G.S. 14-254. (5/2003)	G	H
218.25	Embezzlement of State Property by Public Officers and Employees. G.S. 14-91. (6/2010)		F
218.25A	Embezzlement of State Property Valued at \$100,000 or More Public Officers and Employees. G.S. 14-91. (6/2010)		C
218.30	[Misapplication] [Embezzlement] of Bank Funds (6/2013)		C, H
219.10	False Pretenses and Cheats. Obtaining Property by False Pretenses. G.S. 14-100. (6/2016)	H	H
219.10A	Obtaining Property by False Pretenses. G.S. 14-100. (6/2016)		C, H (12/97)
219.11	Fraudulent Misrepresentation Involving Child Care Subsidies. G.S. 110-107. (4/2000)	-	Class 1; I
219.20	Obtaining Advances under Promise to Work. G.S. 14-104. (10/1998)	-	Misd 2
219.40	Obtaining Property in Return for Worthless Check, with Intent to Cheat and Defraud. G.S. 14-106. (3/2003)	Misd	Misd 2
219.50A	Worthless Check—Insufficient Funds (Less Than \$2,000). G.S. 14-107(a), (d)(1). (6/2014)	-	Misd 2
219.51A	Worthless Check—Insufficient Funds (More Than \$2,000). G.S. 14-107(a), (d). (6/2014)	J	I
219.52	Worthless Check—Drawn on Non-Existent Account. G.S. 14- 107(d)(3). (5/2000)	Misd	Misd 1
219.53	Worthless Check—Drawn on Closed Account. G.S. 14- 107(d)(4). (5/2000)	Misd	Misd 1
219B.10	Credit Card Crime Act. Credit Card (Financial Transaction Card) Theft. G.S. 14- 113.9(a)(1). (4/2003)	J	I
219B.11	Credit Card (Financial Transaction Card) Theft—Receiving Stolen Card. G.S. 14-113.9(a)(1). (4/2003)	J	I

219B.20	Credit Card (Financial Transaction Card) Theft—Use of Lost, Mislaid, or Mistakenly Delivered Card. G.S. 14-113.9(a)(2). (4/2003)	J	I
219B.25	Credit Card (Financial Transaction Card) Theft—Buying a Credit Card. G.S. 14-113.9(a)(3). (5/2003)	J	I
219B.26	Credit Card (Financial Transaction Card) Theft—Selling a Credit Card. G.S. 14-113.9(a)(3). (5/2003)	J	I
219B.30	Forgery of a Credit Card (Financial Transaction Card)—Making or Embossing Credit Card. G.S. 14-113.11(a)(1). (4/2003)	J	I
219B.31	Forgery or Uttering of a Forged Credit Card (Financial Transaction Card)—Falsely Encoded, Duplicated, Altered, or Uttered. G.S. 14-113.11(a)(2). (4/2003)	J	I
219B.35	Forgery of a Credit Card (Financial Transaction Card)—Unauthorized Signing of a Credit Card. G.S. 14-113.11(a)(3). (4/2003)	J	I
219B.40	Credit Card (Financial Transaction Card) Fraud—Credit Card Stolen, Forged, Falsely Represented, Expired, or Revoked. G.S. 14-113.13(a)(1)(2); (b). (4/2003)	J, Misd	I, Misd 2
219B.41	Credit Card Fraud—False Representation as to Holding or Issuance of Card. G.S. 14-113.13(a)(2). (5/2003)	J, Misd	I, Misd 2
219B.42	Credit Card Fraud—Where Defendant Held or Controlled Card as Security for Debt. G.S. 14-113.13(a)(3). (5/2003)	J, Misd	I, Misd 2
219B.43	Credit Card Fraud—By Furnisher of Goods and Services. G.S. 14-113.13(b)(1). (4/2003)	J, Misd	I, Misd 2
219B.44	Credit Card (Financial Transaction Card)—Fraud by Misrepresentation to Issuer. G.S. 14-113.13(b)(2). (4/2003)	J, Misd	I, Misd 2
219B.50	Criminal Possession of Incomplete Credit Cards (Financial Transaction Card). G.S. 14-113.14(a)(1). (4/2003)	J	I
219B.55	Criminal Possession of Credit Card (Financial Transaction Card)—Reproduction Device. G.S. 14-113.14(a)(2). (4/2003)	J	I
219B.60	Credit Card Fraud—Criminal Factoring of Transaction Card Records of Sale. G.S. 14-113.15A. (4/2003)	I	I
219B.80	Identity Theft. G.S. 14-113.20, 14-113.22.		F, G
219B.80A	Identity Theft—Financial Identity Fraud Resulting in Another Person’s Arrest, Detention, or Conviction of a Criminal Offense. G.S. 14-113.20, -113.22. (6/2010)	-	F, G
219B.80B	Identity Theft—Possession of Identifying Information Pertaining to Three or More Persons. G.S. 14-113.20, -113.22. (6/2010)		F, G
219B.85	Identity Theft—Trafficking in Stolen Identities. G.S. 14-113.20A. (6/2010)		E
219C.05	Willfully Failing to Make North Carolina Income Tax Returns. G.S. 105-236(9). Deleted. (6/2013).	Misd	Misd 1
	Frauds.		
220.10	Fraudulent Disposal of Personal Property on Which There Is a Security Interest. G.S. 14-114. (5/2003)	Misd	Misd 2
220.20	Secreting Property to Hinder Enforcement of Lien or Security Interest. G.S. 14-115. (5/2003)	Misd	Misd 2
220.22	Filing False Security Agreements (6/2013)		I
220.24	Improper Filing of Lien on [Real Property]. G.S. 44A-12.1(c). (6/2013)		I
220.26	Filing [False Lien] [Encumbrance]. G.S. 14-118.6. (6/2016)		I

		Before 10/1/94	On or After 10/1/94
220.28	Simulation of Court Process in Connection with Collection of [a Claim] [a Demand] [an Account]. G.S. 14-118.1 (6/2013)		I
220.30	Residential Mortgage Fraud. G.S. 14-118.12(a)(1)-(2). (6/2013)		H
220.31	[Receiving] [Attempting to Receive] Proceeds from Residential Mortgage Fraud. G.S. 14-118.12(a)(3). (6/2008)		H
220.32	Conspiracy to Commit Residential Mortgage Fraud. G.S. 14-118.12(a)(4). (6/2008)		H
220.33	Solicitation of Residential Mortgage Fraud. G.S. 14-118.12(a)(4). (6/2008)		H
220.34	Pattern of Residential Mortgage Fraud. G.S. 14-118.15. (6/2008)		H, E
220.35	False Statement of Sums Due for [Labor] [Materials] Furnished at Site of Improvements to Real Property (6/2013)		Misd 1
220.40	Fraudulent and Deceptive Advertising. G.S. 14-117. (5/2003)	Misd	Misd 2
220.50	[Improper] [Fraudulent] Receipt of Decedent's [Retirement Allowance] [Disability Benefit]. G.S. 135-18.11. (6/2013)		Misd 1
220.53	Improper Receipt of Decedent's Disability Income Plan Allowance from the State of North Carolina. G.S. 135.111.1. (6/2014)		Misd 1
220.55	Fraudulently [Obtaining] [Increasing] Benefit Under Unemployment Insurance. G.S. 96-18.A. (6/2013)		I, Misd 1
220.60	Blackmail—Other Than by Accusation of Crime. G.S. 14-118. (5/2003)	Misd	Misd 1
220.65	Blackmail—By Accusation of Crime. G.S. 14-118. (5/2003)	Misd	Misd 1
220.70	Obtaining Academic Credit by Fraudulent Means. G.S. 14-118.2. (5/2003)	Misd	Misd 2
220.80	Extortion. G.S. 14-118.4. (5/2003)	H	F
220.85	Exploitation of [Disabled] [Older] Adult by a Person in a [Position of Trust] [Business Relationship with the Adult]. G.S. 14-112.2(b), (d). (6/2014)		F, G, H
220.90	Fraud in Connection with Rental of Motor Vehicle. G.S. 20-106.1. (3/2003)	J	I
220.91	Failing to Return Rented Property on Which There Is a Purchase Option (Rent to Own). G.S. 14-168.4. (5/2003)	Misd	Misd 2
220.95	Interfering with Gas, Electric, and Steam [Appliances] [Meters]. G.S. 14-151. (6/2014)		Misd 1
220.97	[Possession] [Transfer] [Use] of Automated Sale Suppression Device. G.S. 14-118.7. (6/2014)		H
221.10	Forgery. Forgery of Notes, Checks, and Other Securities. G.S. 14-119(a). (6/2008)	I	I
221.12	Possession of Counterfeit Instrument(s). G.S. 14-119(a). (6/2008)		I
221.14	Possession of Five or More Counterfeit Instruments. G.S. 14-119(b). (6/2008)		G
221.16	Transporting Five or More Counterfeit Instruments. G.S. 14-119(b). (6/2008)		G
221.20	Uttering Forged Instrument or Instrument Containing a Forged Endorsement. G.S. 14-120. (4/2003)	I	I
221.40	Forgery of Deeds, Wills and Certain Other Instruments. G.S. 14-122. (5/2003)	I	H

221.41	Showing Forth in Evidence Forged Deeds, Wills, and Certain Other Instruments. G.S. 14-122. (5/2003)	I	H
221.80	Forgery of Writings (Common Law Misdemeanor). (5/2003)	Misd	Misd 1; H
222.15	Trespasses to Land and Fixtures. Willful and Wanton Injury to Real Property. G.S. 14-127. (5/2003)	Misd	Misd 1
222.16	Felonious Injury to Houses or Other Buildings Including Lesser Offense (6/2009)		I
222.17	Misdemeanor Injury to Houses or Other Buildings. G.S. 14-144. (6/2009)		Misd 2
222.18	Felonious Injury to Fences or Walls Including Lesser Offense. G.S. 14-144. (6/2009)		I
222.19	Misdemeanor Injury to Fences or Walls. G.S. 14-144. (6/2009)		Misd 2
222.20	Forcible Trespass to Real Property (Common Law Misdemeanor). (5/2003)	Misd	Misd 1
222.22	Unlawfully [Stopping] [Impeding] [Delaying] [Detaining] a Public School Bus or Public School Activity Bus. G.S. 14-132.2. (5/2002)		Misd 1
222.23	Refusing to Leave a Public School Bus or Public School Activity Bus. G.S. 14-132.2. (5/2002)		Misd 1
222.24	Trespassing on Public School Bus or Public School Activity Bus. G.S. 14-132.2. (5/2002)		Misd 1
222.26	Trespass—Electric Power Supplier—Basic Offense. G.S. 14-159.12(c). (6/2013)		Misd A1
222.28	Trespass—Electric Power Supplier—[Intent to Disrupt Normal Operation of Facility] [Act that Placed [Offender] [Another Person] at Risk of Serious Bodily Injury]. G.S. 14-159.12(d). (6/2013)		H
222.30	Domestic Criminal Trespass. G.S. 14-134.3(a). (5/2003)		Misd 1
222.31	Aggravated Domestic Criminal Trespass. G.S. 14-134.3(b). (5/2003)		G
222.32	Interfering with Emergency Communications. G.S. 14-286.2. (5/2002)		Misd A1
222.33	Felony Trespassing at a Safe House by Person Subject to Domestic Violence Protective Order (6/2011)		H
222.40	Setting Fire to [Grassland] [Brushland] [Woodland] Property of Another. G.S. 14-136. (4/2003)	Misd	Misd 2
222.40A	Setting Fire to [Grassland] [Brushland] [Woodland] (Defendant's Property). G.S. 14-136. (4/2003)	Misd	Misd 2
222.41	Setting Fire to [Grassland] [Brushland] [Woodland] with Intent to Damage Property of Another. G.S. 14-136. (3/2003)	I	I
222.42	[Cutting] [Injuring] [Removing] Another's Timber. G.S. 14-135, 14-72.		Misd 1, H
222.45	Toxic Substances, Dumping. G.S. 14-284.2. (5/2003)		F
222.50	Desecration of a Gravesite. G.S. 14-148(a). (6/2008)		Misd 1
222.51	Desecration of Human Remains. G.S. 14-149. (6/2008)		H
222.52	Felonious Desecration of a Gravesite. G.S. 14-148(a). (6/2008)		I
222.60	Injuring Telecommunication Wires. G.S. 14-154. (6/2008)		I
222.65	Trespassing for the Purpose of [Hunting] [Fishing] [Trapping] (6/2012)		Misd 1
222.66	Trespassing for the Purpose of [Raking] [Removing] Pine Straw (6/2012)		Misd 1

222.68	Improper Taking of [Menhaden] [Atlantic Thread] Herring. G.S. 113-187. (6/2013)		Misd A1
222.69	Unlawful Dealings with [Ginseng] [Galax] [Venus Flytrap]. G.S. 106-202.19(a). (6/2013)		Misd 2
222.70	Trespass to Land on a Motorized All Terrain Vehicle. G.S. 14-159.3. (6/2015)		Misd 2
222.75	Collection of [Seismic] [Geophysical] Data on Another's Property Without Written Consent. G.S. 113-395.4. (6/2015)		Misd 1
222.80	Graffiti Vandalism. G.S. 14-127.1. (6/2016)		Misd
222.85	Graffiti Vandalism. G.S. 14-127.1. (6/2016)		
	Trespasses to Personal Property.		
223.15	Willful and Wanton Injury to Personal Property Causing Damage of More Than \$200. G.S. 14-160. (5/2003)	Misd	Misd 1, 2
223.20	[Alteration] [Destruction] [Removal] of Permanent Identification Marks from Personal Property. G.S. 14-160.1(a). (3/2003)	Misd	Misd 1
223.21	[Buying] [Selling] [Possessing] Item of Personal Property on Which the Permanent Identification Mark Has Been [Altered] [Destroyed] [Defaced] [Removed]. G.S. 14-160.1(b). (3/2003)	Misd	Misd 1
223.25	Felonious Trespass. G.S. 14-453, -458. (4/2000)		Class 3; 1/I
223.30	Willfully Damaging [Computers] [Computer Programs] [Computer Systems] [Computer Networks]. G.S. 14-455. (6/2009)		Misd 1
223.31	Willfully Damaging Government [Computers] [Computer Programs] [Computer Systems] [Computer Networks]. G.S. 14-455(b). (6/2009)		F
223.40	Unlawful Operation of an Audiovisual Recording Device. G.S. 14-440.1. (6/2006)		Misd 1
223.45	Unlawful Operation of an Audiovisual Recording Device. G.S. 14-440.1. (6/2006)		I, Misd 1
	Vehicles and Draft Animals—Protection of Bailor against Acts of Bailee.		
224.10	[Willful] [Malicious] Injury to [Rented] [Hired] Personal Property. G.S. 14-165. (3/2003)	Misd	Misd 2
224.20	Failure to Return [Rented] [Hired] Property. G.S. 14-167. (3/2003)	Misd	Misd 2
224.25	Failure to Return [Rented] [Hired] [Leased] Motor Vehicle Valued in Excess of \$4,000. G.S. 14-167. (6/2006)		
224.30	Felonious Conversion by Bailee. G.S. 14-168.1 (4/2003)	H, Misd	H, Misd 1
	Offenses against Public Morality and Decency.		
226.10	Crime against Nature—Animals. G.S. 14-177. (6/2006)	H	I
226.10A	Crime against Nature—Persons. G.S. 14-177. (6/2006)		
226.20	Incest. G.S. 14-178. (3/2003)	G	F
226.20A	Incest with a Person under the Age of Thirteen Years. G.S. 14-178. (3/2003)	G	B1
226.20B	Incest with a Person [Thirteen] [Fourteen] [Fifteen] Years of Age. G.S. 14-178. (3/2003)		B1, C
226.45	Bigamy. G.S. 14-183. (3/2003)	H	I
226.46	Bigamous Cohabitation. G.S. 14-183. (4/2003)	H	I
226.50	Fornication and Adultery. G.S. 14-184. (1/2004)	Misd	Misd 2

		Before	On or After
		10/1/94	10/1/94
226.55	Using Profane or Indecent Language over a Telephone. G.S. 14-196(a)(1). (3/2001)	Misd	Misd 2
226.56	Using Threatening Language by Way of Telephone. G.S. 14-196(a)(2). (3/2001)	Misd	Misd 2
226.57	Harassing by Repeated Telephone Calls. G.S. 14-196(a)(3). (3/2001)	Misd	Misd 2
226.58	Disrupting Telephone Service of Another. G.S. 14-196(a)(4). (3/2001)	Misd	Misd 2
226.59	Harassing by Imparting False Information by Telephone. G.S. 14-196(a)(5). (3/2001)	Misd	Misd 2
226.60	Cyberstalking—Threatening Language. G.S. 14-196.3(b)(1). (3/2001)		Misd 2
226.60A	Cyberstalking—Harassment. G.S. 14-196.3(b)(2). (1/2001)		Misd 2
226.60B	Cyberstalking—False Statement. G.S. 14-196.3(b)(3). (3/2001)		Misd 2
226.60C	Cyberstalking—Permitting Communication. G.S. 14-196.3(b)(4). (3/2001)		Misd 2
226.62	Cyberstalking Through Use of An Electronic Tracking Device. G.S. 14-196.3. (6/2016)		
226.65	Cyber-bullying with Intent to [Intimidate] [Torment] a Minor. G.S. 14-458.1(a)(1). (6/2010)		Misd 1, Misd 2
226.66	Cyber-bullying with Intent to [Intimidate] [Torment] [A Minor] [A Minor's [Parent] or [Guardian]]. G.S. 14-458.1(a)(2). (6/2010)		Misd 1, Misd 2
226.67	Cyber-bullying—Using a [Computer] [Computer Network] to Plant any Statement to Provoke a Third Party to [Stalk] [Harass] a Minor. G.S. 14-458.1(a)(3). (6/2010)		Misd 1, Misd 2
226.68	Cyber-bullying—Using a [Computer] [Computer Network] to [Copy and Disseminate] [Cause to be Made] an Unauthorized Copy of Data Pertaining to a Minor for the Purpose of [Intimidating] [Tormenting] that Minor. G.S. 14-458.1(a)(4). (6/2010)		Misd 1, Misd 2
226.69	Cyber-bullying—Signing up a Minor for a Pornographic Internet Site. G.S. 14-458.1(a)(5). (6/2010)		Misd 1, Misd 2
226.70	Cyber-bullying—Using a [Computer] [Computer Network] to Sign up a Minor for [Electronic Mailing List] [Electronic Messages] Without Consent of the [Minor] [Minor's [Parent] [Guardian]] Resulting in [Intimidation] [Torment] of the Minor. G.S. 14-458.1(a)(6). (6/2010)		Misd 1, Misd 2
226.71A	Cyber-bullying of School Employee by Student—[Computer] [Internet] Interference with Employee. G.S. 14-458.2(b)(1). (6/2013)		Misd 2
226.72B	Cyber-bullying of School Employee by Student—Statements Likely to Provoke Action. G.S. 14-458.2(b)(2). (6/2013)		Misd 2
226.72C	Cyber-bullying of School Employee by Student—Unauthorized Copying of Data. G.S. 14-458.2(b)(3). (6/2013)		Misd 2
226.72D	Cyber-bullying of School Employee by Student—Pornographic Internet Site. G.S. 14-458.2(b)(4). (6/2013)		Misd 2
226.72E	Cyber-bullying of School Employee by Student—Electronic Mailing Lists. G.S. 14-458.2(b)(5). (6/2013)		Misd 2
226.75	Secretly Peeping into Room Occupied by Another Person. G.S. 14-202(a). (12/2003)	Misd	Misd 1
226.75A	Secretly Peeping through the Use of a Mirror or Other Device. G.S. 14-202(a1). (2/2005)		Misd 1

		Before	On or After
		10/1/94	10/1/94
226.76	Secretly Peeping into Room While in Possession of a Device Used to Create a Photographic Image. G.S. 14-202(c). (4/2004)		Misd A1
226.77	Felonious Secretly Peeping into Room Occupied by Another Person and Using a Device to Create a Photographic Image of a Person in That Room for the Purpose of Sexual Arousal or Gratification. G.S. 14-202(d). (4/2004)		I
226.78	Secretly or Surreptitiously Using a Device to Create a Photographic Image of Another Person Underneath or through the Clothing. G.S. 14-202(e). (4/2004)		I
226.79	Secretly or Surreptitiously Installing a Device Used to Create a Photographic Image. G.S. 14-202(f). (4/2004)		I
226.80	Knowingly Possessing a Photographic Image Obtained by Secretly Peeping. G.S. 14-202(g). (5/2004)		I
226.81	Knowingly Disseminating a Photographic Image Obtained by Secretly Peeping. G.S. 14-202(h). (5/2004)		H
226.85	Taking an Indecent Liberty with a Child. G.S. 14-202.1. (4/2003)	H	F
226.86A	Taking Indecent Liberties with a Student (by Teacher, School Administrator, Student Teacher, School Safety Officer, Coach). G.S. 14-202.4. (6/2016)	-	I
226.86B	Taking Indecent Liberties with a Student (by Member of School Personnel Other Than Teacher, School Administrator, Student Teacher, School Safety Officer, Coach). G.S. 14-202.4. (6/2016)	-	Misd A1
226.90	Promoting Prostitution. G.S. 14-205.3. (6/2014)		E, F
226.91	Patronizing a Prostitute. G.S. 14-205.2. (6/2014)		E, F
226.92	Patronizing a Prostitute G.S. 14-205.2. (6/2014)		E, F
226.93	Patronizing a Prostitute who is [Severely] [Profoundly] Mentally Disabled. G.S. 14-205.2. (6/2014)		C, D
226.96	Solicitation for Prostitution with a Person who is [Severely] [Profoundly] Mentally Disabled. G.S. 14-204(5), 14-205.1. (6/2014)		E
226.97	Solicitation for Prostitution. G.S. 14-204(5), 14-205.1. (6/2014)		G, H
226.98	Solicitation for Prostitution. G.S. 14-204(5), 14-205.1. (6/2014)	Misd	Misd 1
	Perjury.		
228.10	Perjury. G.S. 14-209. (1/2001)	H	F
228.20	Subornation of Perjury. G.S. 14-210. (1/2001)	H	I
228.30	Presenting a False Statement to Procure Benefit of Insurance Policy. G.S. 58-2-161(b)(1). (2/1999)	I	I
228.30A	Presenting a False Statement to Deny Benefit of Insurance Policy. G.S. 58-2-161(b)(1). (2/1999)	I	I
228.35	Making (or Participating in) a False Statement to Procure Benefit of an Insurance Policy. G.S. 58-2-161(b)(2). (2/1999)	I	I
228.35A	Making (or Participating in) a False Statement to Deny Benefit of Insurance Policy. G.S. 58-2-161(b)(2). (2/1999)	I	I
	Bribery.		
229.05	Bribery of Officials. G.S. 14-217. (5/2005)	I	F
229.10	Offering a Bribe to Public Officials. G.S. 14-218. (4/2003)	I	F
229.15	[Buying] [Selling] Public Offices. G.S. 14-228. (6/2016)		

