

June 2019 Supplement to North Carolina 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 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. Visit the following to join the Listserv: lists.unc.edu/read/all_forums/subscribe?name=ncpji.

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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

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

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). (6/2017)	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. (Offenses on or After Dec. 1, 2015). (6/2018)		B1, B2, C, D, Misd
207.10B	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. (Offenses on or After Dec. 1, 2017). (6/2018)		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)		B1
207.15	Rape of a Child. G.S. 14-27.2A. (6/2016)		B1
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)		
207.15.1	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. (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 Was 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
207.20	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. (6/2019)		
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 Lessor 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 Lessor Included Offense. G.S. 14-27.26, 14-27.27. (Offenses on or After Dec. 1, 2015). (6/2018)		
207.40C	First Degree Forcible Sexual Offense—(Weapon, Serious Injury, or Multiple Assailants) Covering Second Degree Sex Offense as a Lessor Included Offense. G.S. 14-27.26, 14-27.27. (Offenses on or After Dec. 1, 2017). (6/2018)		
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 Disabled, Mentally Incapacitated or Physically Helpless. G.S. 14-27.5. (Offenses Prior to Dec. 1, 2015). (6/2019)	D	C
207.65A	Second Degree Forcible Sexual Offense—Alleged Victim Mentally Disabled, Mentally Incapacitated or Physically Helpless. G.S. 14-27.27. (Offenses On or After to Dec. 1, 2015). (6/2019)	D	C
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	DELETE SHEET. Unlawfully Accessing a Commercial Social Networking Website by a Sex Offender. G.S. 14-202.5A. (6/2018)		I
207.72	Sex Offender Unlawfully on Certain Premises. G.S. 14-208.18. (6/2017)		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)		G
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)		G, I
207.90	Sexual Battery. G.S. 14-27.5A. (Offenses Prior to Dec. 1, 2015) (6/2019)		Misd A1
207.90A	Sexual Battery. G.S. 14-27.33 (Offenses Occuring on or After Dec. 1, 2015) (6/2019)		Misd A1
207.95	Knowingly and Without Authority [Removing] [Destroying] [Circumventing Operation of] an Electronic Monitoring Device. G.S. 14-226.3 (June 2010)		
208.01	Assaults. 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
208.04B	Threatening to Kill or Inflict Serious Bodily Injury Upon a Person as Retaliation Against a [Legislative] [Executive] [Court] Officer. Felony. G.S. 14-16.7(a) (6/2019)		I
208.04C	Mailing a Threat to Kill or Inflict Serious Bodily Injury Upon a Person as Retaliation Against a [Legislative] [Executive] [Copurt] Officer. Felony. G.S. 14-16.7(b) (6/2019)		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 an Individual with a Disability. G.S. 14-32.1(f). (6/2019)	Misd	Misd 1
208.41	Simple Assault—(Involving Physical Contact) G.S. 14-33(a). (6/2010)	Misd	Misd 2

208.43	Simple Affray. G.S. 14-33. (6/2017)		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. (6/2017)		H
208.45A.1	Habitual Misdemeanor Assault. G.S. 14-33.2. (6/2017)		H
208.50	Assault with a Deadly Weapon. G.S. 14-33(c)(1). (3/2002)	Misd	Misd 1
208.50A	Aggravated Assault on an Individual with a Disability. G.S. 14-32.1(e). (6/2019)	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). (6/2017)	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] [Unknown Substance] by a Prisoner at a [State] [Local Government] Employee in the Performance of Employee's Duties. G.S. 14-258.4. (6/2019)		F
208.68	Malicious Conduct by a Prisoner—Exposing Genitalia by a Prisoner to an Employee of [State] [Local Government] in the Performance of Employee's Duties. G.S. 14-258.4 (6/2019)		I
208.70	Assault on a Female by a Male Person. G.S. 14-33(c)(2). (6/2015)	Misd	Misd A1
208.72	Assault by [Inflicting Serious Injury] [Using a Deadly Weapon] in the Presence of a Minor G.S. 14-33(d). (6/2017)		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
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] [Attempting to Discharge] a Firearm Within an Occupied Building or Other Enclosure With Intent to Incite Fear. G.S. 14-34.10. (6/2018)		F
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] [Member of the North Carolina National Guard] [Person Employed at a [State] [Local] Detention Facility]. G.S. 14-34.7. (6/2017)		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] [Member of the North Carolina National Guard] [Person Employed at a [State] [Local] Detention Facility]—Physical Injury. G.S. 14-34.7(c) (6/2017)		I
208.95D	Assault on [Firefighter] [Emergency Medical Technician] [Emergency Health Care Provider] [Medical Responder] [Emergency Department Personnel] [Licensed Health Provider]. (6/2018)		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] [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. (6/2017)	E	E
210.35	Second Degree Kidnapping (to Commit Felony or Serious Injury). G.S. 14-39. (6/2017)	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. G.S. 14-43.12. (6/2019)	I	F
210.52	Involuntary Servitude of a Minor. G.S. 14-43.12. (6/2019)		C
210.60	Child Abduction. G.S. 14-41. (6/2011)	G	F
210.70	Sexual Servitude. G.S. 14-43.13. (6/2019)		F
210.72	Sexual Servitude of a Minor. G.S. 14-43.13. (6/2019)		C
210.80	Human Trafficking Involving Involuntary Servitude. G.S. 14-43.11. (6/2019)		F
210.82	Human Trafficking Involving Sexual Servitude. G.S. 14-43.11. (6/2019)		F
210.84	Human Trafficking of a Minor Involving Involuntary Servitude. G.S. 14-43.11. (6/2019)		C

210.86	Human Trafficking of a Minor Involving Sexual Servitude. G.S. 14-43.11. (6/2019)		C
210.88	Unlawful [Sale] [Surrender] [Purchase] of a Minor. G.S. 14-43.14. (6/2019)		F
210.90	Unlawful Transfer of Custody of a Minor Child by a Parent. G.S. 14-321.2(a)(1). (6/2017)		Misd 2
210.91	Unlawful Transfer of Custody of a Minor Child by a Parent Resulting in Serious Physical Injury to the Child. G.S. 14-321.2(a)(1). (6/2017)		G
210.92	Unlawful Acceptance of Custody of a Minor Child from a Parent. G.S. 14-321.2(a)(2). (6/2017)		Misd 2
210.93	Unlawful Acceptance of Custody of a Minor Child from a Parent Resulting in Serious Physical Injury to the Child. G.S. 14-321.2(a)(2). (6/2017)		G
210.94	Unlawful [Advertising] [Recruiting] [Soliciting] [Aiding] [Abetting] [Conspiring] or [Assisting] in the Unlawful Transfer of Custody of a Minor Child. G.S. 14-321.2(a)(3). (6/2017)		Misd 2
210.95	Unlawful [Advertising] [Recruiting] [Soliciting] [Aiding] [Abetting] [Conspiring] [Assisting] in the Unlawful Transfer of Custody of a Minor Child Resulting in Serious Physical Injury to the Child. G.S. 14-321.2(a)(3). (6/2017)		G
211.50	Abortion and Similar Offenses. 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] [Miscarriage]. G.S. 14-46.1 (6/2016)		
212.10	Libel and Slander. Communicating Libelous Matter to Newspapers. G.S. 14-47. (5/2002)	Misd	Misd 2
213.10	Use of Explosives or Incendiary Devices. 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
214.10	Burglary and Breaking and Entering. 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 (6/2018)		E

Offense Classification

		Before 10/1/94	On or After 10/1/94
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. (5/2019)	Misd	Misd 2
214.31A	Second-Degree Trespass. G.S. 14-159.13. (5/2002)	Misd	Misd 3
214.31B	First-Degree Trespass. G.S. 14-159.12(f). (6/2017)		I
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
215.11	Arson and Other Burnings. 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. 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, Law Enforcement Officer, or Emergency Medical Technician. G.S. 14-69.3. (6/2019)		E
215.60	Burning Caused During Commission of Another Felony. G.S. 14-67.2 (6/2019)		D
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	
215.90	Communicating a Threat of Mass Violence on Educational Property. G.S. 14-277.6 (6/2019)		H
215.91	Communicating a Threat of Mass Violence at a Place of Religious Worship. G.S. 14-277.7 (6/2019)		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
216.13	Larceny of Chose in Action. G.S. 14-75. (6/2017)		H
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	Felonious 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, 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. (6/2018)		H
216.57	Organized Retail Theft. Retail Property with Value Exceeding \$1,500, Aggregated Over 90-Day Period. G.S. 14-86.6(a)(1). (6/2018)		H
216.57A	Organized Retail Theft Conspiracy — Retail Property with Value Exceeding \$20,000, Aggregated Over 90-Day Period. (6/2018)		
216.58	[Receiving] [Possessing] Retail Property Obtained by Organized Retail Theft. G.S. 14-86.6(a)(2). (6/2009)		H
216.59	Organized Retail Theft — Acting as Leader. (6/2018)		

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] [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] Illegally 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] a [Motor Vehicle] [Motor Vehicle Part] from a Person Engaged in a Chop Shop Activity. G.S. 14-72.7(a)(4). (6/2014)		H
216.77	Purchasing of Vehicles for the Purpose of Scrap Parts Only and Failing to Comply with Certain Requirements Mandated by Law. G.S. 20-62.1 (6/2019)		I
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. (6/2018)	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. (6/2018)	D, H	D, G
217.50	Safecracking—By Explosives, Drills, or Tools. G.S. 14-89.1(a)(1). (6/2017)	H	I
217.51	Safecracking—By Stolen Combination, Key, Electronic Device or Fraudulently Acquired Implement or Means. G.S. 14-89.1(a)(2). (6/2017)	H	I
217.52	Safecracking—By Use of [[Master Key] [Duplicate Key] [Device] [[Made] [Obtained]] in an Unauthorized Manner] [Stethoscope] [Listening Device] [Surreptitious Means]. G.S. 14-89.1(a)(3). (6/2017)	H	I
217.53	Safecracking—All Other Means. G.S. 14-89.1(a)(3) and (4). (6/2017)	H	I
217.54	Safecracking—Removing Safe or Vault from Premises. G.S. 14-89.1(b). (5/2003)	H	I
	Embezzlement.		
218.10	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 Money, 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 by 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 (Value of Property \$100,000 or More). G.S. 14-100. (6/2018)		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 Fraud Resulting in Another Person's [Arrest] [Detention] [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
219D.10	Fraudulent Misrepresentation Involving a [License Application] [Other Document] Filed Pursuant to the North Carolina Money Transmitters Act. G.S. 53-208.58(b). (6/2017)		Misd 1
219D.15	Engaging in the Business of Money Transmission Without a License. G.S. 53-208.58(c). (6/2017)		Misd 1
219D.20	Unlawfully Engaging in the Business of Money Transmission—Any Reason. G.S. 53-208.58(a). (6/2017)		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] [Other Document]. G.S. 44A-12.1(c). (6/2013)		I
220.26	Filing [False Lien] [Encumbrance]. G.S. 14-118.6. (6/2016)		I
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 a 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
Forgery.			
221.10	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
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 Misd 1
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	Trespassing by Person Subject to Valid Protective Order onto Property Operated as a Safe House or Haven for Victims of Domestic Violence. (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)		
223.15	Trespasses to Personal Property. 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 Computer 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
223.70	Injuring, Destroying, Removing, Vandalizing, or Tampering with Firefighting or Emergency Medical Services Machinery or Equipment. (6/2018)		
224.10	Vehicles and Draft Animals—Protection of Bailor against Acts of Bailee. [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
225.10	Offenses against Public Morality and Decency. [Knowingly] [Willingly] [Abusing] [Mutilating] a Dead Human Body in a Person's Custody. 90-210.25(5)(2) (6/2019)		Misd 2
225.15	Unauthorized Practice of [Embalming] [Funeral Directing] [Funeral Service] [Operating Funeral Establishment]—Practicing Without a License (Including While Representing Oneself as Being Licensed. G.S. 90-210.25(f)(1) (6/2019)		Misd 2
226.10	Crime against Nature—Animals. G.S. 14-177. (6/2006)	H	I
226.10A	Crime against Nature—Persons. G.S. 14-177. (6/2019)		
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
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). (6/2017)		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
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 Had a [Severe] [Profound] Mental Disability. G.S. 14-205.2. (6/2019)		D
226.94	Promoting Prostitution of a Person Who Had a [Severe] [Profound] Mental Disability. G.S. 14-205/3(b) (6/2019)		Misd A1, G
226.96	Solicitation for Prostitution with a Person who Has a [Severe] [Profound] Mental Disability. G.S. 14-204(5), 14-205.1. (6/2019)		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
227.10	Massage and Bodywork Therapy Licensing Violation. (6/2018)		
227.15	[Sexual Activity] [Solicitation of Sexual Activity] in a Massage and Bodywork Therapy Establishment. (6/2018)		
227.20	Owner of Massage and Bodywork Therapy Establishment Permitting or Engaging in Sexual Activity. (6/2018)		
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). (6/2018)		G
230.70	Impersonation of Law-Enforcement Officer by [Verbally Informing Another] [Displaying any Badge or Identification] [Unlawfully Operating a Vehicle with an Operating Red Light]. Misdemeanor. G.S. 14-277(a). (6/2011)	Misd	Misd 1
230.70A	Impersonating of Law-Enforcement Officer by Operating a Vehicle with an Operating Blue Light. 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

230.77	Driving with a Light Bar. (6/2018)		
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
233.47	Possession of Tools for Escape by a Prisoner G.S. 14-258(c) (6/2019)		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
233.85	Providing [Forbidden Articles] [Tools to Escape] to a Prisoner. G.S. 14-258(a) (6/2019)		H
233.90	Possession of 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] [Possessing] Weapons [on Educational Property] [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
235.37	Use of Unmanned Aircraft System Near a [Confinement] [Correctional] Facility. (6/2018)		
235.38	Use of an Unmanned Aircraft System Near a [Confinement] [Correctional] Facility to [[Deliver] [Attempt to Deliver]] [[a Weapon] [Contraband]]. (6/2018)		
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. 14-190.5A(c)(2). (6/2018)		Misd 1
235.65A	Disclosure of Private Images by Offender Under 18 Years of Age. G.S. 14-190.5A(b), (c)(2). (6/2018)		Misd
235.67	Disclosure of Private Images by Offender 18 Years of Age Or Older. G.S. 14-190.5A(c)(1). (6/2018)		H
235.67A	Disclosure of Private Images by Offender 18 Years of Age Or Older. G.S. 14-190.5A(b), (c)(1). (6/2018)		F
235.69	Felonious Disclosure of Private Images by Offender Under the Age of 18 G.S. 14-190.5A(c)(3). (6/2018)		H
235.69A	Riots and Civil Disorders. Felonious Disclosure of Private Images by Offender Under 18 Years of Age. G.S. 14-190.5A(b), (c)(3). (6/2018)		
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

* 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.

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)		
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.			
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
237.40	Unlicensed Operation of a Beach Bingo Game. G.S. 14-309.14(5). (6/2017)		Misd 2
237.45	Providing False Information in Order to Obtain a License to Operate a Beach Bingo Game. G.S. 14-309.14(5)(c). (6/2017)		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 Prostitution). G.S. 14-190.18(a)(1). (6/2014)	G	D
238.23A	Promoting Prostitution of a Minor (Supervising 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] [a Device Capable of Electronic Data [Storage] [Transmission] to Commit a Sex Act. G.S. 14-202.3. (6/2017)		H
238.35	Solicitation of a [Child] [Person Defendant Believed to Be a Child] by [Computer] [a Device Capable of Electronic Data [Storage] [Transmission] to Commit a Sex Act and Appearing at Location. G.S. 14-202.3(c)(2). (6/2017)		G
238.40	DELETE SHEET. Soliciting a Child by [Computer] [Electronic Device] to Commit an Unlawful Sex Act. (Offenses after December 1, 2009). G.S. 14-202.3 (6/2017)		H, G
239.10	Protection of Minors. [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 Under the Age of Twelve to Use a Dangerous Firearm. G.S. 14-316. (6/2014)	Misd	Misd 2
239.21	Furnishing a Young Child a Dangerous Firearm—Nonparent. G.S. 14-316. (Delete Sheet) (6/2014)	Misd	Misd 2
239.23	Possession of Handguns by Minors (6/2012)		Misd 1
239.25	Contributing to the Delinquency and Neglect by Parents and Others. G.S. 14-316.1; 7B-101(1), (15); 7B-1501(7), (27). (6/2019)	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] [Dependency] [Death] Due to Maltreatment of a Juvenile. G.S. 7B-301(a), (b). (6/2019)		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 by Prostitution. G.S. 14-318.4(a1). (5/2000)	H	E
239.55B	Felonious Child Abuse by a Sexual Act by a [Parent] [Legal Guardian]. G.S. 14-318.4(a2). (5/2019)	H	H

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	Child Abuse. G.S. 14-318.2. (6/2009)	Misd	Misd 1
239.65	Permitting a Child under 16 Years of Age to [Operate] [Be a Passenger on] a Bicycle without a 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 a Born Out of Wedlock 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 a Protective Order While in Possession of a Deadly Weapon. G.S. 50B-4.1(g). (6/2016)		H
240.55	Felonious Violation of 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)		Misd A1
240.82	[Employee] [Volunteer] at a Facility Who [Borrows] [Takes] Personal Property From a Client. G.S. 122C-66(a1). (6/2016)		Misd 1
240.84	[Employee] [Volunteer] at a Facility Failed to Report Violations of Client Abuse. G.S. 122C-66(b). (6/2016)		Misd 1
240.86	[Employee] [Volunteer] at a Facility Failed to Report Violations of [Borrowing] [Taking] Client Property. G.S. 122C-66(a1)-(b). (6/2016)		Misd 1
240.88	[Employee] [Volunteer] at a Facility Failed to Report Accidental Injury to a Client. G.S. 122C-66(b). (6/2016)		Misd A1
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
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 (an) Animal(s). G.S. 14-360(a). (6/2017)	Misd	Misd 1
247.10A	Felonious Cruelty to (an) Animal(s). G.S. 14-360(b). (6/2017)		H
247.10B	Misdemeanor 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]		

247.15A	[Search and Rescue] Animal. G.S. 14-163.1. (6/2010) [Causing] [Attempting to Cause] Serious Harm to a [Law Enforcement Agency] [Assistance] [Search and Rescue] Animal. G.S. 14-163.1. (6/2010)		H
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)		I
247.20	Instigating or Promoting Cruelty to an Animal(s). G.S. 14-361. (6/2017)		Misd 2
247.30	Cockfighting. G.S. 14-362. (1/2001)	Misd	Misd 1
247.31	Dog Fighting and Baiting. G.S. 14-362.2. (6/2008)	Misd	Misd 2
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)		H
247.50	Interference with Animal Research—Willfully Damaging an Animal Research Facility. G.S. 14-159.2(a)(2). (8/2000)	J, Misd	I, 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 1
247.80A	[Owning] [Possessing] [Using] [Transporting] [Trafficking] of Crocodilian not Housed in a Sturdy and Secure Enclosure. G.S. 14-417.2. (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. 14-417.1. (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 2, 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 A1
252.65	Miscellaneous Police Regulations. Tattooing a Minor. G.S. 14-400. (8/2000)	Misd	Misd 2
	Felony Firearms.		

254A.11	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
	Miscellaneous.		
255.01	Felonious 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	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 Metal 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)(5). G.S. 136-32(a). (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. G.S. 136-32(a), (b), (c), (d). (6/2012)		Misd 1, 3
258.32	Erecting or Maintaining Commercial Advertising Signs in Highway Rights of Way. G.S. 136-32(a), (d). (6/2012)		Misd 1
258.33	[Stealing] [Defacing] [Vandalizing] [Unlawfully Removing] Political Signs That Are Lawfully Placed. G.S. 136-32(a), (b), (c), (d), (e). (6/2012)		Misd 3
258.35	Removal or Destruction of Warning Signs—Water Quality in Coastal Recreation Waters. G.S. 113-221.3(b), (c), (d). (6/2012)		Misd 2

258.36	Possession of Signs Posted by Department of Environment and Natural Resources—Water Quality in Coastal Recreation Waters. G.S. 113-221.3(b), (c), (d). (6/2012)	Misd 2
259.10	Unauthorized Practice of Medicine—Practicing Without a License. G.S. 90-18. (6/2012)	Misd 1
259.11	Unauthorized Practice of Medicine—Practicing Without a License While Representing Oneself as Being Licensed. G.S. 90-18. (6/2012)	I
259.12	Unauthorized Practice of Medicine—Practicing Without a License in North Carolina By an Out-of-State Practitioner. (G.S. 90-18). (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. G.S. 90-18. (6/2012)	Misd 1
259.20	Unauthorized Practice of Law—Non-Members of the State Bar. G.S. 84-4. (6/2017)	Misd 1
259.21	Unauthorized Practice of Law—Corporations. G.S. 84.5. (6/2012)	Misd 1
259.22	Unauthorized Practice of Law—Foreclosure Fees. G.S. 84.6. (6/2012)	Misd 1
259.23	Unauthorized Practice of Law—Appearing for Creditors in [Insolvency] [Bankruptcy] and Other Proceedings. G.S. 84.9. (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 about the Financial Condition of a Bank. 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)(9a). (6/2016)		C, F, H
259.55	Identity Theft – Submission to the Department of Revenue. G.S. 105-236(a)(9b). (6/2018)		
259.57	Identity Theft – Submission to the Department of Revenue Resulting in Adverse Financial Impact. G.S. 105-236(a)(9b). (6/2018)		
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]] [Improperly Gives a Certificate of Compliance Without First Making the Required Inspections by Law] [Improperly Gives a Certificate of Compliance]. G.S. 153A-356; 160A-416. (6/2016)		Misd 1
259.95	Illegal Operation of Amusement Devices Causing [Death] [Serious Injury]. G.S. 95-111.13. (6/2016)		E
259.97	[Counterfeiting] [Selling] [Lending] [Permitting Use of] Photo Identification for Voting. G.S. 163A-1389(19) (6/2019)		I
259.98	Voting More Than One Time in an Election—Verdict Form. G.S. 163-275(7). (6/2017)		I
	Dangerous Drugs.		
	260 Series—Directory of Dangerous Drug Charges. (6/1996)		
260.10	Possession of a Controlled Substance. G.S. 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] [Local Confinement Facility]. G.S. 90-95(a)(3), (e)(9). (6/2014)	I	I*
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

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

260.17	Drug Trafficking—Possession (Marijuana, Methaqualone, Cocaine, Amphetamine, Methamphetamine, Opium, Opiate, Opioid or Heroin, Lysergic Acid Diethylamide, Methylenedioxyamphetamine, Methylenedioxymethamphetamine, Substituted Cathinones, or Synthetic Cannabinoid). G.S. 90-95(h). (6/2019)	C, D, E F, G, H	D, D, E F, G, H
260.18	Forged Prescription—Acquiring or Obtaining Possession of a Controlled Substance by [Misrepresentation] [Fraud] [Forgery] [Deception] [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, Opiate, Opioid or Heroin, Lysergic Acid Diethylamide, Methylenedioxyamphetamine, Methylenedioxymethamphetamine, Substituted Cathinones, or Synthetic Cannabinoid). G.S. 90-95(h). (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). (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
260.23	Drug Trafficking—[Selling] [Delivering] (Marijuana, Methaqualone, Cocaine, Amphetamine, Methamphetamine, Opium, Opiate, Opioid or Heroin, Lysergic Acid Diethylamide, Methylenedioxyamphetamine, Methylenedioxymethamphetamine, Substituted Cathinones or Synthetic Cannabinoid) G.S. 90-95(h). (6/2019)	C, D, E, F, G, H	C, D, E, F, G, H
260.30	Drug Trafficking—Transportation (Marijuana, Methaqualone, Cocaine, Amphetamine, Methamphetamine, Opium, Opiate, Opioid or Heroin, Lysergic Acid Diethylamide, Methylenedioxyamphetamine, Methylenedioxymethamphetamine, Substituted Cathinones, or Synthetic Cannabinoid). G.S. 90-95(h). (6/2019)	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

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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
260.81	Feloniously [Diverting] [Embezzling] a Controlled Substance (Practitioner, Registrant, or Employee). G.S. 90-108(b) and 90-108(a)(14) (6/2019)		E
260.82	Feloniously [Diverting] [Embezzling] a Controlled Substance by [Dilution] (or) [Substitution] (Practitioner, Registrant, or Employee). G.S. 90-108(b)(3) and 90-108(a)(14) (6/2019)		E
260.83	Feloniously [Diverting] [Embezzling] a Controlled Substance (by Virtue of Occupation). G.S. 90-108(b)(2) and 90-108(a)(15) (6/2019)		E
260.84	Feloniously [Diverting] [Embezzling] a Controlled Substance by [Dilution] (or) [Substitution] (by Virtue of Occupation). G.S. 90-108(b)(3) and 90-108(a)(15) (6/2019)		E
260.85	Felonious Use of Controlled Substances Reporting System—Unauthorized [Disclosure] [Dissemination] G.S. 90-113.74(k)(2) (6/2019)		I
280.86	Felonious Use of Controlled Substances Reporting System—[Commercial Advantage] [Personal Gain] [Maliciously Harm] G.S. 90-113.74(k)(3) (6/2019)		H
260.87	Felonious Use of Controlled Substances Reporting System for an Unauthorized Purpose. G.S. 90-113.74(k)(1) (6/2019)		I
260.90	[Intentionally] [Knowingly] [Keeping] [Maintaining] a Building or Vehicle for the [Use] [Keeping] [Selling] of Controlled Substances. G.S. 90-108(a)(7). (6/2009)	I, Misd	I, Misd 1
260.95	[Possession] [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. 90-113.82(b) (6/2010)		Misd 1
260.96C	Failure to Maintain Records of Purchasers of [Glass Tubes] [Splitters]. G.S. 90-113.82(c) (6/2010)		Misd 2
260.96D	Failure to Train Agents and Employees on Requirements of Sales of [Glass Tubes] [Splitters]. G.S. 90-113.82(e) (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)		Misd A1, I
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]. G.S. 90-95(d1)(1)(c). (6/2016)		H
261.60	[Manufacturing] [Distributing] [Dispensing] [Delivering] [Purchasing] Marijuana on Property Lawfully Used for Industrial Hemp Production. G.S. 106-568.57(a). (6/2017)		I
261.65	Providing [False] [Misleading] Information to the Industrial Hemp Commission Related to a License [Application] [Renewal] [Inspection] [Investigation]. G.S. 106-568.57(b). (6/2017)		Misd 1
261.70	[Tampering With] [Adulterating] a Lawfully Planted Industrial Hemp Crop. G.S. 106-568.57(c). (6/2017)		Misd 1
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. G.S. 20-138.1. (6/2010)	Misd	Misd
270.20A	Impaired Driving. G.S. 20-138.1. (6/2016)		
270.21	Impaired Driving of a Commercial Vehicle. G.S. 20-138.2 and -138.2A. (6/2010)		Misd 1
270.21A	Impaired Driving in a Commercial Vehicle. 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.). G.S. 20-138.5. (6/2015)	J	F
270.25A	Habitual Impaired Driving—Including Chemical Test. G.S. 20-138.2A. (6/2018)	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	Operating a Motor Vehicle to Elude Arrest. G.S. 20-141.5(a). (4/2001)	Misd	Misd 1
270.54A	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
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 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] [Passenger]. G.S. 20-154(a1). (6/2014)		Infraction
270.61B	Unsafe 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 Law Enforcement 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
270.90	Failure to Maintain Lane Control. G.S. 20-146(d)(1) (6/2019)		Infraction
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). (6/2017)		Misd 2
270A.27	[Recklessly] [Negligently] [Operating a [Motorboat] [Vessel]] [Manipulating [Water Skis] [A Surfboard.]]. G.S. 75A-10(a). (6/2017)		Misd 2
270A.27A	Manipulating [Water Skis] [A Surfboard] [Nonmotorized Vessel] [Similar Device] While Under the Influence of an Impairing Substance. G.S. 75A-10(b). (6/2017)		Misd 2
270A.27B	[Death] [Serious Injury] by Impaired Boating. G.S. 75A-10.3(a),(b),(f). (6/2017)		D, F
270A.27C	Aggravated [Death] [Serious Injury] by Impaired Boating. G.S. 75A-10.3(c),(d),(f). (6/2017)		D
270A.27D	Repeat Death by Impaired Boating. G.S. 75A-10.3(e),(f). (6/2017)		B2
270A.30	Improper Vessel Registration. G.S. 75A-4. (6/2009)		Misd 3

Non-Traffic Automobile Offenses.

271.10	Driving a Motor Vehicle on a Highway While License Has Been Suspended or Revoked. G.S. 20-28. (5/2001)	Misd	Misd 1
271.12	Driving a Motor Vehicle on a Highway while License Has Been Revoked for Impaired Driving. G.S. 20-28(a1). (6/2018)		
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] Knowingly Permitting Another to Drive] a Vehicle that [was Not Registered with the Division of Motor Vehicles] [Did Not Display a Current 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)		F
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
271.28	Forging an Inspection [Sticker] [Receipt]. G.S. 20-183.8(c)(1). (6/2017)		I
271.28A	[Buying] [Selling] [Issuing] [Possessing] a Forged [Inspection Sticker] [An Electronic Inspection Authorization]. G.S. 20-183.8(c)(2). (6/2017)		I
271.28B	Unlawfully [Buying] [Selling] [Issuing] [Possessing] an [Inspection Sticker] [Electronic Inspection Authorization]. G.S. 20-183.8(c)(3). (6/2017)		I
271.28C	Failing the [Safety] [Emissions] Inspection of a Vehicle for an Unlawful Reason. G.S. 20-183.8(c)(5). (6/2017)		I
271.28D	[Soliciting] [Accepting] Something of Value in Order to Pass a Vehicle That Fails [Safety] [Emissions] Inspection. G.S. 20-183.8(c)(4). (6/2017)		I
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] [Refusing] 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(a); 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] [Possessing] 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 on a Motor Vehicle Without a License. G.S. 20-183.8(b)(1). (6/2017)		Misd 3
271.46	[Giving] [Lending] [Borrowing] of a License Plate for the Purpose of Using Same on a Motor Vehicle Other Than That for Which It Was 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 of Registration] [Duplicate [Registration] [Title]]. G.S. 20-111(5). Misdemeanor. (6/2011)		Misd 1
271.48	Using a [Name] [Address] That Is [False] [Fictitious] in Any Application for [the Registration of Any Vehicle] [Certificate of Title] [Renewal of Registration] [Duplicate [Registration] [Title]]. 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 of Title for Any Purpose Other Than the [[Registration] [Sale] of a Vehicle] [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). (6/2018)		F, 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 or 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. G.S. 20-178A. (6/2012)		Misd 1
271.81	Tampering with Ignition Interlock Device—Altering Testing Results on Ignition Interlock Device. G.S. 20-178A. (6/2012)		Misd 1
271.91	Liability Insurance for Motor Vehicles. G.S. 20-279.21, 20-308, 20-309.—Deleted. See G.S. 20-311. (6/2019)		Misd 1
271.92	Operation of Motor Vehicles Without Financial Responsibility G.S. 20-309(b), 20-313 (6/2019)		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 the 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, or Tobacco Product 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 (6/2014)		Misd 3
272.40	[Manufacturer] [Sale] [Transportation] [Importation] [Furnishing] [Consumption] [Possession] of Powdered Alcohol. G.S. 18B-102 (6/2016)		Misd 1
272.60	[Sale] [Offer for Sale] [Introduce Into Commerce in North Carolina] of an E-liquid Container without Child-Resistant Packaging. G.S. 14-401.18A. (6/2016)		Misd A1
272.65	[Sale] [Offer for Sale] [Introduce 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)		Misd A1
272.80	Knowingly Making a False Statement in an Application for Reissuance of a Special Occasion Permit. G.S. 18B-903.1(e) (6/2019)		Misd 1

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(a), (a1). (6/2018)		
273.55	Unlawful Hunting of Migratory Birds on Sunday. (6/2018)		
Welfare Fraud.			
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(a). (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(a). (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
275.10	Unsupervised Use of Fully Autonomous Vehicle by a Person Under the Age of 12. G.S. 103-2(a2).(6/2018)		
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
280.45	Escape of a Working Prisoner. G.S. 14-255. (5/2001)		Misd 1

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

PART III. DEFENSES

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|---------|--|
| 301.10 | Alibi. (3/2003) |
| 302.10 | Automatism.
Automatism or Unconsciousness. (6/2009) |
| 304.10 | Insanity.
Insanity Defense. (6/2009) |
| 305.10 | Intoxication.
Voluntary Intoxication, Liquor or Drugs—In General. (6/2009) |
| 305.11 | Voluntary Intoxication, Lack of Mental Capacity—Premeditated and Deliberate First-Degree Murder. (6/2009) |
| 307.10 | Accident.
Accident (Defense to Homicide Charge, Except Homicide Committed during Perpetration of a Felony). (5/2003) |
| 307.11 | Accident (Defense in Cases Other Than Homicide). (5/2003) |
| 308.10 | Self-Defense.
Self-Defense, Retreat—Including Homicide (to Be Used Following Self-Defense Instructions Where Retreat Is in Issue). G.S. 14-51.2(1), .3(a). (6/2019) |
| 308.40 | Self-Defense—Assaults Not Involving Deadly Force. G.S. 14.15.2, .3, .4. (6/2019) |
| 308.41 | Detention of Offenders by Private Persons. G.S. 15A-404. (6/2009) |
| 308.45 | Self-Defense—All Assaults Involving Deadly Force. G.S. 14.51.2, .3, .4. (6/2019) |
| 308.45A | Self-Defense Example with 208.10—All Assaults Involving Deadly Force. G.S. 14.51.2, .3, .4. (6/2019) |
| 308.47 | Assault in Lawful Defense of a [Family Member] [Third Person]—(Defense to Assaults Not Involving Deadly Force). G.S. 14.51.2, .3, .4. (6/2019) |
| 308.50 | Assault in Lawful Defense of a [Family Member] [Third Person]—(Defense to All Assaults Involving Deadly Force). G.S. 14.51.2, .3, .4. (6/2019) |
| 308.60 | Killing in Lawful Defense of a [Family Member] [Third Person]—(Defense to Homicide). G.S. 14.51.2, .3, .4. (6/2019) |
| 308.70 | Self-Defense to Sexual Assault—Homicide. G.S. 14.51.2, .3. (6/2019) |
| 308.80 | Defense of [Habitation] [Workplace] [Motor Vehicle]—Homicide and Assault. G.S. 14-51.1, .2, .3, .4. (6/2019) |
| 309.10 | Entrapment.
Entrapment. (5/2003) |
| 310.10 | Coercion.
Compulsion, Duress, or Coercion. (6/2019) |
| 310.11 | Duress or Necessity Defense to Escape from Department of Correction. (5/2003) |
| 310.12 | Necessity. (6/2019) |

311.10 Jurisdiction.
Lack of Jurisdiction (with Special Verdict Form). (5/2003)

APPENDICES:

A. TABLE OF SECTIONS OF GENERAL STATUTES INVOLVED IN CRIMINAL INSTRUCTIONS.

B. CRIMINAL VOLUME INDEX.

104.13 TRANSFERRED INTENT.

If the defendant intended to harm one person but instead harmed a different person, the legal effect would be the same as if the defendant had harmed the intended victim.¹

(If a killing of the intended person would be with malice, then the killing of the different person would also be with malice.)

¹ See e.g., *State v. Davis*, 349 N.C. 1, 506 S.E.2d 455 (1998); *State v. Fletcher*, 125 N.C. App. 505, 481 S.E.2d 418 (1997); *State v. Greenfield*, __ N.C. App. __, 822 S.E.2d 477 (2018) (Defendant shot at Victim B out of self-defense, but the fatal bullet instead hit Victim A, for whom defendant was not entitled to a self-defense claim. Instruction constituted reversible error where it failed to clearly inform the jury that it could find defendant guilty of first-degree felony murder of Victim A based on AWDWIKISI only if it determined that the fatal bullet was meant for Victim B).

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

Does the defendant, (*name*)_____, have an
intellectual disability?

Answer: _____

This the _____ day of _____, _____

Jury Foreperson

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 have an intellectual disability], 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 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

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 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)
- [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 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 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 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 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 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 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, 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?

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 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 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 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 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 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 intellectual disability)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 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 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 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.

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 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 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 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 "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 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 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.

(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 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 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 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 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 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.

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*.

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 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).

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).

203.10 HABITUAL FELON.¹

NOTE WELL: See N.C. Gen. Stat. § 15A-928 for provisions regarding indictment, bifurcated trial, verdict, and judgment.

The defendant has been charged with being a habitual felon. A habitual felon is an individual who has been convicted of or pled guilty to felony offenses on at least three separate occasions since July 6, 1967. The second and subsequent crimes must have been committed after the plea of guilty to or conviction of the one before it.²

For you to find the defendant guilty of being a habitual felon, the State must prove three things beyond a reasonable doubt:

NOTE WELL: While the first element below refers to felonies, N.C. Gen. Stat. § 14-7.1 now applies not only to prior felonies under the laws of North Carolina, pursuant to subsection (b)(1), but also: pursuant to subsection (b)(2) of the statute, an offense that is a felony under the laws of another state or sovereign that is substantially similar to an offense that is a felony in North Carolina, and to which a plea of guilty was entered, or a conviction was returned regardless of the sentence actually imposed; pursuant to subsection (b)(3), an offense that is a crime under the laws of another state or sovereign that does not classify any crimes as felonies if all of the following apply: The offense is substantially similar to an offense that is a felony in North Carolina, the offense may be punishable by imprisonment for more than a year in state prison, a plea of guilty was entered or a conviction was returned regardless of the sentence actually imposed; and pursuant to subsection (b)(4), an offense that is a felony under federal law, provided, however, that federal offenses relating to the manufacture, possession, sale and kindred offenses involving intoxicating liquors shall not be considered felonies for the purpose of this Article. The pattern jury committee believes it is for the trial judge to determine whether an offense UNDER THE LAWS OF ANOTHER STATE is substantially similar to an offense that is a felony in North Carolina.

First, that on (name date) the defendant, in (name court) [was convicted of] [pled guilty to] the [felony] [crime] of (name felony or crime), that was committed on (name date) in violation of the law of the [State of North Carolina] [State of (name other state)] [United States].

Second, that on (name date) the defendant, in (name court) [was convicted of] [pled guilty to] the [felony] [crime] of (name felony or crime), that was committed on (name date) in violation of the law of the [State of North Carolina] [State of (name other state)] [United States].

And Third, that on (name date) the defendant, in (name court) [was convicted of] [pled guilty to] the [felony] [crime] of (name felony or crime) that was committed on (name date) in violation of the law of the [State of North Carolina] [State of (name other state)] [United States].

If you find from the evidence beyond a reasonable doubt that:

1. On (name date), the defendant in (name court) [was convicted of] [pled guilty to] the [felony] [crime] of (name felony or crime), that was committed on (name date) in violation of the law of the [State of North Carolina] [State of (name other state)] [United States]; and
2. On (name date), the defendant in (name court) [was convicted of] [pled guilty to] the [felony] [crime] of (name felony or crime), that was committed on (name date) in violation of the law of the [State of North Carolina] [State of (name other state)] [United States]; and
3. On (name date), the defendant in (name court) [was convicted of] [pled guilty to] the [felony] [crime] of (name felony or crime),

that was committed on (name date) in violation of the law of the
[State of North Carolina] [State of (name other state)] [United
States];

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 Under N.C. Gen. Stat. §14-7.5, the issue of whether a defendant is a habitual felon is submitted to the jury, or, in the alternative, a defendant may enter a guilty plea to the charge of being a habitual felon. Even when a defendant stipulates to the three prior convictions and as to his status as a habitual felon, such stipulation, in the absence of an inquiry by the trial court to establish a record of a formal guilty plea, is not tantamount to a guilty plea. *State v. Gilmore*, 142 N.C. App. 465, 542 S.E.2d 694 (2001). The trial judge is strongly advised to use a transcript of plea if defendant pleads guilty or admits to being a habitual felon.

2 At least two of the three felonies must have been committed after the defendant's eighteenth birthday. Pleas of guilty to or convictions of felony offense, prior to July 6, 1967, shall not constitute felony offenses, nor shall any felony offense to which a pardon has been extended constitute a felony. Federal offenses involving intoxicating liquors are not felonies for purposes of this offense.

203.11 VIOLENT HABITUAL FELON.¹

NOTE WELL: Use this instruction where the offense occurs on or after May 1, 1994. N.C. Gen. Stat. § 14-7.7 is effective May 1, 1994. See N.C. Gen. Stat. § 14-7.11 for provisions regarding indictment, bifurcated trial, verdict, and judgment.

The defendant has been charged with being a violent habitual felon. A violent habitual felon is an individual who has been [convicted of] (or) [pled guilty to] (or) [pled no contest to] violent felony offenses² on at least two separate occasions since July 6, 1967. The second (and other subsequent) crime(s) must have been committed after the [conviction of] (or) [plea of guilty to] (or) [plea of no contest to] the one before it.³

For you to find the defendant guilty of being a violent habitual felon, the State must prove two things beyond a reasonable doubt:

First, that on (*name date*) the defendant, in (*name court*) [was convicted of] [pled guilty to] [pled no contest to] the violent felony of (*name violent felony*), that was committed on (*name date*) in violation of the law of the [State of North Carolina] [State of (*name other state*)] [United States];

And Second, that on (*name date*) the defendant, in (*name court*) [was convicted of] [pled guilty to] [pled no contest to] the violent felony of (*name violent felony*), that was committed on (*name date*) in violation of the law of the [State of North Carolina] [State of (*name other state*)] [United States];

If you find from the evidence beyond a reasonable doubt that:

(1) On (*name date*), the defendant in (*name court*) [was convicted of] [pled guilty to] [pled no contest to] the violent felony of (*name violent felony*), that was committed on (*name date*) in violation of the law of the [State of North Carolina] [State of (*name other state*)] [United States]; and

(2) On (*name date*), the defendant in (*name court*) [was convicted of] [pled guilty to] [pled no contest to] the violent felony of (*name violent felony*), that was committed on (*name date*) in violation of the law of the [State of North Carolina] [State of (*name other state*)] [United States];

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

1 Under N.C. Gen. Stat. § 14-7.5, the issue of whether a defendant is an habitual felon is submitted to the jury, or, in the alternative, a defendant may enter a guilty plea to the charge of being an habitual felon. Even when a defendant stipulates to the three prior convictions and as to his status as an habitual felon, such stipulation, in the absence of an inquiry by the trial court to establish a record of a formal guilty plea, is not tantamount to a guilty plea. *State v. Gilmore*, 142 N.C. App. 465, 542 S.E.2d 694 (2001). The trial judge is strongly advised to use a transcript of plea if defendant pleads guilty or admits to being a habitual felon.

2 N.C. Gen. Stat. § 14-7.7(b) defines Class A-E felonies as violent felonies. (For violent habitual felon indictments issued between May 1, 1994 and Oct. 1, 1994, see House Bill 31, Chapter 22, Part 6, 1994 Extra Session.)

3 Pleas of guilty or no contest to or convictions of felony offenses, prior to July 6, 1967, shall not constitute felony offenses, nor shall any felony offense to which a pardon has been extended constitute a felony. Federal offenses involving intoxicating liquors are not felonies for purposes of the offense.

203.13 ARMED HABITUAL FELON.¹

NOTE WELL: See N.C. Gen. Stat. §§ 14-7.40 and 14-7.41 for provisions regarding indictment, bifurcated trial, verdict, and judgment.

The defendant has been charged with being an armed habitual felon. An armed habitual felon is an individual who has been [convicted of] (or) [pled guilty to] (or) [pled no contest to] firearm-related felony offenses² on at least two separate occasions. The second (and other subsequent) crime(s) must have been committed after the [conviction of] (or) [plea of guilty to] (or) [plea of no contest to] the one before it.³

For you to find the defendant guilty of being an armed habitual felon, the State must prove two things beyond a reasonable doubt:

First, that on (*name date*) the defendant, in (*name court*) [was convicted of] [pled guilty to] [pled no contest to] the firearm-related felony of (*name firearm related felony*), that was committed on (*name date*) in violation of the law of the [State of North Carolina] [State of (*name other state*)] [United States];

And Second, that on (*name date*) the defendant, in (*name court*) [was convicted of] [pled guilty to] [pled no contest to] the firearm-related felony of (*name firearm-related felony*), that was committed on (*name date*) in violation of the law of the [State of North Carolina] [State of (*name other state*)] [United States].

If you find from the evidence beyond a reasonable doubt that:

(1) On (*name date*), the defendant in (*name court*) [was convicted of] [pled guilty to] [pled no contest to] the firearm-related felony of (*name firearm-related felony*), that was committed on (*name date*) in violation

of the law of the [State of North Carolina] [State of (*name other state*)]
[United States]; and

(2) On (*name date*), the defendant in (*name court*) [was convicted of]
[pled guilty to] [pled no contest to] the firearm-related felony of (*name
firearm-related felony*), that was committed on (*name date*) in violation
of the law of the [State of North Carolina] [State of (*name other state*)]
[United States],

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

1 Under N.C. Gen. Stat. § 14-7.5, the issue of whether a defendant is an habitual felon is submitted to the jury, or, in the alternative, a defendant may enter a guilty plea to the charge of being an habitual felon. Even when a defendant stipulates to the three prior convictions and as to his status as an habitual felon, such stipulation, in the absence of an inquiry by the trial court to establish a record of a formal guilty plea, is not tantamount to a guilty plea. *State v. Gilmore*, 142 N.C. App. 465, 542 S.E.2d 694 (2001). The trial judge is strongly advised to use a transcript of plea if defendant pleads guilty or admits to being a habitual felon.

2 N.C. Gen. Stat. § 14-7.35 defines “firearm-related felony” as “any felony committed by a person in which the person used or displayed a firearm while committing the felony.”

3 Firearm-related felonies committed before the defendant turned 18 years of age do not constitute more than one firearm-related felony for purposes of this offense.

206.10 FIRST-DEGREE MURDER WHERE A DEADLY WEAPON IS USED,
COVERING ALL LESSER INCLUDED HOMICIDE OFFENSES AND SELF-
DEFENSE. FELONY.

NOTE WELL: If self-defense is at issue and the assault occurred in defendant's home, place of residence, workplace or motor vehicle, see N.C.P.I.—Crim. 308.80, Defense of Habitation.

NOTE WELL: N.C. Gen. Stat. §§ 15-176.4; 15A-2000(a): When the defendant is indicted for first degree murder the court shall, upon request by either party, instruct the jury as follows:

"In the event that the defendant is convicted of murder in the first degree, the court will conduct a separate sentencing proceeding to determine whether the defendant should be sentenced to death or life imprisonment (without parole).¹ If that time comes, you will receive separate sentencing instructions. However, at this time your only concern is to determine whether the defendant is guilty of the crime charged or any lesser included offenses about which you are instructed."²

The defendant has been charged with first degree murder.

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 murder, or
- 2) guilty of second-degree murder,³ or
- 3) guilty of voluntary manslaughter, or
- 4) guilty of involuntary manslaughter, or
- 5) not guilty.

First degree murder is the unlawful killing of a human being with malice and with premeditation and deliberation.

Second-degree murder is the unlawful killing of a human being with malice, but without premeditation and deliberation.

Voluntary manslaughter is the unlawful killing of a human being without malice and without premeditation and deliberation.

Involuntary manslaughter is the unintentional killing of a human being by an unlawful act not amounting to a felony or by an act done in a criminally negligent way.

The defendant would be excused of first-degree murder and second degree murder on the ground of self-defense if:

First, the defendant believed it was necessary to kill the victim⁴ in order to save the defendant from death or great bodily harm.

And Second, the circumstances as they appeared to the defendant at the time were sufficient to create such a belief in the mind of a person of ordinary firmness. In determining the reasonableness of the defendant's belief, 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 had a weapon in the victim's possession), (and the reputation, if any, of the victim for danger and violence) (*describe other circumstances, as appropriate from the evidence*).

The defendant would not be guilty of any murder or manslaughter if the defendant acted in self-defense, and if the defendant (was not the aggressor in provoking the fight and) did not use excessive force under the circumstances.

(One enters a fight voluntarily if one uses toward one's opponent abusive language, which, considering all of the circumstances, is calculated and intended to provoke a fight. If the defendant voluntarily and without provocation entered the fight, the defendant would be considered the aggressor unless the defendant thereafter attempted to abandon the fight and gave notice to the deceased 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. The defendant is not entitled to the benefit of self-defense if the defendant was the aggressor⁵ with the intent to kill or inflict serious bodily harm upon the deceased.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.

A defendant does not have the right to use excessive force. A defendant uses excessive force if the defendant uses more force than reasonably appeared to the defendant to be necessary at the time of the killing. It is for

you the jury to determine the reasonableness of the force used by the defendant under all of the circumstances as they appeared 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.⁷ (The defendant would have a lawful right to be in the defendant's [home]⁸ [own premises] [place of residence] [workplace]⁹ [motor vehicle]¹⁰.)

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].¹¹

Therefore, in order for you to find the defendant guilty of first-degree murder or second-degree murder, the State must prove beyond a reasonable doubt, among other things, that the defendant did not act in self-defense, or, failing in this, that the defendant was the aggressor with the intent to kill or to inflict serious bodily harm upon the deceased. If the State fails to prove that the defendant did not act in self-defense or was the aggressor with intent to kill or to inflict serious bodily harm, you may not convict the defendant of either first- or second-degree murder. However, you may convict the defendant of voluntary manslaughter if the State proves that the defendant was the aggressor without murderous intent in provoking the fight in which the deceased was killed, or that the defendant used excessive force.

For you to find the defendant guilty of first degree murder, the state must prove six things beyond a reasonable doubt:

First, that the defendant intentionally¹² and with malice killed the victim with a deadly weapon.

Malice means not only hatred, ill will, or spite, as it is ordinarily understood, but it also means the condition of mind which prompts a person to intentionally take the life of another or to intentionally inflict serious bodily harm that proximately results in another person's death without just cause, excuse or justification. If the State proves beyond a reasonable doubt, (or it is admitted)¹³ that the defendant intentionally killed the victim with a deadly weapon or intentionally inflicted a wound upon the deceased with a deadly weapon that proximately caused the victim's death, you may infer first, that the killing was unlawful, and second, that it was done with malice, but you are not compelled to do so.¹⁴ You may consider this along with all other facts and circumstances in determining whether the killing was unlawful and whether it was done with malice.

[A firearm is a deadly weapon.] [A deadly weapon is a weapon which is likely to cause death or serious injury. In determining whether the instrument involved was a 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.]

Second, the State must prove that the defendant's act was a proximate cause of the victim's death. A proximate cause is a real cause, a cause without which the victim's death would not have occurred,¹⁵ and one that a reasonably careful and prudent person could foresee would probably produce such [injury] [damage] or some similar injurious result. (The defendant's act need not have been the only cause, nor the last or nearest cause. It is sufficient if it occurred with some other cause acting at the same time, which, in combination with, caused the death of the victim.) (A child has been killed if the child was born alive, but died as a result of injuries inflicted prior to being born alive.)¹⁶

Third, that the defendant intended to kill the victim. Intent is a mental attitude seldom provable by direct evidence. It must ordinarily be proven by circumstances from which it may be inferred. An intent to kill may be inferred from the nature of the assault, the manner in which the assault was made, the conduct of the parties and any other relevant circumstances.

Fourth, that the defendant acted with premeditation, that is, that the defendant formed the intent to kill the victim over some period of time, however short, before the defendant acted.

Fifth, that the defendant acted with deliberation, which means that the defendant acted while the defendant was in a cool state of mind. This does not mean that there had to be a total absence of passion or emotion. If the intent to kill was formed with a fixed purpose, not under the influence of some suddenly aroused violent passion, it is immaterial that the defendant was in a state of passion or excited when the intent was carried into effect.

Neither premeditation nor deliberation is usually susceptible of direct proof. They may be proved by circumstances from which they may be inferred, such as the [lack of provocation by the victim] [conduct of the defendant before, during and after the killing] [threats and declarations of the defendant] [use of grossly excessive force] [infliction of lethal wounds after the victim is felled] [brutal or vicious circumstances of the killing] [manner in which or means by which the killing was done]¹⁷ [ill will between the parties].¹⁸

And Sixth, that the defendant did not act in self-defense or that the defendant was the aggressor in provoking the fight with the intent to kill or inflict serious bodily harm upon the deceased.

Second Degree Murder differs from first degree murder in that the State does not have to prove specific intent to kill, premeditation, or deliberation. For you to find the defendant guilty of second-degree murder, the State must prove beyond a reasonable doubt that the defendant unlawfully, intentionally¹⁹ and with malice wounded the victim with a deadly weapon, proximately causing the victim's death. The State must also prove that the defendant did not act in self-defense, or if the defendant did act in self-defense, the State must prove that the defendant was the aggressor in provoking the fight with the intent to kill or inflict serious bodily harm.

Voluntary Manslaughter is the unlawful killing of a human being without malice, premeditation, and deliberation. A killing is not committed with malice if the defendant acts in the heat of passion upon adequate provocation.

The heat of passion does not mean mere anger. It means that at the time the defendant acted, the defendant's state of mind was so violent as to overcome reason, so much so that the defendant could not think to the extent necessary to form a deliberate purpose and control the defendant's actions. Adequate provocation means anything that has a natural tendency to produce such passion in a person of average mind and disposition.²⁰ Also, the defendant's act must have taken place so soon after the provocation that the passion of a person of average mind and disposition would not have cooled.

The burden is on the State to prove beyond a reasonable doubt that the defendant did not act in the heat of passion upon adequate provocation, but rather that the defendant acted with malice. If the State fails to meet this burden, the defendant can be guilty of no more than voluntary manslaughter.

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

First, that the defendant killed the victim by an intentional²¹ and unlawful act.

Second, that the defendant's act was a proximate cause²² of the victim's death. A proximate cause is a real cause, a cause without which the victim's death would not have occurred.

And Third, that the defendant [did not act in self-defense] or [though acting in self-defense [was the aggressor] (or) [though acting in self-defense used excessive force]].

Voluntary manslaughter is also committed if the defendant kills in self-defense but uses excessive force under the circumstances or was the aggressor without murderous intent in provoking the fight in which the killing took place.

The burden is on the State to prove beyond a reasonable doubt that the defendant did not act in self-defense. However, if the State proves beyond a reasonable doubt that the defendant, though otherwise acting in self-defense, [used excessive force] (or) [was the aggressor, though the defendant had no murderous intent when the defendant entered the fight], the defendant would be guilty of voluntary manslaughter.²³

If you do not find the defendant guilty of murder or voluntary manslaughter, you must consider whether the defendant is guilty of involuntary manslaughter. Involuntary manslaughter is the unintentional killing of a human being by an unlawful act that is not a felony, or by an act done in a criminally negligent way.

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

First, that the defendant acted

- a) [unlawfully] [The defendant's act was unlawful if (*define crime alleged to have been violated, e.g., defendant recklessly discharged a gun, killing the victim*).]
- b) [in a criminally negligent way].²⁴ [Criminal negligence is more than mere carelessness. The defendant's act was criminally negligent, if, judging by reasonable foresight, it was done with such gross recklessness or carelessness as to amount to a heedless indifference to the safety and rights of others.]

And Second, the State must prove that this [unlawful] (or) [criminally negligent] act proximately caused the victim's death.

(If the victim died by accident or misadventure, that is, without wrongful purpose or criminal negligence on the part of the defendant, the defendant would not be guilty.²⁵ The burden of proving accident is not on the defendant. The defendant's assertion of accident is merely a denial that the defendant has committed any crime. The burden remains on the State to prove the defendant's guilt beyond a reasonable doubt.)

FINAL MANDATE ON ALL CHARGES AND DEFENSES

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant, acting with malice and not in self-defense, wounded the victim with a deadly weapon thereby proximately causing the victim's death, that the defendant intended to kill the victim, and that the defendant acted after premeditation and with deliberation, it would be your duty to return a verdict of guilty of first-degree murder. 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 first-degree murder, but will determine whether the defendant is guilty of second degree murder.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant intentionally and with malice but not in self-defense wounded the victim with a deadly weapon thereby proximately causing the victim's death, it would be your duty to return a verdict of guilty of second-degree murder. 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 second-degree murder, but will determine whether the defendant is guilty of voluntary manslaughter.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant intentionally wounded the victim with a deadly weapon and thereby proximately caused the victim's death, and that the defendant was the aggressor in provoking the fight or used excessive force, it would be your duty to find the defendant guilty of voluntary manslaughter even if the state has failed to prove that the defendant did not act in self-defense.

Or, if you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant intentionally and not in self-defense wounded the victim with a deadly weapon and thereby proximately caused the victim's death, but the State has failed to satisfy you beyond a reasonable doubt that defendant did not act in the heat of passion upon adequate provocation, it would be your duty to return a verdict of guilty of voluntary manslaughter.

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 voluntary manslaughter,

but will determine whether the defendant is guilty of involuntary manslaughter.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant [committed the offense of (name crime)] [acted in a criminally negligent way] thereby proximately causing the victim's death, it would be your duty to return a verdict of guilty of involuntary manslaughter. However, 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.

And finally, if the State has failed to satisfy you beyond a reasonable doubt that the defendant did not act in self-defense, that the defendant was the aggressor, or that the defendant used excessive force, 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 The parenthetical phrase, without parole, must be used for offenses occurring on or after October 1, 1994.

2 N.C. Gen. Stat. § 14-5.2 (effective July 1, 1981) abolished all distinctions between accessories before the fact and principals to felonies as to both trial and punishment, except that if a person who would have been guilty and punishable as an accessory before the fact is convicted of a capital felony, and the jury finds that his conviction was based solely on the uncorroborated testimony of one or more principals, co-conspirators or accessories to the crime, he shall be guilty of a Class B felony. The act applies to all offenses committed on or after July 1, 1981. See N.C.P.I.—Crim. 202.30.

As to felonies allegedly committed before that date, accessories before the fact should be tried (and punished) according to previously existing law. See N.C.P.I.—Crim. 202.20, 202.30 and *State v. Small*, 301 N.C. 407, 272 S.E.2d 128 (1980).

See N.C.P.I.—Crim. 206.10A for suggested procedure and instruction where an accessory before the fact is convicted of first-degree murder.

3 "If the evidence is sufficient to fully satisfy the State's burden of proving each and every element of the offense of murder in the first degree, including premeditation and deliberation, and there is no evidence to negate these elements other than defendant's denial that he committed the offense, the trial judge should properly exclude from jury

FIRST-DEGREE MURDER WHERE A DEADLY WEAPON IS USED, COVERING
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consideration the possibility of a conviction of second-degree murder." *S v. Strickland*, 307 N.C. 274, 293 (1983), overruling *S v. Harris*, 290 N.C. 718 (1976).

4 Substitute "to use deadly force against the victim" for "to kill the victim" when the evidence tends to show that the defendant intended to use deadly force to disable the victim, but not to kill the victim. See *State v. Watson*, 338 N.C. 168 (1994).

5 N.C. Gen. Stat. § 14-51.4(2).

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 See N.C.P.I.—Crim. 308.10.

8 N.C. Gen. Stat. § 14-51.2 (a) (1) states that a home is a "building or conveyance of any kind, to include its curtilage, whether the building or conveyance is temporary or permanent, mobile or immobile, which has a roof over it, including a tent, and is designed as a temporary or permanent residence." Curtilage is the area "immediately surrounding and associated with the home," which may include "the yard around the dwelling house as well as the area occupied by barns, cribs, and other outbuildings." *State v. Grice*, 367 N.C. 753, 759 (2015) (citations and quotations omitted) (defining curtilage in a Fourth Amendment case).

9 N.C. Gen. Stat. § 14-51.2 (a) (4) states that a workplace is a "building or conveyance of any kind, whether the building or conveyance is temporary or permanent, mobile or immobile, which has a roof over it, including a tent, which is being used for commercial purposes."

10 N.C. Gen. Stat. § 14-51.2 (a) (3); which incorporates N.C. Gen. Stat. § 20-4.01 (23), defines "motor vehicle" as "Every vehicle which is self-propelled and every vehicle designed to run upon the highways which is pulled by a self-propelled vehicle. This shall not include mopeds as defined in N.C. Gen. Stat. § 20-4.01(27)d1."

11 **"[W]herever an individual is lawfully located—whether it is his home, motor vehicle, workplace, or any other place where he has the lawful right to be—the individual may stand his ground and defend himself from attack when he reasonably believes such force is necessary to prevent imminent death or great bodily harm to himself or another." *State v. Bass*, ___ N.C. ___, 819 S.E.2d 322, 326 (2018). "[A] defendant entitled to *any* self-defense instruction is entitled to a *complete* self-defense instruction, which includes the relevant stand-your-ground provision." *Id.***

12 If a definition of intent is required, see N.C.P.I.—Crim. 120.10. If a further definition of general intent or specific intent is required, you may consider giving the following additional instruction: [Specific Intent is a mental purpose, aim or design to accomplish a specific harm or result] [General Intent is a mental purpose, aim or design to perform an act, even though the actor does not necessarily desire the consequences that result] *Black's Law Dictionary*, 825-26 (Bryan A. Garner, 8th ed. 2004).

13 Use the parenthetical only if defendant admits to an intentional shooting in open court. See *State v. McCoy*, 303 N.C. 1, 28-29 (1981).

14 In *Francis v. Franklin*, 471 U.S. 307, 105 S.Ct. 1965 (1985), the Supreme Court held that a mandatory presumption, if it relieves the State of its burden of persuasion on an element of the offense, violates the Due Process Clause. This raises questions concerning the validity of the mandatory presumption of malice required in *S. v. Reynolds*, 307 N.C. 184 (1982).

15 Where there is a serious issue as to proximate cause, further instructions may be helpful, e.g., "The defendant's act need not have been the last cause or the nearest cause. It is sufficient if it concurred with some other cause acting at the same time, which in combination with it, proximately caused the death of (*name victim*)." This language was approved in *State v. Messick*, 159 N.C. App. 232 (2003), *per curiam affirmed*, 358 N.C. 145 (2004). ("Defendant's act does not have to be the sole proximate cause of death. It is sufficient that the act was a proximate cause which in combination with another possible cause resulted in [the victim's] death.").

16 This sentence is only to be provided if the offense involved the killing of a child.

17 If there is evidence of lack of mental capacity to premeditate or deliberate, see *S. v. Shank*, 322 N.C. 243, 250-251 (1988), *S. v. Weeks*, 322 N.C. 152 (1988) and *S. v. Rose*, 323 N.C. 455 (1988), and N.C.P.I.—Crim. 305.11.

18 See *State v. Battle*, 322 N.C. 114 (1988).

19 Neither second-degree murder nor voluntary manslaughter has as an essential element an intent to kill. In connection with these two offenses, the phrase 'intentional killing' refers not to the presence of a specific intent to kill, but rather to the fact that the act which resulted in death is intentionally committed and is an act of assault which in itself amounts to a felony or is likely to cause death or serious bodily injury. Such an act committed in the heat of passion suddenly aroused by adequate provocation or in the imperfect exercise of the right of self-defense is voluntary manslaughter. But such an act can never be involuntary manslaughter. This is so because the crime of involuntary manslaughter involves the commission of an act, whether intentional or not, which in itself is not a felony or likely to result in death or great bodily harm. *S. v. Ray*, 299 N.C. 151, 158 (1980). See also *S. v. Jordan*, 140 N.C. App. 594 (2000); *S. v. Coble*, 351 N.C. 448 (2000).

20 If some evidence tends to show legally sufficient provocation (e.g., assault), but other evidence tends to show that the provocation, if any, was insufficient (e.g., mere words), the jury should be told the kind of provocation that the law regards as insufficient, e.g., "Words and gestures alone, however insulting, do not constitute adequate provocation when no assault is made or threatened against the defendant."

21 "Neither second-degree murder nor voluntary manslaughter has as an essential element an intent to kill. In connection with these two offenses, the phrase 'intentional killing' refers not to the presence of a specific intent to kill, but rather to the fact that the act which resulted in death is intentionally committed and is an act of assault which in itself amounts to a felony or is likely to cause death or serious bodily injury. Such an act committed in the heat of passion suddenly aroused by adequate provocation or in the imperfect exercise of the right of self-defense is voluntary manslaughter. But such an act can never be involuntary manslaughter. This is so because the crime of involuntary manslaughter involves the commission of an act, whether intentional or not, which in itself is not a felony or likely to result in death or great bodily harm." *S. v. Ray*, 299 N.C. 151,

158 (1980). *See also S. v. Jordan*, 140 N.C. App. 594 (2000); *S. v. Coble*, 351 N.C. 448 (2000).

22 Where there is a serious issue as to proximate cause, further instructions may be helpful, *e.g.*, "The defendant's act need not have been the last cause or the nearest cause. It is sufficient if it concurred with some other cause acting at the same time, which in combination with it, proximately caused the death of the victim."

23 Where the evidence raises the issue of retreat, *see* N.C.P.I.—Crim. 308.10.

24 Note that you must choose either "unlawfully" or "in a criminally negligent way." Jurors should not be given both options.

25 In the event that the evidence shows that there was an accident, give N.C.P.I.—Crim. 307.10.

206.11 FIRST-DEGREE MURDER WHERE NO DEADLY WEAPON IS USED,
COVERING ALL LESSER INCLUDED HOMICIDE OFFENSES AND SELF-
DEFENSE. FELONY.

NOTE WELL: If self-defense is at issue and the assault occurred in defendant's home, place of residence, workplace or motor vehicle, see N.C.P.I.-Crim. 308.80, Defense of Habitation.

NOTE WELL: N.C. Gen. Stat. §§ 15-176.4; 15A-2000(a): When the defendant is indicted for first-degree murder the court shall, upon request by either party, instruct the jury as follows:¹

"In the event that the defendant is convicted of murder in the first degree, the court will conduct a separate sentencing proceeding to determine whether the defendant should be sentenced to death or life imprisonment (without parole).² If that time comes, you will receive separate sentencing instructions. However, at this time your only concern is to determine whether the defendant is guilty of the crime charged or any lesser included offenses about which you are instructed."³

The defendant has been charged with first degree murder.

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 murder, or
- 2) guilty of second-degree murder,⁴ or
- 3) guilty of voluntary manslaughter, or
- 4) guilty of involuntary manslaughter, or
- 5) not guilty.

First degree murder is the unlawful killing of a human being with malice and with premeditation and deliberation.

Second degree murder is the unlawful killing of a human being with malice, but without premeditation and deliberation.

Voluntary manslaughter is the unlawful killing of a human being without malice and without premeditation and deliberation.

Involuntary manslaughter is the unintentional killing of a human being by an unlawful act not amounting to a felony or by an act done in a criminally negligent way.

The defendant would be excused of first-degree murder and second degree murder on the ground of self-defense if:

First, the defendant believed it to be necessary to kill the victim in order to save the defendant from death or great bodily harm.

And Second, the circumstances as they appeared to the defendant at the time were sufficient to create such a belief in the mind of a person of ordinary firmness. It is for you, the jury, to determine the reasonableness of the defendant's belief from the circumstances as they appeared to the defendant at the time. In determining the reasonableness of the defendant's belief, 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 or not the victim had a weapon in the victim's possession), (and the reputation, if any, of the victim for danger and violence) (*describe other circumstances, as appropriate from the evidence*).

The defendant would not be guilty of any murder or manslaughter if the defendant acted in self-defense, and if the defendant (was not the aggressor in provoking the fight and) did not use excessive force under the circumstances.

(One enters a fight voluntarily if one uses toward one's opponent abusive language, which, considering all of the circumstances, is calculated and intended to provoke a fight. If the defendant voluntarily and without provocation entered the fight, the defendant would be considered the aggressor unless the defendant thereafter attempted to abandon the fight and gave notice to the deceased 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. The defendant is not entitled to the benefit of self-defense if the defendant was the aggressor⁵ with the intent to kill or inflict serious bodily harm upon the deceased.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.

A defendant does not have the right to use excessive force. A defendant uses excessive force if the defendant uses more force than reasonably appeared to the defendant to be necessary at the time of the killing. It is for

you the jury to determine the reasonableness of the force used by the defendant under all of the circumstances as they appeared 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.⁷ (The defendant would have a lawful right to be in the defendant's [home]⁸ [own premises] [place of residence] [workplace]⁹ [motor vehicle]¹⁰.)

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].¹¹

Therefore, in order for you to find the defendant guilty of first-degree murder or second-degree murder, the State must prove beyond a reasonable doubt, among other things, that the defendant did not act in self-defense, or, failing in this, that the defendant was the aggressor with the intent to kill or inflict serious bodily harm upon the deceased. If the State fails to prove either that the defendant did not act in self-defense or was the aggressor, with intent to kill or inflict serious bodily harm, you may not convict the defendant of either first- or second-degree murder. However, you may convict the defendant of voluntary manslaughter if the State proves that the defendant was the aggressor without murderous intent in provoking the fight in which the deceased was killed, or that the defendant used excessive force.

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

First, that the defendant intentionally¹² and with malice killed the victim.

Malice means not only hatred, ill will, or spite, as it is ordinarily understood, but it also means the condition of mind which prompts a person

to take the life of another intentionally or to intentionally inflict serious injury upon another that proximately results in another person's death without just cause, excuse or justification, (or to wantonly act in such a manner as to manifest depravity of mind, a heart devoid of a sense of social duty, and a callous disregard for human life.)¹³

Second, the state must prove that the defendant's act was a proximate cause of the victim's death. A proximate cause is a real cause, a cause without which the victim's death would not have occurred,¹⁴ and one that a reasonably careful and prudent person could foresee would probably produce such [injury] [damage] or some similar injurious result. (The defendant's act need not have been the only cause, nor the last or nearest cause. It is sufficient if it occurred with some other cause acting at the same time, which, in combination with, caused the death of the victim.) (A child has been killed if the child was born alive, but died as a result of injuries inflicted prior to being born alive.)¹⁵

Third, that the defendant intended to kill the victim. Intent is a mental attitude seldom provable by direct evidence. It must ordinarily be proved by circumstances from which it may be inferred. An intent to kill may be inferred from the nature of the defendant's act, the manner in which the assault was made, the conduct of the parties and any other relevant circumstances.

Fourth, that the defendant acted with premeditation, that is, that the defendant formed the intent to kill the victim over some period of time, however short, before the defendant acted.

Fifth, that the defendant acted with deliberation, which means that the defendant acted while the defendant was in a cool state of mind. This does not mean that there had to be a total absence of passion or emotion. If the

intent to kill was formed with a fixed purpose, not under the influence of some suddenly aroused violent passion, it is immaterial that the defendant was in a state of passion or excited when the intent was carried into effect.

Neither premeditation nor deliberation is usually susceptible of direct proof. They may be proven by proof of circumstances from which they may be inferred, such as the [lack of provocation by the victim] [conduct of the defendant before, during and after the killing] [threats and declarations of the defendant] [use of grossly excessive force] [infliction of lethal wounds after the victim is felled] [brutal or vicious circumstances of the killing] [manner in which or the means by which the killing was done]¹⁶ [ill will between the parties].¹⁷

And Sixth, that the defendant did not act in self-defense or that the defendant was the aggressor in provoking the fight with the intent to kill or inflict serious bodily harm upon the deceased.