229.20	Commercial Bribery. G.S. 14-353. (6/2014)	Misd	Misd 2
229.21	Commercial Bribery (Making Bribe). G.S. 14-353. (6/2014)	Misd	Misd 2
	Obstructing Justice.		
230.20	Breaking or Entering with the Intent of Altering, Destroying, or Stealing Evidence. G.S. 14-221.1. (1/1999)	I	I
230.21	[Altering] [Destroying] [Stealing] Evidence of Criminal Conduct. G.S. 14-221.1. (6/2010)	I	I
230.25	[Destroying] [Altering] [Concealing] [Tampering With] Biological Evidence of Criminal Conduct. G.S. 15A-268. (6/2010)		H, I
230.26	Felonious Misrepresentation of Evidence (6/2012)		H
230.27	Non-Felonious Misrepresentation of Evidence (6/2012)		Misd 1
230.30	Resisting, Delaying, or Obstructing a Public Officer—All Situations Other Than Arrest. G.S. 14-223. (1/1999)	Misd	Misd 2
230.31	Resisting Arrest—Lawfulness of Arrest. G.S. 14-223. (1/1999)	Misd	Misd 2
230.32	Resisting, Delaying, or Obstructing an Officer—Excessive Force by the Officer. G.S. 14-223. (1/1999)	Misd	Misd 2
230.40	Obstructing the Administration of Justice by [Picketing] [Parading] [Use of a Sound Truck or Similar Device]. G.S. 14-225.1. (12/1998)	Misd	Misd 1
230.60	Harassment or Intimidation of or Communication with Juror. G.S. 14-225.2. (12/1998)	I	H, I
230.60A	Harassment or Intimidation of or Communication with Juror’s Spouse. G.S. 14-225.2. (1/1999)	I	H, I
230.61A	Intimidating Witnesses by Threatening the Assertion or Denial of Parental Rights. G.S. 14-226. (2/2005)		H
230.62	Obstruction of Justice. Common Law Misdemeanor. (3/2003)	Misd	Misd 1, H
230.65	[Intimidating] [Interfering] With A Witness. G.S. 14-226(a). (6/2016)		G
230.70	Impersonation of Law-Enforcement Officer. Misdemeanor. G.S. 14-277(a). (6/2011)	Misd	Misd 1
230.70A	Impersonating a Law Enforcement Officer. Felony. (6/2011)		H, I
230.71	Impersonating a Law Enforcement Officer by Operating a Vehicle with an Operating Blue Light Causing a Person to [Stop] [Yield] (Blue Light Bandit). G.S. 14-277(a)(4), (b)(5). (12/1997)		H, I
230.73	Impersonation of [A Firefighter] [An Emergency Medical Services Personnel]. G.S. 14-276.1 (6/2016)		
230.75	Impersonation of Law-Enforcement Officer (Carrying Out an Act in Accordance with the Authority Granted to a Law-Enforcement Officer). Misdemeanor. G.S. 14-277(b). (6/2011)	Misd	Misd 1
230.75A	Impersonation of Law-Enforcement Officer (Carrying Out an Act in Accordance with the Authority Granted to a Law-Enforcement Officer). Felony. G.S. 14-277(b). (6/2011)		H, I
230.80	Concealment of Death. G.S. 14-401.22. (6/2006)		Felony
230.81	Harassment of a Participant in a Neighborhood Crime Watch Program. G.S. 14-226.2. (6/2007)		Misd 1
230.91	Concealment of Death—Intent to Conceal Death by Dismembering or Destroying Human Remains (6/2012)		H
230.92	Concealment of Death—Intent to Conceal Unnatural Death by Dismembering or Destroying Human Remains (6/2012)		D

230.93	Concealment of Death—Aiding, Counseling, and Abetting (6/2012)		Misd 1
230.94	Disturbing Human Remains—Physical Alteration or Manipulation (6/2012)		I
230.95	Disturbing Human Remains—Acts of Sexual Penetration (6/2012)		I
Prison Breach and Prisoners.			
233.45	Prison Breach and Escape from [County] [Municipal] Confinement [Facilities] [Officers]. G.S. 14-256. (6/2014)		Misd 1, H
233.50	Feloniously Harboring or Aiding an Escaped Prisoner. G.S. 14-259. (12/1998)	I	I
233.60	Injury to Prisoner by Jailer. G.S. 162-55. (12/1998)	Misd	Misd 1
233.70	Harboring a Fugitive. G.S. 14-267. (2/1999)	Misd	Misd 1
233.80	Furnishing a Controlled Substance to an Inmate. G.S. 14-258.1(a). (6/2010)	H	H
233.81	Furnishing a Deadly Weapon, Cartridge or Ammunition to an Inmate. G.S. 14-258.1(a). (6/2010)	H	H
233.82	Furnishing an Alcoholic Beverage to an Inmate. G.S. 14-258.1(b). (6/2010)	Misd	Misd 1
233.83	Furnishing a Tobacco Product (Including Vapor Products) to an Inmate. G.S. 14-258.1(c). (6/2015)	Misd	Misd 1
233.84	Furnishing a [Mobile Telephone] [Wireless Communication Device] [Component of a [Mobile Telephone] [Wireless Communication Device]] to an Inmate. G.S. 14-258.1(d). (6/2016)	Misd	Misd 1
233.90	Possession of a Tobacco Product (Including Vapor Products) by an Inmate. G.S. 14-258.1(e). (6/2015)	Misd	Misd 1
233.95	Possession of a [Mobile Telephone] [Wireless Communication Device] [Component of a [Mobile Telephone] [Wireless Communication Device]]. G.S. 14-258.1(d). (6/2016)	Misd	Misd 1
Offenses against the Public Peace.			
235.10	Carrying a Concealed Weapon Other Than a Pistol or Handgun. G.S. 14-269(a). (6/2014)	Misd	Misd 2
235.12	Carrying a Concealed [Pistol] [Handgun]. G.S. 14-269(a1). (6/2015)		Misd 2, H
235.15	Carrying Weapons into Assemblies. G.S. 14-269.3. (6/2014)	Misd	Misd 1
235.16	Carrying Weapons into Establishments Where Alcoholic Beverages Are Sold and Consumed. G.S. 14-269.3. (6/2014)	Misd	Misd 1
235.17	Carrying or Possessing Weapons on [Educational Property] (or) [at School Sponsored Activity]. G.S. 14-269.2(b) and (b1). (6/2016)	I, Misd	I, Misd 1
235.17A	[Causing] [Encouraging] [Aiding] a Minor to [Carry] [Possess] Weapons on Educational Property. G.S. 14-269.2(c) and (c1). (6/2014)	I, Misd	I, Misd 1
235.17B	Willfully Discharging a Firearm on Educational Property or at School Sponsored Activity. G.S. 14-269.2(b) and (b1). (6/2014)		F
235.18	Communicating Threats. G.S. 14-277.1. (2/2000)	Misd	Misd 1
235.19	Stalking. G.S. 14-277.3A(c)(d). (6/2009)	I, Misd	F, H, Misd A1
235.19A	Stalking (Court Order in Effect). G.S. 14-277.3A(c)(d). (6/2009)		H

235.19B	Stalking (Previously Convicted). G.S. 14-277.3A(c)(d). (6/2009)		F
235.20	Going about Armed with Unusual and Dangerous Weapons to the Terror of the People (Common Law Misdemeanor). (4/1999)	Misd	Misd 1
235.30	Pointing a Laser Device towards an Aircraft. G.S. 14-280.2. (6/2006)		H
235.35	Interference With Manned Aircraft By Unmanned Aircraft Systems. G.S. 14-280.3. (6/2015)		H
235.50	Terrorism (Basic Offense). G.S. 14-10.1. (6/2013)		B1*
235.51	Terrorism—Continuing Criminal Enterprise. G.S. 14-7.20. (6/2013)		D
235.61	Unlawful Distribution Of Images Taken by Unmanned Aircraft. G.S. 14-401.25. (6/2015)		Misd A1
235.65	Disclosure of Private Images by Offender Under the Age of 18. G.S. 14-190.5(c)(2). (6/2016)		
235.67	Disclosure of Private Images by Offender 18 Years of Age Or Older. G.S. 14-190.5(c)(1). (6/2016)		
235.69	Felonious Disclosure of Private Images by Offender Under the Age of 18. G.S. 14-190.5(c)(3). (6/2016)		
Riots and Civil Disorders.			
236A.10	Feloniously Engaging in a Riot Where the Defendant Has Actually Participated in the Violence—More Than \$1,500 Property Damage or Serious Injury. G.S. 14-288.2(c)(1). (5/1999)	I, Misd	H, Misd 1
236A.15	Feloniously Engaging in a Riot Where the Defendant Has Actually Participated in the Violence—Dangerous Weapon or Substance. G.S. 14-288.2(c)(2). (5/1999)	I, Misd	H, Misd 1
236A.20	Inciting to Riot—\$1,500 or Less in Damage—Misdemeanor. G.S. 14-288.2(d). (5/1999)	Misd	Misd 1
236A.25	Felonious Inciting to Riot—Damage in Excess of \$1,500 or Serious Bodily Injury (With Misdemeanor Inciting as a Lesser Included Offense). G.S. 14-288.2(e). (5/1999)	H, Misd	F, Misd 1 Misd 2
236A.27	Failure to Disperse. G.S. 14-288.5. (6/2013)		Misd 2
236A.28	[Standing] [Sitting] [Lying] Upon [Highways] [Streets]. G.S. 20-174.1. (6/2015)		Misd 2
236A.30	Disorderly Conduct (Fighting or Other Violent Conduct). G.S. 14-288.4(a)(1). (5/1999)	Misd	Misd 2
236A.31	Disorderly Conduct (Abusive Language or Gestures). G.S. 14-288.4(a)(2). (5/1999)	Misd	Misd 2
236A.33	Disorderly Conduct at a Funeral. G.S. 14-288.4 (a)(8). (6/2014)		Misd 1, H, I
236A.35	Disorderly Conduct at a Funeral. G.S. 14-288.4 (a)(8). (6/2014)		Misd 1, H, I
236A.40	Disorderly Conduct [In] [Near] a Public [Building] [Facility]. G.S. 14-132(a)(1). (6/2016)		
236A.60	Looting (Lesser Included Offense of Trespass during Emergency). G.S. 14-288.6. (5/1999)	I, Misd	H, Misd 1

Lotteries and Gaming.

* If the underlying act of violence is a Class A or B1 felony offense. Otherwise, it is one class higher than felony for underlying act of violence.

		Before 10/1/94	On or After 10/1/94
237.20	Possession of Lottery Tickets Used in the Operation of a Lottery. G.S. 14-290. (6/2006)	Misd	Misd 2
237.25	Sale of Lottery Tickets. G.S. 14-291. (6/2006)	Misd	Misd 2
237.26	Sale of Tickets Used in a Numbers Lottery. G.S. 14-291.1. (6/2006)	Misd	Misd 2
237.30	Gambling. G.S. 14-292. (1/2000)	Misd	Misd 2
237.60	Possession of Illegal Slot Machine. G.S. 14-301. (8/1999)	Misd	Misd 2
237.70	Unlawful [Operation] [Possession] of Video Gaming Machines. G.S. 14-306.1, -306.1A. (6/2007).		Misd 1, H, G
237.75	Operating Electronic Sweepstakes. G.S. 14-306.4(b). (6/2013)		Misd 1, H, G
237.80	Unlawful [Promotion] [Operation] [Conducting] of a Server-Based Electronic Game Promotion. G.S. 14-306.3(a). (6/2009)		Misd 1, H, G
237.90	Unlawful Possession of Game Terminal for the Purpose of [Promoting] [Operating] [Conducting] a Server-Based Electronic Game Promotion. G.S. 14-306.3(b). (6/2009)		Misd 1
237.91	Felonious Possession of Game Terminals for the Purpose of [Promoting] [Operating] [Conducting] a Server-Based Electronic Game Promotion. G.S. 14-306.3; 14-309(c). (6/2009)		G
	Obscenity.		
238.10	Disseminating Obscenity Intentionally (Physical Transfers). G.S. 14-190.1(a)(1), (3). (11/1999)	J	I
238.10A	Disseminating Obscenity Intentionally (Live Performance). G.S. 14-190.1(a)(2). (12/1999)	J	I
238.10B	Disseminating Obscenity Intentionally (Transmissions or Deliveries of Actual Images Not Drawings). G.S. 14-190.1(a)(4). (12/1999)	J	I
238.11	Creating, Buying, Procuring, or Possessing Obscene Material with the Intent to Disseminate. G.S. 14-190.1(e). (12/1999)	J	I
238.12	Advertising or Promoting Sale of Material as Obscene. G.S. 14-190.1(f). (12/1999)	J	I
238.13	Preparing Obscene [Films] [Photographs] [Slides] [Negatives] [Motion Pictures] of Himself or Another for the Purpose of Dissemination. G.S. 14-190.5(1). (12/1999)	Misd	Misd 1
238.13A	Preparing Obscene [Films] [Photographs] [Slides] [Negatives] [Motion Pictures] for the Purpose of Dissemination (Modeling or Assisting the Photographer). G.S. 14-190.5(2). (12/1999)	Misd	Misd 1
238.14	Intentionally [Employing] [Permitting] Minor to Assist in Obscenity Offense. G.S. 14-190.6. (12/1999)	I	I
238.15	Disseminating Obscene Material to Minors under the Age of Sixteen. G.S. 14-190.7. (12/1999)	I	I
238.16	Disseminating Obscene Material to Minors under the Age of Thirteen. G.S. 14-190.8. (12/1999)	H	I
238.17	Indecent Exposure. G.S. 14-190.9. (6/2006)	Misd	Misd 2
238.17A	Indecent Exposure to Minor for Purpose of Arousing or Gratifying Sexual Desire. G.S. 14-190.9. (6/2006)		
238.18	Displaying Material Harmful to Minors. G.S. 14-190.14. (12/1999)	Misd	Misd 2
238.19	Disseminating Harmful Material to Minors (Distribution). G.S. 14-190.15(a)(1). (12/1999)	Misd	Misd 1

		Before 10/1/94	On or After 10/1/94
238.19A	Disseminating Harmful Material to Minors (Allowing Minor to Review). G.S. 14-190.15(a)(2). (12/1999)	Misd	Misd 1
238.20	Exhibiting a Harmful Performance To Minors. G.S. 14-190.15(b). (12/1999)	Misd	Misd 1
238.21	First Degree Sexual Exploitation of a Minor (Using or Employing a Minor to Engage in or Assist Others in Engaging in Sexual Activity). G.S. 14-190.16(a)(1). (1/2000)	G	D
238.21A	First Degree Sexual Exploitation of a Minor (Permitting a Minor to Engage in Sexual Activity for Live Performance, etc.) G.S. 14-190.16(a)(2). (1/2000)	G	D
238.21B	First Degree Sexual Exploitation of a Minor by Transporting a Minor. G.S. 14-190.16(a)(3). (1/2000)	G	D
238.21C	First Degree Sexual Exploitation of a Minor by Photographing, etc. G.S. 14-190.16(a)(4). (1/2000)	G	D
238.22	Second Degree Sexual Exploitation of a Minor (Producing Material). G.S. 14-190.17(a)(1). (1/2000)	H	F
238.22A	Second Degree Sexual Exploitation of a Minor (Circulating Material). G.S. 14-190.17(a)(2). (1/2000)	H	F
238.22B	Third Degree Sexual Exploitation of a Minor. G.S. 14-190.17A. (6/2015)	J	I
238.23	Promoting Prostitution of a Minor (Enticing the Prostitution). G.S. 14-190.18(a)(1). (6/2014)	G	D
238.23A	Promoting Prostitution of A Minor (Supervising the Prostitution). G.S. 14-190.18(a)(2). (6/2014)	G	D
238.23C	Patronizing a Prostitute, a Minor. G.S. 14-205.2. (6/2014)		Misd 1, D, F, G
238.24	Participating in Prostitution of a Minor. G.S. 14-190.19(a). (6/2014)	H	F
238.26A	Solicitation for Prostitution with a Minor. G.S. 14-204(5), 14-205.1 (6/2014)		Misd 1, E, G, H
238.30	Solicitation of a [Child] [Person Defendant Believed to Be a Child] by Computer to Commit a Sex Act. G.S. 14-202.3. (6/2009)		H
238.35	Solicitation of a [Child] [Person Defendant Believed to Be a Child] by Computer to Commit a Sex Act and Appearing at Location. G.S. 14-202.3(c)(2). (6/2009)		G
238.40	Soliciting a Child by [Computer] [Electronic Device] to Commit an Unlawful Sex Act. (Offenses after December 1, 2009). G.S. 14-202.3 (June 2010)		H, G
	Protection of Minors.		
239.10	[Selling] [Giving] a Weapon to a Minor. G.S. 14-315. (11/1999)	-	H, Misd 1
239.11	Improper Storage of Firearms to Protect Minors. G.S. 14-315.1. (8/1999)	Misd	Misd 1
239.20	Permitting a Young Child to Use a Dangerous Firearm—Parent. G.S. 14-316. (6/2014)	Misd	Misd 2
239.21	Furnishing a Young Child a Dangerous Firearm—Nonparent. G.S. 14-316. (6/2014)	Misd	Misd 2
239.23	Possession of Handguns by Minors (6/2012)		Misd 1
239.25	Contributing to Delinquency and Neglect by Parents and Others. G.S. 14-316.1; 7B-101(1), (15); 7B-1501(7), (27). (6/2015)	Misd	Misd 1

239.30	Child Care Facility Report of Missing Child. G.S. 110-102.1(a). (6/2014)		
239.31	Concealment of Death—Failure to Notify Law Enforcement of Death of Child or Secretly Burying Child. G.S. 14-401.22(a1). (6/2014)		H
239.32	Failure to Report the Disappearance of a Child to Law Enforcement. G.S. 14-318.5. (6/2014)		I
239.33	False Reports to Law Enforcement [Agency] [Officer] Related to the Disappearance of a Child. G.S. 14-225(b). (6/2014)		Misd 2, H
239.34	False Reports to Law Enforcement [Agency] [Officer]. G.S. 14-225(a). (6/2014)		Misd 2
239.35	Failure to Report [Abuse] [Neglect] [Death] Due to Maltreatment of a Juvenile. G.S. 7B-301(a), (b). (6/2014)		Misd 1
239.36	Failure of Department of Social Services Director to Notify the State Bureau of Investigations of a Report of Sexual Abuse of a Juvenile in a Child Care Facility. G.S. 7B-301(a), (c) (6/2014)		Misd 1
239.55	Felonious Child Abuse. G.S. 14-318.4(a); 14-318.2. (6/2009)	H, Misd	E, Misd 1
239.55A	Felonious Child Abuse—Prostitution. G.S. 14-318.4(a1). (5/2000)	H	E
239.55B	Felonious Child Abuse by a Sexual Act. G.S. 14-318.4(a2). (5/2000)	H	E
239.55C	Felonious Child Abuse (Reckless Disregard—Serious Bodily Injury). G.S. 14-318.4(a4); 2414-318.2. (6/2014)		E
239.55D	Felonious Child Abuse (Reckless Disregard—Serious Physical Injury). G.S. 14-318.4(a5); 14-318.2 (6/2014)		H
239.57	Felonious Child Abuse [Inflicting Serious Bodily Injury] [Resulting in Permanent or Protracted Loss or Impairment of any Mental or Emotional Function]. G.S. 14-318.4(a3). (6/2009)		C
239.60	Misdemeanor Child Abuse. G.S. 14-318.2. (6/2009)	Misd	Misd 1
239.65	Permitting Child under 16 Years of Age to [Operate] [Be a Passenger on] a Bicycle without Protective Bicycle Helmet. G.S. 20-171.9. (2/2002)		Infraction
239.70	Failure to Secure a Child in a Restraint System. G.S. 20-137.1. (2/2005)		Infraction
239.80	[Transporting] [Keeping] Child Outside the State with Intent to Violate Custody Order. G.S. 14-320.1. (5/2000)	J	I
239.90	Felonious Unauthorized Administration of Medication to a Child. G.S. 110-102.1A. (4/2004)		F, Misd A1
239.91	Unauthorized Administration of Medication to a Child. G.S. 110-102.1A. (4/2004)		Misd A1
239.95	Distribution of Certain Food at Halloween and All Other Times Prohibited—Controlled Substance. G.S. 14-401.11. (6/2006)		F
239.96	Distribution of Certain Food at Halloween and All Other Times Prohibited—Noxious Substances; Greater Than Mild Physical Discomfort. G.S. 14-401.11. (6/2006)		H
239.97	Distribution of Certain Food at Halloween and All Other Times Prohibited—Noxious Substances; Mild Physical Discomfort. G.S. 14-401.11. (6/2006)		I

239.98	Distribution of Certain Food at Halloween and All Other Times Prohibited—Poisonous Chemical, Compound, or Foreign Substance. G.S. 14-401.11. (6/2006)		C
Protection of Family.			
240.05	Abandonment by Supporting Spouse. G.S. 14-322(b). (5/2000)	Misd	Misd 2
240.06	Failure to Support Child. G.S. 14-322(d). (5/2000)	Misd	Misd 2
240.07	Felonious Abandonment and Lesser Included Offense of Failure to Support by Parent. G.S. 14-322.1, -322(d). (6/2014)	I, Misd	I, Misd 2
240.10	Failure of Supporting Spouse to Provide Adequate Support for Dependent Spouse. G.S. 14-322(c). (5/2000)	Misd	Misd 2
240.40	Willful Neglect or Refusal to Adequately Support and Maintain an Illegitimate Child. G.S. 49-2. (6/2014)	Misd	Misd 2
240.50	Violation of Valid Protective Order. G.S. 50B.4.1(a). (6/2016)		Misd A1
240.51	Violation of Protective Order While in Possession of a Deadly Weapon. G.S. 50B-4.1(g). (6/2016)		H
240.55	Felonious Violation of a Valid Protective Order. G.S. 50B.4.1(f). (6/2009)		H
240.60	Violation of Permanent Civil No-Contact Order. G.S. 50D-10. (6/2016)		
240.70	Domestic Abuse of a [Disabled] [Elder] Adult Inflicting [Mental] [Physical] Injury. G.S. 14-32.3. (6/2015)		II, H
240.71	Domestic Neglect of a [Disabled] [Elder] Adult Inflicting [Mental] [Physical] Injury. G.S. 14-32.3 (6/2015)		I, H
240.75	Domestic Abuse of a [Disabled] [Elder] Adult Inflicting Serious [Mental] [Physical] Injury. G.S. 14-32.3. (6/2015)		F
240.76	Domestic Neglect of a [Disabled] [Elder] Adult Inflicting Serious [Mental] [Physical] Injury. G.S. 14-32.3 (6/2015)		F
240.80	[Employee] [Volunteer] At a [Care] [Treatment] [Habilitation] [Rehabilitation] Facility of Individuals With [Mental Illness] [Developmental Disabilities] [Substance Abuse Disorders] Causes [Pain] [Injury] to a Client Other Than as Part of a Generally Accepted [Medical] [Therapeutic] Procedure. G.S. 122C-66(a). (6/2016)		
240.82	[Employee] [Volunteer] at a Facility Who [Borrows] [Takes] Personal Property From a Client. G.S. 122C-66(a)(1). (6/2016)		
240.84	[Employee] [Volunteer] at a Facility Failed to Report Violations of Client Abuse. G.S. 122C-66(b). (6/2016)		
240.86	[Employee] [Volunteer] at a Facility Failed to Report Violations of Borrowing Client Property. G.S. 122C-66(a1)-(b). (6/2016)		
240.88	[Employee] [Volunteer] at a Facility Failed to Report Accidental Injury To a Client. G.S. 122C-66(b). (6/2016)		
Intoxicating Liquors.			
241.05	Manufacturing Poisonous Spirituous Liquor for Use as a Beverage. G.S. 14-329(a). (8/2000)	H	H
241.10	Selling Spirituous Liquor for Use as a Beverage Knowing It to Be Poisonous. G.S. 14-329(b). (8/2000)	H	F

		Before 10/1/94	On or After 10/1/94
241.11	[Transporting for Other Than Personal Use] [Possessing for Purpose of Sale] of Spirituous Liquor for Use as a Beverage Knowing It to Be Poisonous. G.S. 14-329(b). (8/2000)	H	F
241.15	Selling Poisonous Spirituous Liquor for Use as a Beverage. G.S. 14-329(c). (8/2000)	Misd	Misd 2
241.16	[Transporting for Other Than Personal Use] [Possessing for Purpose of Sale] Poisonous Spirituous Liquor. G.S. 14-329(c). (8/2000)	Misd	Misd 2
241.20	[Transportation] [Possession] of Poisonous Spirituous Liquor for Use as a Beverage. G.S. 14-329(d). (8/2000)	Misd	Misd 1
242.10	Intentional Patient Abuse Resulting in Death. G.S. 14-32.2(a)-(b)(1). (6/2008)		C
242.15	Culpably Negligent Patient Abuse Resulting in Death. G.S. 14-32.2(a)-(b)(2). (6/2008)		E
242.20	Patient Abuse Resulting in Serious Bodily Injury. G.S. 14-32.2(a)-(b)(3). (6/2008)		F
242.25	Pattern of Patient Abuse Resulting in Bodily Injury. G.S. 14-32.2(a)-(b)(4). (6/2008)		H
	Cruelty to Animals.		
247.10	Non-Felonious Cruelty to Animals. G.S. 14-360. (6/2012)	Misd	Misd 1
247.10A	Felonious Cruelty to Animals. G.S. 14-360. (6/2015)		I
247.10B	Non-Felonious Cruelty to Animals by Depriving of Necessary Sustenance. G.S. 14-360(a1). (6/2008)		Misd 1
247.15	Willful Killing of [Law Enforcement Agency] [Assistance] [Search and Rescue] Animal. G.S. 14-163.1. (6/2010)		H
247.15A	[Causing] [Attempting to Cause] Serious Harm to a [Law Enforcement Agency] [Assistance] [Search and Rescue] Animal. G.S. 14-163.1. (6/2010)		I
247.15B	Willfully [Taunting] [Teasing] [Harassing] [Delaying] [Obstructing] [Attempting to [Delay] [Obstruct]] a [Law Enforcement Agency] [Assistance] [Search and Rescue] Animal in the Performance of its Duties. G.S. 14-163.1. (6/2010)		Misd 2
247.20	Instigating or Promoting Cruelty to Animals. G.S. 14-361. (1/2001)	Misd	Misd 1
247.30	Cockfighting. G.S. 14-362. (1/2001)	Misd	Misd 2
247.31	Dog Fighting and Baiting. G.S. 14-362.2. (6/2008)		H
247.40	Interference with Animal Research Involving Release of an Animal Having an Infectious Disease. G.S. 14-159.2(a)(1), (b), (c). (12/2000)	J, Misd	I, Misd 1
247.50	Interference with Animal Research—Willfully Damaging an Animal Research Facility. G.S. 14-159.2(a)(2). (8/2000)	Misd	Misd 1
247.60	Interference with Animal Research—Willful, Unauthorized Release of an Animal from an Enclosure or Restraining Device. G.S. 14-159.2(a)(3). (12/2000)	Misd	Misd 1
247.70	Interference with Animal Research—Willful Interference with the Care of an Animal Kept within an Animal Research Facility. G.S. 14-159.2(a)(4). (12/2000)	Misd	Misd 1
247.80	[Owning] [Possessing] [Using] [Transporting] [Trafficking] of Venomous Reptile not Housed in a Sturdy and Secure Enclosure. G.S. 14-417. (6/2010)		Misd 2, Misd A1

247.80A	[Owning] [Possessing] [Using] [Transporting] [Trafficking] of Crocodilian not Housed in a Sturdy and Secure Enclosure. G.S. 14-417. (6/2010)		Misd 2, Misd A1
247.80B	[Owning] [Possessing] [Using] [Transporting] [Trafficking] of Constricting Snake not Housed in a Sturdy and Secure Enclosure. G.S. 14-417. (6/2010)		Misd 2, Misd A1
247.81	Failure to Immediately Notify Local Law Enforcement of Escape of [Venomous Reptile] [Large Constricting Snake] [Crocodilian]. G.S. 14-417. (6/2010)		Misd 2, Misd A1
247.82	Handling a [Venomous Reptile] [Large Constricting Snake] [Crocodilian] in a Manner that [Intentionally] [Negligently] Exposes Another to Unsafe Contact with the [Venomous Reptile] [Large Constricting Snake] [Crocodilian]. G.S. 14-418. (6/2010)		Misd 2, Misd A1
247.83	Intentionally Releasing into the Wild a Nonnative [Venomous Reptile] [Large Constricting Snake] [Crocodilian]. G.S. 14-422. (6/2010)		Misd A1
247.84	[Intentionally] [Negligently] [[Suggesting] [Enticing] [Inviting] [Challenging] [Intimidating] [Exhorting] [Inducing] [Aiding]] Any Person to [Handle] [Be Exposed] in an Unsafe Manner to a [Venomous Reptile] [Large Constricting Snake] [Crocodilian]. G.S. 14-418. (6/2010)		Misd 2, Misd A1
252.65	Miscellaneous Police Regulations. Tattooing a Minor. G.S. 14-400. (8/2000)	Misd	Misd 2
254A.11	Felony Firearms. Possession of a Firearm or Weapon of Mass Death and Destruction by a Felon. G.S. 14-415.1. (6/2016)		G
254A.15	[Altering] [Defacing] [Destroying] [Removing] the Serial Number of a Firearm. G.S. 14-160.2 (6/2010)		H
254A.17	[Selling] [Buying] [Possessing] Firearm with Serial Number [Altered] [Defaced] [Destroyed] [Removed]. G.S. 14-160.2 (6/2010)		H
255.01	Miscellaneous. Felony Willful Failure to Appear. G.S. 15A-543. (12/2000)		I
255.02	Misdemeanor Willful Failure to Appear. G.S. 15A-543. (12/2000)	Misd	Misd 2
255.03	Driving after Failure to Appear—Alcohol-Related Offenses. G.S. 20-28(a2). (6/2007)		Misd 1
256.10	Intoxicated and Disruptive in Public. G.S. 14-444. (12/2000)	Misd	Misd 3
257.10	Willfully Violating Occupational Safety and Health Act of North Carolina Resulting in Death of an Employee. G.S. 95-139. (6/2010)		Misd 2
257.11	Knowingly Making a False [Statement] [Representation] [Certification] in a(n) [Application] [Record] [Report] [Plan] [Document] Required to be [Filed] [Maintained] Pursuant to the Occupational Safety and Health Act of North Carolina. G.S. 95-139. (6/2010)		Misd 2
257.12	Giving Advance Notice of OSHA Inspection Without Authorization. G.S. 95-139. (6/2010)		Misd 2
258.10	Failure of Secondary Metals Recycler to Issue Receipt for Purchase of Regulated Metals Property. G.S. 66-11(a1)		

	(6/2010)	Misd 1, I
258.12	Failure of Secondary Metals Recycler to Maintain Records of Purchases of Regulated Metals. G.S. 66-11(b)	
	(6/2010)	Misd 1, I
258.14	Failure to Hold and Retain Regulated Metals for Seven Days Before [Selling] [Dismantling] [Defacing] [Altering] [Disposing of] Regulated Metals. G.S. 66-11(d1)	
	(6/2010)	Misd 1, I
258.16	Purchase of [Air Conditioning [Coils] [Condensers]] [Catalytic Converter] by Secondary Metals Recycler. G.S. 66-11(d)(3) (6/2010)	Misd 1, I
258.18	Purchase of Nonferrous Metals by Secondary Metals Recycler. G.S. 66-11(d)(4) (6/2010)	Misd 1, I
258.20	Purchase of Prohibited Material by Secondary Metals Recycler. G.S. 66-11(d)(4) (6/2010)	Misd 1, I
258.30	Erecting or Maintaining Signs on Highways (6/2012)	Misd 3
258.31	Erecting or Maintaining Political Advertising Signs in Highway Rights of Way (6/2012)	Misd 1, 3
258.32	Erecting or Maintaining Commercial Advertising Signs in Highway Rights of Way (6/2012)	Misd 1
258.33	[Stealing] [Defacing] [Vandalizing] [Unlawfully Removing] Political Signs That Are Lawfully Placed (6/2012)	Misd 3
258.35	Removal or Destruction of Warning Signs—Water Quality in Coastal Recreation Waters (6/2012)	Misd 2
258.36	Possession of Signs Posted by Department of Environment and Natural Resources—Water Quality in Coastal Recreation Waters (6/2012)	Misd 2
259.10	Unauthorized Practice of Medicine—Practicing Without a License (6/2012)	Misd 1
259.11	Unauthorized Practice of Medicine—Practicing Without a License While Representing Oneself as Being Licensed (6/2012)	I
259.12	Unauthorized Practice of Medicine—Practicing Without a License in North Carolina By an Out-of-State Practitioner (6/2012)	I
259.13	Unauthorized Practice of Medicine—Practicing Without a License Due to Failure to Complete Timely Annual Registration or Practice While Licensed Under Another Article (6/2012)	Misd 1
259.20	Unauthorized Practice of Law—Non-Members of the State Bar (6/2012)	Misd 1
259.21	Unauthorized Practice of Law—Corporations (6/2012)	Misd 1
259.22	Unauthorized Practice of Law—Foreclosure Fees (6/2012)	Misd 1
259.23	Unauthorized Practice of Law—Appearing for Creditors in [Insolvency] [Bankruptcy] and Other Proceedings (6/2012)	Misd 1
259.30	Practice as a Clinical Addiction Specialist Without a License. G.S. 90-113.43(a)(1). (6/2013)	Misd 1
259.31	Practice as a Clinical Addiction Specialist Without a License—Using [Letters] [Words] [Numerical Codes] [Insignia]. G.S. 90-113.43(a)(2). (6/2013)	Misd 1
259.32	[Practice] [Attempt to Practice] as a Clinical Addiction Specialist With a [Revoked] [Lapsed] [Suspended] Certification or License. G.S. 90-113.43(a)(3). (6/2013)	Misd 1

259.33	[Aiding] [Abetting] [Assisting] the Practice of a Clinical Addiction Specialist Without a License. G.S. 90-113.43(a)(4). (6/2013)		Misd 1
259.34	Knowingly Serving in a Position Required by Law to be Filled by a Clinical Addiction Specialist. G.S. 90-113.43(a)(5). (6/2013)		Misd 1
259.40	Bank Examiner Making False Report. G.S. 53C-8-7. (6/2013)		H
259.41	[Bank Examiner] [Other Employee] Disclosing Confidential Information. G.S. 53C-8-8. (6/2013)		Misd 1
259.42	Willfully and Maliciously Making [False] [Derogatory] Reports. G.S. 53C-8-10. (6/2013)		Misd 1
259.43	[Bank] [Officer] [Director] [Employee] Making Extension of Credit to a Disqualified Individual. G.S. 53C-8-9. (6/2013)		Misd 1
259.50	Attempt to [Evade] [Defeat] Tax. G.S. 105-236(a)(7). (6/2016)		H
259.51	Willful Failure to [Collect] [Withhold] [Pay Over] Tax. G.S. 105-236(a)(8). (6/2016)		Misd 1
259.52	Willful Failure to [File Return] [Supply Information] [Pay Tax]. G.S. 105-236(a)(9). (6/2016)		Misd 1
259.53	[Aiding] [Assisting] [Procuring] [Counseling] [Advising] in the [Preparation] [Presentation] [Filing] of a [Fraudulent] [False] Tax Document by a Tax Return Preparer. G.S. 105-236(a)(9a). (6/2016)		C, F, H
259.53A	[Aiding] [Assisting] [Procuring] [Counseling] [Advising] in the [Preparation] [Presentation] [Filing] of a [Fraudulent] [False] Tax Document by Any Person Other Than a Tax Return Preparer. G.S. 105-236(a)(7). (6/2016)		C, F, H
259.60	Unlawful Handling of Waste Kitchen Grease. G.S. 14-79.2. (6/2013)		H, Misd 1
259.70	Medicaid Subrogation – Withholding Information. G.S. 108A-57(b). (6/2014)		Misd 1
259.80	Misuse of 911 System. G.S. 14-111.4. (6/2014)		Misd 1
259.85	Subsurface Injection of Waste. G.S. 113-395.2, 143-214.2 (6/2015)		Misd 1
259.90	Member of a [County] [City] Inspection Department Who Willfully [Fails to Perform Duties] [Improperly [Issues Permit] [[Gives Certificate of Compliance] [Without First Making the Required Inspections by Law.]]]. G.S. 153A-356; 160A-416. (6/2016)		
259.95	Illegal Operation of Amusement Devices Causing [Death] [Serious Injury]. G.S. 95-111.13. (6/2016)		
	Dangerous Drugs.		
	260 Series—Directory of Dangerous Drug Charges. (6/1996)		
260.10	Possession of a Controlled Substance. G.S. 1, 90-95(a)(3)(d). (6/2014)	I, Misd	I, Misd 1, Misd 2, 3
260.11	Aggravated Possession of a Controlled Substance—Including Lesser Offenses. G.S. 90-95. (6/2014)	I, Misd	I, Misd 1, Misd 2, 3
260.12	Possession of a Controlled Substance on Premises of a Penal Institution or Local Confinement Facility. G.S. 90-95(a)(3), (e)(9). *(On or after 12/97, Voluntary Manslaughter Is a Class D felony.) (6/2014)	I	I*

* On or after 12/1/97, Voluntary Manslaughter is a Class D felony.

260.15	Possession of a Controlled Substance with Intent to [Manufacture] [Sell] [Deliver]—Lesser Included Offense. G.S. 90-95(a)(1), (3); (b); (d). (6/2014)	H, I, Misd	H, I, Misd 1, Misd 2, 3
260.15A	Possession of a Counterfeit Controlled Substance with Intent to [Sell] [Deliver]. G.S. 90-87(6) and 90-95(a)(2), (c). (6/2014)	I	I
260.15B	Possession of an Immediate Precursor Chemical. G.S. 90-95(d1), (d2). (12/2004)	H	H
260.16	Aggravated Possession of a Controlled Substance with Intent to [Manufacture] [Sell] [Deliver]—Lesser Included Offenses. G.S. 90-95(a)(1), (b)(2), (e)(1-4). (6/2014)	E, H, I, Misd	E, H, I, Misd 1,2,3
260.17	Drug Trafficking—Possession (Marijuana, Methaqualone, Cocaine, Amphetamine, Methamphetamine, Opium or Heroin, Lysergic Acid Diethylamide, Methylenedioxyamphetamine, Methylenedioxymethamphetamine, Methylenedioxypropylone, Mephedrone, or Synthetic Cannabinoid). G.S. 90-95(h). (6/2016)	C, D, E, F, G, H	C, D, E, F, G, H
260.18	Forged Prescription—Acquiring or Obtaining Possession of a Controlled Substance by Misrepresentation, Fraud, Forgery, Deception or Subterfuge. G.S. 90-108(a)(10). (6/2014)	I	I
260.19	Manufacturing a Controlled Substance. G.S. 90-95(a)(1). (1/2001)	H, I	H, I
260.19A	Creating a Counterfeit Controlled Substance. G.S. 90-95(a)(2) and 90-87(b). (1/2001)	I	I
260.20	Aggravated Manufacture of Controlled Substance—Lesser Included Offense. G.S. 90-95(a)(1), (e)(1-4). (1/2001)	Misd	Misd 1, 2
260.20A	Drug Trafficking—Manufacturing (Marijuana, Methaqualone, Cocaine, Amphetamine, Methamphetamine, Opium or Heroin, Lysergic Acid Diethylamide, Methylenedioxyamphetamine, Methylenedioxymethamphetamine, Methylenedioxypropylone, Mephedrone, or Synthetic Cannabinoid) (6/2016)	C, D, E, F, G, H	C, D, E, F, G, H
260.21	[Selling] [Delivering] a Controlled Substance. G.S. 90-95(a)(1). *(On or after 12/97, Voluntary Manslaughter is a Class D felony.) (1/2001)	H, I	H, I*
260.21A	[Selling] [Delivering] a Counterfeit Controlled Substance. G.S. 90-95(a)(2) and 90-87(6). (1/2001)	I	I
260.22	Sale or Delivery of a Controlled Substance to a Minor or Pregnant Woman—Lesser Included Offense. G.S. 90-95(a)(1), (e)(5). (1/2001)	E, H, I	E, H
260.22A	Sale or Delivery of a Controlled Substance on or within 1,000 Feet of School Property. G.S. 90-95(e)(8). (6/2012)		E
260.22B	Sale or Delivery of a Controlled Substance on or within 1,000 Feet of a Public Park G.S. 90-95(e)(10). (6/2008)		E
260.22C	Sale or Delivery of a Controlled Substance on Property Used for a Child Care Center. G.S. 90-95(e)(8). (6/2008)		E

* On or after 12/1/97, Voluntary Manslaughter is a Class D felony.

		Before 10/1/94	On or After 10/1/94
260.23	Drug Trafficking—[Selling] [Delivering] (Marijuana, Methaqualone, Cocaine, Amphetamine, Methamphetamine, Opium or Heroin, Lysergic Acid Diethylamide, Methylenedioxyamphetamine, Methylenedioxymethamphetamine, Methylenedioxypropylone, Mephedrone, or Synthetic Cannabinoid) G.S. 90-95(h). (6/2012)	C, D, E, F, G, H	C, D, E, F, G, H
260.30	Drug Trafficking—Transportation (Marijuana, Methaqualone, Cocaine, Amphetamine, Methamphetamine, Opium or Heroin, Lysergic Acid Diethylamide, Methylenedioxyamphetamine, Methylenedioxymethamphetamine, Methylenedioxypropylone, Mephedrone, or Synthetic Cannabinoid)G.S. 90-95(h). (6/2016)	C, D, E, F, G, H	C, D, E, F, G, H
260.40	Employing a Minor to Commit a Drug Law Violation. G.S. 90-95.4. (1/2001)		
260.41	Promoting Drug Sales by a Minor. G.S. 90-95.6. (1/2001)		D
260.42	Participating in a Drug Violation by a Minor. G.S. 90-95.7. (3/2001)		G
260.45	General Aggravating Conditions Applicable to Drug Charges. G.S. 90-95(d), (e)(1-5). (12/2003)		
260.70	Continuing Criminal Enterprise—The Controlled Substances Act. G.S. 90-95.1. (3/2001)	C	C
260.80	Feloniously Dispensing a Controlled Substance (Practitioner or Registrant)—Lesser Included Offense. G.S. 90-108(a)(2) and (b); 90-106. (3/2001)	I, Misd	I, Misd 1
260.90	[Intentionally] [Knowingly] [Keeping] [Maintaining] a Building for the [Use] [Keeping] [Selling] of Controlled Substances. G.S. 90-108(a)(7). (6/2009)	I, Misd	I, Misd 1
260.95	Possession or Use of Drug Paraphernalia. G.S. 90-113.22. (6/2014)	Misd	Misd 1
260.96A	Willfully and Knowingly Offering a [Glass Tube] [Splitter] for Retail Sale by Self-Service. G.S. 90-113.82(a) (6/2010)		Misd 2
260.96B	Failure to Comply with Restrictions on Sales of [Glass Tubes] [Splitters]. G.S. 20-113.82(b) (6/2010)		Misd 1
260.96C	Failure to Maintain Records of Purchasers of [Glass Tubes] [Splitters]. G.S. 20-113.82(c) (6/2010)		Misd 2
260.96D	Failure to Train Agents and Employees on Requirements of Sales of [Glass Tubes] [Splitters]. G.S. 20-113.82(c) (6/2010)		Misd 2
261.10	Adulterating a [Urine] [Bodily Fluid] Sample with the Intent to Defraud a [Drug] [Alcohol] Test. G.S. 14-401.20(b). (4/2003)		Misd 1, I
261.20	Attempt to [Foil] [Defeat] a [Drug] [Alcohol] Screening Test by the [[Substitution] [Spiking] of a Urine Sample] [Advertisement of a [Sample Substitution] [Spiking Device or Measure]]. G.S. 14-401.20(a)(2). (4/2003)		Misd 1, I
261.30	Distributing or Transporting Urine to Defraud a [Drug] [Alcohol] Test. G.S. 14-401.20. (4/2003)		Misd 1, I
261.40	[Possessing] [Selling] Adulterants Intended to Be Used to Adulterate a [Urine] [Bodily Fluid] Sample for the Purpose of Defrauding a [Drug] [Alcohol] Screening Test. G.S. 14-401.20(b)(2), (3). (4/2003)		Misd 1, I
261.50	Pseudoephedrine Sales—Retailer. G.S. 90-113.56. (6/2013)		Misd A1, I
261.51	Pseudoephedrine Sales—Purchaser. G.S. 90-113.56. (6/2013)		Misd 1, A1, I

261.52	Pseudoephedrine Sales—[Employee of Retailer] [Other Person]. G.S. 90-113.56. (6/2013)		Misd 1, A1, I
261.53	Pseudoephedrine Sales—Retailer Who Fails to Train Employees. G.S. 90-113.56. (6/2012)		
261.55	Possession of a Pseudoephedrine Product with Prior Conviction for the [Possession] With Intent to [Sell] [Deliver]] [Trafficing] [Manufacture of] a [Methamphetamine] [Immediate Precursor Chemical]. G.S. 90-95(d1)(1)(c) (6/2016)		F
	Traffic Offenses.		
270.00	Model Jury Instruction. (6/2011)		
270.05	Punishment Levels For Impaired Driving. (1/1995)		
270.05A	Punishment Levels For Impaired Driving. (1/1999)		
270.15	Aggravating Factors for Impaired Driving. G.S. 20-179. (6/2016)		
270.15A	Verdict Form—Aggravating Factors for Impaired Driving. G.S. 20-179. (6/2016)		
270.20	Impaired Driving (offenses prior to Dec. 1, 2006). G.S. 20-138.1. (6/2010)	Misd	Misd
270.20A	Impaired Driving (offenses after Dec. 1, 2006). G.S. 20-138.1. (6/2016)		
270.21	Impaired Driving of a Commercial Vehicle (offenses prior to Dec. 1, 2006). G.S. 20-138.2 and -138.2A. (6/2010)		Misd 1
270.21A	Impaired Driving in a Commercial Vehicle (offenses after Dec. 1, 2006). G.S. 20-138.2 and -138.2A. (6/2014)		Misd 3
270.23	Operating a [School Bus] [School Activity Bus] [Child Care Vehicle] [Ambulance] [EMS Vehicle] [Firefighting Vehicle] [Law Enforcement Vehicle] After Consuming Alcohol. G.S. 20-138.2B(a). (6/2014)		Misd 3
270.25	Habitual Impaired Driving—Including Chemical Test (offenses prior to Dec. 1, 2006). G.S. 20-138.5. (6/2015)	J	F
270.25A	Habitual Impaired Driving—Including Chemical Test (offenses after Dec. 1, 2006). G.S. 20-138.5. (6/2015)	J	F
270.30	Driving by a person Less Than 21 Years Old [While] [After] Consuming Alcohol or Drugs. G.S. 20-138.3. (5/1999)	Misd	Misd 2
270.35	Possession of an Open Container of Alcoholic Beverage. G.S. 20-138.7(a1). (6/2014)		Infraction
270.40	Transporting An Open Container of Alcoholic Beverage. G.S. 20-138.7(a). (6/2010)		Misd 2, Misd 3
270.50	Speeding in Excess of [15 mph More Than Speed Limit] [80 mph]. G.S. 20-141(j1). (5/2001)	Misd, Infraction	Misd 2, Infraction
270.51	Driving Too Fast for Conditions. G.S. 20-141(a). (4/2001)	Infraction	Infraction
270.52	Speeding Inside Municipal Corporate Limits—No Limit Posted. G.S. 20-141(b). (3/2001)	Infraction	Infraction
270.53	Exceeding the Posted Speed Limit. G.S. 20-141(d), (e), (f). (4/2001)	Infraction	Infraction
270.54	Misdemeanor Operating a Motor Vehicle to Elude Arrest. G.S. 20-141.5(a). (4/2001)	Misd	Misd 1
270.54A	Felony, Misdemeanor Operating a Motor Vehicle to Elude Arrest. G.S. 20-141.5(a) and (b). (4/2001)		H, Misd 1
270.54B	Operating a Motor Vehicle to Elude Arrest Resulting in Death. G.S. 20-141.5(b1). (6/2006)		H