Second Degree Murder differs from first degree murder in that neither specific intent to kill, premeditation, nor deliberation is a necessary element. For you to find the defendant guilty of second-degree murder, the State must prove beyond a reasonable doubt that the defendant unlawfully, intentionally¹⁸ and with malice, wounded the victim, thereby proximately causing the victim's death and that the defendant did not act in self-defense, or if the defendant did act in self-defense, that the defendant was the aggressor with intent to kill or inflict serious bodily harm in bringing on the fight.

Voluntary Manslaughter is the unlawful killing of a human being without malice and without premeditation and without deliberation. A killing is not

committed with malice if the defendant acts in the heat of passion upon
adequate provocation.

The heat of passion does not mean mere anger. It means that at the time defendant acted, the defendant's state of mind was so violent as to overcome the defendant's reason, so much so that the defendant could not think to the extent necessary to form a deliberate purpose and control the defendant's actions. Adequate provocation may consist of anything which has a natural tendency to produce such passion in a person of average mind and disposition,¹⁹ and the defendant's act took place so soon after the provocation that the passion of a person of average mind and disposition would not have cooled.

The burden is on the State to prove beyond a reasonable doubt that the defendant did not act in the heat of passion upon adequate provocation, but rather that the defendant acted with malice. If the State fails to meet this burden, the defendant can be guilty of no more than voluntary manslaughter.

Voluntary manslaughter is also committed if the defendant kills in self-defense but uses excessive force under the circumstances or was the aggressor without murderous intent in bringing on the fight in which the killing took place.

The burden is on the State to prove beyond a reasonable doubt that the defendant did not act in self-defense. However, if the State proves beyond a reasonable doubt that the defendant, though otherwise acting in self-defense, [used excessive force] (or) [was the aggressor, though the defendant had no murderous intent when the defendant entered the fight], the defendant would be guilty of voluntary manslaughter.²⁰

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

First, that the defendant killed the victim by an intentional²¹ and unlawful act.

Second, that the defendant's act was a proximate cause²² of the victim's death. A proximate cause is a real cause, a cause without which the victim's death would not have occurred.

And Third, that the defendant [did not act in self-defense] or [though acting in self-defense was the aggressor] (or) [though acting in self-defense used excessive force].

If you do not find the defendant guilty of murder or voluntary manslaughter, you must consider whether the defendant is guilty of involuntary manslaughter. Involuntary manslaughter is the unintentional killing of a human being by an unlawful act not amounting to a felony, or by an act done in a criminally negligent way.

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

First, that the defendant acted

a) [unlawfully] [The defendant's act was unlawful if (*define crime alleged to have been violated, e.g., simple assault.*)]

(or)

b) in a criminally negligent way]. [Criminal negligence is more than mere carelessness. The defendant's act was criminally negligent, if,

judging by reasonable foresight, it was done with such gross recklessness or carelessness as to amount to a heedless indifference to the safety and rights of others.]

And Second, the State must prove that this [unlawful] (or) [criminally negligent] act proximately caused the victim's death.

(If the victim died by accident or misadventure, that is, without wrongful purpose or criminal negligence on the part of the defendant, the defendant would not be guilty.²³ The burden of proving accident is not on the defendant. The defendant's assertion of accident is merely a denial that the defendant has committed any crime. The burden remains on the State to prove the defendant's guilt beyond a reasonable doubt.)

FINAL MANDATE ON ALL CHARGES AND DEFENSES

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant, acting with malice and not in self-defense, killed the victim thereby proximately causing the victim's death, that the defendant intended to kill the victim, and that the defendant acted after premeditation and with deliberation, it would be your duty to return a verdict of guilty of first-degree murder. 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 first-degree murder, but will determine whether the defendant is guilty of second-degree murder.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant intentionally and with malice but not in self-defense wounded the victim, thereby proximately causing the victim's death, it would be your duty to return a verdict of guilty of second-degree

murder. 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 second-degree murder. If you do not find the defendant guilty of second-degree murder, you must consider whether the defendant is guilty of voluntary manslaughter.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant intentionally wounded the victim, and thereby proximately caused the victim's death, and that the defendant was the aggressor in bringing on the fight or used excessive force, it would be your duty to return a verdict of guilty of voluntary manslaughter even if the State has failed to prove that the defendant did not act in self-defense.

Or, if you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant intentionally and not in self-defense wounded the victim and thereby proximately caused the victim's death, but the State has failed to satisfy you beyond a reasonable doubt that defendant did not act in the heat of passion upon adequate provocation, it would be your duty to return a verdict of guilty of voluntary manslaughter.

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 voluntary manslaughter. You must then determine whether the defendant is guilty of involuntary manslaughter.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant [committed (*name crime*)] [acted in a criminally negligent way] thereby proximately causing the victim's death, it would be your duty to return a verdict of guilty of involuntary manslaughter. However, 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.

And finally, if the State has failed to satisfy you beyond a reasonable doubt that the defendant did not act in self-defense, that the defendant was the aggressor, or that the defendant used excessive force, 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 This instruction is intended to serve as a model for combining other homicide charges. It should be given as drafted here only in a case where there is a charge of first degree murder (not involving the felony-murder rule), where all lesser included homicide offenses as well as acquittal upon the grounds of self-defense or accident are possible verdicts under the evidence and where the evidence would not support a finding that a deadly weapon was used. The instruction contains changes suggested by Justice Exum, although the words "perfect" and "imperfect" self-defense have not been incorporated.

2 The parenthetical phrase, without parole, must be used for offenses occurring on or after October 1, 1994.

3 N.C. Gen. Stat. § 14-5.2 (effective July 1, 1981) abolished all distinctions between accessories before the fact and principals to felonies as to both trial and punishment, except that if a person who would have been guilty and punishable as an accessory before the fact is convicted of a capital felony, and the jury finds that his conviction was based solely on the uncorroborated testimony of one or more principals, co-conspirators or accessories to the crime, he shall be guilty of a Class B felony. The act applies to all offenses committed on or after July 1, 1981. See N.C.P.I.—Crim. 202.20A.

As to felonies allegedly committed before that date, accessories before the fact should be tried (and punished) according to previously existing law. See N.C.P.I.—Crim. 202.20, 202.30 and *S. v. Small*, 301 N.C. 407, 272 S.E.2d 128 (1980).

See N.C.P.I.—Crim. 206.10A for suggested procedure and instruction where an accessory before the fact is convicted of first degree murder.

4 "If the evidence is sufficient to fully satisfy the State's burden of proving each and every element of the offense of murder in the first degree, including premeditation and deliberation, and there is no evidence to negate these elements other than defendant's denial that he committed the offense, the trial judge should properly exclude from jury consideration the possibility of a conviction of second degree murder." *S. v. Strickland*, 307 N.C. 274, 293 (1983), *overruling S. v. Harris*, 290 N.C. 718 (1976).

5 N.C. Gen. Stat. § 14-51.4(2).

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 See N.C.P.I.—Crim. 308.10.

8 N.C. Gen. Stat. § 14-51.2 (a) (1) states that a home is a "building or conveyance of any kind, to include its curtilage, whether the building or conveyance is temporary or permanent, mobile or immobile, which has a roof over it, including a tent, and is designed as a temporary or permanent residence." Curtilage is the area "immediately surrounding and associated with the home," which may include "the yard around the dwelling house as well as the area occupied by barns, cribs, and other outbuildings." *State v. Grice*, 367 N.C. 753, 759 (2015) (citations and quotations omitted) (defining curtilage in a Fourth Amendment case).

9 N.C. Gen. Stat. § 14-51.2 (a) (4) states that a workplace is a "building or conveyance of any kind, whether the building or conveyance is temporary or permanent, mobile or immobile, which has a roof over it, including a tent, which is being used for commercial purposes."

10 N.C. Gen. Stat. § 14-51.2 (a) (3); which incorporates N.C. Gen. Stat. § 20-4.01 (23), defines "motor vehicle" as "Every vehicle which is self-propelled and every vehicle designed to run upon the highways which is pulled by a self-propelled vehicle. This shall not include mopeds as defined in N.C. Gen. Stat. § 20-4.01(27)d1."

11 **"[W]herever an individual is lawfully located—whether it is his home, motor vehicle, workplace, or any other place where he has the lawful right to be—the individual may stand his ground and defend himself from attack when he reasonably believes such force is necessary to prevent imminent death or great bodily harm to himself or another." *State v. Bass*, ___ N.C. ___, 819 S.E.2d 322, 326 (2018). "[A] defendant entitled to *any* self-defense instruction is entitled to a *complete* self-defense instruction, which includes the relevant stand-your-ground provision." *Id.***

12 If a definition of intent is required, see N.C.P.I.—Crim. 120.10. If a further definition of general intent or specific intent is required, you may consider giving the following additional instruction: [Specific Intent is a mental purpose, aim or design to

accomplish a specific harm or result] [General Intent is a mental purpose, aim or design to perform an act, even though the actor does not necessarily desire the consequences that result] *Black's Law Dictionary*, 825-26 (Bryan A. Garner, 8th ed. 2004).

13 Malice may be implied from evidence that the victim's death resulted from an attack by hands alone, without the use of other weapons, when the attack was made by a mature man upon a defenseless infant or upon a person enfeebled by age, sickness or other apparent physical disability, *S. v. Jones*, 35 N.C. App. 48 (1978); *S. v. Sallie*, 13 N.C. App. 499 (1972), *cert. den.* 281 N.C. 316 (1972).

14 Where there is a serious issue as to proximate cause, further instructions may be helpful, *e.g.*, "The defendant's act need not have been the last cause or the nearest cause. It is sufficient if it concurred with some other cause acting at the same time, which in combination with it, proximately caused the death of the victim."

15 This sentence is only to be provided if the offense involved the killing of a child.

16 322 N.C. 243 (1988) and N.C.P.I.—Crim. 305.11, *S. v. Weeks*, 322 N.C. 152 (1988) and *S. v. Rose*, 323 N.C. 455 (1988).

17 *See State v. Battle*, 322 N.C. 114 (1988).

18 Neither second-degree murder nor voluntary manslaughter has as an essential element an intent to kill. In connection with these two offenses, the phrase 'intentional killing' refers not to the presence of a specific intent to kill, but rather to the fact that the act which resulted in death is intentionally committed and is an act of assault which in itself amounts to a felony or is likely to cause death or serious bodily injury. Such an act committed in the heat of passion suddenly aroused by adequate provocation or in the imperfect exercise of the right of self-defense is voluntary manslaughter. But such an act can never be involuntary manslaughter. This is so because the crime of involuntary manslaughter involves the commission of an act, whether intentional or not, which in itself is not a felony or likely to result in death or great bodily harm. *S. v. Ray*, 299 N.C. 151, 158 (1980). *See also S. v. Jordan*, 140 N.C. App. 594 (2000); *S. v. Coble*, 351 N.C. 448 (2000).

19 If some evidence tends to show legally sufficient provocation (*e.g.*, assault), but other evidence tends to show that the provocation, if any, was insufficient (*e.g.*, mere words), the jury should be told the kind of provocation that the law regards as insufficient, *e.g.*, "Words and gestures alone, however insulting, do not constitute adequate provocation when no assault is made or threatened against the defendant."

20 Where the evidence raises the issue of retreat, see N.C.P.I.—Crim. 308.10.

21 "Neither second-degree murder nor voluntary manslaughter has as an essential element an intent to kill. In connection with these two offenses, the phrase 'intentional killing' refers not to the presence of a specific intent to kill, but rather to the fact that the act which resulted in death is intentionally committed and is an act of assault which in itself amounts to a felony or is likely to cause death or serious bodily injury. Such an act committed in the heat of passion suddenly aroused by adequate provocation or in the imperfect exercise of the right of self-defense is voluntary manslaughter. But such an act can never be involuntary manslaughter. This is so because the crime of involuntary manslaughter involves the commission of an act, whether intentional or not, which in itself is not a felony or likely to result in death or great bodily harm." *S. v. Ray*, 299 N.C. 151,

158 (1980). *See also S. v. Jordan*, 140 N.C. App. 594 (2000); *S. v. Coble*, 351 N.C. 448 (2000).

22 Where there is a serious issue as to proximate cause, further instructions may be helpful, *e.g.*, "The defendant's act need not have been the last cause or the nearest cause. It is sufficient if it concurred with some other cause acting at the same time, which in combination with it, proximately caused the death of the victim."

23 In the event that the evidence shows that there was an accident, *give* N.C.P.I.—Crim. 307.10.

206.22 FIRST-DEGREE MURDER INVOLVING DOMESTIC VIOLENCE,
COVERING ALL LESSER INCLUDED HOMICIDE OFFENSES AND SELF-
DEFENSE. FELONY.

NOTE WELL: In the event the State proceeds on both the theory of premeditation and deliberation and the theory of domestic violence, then the instruction should be adapted accordingly.

NOTE WELL: If self-defense is at issue and the assault occurred in defendant's home, place of residence, workplace or motor vehicle, see N.C.P.I.-Crim. 308.80, Defense of Habitation.

NOTE WELL: N.C. Gen. Stat. §§ 15-176.4; 15A-2000(a): When the defendant is indicted for first degree murder the court shall, upon request by either party, instruct the jury as follows:

"In the event that the defendant is convicted of murder in the first degree, the court will conduct a separate sentencing proceeding to determine whether the defendant should be sentenced to death or life imprisonment (without parole).¹ If that time comes, you will receive separate sentencing instructions. However, at this time your only concern is to determine whether the defendant is guilty of the crime charged or any lesser included offenses about which you are instructed.²"

NOTE WELL: In the event the defendant raises accident as an affirmative defense, then give N.C.P.I.—Criminal 307.10 and edit the language of the instruction as necessary.

NOTE WELL: If the defendant has admitted to a prior conviction, the instruction should be adapted to reflect the admission of the conviction. A transcript of plea should be completed before the State rests their case.

The defendant has been charged with first-degree murder involving domestic violence.

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 murder involving domestic violence, or
2. guilty of second-degree murder,³ or
3. guilty of voluntary manslaughter, or
4. guilty of involuntary manslaughter, or
5. not guilty.

First degree murder involving domestic violence is the unlawful killing
of a human being who was [the defendant's spouse] [the defendant's former
spouse] [a person with whom the defendant (had) lived as if married] [a
person with whom the defendant (was) (had been) in a dating relationship]
[a person with whom the defendant shares a child in common].

Second-degree murder is the unlawful killing of a human being with
malice, but without premeditation and deliberation.

Voluntary manslaughter is the unlawful killing of a human being without
malice and without premeditation and deliberation.

Involuntary manslaughter is the unintentional killing of a human being
by an unlawful act not amounting to a felony or by an act done in a criminally
negligent way.

The defendant would be excused of first-degree murder and second-
degree murder on the ground of self-defense if:

First, the defendant believed it was necessary to kill the alleged
victim⁴ in order to save the defendant from death or great bodily harm.

And Second, the circumstances as they appeared to the defendant at the time were sufficient to create such a belief in the mind of a person of ordinary firmness. In determining the reasonableness of the defendant's belief, 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 alleged victim), (the fierceness of the assault, if any, upon the defendant), (whether the alleged victim had a weapon in the alleged victim's possession), (and the reputation, if any, of the alleged victim for danger and violence) (describe other circumstances, as appropriate, from the evidence),

The defendant would not be guilty of any murder or manslaughter if the defendant acted in self-defense, and if the defendant (was not the aggressor in provoking the fight and) did not use excessive force under the circumstances.

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.

(One enters a fight voluntarily if one uses toward one's opponent abusive language, which, considering all of the circumstances, is calculated and intended to provoke a fight. If the defendant voluntarily and without provocation entered the fight, the defendant would be considered the aggressor unless the defendant thereafter attempted to abandon the fight and gave notice to the deceased 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)⁵, and the use of force likely to cause death or serious bodily harm was the only way to escape the danger. (The defendant is not entitled to the benefit of self-defense if the defendant was the aggressor⁶ with the intent to kill or inflict serious bodily harm upon the deceased.⁷))

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.

A defendant does not have the right to use excessive force. A defendant uses excessive force if the defendant uses more force than reasonably appeared to the defendant to be necessary at the time of the killing. It is for you the jury to determine the reasonableness of the force used by the defendant under all of the circumstances as they appeared 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.⁸ (The defendant would have a lawful right to be in the defendant's [home⁹ [own premises] [place of residence] [workplace]¹⁰ [motor vehicle]¹¹.)

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].¹²

Therefore, in order for you to find the defendant guilty of first-degree murder or second-degree murder, the State must prove beyond a reasonable doubt, among other things, that the defendant did not act in self-defense, (or, failing in this, that the defendant was the aggressor with the intent to kill or to inflict serious bodily harm upon the deceased.) If the State fails to prove that the defendant did not act in self-defense (or was the aggressor with intent to kill or to inflict serious bodily harm), you may not convict the defendant of either first or second-degree murder. However, you may convict the defendant of voluntary manslaughter if the State proves that the defendant (was the aggressor without murderous intent in provoking the fight in which the deceased was killed) (used excessive force).¹³

For you to find the defendant guilty of first-degree murder involving domestic violence, the state must prove six things beyond a reasonable doubt:

First, that the defendant with malice killed the alleged victim.

For this purpose, malice arises when an act which is an inherently dangerous act or omission is done in such a reckless and wanton manner as to manifest a mind utterly without regard for human life and social duty and deliberately bent on mischief.

Second, that the alleged victim was [defendant's spouse] [defendant's former spouse] [a person with whom the defendant (had) lived as if married] [a person with whom the defendant (was) (had been) in a dating relationship. A dating relationship is one in which the parties are romantically involved over time and on a continuous basis during the course of the relationship] [a person with whom the defendant shares a child in common].

Third, that the defendant's act was a proximate cause of the alleged victim's death. A proximate cause is a real cause, a cause without which the alleged victim's death would not have occurred,¹⁴ and one that a reasonably careful and prudent person could foresee would probably produce such [injury] [damage] or some similar injurious result. (The defendant's act need not have been the only cause, nor the last or nearest cause. It is sufficient if it occurred with some other cause acting at the same time, which, in combination with, caused the death of the alleged victim.)

Fourth, that the defendant acted intentionally.¹⁵ Intent is a mental attitude seldom provable by direct evidence. It must ordinarily be proven by circumstances from which it may be inferred.

Fifth, that the defendant acted with premeditation, that is, that the defendant formed the intent to kill the alleged victim over some period of time, however short, before the defendant acted.

Sixth, that the defendant acted with deliberation, which means that the defendant acted while the defendant was in a cool state of mind. This does not mean that there had to be a total absence of passion or emotion. If the intent to kill was formed with a fixed purpose, not under the influence of some suddenly aroused violent passion, it is immaterial that the defendant was in a state of passion or excited when the intent was carried into effect.

Neither premeditation nor deliberation is usually susceptible of direct proof. They may be proved by circumstances from which they may be inferred, such as the [lack of provocation by the alleged victim] [conduct of the defendant before, during and after the killing] [threats and declarations of the defendant] [use of grossly excessive force] [infliction of lethal wounds after the alleged victim is felled] [brutal or vicious circumstances of the killing]

[manner in which or means by which the killing was done]¹⁶ [ill will between the parties].¹⁷ You may find, but you are not compelled to do so, that a killing is a willful, deliberate, and premeditated killing if the defendant has previously been convicted of [an act of domestic violence involving the same alleged victim¹⁸] [a violation of a domestic violence protective order when the same alleged victim is the subject of the domestic violence protective order¹⁹] [communicating threats involving the same alleged victim²⁰] [stalking involving the same alleged victim²¹] [cyberstalking involving the same alleged victim²²] [domestic criminal trespass involving the same alleged victim²³].²⁴

NOTE WELL: If the defendant has admitted to a prior conviction, the following language should be adapted to reflect the admission of the conviction. A transcript of plea should be completed before the State rests their case.

You may find that a person has been previously convicted of [this] [these] offense(s), if you find from the evidence beyond a reasonable doubt that:

1. On (name date) in (name court) the defendant was convicted of an act of domestic violence²⁵ involving the same alleged victim as this case.] (Notice: Read Endnote 31)
2. On (name date) in (name court) the defendant was convicted of a violation of a domestic violence protective order²⁶ when the same alleged victim as this case is the subject of the domestic violence protective order.] (Notice: Read Endnote 31)
3. On (name date) in (name court) the defendant was convicted of communicating threats²⁷ involving the same alleged victim as this case.] (Notice: Read Endnote 31)

4. On (name date) in (name court) the defendant was convicted of stalking²⁸ involving the same alleged victim as this case.] (Notice: Read Endnote 31)
5. On (name date) in (name court) the defendant was convicted of cyberstalking²⁹ involving the same alleged victim as this case.] (Notice: Read Endnote 31)
6. On (name date) in (name court) the defendant was convicted of domestic criminal trespass³⁰ involving the same alleged victim as this case.].³¹ (Notice: Read Endnote 31)

You may consider this along with all other facts and circumstances in determining whether the killing was unlawful and whether it was committed with premeditation and deliberation.

And Seventh, that the defendant did not act in self-defense or that the defendant was the aggressor in provoking the fight with the intent to kill or inflict serious bodily harm upon the deceased.

Second Degree Murder differs from first degree murder involving domestic violence in that the State does not have to prove specific intent to kill, premeditation, or deliberation. For you to find the defendant guilty of second degree murder, the State must prove beyond a reasonable doubt that the defendant unlawfully, intentionally³² and with malice wounded the alleged victim with a deadly weapon, proximately causing the alleged victim's death. For this purpose, malice means not only hatred, ill will, or spite, as it is ordinarily understood, but [it also means that condition of mind which prompts a person to take the life of another intentionally or to intentionally inflict serious bodily harm which proximately results in another's death, without just

cause, excuse or justification.] [malice also arises when an act which is inherently dangerous to human life is intentionally done so recklessly and wantonly as to manifest a mind utterly without regard for human life and social duty and deliberately bent on mischief.³³] (The State must also prove that the defendant did not act in self-defense, or if the defendant did act in self-defense, the State must prove that the defendant was the aggressor in provoking the fight with the intent to kill or inflict serious bodily harm.)

Voluntary Manslaughter is the unlawful killing of a human being without malice, premeditation, and deliberation. A killing is not committed with malice if the defendant acts in the heat of passion upon adequate provocation.

The heat of passion does not mean mere anger. It means that at the time the defendant acted, the defendant's state of mind was so violent as to overcome reason, so much so that the defendant could not think to the extent necessary to form a deliberate purpose and control the defendant's actions. Adequate provocation means anything that has a natural tendency to produce such passion in a person of average mind and disposition.³⁴ Also, the defendant's act must have taken place so soon after the provocation that the passion of a person of average mind and disposition would not have cooled.

The burden is on the State to prove beyond a reasonable doubt that the defendant did not act in the heat of passion upon adequate provocation, but rather that the defendant acted with malice. If the State fails to meet this burden, the defendant can be guilty of no more than voluntary manslaughter.

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

First, that the defendant killed the alleged victim by an intentional³⁵ and unlawful act.

Second, that the defendant's act was a proximate cause³⁶ of the alleged victim's death. A proximate cause is a real cause, a cause without which the alleged victim's death would not have occurred.

And Third, that the defendant [did not act in self-defense] (or) [though acting in self-defense [was the aggressor] [though acting in self-defense used excessive force]].

Voluntary manslaughter is also committed if the defendant kills in self-defense but [uses excessive force under the circumstances] [was the aggressor without murderous intent in provoking the fight in which the killing took place].

The burden is on the State to prove beyond a reasonable doubt that the defendant did not act in self-defense. However, if the State proves beyond a reasonable doubt that the defendant, though otherwise acting in self-defense, [used excessive force] [was the aggressor, though the defendant had no murderous intent when the defendant entered the fight], the defendant would be guilty of voluntary manslaughter.³⁷

If you do not find the defendant guilty of murder or voluntary manslaughter, you must consider whether the defendant is guilty of involuntary manslaughter. Involuntary manslaughter is [the unintentional killing of a human being by an unlawful act that is not a felony] [an act done in a criminally negligent way.]

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

First, that the defendant acted

- a. [unlawfully. The defendant's act was unlawful if (define crime alleged to have been violated, e.g., defendant recklessly discharged a gun, killing the alleged victim).]
- b. [in a criminally negligent way.³⁸ Criminal negligence is more than mere carelessness. The defendant's act was criminally negligent, if, judging by reasonable foresight, it was done with such gross recklessness or carelessness as to amount to a heedless indifference to the safety and rights of others.]

And Second, the State must prove that this [unlawful] [criminally negligent] act proximately caused the alleged victim's death.

FINAL MANDATE ON ALL CHARGES AND DEFENSES

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant, acting with malice and not in self-defense, wounded the alleged victim with a deadly weapon thereby proximately causing the alleged victim's death, that the defendant acted intentionally to kill the alleged victim, that the alleged victim was [defendant's spouse] [defendant's former spouse] [a person with whom the defendant (had) lived as if married] [a person with whom the defendant (was) (had been) in a dating relationship] [a person with whom the defendant shares a child in common] and that the defendant acted after premeditation and with deliberation, it would be your duty to return a verdict of guilty of first degree murder. 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 first degree murder involving domestic violence, but will determine whether the defendant is guilty of second degree murder.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant intentionally and with malice but not in self-defense wounded the alleged victim with a deadly weapon thereby proximately causing the alleged victim's death, it would be your duty to return a verdict of guilty of second-degree murder. (In the event you find the defendant guilty of second-degree murder, your foreperson must indicate on the verdict sheet upon which theory of malice this is based, and your decision on this theory must be unanimous.) 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 second degree-murder, but will determine whether the defendant is guilty of voluntary manslaughter.

NOTE WELL: If this is a Second-Degree Murder case involving multiple theories of malice, then refer to the special verdict form attached herein.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant intentionally wounded the alleged victim with a deadly weapon and thereby proximately caused the alleged victim's death, and that the defendant was the aggressor in provoking the fight or used excessive force, it would be your duty to find the defendant guilty of voluntary manslaughter even if the state has failed to prove that the defendant did not act in self-defense.

Or, if you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant intentionally and not in self-defense wounded the alleged victim with a deadly weapon and thereby proximately caused the alleged victim's death, but the State has failed to satisfy you beyond a reasonable doubt that defendant did not act in the heat of passion

upon adequate provocation, it would be your duty to return a verdict of guilty of voluntary manslaughter.

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 voluntary manslaughter, but will determine whether the defendant is guilty of involuntary manslaughter.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant [committed the offense of (name crime)] [acted in a criminally negligent way] thereby proximately causing the alleged victim's death, it would be your duty to return a verdict of guilty of involuntary manslaughter. However, 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.

And finally, if the State has failed to satisfy you beyond a reasonable doubt that the defendant did not act in self-defense, that the defendant was the aggressor, or that the defendant used excessive force, then the defendant's action would be justified by self-defense; and it would be your duty to return a verdict of not guilty.

APPENDIX A

NOTE WELL: This verdict form is an example and must be adapted based on the facts of your case. For example, some cases may not involve the felony murder rule or second lesser included offenses.

STATE OF NORTH CAROLINA

IN THE GENERAL COURT
OF JUSTICE

SUPERIOR COURT DIVISION

No. _____

STATE OF NORTH CAROLINA

Plaintiff)

)

vs.)

)

(Name Defendant))

)

Defendant)

)

V E R D I C T

We, the jury, return the unanimous verdict as follows:

1. Guilty of First-Degree Murder Involving Domestic Violence

ANSWER: _____

If you find the Defendant Guilty of First-Degree Murder stop here.

2. Guilty of Second-Degree Murder

ANSWER: _____

If you find defendant Guilty of Second-Degree Murder you must
unanimously find one or more of A, B, or C below.

A. Is it malice meaning hatred, ill will, or spite?

ANSWER: _____

B. Is it malice defined as condition of mind which prompts a person
to take the life of another intentionally or to intentionally inflict
serious bodily harm which proximately results in another's death,
without just cause, excuse or justification?

ANSWER: _____

C. Is it malice that arises when an act which is inherently
dangerous to human life is intentionally done so recklessly and
wantonly as to manifest a mind utterly without regard for human
life and social duty and deliberately bent on mischief?

ANSWER: _____

If you find the Defendant Guilty of Second-Degree Murder stop here.

3. Guilty of (state second lesser included offense)

ANSWER: _____

If you find the Defendant Guilty of (state second lesser included
offense) stop here.

4. Not Guilty.

ANSWER: _____

This, the _____ day of _____, 20____.

Foreperson of the Jury (must be signed)

1 The parenthetical phrase, without parole, must be used for offenses occurring on or after October 1, 1994.

2 N.C. Gen. Stat. § 14-5.2 (effective July 1, 1981) abolished all distinctions between accessories before the fact and principals to felonies as to both trial and punishment, except that if a person who would have been guilty and punishable as an accessory before the fact is convicted of a capital felony, and the jury finds that his conviction was based solely on the uncorroborated testimony of one or more principals, co-conspirators or accessories to the crime, he shall be guilty of a Class B felony. The act applies to all offenses committed on or after July 1, 1981. See N.C.P.I.—Crim. 202.30.

As to felonies allegedly committed before that date, accessories before the fact should be tried (and punished) according to previously existing law. See N.C.P.I.—Crim. 202.20, 202.30 and *State v. Small*, 301 N.C. 407, 272 S.E.2d 128 (1980).

See N.C.P.I.—Crim. 206.10A for suggested procedure and instruction where an accessory before the fact is convicted of first-degree murder.

3 “If the evidence is sufficient to fully satisfy the State's burden of proving each and every element of the offense of murder in the first degree, including premeditation and deliberation, and there is no evidence to negate these elements other than defendant's denial that he committed the offense, the trial judge should properly exclude from jury consideration the possibility of a conviction of second-degree murder.” *State v. Strickland*, 307 N.C. 274, 293 (1983), overruling *State v. Harris*, 290 N.C. 718 (1976).

4 Substitute “to use deadly force against the alleged victim” for “to kill the alleged victim” when the evidence tends to show that the defendant intended to use deadly force to disable the alleged victim, but not to kill the alleged victim. *See State v. Watson*, 338 N.C. 168 (1994).

5 If there is a question of whether the defendant was in a place that the defendant had a lawful right to be, then the instruction should be amended to add this parenthetical.

6 N.C. Gen. Stat. § 14-51.4(2).

7 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.

8 *See* N.C.P.I.—Crim. 308.10.

9 N.C. Gen. Stat. § 14-51.2 (a) (1) states that a home is a “building or conveyance of any kind, to include its curtilage, whether the building or conveyance is temporary or permanent, mobile or immobile, which has a roof over it, including a tent, and is designed as a temporary or permanent residence.” Curtilage is the area “immediately surrounding and associated with the home,” which may include “the yard around the dwelling house as well as the area occupied by barns, cribs, and other outbuildings.” *State v. Grice*, 367 N.C. 753, 759 (2015) (citations and quotations omitted) (defining curtilage in a Fourth Amendment case).

10 N.C. Gen. Stat. § 14-51.2 (a) (4) states that a workplace is a “building or conveyance of any kind, whether the building or conveyance is temporary or permanent, mobile or immobile, which has a roof over it, including a tent, which is being used for commercial purposes.”

11 N.C. Gen. Stat. § 14-51.2 (a) (3); which incorporates N.C. Gen. Stat. § 20-4.01 (23), defines “motor vehicle” as “Every vehicle which is self-propelled and every vehicle designed to run upon the highways which is pulled by a self-propelled vehicle. This shall not include mopeds as defined in N.C. Gen. Stat. § 20-4.01(27)d1.”

12 “[W]herever an individual is lawfully located—whether it is his home, motor vehicle, workplace, or any other place where he has the lawful right to be—the individual may stand his ground and defend himself from attack when he reasonably believes such force is necessary to prevent imminent death or great bodily harm to himself or another.” *State v. Bass*, ___ N.C. ___, 819 S.E.2d 322, 326 (2018). “[A] defendant entitled to *any* self-defense instruction is entitled to a *complete* self-defense instruction, which includes the relevant stand-your-ground provision.” *Id.*

13 This instruction should be adapted to include one or both of these options if supported by the evidence.

14 Where there is a serious issue as to proximate cause, further instructions may be helpful, e.g., "The defendant's act need not have been the last cause or the nearest cause. It is sufficient if it concurred with some other cause acting at the same time, which in combination with it, proximately caused the death of (name victim)." This language was approved in *State v. Messick*, 159 N.C. App. 232 (2003), per curium affirmed, 358 N.C. 145 (2004). ("Defendant's act does not have to be the sole proximate cause of death. It is sufficient that the act was a proximate cause which in combination with another possible cause resulted in [the alleged victim's] death.").

15 If a definition of intent is required, see N.C.P.I.—Crim. 120.10. If a further definition of general intent or specific intent is required, you may consider giving the following additional instruction: [Specific Intent is a mental purpose, aim or design to accomplish a specific harm or result] [General Intent is a mental purpose, aim or design to perform an act, even though the actor does not necessarily desire the consequences that result] Black's Law Dictionary, 825-26 (Bryan A. Garner, 8th ed. 2004).

16 If there is evidence of lack of mental capacity to premeditate or deliberate, see *S. v. Shank*, 322 N.C. 243, 250-251 (1988), *State v. Weeks*, 322 N.C. 152 (1988) and *State v. Rose*, 323 N.C. 455 (1988), and N.C.P.I.—Crim. 305.11.

17 See *State v. Battle*, 322 N.C. 114 (1988).

18 N.C. Gen. Stat. § 50B-1(a).

19 N.C. Gen. Stat. § 50B-4.1 (a) (f) (g) (g1)

20 N.C. Gen. Stat. § 14-277.1

21 N.C. Gen. Stat. § 14-277.3A

22 N.C. Gen. Stat. § 14-196.3

23 N.C. Gen. Stat. § 14.134.3

24 N.C. Gen. Stat § 16-17(a1) provides "there shall be a rebuttable presumption" of premeditation and deliberation where there is a prior domestic violence conviction. The constitutionality of this burden shifting aspect of N.C. Gen. Stat. § 14-17(a1) and the "rebuttable presumption" of a "willful, deliberate, and premeditated killing" is at question. See Jeff Welty's blog post "Many Questions and a Few Answers about Britny's Law" [sog.unc.edu/blogs/nc-criminal-law/many-questions-and-few-answers-about-britny's-law](http://sog.unc.edu/blogs/nc-criminal-law/many-questions-and-few-answers-about-britny-s-law).

25 An act of domestic violence is the commission of one or more of the following acts upon an aggrieved party or upon a minor child residing with or in the custody of the aggrieved party by a person with whom the aggrieved party has or has had a personal relationship, but does not include acts of self-defense: attempting to cause bodily injury, or intentionally causing bodily injury; or placing the aggrieved party or a member of the aggrieved party's family or household in fear of imminent serious bodily injury or continued harassment that rises to such a level as to inflict substantial emotional distress; or under N.C.G.S. § 14-27.21 through N.C.G.S. § 14-27.33).

26 N.C.G.S. § 50-B4.1(a), (f), (g), or (g1) or G.S. § 14-269.8.

27 Communicating threats is willfully threatening to physically injure the person or that person's child, sibling, spouse, or dependent or willfully threatening to damage the

property of another; the threat is communicated to the other person orally, in writing, or by any other means; the threat is made in a manner or under circumstances which would cause a reasonable person to believe that the threat is likely to be carried out; and the person threatened believes that the threat will be carried out.

28 Stalking is defined as when the defendant willfully on more than one occasion harasses another person without legal purpose or willfully engages in a course of conduct directed at a specific person without legal purpose and the defendant knows or should know that the harassment or the course of conduct would cause a reasonable person to do any of the following: (1) fear for the person's safety or the safety of the person's immediate family or close personal associates (2) suffer substantial emotional distress by placing that person in fear of death, bodily injury, or continued harassment.