		Before 10/1/94	On or After 10/1/94
270.54C	Operating a Motor Vehicle to Elude Arrest Accompanied by Aggravating Factors Resulting in Death. G.S. 20-141.5(b1). (6/2006)		E
270.55	Willfully Engaging in a Speed Competition on a Street or Highway. G.S. 20-141.3(b). (3/2001)	Misd	Misd 1
270.56	Willfully Engaging in a Prearranged Speed Competition on a Street or Highway. G.S. 20-141.3(a). (3/2001)	Misd	Misd 2
270.57	Failure to Slow Down. G.S. 20-141(m). (3/2001)		Infraction
270.58	Turning at Intersections. G.S. 20-153. (4/2001)	Infraction	Infraction
270.59	Turning at Intersections—Local Ordinance. G.S. 20-153(c). (4/2001)		
270.60	Unsafe Movement (Starting, Stopping, or Turning). G.S. 20-154. (6/2014)	Infraction	Infraction
270.60A	Unsafe Movement Causing [Property Damage] [Personal Injury] to Motorcycle Operator. G.S. 20-154(a1). (6/2014)		Infraction
270.60B	Unsafe Movement Causing [Property Damage in Excess of Five Thousand (\$5,000) Dollars] [Serious Bodily Injury] to a Motorcycle [Operator] [Passenger]. G.S. 20-154(a1), (a2). (6/2014)		Infraction
270.61	Unsafe Movement (Backing). G.S. 20-154. (6/2012)	Infraction	Infraction
270.61A	Unsafe Movement (Backing) Causing [Property Damage] [Personal Injury] to Motorcycle Operator. G.S. 20-154(a1). (6/2014)		Infraction
270.61B	Unsafe Movement (Backing) Causing [Property Damage in Excess of Five Thousand Dollars (\$5,000)] [Serious Bodily Injury] to a Motorcycle [Operator] [Passenger]. G.S. 20-154(a1), (a2). (6/2014)		Infraction
270.62	Willfully Covering Registration Plate. G.S. 20-63(g). (2/2005)		Misd 2
270.65	Failure to Stop for Blue Light and Siren (Approaching Police Vehicle). G.S. 20-157(a); 20-125. (6/2013)	Misd	Misd 2
270.66	Failure to Stop for Blue Light and Siren (Approaching Law Enforcement Vehicle) Causing Serious Injury or Death to a Law Enforcement Officer, Firefighter, or Other Rescue Worker. G.S. 20-157(a), (i); 20-125. (6/2006)		I
270.67	Failure to Stop for Blue Light and Siren (Approaching Law Enforcement Vehicle) Causing Injury to a Law Enforcement Officer, Firefighter, or Other Rescue Worker. G.S. 20-157(a), (h); 20-125. (6/2006)		Misd 1
270.68	Failure to Stop for Blue Light and Siren (Approaching Law Enforcement Vehicle) Causing Damage to Property in Excess of \$500. G.S. 20-157(a), (h); 20-125. (6/2006)		Misd 1
270.70	Failure to Stop for a Traffic Control Signal. G.S. 20-158(b)(2). (12/2004)	Infraction	Infraction
270.71	Failure to Stop for Flashing Red Light. G.S. 20-158(b)(3). (4/2004)	Infraction	Infraction
270.72	Failure to Stop for Stop Sign. G.S. 20-158(b)(1). (4/2004)	Infraction	Infraction
270.73	Failure to Yield to a Pedestrian. G.S. 20-158(b). (3/2005)		
270.75	Passing Stopped School Bus. G.S. 20-217. (6/2006)	Misd	Misd 2
270.76	Passing Stopped School Bus—Striking a Person Causing Serious Bodily Injury. G.S. 20-217. (6/2010)		I
270.76A	Passing Stopped School Bus—Striking a Person Causing Death. G.S. 20-217. (6/2010)		H

270.77	Unlawful Use of Mobile Phone to [Manually Enter Multiple Letters or Text As a Means of Communicating with Another Person] [Read Any [Electronic Mail] [Text Message] [Transmitted to] [Stored Within] the Device] While Operating a School Bus. (Texting While Operating a School Bus)G.S. 20-137.4(b). (6/2010)		Misd 2
270.80	Reckless Driving—Carelessly and Heedlessly. G.S. 20-140(a). (5/2001)	Misd	Misd 2
270.81	Reckless Driving—Driving to Endanger. G.S. 20-140(b). (5/2001)	Misd	Misd 2
270A.10	Infliction of Serious Bodily Injury by Operation of Aircraft While Impaired (Flying High). G.S. 63-28. (5/2001)	H	F
270A.15	Operation of Aircraft While Impaired (Flying High). G.S. 63-27. (5/2001)	Misd	Misd 1
270A.20	Operating Vessel in Reckless Manner. G.S. 75A-10(a). (6/2008)		Misd 2
270A.25	Operating Vessel While under the Influence of an Impairing Substance. G.S. 75A-10(b1). (6/2008)		Misd 2
270A.30	Improper Vessel Registration. (6/2009)		Misd 3
	Non-Traffic Automobile Offenses.		
271.10	Driving a Motor Vehicle on a Public Highway While License Has Been Suspended or Revoked. G.S. 20-28. (5/2001)	Misd	Misd 1
271.15	Operating a Motor Vehicle in Violation of License Limitation. G.S. 20-7(e). (5/2001)	Misd	Misd 1
271.16	Operating a Motor Vehicle in Violation of a Limited Driving Privilege. G.S. 20-179.3(j). (5/2001)	Misd	Misd 1
271.21	Knowingly Permitting Motor Vehicle to Be Driven by a Person Having No Legal Right to Do So. G.S. 20-34; 20-35. (5/2001)	Misd	Misd 2
271.22	[Driving] Permitting Another to Drive] a Vehicle that [is Not Register] [Does Not Display a Registration Plate]. Misdemeanor. G.S. 20-111(1) (6/2011)		Misd 2
271.23	Sex Offender Driving [commercial passenger vehicle] [school bus]. G.S. 20-27.1. (6/2010)		
271.25	[Receiving] [Transferring] a Stolen Vehicle with Intent to [Procure] [Pass] Title to That Vehicle. G.S. 20-106. (5/2001)	I	H
271.26	Possession of a Stolen Vehicle. G.S. 20-106. (6/2016)	I	H
271.30	Willfully Injuring or Tampering with or Removing Parts from a Vehicle without the Consent of the Owner. G.S. 20-107(a). (5/2001)	Misd	Misd 2
271.31	[Climbing Into] [Attempting to or Setting in Motion] a Vehicle with Intent to Steal, Commit Malicious Injury, etc. G.S. 20-107(b). (5/2001)	Misd	Misd 2
271.34	[Failure] [Refusal] to Surrender to the Division of Motor Vehicles, Upon Demand, Any [Title Certificate] [Registration Card] [Registration Number Plate] Which Has Been [Suspended] [Cancelled] Revoked]. Misdemeanor. G.S. 20-111(4) (6/2011)		Misd. 2
271.35	Alteration or Change of Engine or Other Number on a Vehicle. G.S. 20-109(a)(1). (5/2001)	Misd	I
271.36	Permitting the Alteration or Change of Engine or Other Numbers on a Vehicle. G.S. 20-109(a)(2). (5/2001)	Misd	I

		Before 10/1/94	On or After 10/1/94
271.37	Unlawful Placing or Stamping of a Serial or Other Number upon a Vehicle, Where Such Number Has Not Been Assigned to the Vehicle by the Division of Motor Vehicles. G.S. 20-109(a)(3). (5/2001)	Misd	I
271.38	Knowingly Permitting the Placing or Stamping of a Serial or Motor Number upon a Motor Vehicle by Its Owner, Where the Number Has Not Been Assigned to Such Vehicle by the Division of Motor Vehicles. G.S. 20-109(a)(4). (5/2001)	Misd	I
271.39	Alteration of a Serial or Motor Number Assigned to a Vehicle by the Division of Motor Vehicles with the Intent to Conceal or Misrepresent Its True Identity. G.S. 20-109(b)(1). (5/2001)	I	I
271.40	Permitting by Owner of a Vehicle the Alteration or Use of a Serial or Motor Number Assigned to That Vehicle by the Division of Motor Vehicles with the Intent to Conceal or Misrepresent Its True Identity. G.S. 20-109(b)(2). (5/2001)	I	I
271.41	Unlawful Use of a [Driver's License] [Learner's Permit] [Special Identification Card] Issued by the Division of Motor Vehicles. G.S. 20-30; 20-37.8(b). (2/2000)	-	I
271.42	Possession or Manufacture of Certain Fraudulent Forms of Identification. G.S. 14-100.1. (5/2002)		Misd 1
271.43	Willfully Displaying an Expired [License] [Registration Plate] on a Vehicle Knowing the Same to be Expired. G.S. 20-111(2). Misdemeanor. (6/2011)		Misd 2
271.44	[Displaying] [Causing to be Displayed] [Permitting to be Displayed] a [Registration Card] [Certificate of Title] [Registration Number Plate] that is [Fictitious] [Has Been [Cancelled] [Revoked] [Suspended] [Altered]] Misdemeanor. G.S. 20-111(2). (6/2011)		Misd 2
271.45	Performing [Safety] [Emissions] Inspection Without a License. G.S. 20-138.8. (6/2010)		Misd 3
271.46	[Giving] [Lending] [Borrowing] of a License Plate for the Purpose of Using Same on Some Motor Vehicle Other Than That For Which Issued. Misdemeanor. G.S. 20-111(3). (6/2011)		Misd 3
271.47	Knowingly [Making a False Statement] [Concealing a Material Fact] [Committing Fraud] in Any Application for [the Registration of Any Vehicle] [Certificate of Title] [Renewal] [Duplicate]. G.S. 20-111(5). Misdemeanor. (6/2011)		Misd 1
271.48	Use of a [Name] [Address] that is [False] [Fictitious] in Any Application for [the Registration of Any Vehicle] [Certificate of Title] [Renewal] [Duplicate]. G.S. 20-111(5). (6/2011)		Misd 1
271.49	[Giving] [Lending] [Selling] [Obtaining] a Certificate of Title for the Purpose of Using the Certificate for Any Purpose Other than the [Registration] [Sale] [Other Use in Connection with the Vehicle for which the Certificate was Issued]. G.S. 20-111(6). (6/2011)		Misd 2
271.50	Series—Introduction to Hit and Run Instructions. (1/1997)		
271.50	Felonious Hit and Run with Serious Bodily Injury or Death (Failure to Stop), Including Lesser Offense. G.S. 20-166(a), (c)(2). (6/2011)		H, Misd 1
271.51	Hit and Run with Personal Injury or Death (Failure to Stop or Give Required Information). G.S. 20-166(c), (c1). (6/2009)		Misd 1

271.52	Hit and Run with Serious Bodily Injury or Death (Defendant Stopped but Failed to Give Required Information or Render Assistance). G.S. 20-166(b). (6/2009)		Misd 1
271.53	Hit and Run with Property Damage. G.S. 20-166(c), (c1). (6/2009)	Misd	Misd 1
271.54	Felonious Hit and Run with Injury (Failure to Stop) Including Lesser Offense. G.S. 20-166(a1), (c)(2). (6/2009)		H
271.61	Removal of Vehicle from Scene after Accident Resulting in [Injury] [Death] to Any Person—Driver. G.S. 20-166(a). (6/2006)		F
271.62	Removal of Vehicle from Scene after Accident Resulting in [Damage to Property] [[Injury] [Death] to Any Person of Which the Driver Was Unaware]—Driver. G.S. 20-166(c). (6/2006)		Misd 1
271.66	Failure to Return with the Vehicle after Being Permitted to Remove It from the Scene after an Accident Resulting in [Injury] [Death] to Any Person—Driver. G.S. 20-166(a). (6/2006)		F
271.67	Failure to Return with the Vehicle after Being Permitted to Remove It from the Scene after an Accident Resulting in [Damage to Property] [[Injury] [Death] to Person of Which the Driver Was Unaware]—Driver. G.S. 20-166(c). (6/2006)		Misd 1
271.70	Leaving Scene after Accident Resulting in [Injury] [Death] to Any Person—Passenger. G.S. 20-166.2(a). (6/2006)		H
271.71	Leaving Scene after Accident Resulting in [Damage to Property] [[Injury] [Death] to Person of Which the Passenger was Unaware]—Passenger. G.S. 20-166.2(a). (6/2006)		Misd 1
271.72	Failure to Render Assistance—Passenger. G.S. 20-166.2(b) (6/2006)		Misd 1
271.73	Failure to Stop or Give Required Information after Accident—Passenger. G.S. 20-166.2(b). (6/2006)		Misd 1
271.74	Removal of Vehicle from Scene after Accident Resulting in [Injury] [Death] to Any Person—Passenger. G.S. 20-166.2(a). (6/2006)		H
271.75	Removal of Vehicle from Scene after Accident Resulting in [Damage to Property] [Injury or Death to Person of Which the Passenger Was Unaware]—Passenger. G.S. 20-166.2(a). (6/2006)		Misd 1
271.76	Failure to Return with the Vehicle after Being Permitted to Remove It from the Scene after an Accident Resulting in [Injury] [Death] to Any Person—Passenger. G.S. 20-166.2(a). (6/2006)		H
271.77	Failure to Return with the Vehicle after Being Permitted to Remove It from the Scene after an Accident Resulting in [Damage to Property] [Injury or Death to Person of Which the Passenger was Unaware]—Passenger. G.S. 20-166.2(a). (6/2006)		Misd 1
271.80	Tampering with Ignition Interlock Device—Avoiding or Altering Testing in Operation of a Vehicle (6/2012)		Misd 1
271.81	Tampering with Ignition Interlock Device—Altering Testing Results on Ignition Interlock Device (6/2012)		Misd 1
271.91	Liability Insurance for Motor Vehicles (6/2012)		Misd 1
271.92	Operation of Motor Vehicles Without Financial Responsibility (6/2012)		Misd 1

	Intoxicating Liquors.		
272.10	Possession of Nontaxpaid Alcoholic Beverages. G.S. 18B-101(4), -102. (5/2001)	Misd	Misd 1
272.11	Transporting of Nontaxpaid Alcoholic Beverages. G.S. 18B-101(4), -102. (5/2001)	Misd	Misd 1
272.13	Possession of Nontaxpaid Alcoholic Beverages with Intent to Sell. G.S. 18B-304(b)(3). (5/2002)		Misd 1
272.14	Knowingly Selling or Giving Cigarettes, Cut Tobacco, Cigarette Wrapping Papers, or Smokeless Tobacco to a Person under the Age of 18 Years. G.S. 14-313. (6/2014)	Misd	Misd 2
272.15A	Selling or Giving Fortified Wine, Spirituous Liquor, or Mixed Beverages to a Person Less Than Twenty-One Years. G.S. 18B-302(a)(2). (5/2001)	Misd	Misd 1
272.18	Purchase or Possession of Fortified Wine, Spirituous Liquor or Mixed Beverages by a Person Less Than Twenty-One. G.S. 18B-302(b)(2). (6/2014)	Misd	Misd 1
272.18A	Attempt to Purchase Fortified Wine, Spirituous Liquor, or Mixed Beverages by a Person Less Than Twenty-One Years. G.S. 18B-302(b)(2). (5/2001)	Misd	Misd 2
272.19	Aiding and Abetting an Underage Person to Purchase or Possess Malt Beverages, Unfortified Wine, Fortified Wine, Spirituous Liquor or Mixed Beverages. G.S. 18B-302(c). (5/2001)	Misd	Misd 1,2
272.20	Transportation within Passenger Area of Motor Vehicle of Fortified Wine or Spirituous Liquor in Other Than Manufacturer's Unopened Original Container. G.S. 18B-401(a). (5/2001)	Misd	Misd 3
272.21	Consuming Malt Beverage or Unfortified Wine by the Driver of Motor Vehicle. G.S. 18B-401(a). (5/2001)	Misd	Misd 3
272.21A	Possession of Malt Beverages with the Intent to Sell without Obtaining Permit or License. G.S. 18B-304(a). (5/2002)		Misd 1
272.22	Fraudulent Use of Identification by an Underage Person in Obtaining or Attempting to Obtain Alcoholic Beverage. G.S. 18B-302(e); (b). (5/2001)	Misd	Misd 1 or Infraction
272.25	Consumption of Alcohol by a Person Less Than 19 Years of Age. G.S. 18B-302(b)(3). (6/2014)		Misd 1
272.26	Consumption of Alcohol by Person Greater Than 19 Years of Age but Less Than 21 Years of Age. G.S. 18B-302(i) (6/2014)		Misd 3
272.40	[Manufacturer] [Sale] [Transportation] [Importation] [Furnishing] [Consumption] [Possession] Of Powdered Alcohol. G.S. 18B-102 (6/2016)		
272.60	[Sale] [Offer for Sale] [Introduction Into Commerce in North Carolina] of an E-liquid Container Without Child-Resistant Packaging. G.S. 14-401.18A. (6/2016)		
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273.10	Firelighting or Spotlighting (Taking Deer by Artificial Light). G.S. 113-291.1(b)(2), -130(7), -294(e). (5/2001)	Misd	Misd 1
273.20	Taking a Deer from a Boat. G.S. 113-109(e). (9/2001)	Misd	Misd 1
273.30	Hunting, etc., While License Is Revoked. G.S. 113-300.8. (6/2009)		Misd 1
273.40	[Purchasing] [Possessing] License to Hunt, etc., While License Is Revoked. G.S. 113-300.8. (6/2009)		Misd 1
273.50	Unlawful Hunting with a Firearm on Sunday. G.S. 103-2. (6/2016)		
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274.15	Felonious Misrepresentation in Obtaining Public Assistance— More Than \$400. G.S. 108A-39(b). (9/2001)	I,Misd	I,Misd 1
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280.40	Escape from Imprisonment by Use of a Dangerous Weapon. G.S. 14-258.2. (5/2001)	H	F
280.41	Assault with a Deadly Weapon Inflicting Bodily Injury While Assisting a Prisoner to Escape or Attempt to Escape. G.S. 14-258.2(b). (12/2001)	H	H
280.42	Using a Deadly Weapon in Assisting a Prisoner to Effect His Escape. G.S. 14-258.2. (5/2001)	H	H
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* On or after 12/1/97, Voluntary Manslaughter is a Class D felony.

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A. TABLE OF SECTIONS OF GENERAL STATUTES INVOLVED IN CRIMINAL INSTRUCTIONS.

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VIOLATION OF VALID PROTECTIVE ORDER. MISDEMEANOR.
CRIMINAL VOLUME
REPLACEMENT JUNE 2016
N.C. Gen. Stat. § 50B-4.1(a)

240.50 VIOLATION OF VALID PROTECTIVE ORDER. MISDEMEANOR.

NOTE WELL: N.C. Gen. Stat. § 50B-4.1(f) provides that any person who knowingly violates a valid protective order under N.C. Gen. Stat. § 50B-4.1(a), after having been previously convicted of two offenses under this Chapter, shall be guilty of a felony. See N.C.P.I.—Crim. 240.55.

The defendant has been charged with knowingly violating a valid domestic violence protective order.

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

First, that a valid domestic violence protective order was issued on (name date) in (name court) [pursuant to North Carolina law] [by the courts of another state] [by the court of an Indian tribe].

Second, that the defendant violated the valid domestic violence protective order by (*describe conduct that would constitute a violation of the order*).

And Third, that the defendant did so knowingly¹. (Where a domestic violence protective order has been served on a defendant, you may presume that the defendant knew the specific terms of the domestic violence protective order.)

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant knowingly violated a valid domestic violence protective order, it would be your duty to return a verdict of guilty.² 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 word “knowingly,” as used in statute defining knowing violation of domestic violence protective order (DVPO), means that defendant knew what he was about to do, and, with such knowledge, proceeded to do the act charged. State v. Williams, 226 N.C.

N.C.P.I.—Crim 240.50
VIOLATION OF VALID PROTECTIVE ORDER. MISDEMEANOR.
CRIMINAL VOLUME
REPLACEMENT JUNE 2016
N.C. Gen. Stat. § 50B-4.1(a)

App. 393, 411, 741 S.E.2d 9, 22 (2013) (quoting State v. Aguilar-Ocampo, 219 N.C. App. 417, 427, 724 S.E.2d 117, 125 (2012)).

² See N.C. Gen. Stat. § 50B-4.1(d) for sentence enhancement when violation of protective order is committed in conjunction with the commission of a felony.

N.C.P.I.—Crim 240.51
VIOLATION OF A PROTECTIVE ORDER WHILE IN POSSESSION
OF A DEADLY WEAPON. FELONY.
CRIMINAL VOLUME
REPLACEMENT JUNE 2016
N.C. Gen. Stat. § 50B-4.1(g)

240.51 VIOLATION OF A PROTECTIVE ORDER WHILE IN POSSESSION OF A
DEADLY WEAPON. FELONY.

NOTE WELL: If there is an issue as to whether the weapon used by the Defendant constituted a deadly weapon, the Court should also instruct the jury on the lesser-included misdemeanor offense of violation of a valid protective order not involving a deadly weapon. N.C.P.I.—Crim. 240.50. State v. Edgerton, 234 N.C. App. 412, 759 S.E.2d 669 (2014), reversed, 368 N.C. 32 (2015) (holding that erroneous failure to instruct jury on this lesser-included offense was not plain error).

The defendant has been charged with knowingly violating a domestic violence protective order while in possession of a deadly weapon.

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

First, that a domestic violence protective order had been issued [by a North Carolina court] [by the courts of another state] [by the court of an Indian tribe].

Second, that the defendant knowingly violated the domestic violence protective order by *(describe conduct that would constitute a violation of the order)*.¹ (Where a domestic violence protective order has been served on a defendant, you may presume that the defendant knew the specific terms of the domestic violence protective order.)

And Third, that the defendant violated the domestic violence protective order while in possession of a deadly weapon which was [on or about [his] [her] person] [within close proximity to [his] [her] person]. A deadly weapon is a weapon which is likely to cause death or serious bodily injury.² [(Name object) is a deadly weapon.] [In determining whether (name object) was a deadly weapon, you should consider the nature of (name

N.C.P.I.—Crim 240.51
VIOLATION OF A PROTECTIVE ORDER WHILE IN POSSESSION
OF A DEADLY WEAPON. FELONY.
CRIMINAL VOLUME
REPLACEMENT JUNE 2016
N.C. Gen. Stat. § 50B-4.1(g)

object), the manner in which it was used, and the size and strength of the defendant as compared to the victim.]³

NOTE WELL: If constructive possession of the weapon is an issue, or if an amplified definition of actual possession is needed, the trial judge should refer to N.C.P.I.—Crim. 104.41.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant knowingly violated a domestic violence protective order while in possession of a deadly weapon which was [on or about [his] [her] person] [within close proximity to [his] [her] person], 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 statute provides that a person violates the statute by “failing to stay away from a place or a person, as so directed under the terms of the order.”

2 Certain weapons have been determined “deadly weapons” as a matter of law. Other weapons may be found to be deadly under certain circumstances. Choose the appropriate bracketed statement depending on the circumstances.

3 In the event that there is a dispute as to which weapon was used and one of the weapons is non-deadly as a matter of law, e.g. a real pistol and a toy pistol, state what would not be a deadly weapon.

N.C.P.I.–Crim 240.60
VIOLATION OF PERMANENT CIVIL NO-CONTACT ORDER.
MISDEMEANOR.
CRIMINAL VOLUME
JUNE 2016
N.C. Gen. Stat. § 50D-10

240.60 VIOLATION OF PERMANENT CIVIL NO-CONTACT ORDER.
MISDEMEANOR.

NOTE WELL: N.C. Gen. Stat. § 50D provides that a permanent no-contact order is a permanent injunction for the lifetime of the offender that prohibits any contact by the offender with the victim of the sex offense for which the offender has been convicted.

The defendant has been charged with knowingly violating a permanent civil no-contact order.

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

First, that a permanent civil no-contact order was issued on (name date) in (name court) pursuant to North Carolina law.

Second, that the defendant violated the permanent civil no-contact order by (*describe conduct that would constitute a violation of the order*).

And Third, that while doing so the defendant acted knowingly¹. (Where a permanent civil no-contact order has been served on a defendant, you may presume that the defendant knew the specific terms of the permanent civil no-contact order.)

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant knowingly violated a permanent civil no-contact order by (*describe conduct*), 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.

N.C.P.I.–Crim 240.60
VIOLATION OF PERMANENT CIVIL NO-CONTACT ORDER.
MISDEMEANOR.
CRIMINAL VOLUME
JUNE 2016
N.C. Gen. Stat. § 50D-10

1 The word “knowingly,” as used in the statute defining knowing violation of domestic violence protective order (DVPO), means that defendant knew what he was about to do, and, with such knowledge, proceeded to do the act charged. *State v. Williams*, 226 N.C. App. 393, 411, 741 S.E.2d 9, 22 (2013) (quoting *State v. Aguilar-Ocampo*, 219 N.C. App. 417, 427, 724 S.E.2d 117, 125 (2012)).

N.C.P.I.—Crim 240.80

[EMPLOYEE] [VOLUNTEER] AT A [CARE] [TREATMENT] [HABILITATION] [REHABILITATION] FACILITY OF INDIVIDUALS WITH [MENTAL ILLNESS] [DEVELOPMENTAL DISABILITIES] [SUBSTANCE ABUSE DISORDERS] CAUSES [PAIN] [INJURY] TO A CLIENT OTHER THAN AS PART OF A GENERALLY ACCEPTED [MEDICAL] [THERAPEUTIC] PROCEDURE. MISDEMEANOR.

CRIMINAL VOLUME

JUNE 2016

N.C. Gen. Stat. § 122C-66 (a)

240.80 [EMPLOYEE] [VOLUNTEER] AT A [CARE] [TREATMENT] [HABILITATION] [REHABILITATION] FACILITY OF INDIVIDUALS WITH [MENTAL ILLNESS] [DEVELOPMENTAL DISABILITIES] [SUBSTANCE ABUSE DISORDERS] CAUSES [PAIN] [INJURY] TO A CLIENT OTHER THAN AS PART OF A GENERALLY ACCEPTED [MEDICAL] [THERAPEUTIC] PROCEDURE. MISDEMEANOR.

NOTE WELL: Any employee or volunteer who uses reasonable force to carry out the provisions of G.S. § 122C-60 or to protect himself/herself or others from a violent client does not violate this subsection.

The defendant has been charged with knowingly causing [pain] [injury] to a client other than as a part of a generally accepted [medical] [therapeutic] procedure.¹

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 a(n) [employee] [volunteer] at (name facility), a facility whose primary purpose is to provide services for the [care] [treatment] [habilitation] [rehabilitation] of individuals with [mental illness] [developmental disabilities] [substance abuse disorders].

Second, that (name victim) was a client at (name facility).

And Third, that the defendant knowingly caused [pain] [injury] to (name victim), other than as part of a generally accepted [medical] [therapeutic] procedure.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant was a(n) [employee] [volunteer] at (name facility), a facility where the primary purpose is to provide services

N.C.P.I.—Crim 240.80

[EMPLOYEE] [VOLUNTEER] AT A [CARE] [TREATMENT] [HABILITATION]
[REHABILITATION] FACILITY OF INDIVIDUALS WITH [MENTAL ILLNESS]
[DEVELOPMENTAL DISABILITIES] [SUBSTANCE ABUSE DISORDERS]
CAUSES [PAIN] [INJURY] TO A CLIENT OTHER THAN AS PART OF A
GENERALLY ACCEPTED [MEDICAL] [THERAPEUTIC] PROCEDURE.
MISDEMEANOR.

CRIMINAL VOLUME

JUNE 2016

N.C. Gen. Stat. § 122C-66 (a)

for the [care] [treatment] [habilitation] [rehabilitation] of individuals with
[mental illness] [developmental disabilities] [substance abuse disorders],
that (name victim) was a client at (name facility), and that the defendant
knowingly caused [pain] [injury] to (name victim), other than as part of a
generally accepted [medical] [therapeutic] procedure, 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.

1 This provision is effective for offenses committed on or after December 1, 2015.

N.C.P.I.—Crim 240.82

[EMPLOYEE] [VOLUNTEER] AT A FACILITY WHO [BORROWS] [TAKES]
PERSONAL PROPERTY FROM A CLIENT. MISDEMEANOR.

CRIMINAL VOLUME

JUNE 2016

N.C. Gen. Stat. § 122C-66 (a)(1)

240.82 [EMPLOYEE] [VOLUNTEER] AT A FACILITY WHO [BORROWS] [TAKES]
PERSONAL PROPERTY FROM A CLIENT. MISDEMEANOR.

NOTE WELL: Any employee or volunteer who uses reasonable force to carry out the provisions of G.S. § 122C-60 or to protect himself/herself or others from a violent client does not violate this subsection.

The defendant has been charged with [borrowing] [taking] personal property from a client. ¹

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 a(n) [employee] [volunteer] at (name facility), a facility whose primary purpose is to provide services for the [care] [treatment] [habilitation] [rehabilitation] of individuals with [mental illness] [developmental disabilities] [substance abuse disorders].

Second, that the alleged victim was a client at (name facility).

And Third, that the defendant [borrowed] [took] the personal property of (name victim), a client at (name facility).

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant was a(n) [employee] [volunteer] at (name facility), a facility whose primary purpose is to provide services for the [care] [treatment] [habilitation] [rehabilitation] of individuals with [mental illness] [developmental disabilities] [substance abuse disorders], and that (name victim) was a client at (name facility), and that the defendant [borrowed] [took] personal property of (name victim), a client at (name 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.

N.C.P.I.—Crim 240.82

[EMPLOYEE] [VOLUNTEER] AT A FACILITY WHO [BORROWS] [TAKES]
PERSONAL PROPERTY FROM A CLIENT. MISDEMEANOR.

CRIMINAL VOLUME

JUNE 2016

N.C. Gen. Stat. § 122C-66 (a)(1)

-
- 1 This provision is effective for offense committed on or after December 1, 2015.

N.C.P.I.—Crim 240.84

[EMPLOYEE] [VOLUNTEER] AT A FACILITY FAILED TO REPORT VIOLATIONS OF CLIENT ABUSE. MISDEMEANOR.

CRIMINAL VOLUME

JUNE 2016

N.C. Gen. Stat. § 122C-66 (b)

240.84 [EMPLOYEE] [VOLUNTEER] AT A FACILITY FAILED TO REPORT VIOLATIONS OF CLIENT ABUSE MISDEMEANOR.

The defendant has been charged with failing to report that defendant [witnessed] [had knowledge of] a(n) [employee] [volunteer] who, other than as part of generally accepted [medical] [therapeutic] procedure, knowingly caused [pain] [injury] to a client.¹

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 a(n) [employee] [volunteer] at (name facility), a facility whose primary purpose is to provide services for the [care] [treatment] [habilitation] [rehabilitation] of individuals with [mental illness] [developmental disabilities] [substance abuse disorders].

Second, that the defendant [witnessed] [had knowledge of] a(n) [employee] [volunteer] who, other than as part of generally accepted [medical] [therapeutic] procedure, knowingly caused [pain] [injury] to a client².

And Third, that the defendant failed to report³ that defendant [witnessed] [had knowledge of] a(n) [employee] [volunteer] who knowingly caused [pain] [injury] to a client, other than as part of generally accepted [medical] [therapeutic] procedure, to (name person), who was an authorized personnel designated by the facility to receive reports of employee and volunteer violations.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant was a(n) [employee]

N.C.P.I.—Crim 240.84

[EMPLOYEE] [VOLUNTEER] AT A FACILITY FAILED TO REPORT VIOLATIONS OF CLIENT ABUSE. MISDEMEANOR.

CRIMINAL VOLUME

JUNE 2016

N.C. Gen. Stat. § 122C-66 (b)

[volunteer] at (name facility), a facility whose primary purpose is to provide services for the [care] [treatment] [habilitation] [rehabilitation] of individuals with [mental illness] [developmental disabilities] [substance abuse disorders], and that the defendant failed to report that the defendant [witnessed] [had knowledge of a(n)] [employee] [volunteer] who knowingly caused [pain] [injury] to a client, other than as part of a generally accepted [medical] [therapeutic] procedure, to (name person), who was an authorized personnel designated by the facility to receive reports of employee and volunteer violations, then 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.

1 This provision is effective for offenses committed on or after December 1, 2015.

2 Any employee or volunteer who uses reasonable force to carry out the provisions of G.S. § 122C-60 or to protect himself or others from a violent client does not violate this subsection.

3 N.C. Gen. Stat. § 122C-66(b) states “[n]o employee making a report may be threatened or harassed by any other employee or volunteer on account of the report.”

N.C.P.I.—Crim 240.86
[EMPLOYEE] [VOLUNTEER] AT A FACILITY FAILED TO REPORT
VIOLATIONS OF [BORROWING] [TAKING] CLIENT PROPERTY.
MISDEMEANOR.
CRIMINAL VOLUME
JUNE 2016
N.C. Gen. Stat. § 122C-66(a1)-(b)

240.86 [EMPLOYEE] [VOLUNTEER] AT A FACILITY FAILED TO REPORT
VIOLATIONS OF [BORROWING] [TAKING] CLIENT PROPERTY.
MISDEMEANOR.

The defendant has been charged with failing to report that defendant [witnessed] [had knowledge of] a(n) [employee] [volunteer] who had [borrowed] [taken] personal property from a client.¹

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 a(n) [employee] [volunteer] at (name facility), a facility whose primary purpose is to provide services for the [care] [treatment] [habilitation] [rehabilitation] of individuals with [mental illness] [developmental disabilities] [substance abuse disorders].

Second, that the defendant [witnessed] [had knowledge of] a(n) [employee] [volunteer] who [borrowed] [took] personal property from a client.

And Third, that the defendant failed to report² that defendant [witnessed] [had knowledge of] a(n) [employee] [volunteer] who [borrowed] [took] personal property from a client, to (name person), an authorized personnel designated by the facility to receive reports of employee and volunteer violations.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant was a(n) [employee]

N.C.P.I.—Crim 240.86

[EMPLOYEE] [VOLUNTEER] AT A FACILITY FAILED TO REPORT VIOLATIONS OF [BORROWING] [TAKING] CLIENT PROPERTY. MISDEMEANOR.

CRIMINAL VOLUME

JUNE 2016

N.C. Gen. Stat. § 122C-66(a1)-(b)

[volunteer] at (name facility), a facility whose primary purpose is to provide services for the [care] [treatment] [habilitation] [rehabilitation] of individuals with [mental illness] [developmental disabilities] [substance abuse disorders], and that the defendant failed to report that the defendant [witnessed] [had knowledge of] a(n) [employee] [volunteer] who [borrowed] [took] personal property of a client], to (name person), who was an authorized personnel designated by the facility to receive reports of employee and volunteer violations, then 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.

1 This provision is effective for offense committed on or after December 1, 2015.

2 N.C. Gen. Stat. § 122C-66(b) states “[n]o employee making a report may be threatened or harassed by any other employee or volunteer on account of the report.”

N.C.P.I.—Crim 240.88

[EMPLOYEE] [VOLUNTEER] AT A FACILITY FAILED TO REPORT ACCIDENTAL INJURY TO A CLIENT. MISDEMEANOR.

CRIMINAL VOLUME

JUNE 2016

N.C. Gen. Stat. § 122C-66(b)

240.88 [EMPLOYEE] [VOLUNTEER] AT A FACILITY FAILED TO REPORT ACCIDENTAL INJURY TO A CLIENT. MISDEMEANOR.

The defendant has been charged with failing to report that defendant [witnessed] [had knowledge of] an accidental injury to a client.¹

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 a(n) [employee] [volunteer] at (name facility), a facility whose primary purpose is to provide services for the [care] [treatment] [habilitation] [rehabilitation] of individuals with [mental illness] [developmental disabilities] [substance abuse disorders].

Second, that the defendant [witnessed] [had knowledge of] an accidental injury to a client².

And Third, that the defendant failed to report³ that defendant [witnessed] [had knowledge of] an accidental injury to a client, to (name person), who was an authorized person designated by the facility to receive reports of employee and volunteer violations.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant was a(n) [employee] [volunteer] at (name facility), a facility whose primary purpose is to provide services for the [care] [treatment] [habilitation] [rehabilitation] of individuals with [mental illness] [developmental disabilities] [substance abuse disorders], and that the defendant failed to report that the defendant [witnessed] [had knowledge of] an accidental injury to a client, to (name person), who was an authorized personnel designated by the facility to receive reports of employee and volunteer violations, then 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

N.C.P.I.—Crim 240.88

[EMPLOYEE] [VOLUNTEER] AT A FACILITY FAILED TO REPORT ACCIDENTAL INJURY TO A CLIENT. MISDEMEANOR.

CRIMINAL VOLUME

JUNE 2016

N.C. Gen. Stat. § 122C-66(b)

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

1 This provision is effective for offense committed on or after December 1, 2015.

2 Any employee or volunteer who uses reasonable force to carry out the provisions of N.C. Gen. Stat. § 122C-60 or to protect himself or others from a violent client does not violate this subsection.

3 N.C. Gen. Stat. § 122C-66(b) states “[n]o employee making a report may be threatened or harassed by any other employee or volunteer on account of the report.”

N.C.P.I.—Crim 254A.11
POSSESSION OF A FIREARM OR WEAPON OF MASS DEATH AND
DESTRUCTION BY A FELON. FELONY.
CRIMINAL VOLUME
REPLACEMENT JUNE 2016
N.C. Gen. Stat. § 14-415.1

254A.11 POSSESSION¹ OF A FIREARM OR WEAPON OF MASS DEATH AND
DESTRUCTION BY A FELON. FELONY.

NOTE WELL: Prior offenses which cause disenfranchisement under N.C. Gen. Stat. § 14-415.1(b) include felony convictions in North Carolina and also convictions of substantially similar offenses under the laws of any other state or of the United States which are punishable where committed by imprisonment for a term exceeding one year.

NOTE WELL: Effective February 1, 2011, this section does not apply to a person whose firearms rights have been restored under N.C. Gen. Stat. § 14-415.4 pursuant to the judicial procedure described therein, unless the person is convicted of a subsequent felony after the petition to restore the person's firearms rights is granted. Also effective February 1, 2011, this section does not apply if the felony conviction is a violation under the laws of North Carolina, another state, or the United States that pertains to crimes involving antitrust violations, unfair trade practices, or restraints of trade.

The defendant has been charged with [possessing] [owning] [purchasing] [[having within defendant's [custody] [care] [control]] a [firearm]² [weapon of mass death and destruction]³ after having been convicted⁴ of a felony.

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

First, that on (*name date*) in (*name court*) the defendant [was convicted of] [pled guilty to] the felony of (*name felony*) that was committed on (*name date*) in violation of the laws of the [State of North Carolina] [State of (*name other state*)] [United States].

And Second, that after (*name date from the first element as alleged in the indictment*)⁵, the defendant [possessed]⁶ [owned] [purchased] [[had within defendant's [custody] [care] [control]] a [firearm] [weapon of mass

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 POSSESSION OF A FIREARM OR WEAPON OF MASS DEATH AND
 DESTRUCTION BY A FELON. FELONY.
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death and destruction]⁷.

If you find from the evidence beyond a reasonable doubt that the defendant [was convicted of] [pled guilty to] the felony of (*name felony*) that was committed on (*name date*) in violation of the laws of the [State of North Carolina] [State of (*name other state*)] [United States], and that the defendant, after (*name date* from the first element alleged in the indictment), [possessed] [owned] [purchased] [[had within defendant's [custody] [care] [control]]] a [firearm] [weapon of mass death and destruction], 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 both of these things, it would be your duty to return a verdict of not guilty.

1 The statute also covers purchasing, owning, or having a firearm or such weapon in his custody, care or control.

2 A firearm is any weapon, including a starter gun, which will or is designed to or may readily be converted to expel a projectile by the action of an explosive, or its frame or receiver, or any firearm muffler or firearm silencer. This statute does not apply to an antique firearm as defined in N.C. Gen. Stat. § 14-409.11.

3 The term "weapon of mass death and destruction" includes:

- (1) Any explosive or incendiary:
 - a. Bomb; or
 - b. Grenade; or
 - c. Rocket having a propellant charge of more than four ounces; or
 - d. Missile having an explosive or incendiary charge of more than one-quarter ounce; or
 - e. Mine; or
 - f. Device similar to any of the devices described above; or
- (2) Any type of weapon (other than a shotgun or a shotgun shell of a type particularly suitable for sporting purposes) which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter; or
- (3) Any firearm capable of fully automatic fire, any shotgun with a barrel or barrels of less than 18 inches in length or an overall length of less than 26 inches, any rifle with a barrel or barrels of less than 16 inches in length or an overall length of less than 26 inches, any muffler or silencer for any firearm, whether or not such firearm is included within this definition. For the purposes of this section, rifle is defined as a weapon designed or redesigned, made or

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POSSESSION OF A FIREARM OR WEAPON OF MASS DEATH AND
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remade, and intended to be fired from the shoulder; or

- (4) Any combination of parts either designed or intended for use in converting any device into any weapon described above and from which a weapon of mass death and destruction may readily be assembled.

4 The term "conviction" is defined as a final judgment in any case in which felony punishment, or imprisonment for a term exceeding one year, as the case may be, is permissible, without regard to the plea entered or to the sentence imposed. See N.C. Gen. Stat. § 14-415.1(b).

5 See *State v. Howard*, ___ N.C. App. ___, 780 S.E.2d 599 (2015).

6 The meaning of "possession" is explained in N.C.P.I.—Crim 104.41. The trial judge should refer to this instruction for a definition of actual possession, and also when constructive possession is an issue.

7 The Court of Appeals explained, "[c]onsistent with the precedent from this Court, we assume without deciding, that the *Deleveaux* rationale applies in North Carolina prosecutions for possession of a firearm by felon." *State v. Edwards*, ___ N.C. App. ___, 768 S.E.2d 619 (2015) (citing *State v. Monroe*, ___ N.C. App. ___, ___, 756 S.E.2d 376, 380 (2014)). "The test in *Deleveaux* requires a criminal defendant to produce evidence of the following to be entitled to an instruction on justification as a defense to a charge of possession of a firearm by felon: (1) that the defendant was under unlawful and present, imminent, and impending threat of death or serious bodily injury; (2) that the defendant did not negligently or recklessly place himself in a situation where he would be forced to engage in criminal conduct; (3) that the defendant had no reasonable legal alternative to violating the law; and (4) that there was a direct causal relationship between the criminal action and the avoidance of the threatened harm." *State v. Edwards*, ___ N.C. App. ___, 768 S.E. 2d 619 (2015) (citing *United States v. Deleveaux*, 205 F.3d 1292, 1297 (11th Cir. 2000)).

N.C.P.I.—Crim 259.50
ATTEMPT TO [EVADE] [DEFEAT] TAX. FELONY
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N.C. Gen. Stat. § 105-236 (a)(7).

259.50 ATTEMPT TO [EVADE] [DEFEAT] TAX. FELONY.

The defendant has been charged with attempting to [evade] [defeat] a tax payment.

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

First, that the defendant had a North Carolina tax liability for the calendar year (*describe calendar year, e.g., 2015*). The State is not required to prove the exact amount the defendant owes or that all of the tax due was evaded. It is sufficient that the state prove that some amount of tax was defeated or evaded.

And Second, that the defendant willfully¹ [attempted]² [[aided and abetted a person]]³ to [evade] [defeat] a tax payment.⁴

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant had a North Carolina tax liability for the calendar year (*describe calendar year*) and willfully [attempted] [[aided and abetted a person]] to [evade] [defeat] a tax payment, 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 both of these things, then it would be your duty to return a verdict of not guilty.

1 To act willfully in this context is "a voluntary, intentional violation of a known legal duty." See *Cheek v. United States*, 498 U.S. 192, 200, 111 S. Ct. 604, 610, 112 L. Ed. 2d 617, 629 (1991).

2 See N.C.P.I.-Crim. 201.10 for the general attempt instruction.

3 See N.C.P.I.-Crim. 202.20 for the aiding and abetting instruction.

4 If there is evidence that the defendant believed in "good faith" that no tax was owed, this may negate the required *mens rea* of willfulness, and therefore provide an

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affirmative defense. The trial court shall provide an instruction on “good faith” belief if such an instruction is supported by the evidence. See *State v. Davis*, 96 N.C. App. 545, 554, 386 S.E.2d 743, 748 (1989) (finding that the trial court is required to inform the jury that, while a good-faith misunderstanding of the law may negate willfulness, a good-faith disagreement with the law does not) (citing *U.S. v. Kraeger*, 711 F.2d 7 (2nd Cir. 1983).

N.C.P.I.—Crim 259.51
WILLFUL FAILURE TO [COLLECT] [WITHHOLD] [PAY OVER] TAX.
MISDEMEANOR.
CRIMINAL VOLUME
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N.C. Gen. Stat. § 105-236 (a)(8)

259.51 WILLFUL FAILURE TO [COLLECT] [WITHHOLD] [PAY OVER] TAX.
MISDEMEANOR.

The defendant has been charged with the willful failure to [[collect] [withhold] [account for] a tax]] [pay collected taxes] for (*describe time period*).¹

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 required to [[collect] [withhold] [account for] a tax]] [pay collected taxes] for (*describe time period*);

Second, that the defendant willfully² failed to [[collect] [withhold] [truthfully account for] a tax]].

And Third, that the defendant failed to pay these collected taxes.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant was required to [[collect] [withhold] [account for] a tax] [pay collected taxes] for (*describe time period*), that the defendant willfully failed to [[collect] [truthfully account for] a tax], and that defendant failed to pay these collected taxes, 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.

1 N.C. Gen. Stat. § 105-236(a)(8) states "Notwithstanding any other provision of law, no prosecution for a violation brought under this subdivision shall be barred before the expiration of six years after the date of the violation."

2 To act willfully in this context is "a voluntary, intentional violation of a known legal duty." See *Cheek v. United States*, 498 U.S. 192, 200, 111 S. Ct. 604, 610, 112 L. Ed. 2d 617, 629 (1991).

N.C.P.I.—Crim 259.52
WILLFUL FAILURE TO [MAKE A RETURN] [SUPPLY INFORMATION]
[PAY TAX]. MISDEMEANOR.
CRIMINAL VOLUME
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N.C. Gen. Stat. § 105-236 (a)(9)

259.52 WILLFUL FAILURE TO [FILE RETURN] [SUPPLY INFORMATION] [PAY TAX]. MISDEMEANOR.

The defendant has been charged with the willful failure to [file a return] [supply information] [keep any records] [pay tax] required under the Revenue Code of North Carolina.¹

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

First, that the defendant was required under the Revenue Code of North Carolina [to pay tax] [to file a return] [to keep records] [to supply any information] for (*describe time period*);

And Second, that the defendant willfully² failed to [pay the tax] [file the return] [keep the records] [supply the information] required by the Revenue Code of North Carolina at the time(s) required by law, or rules issued pursuant thereto.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant was required [to pay tax] [to file a return] [to keep records] [to supply any information] for (*describe time period*), and that the defendant willfully failed to [pay the tax] [file the return] [keep the records] [supply the information] required by the Revenue Code of North Carolina at the time(s) required by law, or rules issued pursuant thereto, 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 both of these things, then it would be your duty to return a verdict of not guilty.

¹ A person willfully fails to make a North Carolina Individual Income Tax Return if

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WILLFUL FAILURE TO [MAKE A RETURN] [SUPPLY INFORMATION]

[PAY TAX]. MISDEMEANOR.