29 N.C.G.S. § 14-196.3.

30 N.C.G.S. § 14-134.3.

31 In the event the defendant elects to admit the prior conviction, then a transcript of plea should be completed. Care should be used to edit the instruction to reflect the admission of the prior conviction.

32 Neither second-degree murder nor voluntary manslaughter has as an essential element an intent to kill. In connection with these two offenses, the phrase 'intentional killing' refers not to the presence of a specific intent to kill, but rather to the fact that the act which resulted in death is intentionally committed and is an act of assault which in itself amounts to a felony or is likely to cause death or serious bodily injury. Such an act committed in the heat of passion suddenly aroused by adequate provocation or in the imperfect exercise of the right of self-defense is voluntary manslaughter. But such an act can never be involuntary manslaughter. This is so because the crime of involuntary manslaughter involves the commission of an act, whether intentional or not, which in itself is not a felony or likely to result in death or great bodily harm. *State v. Ray*, 299 N.C. 151, 158 (1980). See also *State v. Jordan*, 140 N.C. App. 594 (2000); *State v. Coble*, 351 N.C. 448 (2000).

33 See *State v. Mosley*, ___ N.C. App. ___, 806 S.E.2d 365 (2017). The jury should only be instructed on the theories of malice applicable to the facts of the case. This is important because the theory or theories of malice will determine the class of the offense.

34 If some evidence tends to show legally sufficient provocation (e.g., assault), but other evidence tends to show that the provocation, if any, was insufficient (e.g., mere words), the jury should be told the kind of provocation that the law regards as insufficient, e.g., "Words and gestures alone, however insulting, do not constitute adequate provocation when no assault is made or threatened against the defendant."

35 "Neither second-degree murder nor voluntary manslaughter has as an essential element an intent to kill. In connection with these two offenses, the phrase 'intentional killing' refers not to the presence of a specific intent to kill, but rather to the fact that the act which resulted in death is intentionally committed and is an act of assault which in itself amounts to a felony or is likely to cause death or serious bodily injury. Such an act committed in the heat of passion suddenly aroused by adequate provocation or in the imperfect exercise of the right of self-defense is voluntary manslaughter. But such an act can never be involuntary manslaughter. This is so because the crime of involuntary manslaughter involves the commission of an act, whether intentional or not, which in itself

is not a felony or likely to result in death or great bodily harm.” *State v. Ray*, 299 N.C. 151, 158 (1980). See also *State v. Jordan*, 140 N.C. App. 594 (2000); *State v. Coble*, 351 N.C. 448 (2000).

36 Where there is a serious issue as to proximate cause, further instructions may be helpful, e.g., “The defendant’s act need not have been the last cause or the nearest cause. It is sufficient if it concurred with some other cause acting at the same time, which in combination with it, proximately caused the death of the alleged victim.”

37 Where the evidence raises the issue of retreat, see N.C.P.I.—Crim. 308.10.

38 Note that the trial court must choose either “unlawfully” or “in a criminally negligent way.” Jurors should not be given both options.

206.30 SECOND-DEGREE MURDER WHERE A DEADLY WEAPON IS USED,
COVERING ALL LESSER INCLUDED HOMICIDE OFFENSES AND SELF-
DEFENSE. FELONY.

*NOTE WELL: If self-defense is at issue and the assault occurred in
defendant's home, place of residence, workplace or motor vehicle,
see N.C.P.I.—Crim. 308.80, Defense of Habitation.*

The defendant has been charged with second degree murder.¹

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

- (1) guilty of second-degree murder, or
- (2) guilty of voluntary manslaughter, or
- (3) guilty of involuntary manslaughter, or
- (4) not guilty.

Second degree murder is the unlawful killing of a human being with
malice.

Voluntary manslaughter is the unlawful killing of a human being without
malice.

Involuntary manslaughter is the unintentional killing of a human being
by an unlawful act not amounting to a felony or an act done in a criminally
negligent way.

The defendant would be excused of second-degree murder on the
ground of self-defense if:

First, it appeared to the defendant and the defendant believed it to be necessary to kill the victim in order to save the defendant from death or great bodily harm.

And Second, the circumstances as they appeared to the defendant at the time were sufficient to create such a belief in the mind of a person of ordinary firmness. It is for you the jury to determine the reasonableness of the defendant's belief from the circumstances as they appeared to the defendant at the time.

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 or not the victim had a weapon in the victim's possession), (and the reputation, if any, of the victim for danger and violence) (*describe other circumstances, as appropriate from the evidence*).

The defendant would not be guilty of any murder or manslaughter if the defendant acted in self-defense, and if the defendant (was not the aggressor in provoking the fight and) did not use excessive force under the circumstances.

(One enters a fight voluntarily if one uses toward one's opponent abusive language, which, considering all of the circumstances, is calculated and intended to provoke a fight. If the defendant voluntarily and without provocation entered the fight, the defendant would be considered the aggressor unless the defendant thereafter attempted to abandon the fight and gave notice to the deceased 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. The defendant is not entitled to the benefit of self-defense if the defendant was the aggressor² with the intent to kill or inflict serious bodily harm upon the deceased.³)

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.

A defendant does not have the right to use excessive force. A defendant uses excessive force if the defendant uses more force than reasonably appeared to the defendant to be necessary at the time of the killing. It is for you the jury to determine the reasonableness of the force used by the defendant under all of the circumstances as they appeared 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.⁴ (The defendant would have a lawful right to be in the defendant's [home]⁵ [own premises] [place of residence] [workplace]⁶ [motor vehicle]⁷.)

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].⁸

Therefore, in order for you to find the defendant guilty of murder in the second degree the state must prove beyond a reasonable doubt, among other things, that the defendant did not act in self-defense, or failing in this, that the defendant was the aggressor with the intent to kill or inflict serious bodily harm upon the deceased. If the state fails to prove either that the defendant did not act in self-defense or was the aggressor, with intent to kill or inflict serious bodily harm, you may not convict the defendant of second degree murder, but you may convict the defendant of voluntary manslaughter if the state proves that the defendant was simply the aggressor without murderous intent in bringing on the fight in which the deceased was killed, or that the defendant used excessive force.

For you to find the defendant guilty of second-degree murder, the state must prove four things beyond a reasonable doubt:

First, that the defendant wounded the victim with a deadly weapon. [A firearm is a deadly weapon.] [A deadly weapon is a weapon which is likely to cause death or serious injury. In determining whether the instrument was a deadly weapon, you should consider the nature of the instrument, the manner in which it was used, and the size and strength of the defendant as compared to the victim.]

Second, that the defendant acted intentionally⁹ and with malice.

Intent is a mental attitude which is seldom provable by direct evidence. It must ordinarily be proved by circumstances from which it may be inferred. You arrive at the intent of a person by such just and reasonable

deductions from the circumstances proven as a reasonably prudent person would ordinarily draw therefrom.

Malice means not only hatred, ill will, or spite, as it is ordinarily understood- to be sure, that is malice- but [it also means that condition of mind which prompts a person to take the life of another intentionally or to intentionally inflict serious bodily harm which proximately results in another's death, without just cause, excuse or justification] [malice also arises when an act which is inherently dangerous to human life is intentionally done so recklessly and wantonly as to manifest a mind utterly without regard for human life and social duty and deliberately bent on mischief].¹⁰

Third, the State must prove that the defendant's act was a proximate cause of the victim's death. A proximate cause is a real cause, a cause without which the victim's death would not have occurred,¹¹ and one that a reasonably careful and prudent person could foresee would probably produce such [injury] [damage] or some similar injurious result. (The defendant's act need not have been the only cause or the nearest cause. It is sufficient if it occurred with some other cause acting at the same time, which, in combination with, caused the death of the victim.) (A child has been killed if the child was born alive, but died as a result of injuries inflicted prior to being born alive.)¹²

And Fourth, that the defendant did not act in self-defense or that the defendant was the aggressor in bringing on the fight with the intent to kill or inflict serious bodily harm upon the deceased.

If the State proves beyond a reasonable doubt,¹³ that the defendant intentionally killed the victim with a deadly weapon or intentionally wounded the victim with a deadly weapon that proximately caused the victim's death,

you may infer first, that the killing was unlawful, and second, that it was done with malice, but you are not compelled to do so.

You may consider this along with all other facts and circumstances in determining whether the killing was unlawful and whether it was done with malice. If the killing was unlawful and was done with malice, and not in self-defense, the defendant would be guilty of second-degree murder.

Voluntary manslaughter¹⁴ is the unlawful killing of a human being without malice. A killing is not committed with malice if the defendant acts in the heat of passion upon adequate provocation.

The heat of passion does not mean mere anger. It means that at the time the defendant acted, the defendant's state of mind was so violent as to overcome reason, so much so that the defendant could not think to the extent necessary to form a deliberate purpose and control the defendant's actions. Adequate provocation may consist of anything which has a natural tendency to produce such passion in a person of average mind and disposition,¹⁵ and the defendant's act took place so soon after the provocation that the passion of a person of average mind and disposition would not have cooled.

The burden is on the State to prove beyond a reasonable doubt that the defendant did not act in the heat of passion upon adequate provocation, but rather that the defendant acted with malice. If the State fails to meet this burden, the defendant can be guilty of no more than voluntary manslaughter.

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

First, that the defendant killed the victim by an intentional¹⁶ and unlawful act.

Second, that the defendant's act was a proximate cause¹⁷ of the victim's death. A proximate cause is a real cause, a cause without which the victim's death would not have occurred.

And Third, that the defendant [did not act in self-defense] or [though acting in self-defense was the aggressor] (or) [though acting in self-defense used excessive force].

Voluntary manslaughter is also committed if the defendant kills in self-defense but uses excessive force under the circumstances or was the aggressor without murderous intent in bringing on the fight in which the killing took place.

Again, the burden is on the State to prove beyond a reasonable doubt that the defendant did not act in self-defense. However, if the State proves beyond a reasonable doubt that the defendant, though otherwise acting in self-defense, [used excessive force] (or) [was the aggressor, though the defendant had no murderous intent when the defendant entered the fight], the defendant would be guilty of voluntary manslaughter.¹⁸

If you do not find the defendant guilty of second-degree murder or voluntary manslaughter, you must consider whether the defendant is guilty of involuntary manslaughter. Involuntary manslaughter is the unintentional killing of a human being by an unlawful act not amounting to a felony, or by an act done in a criminally negligent way.

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

First, that the defendant acted a) [unlawfully] (or) b) [in a criminally negligent way]. a) [The defendant's act was unlawful if (*define crime e.g. defendant recklessly discharged a gun, killing the victim*).] b) [Criminal

negligence is more than mere carelessness. The defendant's act was criminally negligent, if, judging by reasonable foresight, it was done with such gross recklessness or carelessness as to amount to a heedless indifference to the safety and rights of others.]

And Second, that this [unlawful] (or) [criminally negligent] act proximately caused the victim's death.

(If the victim died by accident or misadventure, that is, without wrongful purpose or criminal negligence on the part of the defendant, the defendant would not be guilty.¹⁹ The burden of proving accident is not on the defendant. The defendant's assertion of accident is merely a denial that the defendant has committed any crime. The burden remains on the State to prove the defendant's guilt beyond a reasonable doubt.)

FINAL MANDATE ON ALL CHARGES AND DEFENSES

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant acting intentionally and with malice but not in self-defense, wounded the victim with a deadly weapon thereby proximately causing the victim's death, it would be your duty to return a verdict of guilty of second-degree murder. 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 second-degree murder. If you do not find the defendant guilty of second-degree murder, you must consider whether the defendant is guilty of voluntary manslaughter.

[If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant intentionally wounded the victim with a deadly weapon and that the defendant [was the aggressor in bringing on the fight] (or) [used excessive force], it would be your duty to find the defendant

guilty of voluntary manslaughter even if the state has failed to prove that the defendant did not act in self-defense.]

(Or,) [If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant intentionally and not in self-defense wounded the victim with a deadly weapon but the state has failed to satisfy you beyond a reasonable doubt that defendant did not act in the heat of passion upon adequate provocation, it would be your duty to return a verdict of guilty of voluntary manslaughter.]

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 voluntary manslaughter. You must then determine whether the defendant is guilty of involuntary manslaughter.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant (*committed name crime, e.g. recklessly discharged a gun, killing the victim*)] (or) [acted in a criminally negligent way] thereby proximately causing the victim's death, it would be your duty to return a verdict of guilty of involuntary manslaughter. 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.

And finally, if the State has failed to satisfy you beyond a reasonable doubt that the defendant did not act in self-defense, that the defendant was the aggressor, or that the defendant used excessive force, then the defendant's action would be justified by self-defense; therefore, you would return a verdict of not guilty.

1 This instruction is intended to serve as model for combining other homicide charges. It should be given as drafted only in a case where there is a charge of second degree murder where all lesser included homicide offenses as well as acquittal upon the grounds of self-defense or accident are possible verdicts under the evidence and where the evidence would support a finding that a deadly weapon was used.

2 N.C. Gen. Stat. § 14-51.4(2).

3 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.

4 See N.C.P.I.—Crim. 308.10.

5 N.C. Gen. Stat. § 14-51.2 (a) (1) states that a home is a "building or conveyance of any kind, to include its curtilage, whether the building or conveyance is temporary or permanent, mobile or immobile, which has a roof over it, including a tent, and is designed as a temporary or permanent residence." Curtilage is the area "immediately surrounding and associated with the home," which may include "the yard around the dwelling house as well as the area occupied by barns, cribs, and other outbuildings." *State v. Grice*, 367 N.C. 753, 759 (2015) (citations and quotations omitted) (defining curtilage in a Fourth Amendment case).

6 N.C. Gen. Stat. § 14-51.2 (a) (4) states that a workplace is a "building or conveyance of any kind, whether the building or conveyance is temporary or permanent, mobile or immobile, which has a roof over it, including a tent, which is being used for commercial purposes."

7 N.C. Gen. Stat. § 14-51.2 (a) (3); which incorporates N.C. Gen. Stat. § 20-4.01 (23), defines "motor vehicle" as "Every vehicle which is self-propelled and every vehicle designed to run upon the highways which is pulled by a self-propelled vehicle. This shall not include mopeds as defined in N.C. Gen. Stat. § 20-4.01(27)d1."

8 **"[W]herever an individual is lawfully located—whether it is his home, motor vehicle, workplace, or any other place where he has the lawful right to be—the individual may stand his ground and defend himself from attack when he reasonably believes such force is necessary to prevent imminent death or great bodily harm to himself or another." *State v. Bass*, __ N.C. __, 819 S.E.2d 322, 326 (2018). "[A] defendant entitled to *any* self-defense instruction is entitled to a *complete* self-defense instruction, which includes the relevant stand-your-ground provision." *Id.***

9 "Neither second-degree murder nor voluntary manslaughter has as an essential element an intent to kill. In connection with these two offenses, the phrase 'intentional killing' refers not to the presence of a specific intent to kill, but rather to the fact that the act which resulted in death is intentionally committed and is an act of assault which in itself amounts to a felony or is likely to cause death or serious bodily injury. Such an act committed in the heat of passion suddenly aroused by adequate provocation or in the imperfect exercise of the right of self defense is voluntary manslaughter. But such an act can never be involuntary manslaughter. This is so because the crime of involuntary manslaughter involves the commission of an act, whether intentional or not, which in itself

SECOND-DEGREE MURDER WHERE A DEADLY WEAPON IS USED, COVERING
ALL LESSER INCLUDED HOMICIDE OFFENSES AND SELF-DEFENSE. FELONY.
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is not a felony or likely to result in death or great bodily harm." *S. v. Ray*, 299 N.C. 151, 158 (1980). See also *State v. Jordan*, 140 N.C. App. 594, (2000); *State v. Coble*, 351 N.C. 448 (2000).

10 *State v. Snyder*, 311 N.C. 391, 393-94 (1984), quoting *State v. Reynolds*, 307 N.C. 184 (1982).

11 Where there is a serious issue as to proximate cause, further instructions may be helpful, e.g., "The defendant's act need not have been the last cause or the nearest cause. It is sufficient if it concurred with some other cause acting at the same time, which in combination with it, proximately caused the death of the victim."

12 This sentence is only to be provided if the offense involved the killing of a child.

13 See *State v. McCoy*, 303 N.C. 1, 28-29 (1981).

14 See *State v. McArthur*, 662 S.E.2d 579 (N.C. App. 2008) (holding error not to instruct on the element of proximate cause but error was harmless because element had been instructed on in elements of second degree murder).

15 If some evidence tends to show legally sufficient provocation (e.g., assault), but other evidence tends to show that the provocation, if any, was insufficient (e.g., mere words), the jury should be told the kind of provocation that the law regards as insufficient, e.g., "Words and gestures alone, however insulting, do not constitute adequate provocation when no assault is made or threatened against the defendant."

16 "Neither second-degree murder nor voluntary manslaughter has as an essential element an intent to kill. In connection with these two offenses, the phrase 'intentional killing' refers not to the presence of a specific intent to kill, but rather to the fact that the act which resulted in death is intentionally committed and is an act of assault which in itself amounts to a felony or is likely to cause death or serious bodily injury. Such an act committed in the heat of passion suddenly aroused by adequate provocation or in the imperfect exercise of the right of self-defense is voluntary manslaughter. But such an act can never be involuntary manslaughter. This is so because the crime of involuntary manslaughter involves the commission of an act, whether intentional or not, which in itself is not a felony or likely to result in death or great bodily harm." *S. v. Ray*, 299 N.C. 151, 158 (1980). See also *S. v. Jordan*, 140 N.C. App. 594 (2000); *S. v. Coble*, 351 N.C. 448 (2000).

17 Where there is a serious issue as to proximate cause, further instructions may be helpful, e.g., "The defendant's act need not have been the last cause or the nearest cause. It is sufficient if it concurred with some other cause acting at the same time, which in combination with it, proximately caused the death of the victim."

18 Where the evidence raises the issue of retreat, see N.C.P.I.—Crim. 308.10.

19 In the event that the evidence shows that there was an accident, give N.C.P.I.—Crim. 307.10.

206.32A SECOND-DEGREE MURDER BY VEHICLE, INCLUDING INVOLUNTARY
MANSLAUGHTER AND MISDEMEANOR DEATH BY VEHICLE. FELONY;
MISDEMEANOR. (NOT INVOLVING IMPAIRED DRIVING.)

*NOTE WELL: For Second-Degree Murder by Vehicle, including
Involuntary Manslaughter offenses involving impaired driving, use
N.C.P.I.—Crim. 206.32.*

*NOTE WELL: If a separate charge for an underlying offense is
submitted, then the jury may only convict the defendant of this
offense if it also convicts the defendant of the underlying
offense. See State v. Mumford, 2010 No. COA09-300, N.C.
App. LEXIS 35, (Jan. 5, 2010).*

*CAUTION: If the jury convicts the defendant of this offense and
the underlying offense, the court should arrest judgment on the
underlying offense. If the jury finds the defendant not guilty of the
underlying offense, the court must arrest judgment on this
offense.*

The defendant has been charged with second-degree murder.¹ Under
the law and the evidence in this case it is your duty to return one of the
following verdicts:

- (1) Guilty of second-degree murder, or
- (2) Guilty of involuntary manslaughter, or
- (3) Guilty of misdemeanor death by vehicle, or
- (4) Not guilty.

Second degree murder is the unlawful killing of a human being with
malice.

Involuntary manslaughter is the unlawful, unintentional killing of a human being by an act done in a culpably negligent way.

Misdemeanor death by vehicle is the unintentional killing of a human being which is proximately caused by the violation of any law or ordinance governing the operation of motor vehicles.

For you to find the defendant guilty of second-degree murder by vehicle, the State must prove seven things beyond a reasonable doubt:

First, that the defendant was driving² a vehicle.³

Second, that the defendant was driving that vehicle upon a [highway] [street] [public vehicular area] within the state.⁴

Third, that while being operated by the defendant the motor vehicle was involved in a(n) [accident] [collision].

Fourth, that a person was killed in this [accident] [collision].

Fifth, that the defendant violated the following law or laws of this State governing the operation of motor vehicles. The laws of this State make it unlawful to (*define pertinent law(s) and enumerate its or their elements*). For you to find the defendant guilty of (*state underlying offense*), the State must prove these things beyond a reasonable doubt:

(*List elements of underlying offense.*)

Sixth, that the defendant acted unlawfully and with malice. Malice is a necessary element which distinguishes second degree murder from manslaughter.⁵ Malice arises when an act which is inherently dangerous to human life is intentionally done so recklessly and wantonly as to manifest a

mind utterly without regard for human life and social duty and deliberately bent on mischief.⁶

And Seventh, that the death of the alleged victim was proximately caused by the unlawful act(s) of the defendant done in a malicious manner. A proximate cause is a real cause, without which the alleged victim's death would not have occurred, and one that a reasonably careful and prudent person could foresee would probably produce such [injury] [damage] or some similar injurious result. (The defendant's act(s) need not have been the last, or nearest cause. It is sufficient if [it] [they] concurred with some other cause acting at the same time which, in combination with [it] [them], proximately caused the alleged victim's death.) (A child has been killed if the child was born alive, but died as a result of injuries inflicted prior to being born alive.)⁷

If you do not find the defendant guilty of second-degree murder you must consider whether the defendant is guilty of involuntary manslaughter. Involuntary manslaughter is the unlawful, unintentional killing of a human being by an act done in a culpably negligent way.

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

First, that the defendant's violation(s) of law governing the operation of a motor vehicle constituted culpable negligence. Such violation will constitute culpable negligence if the violation is willful, wanton, or intentional. But, where there is an unintentional or inadvertent violation of the law, such violation standing alone does not constitute culpable negligence. To constitute culpable negligence, the inadvertent or unintentional violation of the law must be accompanied by recklessness of probable consequences of a

dangerous nature, when tested by the rule of reasonable foresight, amounting altogether to a thoughtless disregard of consequences or a heedless indifference to the safety of others.⁸

And Second, that the defendant's culpable negligence proximately caused the alleged victim's death.⁹

If you do not find the defendant guilty of involuntary manslaughter, you must consider whether the defendant is guilty of misdemeanor death by vehicle.¹⁰ Misdemeanor death by vehicle differs from involuntary manslaughter in that the State need not prove that the defendant was culpably negligent only that the defendant's violation of a law or ordinance governing the operation of motor vehicles proximately caused the alleged victim's death.

FINAL MANDATE

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] [other public vehicular area], and that when the defendant did so the defendant (*list elements of underlying offense*) and that the defendant acted intentionally and so recklessly and wantonly as to manifest a mind utterly without regard for human life and social duty and deliberately bent on mischief, and that this conduct constituted malice, and that such conduct proximately caused the death of the alleged victim, it would be your duty to return a verdict of guilty of second degree murder. 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 second-degree murder. You must then determine whether the defendant is guilty of involuntary manslaughter.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant drove a motor vehicle on a [highway] [street] [other public vehicular area], and without malice, but in a culpably negligent manner, violated the laws of this State governing the operation of motor vehicles] and that this culpably negligent conduct proximately caused the death of the alleged victim, it would be your duty to return a verdict of guilty of involuntary manslaughter. 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 involuntary manslaughter. You must then determine if the defendant is guilty of misdemeanor death by vehicle.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant drove a motor vehicle on a [highway] [street] [other public vehicular area] and in so doing (*describe violation(s), e.g., exceeded the posted speed limit*) and that such violation (or violations) proximately caused the death of the alleged victim, it would be your duty to return a verdict of guilty of misdemeanor death by vehicle. 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 If the vehicle was used as a deadly weapon in an intentional killing, use the appropriate murder charge.

2 N.C. Gen. Stat. § 20-4.01 defines the driver as the operator of a vehicle.

3 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.

4 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).

5 If the defendant claims amnesia or unconsciousness (automatism) regarding the acts in question, see N.C.P.I.—Crim. 302.10 for an instruction on unconsciousness.

6 *S. v. Snyder*, 311 N.C. 391, 393-94 (1984), quoting *S. v. Reynolds*, 307 N.C. 184 (1982). In certain cases it may be appropriate to instruct further that voluntary intoxication (from alcohol or drugs) is not a defense to the crime of second degree murder or manslaughter, and does not negate the element of malice. See N.C.P.I.—305.10.

7 This sentence is only to be provided if the offense involved the killing of a child.

8 See *S. v. Wilkerson*, 295 N.C. 559, 580 (1978).

9 "When a death is caused by one who was driving under the influence of alcohol, only two elements must exist for the successful prosecution of manslaughter: a willful violation of N.C. Gen. Stat. § 20-130 and the causal link between that violation and the death." *State v. McGill*, 314 N.C. 633, (1985).

10 See *S. v. Williams*, 90 N.C. App. 614, *disc. rev. den'd*, 323 N.C. 369 (1989).

206.40 VOLUNTARY MANSLAUGHTER INCLUDING SELF-DEFENSE (IN THE HEAT OF PASSION OR IMPERFECT SELF-DEFENSE), ALSO INCLUDING INVOLUNTARY MANSLAUGHTER. FELONY.

NOTE WELL: This instruction is designed for use in those cases in which the most serious homicide charged is voluntary manslaughter. It should be used only in cases where there is evidence that the defendant killed intentionally, but did so in the heat of passion or in "imperfect" self-defense. It should not be used in cases, such as child abuse, where the killing is unintentional, but may have been with malice in that it was done in wanton disregard of human life, S. v. Wilkerson, 295 N.C. 559, 583 (1978), nor should it be used in any other case where there is no evidence of heat of passion, provocation or self-defense. Cf. S. v. Wetmore, 298 N.C. 743, 750 (1979); S. v. Montague, 298 N.C. 759 (1979). In all such cases, consult N.C.P.I.—Crim. 206.31, 206.35 or 206.50¹. Where self-defense is not an issue, use N.C.P.I.—Crim. 206.41.

NOTE WELL: If self-defense is at issue and the assault occurred in defendant's home, place of residence, workplace or motor vehicle, see N.C.P.I.—Crim. 308.80, Defense of Habitation.

The defendant has been charged with voluntary manslaughter.

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

- 1) guilty of voluntary manslaughter
- 2) guilty of involuntary manslaughter
- 3) not guilty

Voluntary manslaughter is the unlawful killing of a human being by an intentional act.

A killing would be excused entirely on the ground of self-defense if:

First, it appeared to the defendant and the defendant believed it to be necessary to kill the victim in order to save the defendant from death or great bodily harm.

And Second, the circumstances as they appeared to the defendant at the time were sufficient to create such belief in the mind of a person of ordinary firmness. It is for you the jury to determine the reasonableness of the defendant's belief from the circumstances as they appeared to the defendant at the time. 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 or not the victim had a weapon in *his* possession), (and) (the reputation, if any, of the victim for danger and violence) (*describe other circumstances, as appropriate from the evidence*).

The defendant would not be guilty of manslaughter if the defendant acted in self-defense, as I have just defined it to be, and if the defendant (was not the aggressor in bringing on the fight and) did not use excessive force under the circumstances.

(One enters a fight voluntarily if one uses toward one's opponent abusive language, which, considering all of the circumstances, is calculated and intended to provoke a fight. If the defendant voluntarily and without provocation entered the fight, the defendant would be considered the aggressor unless the defendant thereafter attempted to abandon the fight and gave notice to the deceased 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. The defendant is not entitled to the benefit of self-defense if the defendant was the aggressor² in bringing on the fight.³)

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.

A defendant does not have the right to use excessive force. A defendant uses excessive force if the defendant uses more force than reasonably appeared to the defendant to be necessary at the time of the killing. It is for you the jury to determine the reasonableness of the force used by the defendant under all of the circumstances as they appeared 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.⁴ (The defendant would have a lawful right

to be in the defendant's [home]⁵ [own premises] [place of residence] [workplace]⁶ [motor vehicle⁷].)

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].⁸

The burden is on the State to prove beyond a reasonable doubt that the defendant did not act in self-defense.

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

First, that the defendant killed the victim by an intentional⁹ and unlawful act.

Second, that the defendant's act was a proximate cause of the victim's death. A proximate cause is a real cause, a cause without which the victim's death would not have occurred.¹⁰

And Third, that the defendant [did not act in self-defense] or [though acting in self-defense was the aggressor] (or) [though acting in self-defense used excessive force].

If you do not find the defendant guilty of voluntary manslaughter you must consider whether the defendant is guilty of involuntary manslaughter. Involuntary manslaughter is the unintentional killing of a human being by an unlawful act not amounting to a felony, or by an act done in a criminally negligent way.

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

First, that the defendant acted a) [unlawfully] (or) b) [in a criminally negligent way]. a) [The defendant's act was unlawful if (*describe crime, e.g., "defendant assaulted the victim"*) (*define assault*)] b) [Criminal negligence is more than mere carelessness. The defendant's act was criminally negligent, if, judging by reasonable foresight, it was done with such gross recklessness or carelessness as to amount to a heedless indifference to the safety and rights of others.]

And Second, the State must prove that this [unlawful] (or) [criminally negligent] act proximately caused the victim's death. A proximate cause is a real cause, a cause without which the victim's death would not have occurred, and one that a reasonably careful and prudent person could foresee would probably produce such [injury] [damage] or some similar injurious result. (The defendant's act need not have been the only cause, nor the nearest cause. It is sufficient if it occurred with some other cause acting at the same time, which, in combination with, caused the death of the victim.)

(If the victim died by accident or misadventure, that is, without wrongful purpose or criminal negligence on the part of the defendant, the defendant would not be guilty.¹¹ The burden of proving accident is not on the defendant. The defendant's assertion of accident is merely a denial that the defendant has committed any crime. The burden remains on the State to prove the defendant's guilt beyond a reasonable doubt.)

FINAL MANDATE ON ALL CHARGES AND DEFENSES

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant, by [his] [her] intentional and unlawful act proximately caused the victim's death, and the defendant was [the

aggressor in bringing on the fight] (or) [used excessive force], it would be your duty to find the defendant guilty of voluntary manslaughter whether or not the defendant was otherwise acting in self-defense.

Or, if you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant by [his] [her] intentional and unlawful act, and not in self-defense, proximately caused the victim's death, it would be your duty to return a verdict of guilty of voluntary manslaughter.

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 voluntary manslaughter. You must then determine whether the defendant is guilty of involuntary manslaughter.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant [(describe crime)] (or) [acted in a criminally negligent way] thereby proximately causing the victim's death, it would be your duty to return a verdict of guilty of involuntary manslaughter. However, 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.

And finally, if the State has failed to satisfy you beyond a reasonable doubt that the defendant did not act in self-defense, that the defendant was the aggressor, or that the defendant used excessive force, then the defendant's action would be justified by self-defense; therefore, you would return a verdict of not guilty.

VOLUNTARY MANSLAUGHTER INCLUDING SELF-DEFENSE (IN THE HEAT OF PASSION OR IMPERFECT SELF-DEFENSE), ALSO INCLUDING INVOLUNTARY MANSLAUGHTER. FELONY.

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1 The state by charging at the voluntary manslaughter level concedes that it has no evidence of malice. This may seem to place the traditional definitions of voluntary manslaughter into an awkward context, since at first blush it would appear that the state would have to prove heat of passion, which it usually has to negate when trying to obtain a murder conviction. On closer analysis, however, the real issue in a case involving evidence of heat of passion will be whether the defendant killed the victim intentionally, as the state must prove to establish voluntary manslaughter, or unintentionally, in which case the crime would at most be involuntary manslaughter. Alternatively, if there is evidence of self-defense, the issues will be whether the defendant was acting in response to provocation and not in self-defense, or whether the defendant, if acting in self-defense, used excessive force or was the aggressor. If the state establishes any of these three things, the crime would be voluntary manslaughter; otherwise the defendant would be not guilty.

2 N.C. Gen. Stat. § 14-51.4(2).

3 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.

4 See N.C.P.I.—Crim. 308.10.

5 N.C. Gen. Stat. § 14-51.2 (a) (1) states that a home is a “building or conveyance of any kind, to include its curtilage, whether the building or conveyance is temporary or permanent, mobile or immobile, which has a roof over it, including a tent, and is designed as a temporary or permanent residence.” Curtilage is the area “immediately surrounding and associated with the home,” which may include “the yard around the dwelling house as well as the area occupied by barns, cribs, and other outbuildings.” *State v. Grice*, 367 N.C. 753, 759 (2015) (citations and quotations omitted) (defining curtilage in a Fourth Amendment case).

6 N.C. Gen. Stat. § 14-51.2 (a) (4) states that a workplace is a “building or conveyance of any kind, whether the building or conveyance is temporary or permanent, mobile or immobile, which has a roof over it, including a tent, which is being used for commercial purposes.”

7 N.C. Gen. Stat. § 14-51.2 (a) (3); which incorporates N.C. Gen. Stat. § 20-4.01 (23), defines “motor vehicle” as “Every vehicle which is self-propelled and every vehicle designed to run upon the highways which is pulled by a self-propelled vehicle. This shall not include mopeds as defined in N.C. Gen. Stat. § 20-4.01(27)d1.”

8 “[W]herever an individual is lawfully located—whether it is his home, motor vehicle, workplace, or any other place where he has the lawful right to be—the individual may stand his ground and defend himself from attack when he reasonably believes such force is necessary to prevent imminent death or great bodily harm to himself or another.” *State v. Bass*, __ N.C. __, 819 S.E.2d 322, 326 (2018). “[A] defendant entitled to *any* self-defense instruction is entitled to a *complete* self-defense instruction, which includes the relevant stand-your-ground provision.” *Id.*

VOLUNTARY MANSLAUGHTER INCLUDING SELF-DEFENSE (IN THE HEAT OF PASSION OR IMPERFECT SELF-DEFENSE), ALSO INCLUDING INVOLUNTARY MANSLAUGHTER. FELONY.

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N.C. Gen. Stat. §§ 14-18, 14-51.2, 14-51.3, 14-51.4

9 "Neither second-degree murder nor voluntary manslaughter has as an essential element an intent to kill. In connection with these two offenses, the phrase 'intentional killing' refers not to the presence of a specific intent to kill, but rather to the fact that the act which resulted in death is intentionally committed and is an act of assault which in itself amounts to a felony or is likely to cause death or serious bodily injury. Such an act committed in the heat of passion suddenly aroused by adequate provocation or in the imperfect exercise of the right of self-defense is voluntary manslaughter. But such an act can never be involuntary manslaughter. This is so because the crime of involuntary manslaughter involves the commission of an act, whether intentional or not, which in itself is not a felony or likely to result in death or great bodily harm." *S. v. Ray*, 299 N.C. 151, 158 (1980). *See also S. v. Jordan*, 140 N.C. App. 594 (2000); *S. v. Coble*, 351 N.C. 448 (2000).

10 Where there is a serious issue as to proximate cause, further instructions may be helpful, e.g., "The defendant's act need not have been the last cause or the nearest cause. It is sufficient if it concurred with some other cause acting at the same time, which in combination with it, proximately caused the death of the victim."

11 In the event that the evidence shows that there was an accident, give N.C.P.I.—Crim. 307.10.

207.25A SECOND-DEGREE RAPE—ALLEGED VICTIM HAS A MENTAL DISABILITY, IS 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

a. [had a mental disability. A person has a mental disability if the person suffers from [an intellectual disability] [a mental disorder] and this [intellectual disability] [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. [was mentally incapacitated. A person is mentally incapacitated when, due to [any act committed upon the person] [a poisonous³ or controlled substance provided to the person without their knowledge or consent] 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].]⁴

c. [was 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].]⁵

And Third, that the defendant knew or should reasonably have known that the alleged victim [had a mental disability] [was mentally incapacitated] [was 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 [an intellectual disability] [a mental disorder] and as a result was [temporarily] [permanently] rendered so substantially incapable of [appraising the nature of the alleged 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 the alleged victim's 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 [had a mental disability] [was mentally incapacitated] [was
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.⁶

*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. § 14-27.20(4).