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that person willfully fails to supply information contained on that North Carolina return to the North Carolina Department of Revenue.

2 To act willfully in this context is "a voluntary, intentional violation of a known legal duty." See *Cheek v. United States*, 498 U.S. 192, 200, 111 S. Ct. 604, 610, 112 L. Ed. 2d 617, 629 (1991).

N.C.P.I.—Crim 259.53

[AIDING] [ASSISTING] [PROCURING] [COUNSELING] [ADVISING] IN THE [PREPARATION] [PRESENTATION] [FILING] OF A [FRAUDULENT] [FALSE] TAX DOCUMENT BY A TAX RETURN PREPARER. FELONY.

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N.C. Gen. Stat. § 105-236 (a)(9a)

259.53 [AIDING] [ASSISTING] [PROCURING] [COUNSELING] [ADVISING] IN THE [PREPARATION] [PRESENTATION] [FILING] OF A [FRAUDULENT] [FALSE] TAX DOCUMENT BY A TAX RETURN PREPARER. FELONY.

The defendant has been charged with willfully¹ [aiding] [assisting] [procuring] [counseling] [advising] the [preparation] [presentation] [filing] of a [fraudulent] [false] tax document.

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

First, that the defendant pursuant to or in connection with the revenue laws willfully [aided] [assisted in] [procured] [counseled] [advised] the [preparation] [presentation] [filing] of a(n) [return] [affidavit] [claim] [(*describe other document*)];

Second, that the defendant knew this document was [fraudulent] [false] as to any material matter, whether or not the [falsity] [fraud] was with the [knowledge] [consent] of the person [authorized] [required] to [present] [[file the [return] [affidavit] [claim] [(*describe other document*)]]];

Third, that the defendant was an income tax return preparer²;

And Fourth, that the amount of all taxes evaded on returns filed in the taxable year (*describe taxable year, e.g. 2015*) was [one hundred thousand dollars (\$100,000) or more] [less than one hundred thousand dollars (\$100,000)]³.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant pursuant to or in connection with the revenue laws willfully [aided] [assisted in] [procured] [counseled] [advised]

N.C.P.I.—Crim 259.53

[AIDING] [ASSISTING] [PROCURING] [COUNSELING] [ADVISING] IN THE [PREPARATION] [PRESENTATION] [FILING] OF A [FRAUDULENT] [FALSE] TAX DOCUMENT BY A TAX RETURN PREPARER. FELONY.

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the [preparation] [presentation] [filing] of a(n) [return] [affidavit] [claim] [(*describe other document*)], that the defendant knew this document was [fraudulent] [false] as to any material matter, whether or not the [falsity] [fraud] was with the [knowledge] [consent] of the person [authorized] [required] to [present] [[file the [return] [affidavit] [claim] [(*describe other document*)]]], that the defendant was an income tax return preparer, and that the amount of all taxes evaded on returns filed in the taxable year (*describe taxable year*) was [one hundred thousand dollars (\$100,000) or more] [less than one hundred thousand dollars (\$100,000)], 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.⁴

1 To act willfully in this context is “a voluntary, intentional violation of a known legal duty.” See *Cheek v. United States*, 498 U.S. 192, 200, 111 S. Ct. 604, 610, 112 L. Ed. 2d 617, 629 (1991).

2 N.C. Gen. Stat. § 105-228.90(b)(4) defines an income tax return preparer as “any person who prepares for compensation, or who employs one or more person to prepare for compensation, any return of tax imposed by or any claim for refund of tax imposed by Article 4 of this Chapter.” For purposes of this definition, the completion of a substantial portion of a return or claim for refund is treated as the preparation of the return or claim for refund.

3 If there is a dispute as to the amount involved, then the jury would first be instructed on the offense involving \$100,000 or more, and then would be instructed on the lesser included offense involving less than \$100,000.

4 If an instruction on the lesser-included offense is required, then this last phrase would be amended to read: “. . . you would not return a verdict of guilty of evading taxes in the amount of one hundred thousand dollars (\$100,000) or more, but would consider whether the defendant is guilty of evading taxes in an amount less than one hundred thousand dollars (\$100,000).”

N.C.P.I.—Crim 259.53A

[AIDING] [ASSISTING] [PROCURING] [COUNSELING] [ADVISING]
IN THE [PREPARATION] [PRESENTATION] [FILING] OF A [FRAUDULENT]
[FALSE] TAX DOCUMENT BY ANY PERSON OTHER THAN A TAX RETURN
PREPARER. FELONY.

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N.C. Gen. Stat. § 105-236 (a)(9a)

259.53A [AIDING] [ASSISTING] [PROCURING] [COUNSELING] [ADVISING]
IN THE [PREPARATION] [PRESENTATION] [FILING] OF A [FRAUDULENT]
[FALSE] TAX DOCUMENT BY ANY PERSON OTHER THAN A TAX RETURN
PREPARER. FELONY.

The defendant has been charged with willfully¹ [aiding] [assisting]
[procuring] [counseling] [advising] the [preparation] [presentation] [filing]
of a [fraudulent] [false] tax document.

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

First, that the defendant pursuant to or in connection with the revenue
laws willfully [aided] [assisted in] [procured] [counseled] [advised] the
[preparation] [presentation] [filing] of a(n) [return] [affidavit] [claim]
[(*describe other document*)];

And Second, that the defendant knew this document was [fraudulent]
[false] as to any material matter, whether or not the [falsity] [fraud] was
with the [knowledge] [consent] of the person [authorized] [required] to
[present] [[file the [return] [affidavit] [claim] [(*describe other document*)]]];

If you find from the evidence beyond a reasonable doubt that on or
about the alleged date the defendant pursuant to or in connection with the
revenue laws willfully [aided] [assisted in] [procured] [counseled] [advised]
the [preparation] [presentation] [filing] of a(n) [return] [affidavit] [claim]
[(*describe other document*)], and that the defendant knew this document
was [fraudulent] [false] as to any material matter, whether or not the
[falsity] [fraud] was with the [knowledge] [consent] of the person

N.C.P.I.—Crim 259.53A

[AIDING] [ASSISTING] [PROCURING] [COUNSELING] [ADVISING]
IN THE [PREPARATION] [PRESENTATION] [FILING] OF A [FRAUDULENT]
[FALSE] TAX DOCUMENT BY ANY PERSON OTHER THAN A TAX RETURN
PREPARER. FELONY.

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[authorized] [required] to [present] [[file the [return] [affidavit] [claim]
[(*describe other document*)]], 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 both of
these things, then it would be your duty to return a verdict of not guilty.

1 To act willfully in this context is "a voluntary, intentional violation of a known legal duty." See *Cheek v. United States*, 498 U.S. 192, 200, 111 S. Ct. 604, 610, 112 L. Ed. 2d 617, 629 (1991).

N.C.P.I.—Crim 259.90

MEMBER OF A [COUNTY] [CITY] INSPECTION DEPARTMENT WHO WILLFULLY [FAILS TO PERFORM DUTIES] [IMPROPERLY [ISSUES PERMIT] [GIVES CERTIFICATE OF COMPLIANCE WITHOUT FIRST MAKING THE REQUIRED INSPECTIONS BY LAW] [IMPROPERLY GIVES A CERTIFICATE OF COMPLIANCE]. MISDEMEANOR.

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N.C. Gen. Stat. §§ 153A-356; 160A-416

259.90 MEMBER OF A [COUNTY] [CITY] INSPECTION DEPARTMENT WHO WILLFULLY [FAILS TO PERFORM DUTIES] [IMPROPERLY [ISSUES PERMIT] [GIVES CERTIFICATE OF COMPLIANCE WITHOUT FIRST MAKING THE REQUIRED INSPECTIONS BY LAW] [IMPROPERLY GIVES A CERTIFICATE OF COMPLIANCE]. MISDEMEANOR.

NOTE WELL: A member of the inspection department shall not be in violation of this section when the city or county, its inspection department, or one of the inspectors accepted a signed written document of compliance with the North Carolina State Building Code or the North Carolina Residential Code for One- and Two-Family Dwellings from a licensed architect or licensed engineer in accordance with N.C. Gen. Stat. §§ 160A-412(c);153A-352(c).

The defendant has been charged with being a member¹ of a [county] [city] inspection department who willfully [failed to perform duties required of employee by law] [improperly issued a permit] [gave a certificate of compliance without first making the required inspections] [improperly gave a certificate of compliance].

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

First, that defendant is a member of [name county] [name city] inspection department.

Second, that defendant [failed to perform duties required of employee by law] [improperly issued a permit] [gave a certificate of compliance without first making the required inspections] [improperly gave a certificate of compliance].

N.C.P.I.—Crim 259.90

MEMBER OF A [COUNTY] [CITY] INSPECTION DEPARTMENT WHO WILLFULLY [FAILS TO PERFORM DUTIES] [IMPROPERLY [ISSUES PERMIT] [GIVES CERTIFICATE OF COMPLIANCE WITHOUT FIRST MAKING THE REQUIRED INSPECTIONS BY LAW] [IMPROPERLY GIVES A CERTIFICATE OF COMPLIANCE]. MISDEMEANOR.

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N.C. Gen. Stat. §§ 153A-356; 160A-416

And Third, that the defendant did so willfully².

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant, as a member of [county] [state] inspection department, willfully [failed to perform duties required of employee by law] [improperly issued a permit] [gave a certificate of compliance without first making the required inspections] [improperly gave a certificate of compliance], 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 A person is considered a "member" if that person is an employee of a county or city inspection department.

2 "The word 'willfully' means something more than an intention to commit the offense. It implies committing the offense purposely and designedly in violation of law." See State v. Stephenson, 218 N.C. 258, 264, 10 S.E.2d 819, 823 (1940).

N.C.P.I.—Crim 259.95
ILLEGAL OPERATION OF AMUSEMENT DEVICES CAUSING [DEATH]
[SERIOUS INJURY]. FELONY.
JUNE 2016
N.C. Gen. Stat. § 95-111.13

259.95 ILLEGAL OPERATION OF AMUSEMENT DEVICES CAUSING
[DEATH] [SERIOUS INJURY]. FELONY.

NOTE WELL: A person who willfully violates any provision of Article 14B of Chapter 95 of the General Statutes, which includes the illegal operation of an amusement device, and the violation causes serious injury to or death of any person is guilty of a Class E felony, which must include a fine. See N.C. Gen. Stat § 95-113.13(j).

The defendant has been charged with the illegal operation of an amusement device¹ causing [the death of] [serious injury to] a person.

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

First, that the defendant

- a. [operated (an) amusement device(s) without certificate of operation];
- b. [operated (an) amusement device(s) after [defendant was refused a certificate of operation] [a certificate of operation was revoked];
- c. [knowingly permitted the operation of (an) amusement device(s) in violation of operator requirements pursuant to the Amusement Device Safety Act of North Carolina]²;
- d. [operated (an) [unsafe amusement device³] [amusement device(s) while impaired]].

And Second, that the defendant's operation of (an) amusement device(s) caused [the death of] [serious injury to] a person.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant [operated (an) amusement

N.C.P.I.—Crim 259.95

ILLEGAL OPERATION OF AMUSEMENT DEVICES CAUSING [DEATH]
[SERIOUS INJURY]. FELONY.

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device(s) without certificate of operation]; [operated (an) amusement device(s) after [defendant was refused a certificate of operation] [a certificate of operation was revoked]]; [knowingly permitted the operation of (an) amusement device(s) in violation of operator requirements pursuant to the Amusement Device Safety Act of North Carolina]; [operated (an) [unsafe amusement device(s)⁴] [amusement device(s) while impaired]], and that defendant's operation of (an) amusement device(s) caused [the death of] [serious injury to] a person, then it would be your duty to return a verdict of guilty. If you do not so find, or have reasonable doubt as to one or both of these things, then it would be your duty to return a verdict of not guilty.

1 "Amusement device" is defined as any mechanical or structural device or attraction that carries or conveys or permits persons to walk along, around or over a fixed or restricted route or course or within a defined area including the entrances and exits thereto, for the purpose of giving such persons amusement, pleasure, thrills or excitement. For list of devices that are excluded from this statute, see N.C. Gen. Stat § 95-111.3(a).

2 See N.C. Gen. Stat. § 95-111.10(d)

3 See N.C. Gen. Stat § 95-111.9

4 See N.C. Gen. Stat § 95-111.9

N.C.P.I.—Crim 260.17

DRUG TRAFFICKING—POSSESSION (MARIJUANA, METHAQUALONE, COCAINE, AMPHETAMINE, METHAMPHETAMINE, OPIUM OR HEROIN, LYSERGIC ACID DIETHYLAMIDE, METHYLENEDIOXYAMPHETAMINE, METHYLENEDIOXYMETHAMPHETAMINE, METHYLENEDIOXYPYROVALERONE, MEPHEDRONE, OR SYNTHETIC CANNABINOID). FELONY.

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N.C. Gen. Stat. § 90-95 (H)

 260.17 DRUG TRAFFICKING—POSSESSION (MARIJUANA, METHAQUALONE, COCAINE, AMPHETAMINE, METHAMPHETAMINE, OPIUM OR HEROIN, LYSERGIC ACID DIETHYLAMIDE, METHYLENEDIOXYAMPHETAMINE, METHYLENEDIOXYMETHAMPHETAMINE, METHYLENEDIOXYPYROVALERONE, MEPHEDRONE, OR SYNTHETIC CANNABINOID). FELONY.

The defendant has been charged with trafficking in [marijuana¹] [methaqualone] [cocaine] [[amphetamine] [any mixture containing amphetamine]]² [[methamphetamine] [any mixture containing methamphetamine]]³ [opium] [heroin] [lysergic acid diethylamide (LSD)] [methylenedioxyamphetamine (MDA)] [methylenedioxymethamphetamine (MDMA)] [methylenedioxypyrovalerone (MDPV)] [mephedrone] [synthetic cannabinoid], which is the unlawful possession of (*state amount*)⁴ of (*name substance*).

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

First, that the defendant knowingly⁵ possessed [marijuana] [methaqualone] [cocaine] [[amphetamine] [any mixture containing amphetamine]] [[methamphetamine] [any mixture containing methamphetamine]] [opium] [heroin] [LSD] [MDA] [MDMA] [MDPV] [mephedrone] [synthetic cannabinoid].⁶ A person possesses (*name controlled substance*) if the person is aware of its presence and has (either by oneself or together with others) both the power and intent to control the disposition or use of that substance.

NOTE WELL: If constructive possession of the controlled substance is an issue, or if an amplified definition of possession is needed, the trial judge should refer to N.C.P.I.—Crim. 104.41 for further instructions.

N.C.P.I.—Crim 260.17

DRUG TRAFFICKING—POSSESSION (MARIJUANA, METHAQUALONE, COCAINE, AMPHETAMINE, METHAMPHETAMINE, OPIUM OR HEROIN, LYSERGIC ACID DIETHYLAMIDE, METHYLENEDIOXYAMPHETAMINE, METHYLENEDIOXYMETHAMPHETAMINE, METHYLENEDIOXYPYROVALERONE, MEPHEDRONE, OR SYNTHETIC CANNABINOID). FELONY.

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N.C. Gen. Stat. § 90-95 (H)

NOTE WELL: Where the state seeks to establish the exact amount of the controlled substance involved, this exact amount may be inserted. Where the exact amount is at issue, the judge should instruct on the appropriate range of amounts under the statute. Care should be used in explaining the applicable range. See State v. Charles, 669 S.E.2d 859 (N.C. App. 2008) (holding that the court's instruction did not constitute plain error where the court instructed the jury that the amount trafficked by the defendant was "between 10 and 50 pounds", although the statute provided that the amount be "in excess of 10 pounds but less than 50 pounds"; there was no evidence that the weight was 10 pounds.)

And Second, that the amount of (*name controlled substance*) which the defendant possessed was (*state amount*)⁷.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant knowingly possessed (*name controlled substance*) and that the amount which the defendant possessed was (*state amount*), 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 both of these things, it would be your duty to return a verdict of not guilty.⁸

1 If the controlled substance is marijuana, see N.C. Gen. Stat. §90-87(16). The term marijuana does not include industrial hemp, as defined in N.C. Gen. Stat. § 106-568.51, when the industrial hemp is produced and used in compliance with rules issued by the Board of Agriculture upon the recommendation of the North Carolina Industrial Hemp Commission.

2 For offenses occurring on or after September 1, 2009, the charge of trafficking in amphetamine is based on the weight of the entire powder or liquid mixture rather than the weight of the actual amount of amphetamine in the powder or liquid mixture. See N.C. Gen. Stat. § 90-95(h)(3b).

3 For offenses occurring on or after September 1, 2009, the charge of trafficking in methamphetamine is based on the weight of the entire powder or liquid mixture rather than the weight of the actual amount of methamphetamine in the powder or liquid mixture. See N.C. Gen. Stat. § 90-95(h)(3b).

N.C.P.I.—Crim 260.17

DRUG TRAFFICKING—POSSESSION (MARIJUANA, METHAQUALONE, COCAINE, AMPHETAMINE, METHAMPHETAMINE, OPIUM OR HEROIN, LYSERGIC ACID DIETHYLAMIDE, METHYLENEDIOXYAMPHETAMINE, METHYLENEDIOXYMETHAMPHETAMINE, METHYLENEDIOXYPYROVALERONE, MEPHEDRONE, OR SYNTHETIC CANNABINOID). FELONY.

REPLACEMENT JUNE 2016

N.C. Gen. Stat. § 90-95 (H)

4 The range of amounts set out in each subsection of N.C. Gen. Stat. § 90-95(h) is given in the following chart. The trial judge should consult the statute directly for the range of punishment under each subsection.

Chart of Range of Amounts found in attached PDF

5 If the defendant contends that the defendant did not know the true identity of what the defendant possessed, add this language to the first sentence: "and the defendant knew that what the defendant possessed was (name substance)."

S. v. Boone, 310 N.C. 284, 291 (1984). In a proper case in determining the amount it is not required that the substance be included in only one container, and in determining the weight the statute has the words "any mixture containing such substance." N.C. Gen. Stat. § 90-95(h).

6 Prior to searching a person, a person's premises, or a person's vehicle, an officer may ask the person whether the person is in possession of a hypodermic needle or other sharp object that may cut or puncture the officer or whether such a hypodermic needle or other sharp object is on the premises or in the vehicle to be searched. If there is a hypodermic needle or other sharp object on the person, on the person's premises, or in the person's vehicle and the person alerts the officer of that fact prior to the search, the person shall not be charged with or prosecuted for possession of drug paraphernalia for the needle or sharp object. The exemption under this subsection does not apply to any other drug paraphernalia that may be present and found during the search. For purposes of this subsection, the term "officer" includes "criminal justice officers" as defined in N.C. Gen. Stat. § 17C-2(3) and "justice officer" as defined in N.C. Gen. Stat. § 17E-2(3).

7 The state is not required to prove that the defendant had knowledge of the weight or amount of the controlled substance the defendant knowingly possessed; only that the defendant knowingly possessed the controlled substance. *State v. Shelman*, 159 N.C. App. 300, 584 S.E.2d 88 (2003).

8 If there is to be instruction on lesser included offenses, the last phrase should be: ". . . you will not return a verdict of guilty of trafficking in (name controlled substance)."

DRUG TRAFFICKING—MANUFACTURING (MARIJUANA, METHAQUALONE, COCAINE, AMPHETAMINE, METHAMPHETAMINE, OPIUM OR HEROIN, LYSERGIC ACID DIETHYLAMIDE, METHYLENEDIOXYAMPHETAMINE, METHYLENEDIOXYMETHAMPHETAMINE, METHYLENEDIOXYPYROVALERONE, MEPHEDRONE, OR SYNTHETIC CANNABINOID). FELONY.

REPLACEMENT JUNE 2016

N.C. Gen. Stat. § 90-95 (H)

 260.20A DRUG TRAFFICKING—MANUFACTURING (MARIJUANA, METHAQUALONE, COCAINE, AMPHETAMINE, METHAMPHETAMINE, OPIUM OR HEROIN, LYSERGIC ACID DIETHYLAMIDE, METHYLENEDIOXYAMPHETAMINE, METHYLENEDIOXYMETHAMPHETAMINE, METHYLENEDIOXYPYROVALERONE, MEPHEDRONE, OR SYNTHETIC CANNABINOID). FELONY.

The defendant has been charged with trafficking in [marijuana¹] [methaqualone] [cocaine] [[amphetamine] [any mixture containing amphetamine]]² [[methamphetamine] [any mixture containing methamphetamine]]³ [opium] [heroin] [lysergic acid diethylamide (LSD)] [methylenedioxyamphetamine (MDA)] [methylenedioxymethamphetamine (MDMA)] [methylenedioxypropylvalerone (MDPV)] [mephedrone] [synthetic cannabinoid], which is the unlawful manufacturing of (*state amount*) of (*name controlled substance*).

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

First, that the defendant manufactured [marijuana] [methaqualone] [cocaine] [[amphetamine] [any mixture containing amphetamine]] [[methamphetamine] [any mixture containing methamphetamine]] [opium] [heroin] [LSD] [MDA] [MDMA] [MDPV] [mephedrone] [synthetic cannabinoid]. (Describe manner in which manufacturing was done, *e.g.*, growing, chemically compounding⁴ (*name controlled substance*) would be manufacture of (*name controlled substance*).

And Second, that the amount of (*name controlled substance*) which the defendant manufactured was (*state amount*)⁵.

DRUG TRAFFICKING—MANUFACTURING (MARIJUANA, METHAQUALONE, COCAINE, AMPHETAMINE, METHAMPHETAMINE, OPIUM OR HEROIN, LYSERGIC ACID DIETHYLAMIDE, METHYLENEDIOXYAMPHETAMINE, METHYLENEDIOXYMETHAMPHETAMINE, METHYLENEDIOXYPYROVALERONE, MEPHEDRONE, OR SYNTHETIC CANNABINOID). FELONY.

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If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant manufactured (*name controlled substance*) by (*describe manner of manufacturing*) it, and that the amount which the defendant manufactured was (*state amount*), 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 both of these things, it would be your duty to return a verdict of not guilty.⁶

1 If the controlled substance is marijuana, see N.C. Gen. Stat. §90-87(16). The term marijuana does not include industrial hemp, as defined in N.C. Gen. Stat. § 106-568.51, when the industrial hemp is produced and used in compliance with rules issued by the Board of Agriculture upon the recommendation of the North Carolina Industrial Hemp Commission.

2 For offenses occurring on or after September 1, 2009, the charge of trafficking in amphetamine is based on the weight of the entire powder or liquid mixture rather than the weight of the actual amount of amphetamine in the powder or liquid mixture. See N.C. Gen. Stat. § 90-95(h)(3b).

3 For offenses occurring on or after September 1, 2009, the charge of trafficking in methamphetamine is based on the weight of the entire powder or liquid mixture rather than the weight of the actual amount of methamphetamine in the powder or liquid mixture. See N.C. Gen. Stat. § 90-95(h)(3b).

4 "Manufacture" is defined by N.C. Gen. Stat. § 90-87(15). It includes producing, preparing, propagating, compounding, converting or processing a controlled substance, either by extraction from substances of natural origin or by chemical synthesis. Also included are packaging or repackaging and labeling or relabeling of the container of a controlled substance.

5 The range of amounts set out in each subsection of N.C. Gen. Stat. § 90-95(h) is given in note one of N.C.P.I.—Crim. 260.17. The trial judge should consult the statute directly for the range of punishment under each subsection.

Where the state seeks to establish the exact amount of the controlled substance involved, this exact amount may be inserted. Where the exact amount is at issue, the judge should instruct on the appropriate range of amounts under the statute. Care should be used in explaining the applicable range. See *State v. Charles*, 669 S.E.2d 859 (N.C. App. 2008) (holding that the court's instruction did not constitute plain error where the court instructed

DRUG TRAFFICKING—MANUFACTURING (MARIJUANA, METHAQUALONE, COCAINE, AMPHETAMINE, METHAMPHETAMINE, OPIUM OR HEROIN, LYSERGIC ACID DIETHYLAMIDE, METHYLENEDIOXYAMPHETAMINE, METHYLENEDIOXYMETHAMPHETAMINE, METHYLENEDIOXYPYROVALERONE, MEPHEDRONE, OR SYNTHETIC CANNABINOID). FELONY.

REPLACEMENT JUNE 2016

N.C. Gen. Stat. § 90-95 (H)

the jury that the amount trafficked by the defendant was “between 10 and 50 pounds”, although the statute provided that the amount be “in excess of 10 pounds but less than 50 pounds”; there was no evidence that the weight was 10 pounds.)

6. If there is to be instruction on lesser included offenses, the last phrase should be: “...you will not return a verdict of guilty of trafficking in (*name controlled substance*). See *State v. McCain*, 713 S.E.2d 21, 24 (N.C. Ct. App. 2011) (“possession with the intent to manufacture cocaine is not a lesser included offense of trafficking in cocaine.”)

N.C.P.I.—Crim 260.30

DRUG TRAFFICKING—TRANSPORTATION (MARIJUANA, METHAQUALONE, COCAINE, AMPHETAMINE, METHAMPHETAMINE, OPIUM OR HEROIN, LYSERGIC ACID DIETHYLAMIDE, METHYLENEDIOXYAMPHETAMINE, METHYLENEDIOXYMETHAMPHETAMINE, METHYLENEDIOXYPYROVALERONE, MEPHEDRONE, OR SYNTHETIC CANNABINOID). FELONY.

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N.C. Gen. Stat. § 90-95(h)

260.30 DRUG TRAFFICKING—TRANSPORTATION (MARIJUANA, METHAQUALONE, COCAINE, AMPHETAMINE, METHAMPHETAMINE, OPIUM OR HEROIN, LYSERGIC ACID DIETHYLAMIDE, METHYLENEDIOXYAMPHETAMINE, METHYLENEDIOXYMETHAMPHETAMINE, METHYLENEDIOXYPYROVALERONE, MEPHEDRONE, OR SYNTHETIC CANNABINOID). FELONY.

The defendant has been charged with trafficking in [marijuana¹] [methaqualone] [cocaine] [[amphetamine] [any mixture containing amphetamine]]² [[methamphetamine] [any mixture containing methamphetamine]]³ [opium] [heroin] [lysergic acid diethylamide (LSD)] [methylemedioxyamphetamine (MDA)] [methylenedioxyamphetamine (MDMA)] [methylenedioxypropylamphetamine (MDPV)] [mephedrone] [synthetic cannabinoid], which is the unlawful transportation of (*state amount*)⁴ of (*name controlled substance*).

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

First, that the defendant knowingly⁵ transported [marijuana] [methaqualone] [cocaine] [[amphetamine] [any mixture containing amphetamine]] [[methamphetamine] [any mixture containing methamphetamine]] [opium] [heroin] [LSD] [MDA] [MDMA] [MDPV] [mephedrone] [synthetic cannabinoid] from one place to another.⁶

And Second, that the amount of (*name controlled substance*) which the defendant transported was (*state amount*).^{7 8}

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant knowingly transported (*name*

N.C.P.I.—Crim 260.30

DRUG TRAFFICKING—TRANSPORTATION (MARIJUANA, METHAQUALONE, COCAINE, AMPHETAMINE, METHAMPHETAMINE, OPIUM OR HEROIN, LYSERGIC ACID DIETHYLAMIDE, METHYLENEDIOXYAMPHETAMINE, METHYLENEDIOXYMETHAMPHETAMINE, METHYLENEDIOXYPYROVALERONE, MEPHEDRONE, OR SYNTHETIC CANNABINOID). FELONY.

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N.C. Gen. Stat. § 90-95(h)

controlled substance), from one place to another and that the amount which the defendant transported was (*state amount*), 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 both of these things, it would be your duty to return a verdict of not guilty.⁹

1 If the controlled substance is marijuana, see N.C. Gen. Stat. §90-87(16). The term marijuana does not include industrial hemp, as defined in N.C. Gen. Stat. § 106-568.51, when the industrial hemp is produced and used in compliance with rules issued by the Board of Agriculture upon the recommendation of the North Carolina Industrial Hemp Commission.

2 For offenses occurring on or after September 1, 2009, the charge of trafficking in amphetamine is based on the weight of the entire powder or liquid mixture rather than the weight of the actual amount of amphetamine in the powder or liquid mixture. See N.C. Gen. Stat. § 90-95(h)(3b).

3 For offenses occurring on or after September 1, 2009, the charge of trafficking in methamphetamine is based on the weight of the entire powder or liquid mixture rather than the weight of the actual amount of methamphetamine in the powder or liquid mixture. See N.C. Gen. Stat. § 90-95(h)(3b).

4 The range of amounts set out in each subsection of N.C. Gen. Stat. § 90-95(h) is given in note one of N.C.P.I.-Crim. 260.17. The trial judge should consult the statute directly for the range of punishment under each subsection.

5 If the defendant contends that the defendant did not know the true identity of what the defendant transported, add this language to the first sentence: "and the defendant knew what the defendant transported was (*name substance*)."
 See *S. v. Boone*, 310 N.C. 284, 291 (1984).

6 If the defendant contends there is not "substantial movement" to constitute transportation, see *S. v. Greenridge*, 102 N.C. App. 447 (1991); *S. v. Outlaw*, 96 N.C. App. 192 (1989).

7 The state is not required to prove that the defendant had knowledge of the weight or amount of the controlled substance *the defendant* knowingly transported, only that *the defendant* knowingly transported the controlled substance. *State v. Shelman*, 159 N.C. App. 300 (2003).

8 Where the state may seek to establish the exact amount of the controlled substance involved, this exact amount may be inserted. Where the exact amount is at issue, the judge may instruct on the appropriate range of amounts under the statute. Care

N.C.P.I.—Crim 260.30

DRUG TRAFFICKING—TRANSPORTATION (MARIJUANA, METHAQUALONE, COCAINE, AMPHETAMINE, METHAMPHETAMINE, OPIUM OR HEROIN, LYSERGIC ACID DIETHYLAMIDE, METHYLENEDIOXYAMPHETAMINE, METHYLENEDIOXYMETHAMPHETAMINE, METHYLENEDIOXYPYROVALERONE, MEPHEDRONE, OR SYNTHETIC CANNABINOID). FELONY.

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should be used in explaining the applicable range. *See State v. Charles*, 669 S.E.2d 859 (N.C. App. 2008) (holding that the court's instruction did not constitute plain error where the court instructed the jury that the amount trafficked by the defendant was "between 10 and 50 pounds", although the statute provided that the amount be "in excess of 10 pounds but less than 50 pounds"; there was no evidence that the weight was 10 pounds.)

9 If there is to be instruction on lesser included offenses, the last phrase should be: "...you will not return a verdict of guilty of trafficking in (*name controlled substance*)."

POSSESSION OF A PSEUDOEPHEDRINE PRODUCT WITH PRIOR CONVICTION FOR THE [[POSSESSION] WITH INTENT TO [SELL] [DELIVER]] [TRAFFICKING] [MANUFACTURE OF] A [METHAMPHETAMINE] [IMMEDIATE PRECURSOR CHEMICAL]. FELONY.

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N.C. Gen. Stat. § 90-95(d1)(1)(c)

261.55 POSSESSION OF A PSEUDOEPHEDRINE PRODUCT WITH PRIOR CONVICTION FOR THE [[POSSESSION] WITH INTENT TO [SELL] [DELIVER]] [TRAFFICKING] [MANUFACTURE OF] A [METHAMPHETAMINE] [IMMEDIATE PRECURSOR CHEMICAL]. FELONY.

NOTE WELL: See N.C. Gen. Stat. § 15A-928 for provisions regarding indictment, bifurcated trial, verdict, and judgment.

The defendant has been charged with the possession of a pseudoephedrine product with a prior conviction for the [[possession] with the intent to [sell] [deliver]] [trafficking] [manufacture of] a [methamphetamine] [immediate precursor chemical¹].

For you to find the defendant guilty of this offense², the State must prove two things beyond a reasonable doubt:

First, that the defendant on (name date) possessed a pseudoephedrine product.

And Second, on (name date) in (name court) the defendant [was convicted of] [pled guilty to] [[possession] with intent to [sell] [deliver]] [trafficking] [manufacture of] a [methamphetamine] [immediate precursor chemical] in violation of the law of the [State of North Carolina] [State of (name state)] [United States].

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant possessed a pseudoephedrine product and had a prior conviction for the [[possession] with intent to [sell] [deliver]] [trafficking] [manufacture of] [methamphetamine] [immediate precursor chemical], then 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 both of these

POSSESSION OF A PSEUDOEPHEDRINE PRODUCT WITH PRIOR
CONVICTION FOR THE [[POSSESSION] WITH INTENT TO [SELL] [DELIVER]]
[TRAFFICKING] [MANUFACTURE OF] A [METHAMPHETAMINE] [IMMEDIATE
PRECURSOR CHEMICAL]. FELONY.
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N.C. Gen. Stat. § 90-95(d1)(1)(c)

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

1 N.C. Gen. Stat. § 90-95(d2) lists those immediate precursor chemicals to which subsection (d1) applies.

2 This instruction applies to offenses committed on or after December 1, 2015.

N.C.P.I.—Crim 270.15
AGGRAVATING FACTORS FOR IMPAIRED DRIVING.
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N.C. Gen. Stat. § 20-179

270.15 AGGRAVATING FACTORS FOR IMPAIRED DRIVING.

(This document has an attachment. See Instruction References.)

NOTE WELL: In a 2005 decision, the North Carolina Supreme Court concluded that any fact that increases the penalty for a crime beyond the prescribed presumptive range, other than the fact of a prior conviction, must be submitted to a jury and proved beyond a reasonable doubt. See State v. Speight, 359 N.C. 602 (1 July 2005), modifying and affirming, 602 S.E.2d 4 (N.C. Ct. App. 2004). In 2006, the General Assembly amended N.C. Gen. Stat. § 20-179 (Session Law 2006-253). This amendment made the statute largely conform to the Speight decision; however, there are some differences which are explained in Note Wells below.

The court has several options on how to proceed, including adding the aggravating factor as an element of the offense, bifurcating the proceeding, or in the absence of the jury arraigining the defendant upon the special indictment or information and advising him that he may admit the aggravating factor alleged, deny it, or remain silent. For procedural guidance, see, e.g., N.C. Gen. Stat. § 15A-928. In the event the defendant admits the aggravating factor(s), a record of the plea should be made and preserved. See N.C. Gen. Stat. § 15A-1026.

In the event you find (have found) the defendant guilty of impaired driving, you must then consider and answer the following question:

Do you find from the evidence beyond a reasonable doubt the existence of the following aggravating factor(s)?

NOTE WELL: Submit to the jury the aggravating factors supported by the evidence. N.C. Gen. Stat. § 20-179(c). Some of these aggravating factors are self-explanatory and require no further definition. If a factor requires additional explanation, relevant pattern jury instructions, such as the capital sentencing instruction, may be consulted.

The factors listed in N.C. Gen. Stat. § 20-179(c)(1)(a) and (c)(1)(b) are not included below, because the statute specifically notes that "whether a prior conviction exists under subdivision (1) of the subsection shall be a matter to be determined by the

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judge, and not the jury.” See also State v. Allen, 359 N.C. 425 (1 July 2005), modifying and affirming, 601 S.E.2d 299 (N.C. Ct. App. 2004); Blakely v. Washington, 124 S. Ct. 2531 (2004).

- (01) At the time of the offense, the defendant's license was revoked pursuant to N.C. Gen. Stat. § 20-28(a1) because of [impaired driving] [violating an ignition interlock restriction].^{1 2}
- (02) There was serious injury to another person caused by the defendant's impaired driving at the time of the offense.
- (03) At the time of the offense, the defendant was driving while a [child under the age of eighteen years] [a person with the mental development of a child under the age of eighteen years] [a person with a physical disability preventing unaided exit from the vehicle] was in the vehicle.

NOTE WELL: The factors listed in (01) through (03) above are grossly aggravating factors. Pursuant to N.C. Gen. Stat. § 20-179(c), the court must impose the Level One punishment under N.C. Gen. Stat. § 20-179(g) if the jury determines that (3) above or two other grossly aggravating factors apply. The court must impose the Level Two punishment under N.C. Gen. Stat. § 20-179(h) if the jury does not find (3) above and determines that only one of the grossly aggravating factors applies. In imposing a Level One or Two punishment, the judge may consider the aggravating and mitigating factors in N.C. Gen. Stat. § 20-179(d), (e) in determining the appropriate sentence.

NOTE WELL: Below are listed additional aggravating factors. Submit to the jury the aggravating factors supported by the evidence. N.C. Gen. Stat. § 20-179(d). In contrast to N.C. Gen. Stat. § 20-179(c)(1)(a) and (c)(1)(b), subsection (d) of the statute does not specifically provide that prior convictions should be determined by the judge. Accordingly, the factor listed in N.C. Gen. Stat. § 20-179(d)(5), dealing with prior convictions, is included as (09) below. While it is certainly acceptable to have the jury determine the factor, it would seem that a judge could also determine the existence of this factor, given the treatment of prior convictions in subsection (c) and recent case law. See

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State v. Allen, 359 N.C. 425 (1 July 2005), modifying and affirming, 601 S.E.2d 299 (N.C. Ct. App. 2004); Blakely v. Washington, 124 S. Ct. 2531 (2004). See also State v. Speight, 359 N.C. 602 (1 July 2005), modifying and affirming, 602 S.E.2d 4 (N.C. Ct. App. 2004).

NOTE WELL: For aggravating factors (04), and (06) through (12) below, N.C. Gen. Stat. § 20-179 specifically provides that "the conduct constituting the aggravating factor shall occur during the same transaction or occurrence as the impaired driving offense." The instruction's reference to "at the time of the offense" should be suitable for most circumstances, but can be amended if necessary to fit the circumstances of a particular case.

- (04) At the time of the offense, the defendant's faculties were grossly impaired while driving.
- (05) The defendant had an alcohol concentration of .16 or more at the time of the offense or within a relevant time of the driving involved in this offense.
- (06) At the time of the offense, the defendant was driving especially [recklessly] [dangerously].
- (07) At the time of the offense, the defendant's negligent driving led to a reportable accident.³
- (08) At the time of the offense, the defendant was driving while defendant's driver's license was revoked.⁴
- (09) The defendant has [two or more prior convictions of a motor vehicle offense not involving impaired driving for which at least three points are assigned under N.C. Gen. Stat. § 20-16 or for which the convicted person's license is subject to revocation, if the convictions occurred within five years of the date of the offense for which the defendant is being sentenced] [one or more prior convictions of an offense

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involving impaired driving that occurred more than seven years before the date of the offense for which the defendant is being sentenced].

- (10) The defendant was convicted under N.C. Gen. Stat. § 20-141.5 for speeding while [fleeing] [attempting to elude apprehension] at the time of the offense.
- (11) The defendant was convicted under N.C. Gen. Stat. § 20-141 for speeding by at least 30 miles per hour over the legal limit at the time of the offense.
- (12) At the time of the offense, the defendant was passing a stopped school bus in violation of N.C. Gen. Stat. § 20-217.

NOTE WELL: If alleged in the indictment and supported by the evidence, N.C. Gen. Stat. § 20-179(d)(9) provides for the allegation of additional factors that aggravate the seriousness of the offense.

NOTE WELL: If the jury finds the existence of the aggravating factors listed in (04) through (12), the judge must consider whether any mitigating factors are present and, if so, then perform the weighing and balancing contemplated in N.C. Gen. Stat. § 20-179.

If you find from the evidence beyond a reasonable doubt that (insert aggravating factor(s) supported by the evidence), then you will write "yes" in the space after the(se) aggravating factor(s) on the verdict sheet. If you have found the existence of (one or more of) the aggravating factor(s) and have written "yes" in the space after the(se) aggravating factor(s), then you will also answer Issue One "yes" and write "yes" in the space after Issue One on the verdict sheet.

Verdict Sheet found in attached PDF.

N.C.P.I.—Crim 270.15
AGGRAVATING FACTORS FOR IMPAIRED DRIVING.
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N.C. Gen. Stat. § 20-179

1 For the requirements of proving revocation and knowledge, see N.C.P.I. 271.10. See *also* N.C. Gen. Stat. § § 20-28 and 20-28.2(a).

2 Because of the nature of the aggravating factor alleged, the proceeding may have to be bifurcated.

3 See N.C. Gen. Stat. § 20-4.01 for a definition of a reportable accident.

4 Because of the nature of the aggravating factor alleged, the proceeding may have to be bifurcated.

N.C.P.I.—Crim. 270.15A
AGGRAVATING FACTORS FOR IMPAIRED DRIVING. VERDICT FORM.
JUNE 2016
N.C. Gen. Stat. § 20-179

STATE OF NORTH CAROLINA
IN THE GENERAL COURT OF JUSTICE
COUNTY OF _____
SUPERIOR COURT DIVISION

FILE NO.

Verdict Sheet

STATE OF NORTH CAROLINA

vs.

Defendant

Issue One:

Do you find from the evidence beyond a reasonable doubt the existence of the following aggravating factor(s)?

Answer: _____

Before you answer the question above, consider (each of) the following aggravating factor(s). If you find beyond a reasonable doubt that a (the) factor exists, you would write "yes" in the space after that factor. If you write "yes" in (one or more of) the following space(s), then you would write "yes" in the space after the question above.

NOTE WELL: Modify verdict sheet and submit to the jury only the aggravating factors supported by the evidence. N.C. Gen Stat § 20-179(c).

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AGGRAVATING FACTORS FOR IMPAIRED DRIVING. VERDICT FORM.
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(01) At the time of the offense, the defendant's license was revoked pursuant to N.C. Gen. Stat. § 20-28(a1) because of [impaired driving] [violating an ignition interlock restriction].

Answer: _____

(02) There was serious injury to another person caused by the defendant's impaired driving at the time of the offense.

Answer: _____

(03) At the time of the offense, the defendant was driving while a [child under the age of eighteen years] [a person with the mental development of a child under the age of eighteen years] [a person with a physical disability preventing unaided exit from the vehicle] was in the vehicle.

Answer: _____

(04) At the time of the offense, the defendant's faculties were grossly impaired while driving.

Answer: _____

(05) The defendant had an alcohol concentration of .16 or more at the time of the offense or within a relevant time of the driving involved in this offense.

Answer: _____

(06) At the time of the offense, the defendant was driving especially [recklessly] [dangerously].

Answer: _____

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(07) At the time of the offense, the defendant's negligent driving led to a reportable accident.

Answer: _____

(08) At the time of the offense, the defendant was driving while the defendant's driver's license was revoked.

Answer: _____

(09) The defendant has [two or more prior convictions of a motor vehicle offense not involving impaired driving for which at least three points are assigned under N.C. Gen Stat § 20-16 or for which the convicted person's license is subject to revocation, if the convictions occurred within five years of the date of the offense for which the defendant is being sentenced] [one or more prior convictions of an offense involving impaired driving that occurred more than seven years before the date of the offense for which the defendant is being sentenced].

Answer: _____

(10) The defendant was convicted under N.C. Gen Stat § 20-141.5 for speeding while [fleeing] [attempting to elude apprehension] at the time of the offense.

Answer: _____

(11) The defendant was convicted under N.C. Gen Stat § 20-141 for speeding by at least 30 miles per hour over the legal limit at the time of the offense.

Answer: _____

N.C.P.I.—Crim. 270.15A
AGGRAVATING FACTORS FOR IMPAIRED DRIVING. VERDICT FORM.
JUNE 2016
N.C. Gen. Stat. § 20-179

(12) At the time of the offense, the defendant was passing a stopped school bus in violation of N.C. Gen Stat § 20-217.

Answer: _____

(13) At the time of the offense, the defendant was (list any other factor alleged in the indictment and supported by the evidence that aggravates the seriousness of the offense).

Answer: _____

This the ____ day of _____, _____.

Foreperson

IMPAIRED DRIVING. MISDEMEANOR. (OFFENSES OCCURRING ON
OR AFTER DECEMBER 1, 2006.)
REPLACEMENT JUNE 2016
N.C. Gen. Stat. § 20-138.1

270.20A IMPAIRED DRIVING. MISDEMEANOR.

NOTE WELL: This instruction is to be used for offenses occurring on or after December 1, 2006. For offenses occurring before December 1, 2006, use N.C.P.I.—Crim. 270.20. This instruction is also to be used when the defendant is charged with habitual impaired driving and admits previous conviction(s) under N.C. Gen. Stat. § 20-138.1 (or an equivalent statute from another jurisdiction). See N.C. Gen. Stat. § 15A-928.

The defendant has been charged with impaired driving.

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 driving¹ a vehicle.²

Second, that the defendant was driving that vehicle upon a [highway] [street] [public vehicular area] within the state.³

And Third, that at the time the defendant was driving that vehicle, the defendant:

NOTE WELL: If the evidence supports submission of the case under alternatives (A) (B) and (C), instructions on each alternative should be given⁴.

- a. [Was under the influence of an impairing substance. (*Name substance involved*) is an impairing substance.⁵ The defendant is under the influence of an impairing substance when the defendant has taken (or consumed) a sufficient quantity of that impairing substance to cause the defendant to lose the normal control of the defendant's bodily or mental faculties, or both, to such an extent that there is an appreciable impairment of either or both of these faculties.⁶]
- b. [Had consumed sufficient alcohol that at any relevant time after

IMPAIRED DRIVING. MISDEMEANOR. (OFFENSES OCCURRING ON
OR AFTER DECEMBER 1, 2006.)
REPLACEMENT JUNE 2016
N.C. Gen. Stat. § 20-138.1

the driving the defendant had an alcohol concentration⁷ of 0.08 or more grams of alcohol [per 210 liters of breath] [per 100 milliliters of blood]. A relevant time is any time after the driving that the driver still has in the body alcohol consumed before or during the driving].⁸ The results of a chemical analysis are deemed sufficient evidence to prove a person's alcohol concentration.⁹

- c. [Had any amount of [a Schedule I control substance] [metabolites of a Schedule I controlled substance] in the defendant's blood or urine]. (*Name substance*) is a Schedule I control substance or is a metabolite¹⁰ of a Schedule I control substance.].¹¹

(If the evidence tends to show that [a chemical test known as a(n) [intoxilizer] [breathalyzer] [blood test] [urine test]¹² was offered to the defendant by a law enforcement officer and that the defendant refused to take the test] (or) [the defendant refused to perform a field sobriety test at the request of an officer], you may consider this evidence together with all other evidence in determining whether the defendant was under the influence of an impairing substance at the time the defendant (allegedly) drove a motor vehicle.)¹³

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant drove a vehicle on a [highway] [street] (or) [public vehicular area] in this state and that when doing so the defendant [was under the influence of an impairing substance] [had consumed sufficient alcohol that at any relevant time after the driving the defendant had an alcohol concentration of 0.08 or more] [had any amount of [a Schedule I controlled substance] [metabolites of a Schedule I controlled substance] in the defendant's [blood] [urine] [breath], it would be your duty

IMPAIRED DRIVING. MISDEMEANOR. (OFFENSES OCCURRING ON
OR AFTER DECEMBER 1, 2006.)
REPLACEMENT JUNE 2016
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to return a verdict of guilty. If you do not so find or have a reasonable doubt as one or more of these things, it would be your duty to return a verdict of not guilty.

1 N.C. Gen. Stat. § 20-4.01 defines the driver as the operator of a vehicle.

2 If there is any doubt, define "vehicle" under N.C. Gen. Stat. § 20-4.01(49), or "motor vehicle" under N.C. Gen. Stat. § 20-4.01(23). The Safe Roads Act of 1983 makes this offense applicable to drivers of vehicles owned or operated by the State or any political subdivision thereof while engaged in maintenance or construction work on the highways. N.C. Gen. Stat. § 20-168(b). Effective December 1, 2006, lawnmowers and bicycles are no longer exempt. Horses remain exempt.