2 N.C. Gen. Stat. § 14-27.20(2a).

3 If the substance used to cause incapacitation of the alleged victim was unusual or not commonly known or thought to be poisonous, use the following statement: "It is not necessary that a substance be widely known as a poison for the purposes of this crime; just as arsenic and cyanide are poisonous substances which will cause death to a human being, so also is sugar to the acute diabetic, or dust to the acute asthmatic. In determining the poisonous nature of a substance, you must look to the peculiar weakness or sensibility of the victim to that particular substance." See N.C.P.I.—Crim. 206.12.

4 N.C. Gen. Stat. § 14-27.20(2).

5 N.C. Gen. Stat. § 14-27.20(3).

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

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

- a) [had a mental disability. A person has a mental disability if the person suffers from [intellectual disability] [mental disorder] and this [an intellectual disability] [a 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) [was mentally incapacitated. A person is mentally incapacitated when, due to [any act committed upon the person] [a poisonous⁴ or controlled substance provided to the person without their knowledge or consent], 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 [had a mental disability] [was mentally incapacitated]
[was 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 [had a mental disability] [was
mentally incapacitated] [was physically helpless] and that the defendant knew
or should reasonably have known that the alleged victim [had a mental
disability] [was mentally incapacitated] [was 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.

*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.

4 If the substance used to cause incapacitation of the alleged victim was unusual or not commonly known or thought to be poisonous, use the following statement: "It is not necessary that a substance be widely known as a poison for the purposes of this crime; just as arsenic and cyanide are poisonous substances which will cause death to a human being, so also is sugar to the acute diabetic, or dust to the acute asthmatic. In determining the poisonous nature of a substance, you must look to the peculiar weakness or sensibility of the victim to that particular substance." See N.C.P.I.—Crim. 206.12.

207.65A SECOND-DEGREE FORCIBLE SEXUAL OFFENSE—ALLEGED VICTIM HAS A MENTAL DISABILITY, IS 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

Second, that the alleged victim

- a) [had a mental disability. A person has a mental disability if the person suffers from [an intellectual disability] [a mental disorder] and this [intellectual disability] [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) [was mentally incapacitated. A person is mentally incapacitated when, due to [any act committed upon the person] [a poisonous or controlled substance provided to the person without their knowledge or consent]⁴ the person is rendered substantially incapable of [appraising the nature of the person's conduct] [resisting a sexual act]].
- c) [was 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 [had a mental disability] [was mentally incapacitated] [was 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 [had a mental disability] [was mentally incapacitated] [was physically helpless] and that the defendant knew or should reasonably have known that the alleged victim [had a mental disability] [was mentally incapacitated] [was 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.

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.

4 If the substance used to cause incapacitation of the alleged victim was unusual or not commonly known or thought to be poisonous, use the following statement: "It is not necessary that a substance be widely known as a poison for the purposes of this crime; just as arsenic and cyanide are poisonous substances which will cause death to a human being, so also is sugar to the acute diabetic, or dust to the acute asthmatic. In determining the poisonous nature of a substance, you must look to the peculiar weakness or sensibility of the victim to that particular substance." See N.C.P.I.—Crim. 206.12.

207.90 SEXUAL BATTERY. (OFFENSES OCCURRING PRIOR TO DEC. 1, 2015)
MISDEMEANOR.

NOTE WELL: Use this instruction for offenses committed prior to 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]]
- c) [a person [[ejaculating] [emitting] [placing]] [semen] [urine] [feces] upon any part of another person]

Second, that

- a) [the contact was by force and against the will of the other person]
- b) [the victim was [mentally disabled] [mentally incapacitated] [physically helpless] and the defendant [knew] [should reasonably have known] that the 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

- a) [the contact was by force and against the will of the other person]
- b) [the victim was [mentally disabled] [mentally incapacitated] [physically helpless]] and the defendant [knew] [should reasonably have known] that the victim was [mentally disabled] [mentally incapacitated] [physically helpless],

and that, the defendant acted for the purpose of [sexual arousal] [sexual gratification] [sexual abuse], 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.

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 had a [mental disability] [was mentally incapacitated] [was physically helpless] and the defendant [knew] [should reasonably have known] that the alleged victim [had a mental disability] [was mentally incapacitated] [was 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 gratification] [sexual abuse] and that

- a) [the contact was by force and against the will of the other person]
- b) [the alleged victim had a [mental disability] [was mentally incapacitated] [was physically helpless]] and the defendant [knew] [should reasonably have known] that the alleged victim [had a mental disability] [was mentally incapacitated] [was 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.

208.04B THREATENING TO KILL OR INFLICT SERIOUS BODILY INJURY UPON
A PERSON AS RETALIATION AGAINST A [LEGISLATIVE] [EXECUTIVE]
[COURT] OFFICER. FELONY.

NOTE WELL: For mailing a threat to kill or inflict serious bodily injury upon a person as retaliation against an officer, use N.C.P.I. Crim.—208.04C, for direct threats against the officers themselves, use N.C.P.I. Crim.—208.04, for mailing a direct threat to an officer, use N.C.P.I. Crim.—208.04A.

The defendant has been charged with threatening to [kill] (or) [inflict serious bodily injury upon] a person in retaliation against a [legislative] [executive] [court] officer because of the exercise of that officer's duties.

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 and willfully¹ made a threat to [inflict serious bodily injury upon] [kill] the alleged victim.

Second, that the defendant made this threat as a retaliation against a(n) [legislative]² [executive]³ [court]⁴ officer because of the exercise of the officer's duties. [(Name officer's title) is a(n) [legislative] [executive] [court] officer.]⁵

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant knowingly and willfully made a threat to [inflict serious bodily injury upon] [kill] the alleged victim, and that the defendant made this threat as a retaliation against a(n) [legislative] [executive] [court] officer because of the exercise of the officer's duties, it would be your duty to return a verdict of guilty. If you do not so find or have

THREATENING TO KILL OR INFLICT SERIOUS BODILY INJURY UPON A PERSON AS RETALIATION AGAINST A [LEGISLATIVE] [EXECUTIVE] [COURT] OFFICER. FELONY.

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N.C. Gen. Stat. § 14-16.7(a)

a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.⁶

1 A person acts "knowingly" when the person is aware or conscious of what he or she is doing. A person acts "willfully" when the act was done intentionally and without an honest belief that there is an excuse or justification for it. *North Carolina Crimes: A Guidebook on the Elements of Crime*, Smith, 7th edition, 2012, School of Government, The University of North Carolina at Chapel Hill.

2 N.C. Gen. Stat. § 147-2 The legislative officers are: the fifty Senators; One hundred and twenty members of the House of Representatives; a Speaker of the House of Representatives; a clerk and assistants in each house; a Sergeant-at-arms and assistants in each house; and as many subordinates in each house as may be deemed necessary.

3 N.C. Gen. Stat. § 147-3(c) The general civil executive officers of this State are as follows: a Governor; a Lieutenant Governor; Private secretary for the Governor; a Secretary of State; an Auditor; a Treasurer; an Attorney General; a Superintendent of Public Instruction; the members of the Governor's Council; a Commissioner of Agriculture; a Commissioner of Labor; a Commissioner of Insurance.

4 N.C. Gen. Stat. § 14-16.10(1) defines a court officer as Magistrate, clerk of superior court, acting clerk, assistant or deputy clerk, judge, or justice of the General court of Justice; district attorney, assistant district attorney, or any other attorney designated by the district attorney to act for the State or on behalf of the district attorney; public defender or assistant defender; court reporter; juvenile court counselor as defined in N.C. Gen. Stat. § 7B-1501(5). Effective December 1, 2003, the term "court officer" includes any attorney or other individual employed by or acting on behalf of the department of social services in proceedings pursuant to Subchapter I of Chapter 7B of the General Statutes; any attorney or other individual appointed pursuant to N.C. Gen. Stat. § 7B-601 or N.C. Gen. Stat. § 7B-1108 or employed by the Guardian *ad Litem* Services Division of the Administrative Office of the Courts.

5 N.C. Gen. Stat. § 14-16.9 provides that any person who has been elected to any of the above-mentioned offices, but has not yet taken the oath of office, shall be considered to hold the office for the purpose of this offense.

6 In a proper case, a further instruction as to any lesser included offense may be necessary.

208.04C MAILING A THREAT TO KILL OR INFLICT SERIOUS BODILY INJURY UPON A PERSON AS RETALIATION AGAINST A [LEGISLATIVE] [EXECUTIVE] [COURT] OFFICER. FELONY.

NOTE WELL: For threats to kill or inflict serious bodily injury upon a person as retaliation against an officer that were not mailed, use N.C.P.I. Crim.—208.04B, for direct threats against the officers themselves, use N.C.P.I. Crim.—208.04, for mailing a direct threat to an officer, use N.C.P.I. Crim.—208.04A.

The defendant has been charged with mailing a threat to [kill] (or) [inflict serious bodily injury upon] a person in retaliation against a [legislative] [executive] [court] officer because of the exercise of that officer's duties.

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

First, that the defendant knowingly and willfully¹ deposited for conveyance in the mail a [letter] [writing] [document].

Second, that such [letter] [writing] [document] contained a threat to [inflict serious bodily injury upon] [kill] the alleged victim.

And Third, that the defendant made this threat as a retaliation against a(n) [legislative]² [executive]³ [court]⁴ officer because of the exercise of the officer's duties. [(Name officer's title) is a(n) [legislative] [executive] [court] officer.]⁵

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant knowingly and willfully deposited for conveyance in the mail a [letter] [writing] [document], that such [letter] [writing] [document] contained a threat to [inflict serious bodily injury upon] [kill] the alleged victim, and that the defendant made this threat as a

MAILING A THREAT TO KILL OR INFLICT SERIOUS BODILY INJURY UPON A PERSON AS RETALIATION AGAINST A [LEGISLATIVE] [EXECUTIVE] [COURT] OFFICER. FELONY.

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N.C. Gen. Stat. § 14-16.7(b)

retaliation against a(n) [legislative] [executive] [court] officer because of the exercise of the officer's duties, 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.⁶

1 A person acts "knowingly" when the person is aware or conscious of what he or she is doing. A person acts "willfully" when the act was done intentionally and without an honest belief that there is an excuse or justification for it. . *North Carolina Crimes: A Guidebook on the Elements of Crime*, Smith, 7th edition, 2012, *School of Government, The University of North Carolina at Chapel Hill*.

2 N.C. Gen. Stat. § 147-2 The legislative officers are: the fifty Senators; One hundred and twenty members of the House of Representatives; a Speaker of the House of Representatives; a clerk and assistants in each house; a Sergeant-at-arms and assistants in each house; and as many subordinates in each house as may be deemed necessary.

3 N.C. Gen. Stat. § 147-3(c) The general civil executive officers of this State are as follows: a Governor; a Lieutenant Governor; Private secretary for the Governor; a Secretary of State; an Auditor; a Treasurer; an Attorney General; a Superintendent of Public Instruction; the members of the Governor's Council; a Commissioner of Agriculture; a Commissioner of Labor; a Commissioner of Insurance.

4 N.C. Gen. Stat. § 14-16.10(1) defines a court officer as Magistrate, clerk of superior court, acting clerk, assistant or deputy clerk, judge, or justice of the General court of Justice; district attorney, assistant district attorney, or any other attorney designated by the district attorney to act for the State or on behalf of the district attorney; public defender or assistant defender; court reporter; juvenile court counselor as defined in N.C. Gen. Stat. § 7B-1501(5). Effective December 1, 2003, the term "court officer" includes any attorney or other individual employed by or acting on behalf of the department of social services in proceedings pursuant to Subchapter I of Chapter 7B of the General Statutes; any attorney or other individual appointed pursuant to N.C. Gen. Stat. § 7B-601 or N.C. Gen. Stat. § 7B-1108 or employed by the Guardian *ad Litem* Services Division of the Administrative Office of the Courts.

5 N.C. Gen. Stat. § 14-16.9 provides that any person who has been elected to any of the above-mentioned offices, but has not yet taken the oath of office, shall be considered to hold the office for the purpose of this offense

6 In a proper case, a further instruction as to any lesser included offense may be necessary.

208.40A SIMPLE ASSAULT ON AN INDIVIDUAL WITH A DISABILITY.
MISDEMEANOR.

The defendant has been charged with simple assault on an individual with a disability.¹

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

First, that the defendant assaulted the alleged victim by (describe assault).

Second, that the defendant acted intentionally² (and without justification or excuse).³

Third, that the alleged victim had a disability. An individual with a disability is a person who has

- a) a [physical] (or) [mental] disability, such as [decreased use of arms or legs] [blindness] [deafness] [mental retardation] (or) [mental illness],
- b) an infirmity, which would substantially impair that person's ability to defend [himself] [herself].

And Fourth, that the defendant knew or had reasonable grounds to know that the alleged victim had a disability.

NOTE WELL: If self-defense is an issue, use N.C.P.I.—Crim. 308.40.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant intentionally assaulted the alleged victim, that the alleged victim had a disability, and that the defendant knew

or had reasonable grounds to know that the alleged victim had a disability, (nothing else appearing)⁴ 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: If self-defense is an issue, use mandate from N.C.P.I.—Crim. 308.40.⁶

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 be used only where there is evidence of justification or excuse, such as self-defense.

4 The parenthetical phrase should be used only where there is some evidence of justification or excuse, such as self-defense.

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 simple assault on a handicapped person."

6 Including self-defense in the mandate is required by *S. v. Woodsen*, 31 N.C. App. 400 (1976). *Cf. S. v. Dooley*, 285 N.C. 158 (1974).

208.50A AGGRAVATED ASSAULT ON AN INDIVIDUAL WITH A DISABILITY.
FELONY.

The defendant has been charged with aggravated assault¹ on an individual with a disability.

For you to find the defendant guilty of this offense, the State must prove four 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 alleged victim was an individual with a disability. An individual with a disability is a person who has a [physical] (or) [mental] disability, such as [decreased use of arms or legs] [blindness] [deafness] [intellectual disability] (or) [mental illness], or an infirmity which would substantially impair that person's ability to defend [himself] [herself].

Third, that the defendant knew or had reasonable grounds to know that the alleged victim was an individual with a disability.

And Fourth,

- a) [that the defendant used a deadly weapon. A deadly weapon is a weapon which is likely to cause death or serious bodily injury. [(*Name weapon*) is a deadly weapon.] [In determining whether (*name weapon*) is a deadly weapon, you should consider the nature of (*name weapon*), the manner in which it was used, and the size and strength of the defendant as compared to the alleged victim.]⁴]
- b) [that the defendant used a means of force likely to inflict serious injury or serious damage to an individual with a disability. In

determining whether (*name force*) is a force likely to inflict serious injury or serious damage to an individual with a disability, you should consider the nature of (*name force*), the manner in which it was used, and the size and strength of the defendant as compared to (*name alleged victim*).]

- c) [that the defendant inflicted serious injury or serious damage upon the alleged victim.]⁵
- d) [that the defendant had the intent to kill the alleged victim.]

NOTE WELL: If self-defense is an issue, use N.C.P.I.—Crim. 308.45.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant intentionally assaulted the alleged victim, that the alleged victim was an individual with a disability, that the defendant knew or had reasonable grounds to know that the alleged victim was an individual with a disability, and that

- a) [the defendant used a deadly weapon,]
- b) [the defendant used a means of force likely to inflict serious injury or serious damage to an individual with a disability,]
- c) [the defendant inflicted serious injury or serious damage upon the alleged victim,]
- d) [the defendant intended to kill the alleged victim,]

(nothing else appearing)⁶ 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

*NOTE WELL: If self-defense is an issue, use mandate from
N.C.P.I.—Crim. 308.40.⁸*

1 If a definition of assault is needed, see N.C.P.I.—Crim. 120.20.

2 If a definition of intent is required, see N.C.P.I.—Crim. 120.10.

3 The parenthetical phrase should be used only where there is evidence of justification or excuse, such as self-defense.

4 Use applicable bracketed statement. 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.

5 Serious injury may be defined as such physical injury as causes great pain and suffering. See *S. v. Jones*, 258 N.C. 89 (1962), or *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. Davis*, 33 N.C. App. 262 (1977); *S. v. Springs*, 33 N.C. App. 61 (1977).

6 The parenthetical phrase should be used only where there is some evidence of justification or excuse, such as self-defense.

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 simple assault on a handicapped person."

8 Including self-defense in the mandate is required by *S. v. Woodsen*, 31 N.C. App. 400 (1976). Cf. *S. v. Dooley*, 285 N.C. 158 (1974).

MALICIOUS CONDUCT BY A PRISONER—THROWING OF [BODILY FLUIDS] [EXCREMENT] [UNKNOWN SUBSTANCE] BY A PRISONER AT A [STATE] [LOCAL GOVERNMENT] EMPLOYEE IN THE PERFORMANCE OF EMPLOYEE'S DUTIES. FELONY.

GENERAL CRIMINAL VOLUME

REPLACEMENT JUNE 2019

N.C. Gen. Stat. § 14-258.4

208.67 MALICIOUS CONDUCT BY A PRISONER—THROWING OF [BODILY FLUIDS] [EXCREMENT] [UNKNOWN SUBSTANCE] BY A PRISONER AT A [STATE] [LOCAL GOVERNMENT] EMPLOYEE IN THE PERFORMANCE OF EMPLOYEE'S DUTIES. FELONY.

The defendant has been charged with [[throwing] [emitting] [causing to be used as a projectile]] [[bodily fluids] [excrement] [unknown substance]] at a [State] [local government] employee in the performance of the employee's duties.

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

First, that the defendant [[threw] [emitted] [caused to be used as a projectile]] [[bodily fluids] [excrement] [unknown substance]] at the alleged victim.

Second, that the alleged victim was a [State] [local government] employee¹ in the performance of the employee's duties.

Third, that the defendant acted knowingly and willfully.

And Fourth, that at that time the defendant was in the custody of [the Division of Adult Correction and Juvenile Justice of the Department of Public Safety] [any law enforcement officer²] [any local confinement facility³]. (*Name facility or custodial officer*) is [within the Division of Adult Correction and Juvenile Justice of the Department of Public Safety] [a law enforcement officer] [a local confinement facility].

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant knowingly and willfully [[threw]

MALICIOUS CONDUCT BY A PRISONER—THROWING OF [BODILY FLUIDS]
[EXCREMENT] [UNKNOWN SUBSTANCE] BY A PRISONER AT A [STATE]
[LOCAL GOVERNMENT] EMPLOYEE IN THE PERFORMANCE OF EMPLOYEE'S
DUTIES. FELONY.

GENERAL CRIMINAL VOLUME

REPLACEMENT JUNE 2019

N.C. Gen. Stat. § 14-258.4

[emitted] [caused to be used as a projectile]] [[bodily fluids] [excrement]
[unknown substance]] at the alleged victim, that the alleged victim was a
[State] [local government] employee in the performance of the
employee's duties, and that the defendant was in the custody of [the Division
of Adult Correction and Juvenile Justice of the Department of Public Safety]
[any law enforcement officer] [any local confinement 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, it would be your duty to return a
verdict of not guilty.

1 N.C. Gen. Stat. § 14-254.5.

2 N.C. Gen. Stat. §§ 153A-217 and 153A-230.1.

3 This section applies to any person in the custody of the identified individuals and institutions, including persons pending trial, appellate review, or presentence diagnostic evaluation. It also applies to violations committed inside or outside of the prison, jail, detention center, or other confinement facility.

208.68 MALICIOUS CONDUCT BY A PRISONER—EXPOSING GENITALIA BY A PRISONER TO AN EMPLOYEE OF A [STATE] [LOCAL GOVERNMENT] IN THE PERFORMANCE OF THE EMPLOYEE’S DUTIES. FELONY.

The defendant has been charged with exposing genitalia to a [State] [local government] employee in the performance of the employee’s duties.

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

First, that the defendant exposed the defendant’s genitalia to the alleged victim.

Second, that at the time of the exposure the alleged victim was a [State] [local government] employee¹ in the performance of the employee’s duties.

Third, that the defendant acted knowingly and willfully.

And Fourth, that at that time the defendant was in the custody of [the Division of Adult Correction and Juvenile Justice of the Department of Public Safety] [any law enforcement officer²] [any local confinement facility³]. (*Name facility or custodial officer*) is [within the Division of Adult Correction and Juvenile Justice of the Department of Public Safety] [a law enforcement officer] [a local confinement facility].

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant exposed the defendant’s genitalia to the alleged victim, that at the time of the exposure the alleged victim was a [State] [local government] employee in the performance of the employee’s duties, that the defendant acted knowingly and willfully, and that the defendant was in the custody of [the Division of Adult Correction and Juvenile Justice of the Department of Public Safety] [any law enforcement

officer] [any local confinement 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, it would be your duty to return a verdict of not guilty.⁴

1 N.C. Gen. Stat. § 14-254.5.

2 N.C. Gen. Stat. §§ 153A-217 and 153A-230.1.

3 This section applies to any person in the custody of the identified individuals and institutions, including persons pending trial, appellate review, or presentence diagnostic evaluation. It also applies to violations committed inside or outside of the prison, jail, detention center, or other confinement facility.

4 “Sentences imposed under this Article shall run consecutively to and shall commence at the expiration of any sentence being served by the person sentenced under this section.” N.C. Gen. Stat. § 14-258.4(d).

North Carolina
Conference of Superior Court Judges
Committee on Pattern Jury Instructions

North Carolina
PATTERN JURY
INSTRUCTIONS
for Criminal Cases

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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

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

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). (6/2017)	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. (Offenses on or After Dec. 1, 2015). (6/2018)		B1, B2, C, D, Misd
207.10B	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. (Offenses on or After Dec. 1, 2017). (6/2018)		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)		B1
207.15	Rape of a Child. G.S. 14-27.2A. (6/2016)		B1
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)		
207.15.1	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. (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 Was 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
207.20	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. (6/2019)		
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 Lessor 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 Lessor Included Offense. G.S. 14-27.26, 14-27.27. (Offenses on or After Dec. 1, 2015). (6/2018)		
207.40C	First Degree Forcible Sexual Offense—(Weapon, Serious Injury, or Multiple Assailants) Covering Second Degree Sex Offense as a Lessor Included Offense. G.S. 14-27.26, 14-27.27. (Offenses on or After Dec. 1, 2017). (6/2018)		
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 Disabled, Mentally Incapacitated or Physically Helpless. G.S. 14-27.5. (Offenses Prior to Dec. 1, 2015). (6/2019)	D	C
207.65A	Second Degree Forcible Sexual Offense—Alleged Victim Mentally Disabled, Mentally Incapacitated or Physically Helpless. G.S. 14-27.27. (Offenses On or After to Dec. 1, 2015). (6/2019)	D	C
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	DELETE SHEET. Unlawfully Accessing a Commercial Social Networking Website by a Sex Offender. G.S. 14-202.5A. (6/2018)		I
207.72	Sex Offender Unlawfully on Certain Premises. G.S. 14-208.18. (6/2017)		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)		G
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)		G, I
207.90	Sexual Battery. G.S. 14-27.5A. (Offenses Prior to Dec. 1, 2015) (6/2019)		Misd A1
207.90A	Sexual Battery. G.S. 14-27.33 (Offenses Occuring on or After Dec. 1, 2015) (6/2019)		Misd A1
207.95	Knowingly and Without Authority [Removing] [Destroying] [Circumventing Operation of] an Electronic Monitoring Device. G.S. 14-226.3 (June 2010)		
208.01	Assaults. 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
208.04B	Threatening to Kill or Inflict Serious Bodily Injury Upon a Person as Retaliation Against a [Legislative] [Executive] [Court] Officer. Felony. G.S. 14-16.7(a) (6/2019)		I
208.04C	Mailing a Threat to Kill or Inflict Serious Bodily Injury Upon a Person as Retaliation Against a [Legislative] [Executive] [Copurt] Officer. Felony. G.S. 14-16.7(b) (6/2019)		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 an Individual with a Disability. G.S. 14-32.1(f). (6/2019)	Misd	Misd 1
208.41	Simple Assault—(Involving Physical Contact) G.S. 14-33(a). (6/2010)	Misd	Misd 2

208.43	Simple Affray. G.S. 14-33. (6/2017)		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. (6/2017)		H
208.45A.1	Habitual Misdemeanor Assault. G.S. 14-33.2. (6/2017)		H
208.50	Assault with a Deadly Weapon. G.S. 14-33(c)(1). (3/2002)	Misd	Misd 1
208.50A	Aggravated Assault on an Individual with a Disability. G.S. 14-32.1(e). (6/2019)	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). (6/2017)	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] [Unknown Substance] by a Prisoner at a [State] [Local Government] Employee in the Performance of Employee's Duties. G.S. 14-258.4. (6/2019)		F
208.68	Malicious Conduct by a Prisoner—Exposing Genitalia by a Prisoner to an Employee of [State] [Local Government] in the Performance of Employee's Duties. G.S. 14-258.4 (6/2019)		I
208.70	Assault on a Female by a Male Person. G.S. 14-33(c)(2). (6/2015)	Misd	Misd A1
208.72	Assault by [Inflicting Serious Injury] [Using a Deadly Weapon] in the Presence of a Minor G.S. 14-33(d). (6/2017)		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
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] [Attempting to Discharge] a Firearm Within an Occupied Building or Other Enclosure With Intent to Incite Fear. G.S. 14-34.10. (6/2018)		F
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] [Member of the North Carolina National Guard] [Person Employed at a [State] [Local] Detention Facility]. G.S. 14-34.7. (6/2017)		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] [Member of the North Carolina National Guard] [Person Employed at a [State] [Local] Detention Facility]—Physical Injury. G.S. 14-34.7(c) (6/2017)		I
208.95D	Assault on [Firefighter] [Emergency Medical Technician] [Emergency Health Care Provider] [Medical Responder] [Emergency Department Personnel] [Licensed Health Provider]. (6/2018)		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] [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. (6/2017)	E	E
210.35	Second Degree Kidnapping (to Commit Felony or Serious Injury). G.S. 14-39. (6/2017)	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. G.S. 14-43.12. (6/2019)	I	F
210.52	Involuntary Servitude of a Minor. G.S. 14-43.12. (6/2019)		C
210.60	Child Abduction. G.S. 14-41. (6/2011)	G	F
210.70	Sexual Servitude. G.S. 14-43.13. (6/2019)		F
210.72	Sexual Servitude of a Minor. G.S. 14-43.13. (6/2019)		C
210.80	Human Trafficking Involving Involuntary Servitude. G.S. 14-43.11. (6/2019)		F
210.82	Human Trafficking Involving Sexual Servitude. G.S. 14-43.11. (6/2019)		F
210.84	Human Trafficking of a Minor Involving Involuntary Servitude. G.S. 14-43.11. (6/2019)		C

210.86	Human Trafficking of a Minor Involving Sexual Servitude. G.S. 14-43.11. (6/2019)		C
210.88	Unlawful [Sale] [Surrender] [Purchase] of a Minor. G.S. 14-43.14. (6/2019)		F
210.90	Unlawful Transfer of Custody of a Minor Child by a Parent. G.S. 14-321.2(a)(1). (6/2017)		Misd 2
210.91	Unlawful Transfer of Custody of a Minor Child by a Parent Resulting in Serious Physical Injury to the Child. G.S. 14-321.2(a)(1). (6/2017)		G
210.92	Unlawful Acceptance of Custody of a Minor Child from a Parent. G.S. 14-321.2(a)(2). (6/2017)		Misd 2
210.93	Unlawful Acceptance of Custody of a Minor Child from a Parent Resulting in Serious Physical Injury to the Child. G.S. 14-321.2(a)(2). (6/2017)		G
210.94	Unlawful [Advertising] [Recruiting] [Soliciting] [Aiding] [Abetting] [Conspiring] or [Assisting] in the Unlawful Transfer of Custody of a Minor Child. G.S. 14-321.2(a)(3). (6/2017)		Misd 2
210.95	Unlawful [Advertising] [Recruiting] [Soliciting] [Aiding] [Abetting] [Conspiring] [Assisting] in the Unlawful Transfer of Custody of a Minor Child Resulting in Serious Physical Injury to the Child. G.S. 14-321.2(a)(3). (6/2017)		G
211.50	Abortion and Similar Offenses. 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] [Miscarriage]. G.S. 14-46.1 (6/2016)		
212.10	Libel and Slander. Communicating Libelous Matter to Newspapers. G.S. 14-47. (5/2002)	Misd	Misd 2
213.10	Use of Explosives or Incendiary Devices. 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
214.10	Burglary and Breaking and Entering. 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 (6/2018)		E

Offense Classification

		Before 10/1/94	On or After 10/1/94
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. (5/2019)	Misd	Misd 2
214.31A	Second-Degree Trespass. G.S. 14-159.13. (5/2002)	Misd	Misd 3
214.31B	First-Degree Trespass. G.S. 14-159.12(f). (6/2017)		I
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
215.11	Arson and Other Burnings. 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. 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, Law Enforcement Officer, or Emergency Medical Technician. G.S. 14-69.3. (6/2019)		E
215.60	Burning Caused During Commission of Another Felony. G.S. 14-67.2 (6/2019)		D
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	
215.90	Communicating a Threat of Mass Violence on Educational Property. G.S. 14-277.6 (6/2019)		H
215.91	Communicating a Threat of Mass Violence at a Place of Religious Worship. G.S. 14-277.7 (6/2019)		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
216.13	Larceny of Chose in Action. G.S. 14-75. (6/2017)		H
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	Felonious 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, 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. (6/2018)		H
216.57	Organized Retail Theft. Retail Property with Value Exceeding \$1,500, Aggregated Over 90-Day Period. G.S. 14-86.6(a)(1). (6/2018)		H
216.57A	Organized Retail Theft Conspiracy — Retail Property with Value Exceeding \$20,000, Aggregated Over 90-Day Period. (6/2018)		
216.58	[Receiving] [Possessing] Retail Property Obtained by Organized Retail Theft. G.S. 14-86.6(a)(2). (6/2009)		H
216.59	Organized Retail Theft — Acting as Leader. (6/2018)		

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] [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] Illegally 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] a [Motor Vehicle] [Motor Vehicle Part] from a Person Engaged in a Chop Shop Activity. G.S. 14-72.7(a)(4). (6/2014)		H
216.77	Purchasing of Vehicles for the Purpose of Scrap Parts Only and Failing to Comply with Certain Requirements Mandated by Law. G.S. 20-62.1 (6/2019)		I
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. (6/2018)	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. (6/2018)	D, H	D, G
217.50	Safecracking—By Explosives, Drills, or Tools. G.S. 14-89.1(a)(1). (6/2017)	H	I
217.51	Safecracking—By Stolen Combination, Key, Electronic Device or Fraudulently Acquired Implement or Means. G.S. 14-89.1(a)(2). (6/2017)	H	I
217.52	Safecracking—By Use of [[Master Key] [Duplicate Key] [Device] [[Made] [Obtained]] in an Unauthorized Manner] [Stethoscope] [Listening Device] [Surreptitious Means]. G.S. 14-89.1(a)(3). (6/2017)	H	I
217.53	Safecracking—All Other Means. G.S. 14-89.1(a)(3) and (4). (6/2017)	H	I
217.54	Safecracking—Removing Safe or Vault from Premises. G.S. 14-89.1(b). (5/2003)	H	I
	Embezzlement.		
218.10	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 Money, 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 by 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 (Value of Property \$100,000 or More). G.S. 14-100. (6/2018)		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 Fraud Resulting in Another Person's [Arrest] [Detention] [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
219D.10	Fraudulent Misrepresentation Involving a [License Application] [Other Document] Filed Pursuant to the North Carolina Money Transmitters Act. G.S. 53-208.58(b). (6/2017)		Misd 1
219D.15	Engaging in the Business of Money Transmission Without a License. G.S. 53-208.58(c). (6/2017)		Misd 1
219D.20	Unlawfully Engaging in the Business of Money Transmission—Any Reason. G.S. 53-208.58(a). (6/2017)		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] [Other Document]. G.S. 44A-12.1(c). (6/2013)		I
220.26	Filing [False Lien] [Encumbrance]. G.S. 14-118.6. (6/2016)		I
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 a 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
Forgery.			
221.10	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
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 Misd 1
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	Trespassing by Person Subject to Valid Protective Order onto Property Operated as a Safe House or Haven for Victims of Domestic Violence. (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)		
223.15	Trespasses to Personal Property. 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 Computer 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
223.70	Injuring, Destroying, Removing, Vandalizing, or Tampering with Firefighting or Emergency Medical Services Machinery or Equipment. (6/2018)		
224.10	Vehicles and Draft Animals—Protection of Bailor against Acts of Bailee. [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
225.10	Offenses against Public Morality and Decency. [Knowingly] [Willingly] [Abusing] [Mutilating] a Dead Human Body in a Person's Custody. 90-210.25(5)(2) (6/2019)		Misd 2
225.15	Unauthorized Practice of [Embalming] [Funeral Directing] [Funeral Service] [Operating Funeral Establishment]—Practicing Without a License (Including While Representing Oneself as Being Licensed. G.S. 90-210.25(f)(1) (6/2019)		Misd 2
226.10	Crime against Nature—Animals. G.S. 14-177. (6/2006)	H	I
226.10A	Crime against Nature—Persons. G.S. 14-177. (6/2019)		
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
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). (6/2017)		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
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 Had a [Severe] [Profound] Mental Disability. G.S. 14-205.2. (6/2019)		D
226.94	Promoting Prostitution of a Person Who Had a [Severe] [Profound] Mental Disability. G.S. 14-205/3(b) (6/2019)		Misd A1, G
226.96	Solicitation for Prostitution with a Person who Has a [Severe] [Profound] Mental Disability. G.S. 14-204(5), 14-205.1. (6/2019)		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
227.10	Massage and Bodywork Therapy Licensing Violation. (6/2018)		
227.15	[Sexual Activity] [Solicitation of Sexual Activity] in a Massage and Bodywork Therapy Establishment. (6/2018)		
227.20	Owner of Massage and Bodywork Therapy Establishment Permitting or Engaging in Sexual Activity. (6/2018)		
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). (6/2018)		G
230.70	Impersonation of Law-Enforcement Officer by [Verbally Informing Another] [Displaying any Badge or Identification] [Unlawfully Operating a Vehicle with an Operating Red Light]. Misdemeanor. G.S. 14-277(a). (6/2011)	Misd	Misd 1
230.70A	Impersonating of Law-Enforcement Officer by Operating a Vehicle with an Operating Blue Light. 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

230.77	Driving with a Light Bar. (6/2018)		
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
233.47	Possession of Tools for Escape by a Prisoner G.S. 14-258(c) (6/2019)		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
233.85	Providing [Forbidden Articles] [Tools to Escape] to a Prisoner. G.S. 14-258(a) (6/2019)		H
233.90	Possession of 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] [Possessing] Weapons [on Educational Property] [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
235.37	Use of Unmanned Aircraft System Near a [Confinement] [Correctional] Facility. (6/2018)		
235.38	Use of an Unmanned Aircraft System Near a [Confinement] [Correctional] Facility to [[Deliver] [Attempt to Deliver]] [[a Weapon] [Contraband]]. (6/2018)		
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. 14-190.5A(c)(2). (6/2018)		Misd 1
235.65A	Disclosure of Private Images by Offender Under 18 Years of Age. G.S. 14-190.5A(b), (c)(2). (6/2018)		Misd
235.67	Disclosure of Private Images by Offender 18 Years of Age Or Older. G.S. 14-190.5A(c)(1). (6/2018)		H
235.67A	Disclosure of Private Images by Offender 18 Years of Age Or Older. G.S. 14-190.5A(b), (c)(1). (6/2018)		F
235.69	Felonious Disclosure of Private Images by Offender Under the Age of 18 G.S. 14-190.5A(c)(3). (6/2018)		H
235.69A	Riots and Civil Disorders. Felonious Disclosure of Private Images by Offender Under 18 Years of Age. G.S. 14-190.5A(b), (c)(3). (6/2018)		
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

* 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.

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)		
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.			
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
237.40	Unlicensed Operation of a Beach Bingo Game. G.S. 14-309.14(5). (6/2017)		Misd 2
237.45	Providing False Information in Order to Obtain a License to Operate a Beach Bingo Game. G.S. 14-309.14(5)(c). (6/2017)		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 Prostitution). G.S. 14-190.18(a)(1). (6/2014)	G	D
238.23A	Promoting Prostitution of a Minor (Supervising 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] [a Device Capable of Electronic Data [Storage] [Transmission] to Commit a Sex Act. G.S. 14-202.3. (6/2017)		H
238.35	Solicitation of a [Child] [Person Defendant Believed to Be a Child] by [Computer] [a Device Capable of Electronic Data [Storage] [Transmission] to Commit a Sex Act and Appearing at Location. G.S. 14-202.3(c)(2). (6/2017)		G
238.40	DELETE SHEET. Soliciting a Child by [Computer] [Electronic Device] to Commit an Unlawful Sex Act. (Offenses after December 1, 2009). G.S. 14-202.3 (6/2017)		H, G
239.10	Protection of Minors. [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 Under the Age of Twelve to Use a Dangerous Firearm. G.S. 14-316. (6/2014)	Misd	Misd 2
239.21	Furnishing a Young Child a Dangerous Firearm—Nonparent. G.S. 14-316. (Delete Sheet) (6/2014)	Misd	Misd 2
239.23	Possession of Handguns by Minors (6/2012)		Misd 1
239.25	Contributing to the Delinquency and Neglect by Parents and Others. G.S. 14-316.1; 7B-101(1), (15); 7B-1501(7), (27). (6/2019)	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] [Dependency] [Death] Due to Maltreatment of a Juvenile. G.S. 7B-301(a), (b). (6/2019)		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 by Prostitution. G.S. 14-318.4(a1). (5/2000)	H	E
239.55B	Felonious Child Abuse by a Sexual Act by a [Parent] [Legal Guardian]. G.S. 14-318.4(a2). (5/2019)	H	H

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	Child Abuse. G.S. 14-318.2. (6/2009)	Misd	Misd 1
239.65	Permitting a Child under 16 Years of Age to [Operate] [Be a Passenger on] a Bicycle without a 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 a Born Out of Wedlock 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 a Protective Order While in Possession of a Deadly Weapon. G.S. 50B-4.1(g). (6/2016)		H
240.55	Felonious Violation of 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)		Misd A1
240.82	[Employee] [Volunteer] at a Facility Who [Borrows] [Takes] Personal Property From a Client. G.S. 122C-66(a1). (6/2016)		Misd 1
240.84	[Employee] [Volunteer] at a Facility Failed to Report Violations of Client Abuse. G.S. 122C-66(b). (6/2016)		Misd 1
240.86	[Employee] [Volunteer] at a Facility Failed to Report Violations of [Borrowing] [Taking] Client Property. G.S. 122C-66(a1)-(b). (6/2016)		Misd 1
240.88	[Employee] [Volunteer] at a Facility Failed to Report Accidental Injury to a Client. G.S. 122C-66(b). (6/2016)		Misd A1
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
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 (an) Animal(s). G.S. 14-360(a). (6/2017)	Misd	Misd 1
247.10A	Felonious Cruelty to (an) Animal(s). G.S. 14-360(b). (6/2017)		H
247.10B	Misdemeanor 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]		

247.15A	[Search and Rescue] Animal. G.S. 14-163.1. (6/2010) [Causing] [Attempting to Cause] Serious Harm to a [Law Enforcement Agency] [Assistance] [Search and Rescue] Animal. G.S. 14-163.1. (6/2010)		H
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)		I
247.20	Instigating or Promoting Cruelty to an Animal(s). G.S. 14-361. (6/2017)		Misd 2
247.30	Cockfighting. G.S. 14-362. (1/2001)	Misd	Misd 1
247.31	Dog Fighting and Baiting. G.S. 14-362.2. (6/2008)	Misd	Misd 2
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)		H
247.50	Interference with Animal Research—Willfully Damaging an Animal Research Facility. G.S. 14-159.2(a)(2). (8/2000)	J, Misd	I, 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 1
247.80A	[Owning] [Possessing] [Using] [Transporting] [Trafficking] of Crocodilian not Housed in a Sturdy and Secure Enclosure. G.S. 14-417.2. (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. 14-417.1. (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 2, 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 A1
252.65	Miscellaneous Police Regulations. Tattooing a Minor. G.S. 14-400. (8/2000)		Misd 2, Misd A1
	Felony Firearms.	Misd	Misd 2

254A.11	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
	Miscellaneous.		
255.01	Felonious 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	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 Metal 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)(5). G.S. 136-32(a). (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. G.S. 136-32(a), (b), (c), (d). (6/2012)		Misd 1, 3
258.32	Erecting or Maintaining Commercial Advertising Signs in Highway Rights of Way. G.S. 136-32(a), (d). (6/2012)		Misd 1
258.33	[Stealing] [Defacing] [Vandalizing] [Unlawfully Removing] Political Signs That Are Lawfully Placed. G.S. 136-32(a), (b), (c), (d), (e). (6/2012)		Misd 3
258.35	Removal or Destruction of Warning Signs—Water Quality in Coastal Recreation Waters. G.S. 113-221.3(b), (c), (d). (6/2012)		Misd 2

258.36	Possession of Signs Posted by Department of Environment and Natural Resources—Water Quality in Coastal Recreation Waters. G.S. 113-221.3(b), (c), (d). (6/2012)	Misd 2
259.10	Unauthorized Practice of Medicine—Practicing Without a License. G.S. 90-18. (6/2012)	Misd 1
259.11	Unauthorized Practice of Medicine—Practicing Without a License While Representing Oneself as Being Licensed. G.S. 90-18. (6/2012)	I
259.12	Unauthorized Practice of Medicine—Practicing Without a License in North Carolina By an Out-of-State Practitioner. (G.S. 90-18). (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. G.S. 90-18. (6/2012)	Misd 1
259.20	Unauthorized Practice of Law—Non-Members of the State Bar. G.S. 84-4. (6/2017)	Misd 1
259.21	Unauthorized Practice of Law—Corporations. G.S. 84.5. (6/2012)	Misd 1
259.22	Unauthorized Practice of Law—Foreclosure Fees. G.S. 84.6. (6/2012)	Misd 1
259.23	Unauthorized Practice of Law—Appearing for Creditors in [Insolvency] [Bankruptcy] and Other Proceedings. G.S. 84.9. (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 about the Financial Condition of a Bank. 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)(9a). (6/2016)		C, F, H
259.55	Identity Theft – Submission to the Department of Revenue. G.S. 105-236(a)(9b). (6/2018)		
259.57	Identity Theft – Submission to the Department of Revenue Resulting in Adverse Financial Impact. G.S. 105-236(a)(9b). (6/2018)		
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]] [Improperly Gives a Certificate of Compliance Without First Making the Required Inspections by Law] [Improperly Gives a Certificate of Compliance]. G.S. 153A-356; 160A-416. (6/2016)		Misd 1
259.95	Illegal Operation of Amusement Devices Causing [Death] [Serious Injury]. G.S. 95-111.13. (6/2016)		E
259.97	[Counterfeiting] [Selling] [Lending] [Permitting Use of] Photo Identification for Voting. G.S. 163A-1389(19) (6/2019)		I
259.98	Voting More Than One Time in an Election—Verdict Form. G.S. 163-275(7). (6/2017)		I
	Dangerous Drugs.		
	260 Series—Directory of Dangerous Drug Charges. (6/1996)		
260.10	Possession of a Controlled Substance. G.S. 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] [Local Confinement Facility]. G.S. 90-95(a)(3), (e)(9). (6/2014)	I	I*
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

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

260.17	Drug Trafficking—Possession (Marijuana, Methaqualone, Cocaine, Amphetamine, Methamphetamine, Opium, Opiate, Opioid or Heroin, Lysergic Acid Diethylamide, Methylenedioxyamphetamine, Methylenedioxymethamphetamine, Substituted Cathinones, or Synthetic Cannabinoid). G.S. 90-95(h). (6/2019)	C, D, E F, G, H	D, D, E F, G, H
260.18	Forged Prescription—Acquiring or Obtaining Possession of a Controlled Substance by [Misrepresentation] [Fraud] [Forgery] [Deception] [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, Opiate, Opioid or Heroin, Lysergic Acid Diethylamide, Methylenedioxyamphetamine, Methylenedioxymethamphetamine, Substituted Cathinones, or Synthetic Cannabinoid). G.S. 90-95(h). (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). (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
260.23	Drug Trafficking—[Selling] [Delivering] (Marijuana, Methaqualone, Cocaine, Amphetamine, Methamphetamine, Opium, Opiate, Opioid or Heroin, Lysergic Acid Diethylamide, Methylenedioxyamphetamine, Methylenedioxymethamphetamine, Substituted Cathinones or Synthetic Cannabinoid) G.S. 90-95(h). (6/2019)	C, D, E, F, G, H	C, D, E, F, G, H
260.30	Drug Trafficking—Transportation (Marijuana, Methaqualone, Cocaine, Amphetamine, Methamphetamine, Opium, Opiate, Opioid or Heroin, Lysergic Acid Diethylamide, Methylenedioxyamphetamine, Methylenedioxymethamphetamine, Substituted Cathinones, or Synthetic Cannabinoid). G.S. 90-95(h). (6/2019)	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

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

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
260.81	Feloniously [Diverting] [Embezzling] a Controlled Substance (Practitioner, Registrant, or Employee). G.S. 90-108(b) and 90-108(a)(14) (6/2019)		E
260.82	Feloniously [Diverting] [Embezzling] a Controlled Substance by [Dilution] (or) [Substitution] (Practitioner, Registrant, or Employee). G.S. 90-108(b)(3) and 90-108(a)(14) (6/2019)		E
260.83	Feloniously [Diverting] [Embezzling] a Controlled Substance (by Virtue of Occupation). G.S. 90-108(b)(2) and 90-108(a)(15) (6/2019)		E
260.84	Feloniously [Diverting] [Embezzling] a Controlled Substance by [Dilution] (or) [Substitution] (by Virtue of Occupation). G.S. 90-108(b)(3) and 90-108(a)(15) (6/2019)		E
260.85	Felonious Use of Controlled Substances Reporting System—Unauthorized [Disclosure] [Dissemination] G.S. 90-113.74(k)(2) (6/2019)		I
280.86	Felonious Use of Controlled Substances Reporting System—[Commercial Advantage] [Personal Gain] [Maliciously Harm] G.S. 90-113.74(k)(3) (6/2019)		H
260.87	Felonious Use of Controlled Substances Reporting System for an Unauthorized Purpose. G.S. 90-113.74(k)(1) (6/2019)		I
260.90	[Intentionally] [Knowingly] [Keeping] [Maintaining] a Building or Vehicle for the [Use] [Keeping] [Selling] of Controlled Substances. G.S. 90-108(a)(7). (6/2009)	I, Misd	I, Misd 1
260.95	[Possession] [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. 90-113.82(b) (6/2010)		Misd 1
260.96C	Failure to Maintain Records of Purchasers of [Glass Tubes] [Splitters]. G.S. 90-113.82(c) (6/2010)		Misd 2
260.96D	Failure to Train Agents and Employees on Requirements of Sales of [Glass Tubes] [Splitters]. G.S. 90-113.82(e) (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)		Misd A1, I
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]. G.S. 90-95(d1)(1)(c). (6/2016)		H
261.60	[Manufacturing] [Distributing] [Dispensing] [Delivering] [Purchasing] Marijuana on Property Lawfully Used for Industrial Hemp Production. G.S. 106-568.57(a). (6/2017)		I
261.65	Providing [False] [Misleading] Information to the Industrial Hemp Commission Related to a License [Application] [Renewal] [Inspection] [Investigation]. G.S. 106-568.57(b). (6/2017)		Misd 1
261.70	[Tampering With] [Adulterating] a Lawfully Planted Industrial Hemp Crop. G.S. 106-568.57(c). (6/2017)		Misd 1
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. G.S. 20-138.1. (6/2010)	Misd	Misd
270.20A	Impaired Driving. G.S. 20-138.1. (6/2016)		
270.21	Impaired Driving of a Commercial Vehicle. G.S. 20-138.2 and -138.2A. (6/2010)		Misd 1
270.21A	Impaired Driving in a Commercial Vehicle. 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.). G.S. 20-138.5. (6/2015)	J	F
270.25A	Habitual Impaired Driving—Including Chemical Test. G.S. 20-138.2A. (6/2018)	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	Operating a Motor Vehicle to Elude Arrest. G.S. 20-141.5(a). (4/2001)	Misd	Misd 1
270.54A	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
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 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] [Passenger]. G.S. 20-154(a1). (6/2014)		Infraction
270.61B	Unsafe 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 Law Enforcement 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
270.90	Failure to Maintain Lane Control. G.S. 20-146(d)(1) (6/2019)		Infraction
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). (6/2017)		Misd 2
270A.27	[Recklessly] [Negligently] [Operating a [Motorboat] [Vessel]] [Manipulating [Water Skis] [A Surfboard.]]. G.S. 75A-10(a). (6/2017)		Misd 2
270A.27A	Manipulating [Water Skis] [A Surfboard] [Nonmotorized Vessel] [Similar Device] While Under the Influence of an Impairing Substance. G.S. 75A-10(b). (6/2017)		Misd 2
270A.27B	[Death] [Serious Injury] by Impaired Boating. G.S. 75A-10.3(a),(b),(f). (6/2017)		D, F
270A.27C	Aggravated [Death] [Serious Injury] by Impaired Boating. G.S. 75A-10.3(c),(d),(f). (6/2017)		D
270A.27D	Repeat Death by Impaired Boating. G.S. 75A-10.3(e),(f). (6/2017)		B2
270A.30	Improper Vessel Registration. G.S. 75A-4. (6/2009)		Misd 3

Non-Traffic Automobile Offenses.

271.10	Driving a Motor Vehicle on a Highway While License Has Been Suspended or Revoked. G.S. 20-28. (5/2001)	Misd	Misd 1
271.12	Driving a Motor Vehicle on a Highway while License Has Been Revoked for Impaired Driving. G.S. 20-28(a1). (6/2018)		
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] Knowingly Permitting Another to Drive] a Vehicle that [was Not Registered with the Division of Motor Vehicles] [Did Not Display a Current 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)		F
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
271.28	Forging an Inspection [Sticker] [Receipt]. G.S. 20-183.8(c)(1). (6/2017)		I
271.28A	[Buying] [Selling] [Issuing] [Possessing] a Forged [Inspection Sticker] [An Electronic Inspection Authorization]. G.S. 20-183.8(c)(2). (6/2017)		I
271.28B	Unlawfully [Buying] [Selling] [Issuing] [Possessing] an [Inspection Sticker] [Electronic Inspection Authorization]. G.S. 20-183.8(c)(3). (6/2017)		I
271.28C	Failing the [Safety] [Emissions] Inspection of a Vehicle for an Unlawful Reason. G.S. 20-183.8(c)(5). (6/2017)		I
271.28D	[Soliciting] [Accepting] Something of Value in Order to Pass a Vehicle That Fails [Safety] [Emissions] Inspection. G.S. 20-183.8(c)(4). (6/2017)		I
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] [Refusing] 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(a); 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] [Possessing] 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 on a Motor Vehicle Without a License. G.S. 20-183.8(b)(1). (6/2017)		Misd 3
271.46	[Giving] [Lending] [Borrowing] of a License Plate for the Purpose of Using Same on a Motor Vehicle Other Than That for Which It Was 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 of Registration] [Duplicate [Registration] [Title]]. G.S. 20-111(5). Misdemeanor. (6/2011)		Misd 1
271.48	Using a [Name] [Address] That Is [False] [Fictitious] in Any Application for [the Registration of Any Vehicle] [Certificate of Title] [Renewal of Registration] [Duplicate [Registration] [Title]]. 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 of Title for Any Purpose Other Than the [[Registration] [Sale] of a Vehicle] [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). (6/2018)		F, 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 or 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. G.S. 20-178A. (6/2012)		Misd 1
271.81	Tampering with Ignition Interlock Device—Altering Testing Results on Ignition Interlock Device. G.S. 20-178A. (6/2012)		Misd 1
271.91	Liability Insurance for Motor Vehicles. G.S. 20-279.21, 20-308, 20-309.—Deleted. See G.S. 20-311. (6/2019)		Misd 1
271.92	Operation of Motor Vehicles Without Financial Responsibility G.S. 20-309(b), 20-313 (6/2019)		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 the 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, or Tobacco Product 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 (6/2014)		Misd 3
272.40	[Manufacturer] [Sale] [Transportation] [Importation] [Furnishing] [Consumption] [Possession] of Powdered Alcohol. G.S. 18B-102 (6/2016)		Misd 1
272.60	[Sale] [Offer for Sale] [Introduce Into Commerce in North Carolina] of an E-liquid Container without Child-Resistant Packaging. G.S. 14-401.18A. (6/2016)		Misd A1
272.65	[Sale] [Offer for Sale] [Introduce 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)		Misd A1
272.80	Knowingly Making a False Statement in an Application for Reissuance of a Special Occasion Permit. G.S. 18B-903.1(e) (6/2019)		Misd 1

	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(a), (a1). (6/2018)		
273.55	Unlawful Hunting of Migratory Birds on Sunday. (6/2018)		
	Welfare Fraud.		
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(a). (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(a). (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
275.10	Unsupervised Use of Fully Autonomous Vehicle by a Person Under the Age of 12. G.S. 103-2(a2).(6/2018)		
	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
280.45	Escape of a Working Prisoner. G.S. 14-255. (5/2001)		Misd 1

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

PART III. DEFENSES

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| 301.10 | Alibi. (3/2003) |
| 302.10 | Automatism.
Automatism or Unconsciousness. (6/2009) |
| 304.10 | Insanity.
Insanity Defense. (6/2009) |
| 305.10 | Intoxication.
Voluntary Intoxication, Liquor or Drugs—In General. (6/2009) |
| 305.11 | Voluntary Intoxication, Lack of Mental Capacity—Premeditated and Deliberate First-Degree Murder. (6/2009) |
| 307.10 | Accident.
Accident (Defense to Homicide Charge, Except Homicide Committed during Perpetration of a Felony). (5/2003) |
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| 308.10 | Self-Defense.
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| 308.47 | Assault in Lawful Defense of a [Family Member] [Third Person]—(Defense to Assaults Not Involving Deadly Force). G.S. 14.51.2, .3, .4. (6/2019) |
| 308.50 | Assault in Lawful Defense of a [Family Member] [Third Person]—(Defense to All Assaults Involving Deadly Force). G.S. 14.51.2, .3, .4. (6/2019) |
| 308.60 | Killing in Lawful Defense of a [Family Member] [Third Person]—(Defense to Homicide). G.S. 14.51.2, .3, .4. (6/2019) |
| 308.70 | Self-Defense to Sexual Assault—Homicide. G.S. 14.51.2, .3. (6/2019) |
| 308.80 | Defense of [Habitation] [Workplace] [Motor Vehicle]—Homicide and Assault. G.S. 14-51.1, .2, .3, .4. (6/2019) |
| 309.10 | Entrapment.
Entrapment. (5/2003) |
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Lack of Jurisdiction (with Special Verdict Form). (5/2003)

APPENDICES:

A. TABLE OF SECTIONS OF GENERAL STATUTES INVOLVED IN CRIMINAL INSTRUCTIONS.

B. CRIMINAL VOLUME INDEX.

210.50A INVOLUNTARY SERVITUDE. FELONY.

NOTE WELL: For involuntary servitude of a minor use N.C.P.I.—Crim. 210.52.

NOTE WELL: This instruction applies to offenses occurring on or after December 1, 2006, the effective date of N.C. Gen. Stat. § 14-43.12. Each violation of this section constitutes a separate offense. Evidence of failure to deliver benefits or perform services standing alone shall not be sufficient to support a conviction under this section.

The defendant has been charged with involuntary servitude.

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

First, that the defendant used violence or the threat of violence to [deceive] [coerce] [intimidate] another person to perform labor, whether or not for compensation, and whether or not for satisfaction of a debt.¹

And Second, that the defendant did so knowingly and willfully.

NOTE WELL: For offenses occurring on or after December 1, 2018, if the defendant claims the defendant was a victim, and there is evidence to support this affirmative defense, the following language should be used:

(There is evidence in this case tending to show that the defendant was [coerced] [deceived] into committing this offense as a direct result of the defendant's status as a victim. The burden of proving [coercion] [deceit] as a defense is upon the defendant. It need not be proved beyond a reasonable doubt, but only to your satisfaction. The defendant would not be guilty of involuntary servitude if:

First, the defendant was a victim of [human trafficking]² [involuntary servitude]³ (or) [sexual servitude]⁴ at the time of the offense.

And Second, that the defendant was [coerced] [deceived] into committing the offense as a direct result of the defendant's status as a victim.

The defendant's assertion of [coercion] [deceit] is a denial that the defendant has committed any crime. The burden remains on the State to prove the defendant's guilt beyond a reasonable doubt.)

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant knowingly and willfully used violence or the threat of violence to [deceive] [coerce] [intimidate] another person to perform labor, whether or not for compensation, and whether or not for satisfaction of a debt, (and that the defendant was not a victim [coerced] [deceived] into committing the offense of involuntary servitude), 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. § 14-43.10 for the definition of coercion, deception, and involuntary servitude.

2 See N.C. Gen. Stat. § 14-43.11 for a definition of human trafficking.

3 See N.C. Gen. Stat. § 14-43.12 for a definition of involuntary servitude.

4 See N.C. Gen. Stat. § 14-43.13 for a definition of sexual servitude.

210.52 INVOLUNTARY SERVITUDE OF A MINOR. FELONY.

NOTE WELL: Each violation of this section constitutes a separate offense. Evidence of failure to deliver benefits or perform services standing alone shall not be sufficient to support a conviction under this section. Nothing in this section shall be construed to affect the laws governing the relationship between an unemancipated minor and his or her parents or legal guardian. N.C. Gen. Stat. § 14-43.12(d).

The defendant has been charged with involuntary servitude of a minor.

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

First, that the defendant used violence or the threat of violence to [deceive] [coerce] [intimidate] another person who was less than 18 years of age¹ to perform labor, whether or not for compensation, and whether or not for satisfaction of a debt.²

And Second, that the defendant did so knowingly and willfully.

NOTE WELL: For offenses occurring on or after December 1, 2018, if the defendant claims the defendant was a victim, and there is evidence to support this affirmative defense, the following language should be used:

(There is evidence in this case tending to show that the defendant was [coerced] [deceived] into committing this offense as a direct result of the defendant's status as a victim.³ The burden of proving [coercion] [deceit] as a defense is upon the defendant. It need not be proved beyond a reasonable doubt, but only to your satisfaction. The defendant would not be guilty of involuntary servitude of a minor if:

First, the defendant was a victim of [human trafficking]⁴ [involuntary servitude]⁵ (or) [sexual servitude]⁶ at the time of the offense.

And Second, that the defendant was [coerced] [deceived] into committing the offense as a direct result of the defendant's status as a victim.

The defendant's assertion of [coercion] [deceit] is a denial that the defendant has committed any crime. The burden remains on the State to prove the defendant's guilt beyond a reasonable doubt.)

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant knowingly and willfully used violence or the threat of violence to [deceive] [coerce] [intimidate] another person who was less than 18 years of age to perform labor, whether or not for compensation, and whether or not for satisfaction of a debt, (and that the defendant was not a victim [coerced] [deceived] into committing the offense of involuntary servitude of a minor), 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 Mistake of age is not a defense to prosecution under this section. Consent of a minor is not a defense to prosecution under this section.

2 See N.C. Gen. Stat. § 14-43.10 for the definition of coercion, deception, and involuntary servitude.

3 N.C. Gen. Stat. § 14-43.16

4 See N.C. Gen. Stat. § 14-43.11 for a definition of human trafficking.

5 See N.C. Gen. Stat. § 14-43.11 for a definition of involuntary servitude.

6 See N.C. Gen. Stat. § 14-43.11 for a definition of sexual servitude.

210.70 SEXUAL SERVITUDE. FELONY.

NOTE WELL: For offenses involving sexual servitude of a minor use N.C.P.I.—Crim. 210.72.

NOTE WELL: Each violation of this section constitutes a separate offense and shall not merge with any other offense. Evidence of failure to deliver benefits or perform services standing alone shall not be sufficient to support a conviction under this section.

The defendant has been charged with sexual servitude.

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

First, that the defendant, by [coercion] [deceit], [subjected] [maintained] another person [(in) (to) any sexual activity¹ for which anything of value is directly or indirectly given, promised to or received][(in) (to) any sexual activity that is performed or provided].

And Second, that the defendant did so [knowingly] [in reckless disregard of the consequences of their action].

NOTE WELL: For offenses occurring on or after December 1, 2018, if the defendant claims the defendant was a victim, and there is evidence to support this affirmative defense, the following language should be used:

(There is evidence in this case tending to show that the defendant was [coerced] [deceived] into committing this offense as a direct result of the defendant's status as a victim.² The burden of proving [coercion] [deceit] as a defense is upon the defendant. It need not be proved beyond a reasonable doubt, but only to your satisfaction. The defendant would not be guilty of sexual servitude if:

First, the defendant was a victim of [human trafficking]³ [involuntary servitude]⁴ (or) [sexual servitude]⁵ at the time of the offense.

And Second, that the defendant was [coerced] [deceived] into committing the offense as a direct result of the defendant's status as a victim.

The defendant's assertion of [coercion] [deceit] is a denial that the defendant has committed any crime. The burden remains on the State to prove the defendant's guilt beyond a reasonable doubt.)

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant [[knowingly] [in reckless disregard of the consequences of the action]], by [coercion] [deceit], [subjected] [maintained] another person [(in) (to) any sexual activity for which anything of value is directly or indirectly given, promised to or received] [(in) (to) any sexual activity that is performed or provided], (and that the defendant was not a victim [coerced] [deceived] into committing the offense of sexual servitude), 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 Sexual activity is defined in N.C. Gen. Stat. § 14-43.10 by reference to N.C. Gen. Stat. § 14-190.13

2 N.C. Gen. Stat. § 14-43.16.

3 See N.C. Gen. Stat. § 14-43.11 for a definition of human trafficking.

4 See N.C. Gen. Stat. § 14-43.12 for a definition of involuntary servitude.

5 See N.C. Gen. Stat. § 14-43.13 for a definition of sexual servitude.

210.72 SEXUAL SERVITUDE OF A MINOR. FELONY.

NOTE WELL: Each violation of this section constitutes a separate offense and shall not merge with any other offense. Evidence of failure to deliver benefits or perform services standing alone shall not be sufficient to support a conviction under this section.

The defendant has been charged with sexual servitude of a minor.

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

First, that the defendant, by [coercion] [deceit], [subjected] [maintained] another person who was less than 18 years of age¹ [(in) (to) any sexual activity² for which anything of value is directly or indirectly given, promised to or received] [(in) (to) any sexual activity that is performed or provided].

And Second, that the defendant did so [knowingly] [in reckless disregard of the consequences of the defendant's actions].

NOTE WELL: For offenses occurring on or after December 1, 2018, if the defendant claims the defendant was a victim, and there is evidence to support this affirmative defense, the following language should be used:

(There is evidence in this case tending to show that the defendant was [coerced] [deceived] into committing this offense as a direct result of the defendant's status as a victim.³ The burden of proving [coercion] [deceit] as a defense is upon the defendant. It need not be proved beyond a reasonable doubt, but only to your satisfaction. The defendant would not be guilty of sexual servitude of a minor if:

First, the defendant was a victim of [human trafficking]⁴ [involuntary servitude]⁵ (or) [sexual servitude]⁶ at the time of the offense.

And Second, that the defendant was [coerced] [deceived] into committing the offense as a direct result of the defendant's status as a victim.

The defendant's assertion of [coercion] [deceit] is a denial that the defendant has committed any crime. The burden remains on the State to prove the defendant's guilt beyond a reasonable doubt.)

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant [[knowingly] [in reckless disregard of the consequences of the actions]], by [coercion] [deceit], [subjected] [maintained] another person who was less than 18 years of age [(in) (to) any sexual activity for which anything of value is directly or indirectly given, promised to or received] [(in) (to) any sexual activity that is performed or provided], (and that the defendant was not a victim [coerced] [deceived] into committing the offense of sexual servitude of a minor), 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 Mistake of age is not a defense to prosecution under this section. Consent of a minor is not a defense to prosecution under this section.

2 Sexual activity is defined in N.C. Gen. Stat. § 14-43.10 by reference to N.C. Gen. Stat. § 14-190.13

3 N.C. Gen. Stat. § 14-43.16.

4 See N.C. Gen. Stat. § 14-43.11 for a definition of human trafficking.

5 See N.C. Gen. Stat. § 14-43.12 for a definition of involuntary servitude.

6 See N.C. Gen. Stat. § 14-43.13 for a definition of sexual servitude.

210.80 HUMAN TRAFFICKING INVOLVING INVOLUNTARY SERVITUDE.
FELONY.

NOTE WELL: For human trafficking involving involuntary servitude of a minor use N.C.P.I.—Crim. 210.84.

NOTE WELL: Each violation of this section constitutes a separate offense and shall not merge with any other offense. Evidence of failure to deliver benefits or perform services standing alone shall not be sufficient to support a conviction under this section.

The defendant has been charged with human trafficking involving involuntary servitude.

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] [in reckless disregard of the consequences of the action]] [recruited] [enticed] [harbored] [transported] [provided] [obtained by any means] another person with the intent that the other person be held in involuntary servitude.

And Second, that in doing so, the defendant intentionally used violence or the threat of violence to [deceive] [coerce] [intimidate] that person to perform labor, whether or not for compensation, and whether or not for satisfaction of a debt.¹

NOTE WELL: For offenses occurring on or after December 1, 2018, if the defendant claims the defendant was a victim, and there is evidence to support this affirmative defense, the following language should be used:

(There is evidence in this case tending to show that the defendant was [coerced] [deceived] into committing this offense as a direct result of the defendant's status as a victim.² The burden of proving [coercion] [deceit] as a defense is upon the defendant. It need not be proved beyond a reasonable

doubt, but only to your satisfaction. The defendant would not be guilty of human trafficking involving involuntary servitude if:

First, the defendant was a victim of [human trafficking]³ [involuntary servitude]⁴ (or) [sexual servitude]⁵ at the time of the offense.

And Second, that the defendant was [coerced] [deceived] into committing the offense as a direct result of the defendant's status as a victim.

The defendant's assertion of [coercion] [deceit] is a denial that the defendant has committed any crime. The burden remains on the State to prove the defendant's guilt beyond a reasonable doubt.)

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant [[knowingly] [in reckless disregard of the consequences of the action]] [recruited] [enticed] [harbored] [transported] [provided] [obtained by any means] another person with the intent that the other person be held in involuntary servitude], and that in doing so the defendant intentionally used violence or the threat of violence to [deceive] [coerce] [intimidate] that person to perform labor, whether or not for compensation, and whether or not for satisfaction of a debt, (and that the defendant was not a victim [coerced] [deceived] into committing the offense of human trafficking involving involuntary servitude), 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. § 14-43.10 for the definition of coercion, deception, and involuntary servitude.

2 N.C. Gen. Stat. § 14-43.16.

3 See N.C. Gen. Stat. § 14-43.11 for a definition of human trafficking.

4 See N.C. Gen. Stat. § 14-43.12 for a definition of involuntary servitude.

5 See N.C. Gen. Stat. § 14-43.13 for a definition of sexual servitude.

210.82 HUMAN TRAFFICKING INVOLVING SEXUAL SERVITUDE. FELONY.

NOTE WELL: For human trafficking involving sexual servitude of a minor use N.C.P.I.—Crim. 210.86.

NOTE WELL: Each violation of this section constitutes a separate offense and shall not merge with any other offense. Evidence of failure to deliver benefits or perform services standing alone shall not be sufficient to support a conviction under this section.

The defendant has been charged with human trafficking involving sexual servitude.

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] [in reckless disregard of the consequences of the action]] [recruited] [enticed] [harbored] [transported] [provided] [obtained by any means] another person in sexual servitude.

And Second, that in doing so the defendant intentionally, by [coercion] [deceit], [subjected] [maintained] that person [(in) (to) (for) any sexual activity¹ for which anything of value is directly or indirectly given, promised to or received] [(in) (to) (for) any sexual activity¹ that is performed or provided].

NOTE WELL: For offenses occurring on or after December 1, 2018, if the defendant claims the defendant was a victim, and there is evidence to support this affirmative defense, the following language should be used:

(There is evidence in this case tending to show that the defendant was [coerced] [deceived] into committing this offense as a direct result of the defendant's status as a victim.² The burden of proving [coercion] [deceit] as a defense is upon the defendant. It need not be proved beyond a reasonable

doubt, but only to your satisfaction. The defendant would not be guilty of human trafficking involving sexual servitude if:

First, the defendant was a victim of [human trafficking]³ [involuntary servitude]⁴ (or) [sexual servitude]⁵ at the time of the offense.

And Second, that the defendant was [coerced] [deceived] into committing the offense as a direct result of the defendant's status as a victim.

The defendant's assertion of [coercion] [deceit] is a denial that the defendant has committed any crime. The burden remains on the State to prove the defendant's guilt beyond a reasonable doubt.)

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant [[knowingly] [in reckless disregard of the consequences of the action]] [recruited] [enticed] [harbored] [transported] [provided] [obtained by any means] another person with the intent to, by [coercion] [deceit], [subject] [maintain] that person [(in) (to) (for) any sexual activity for which anything of value is directly or indirectly given, promised to or received] [(in) (to) (for) any sexual activity that is performed or provided], (and that the defendant was not a victim [coerced] [deceived] into committing the offense of human trafficking involving sexual servitude), 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 Sexual activity is defined in N.C. Gen. Stat. § 14-43.10 by reference to N.C. Gen. Stat. § 14-190.13

2 N.C. Gen. Stat. § 14-43.16

3 See N.C. Gen. Stat. § 14-43.11 for a definition of human trafficking.

4 See N.C. Gen. Stat. § 14-43.12 for a definition of involuntary servitude.

5 See N.C. Gen. Stat. § 14-43.13 for a definition of sexual servitude.

210.84 HUMAN TRAFFICKING OF A MINOR INVOLVING INVOLUNTARY
SERVITUDE. FELONY.

NOTE WELL: Each violation of this section constitutes a separate offense and shall not merge with any other offense. Evidence of failure to deliver benefits or perform services standing alone shall not be sufficient to support a conviction a conviction under this section.

The defendant has been charged with human trafficking of a minor involving involuntary servitude.

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

First, that the defendant [willfully] [in reckless disregard of the consequences of the action] held a minor, a person who was less than 18 years of age¹ in involuntary servitude.

And Second, that in so doing, the defendant intentionally used violence or the threat of violence to [deceive] [coerce] [intimidate] that person to perform labor, whether or not for compensation, and whether or not for satisfaction of a debt.²

NOTE WELL: For offenses occurring on or after December 1, 2018, if the defendant claims the defendant was a victim, and there is evidence to support this affirmative defense, the following language should be used:

(There is evidence in this case tending to show that the defendant was [coerced] [deceived] into committing this offense as a direct result of the defendant's status as a victim.³ The burden of proving [coercion] [deceit] as a defense is upon the defendant. It need not be proved beyond a reasonable

doubt, but only to your satisfaction. The defendant would not be guilty of human trafficking of a minor involving involuntary servitude if:

First, the defendant was a victim of [human trafficking]⁴ [involuntary servitude]⁵ (or) [sexual servitude]⁶ at the time of the offense.