3 If there is any doubt, define "highway" or "street" in accordance with N.C. Gen. Stat. § 20-4.01(13). "Public vehicular area" is defined in N.C. Gen. Stat. § 20-4.01(32).

4 See *State v. Godwin*, ___ N.C. App., 786 S.E.2d 34(2016) (concluded that the trial court did not err in denying defendant's request for jury instructions concerning Intoximeter results and rejecting defendant's argument that by instructing the jury using N.C.P.I.- Crim. 270.20A, the trial court impressed upon the jury that it could not consider evidence showing that the defendant was not impaired).

5 An impairing substance includes alcohol, controlled substance under Chapter 90 of the General Statutes, or any other drug or psychoactive substance capable of impairing a person's physical or mental faculties, or any combination of these substances. N.C. Gen. Stat. § 20-4.01(14a).

6 N.C. Gen. Stat. § 20-4.01(48a).

7 N.C. Gen. Stat. § 20-4.01(0.2) defines alcohol concentration as "the concentration of alcohol in a person, expressed either as (a) grams of alcohol per 100 milliliters of blood; or (b) grams of alcohol per 210 liters of breath."

8 N.C. Gen. Stat. § 20-4.01(33a).

9 The term "deemed sufficient" is not defined in N.C. Gen. Stat. § 20.138.1 or N.C. Gen. Stat. § 20-141.4, other statutes or any appellate court decisions. Absent a specific definition, it can be presumed that the legislature intended the words to be given their ordinary meaning.

10 A metabolite is any substance produced or used during metabolism (digestion). In drug use, the term usually refers to the end product that remains after metabolism.

11 Driving with any Schedule I controlled substance, or its metabolites in one's [blood] [urine] [breath] is a per se violation of impaired driving offense.

12 Note that if the offense occurred between December 1, 2006 and June 27, 2007, there was no statutory provision during this time that required the defendant to take a urine test.

13 N.C. Gen. Stat. § 20-139.1(f).

N.C.P.I.—Crim 271.26
POSSESSION OF A STOLEN VEHICLE. FELONY.
REPLACEMENT JUNE 2016
N.C. Gen. Stat. § 20-106

271.26 POSSESSION OF A STOLEN VEHICLE. FELONY.

The defendant has been charged with possession of a stolen vehicle.

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

First, that the defendant possessed a vehicle.¹ The defendant possessed the vehicle if defendant was aware of its presence, and (either by him/herself or together with others) had both the power and intent to control its disposition or use.²

(And) Second, that the defendant knew or had reason to know that the vehicle had been [stolen] [unlawfully taken].

(And) Third, that at that time, the defendant was not an officer of the law engaged in the performance of his duty.)³

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant possessed a vehicle, and that the defendant knew or had reason to know that the vehicle had been [stolen] [unlawfully taken], (and at that time the defendant was not an officer of the law engaged in the performance of his duty), 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 See State v. Robinson, 777 S.E.2d 755 (N.C. Ct. App. 2015) (explaining that unauthorized use of a conveyance/motor vehicle is not a lesser included offense of possession of a stolen vehicle).

2 Where constructive possession of the vehicle is an issue, or where an amplified definition of actual possession is needed, the trial judge should refer to N.C.P.I.—Crim. 104.41 for further instructions.

3 Include this element only if there is some evidence that the defendant was an officer. The state is not required to produce as part of its case in chief evidence that the defendant was not an officer. *S. v. Murchison*, 39 N.C. App. 163, 167 (1978).

[MANUFACTURE] [SALE] [TRANSPORTATION] [IMPORTATION]
[FURNISHING] [CONSUMPTION] [POSSESSION] OF POWDERED ALCOHOL.
MISDEMEANOR.

JUNE 2016

N.C. Gen. Stat. § 18B-102.

272.40 [MANUFACTURE] [SALE] [TRANSPORTATION] [IMPORTATION]
[FURNISHING] [CONSUMPTION] [POSSESSION] OF POWDERED ALCOHOL.
MISDEMEANOR.

The defendant has been charged with the [manufacture] [sale¹]
[transportation] [importation²] [furnishing] [consumption] [possession] of
powdered alcohol³.

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

First, that the defendant [manufactured] [sold] [transported]
[imported] [furnished] [consumed] [possessed] powdered alcohol. Powdered
alcohol⁴ means any powder or crystalline substance capable of being
converted into a liquid alcoholic beverage fit for human consumption.

And Second, that defendant acted knowingly.

*NOTE WELL: If the possession or constructive possession of the
powdered alcohol is an issue, or if an amplified definition of actual
possession is needed, the trial judge should refer to N.C.P.I.—
Crim. 104.41 for further instructions.*

If you find from the evidence beyond a reasonable doubt that on or
about the alleged date, the defendant knowingly [manufactured] [sold]
[transported] [imported] [furnished] [consumed] [possessed] powdered
alcohol, 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 both of these things, it would
be your duty to return a verdict of not guilty.

1 "Sale" means any transfer, trade, exchange, or barter, in any manner or by any
means, for consideration. See N.C. Gen. Stat. § 18B-101(13).

2 "Importation" means the introduction of any product into commerce in North
Carolina.

[MANUFACTURE] [SALE] [TRANSPORTATION] [IMPORTATION]
[FURNISHING] [CONSUMPTION] [POSSESSION] OF POWDERED ALCOHOL.
MISDEMEANOR.

JUNE 2016

N.C. Gen. Stat. § 18B-102.

3 In order for defendant to be held liable for this offense, the alleged conduct must have occurred after June 19, 2015. See N.C. Gen. Stat. § 18B-102.

4 See N.C. Gen. Stat. § 18B-101(12b).

[SALE] [OFFER FOR SALE] [INTRODUCTION INTO COMMERCE IN NORTH CAROLINA] OF AN E-LIQUID CONTAINER WITHOUT CHILD-RESISTANT PACKAGING. MISDEMEANOR.

JUNE 2016

N.C. Gen. Stat. § 14-401.18A

272.60 [SALE] [OFFER FOR SALE] [INTRODUCTION INTO COMMERCE IN NORTH CAROLINA] OF AN E-LIQUID CONTAINER WITHOUT CHILD-RESISTANT PACKAGING. MISDEMEANOR.

NOTE WELL: Effective for offenses committed on or after December 1, 2015, N.C. Gen. Stat. § 14-401.18A prohibits any person, firm, or corporation from selling, offering for sale, or introducing into commerce in this State an e-liquid container unless the container constitutes child-resistant packaging. Any person, firm, or corporation violating this provision shall be held liable in damages to any person injured as a result of the violation.

The defendant has been charged with the [sale] [offer for sale] [introduction into commerce in North Carolina] of an e-liquid container for an e-liquid product without child-resistant packaging.

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

First, that defendant [sold] [offered for sale] [introduced into commerce in North Carolina] an e-liquid container for an e-liquid product. An e-liquid¹ is a liquid product, whether or not it contains nicotine, that is intended to be vaporized and inhaled using a vapor product.² An e-liquid container is a bottle or other container of e-liquid.³

And Second, that the e-liquid container for an e-liquid product that defendant [sold] [offered for sale] [introduced into commerce in North Carolina] did not constitute child resistant packaging. “Child resistant packaging” means packaging that is designed or constructed to be significantly difficult for children under five years of age to open or obtain a toxic or harmful amount of the substance contained therein

[SALE] [OFFER FOR SALE] [INTRODUCTION INTO COMMERCE IN NORTH CAROLINA] OF AN E-LIQUID CONTAINER WITHOUT CHILD-RESISTANT PACKAGING. MISDEMEANOR.

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N.C. Gen. Stat. § 14-401.18A

within a reasonable time and not difficult for adults to use properly.

The term “child resistant packaging” does not mean packaging which all such children cannot open or obtain a toxic or harmful amount within a reasonable time.⁴

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant [sold] [offered for sale] [introduced into commerce in North Carolina] an e-liquid container for an e-liquid product that did not constitute child-resistant packaging, 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 both of these things, it would be your duty to return a verdict of not guilty.

1 See N.C. Gen. Stat. § 14-401.18A(a)(2).

2 Vapor product means any noncombustible product that employs a mechanical heating element, battery, or electronic circuit regardless of shape or size and that can be used to heat a liquid solution contained in a vapor cartridge. The term includes an electronic cigarette, electronic cigar, electronic cigarillo, and electronic pipe. See N.C. Gen. Stat. § 14-401.18A(a)(4).

3 The term “e-liquid container” does not include a container holding liquid that is intended for use in a vapor product if the container is pre-filled and sealed by the manufacturer and is not intended to be opened by the consumer. See N.C. Gen. Stat. § 14-401.18A(a)(3).

4 See N.C. Gen. Stat. § 14-401.18A(a)(1).

N.C.P.I.–Crim 272.65

[SALE] [OFFER FOR SALE] [INTRODUCTION INTO COMMERCE IN NORTH CAROLINA] OF AN E-LIQUID CONTAINER FOR E-LIQUID PRODUCT CONTAINING NICOTINE WITHOUT LABELING NICOTINE CONTENTS ON PACKAGING. MISDEMEANOR.

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N.C. Gen. Stat. § 14-401.18A

272.65 [SALE] [OFFER FOR SALE] [INTRODUCTION INTO COMMERCE IN NORTH CAROLINA] OF AN E-LIQUID CONTAINER FOR E-LIQUID PRODUCT CONTAINING NICOTINE WITHOUT LABELING NICOTINE CONTENTS ON PACKAGING. MISDEMEANOR.

NOTE WELL: Effective for offense committed on or after December 1, 2015, N.C. Gen. Stat. § 14-401.18A prohibits any person, firm, or corporation from selling, offering for sale, or introducing into commerce in this State an e-liquid container for an e-liquid product containing nicotine unless the packaging for the e-liquid product states that the product contains nicotine. Any person, firm, or corporation violating this provision shall be held liable in damages to any person injured as a result of the violation.

The defendant has been charged with the [sale] [offer for sale] [introduction into commerce in North Carolina] of an e-liquid container for an e-liquid product containing nicotine, without stating that the product contains nicotine on the packaging.

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

First, that defendant [sold] [offered for sale] [introduced into commerce in North Carolina] an e-liquid container for an e-liquid product containing nicotine. An e-liquid¹ is a liquid product, whether or not it contains nicotine, that is intended to be vaporized and inhaled using a vapor product.² An e-liquid container is a bottle or other container of e-liquid.³

And Second, that the e-liquid container for an e-liquid product containing nicotine that defendant [sold] [offered for sale] [introduced

N.C.P.I.–Crim 272.65

[SALE] [OFFER FOR SALE] [INTRODUCTION INTO COMMERCE IN NORTH CAROLINA] OF AN E-LIQUID CONTAINER FOR E-LIQUID PRODUCT CONTAINING NICOTINE WITHOUT LABELING NICOTINE CONTENTS ON PACKAGING. MISDEMEANOR.

JUNE 2016

N.C. Gen. Stat. § 14-401.18A

into commerce in North Carolina] did not state on the packaging that the product contains nicotine.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant [sold] [offered for sale] [introduced into commerce in North Carolina] an e-liquid container for an e-liquid product containing nicotine without stating on the packaging that the product contains nicotine, 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 both of these things, it would be your duty to return a verdict of not guilty.

1 See N.C. Gen. Stat. § 14-401.18A(a)(2).

2 Vapor product means any noncombustible product that employs a mechanical heating element, battery, or electronic circuit regardless of shape or size and that can be used to heat a liquid solution contained in a vapor cartridge. The term includes an electronic cigarette, electronic cigar, electronic cigarillo, and electronic pipe. See N.C. Gen. Stat. § 14-401.18A(a)(4).

3 The term “e-liquid container” does not include a container holding liquid that is intended for use in a vapor product if the container is pre-filled and sealed by the manufacturer and is not intended to be opened by the consumer. See N.C. Gen. Stat. § 14-401.18A(a)(3).

N.C.P.I.—Crim. 273.50

UNLAWFUL HUNTING WITH A FIREARM ON SUNDAY. MISDEMEANOR.

JUNE 2016

N.C. Gen. Stat. § 103-2

273.50 UNLAWFUL HUNTING WITH A FIREARM ON SUNDAY.
MISDEMEANOR.

NOTE WELL: N.C. Gen. Stat. § 103-2 is not applicable to military reservations, the jurisdiction of which is exclusively in the federal government, to field trials authorized by the Wildlife Resources Commission, or to actions taken in defense of a person's property.

The defendant has been charged with unlawfully hunting with a firearm on Sunday.

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

First, that on or about the alleged date the defendant hunted with the use of a firearm on Sunday.

Second, that defendant was hunting on the [defendant's property] [a family member's property] [a landowner's property, with written permission from the landowner]

And Third, that defendant hunted in violation of the law by:

- a. [hunting between 9:30 A.M and 12:30 P.M.¹]
- b. [hunting migratory birds]
- c. [hunting with the use of a firearm to take deer that are run or chased by dogs]
- d. [hunting within 500 yards of a place of worship or any accessory structure thereof]
- e. [hunting within 500 yards of a residence not owned by the landowner]
- f. [hunting in a county having a population greater than 700,000 people].

N.C.P.I.—Crim. 273.50

UNLAWFUL HUNTING WITH A FIREARM ON SUNDAY. MISDEMEANOR.

JUNE 2016

N.C. Gen. Stat. § 103-2

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant hunted with the use of a firearm on Sunday on the [defendant's property] [a family member's property] [a landowner's property, with written permission from the landowner], and that defendant [hunted between 9:30 a.m. and 12:30 p.m.] [hunted migratory birds] [hunted with the use of a firearm to take deer that are run or chased by dogs] [hunted within 500 yards of a place of worship or any accessory structure thereof] [hunted within 500 yards of a residence not owned by the landowner] [hunted in a county having a population greater than 700,000 people], 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 both of these things, it would be your duty to return a verdict of not guilty.

1 N.C. Gen. Stat. § 103-2(a)(1) does not apply where defendant was lawfully hunting on controlled hunting preserves licensed pursuant to N.C. Gen. Stat. § 113-273(g).

N.C.P.I.—Crim 308.45
SELF-DEFENSE-ALL ASSAULTS INVOLVING DEADLY FORCE.
REPLACEMENT JUNE 2016
N.C. Gen. Stat. §§ 14-51.2, 14-51.3, 14-51.4

308.45 SELF-DEFENSE - ALL ASSAULTS INVOLVING DEADLY FORCE.

*NOTE WELL: This charge is intended for use with N.C.P.I. Crim. 208.09, 208.10, 208.15, 208.16, 208.25, 208.50, 208.55, 208.85, and 208.60 where the evidence shows that the defendant used deadly force.*¹

*NOTE WELL: The trial judge is reminded that this instruction must be combined with the substantive offense instruction in the following manner: (1) the jury should be instructed on the elements of the charged offense; (2) the jury should then be instructed on the definition of self-defense set out in this instruction below; (3) the jury should then be instructed on the mandate of the charged offense; and (4) the jury should be instructed on the mandate for self defense as set out below in this instruction. **THE FAILURE TO CHARGE ON ALL OF THESE MATTERS CONSTITUTES REVERSIBLE ERROR.***

NOTE WELL: If the assault occurred in defendant's home, place of residence, workplace or motor vehicle, use N.C.P.I. Crim. 308.80, Defense of Habitation.

NOTE WELL: The Pattern Jury Instruction Committee advises against deviating from the instructions as they are written, except as necessitated by specific evidentiary or legal considerations. An original aggressor may still maintain a self-defense claim. See State v. Holloman, ___ N.C. App. ___, 786S.E.2d328 (2016) (holding that the "trial court's deviations from the pattern self-defense instruction, taken as a whole, misstated the law by suggesting that an aggressor cannot under any circumstances regain justification for using defensive force"), disc. rev. allowed, 2016 WL 4423465 (August 18, 2016).

If the State has satisfied you beyond a reasonable doubt that the defendant assaulted the victim with deadly force (*insert other lesser-included assault offenses*), then you would consider whether the defendant's actions are excused and the defendant is not guilty because the defendant acted in self-defense. The State has the burden of proving from the evidence beyond a reasonable doubt that the defendant's action was not in self-

N.C.P.I.—Crim 308.45
SELF-DEFENSE-ALL ASSAULTS INVOLVING DEADLY FORCE.
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defense.

If the circumstances would have created a reasonable belief in the mind of a person of ordinary firmness that the assault was necessary or appeared to be necessary to protect that person from imminent death or great bodily harm, and the circumstances did create such belief in the defendant's mind at the time the defendant acted, such assault would be justified by self-defense.² You, the jury, determine the reasonableness of the defendant's belief from the circumstances appearing to the defendant at the time. Furthermore, the defendant has no duty to retreat in a place where the defendant has a lawful right to be.³ (The defendant would have a lawful right to be in the defendant's [home] [own premises] [place of residence] [workplace] [motor vehicle].⁴)

NOTE WELL: The preceding parenthetical should only be given where the place involved was the defendant's [home] [own premises] [place of residence] [workplace] [motor vehicle].

A defendant does not have the right to use excessive force. The defendant had the right to use only such force as reasonably appeared necessary to the defendant under the circumstances to protect the defendant from death or great bodily harm. In making this determination, you should consider the circumstances as you find them to have existed from the evidence, (including the size, age and strength of the defendant as compared to the victim), (the fierceness of the assault, if any, upon the defendant), (whether the victim possessed a weapon), (and the reputation, if any, of the victim for danger and violence) (*describe other circumstances as appropriate from the evidence*). Again, you, the jury, determine the reasonableness of the defendant's belief from the circumstances appearing to the defendant at the time.

(Furthermore, self-defense is justified only if the defendant was not

N.C.P.I.—Crim 308.45

SELF-DEFENSE-ALL ASSAULTS INVOLVING DEADLY FORCE.

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 the aggressor.⁵ Justification for defensive force is not present if the person who used defensive force voluntarily entered into the fight or, in other words, initially provoked the use of force against [himself] [herself]. If one uses abusive language toward one's opponent which, considering all of the circumstances, is calculated and intended to bring on a fight, one enters a fight voluntarily. However, if defendant was the aggressor, the defendant would be justified in using defensive force if the defendant thereafter attempted to abandon the fight and gave notice to the defendant's opponent that the defendant was doing so. In other words, a person who uses defensive force is justified if the person withdraws, in good faith, from physical contact with the person who was provoked, and indicates clearly that [he] [she] desires to withdraw and terminate the use of force, but the person who was provoked continues or resumes the use of force. A person is also justified in using defensive force when the force used by the person who was provoked is so serious that the person using defensive force reasonably believes that [he] [she] was in imminent danger of death or serious bodily harm, the person using defensive force had no reasonable means to retreat, and the use of force likely to cause death or serious bodily harm was the only way to escape the danger.⁶)

NOTE WELL: Instructions on aggressors and provocation should only be used if there is some evidence presented that defendant provoked the confrontation. See N.C. Gen. Stat. § 14-51.4(2). If no such evidence is presented, the preceding parenthetical and reference to the aggressor throughout this instruction would not be given. In addition, the remainder of the instruction, including the mandate, would need to be edited accordingly to remove references to the aggressor.

NOTE WELL: If the defendant used a weapon which is a deadly weapon "per se," do not give the following paragraph, or the paragraph on page 5. If the weapon is not a deadly weapon per se, give the following paragraph and the paragraph on p. 5. State v. Clay, 297 N.C. 555, 566 (1979).

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(If you find from the evidence beyond a reasonable doubt that the defendant assaulted the victim, but not with a deadly weapon or other deadly force, that the circumstances would create a reasonable belief in the mind of a person of ordinary firmness that the action was necessary or appeared to be necessary to protect that person from bodily injury or offensive physical contact, and the circumstances did create such belief in the defendant's mind at the time the defendant acted, the assault would be justified by self-defense- even though the defendant was not thereby put in actual danger of death or great bodily harm. However, the force used must not have been excessive. Furthermore, self-defense is an excuse only if the defendant was not the aggressor.)

*NOTE WELL: The following self-defense mandate must be given after the mandate on the substantive offense(s). **INCLUDING THE SELF-DEFENSE MANDATE IS REQUIRED BY STATE V. WOODSON**, 31 N.C. APP. 400 (1976). Cf. State v. Dooley, 285 N.C. 158 (1974).*

SELF-DEFENSE MANDATE

Therefore I instruct you, if you are satisfied beyond a reasonable doubt that the defendant committed (*name offense, including appropriate lesser included offenses*),⁷ you may return a verdict of guilty only if the State has satisfied you beyond a reasonable doubt that the defendant's action was not in self-defense; that is, that the defendant did not reasonably believe that the assault was necessary or appeared to be necessary to protect the defendant from death or serious bodily injury, or that the defendant used excessive force, or that the defendant was the aggressor. If you do not so find or have a reasonable doubt that the State has proved any of these things, then the defendant's action would be justified by self-defense and it would be your duty to return a verdict of not guilty.

NOTE WELL: Do not give the following paragraph if the

N.C.P.I.—Crim 308.45
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defendant used a weapon which is a deadly weapon "per se."

(Therefore, I instruct you, if you are satisfied beyond a reasonable doubt that the defendant committed (*name offense, including appropriate lesser included offenses*),⁸ you may return a verdict of guilty only if the State has satisfied you beyond a reasonable doubt that the defendant did not reasonably believe that the assault was necessary or appeared to be necessary to protect the defendant from bodily injury or offensive physical contact, or that the defendant used excessive force, or was the aggressor. If you do not so find or have a reasonable doubt that the State has proved one or more of these things, then the defendant's action would be justified by self-defense and it would be your duty to return a verdict of not guilty.)

1. Deadly force is any force likely to cause death or great bodily harm. *S. v. Clay*, 297 N.C. 555, 563 (1979). For any assault not involving deadly force, use N.C.P.I.—Crim. 308.40 to charge on self-defense.

2. This instruction is intended to cover the rule of law that action in self-defense need only be apparently, not actually, necessary. *See, e.g., State v. Jennings*, 276 N.C. 157 (1970).

3. *See* N.C.P.I.—Crim. 308.10.

4. N.C. Gen. Stat. § 14-51.3 (a).

5. N.C. Gen. Stat. § 14-51.4(2). *See State v. Juarez* ___ N.C. App. ___, 777S.E.2d 325 (2015) (holding that it is reversible error to instruct the jury on the aggressor doctrine where there is no evidence that the defendant was the initial aggressor, and concluding that the defendant's withdrawal "remove[d] him from the realm of initial aggressor"), disc. rev. allowed, 368 N.C. 683 (2016).

See also N.C. Gen. Stat. § 14-51.3 (b), which provides that a person who uses force as permitted by the statute is justified in using such force and is immune from civil or criminal liability, unless the person against whom force was used is a law enforcement officer or bail bondsman "who was lawfully acting in the performance of his or her official duties and the officer or bail bondsman identified himself or herself in accordance with any applicable law or the person using force knew or reasonably should have known that the person was a law enforcement officer or bail bondsman in the lawful performance of his or her official duties."

6. Pursuant to N.C. Gen. Stat. § 14-51.4(1), self-defense is also not available to a person who used defensive force and who was [attempting to commit] [committing] [escaping after the commission of] a felony. If evidence is presented on this point, then the instruction should be modified accordingly to add this provision.

7. Name all offenses that involve the use of deadly force.

N.C.P.I.—Crim 308.45

SELF-DEFENSE-ALL ASSAULTS INVOLVING DEADLY FORCE.

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N.C. Gen. Stat. §§ 14-51.2, 14-51.3, 14-51.4

8. Name only those lesser included offenses which do not involve the use of a deadly weapon force, *e.g.*, those covered in N.C.P.I.—208.40, 208.60, 208.70, and 208.75.

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