And Second, that the defendant was [coerced] [deceived] into committing the offense as a direct result of the defendant's status as a victim.

The defendant's assertion of [coercion] [deceit] is a denial that the defendant has committed any crime. The burden remains on the State to prove the defendant's guilt beyond a reasonable doubt.)

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant [willfully] [in reckless disregard of the consequences of the action] held a minor, and that in so doing, the defendant intentionally used violence or the threat of violence to [deceive] [coerce] [intimidate] the minor to perform labor, whether or not for compensation, and whether or not for satisfaction of a debt, (and that the defendant was not a victim [coerced] [deceived] into committing the offense of human trafficking of a minor involving involuntary servitude), 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 Mistake of age is not a defense to prosecution under this section. Consent of a minor is not a defense to prosecution under this section.

2 See N.C. Gen. Stat. § 14-43.10 for the definition of coercion, deception, and involuntary servitude.

3 N.C. Gen. Stat. § 14-43.16

4 See N.C. Gen. Stat. § 14-43.11 for a definition of human trafficking.

5 See N.C. Gen. Stat. § 14-43.12 for a definition of involuntary servitude.

6 See N.C. Gen. Stat. § 14-43.13 for a definition of sexual servitude.

210.86 HUMAN TRAFFICKING OF A MINOR INVOLVING SEXUAL SERVITUDE.
FELONY.

NOTE WELL: Each violation of this section constitutes a separate offense and shall not merge with any other offense. Evidence of failure to deliver benefits or perform services standing alone shall not be sufficient to support a conviction under this section.

The defendant has been charged with human trafficking of a minor involving sexual servitude.

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

First, that the defendant [willfully] [in reckless disregard of the consequences of the action] held a minor, a person less than 18 years of age¹ in sexual servitude.

And Second, in doing so, the defendant intentionally, by [coercion] [deceit], [subjected] [maintained] that person [(in) (to) (for) any sexual activity² for which anything of value is directly or indirectly given, promised to or received] [(in) (to) any sexual activity² that is performed or provided].

NOTE WELL: For offenses occurring on or after December 1, 2018, if the defendant claims the defendant was a victim, and there is evidence to support this affirmative defense, the following language should be used:

(There is evidence in this case tending to show that the defendant was [coerced] [deceived] into committing this offense as a direct result of the defendant's status as a victim.³ The burden of proving [coercion] [deceit] as a defense is upon the defendant. It need not be proved beyond a reasonable doubt, but only to your satisfaction. The defendant would not be guilty of human trafficking of a minor involving sexual servitude if:

First, the defendant was a victim of [human trafficking]⁴ [involuntary servitude]⁵ (or) [sexual servitude]⁶ at the time of the offense.

And Second, that the defendant was [coerced] [deceived] into committing the offense as a direct result of the defendant's status as a victim.

The defendant's assertion of [coercion] [deceit] is a denial that the defendant has committed any crime. The burden remains on the State to prove the defendant's guilt beyond a reasonable doubt.)

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant [willfully] [in reckless disregard of the consequences of the action] held a minor, and that in so doing, the defendant intentionally, by [coercion] [deceit], [subjected] [maintained] the minor [(in) (to) (for) any sexual activity for which anything of value is directly or indirectly given, promised to or received] [(in) (to) any sexual activity that is performed or provided], (and that the defendant was not a victim [coerced] [deceived] into committing the offense of human trafficking of a minor involving sexual servitude), 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 Mistake of age is not a defense to prosecution under this section. Consent of a minor is not a defense to prosecution under this section.

2 Sexual activity is defined in N.C. Gen. Stat. § 14-43.10 by reference to N.C. Gen. Stat. § 14-190.13.

3 N.C. Gen. Stat. § 14-43.16

4 See N.C. Gen. Stat. § 14-43.11 for a definition of human trafficking.

5 See N.C. Gen. Stat. § 14-43.12 for a definition of involuntary servitude.

6 See N.C. Gen. Stat. § 14-43.13 for a definition of sexual servitude.

210.88 UNLAWFUL [SALE] [SURRENDER] [PURCHASE] OF A MINOR.
FELONY.

The defendant has been charged with the [sale] [surrender] [purchase] of a minor.

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

First, that the defendant participated in the [acceptance] [solicitation] [offer] [payment] [transfer] of any compensation in [money] [property] [other thing of value] by any person in connection with the unlawful¹ [acquisition] [transfer] of the physical custody of a minor. A minor is someone who has not attained the age of eighteen years (or who has not otherwise been emancipated²).

And Second, that the defendant acted with [willful] [reckless] disregard for the [life] [safety] of a minor.³

NOTE WELL: For offenses occurring on or after December 1, 2018, if the defendant claims the defendant was a victim, and there is evidence to support this affirmative defense, the following language should be used:

(There is evidence in this case tending to show that the defendant was [coerced] [deceived] into committing this offense as a direct result of the defendant's status as a victim.⁴ The burden of proving [coercion] [deceit] as a defense is upon the defendant. It need not be proved beyond a reasonable doubt, but only to your satisfaction. The defendant would not be guilty of the unlawful [sale] [surrender] [purchase] of a minor if:

First, the defendant was a victim of [human trafficking]⁵ [involuntary servitude]⁶ (or) [sexual servitude]⁷ at the time of the offense.

And Second, that the defendant was [coerced] [deceived] into committing the offense as a direct result of the defendant's status as a victim.

The defendant's assertion of [coercion] [deceit] is a denial that the defendant has committed any crime. The burden remains on the State to prove the defendant's guilt beyond a reasonable doubt.)

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant participated in the [acceptance] [solicitation] [offer] [payment] [transfer] of any compensation in [money] [property] [other thing of value] by any person in connection with the unlawful [acquisition] [transfer] of the physical custody of a minor, and that the defendant acted with [willful] [reckless] disregard for the [life] [safety] of a minor, and that the defendant was not a victim [coerced] [deceived] into committing the offense of the unlawful [sale] [surrender] [purchase] of a minor), 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.⁸

1 N.C. Gen. Stat. § 14-43.14 (a) states that this section "does not apply to actions that are ordered by a court, authorized by a statute, or otherwise lawful."

2 N.C. Gen. Stat. § 7B-3505 states "After reviewing the considerations for emancipation, the court may enter a decree of emancipation if the court determines: (1) That all parties are properly before the court or were duly served and failed to appear and that time for filing an answer has expired; (2) That the petitioner has shown a proper and lawful plan for adequately providing for the petitioner's needs and living expenses; (3) That the petitioner is knowingly seeking emancipation and fully understands the ramifications of the act; and (4) That emancipation is in the best interests of the petitioner. The decree shall set out the court's findings. If the court determines that the criteria in subdivisions (1) through (4) are not met, the court shall order the proceeding dismissed."

3 N.C. Gen. Stat. § 14-43.14 (c) states that "A minor whose parent, guardian, or custodian has sold or attempted to sell a minor in violation of this Article is an abused juvenile as defined by N.C. Gen. Stat. § 7B-101(1). The court may place the minor in the custody of the Department of Social Services or with such other person as is in the best interest of the minor."

4 N.C. Gen. Stat. § 14-43.16

5 See N.C. Gen. Stat. § 14-43.11 for a definition of human trafficking.

6 See N.C. Gen. Stat. § 14-43.12 for a definition of involuntary servitude.

7 See N.C. Gen. Stat. § 14-43.13 for a definition of sexual servitude.

8 N.C. Gen. Stat. § 14-43.14 (d) states "a violation of this section is a lesser included offense of N.C. Gen. Stat. § 14-43.11," which refers to Human Trafficking. See N.C.P.I.-Crim. 210.84 and N.C.P.I.—Crim. 210.86

214.31 FIRST-DEGREE TRESPASS. N.C. Gen. Stat. § 14-159.12.
MISDEMEANOR.

NOTE WELL: By N.C. Gen. Stat. § 14-159.14, first and second degree trespass have been designated lesser-included offenses of breaking or entering a building under N.C. Gen. Stat. § 14-54 (see N.C.P.I.—Crim. 214.30 and N.C.P.I.—Crim. 214.34) and lesser-included offenses of felonious breaking or entering a vehicle or boat under N.C. Gen. Stat. § 14-56 (see N.C.P.I.—Crim. 214.40).

The defendant has been charged with first-degree trespass.

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

First, that the defendant [[entered] [remained]] [[on premises of another so enclosed or secured as to demonstrate clearly an intent to keep out intruders] [in a building of another person] [on the lands of the Eastern Band of Cherokee Indians]].

And Second, that the defendant [[entered] [remained]] [[on the premises] [in the building] [on the lands of the Eastern Cherokee Indians]] [[without authorization] [after having been excluded by a resolution passed by the Eastern Band of Cherokee Indian Tribal Council]].

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant [[entered] [remained]] [[on premises of another so enclosed or secured as to demonstrate clearly an intent to keep out intruders] [a building of another person] [on the lands of the Eastern Band of Cherokee Indians]] [[without authorization] [after having been excluded by a resolution passed by the Eastern Band of Cherokee Indian Tribal Council]], 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.

215.50 ARSON OR OTHER UNLAWFUL BURNING RESULTING IN SERIOUS BODILY INJURY TO A FIREFIGHTER, LAW ENFORCEMENT OFFICER, FIRE INVESTIGATOR, OR EMERGENCY MEDICAL TECHNICIAN. FELONY.

The defendant has been charged with [arson] [unlawful burning] resulting in serious injury to a [firefighter] [law enforcement officer] [fire investigator] [emergency medical technician].

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

First, that the defendant committed the felony of *(name felony within Article 15 of Chapter 14 of the General Statutes)*. *(Define the felony and enumerate its elements using the Pattern Jury Instruction for that felony.)*

Second, that a [firefighter] [law enforcement officer] [fire investigator]¹ [emergency medical technician]² suffered serious bodily injury. Serious bodily injury is bodily 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].³

Third, that the serious bodily injury occurred while the [firefighter] [law enforcement officer] [fire investigator] [emergency medical technician] was [discharging] (or) [attempting to discharge] *his or her* duties.

And Fourth, that the serious bodily injury suffered by the [firefighter] [law enforcement officer] [fire investigator] [emergency medical technician] occurred [on] [proximate to] the property that was the subject of the

[firefighter's] [emergency medical technician's] [discharge] (or) [attempt to discharge] *his or her* duties.

FINAL MANDATE

NOTE WELL: Here give the mandate for the felony described in the first element above, stopping before "it would be your duty. . ." and then continue as follows:

And that a [firefighter] [law enforcement officer] [fire investigator] [emergency medical technician] suffered serious bodily injury, which occurred while the [firefighter] [law enforcement officer] [fire investigator] [emergency medical technician] was [discharging] (or) [attempting to discharge] *his or her* duties, and that this serious bodily injury occurred [on] [proximate to] the property that was the subject of the [firefighter's] [law enforcement officer] [fire investigator] [emergency medical technician's] [discharge] (or) [attempt to discharge] *his or her* duties, 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 term fire investigator includes any person who, individually or as part of an investigation team, has the responsibility and authority to determine the origin, cause, or development of a fire or explosion.

2 The term emergency medical technician includes an emergency medical technician, an emergency medical technician-intermediate, and an emergency medical technician-paramedic, as those terms are defined in N.C. Gen. Stat. § 131E-155.

3 N.C. Gen. Stat. § 14-32.4.

215.60 BURNING CAUSED DURING COMMISSION OF ANOTHER FELONY.
FELONY.

The defendant has been charged with a burning caused while committing another felony.¹

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

First, that the defendant committed the felony of *(name felony within Article 15 of Chapter 14 of the General Statutes)*. *(Define the felony and enumerate its elements using the Pattern Jury Instruction for that felony.)*

Second, that the defendant knowingly² damaged *(describe structure)* during the commission of this felony.

Third, that this *(describe structure)* was a [dwelling] [structure] [building] [conveyance]³.

Fourth, that the defendant damaged *(describe structure)* by means of fire or explosive.

And Fifth, that the resulting damage was valued at \$10,000 or more.

FINAL MANDATE

NOTE WELL: Here give the mandate for the felony described in the first element above, stopping before "it would be your duty . . ." and then continue as follows"

And that while committing another felony, *(name felony)*, knowingly damaged *(describe structure)*, and that this *(describe structure)* was a [dwelling] [structure] [building] [conveyance], which resulted in damages of \$10,000 or more by means of fire or explosive, 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.⁴

1 N.C. Gen. Stat. § 14-67.2(b) also makes it an offense to aid, abet, advise, encourage, hire, counsel, or procure another person who causes a burning while committing another felony. If the defendant is prosecuted under this statute, use the elements of N.C.P.I.—Crim. 202.20 (Aiding and Abetting) and incorporate this instruction as indicated therein.

2 “Knowingly” means that the defendant knew what the defendant was about to do, and, with such knowledge, proceeded to do the act charged. *State v. Williams*, 266 N.C. App. 393, 399 (2013).

3 Any conveyance referenced in N.C. Gen. Stat. Ch. 14 Art. 15.

4 If there are lesser included offenses, the last phrase should read, “. . . you would not return a verdict of guilty of a burning caused while committing another felony, but would consider whether the defendant is guilty of”

215.90 COMMUNICATING A THREAT OF MASS VIOLENCE ON EDUCATIONAL
PROPERTY. FELONY. N.C. Gen. Stat. § 14-277.6

The defendant has been charged with communicating a threat of mass violence [on educational property] [at the location of a curricular or extracurricular activity sponsored by a school].

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

First, that the defendant, by any means of communication to any [person] [group of persons], threatened to commit an act of mass violence, that is (*describe act of alleged mass violence*) at (*describe place*).

Second, that (*describe act of alleged mass violence*) was an act of mass violence. Mass violence is defined as a physical injury that a reasonable person would conclude could lead to permanent injury, including mental or emotional injury, or death of two or more people.¹

And Third, that (*describe place*) was [an educational property]² (or) [the location of a curricular or extracurricular activity sponsored by a school].³

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant, by any means, communicated to [another person] (or) [group of persons] a threat to commit an act of mass violence [on an educational property] (or) [at the location of 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 have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.

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N.C.P.I.—Criminal 215.90

COMMUNICATING A THREAT OF MASS VIOLENCE ON EDUCATIONAL
PROPERTY. FELONY.

GENERAL CRIMINAL VOLUME

JUNE 2019

N.C. Gen. Stat. § 14-277.6

1 N.C. Gen. Stat. § 14-269.2

2 Educational property is defined in N.C. Gen. Stat. § 14-269.2.

3 School is defined in N.C. Gen. Stat. § 14-269.2.

215.91 COMMUNICATING A THREAT OF MASS VIOLENCE AT A PLACE OF RELIGIOUS WORSHIP. N.C. Gen. Stat. § 14-277.7.

The defendant has been charged with communicating a threat of mass violence at a place of religious worship.

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

First, that the defendant, by any means of communication to any [person] [group of persons], threatened to commit an act of mass violence, that is (*describe act of alleged mass violence*) at (*describe place*).

Second, that (*describe threat of alleged mass violence*) was an act of mass violence. Mass violence is defined as a physical injury that a reasonable person would conclude could lead to permanent injury, including mental or emotional injury, or death of two or more people.¹

And Third, that (*describe place*) was a place of religious worship.²

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant communicated, by any means, to [another person] (or) [group of persons] that the defendant was going to commit an act of mass violence at a place of religious worship, 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 N.C. Gen. Stat. § 14-277.5.

2 N.C. Gen. Stat. § 14-277.7 defines place of religious worship as “any church, chapel, meetinghouse, synagogue, temple, longhouse, or mosque, or other building that is regularly used, and clearly identifiable, as a place of worship.”

216.77 PURCHASE OF VEHICLES FOR THE PURPOSES OF SCRAP PARTS
ONLY AND FAILING TO COMPLY WITH CERTAIN REQUIREMENTS MANDATED
BY LAW.

The defendant has been charged with knowingly purchasing vehicles for the purpose of scrap parts only.

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

First, the defendant knowingly failed to comply with the requirements of the Department of Motor Vehicles, hereinafter “DMV,” to maintain a record in the approved format of all purchases of scrapped motor vehicle(s).

Knowingly means the subjective mental state of the defendant. A person acts (or fails to act) knowingly when the person is aware or conscious of what the person is doing (or failing to do).

Second, that the defendant failed to verify with the DMV whether or not the purchased vehicle(s) [was] [were] stolen.

Third, that the defendant failed to report information on the purchased vehicle(s) to the national motor vehicle title information system within 72 hours of close of business on (insert day of purchase) for the following vehicle(s):

[describe vehicles] (e.g., GEO Tracker VIN# 2CVBE18UoP6208)

Fourth, that the defendant did in fact purchase the vehicle(s) solely for the purpose of dismantling or wrecking such motor vehicle(s) for the recovery of scrap metals or for the sale of parts.

Fifth, that the defendant knew, or should have known, that the DMV requirements were mandatory.

Sixth, that the defendant [operated a salvage yard] [was a secondary metals recycler].

[A “salvage yard” is a business or a person who possesses five or more derelict vehicles, and regularly engages in buying and selling used vehicle parts.¹ A “derelict vehicle” is a vehicle whose major parts have been removed so as to render the vehicle inoperable and incapable of passing inspection as required under existing standards.²]

[A “secondary metals recycler” is a business or person engaged in the business of gathering or obtaining metals that have served their original economic purpose.]³

And Seventh, the defendant knowingly failed to comply with these DMV regulations.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant knowingly failed to comply with the requirements of the DMV to maintain records in the approved format of all purchases of scrapped motor vehicles, failed to verify with the DMV whether or not the purchased vehicle(s) [was] [were] stolen, failed to report information on the purchased vehicle(s) to the national motor vehicle system within 72 hours of close of business on the vehicle’s date of purchase, the defendant purchased the vehicle(s) solely for the purpose of dismantling or wrecking such motor vehicle(s) for the recovery of scrap metals or for the sale of parts, the defendant knew, or should have known, that these DMV requirements were mandatory, and the defendant [operated a salvage yard] [was a secondary metals recycler], and the defendant failed to comply with these DMV regulations, 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.

PURCHASE OF VEHICLES FOR THE PURPOSES OF SCRAP PARTS ONLY AND
FAILING TO COMPLY WITH CERTAIN REQUIREMENTS MANDATED BY LAW.
FELONY.

GENERAL CRIMINAL VOLUME

JUNE 2019

N.C. Gen. Stat. § 20-62.1

1 N.C. Gen. Stat. § 20-137.7(6).

2 N.C. Gen. Stat. § 20-137.7(4).

3 N.C. Gen. Stat. § 66-420(8).

225.10 [KNOWINGLY] [WILLFULLY] [ABUSING] [MUTILATING] A DEAD
HUMAN BODY IN A PERSON'S CUSTODY. MISDEMEANOR.

The defendant has been charged with [knowingly] [willfully] [abusing]
[mutilating] a dead human body while the body was in the defendant's
custody.

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

First, that the dead human body was in the defendant's custody at the
time of the alleged offense.

Second, that the defendant [abused] [mutilated] the body.

And Third, that the defendant did so [knowingly] (or) [willfully].¹

If you find from the evidence beyond a reasonable doubt that on or
about the alleged date the defendant had the body in the defendant's custody,
that the defendant [abused] [mutilated] the body, and that the defendant did
so [knowingly] (or) [willfully], 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 It shall be an affirmative defense for a person licensed to practice embalming or funeral service in this State to embalm a dead human body consistent with techniques of embalming generally recognized by the embalming or funeral service community, or for a person licensed to practice funeral directing or funeral service to exhibit a dead human body consistent with lawful instructions from the person authorized to dispose of the dead human body.

225.15 UNAUTHORIZED PRACTICE OF [EMBALMING] [FUNERAL DIRECTING]
[FUNERAL SERVICE] [OPERATING A FUNERAL ESTABLISHMENT]—
PRACTICING WITHOUT A LICENSE (INCLUDING WHILE REPRESENTING
ONESELF AS BEING LICENSED). MISDEMEANOR.

The defendant has been charged with the unauthorized [practice of embalming] [practice of funeral directing] [practice of funeral services] [operation of a funeral establishment].

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 not duly [licensed] (and) [registered] to [practice embalming] [practice funeral directing] [practice funeral services] [operate a funeral establishment] in this State;¹

Second, that the defendant [practiced embalming] [practiced funeral directing] [practiced funeral services] [operated a funeral establishment] in this State;

NOTE WELL: Include the following paragraph only if defendant is being charged with holding himself/herself out as a licensed professional.

And Third, that the defendant falsely represented that the defendant was [licensed] (and) [registered] in this State.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant was not duly [licensed] (and) [registered] to [practice embalming] [practice funeral directing] [practice funeral services] [operate a funeral establishment] in this State, that the defendant [practiced embalming] [practiced funeral directing] [practiced

UNAUTHORIZED PRACTICE OF [EMBALMING] [FUNERAL DIRECTING]
[FUNERAL SERVICE] [OPERATING FUNERAL ESTABLISHMENT]—PRACTICING
WITHOUT A LICENSE (INCLUDING WHILE REPRESENTING ONESELF AS
BEING LICENSED). MISDEMEANOR.

GENERAL CRIMINAL VOLUME

JUNE 2019

N.C. Gen. Stat. § 90-210.25(f)(1)

funeral services] [operated a funeral establishment] in this State, and that the
defendant falsely represented that the defendant was [licensed] (and)
[registered] in this State, 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 See N.C. Gen. Stat. 90-210.25 for licensing requirements.

226.10A CRIME AGAINST NATURE—PERSONS. FELONY.

NOTE WELL: The U.S. Supreme Court's ruling in Lawrence v. Texas, 539 U.S. 558, 123 S. Ct. 2472, 156 L.Ed.2d 508, 73 Crim. L.Rep. 396 (2003) bars the state from prosecuting crime against nature when adults of the same or opposite sex consensually commit one of the sex acts covered in N.C. Gen. Stat. § 14-177 in private.

However, based on statements in the Court's opinion, the ruling does not bar the prosecution of crime against nature when (1) one of the parties is a minor; (2) one of the parties is an adult who had a mental disability or was incapacitated or physically helpless so as to be incapable of properly consenting; (3) one of the parties offers to commit or commits the sex act for money or other valuable consideration; (4) the sex act is not committed in a private residence or other private place; or (5) one of the parties to the sex act is coerced into committing the act. See Farb, 2002-2003 Supreme Court Term: Cases Affecting Criminal Law & Procedure, Institute of Government. See also State v. Whiteley, 172 N.C. App. 772, 616 S.E.2d 576 (2005).

The defendant has been charged with crime against nature, which is an unnatural sex act.

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

First, that the defendant committed an unnatural sex act with a person. An unnatural sex act is (describe act).¹

And Second, that

a. [one of the parties engaged in the sex act was a minor, that is under 18 years of age]

b. [one of the parties engaged in the sex act was an adult who had a mental disability or was incapacitated or physically helpless so as to be incapable of properly consenting]

- c. [one of the parties engaged in the sex act offered to commit or committed the sex act for money or other valuable consideration]
- d. [the sex act was committed in a public place, or in other words, was not committed in a private residence or other private place]
- e. [one of the parties engaged in the sex act was coerced into committing the act].

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant committed an unnatural sex act,² and

- a. [one of the parties engaged in the sex act was a minor, that is under 18 years of age]
- b. [one of the parties engaged in the sex act was an adult who had a mental disability or was incapacitated or physically helpless so as to be incapable of properly consenting]
- c. [one of the parties engaged in the sex act offered to commit or committed the sex act for money or other valuable consideration]
- d. [the sex act was committed in a public place, or in other words, was not committed in a private residence or other private place]
- e. [one of the parties engaged in the sex act was coerced into committing the act],

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 crime against nature has been defined to include all forms of oral and anal sex, as well as unnatural acts with animals. The following definition has also been approved: "An unnatural sexual act would include 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; fellatio which is any touching by the lips or tongue of one person to the male sex organ of another and any penetration, however slight, by an object, into the genital opening of a person's body." *State v. Stiller*, 162 N.C. App. 138 (2004).

2 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.* See N.C.P.I.—Crim. 207.40. However, the court did specifically adhere to the rule of earlier cases that penetration is required to complete the Crime Against Nature. *S. v. Joyner*, 295 N.C. 55 (1978).

226.93 PATRONIZING A PROSTITUTE WHO HAD A [SEVERE] [PROFOUND] MENTAL DISABILITY. FELONY.

The defendant has been charged with patronizing a prostitute who had a [severe] [profound] mental disability.

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:

(a) [Engaged in [vaginal intercourse] [(describe) sexual act] [(describe) sexual contact] for the purpose of sexual [arousal] [gratification] with a prostitute. A prostitute is a person who engages in the [[performance of] [offer of] [agreement to perform]] [vaginal intercourse] [a sexual act] [sexual contact] for the purpose of [sexual arousal] [gratification] for [money] [other consideration]. A sexual act is cunnilingus, fellatio, anilingus, or anal intercourse, but does not include vaginal intercourse. Sexual act also means the penetration, however slight, by any object into the genital or anal opening of another person's body. Sexual contact is (i) touching of the sexual organ, anus, breast, groin, or buttocks of any person, (ii) touching of another person with a sexual organ, anus, breast, groin, or buttocks, or (iii) ejaculation, emission, or placing semen, urine, or feces upon any part of another person.]

(b) [[Entered] [remained] in a place of prostitution with the intent to engage in [vaginal intercourse] [a sexual act] [sexual contact] for the purposes of sexual [arousal] [gratification].]

Second, that the defendant performed the act with a person who was not the defendant's spouse.

And Third, that the prostitute had a [severe] [profound] mental disability¹.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant [willfully engaged in [vaginal intercourse] [a sexual act] [sexual contact] for the purpose of sexual [arousal] [gratification] with a prostitute] [willfully [entered] [remained] in a place of prostitution with the intent to engage in [vaginal intercourse] [a sexual act] [sexual contact] for the purposes of sexual [arousal] [gratification]], the act was performed with a person not the defendant's spouse, and the prostitute had a [severe] [profound] mental disability, 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.

¹ The legislature has not defined what constitutes a severe or profound mental disability.

226.94 PROMOTING PROSTITUTION OF A PERSON WHO HAD A [SEVERE]
[PROFOUND] MENTAL DISABILITY. FELONY.

The defendant has been charged with promoting prostitution of a person who had a [severe] [profound] mental disability.

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) Advanced prostitution by (*describe conduct*)¹ where a person with a [severe] [profound] mental disability engaged in prostitution;

(b) Profited from prostitution² [by compelling a person to become a prostitute] [by receiving a portion of the earnings from a prostitute for [arranging] [offering to arrange] a situation in which the person may practice prostitution] where the prostitute had a [severe] [profound] mental disability;

(c) Confined the alleged victim against the alleged victim's will by [infliction or threat of great bodily harm, permanent disability, disfigurement] [administering to the alleged victim an alcoholic intoxicant or drug³] and

(1) compelled the alleged victim to engage in prostitution;

(2) arranged a situation in which the alleged victim may practice prostitution; or

(3) profited from prostitution by the alleged victim.

Second, that in doing so the defendant acted willfully.

And Third, that the alleged victim had a [severe] [profound] mental disability.⁴

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant willfully

(a) advanced prostitution by (*describe conduct*) where a person with a [severe] [profound] mental disability engaged in prostitution;

(b) profited from prostitution [by compelling a person to become a prostitute] [by receiving a portion of the earnings from a prostitute for [arranging] [offering to arrange] a situation in which the person may practice prostitution where the prostitute had a [severe] [profound] mental disability;

(c) confined the alleged victim against the alleged victim's will by [infliction or threat of great bodily harm, permanent disability, disfigurement] [administering to the alleged victim an alcoholic intoxicant or drug] and

(1) compelled the alleged victim to engage in prostitution;

(2) arranged a situation in which the alleged victim may practice prostitution; or

(3) profited from prostitution by the alleged victim.

and that the alleged victim had a [severe] [profound] mental disability, 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, it would be your duty to return a verdict of not guilty.

1 Advancing prostitution is defined in N.C. Gen. Stat. § 14-203 as (a) soliciting for a prostitute by performing any of the following acts when acting as other than a prostitute or a patron of a prostitute: (1) soliciting another for the purpose of prostitution, (2) arranging or offering to arrange a meeting of persons for the purpose of prostitution, (3) directing another to a place knowing the direction is for the purpose of prostitution, or (4) using the internet, including any social media Web site, to solicit another for the purpose of prostitution; (b) keeping a place of prostitution by controlling or exercising control over the use of any place that could offer seclusion or shelter for the practice of prostitution and performing any of the following acts when acting as other than a prostitute or a patron of a prostitute: (1) knowingly granting or permitting the use of the place for the purpose of prostitution, (2) granting or permitting the use of the place under circumstances from which the person should reasonably know that the place is used or is to be used for purposes of prostitution, or (3) permitting the continued use of the place after becoming aware of facts or circumstances from which the person should know that the place is being used for the purpose of prostitution.

2 Sub-subdivision (c) also states a person can profit from prostitution by any means other than those described in sub-subdivisions (a) and (b) of subdivision (b), including from a person who patronizes a prostitute. This sub-subdivision does not apply to a person engaged in prostitution who is a minor. A person cannot be convicted of promoting prostitution under this sub-subdivision if the practice of prostitution underlying the offense consists exclusively of the accused's own acts of prostitution under N.C. Gen. Stat. § 14-204.

3 As defined in Article 5 of Chapter 90 of the North Carolina General Statutes.

4 The legislature has not defined what constitutes a severe or profound mental disability.

226.96 SOLICITATION FOR PROSTITUTION WITH A PERSON WHO HAS A
[SEVERE] [PROFOUND] MENTAL DISABILITY. N.C. Gen. Stat. § 14-
204(5),¹ § 14-205.1. FELONY.

The defendant has been charged with solicitation for prostitution with a person who has a [severe] [profound] mental disability. Prostitution is the [performance of] [offer of] [agreement] to perform [vaginal intercourse] [(describe) sexual act²] [(describe) sexual contact³] for the purpose of sexual arousal or gratification for any money or other consideration. Solicitation for prostitution may be defined as any course of action by which a person advertises or communicates to another person [that person's] [some other person's] availability for and willingness to commit an act of prostitution, and explicitly or implicitly invites that person to engage in acts of prostitution with [that person] [some other person].

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

First, that the defendant (*describe act, e.g. stood under a street lamp late at night making comments to passersby inviting them to participate in acts of prostitution.*)

Second, that the acts of the defendant were calculated and intended to advertise and communicate the availability of [the defendant] [some other person] for acts of prostitution, and were calculated and intended to attract and invite other persons to commit acts of prostitution with [the defendant] [some other person].

And Third, that the defendant willfully solicited a person who had a [severe] [profound] mental disability for the purpose of prostitution.⁴

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant (*describe act*) with the intent of advertising [the defendant's] [some other person's] availability for acts of prostitution and with the intent to induce other persons to engage in acts of prostitution with [the defendant] [some other person], and the defendant willfully solicited a person who had a [severe] [profound] mental disability for the purpose of prostitution, 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.

1 See N.C. Gen. Stat. § 14-205.1 for degrees of guilt and punishment. See *also* N.C. Gen. Stat. § 15A-928.

2 N.C. Gen. Stat. § 14-27.1 defines sexual act as "cunnilingus, fellatio, anilingus, or anal intercourse, but does not include vaginal intercourse. Sexual act also means the penetration, however slight, by any object into the genital or anal opening of another person's body: provided, that it shall be an affirmative defense that the penetration was for accepted medical purposes.

3 N.C. Gen. Stat. § 14-27.1 defines sexual contact as "(i) touching the sexual organ, anus, breast, groin, or buttocks of any person, (ii) a person touching another person with their own sexual organ, anus, breast, groin, or buttocks, or (iii) a person ejaculating, emitting, or placing semen, urine, or feces upon any part of another person."

4 The legislature has not defined what constitutes a severe or profound mental disability.

233.47 POSSESSION OF TOOLS FOR ESCAPE BY A PRISONER. FELONY.

The defendant has been charged with possession of a [letter] [weapon] [tool] [good] [article of clothing] [device] [instrument] to [effect an escape] [aid in an [assault] (or) [insurrection]] by a prisoner.

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

First, that defendant was in the custody of [the Division of Adult Correction and Juvenile Justice of the Department of Public Safety] [a local confinement facility¹] [any law enforcement officer]². (*Name facility or custodial officer*) is [within the Division of Adult Correction and Juvenile Justice of the Department of Public Safety] [a local confinement facility] [a law enforcement officer].

And Second, that while the defendant was [a prisoner of] [in the custody of] (*name facility or custodial officer*), the defendant possessed a [letter] [weapon] [tool] [good] [article of clothing] [device] [instrument] to [effect an escape] [aid in an [assault] (or) [insurrection]]. A person possesses (*name item*) when the person is aware of its presence, and has both the power and intent to control the disposition or use of that substance.

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 in the custody of [the Division of Adult Correction and Juvenile Justice of the Department of Public Safety] [a local confinement facility] [law enforcement officer] and that defendant possessed a [letter] [weapon] [tool] [good] [article of clothing] [device]

[instrument] to [effect an escape] [aid in an [assault] (or) [insurrection]], 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. §§ 153A-217 and 153A-230.1 for the definition “local confinement facility,” which includes persons pending trial, appellate review, or presentence diagnostic evaluation.

² N.C. Gen. Stat. § 14-254.5.

233.85 PROVIDING [FORBIDDEN ARTICLES] [TOOLS TO ESCAPE] TO A
PRISONER. 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 providing to a prisoner [an article forbidden by prison rules] [a [letter] [oral message] [weapon] [tool] [good] [clothing] [device] [instrument] to [effect an escape] [aid in an [assault] (or) [insurrection]]] to a prisoner.

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

First, that (*name prisoner*) was in the custody of [the Division of Adult Correction and Juvenile Justice of the Department of Public Safety] [a local confinement facility¹] [a law enforcement officer]². (*Name facility or custodial officer*) is [within the Division of Adult Correction and Juvenile Justice of the Department of Public Safety] [a local confinement facility] [a law enforcement officer].

And Second, that while (*name prisoner*) was [a prisoner of] [in the custody of] (*name facility or custodial officer*), the defendant [sold] [traded] [conveyed] [provided] [an article forbidden by prison rules] [a [letter] [oral message] [weapon] [tool] [good] [clothing] [device] [instrument] to [effect an escape] [aid in an [assault] (or) [insurrection]]] to (*name prisoner*).

If you find from the evidence beyond a reasonable doubt that on or about the alleged date (*name prisoner*) was in the custody of [the Division of Adult Correction and Juvenile Justice of the Department of Public Safety] [a local confinement facility] [a law enforcement officer] and that the defendant [sold] [traded] [conveyed] [provided] [an article forbidden by prison rules] [a [letter] [oral message] [weapon] [tool] [good] [clothing] [device] [instrument] to [effect an escape] [aid in an [assault] (or) [insurrection]] to (*name prisoner*) 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. §§ 153A-217 and 153A-230.1 for the definition "local confinement facility," which includes persons pending trial, appellate review, or presentence diagnostic evaluation.

2 N.C. Gen. Stat. § 14-254.5.

239.25 CONTRIBUTING TO DELINQUENCY AND NEGLECT BY PARENTS AND OTHERS. MISDEMEANOR.

The defendant has been charged with contributing to the [abuse] [neglect] [delinquency] [undisciplined status] of a juvenile.¹

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

First, that the defendant was at least 16 years old.

Second, that the defendant [caused]² [encouraged] [aided] the juvenile [to be in a place or condition]³ [to commit an act] whereby the juvenile could be adjudicated [abused] [neglected] [delinquent] [undisciplined].

NOTE WELL: Trial Court must choose at least one of the terms below and must provide the definition of the term to the jury. Only state the subsection of the definition that is applicable to the case. If subsection (d) is relevant, you must provide a shorthand definition of the applicable crime to the jury. Try to be as specific as possible by using the indictment to determine how the behavior created the abuse or neglect.

"Abused juvenile" is defined in N.C. Gen. Stat. § 7B-101(1). An abused juvenile is "any juvenile less than 18 years of age whose parent, guardian custodian or caretaker [(a) inflicts or allows to be inflicted upon the juvenile a serious physical injury by other than accidental means] [(b) creates or allows to be created a substantial risk of serious physical injury to the juvenile by other than accidental means] [(c) uses or allows to be used upon the juvenile cruel or grossly inappropriate procedures or cruel or grossly inappropriate devices to modify behavior] [(d) commits, permits, or encourages the commission of a violation of the following laws by, with, or upon the juvenile: [first degree rape]⁴ [rape of a child by an adult offender]⁵ [second degree rape]⁶ [first degree sexual offense]⁷ [sexual offense with a child by an adult offender]⁸ [second degree sexual offense]⁹ [sexual act by a custodian]¹⁰ [unlawful sale, surrender, or purchase of a

minor]¹¹ [crime against nature]¹² [incest]¹³ [preparation of obscene photographs, slides, or motion pictures of the juvenile]¹⁴ [employing or permitting the juvenile to assist in a violation of the obscenity laws]¹⁵ [dissemination of obscene material to the juvenile]¹⁶ [displaying or disseminating material harmful to the juvenile]¹⁷ [first and second degree sexual exploitation of the juvenile]¹⁸ [promoting the prostitution of a juvenile]¹⁹ [taking indecent liberties with the juvenile]²⁰ [(e) creates or allows to be created serious emotional damage²¹ to the juvenile] [(f) encourages, directs, or approves of delinquent acts involving moral turpitude committed by the juvenile] [(g) commits or allows to be committed an offense under [human trafficking]²² [involuntary servitude]²³ [sexual servitude against the child.]²⁴]" "Abused juvenile" includes any juvenile less than 18 years of age who is a victim or is alleged to be a victim of an offense under N.C. Gen. Stat. 14-43.11 (human trafficking), 14-43.12 (involuntary servitude), or 14-43.13 (sexual servitude), regardless of the relationship between the victim and the perpetrator.²⁵

"Neglected juvenile" is defined in N.C. Gen. Stat. § 7B-101(15). A neglected juvenile is "a juvenile [who does not receive proper care, supervision or discipline from the juvenile's parent, guardian, custodian, or caretaker] [who has been abandoned] [who lives in an environment injurious to the juvenile's welfare] [who has been placed for care or adoption in violation of laws.] In determining whether a juvenile is a neglected juvenile, it is relevant whether that juvenile lives in a home where another juvenile has died as a result of suspected abuse or neglect or lives in a home where another juvenile has been subjected to abuse or neglect by an adult who regularly lives in the home."

"Delinquent juvenile" is defined in N.C. Gen. Stat. § 7B-1501(7). A delinquent juvenile is "any juvenile, who, while less than 16 years of age but at least 6 years of age, commits a crime or infraction under State law or under an ordinance of local government, including violation of the motor vehicle laws, or who commits indirect contempt by a juvenile as defined in N.C. Gen. Stat. § 5A-31."

"Undisciplined juvenile" is defined in N.C. Gen. Stat. § 7B-1501(27). An undisciplined juvenile is either "[a) a juvenile who, while less than 16 years of age but at least 6 years of age, [is

unlawfully absent from school] [is regularly disobedient to and beyond the disciplinary control of the juvenile's parent, guardian, or custodian] [is regularly found in places where it is unlawful for a juvenile to be] [has run away from home for a period of more than 24 hours]] [(b) a juvenile who is 16 or 17 years of age and [who is regularly disobedient to and beyond the disciplinary control of the juvenile's parent, guardian, or custodian] [is regularly found in places where it is unlawful for a juvenile to be] [has run away from home for a period of more than 24 hours.]]"

Third, that (*name juvenile*) was a juvenile. [In the case of a(n) [abused] [neglected] juvenile, a juvenile is a person who has not reached his or her 18th birthday and is not married, emancipated, or a member of the armed forces of the United States.] [In the case of a(n) [delinquent] [undisciplined]²⁶ juvenile, a juvenile is a person who is less than 16 years of age but at least 6 years of age.]

And Fourth, that the defendant acted knowingly or willfully.²⁷

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant was at least 16 years old, that (*name juvenile*) was a juvenile, and that the defendant knowingly or willfully [caused] [encouraged] [aided] the juvenile [to be in a place or condition] [to commit an act] whereby the juvenile could be adjudicated [abused] [neglected] [delinquent] [undisciplined], 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 N.C. Gen. Stat. § 7B-101(14) defines a juvenile as "[a] person who has not reached the person's eighteenth birthday and is not married, emancipated, or a member of the Armed Forces of the United States."

2 In order to explain the "cause" element in terms of aiding and abetting, see N.C.P.I.—Criminal 202.20.

3 N.C. Gen. Stat. § 14-316.1 provides, "It is not necessary for the district court...to make an adjudication that any juvenile is delinquent, undisciplined, abused, or neglected in order to prosecute a parent or any person...under this section." It has been held that a defendant may be prosecuted under this section for encouraging a juvenile to commit a criminal offense, even though the juvenile does not actually do so. *S. v. Worley*, 13 N.C. App. 198 (1971).

4 As provided in N.C. Gen. Stat. § 14-27.2

5 As provided in N.C. Gen. Stat. § 14-27.2A

6 As provided in N.C. Gen. Stat. § 14-27.3

7 As provided in N.C. Gen. Stat. § 14-27.4

8 As provided in N.C. Gen. Stat. § 14-27.4A

9 As provided in N.C. Gen. Stat. § 14-27.5

10 As provided in N.C. Gen. Stat. § 14-27.7

11 As provided in N.C. Gen. Stat. § 14-43.14

12 As provided in N.C. Gen. Stat. § 14-177

13 As provided in N.C. Gen. Stat. § 14-178

14 As provided in N.C. Gen. Stat. § 14-190.5

15 As provided in N.C. Gen. Stat. § 14-190.6

16 As provided in N.C. Gen. Stat. § 14-190.7 and N.C. Gen. Stat. § 14-190.8

17 As provided in N.C. Gen. Stat. § 14-190.14 and N.C. Gen. Stat. § 14-190.15

18 As provided in N.C. Gen. Stat. § 14-190.16 and N.C. Gen. Stat. § 14-190.17

19 As provided in N.C. Gen. Stat. § 14-205.3(b)

20 As provided in N.C. Gen. Stat. § 14-202.1

21 Serious emotional damage is evidenced by a juvenile's severe anxiety, depression, withdrawal, or aggressive behavior toward himself or others. N.C. Gen. Stat. § 7B-101(f).

22 As provided in N.C. Gen. Stat. § 14-43.11

23 As provided in N.C. Gen. Stat. § 14-43.12

24 As provided in N.C. Gen. Stat. § 14-43.13

25 N.C. Gen. Stat. § 7B-101.

26 See N.C. Gen. Stat. § 7B-1501(27)(b) for situations in which an undisciplined juvenile may be 16 or 17 years of age.

27 A person acts "knowingly" when the person is aware or conscious of what he or she is doing.

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N.C.P.I.—Criminal 239.25

CONTRIBUTING TO THE DELINQUENCY AND NEGLECT BY PARENTS AND
OTHERS. MISDEMEANOR.

GENERAL CRIMINAL VOLUME

REPLACEMENT JUNE 2019

N.C. Gen. Stat. §§ 14-316.1; 7B-101(1); 7B-101(15); 7B-1501(7); 7B-
1501(27)

A person acts “willfully” when the act is done intentionally and without an honest belief that there is an excuse or justification for it.

North Carolina Crimes: A Guidebook on the Elements of Crime, Smith, Seventh edition, 2012, *School of Government, The University of North Carolina at Chapel Hill*.

239.35 FAILURE TO REPORT [ABUSE] [NEGLECT] [DEPENDENCY]
[DEATH] DUE TO MALTREATMENT OF A JUVENILE. MISDEMEANOR.

The defendant has been charged with failure to report [abuse] [neglect]
[dependency] [death] due to maltreatment of a juvenile.¹

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

First, that (*name juvenile*) was a juvenile. A juvenile is an individual
under the age of eighteen.

Second, that the defendant had cause to suspect that (*name juvenile*)
was [abused]² [neglected]³ [dependent]⁴ [deceased] as a result of (*describe
maltreatment*).

Third, that the defendant [knowingly] [wantonly] [[failed to report]
[prevented another person from making a report]] of such [abuse] [neglect]
[dependency] [death] due to maltreatment to the director of social services
in county where the juvenile resides.⁵

If you find from the evidence beyond a reasonable doubt that on or
about the alleged date the defendant had cause to suspect that (*name
juvenile*) was [abused] [neglected] [dependent] [deceased] as a result of
maltreatment and that the defendant [knowingly] [wantonly] [[failed to
report] [prevented another person from making a report]] of such [abuse]
[neglect] [dependency] [death] due to maltreatment to the director of social
services in county where the juvenile resides, 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.

1 A juvenile is a person who has not yet reached the person's eighteenth birthday and is not married, emancipated, or a member of the Armed Forces of the United States. N.C. Gen. Stat. § 7B-101. If there is evidence that the juvenile was emancipated or was a member of the Armed Forces, then adjust the instruction accordingly. A "child" is defined to be under the age of sixteen. N.C. Gen. Stat. 7B-101.

2 "Abused juvenile" is defined in N.C. Gen. Stat. § 7B-101(1). An abused juvenile is "any juvenile less than 18 years of age whose parent, guardian custodian or caretaker [(a) inflicts or allows to be inflicted upon the juvenile a serious physical injury by other than accidental means] [(b) creates or allows to be created a substantial risk of serious physical injury to the juvenile by other than accidental means] [(c) uses or allows to be used upon the juvenile cruel or grossly inappropriate procedures or cruel or grossly inappropriate devices to modify behavior] [(d) commits, permits, or encourages the commission of a violation of the following laws by, with, or upon the juvenile: [first degree rape] [rape of a child by an adult offender] [second degree rape] [first degree sexual offense] [sexual offense with a child by an adult offender] [second degree sexual offense] [sexual act by a custodian] [unlawful sale, surrender, or purchase of a minor] [crime against nature] [incest] [preparation of obscene photographs, slides, or motion pictures of the juvenile] [employing or permitting the juvenile to assist in a violation of the obscenity laws] [dissemination of obscene material to the juvenile] [displaying or disseminating material harmful to the juvenile] [first and second degree sexual exploitation of the juvenile] [promoting the prostitution of a juvenile] [taking indecent liberties with the juvenile]] [(e) creates or allows to be created serious emotional damage to the juvenile] [(f) encourages, directs, or approves of delinquent acts involving moral turpitude committed by the juvenile] [(g) commits or allows to be committed an offense under [human trafficking] [involuntary servitude] [sexual servitude against the child.]]" "Abused juvenile" includes any juvenile less than 18 years of age who is a victim or is alleged to be a victim of an offense under N.C. Gen. Stat. 14-43.11 (human trafficking), 14-43.12 (involuntary servitude), or 14-43.13 (sexual servitude), regardless of the relationship between the victim and the perpetrator.

3 "Neglected juvenile" is defined in N.C. Gen. Stat. § 7B-101(15). A neglected juvenile is "a juvenile [who does not receive proper care, supervision or discipline from the juvenile's parent, guardian, custodian, or caretaker] [who has been abandoned] [who lives in an environment injurious to the juvenile's welfare] [who has been placed for care or adoption in violation of laws.] In determining whether a juvenile is a neglected juvenile, it is relevant whether that juvenile lives in a home where another juvenile has died as a result of suspected abuse or neglect or lives in a home where another juvenile has been subjected to abuse or neglect by an adult who regularly lives in the home."

4 Dependent juvenile" is defined in N.C. Gen. Stat. § 7B-101(9). A dependent juvenile is "a juvenile in need of assistance or placement because (i) the juvenile has no parent, guardian, or custodian responsible for the juvenile's care or supervision or (ii) the juvenile's parent, guardian, or custodian is unable to provide for the juvenile's care or supervision and lacks an appropriate alternative child care arrangement."

5 The report may be made orally, by telephone, or in writing. The report shall include information as is known to the person making it including the name and address of the

juvenile; the name and address of the juvenile's parent, guardian, or caretaker; the age of the juvenile; the names and ages of other juveniles in the home; the present whereabouts of the juvenile if not at the home address; the nature and extent of any injury or condition resulting from abuse, neglect or dependency; and any other information which the person making the report believes might be helpful in establishing the need for protective services or court intervention. If the report is made orally or by telephone, the person making the report shall give the person's name, address, and telephone number. Refusal of the person making the report to give a name shall not preclude the department's assessment of the alleged abuse, neglect, dependency, or death as a result of maltreatment.

239.55B FELONIOUS CHILD ABUSE BY A SEXUAL ACT BY A [PARENT] [LEGAL GUARDIAN]. FELONY.

The defendant has been charged with felonious child abuse by a sexual act by a [parent] [legal guardian].

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 the [parent of] [legal guardian of] the child.¹

Second, that at the time that child had not yet reached *his or her* sixteenth birthday.

And Third, that the defendant [committed] [allowed the commission of] a sexual act upon that child. A sexual act means cunnilingus, fellatio, analingus, or anal intercourse, but does not include vaginal intercourse. Sexual act also means the penetration, however slight, by any object into the genital or anal opening of another person's body.² [It shall be an affirmative defense that the penetration was for accepted medical purposes.³]

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant was [the parent of] [the legal guardian of] the child and that child had not reached *his or her* sixteenth birthday and that the defendant [committed] [allowed the commission of] a sexual act upon the child, 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 Where a legal guardian is involved, the State must prove legal guardianship, that is defendant was a legally appointed guardian. See N.C. Gen. Stat. § 35A.

2 *State v. Lark*, 198 N.C. App. 82, 88 (2009).

3 See *State v. Stepp*, 367 N.C. 772 (2015), *rev'g per curiam*, 232 N.C. App. 132 (2014) adopting the dissent of Bryant, J., and holding that defendant's act of cleaning feces from the infant did not constitute an act performed for an accepted medical purpose and, thus, the trial court was not required to instruct on the requested alternative defense.

North Carolina
Conference of Superior Court Judges
Committee on Pattern Jury Instructions

North Carolina
PATTERN JURY
INSTRUCTIONS
for Criminal Cases

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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. (6/2018)	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
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. (6/2019)	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. (6/2019)	F, H	E, F*
206.41	Voluntary Manslaughter Not Involving Self-Defense, also including Involuntary Manslaughter. 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

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

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). (6/2017)	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. (Offenses on or After Dec. 1, 2015). (6/2018)		B1, B2, C, D, Misd
207.10B	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. (Offenses on or After Dec. 1, 2017). (6/2018)		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
207.15A	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)		
207.15.1	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. (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 Was 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
207.20	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. (6/2019)		
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 Lessor 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 Lessor Included Offense. G.S. 14-27.26, 14-27.27. (Offenses on or After Dec. 1, 2015). (6/2018)		
207.40C	First Degree Forcible Sexual Offense—(Weapon, Serious Injury, or Multiple Assailants) Covering Second Degree Sex Offense as a Lessor Included Offense. G.S. 14-27.26, 14-27.27. (Offenses on or After Dec. 1, 2017). (6/2018)		
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 Disabled, Mentally Incapacitated or Physically Helpless. G.S. 14-27.5. (Offenses Prior to Dec. 1, 2015). (6/2019)	D	C
207.65A	Second Degree Forcible Sexual Offense—Alleged Victim Mentally Disabled, Mentally Incapacitated or Physically Helpless. G.S. 14-27.27. (Offenses On or After to Dec. 1, 2015). (6/2019)	D	C
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	DELETE SHEET. Unlawfully Accessing a Commercial Social Networking Website by a Sex Offender. G.S. 14-202.5A. (6/2018)		I
207.72	Sex Offender Unlawfully on Certain Premises. G.S. 14-208.18. (6/2017)		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)		G
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)		G, I
207.90	Sexual Battery. G.S. 14-27.5A. (Offenses Prior to Dec. 1, 2015) (6/2019)		Misd A1
207.90A	Sexual Battery. G.S. 14-27.33 (Offenses Occuring on or After Dec. 1, 2015) (6/2019)		Misd A1
207.95	Knowingly and Without Authority [Removing] [Destroying] [Circumventing Operation of] an Electronic Monitoring Device. G.S. 14-226.3 (June 2010)		
208.01	Assaults. 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
208.04B	Threatening to Kill or Inflict Serious Bodily Injury Upon a Person as Retaliation Against a [Legislative] [Executive] [Court] Officer. Felony. G.S. 14-16.7(a) (6/2019)		I
208.04C	Mailing a Threat to Kill or Inflict Serious Bodily Injury Upon a Person as Retaliation Against a [Legislative] [Executive] [Copurt] Officer. Felony. G.S. 14-16.7(b) (6/2019)		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 an Individual with a Disability. G.S. 14-32.1(f). (6/2019)	Misd	Misd 1
208.41	Simple Assault—(Involving Physical Contact) G.S. 14-33(a). (6/2010)	Misd	Misd 2

208.43	Simple Affray. G.S. 14-33. (6/2017)		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. (6/2017)		H
208.45A.1	Habitual Misdemeanor Assault. G.S. 14-33.2. (6/2017)		H
208.50	Assault with a Deadly Weapon. G.S. 14-33(c)(1). (3/2002)	Misd	Misd 1
208.50A	Aggravated Assault on an Individual with a Disability. G.S. 14-32.1(e). (6/2019)	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). (6/2017)	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] [Unknown Substance] by a Prisoner at a [State] [Local Government] Employee in the Performance of Employee's Duties. G.S. 14-258.4. (6/2019)		F
208.68	Malicious Conduct by a Prisoner—Exposing Genitalia by a Prisoner to an Employee of [State] [Local Government] in the Performance of Employee's Duties. G.S. 14-258.4 (6/2019)		I
208.70	Assault on a Female by a Male Person. G.S. 14-33(c)(2). (6/2015)	Misd	Misd A1
208.72	Assault by [Inflicting Serious Injury] [Using a Deadly Weapon] in the Presence of a Minor G.S. 14-33(d). (6/2017)		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
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] [Attempting to Discharge] a Firearm Within an Occupied Building or Other Enclosure With Intent to Incite Fear. G.S. 14-34.10. (6/2018)		F
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] [Member of the North Carolina National Guard] [Person Employed at a [State] [Local] Detention Facility]. G.S. 14-34.7. (6/2017)		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] [Member of the North Carolina National Guard] [Person Employed at a [State] [Local] Detention Facility]—Physical Injury. G.S. 14-34.7(c) (6/2017)		I
208.95D	Assault on [Firefighter] [Emergency Medical Technician] [Emergency Health Care Provider] [Medical Responder] [Emergency Department Personnel] [Licensed Health Provider]. (6/2018)		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] [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. (6/2017)	E	E
210.35	Second Degree Kidnapping (to Commit Felony or Serious Injury). G.S. 14-39. (6/2017)	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. G.S. 14-43.12. (6/2019)	I	F
210.52	Involuntary Servitude of a Minor. G.S. 14-43.12. (6/2019)		C
210.60	Child Abduction. G.S. 14-41. (6/2011)	G	F
210.70	Sexual Servitude. G.S. 14-43.13. (6/2019)		F
210.72	Sexual Servitude of a Minor. G.S. 14-43.13. (6/2019)		C
210.80	Human Trafficking Involving Involuntary Servitude. G.S. 14-43.11. (6/2019)		F
210.82	Human Trafficking Involving Sexual Servitude. G.S. 14-43.11. (6/2019)		F
210.84	Human Trafficking of a Minor Involving Involuntary Servitude. G.S. 14-43.11. (6/2019)		C

210.86	Human Trafficking of a Minor Involving Sexual Servitude. G.S. 14-43.11. (6/2019)		C
210.88	Unlawful [Sale] [Surrender] [Purchase] of a Minor. G.S. 14-43.14. (6/2019)		F
210.90	Unlawful Transfer of Custody of a Minor Child by a Parent. G.S. 14-321.2(a)(1). (6/2017)		Misd 2
210.91	Unlawful Transfer of Custody of a Minor Child by a Parent Resulting in Serious Physical Injury to the Child. G.S. 14-321.2(a)(1). (6/2017)		G
210.92	Unlawful Acceptance of Custody of a Minor Child from a Parent. G.S. 14-321.2(a)(2). (6/2017)		Misd 2
210.93	Unlawful Acceptance of Custody of a Minor Child from a Parent Resulting in Serious Physical Injury to the Child. G.S. 14-321.2(a)(2). (6/2017)		G
210.94	Unlawful [Advertising] [Recruiting] [Soliciting] [Aiding] [Abetting] [Conspiring] or [Assisting] in the Unlawful Transfer of Custody of a Minor Child. G.S. 14-321.2(a)(3). (6/2017)		Misd 2
210.95	Unlawful [Advertising] [Recruiting] [Soliciting] [Aiding] [Abetting] [Conspiring] [Assisting] in the Unlawful Transfer of Custody of a Minor Child Resulting in Serious Physical Injury to the Child. G.S. 14-321.2(a)(3). (6/2017)		G
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] [Miscarriage]. 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 (6/2018)		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. (5/2019)	Misd	Misd 2
214.31A	Second-Degree Trespass. G.S. 14-159.13. (5/2002)	Misd	Misd 3
214.31B	First-Degree Trespass. G.S. 14-159.12(f). (6/2017)		I
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
215.11	Arson and Other Burnings. 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. 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, Law Enforcement Officer, or Emergency Medical Technician. G.S. 14-69.3. (6/2019)		E
215.60	Burning Caused During Commission of Another Felony. G.S. 14-67.2 (6/2019)		D
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	
215.90	Communicating a Threat of Mass Violence on Educational Property. G.S. 14-277.6 (6/2019)		H
215.91	Communicating a Threat of Mass Violence at a Place of Religious Worship. G.S. 14-277.7 (6/2019)		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
216.13	Larceny of Chose in Action. G.S. 14-75. (6/2017)		H
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	Felonious 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, 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. (6/2018)		H
216.57	Organized Retail Theft. Retail Property with Value Exceeding \$1,500, Aggregated Over 90-Day Period. G.S. 14-86.6(a)(1). (6/2018)		H
216.57A	Organized Retail Theft Conspiracy — Retail Property with Value Exceeding \$20,000, Aggregated Over 90-Day Period. (6/2018)		
216.58	[Receiving] [Possessing] Retail Property Obtained by Organized Retail Theft. G.S. 14-86.6(a)(2). (6/2009)		H
216.59	Organized Retail Theft — Acting as Leader. (6/2018)		

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] [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] Illegally 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] a [Motor Vehicle] [Motor Vehicle Part] from a Person Engaged in a Chop Shop Activity. G.S. 14-72.7(a)(4). (6/2014)		H
216.77	Purchasing of Vehicles for the Purpose of Scrap Parts Only and Failing to Comply with Certain Requirements Mandated by Law. G.S. 20-62.1 (6/2019)		I
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. (6/2018)	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. (6/2018)	D, H	D, G
217.50	Safecracking—By Explosives, Drills, or Tools. G.S. 14-89.1(a)(1). (6/2017)	H	I
217.51	Safecracking—By Stolen Combination, Key, Electronic Device or Fraudulently Acquired Implement or Means. G.S. 14-89.1(a)(2). (6/2017)	H	I
217.52	Safecracking—By Use of [[Master Key] [Duplicate Key] [Device] [[Made] [Obtained]] in an Unauthorized Manner] [Stethoscope] [Listening Device] [Surreptitious Means]. G.S. 14-89.1(a)(3). (6/2017)	H	I
217.53	Safecracking—All Other Means. G.S. 14-89.1(a)(3) and (4). (6/2017)	H	I
217.54	Safecracking—Removing Safe or Vault from Premises. G.S. 14-89.1(b). (5/2003)	H	I
	Embezzlement.		
218.10	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 Money, 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 by 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 (Value of Property \$100,000 or More). G.S. 14-100. (6/2018)		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 Fraud Resulting in Another Person's [Arrest] [Detention] [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
219D.10	Fraudulent Misrepresentation Involving a [License Application] [Other Document] Filed Pursuant to the North Carolina Money Transmitters Act. G.S. 53-208.58(b). (6/2017)		Misd 1
219D.15	Engaging in the Business of Money Transmission Without a License. G.S. 53-208.58(c). (6/2017)		Misd 1
219D.20	Unlawfully Engaging in the Business of Money Transmission—Any Reason. G.S. 53-208.58(a). (6/2017)		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] [Other Document]. G.S. 44A-12.1(c). (6/2013)		I
220.26	Filing [False Lien] [Encumbrance]. G.S. 14-118.6. (6/2016)		I
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 a 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 Misd 1
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	Trespassing by Person Subject to Valid Protective Order onto Property Operated as a Safe House or Haven for Victims of Domestic Violence. (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)		
223.15	Trespasses to Personal Property. 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 Computer 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
223.70	Injuring, Destroying, Removing, Vandalizing, or Tampering with Firefighting or Emergency Medical Services Machinery or Equipment. (6/2018)		
224.10	Vehicles and Draft Animals—Protection of Bailor against Acts of Bailee. [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
225.10	Offenses against Public Morality and Decency. [Knowingly] [Willingly] [Abusing] [Mutilating] a Dead Human Body in a Person's Custody. 90-210.25(5)(2) (6/2019)		Misd 2
225.15	Unauthorized Practice of [Embalming] [Funeral Directing] [Funeral Service] [Operating Funeral Establishment]—Practicing Without a License (Including While Representing Oneself as Being Licensed. G.S. 90-210.25(f)(1) (6/2019)		Misd 2
226.10	Crime against Nature—Animals. G.S. 14-177. (6/2006)	H	I
226.10A	Crime against Nature—Persons. G.S. 14-177. (6/2019)		
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
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). (6/2017)		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
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 Had a [Severe] [Profound] Mental Disability. G.S. 14-205.2. (6/2019)		D
226.94	Promoting Prostitution of a Person Who Had a [Severe] [Profound] Mental Disability. G.S. 14-205/3(b) (6/2019)		Misd A1, G
226.96	Solicitation for Prostitution with a Person who Has a [Severe] [Profound] Mental Disability. G.S. 14-204(5), 14-205.1. (6/2019)		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
227.10	Massage and Bodywork Therapy Licensing Violation. (6/2018)		
227.15	[Sexual Activity] [Solicitation of Sexual Activity] in a Massage and Bodywork Therapy Establishment. (6/2018)		
227.20	Owner of Massage and Bodywork Therapy Establishment Permitting or Engaging in Sexual Activity. (6/2018)		
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). (6/2018)		G
230.70	Impersonation of Law-Enforcement Officer by [Verbally Informing Another] [Displaying any Badge or Identification] [Unlawfully Operating a Vehicle with an Operating Red Light]. Misdemeanor. G.S. 14-277(a). (6/2011)	Misd	Misd 1
230.70A	Impersonating of Law-Enforcement Officer by Operating a Vehicle with an Operating Blue Light. 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

230.77	Driving with a Light Bar. (6/2018)		
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
233.47	Possession of Tools for Escape by a Prisoner G.S. 14-258(c) (6/2019)		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
233.85	Providing [Forbidden Articles] [Tools to Escape] to a Prisoner. G.S. 14-258(a) (6/2019)		H
233.90	Possession of 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] [Possessing] Weapons [on Educational Property] [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
235.37	Use of Unmanned Aircraft System Near a [Confinement] [Correctional] Facility. (6/2018)		
235.38	Use of an Unmanned Aircraft System Near a [Confinement] [Correctional] Facility to [[Deliver] [Attempt to Deliver]] [[a Weapon] [Contraband]]. (6/2018)		
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. 14-190.5A(c)(2). (6/2018)		Misd 1
235.65A	Disclosure of Private Images by Offender Under 18 Years of Age. G.S. 14-190.5A(b), (c)(2). (6/2018)		Misd
235.67	Disclosure of Private Images by Offender 18 Years of Age Or Older. G.S. 14-190.5A(c)(1). (6/2018)		H
235.67A	Disclosure of Private Images by Offender 18 Years of Age Or Older. G.S. 14-190.5A(b), (c)(1). (6/2018)		F
235.69	Felonious Disclosure of Private Images by Offender Under the Age of 18 G.S. 14-190.5A(c)(3). (6/2018)		H
235.69A	Riots and Civil Disorders. Felonious Disclosure of Private Images by Offender Under 18 Years of Age. G.S. 14-190.5A(b), (c)(3). (6/2018)		
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

* 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.

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)		
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.			
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
237.40	Unlicensed Operation of a Beach Bingo Game. G.S. 14-309.14(5). (6/2017)		Misd 2
237.45	Providing False Information in Order to Obtain a License to Operate a Beach Bingo Game. G.S. 14-309.14(5)(c). (6/2017)		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 Prostitution). G.S. 14-190.18(a)(1). (6/2014)	G	D
238.23A	Promoting Prostitution of a Minor (Supervising 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] [a Device Capable of Electronic Data [Storage] [Transmission] to Commit a Sex Act. G.S. 14-202.3. (6/2017)		H
238.35	Solicitation of a [Child] [Person Defendant Believed to Be a Child] by [Computer] [a Device Capable of Electronic Data [Storage] [Transmission] to Commit a Sex Act and Appearing at Location. G.S. 14-202.3(c)(2). (6/2017)		G
238.40	DELETE SHEET. Soliciting a Child by [Computer] [Electronic Device] to Commit an Unlawful Sex Act. (Offenses after December 1, 2009). G.S. 14-202.3 (6/2017)		H, G
239.10	Protection of Minors. [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 Under the Age of Twelve to Use a Dangerous Firearm. G.S. 14-316. (6/2014)	Misd	Misd 2
239.21	Furnishing a Young Child a Dangerous Firearm—Nonparent. G.S. 14-316. (Delete Sheet) (6/2014)	Misd	Misd 2
239.23	Possession of Handguns by Minors (6/2012)		Misd 1
239.25	Contributing to the Delinquency and Neglect by Parents and Others. G.S. 14-316.1; 7B-101(1), (15); 7B-1501(7), (27). (6/2019)	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] [Dependency] [Death] Due to Maltreatment of a Juvenile. G.S. 7B-301(a), (b). (6/2019)		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 by Prostitution. G.S. 14-318.4(a1). (5/2000)	H	E
239.55B	Felonious Child Abuse by a Sexual Act by a [Parent] [Legal Guardian]. G.S. 14-318.4(a2). (5/2019)	H	H

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	Child Abuse. G.S. 14-318.2. (6/2009)	Misd	Misd 1
239.65	Permitting a Child under 16 Years of Age to [Operate] [Be a Passenger on] a Bicycle without a 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 a Born Out of Wedlock 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 a Protective Order While in Possession of a Deadly Weapon. G.S. 50B-4.1(g). (6/2016)		H
240.55	Felonious Violation of 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)		Misd A1
240.82	[Employee] [Volunteer] at a Facility Who [Borrows] [Takes] Personal Property From a Client. G.S. 122C-66(a1). (6/2016)		Misd 1
240.84	[Employee] [Volunteer] at a Facility Failed to Report Violations of Client Abuse. G.S. 122C-66(b). (6/2016)		Misd 1
240.86	[Employee] [Volunteer] at a Facility Failed to Report Violations of [Borrowing] [Taking] Client Property. G.S. 122C-66(a1)-(b). (6/2016)		Misd 1
240.88	[Employee] [Volunteer] at a Facility Failed to Report Accidental Injury to a Client. G.S. 122C-66(b). (6/2016)		Misd A1
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
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 (an) Animal(s). G.S. 14-360(a). (6/2017)	Misd	Misd 1
247.10A	Felonious Cruelty to (an) Animal(s). G.S. 14-360(b). (6/2017)		H
247.10B	Misdemeanor 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]		

247.15A	[Search and Rescue] Animal. G.S. 14-163.1. (6/2010) [Causing] [Attempting to Cause] Serious Harm to a [Law Enforcement Agency] [Assistance] [Search and Rescue] Animal. G.S. 14-163.1. (6/2010)		H
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)		I
247.20	Instigating or Promoting Cruelty to an Animal(s). G.S. 14-361. (6/2017)		Misd 2
247.30	Cockfighting. G.S. 14-362. (1/2001)	Misd	Misd 1
247.31	Dog Fighting and Baiting. G.S. 14-362.2. (6/2008)	Misd	Misd 2
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)		H
247.50	Interference with Animal Research—Willfully Damaging an Animal Research Facility. G.S. 14-159.2(a)(2). (8/2000)	J, Misd	I, 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 1
247.80A	[Owning] [Possessing] [Using] [Transporting] [Trafficking] of Crocodilian not Housed in a Sturdy and Secure Enclosure. G.S. 14-417.2. (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. 14-417.1. (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 2, 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 A1
252.65	Miscellaneous Police Regulations. Tattooing a Minor. G.S. 14-400. (8/2000)	Misd	Misd 2
	Felony Firearms.		

254A.11	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
	Miscellaneous.		
255.01	Felonious 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	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 Metal 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)(5). G.S. 136-32(a). (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. G.S. 136-32(a), (b), (c), (d). (6/2012)		Misd 1, 3
258.32	Erecting or Maintaining Commercial Advertising Signs in Highway Rights of Way. G.S. 136-32(a), (d). (6/2012)		Misd 1
258.33	[Stealing] [Defacing] [Vandalizing] [Unlawfully Removing] Political Signs That Are Lawfully Placed. G.S. 136-32(a), (b), (c), (d), (e). (6/2012)		Misd 3
258.35	Removal or Destruction of Warning Signs—Water Quality in Coastal Recreation Waters. G.S. 113-221.3(b), (c), (d). (6/2012)		Misd 2

258.36	Possession of Signs Posted by Department of Environment and Natural Resources—Water Quality in Coastal Recreation Waters. G.S. 113-221.3(b), (c), (d). (6/2012)	Misd 2
259.10	Unauthorized Practice of Medicine—Practicing Without a License. G.S. 90-18. (6/2012)	Misd 1
259.11	Unauthorized Practice of Medicine—Practicing Without a License While Representing Oneself as Being Licensed. G.S. 90-18. (6/2012)	I
259.12	Unauthorized Practice of Medicine—Practicing Without a License in North Carolina By an Out-of-State Practitioner. (G.S. 90-18). (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. G.S. 90-18. (6/2012)	Misd 1
259.20	Unauthorized Practice of Law—Non-Members of the State Bar. G.S. 84-4. (6/2017)	Misd 1
259.21	Unauthorized Practice of Law—Corporations. G.S. 84.5. (6/2012)	Misd 1
259.22	Unauthorized Practice of Law—Foreclosure Fees. G.S. 84.6. (6/2012)	Misd 1
259.23	Unauthorized Practice of Law—Appearing for Creditors in [Insolvency] [Bankruptcy] and Other Proceedings. G.S. 84.9. (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 about the Financial Condition of a Bank. 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)(9a). (6/2016)		C, F, H
259.55	Identity Theft – Submission to the Department of Revenue. G.S. 105-236(a)(9b). (6/2018)		
259.57	Identity Theft – Submission to the Department of Revenue Resulting in Adverse Financial Impact. G.S. 105-236(a)(9b). (6/2018)		
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]] [Improperly Gives a Certificate of Compliance Without First Making the Required Inspections by Law] [Improperly Gives a Certificate of Compliance]. G.S. 153A-356; 160A-416. (6/2016)		Misd 1
259.95	Illegal Operation of Amusement Devices Causing [Death] [Serious Injury]. G.S. 95-111.13. (6/2016)		E
259.97	[Counterfeiting] [Selling] [Lending] [Permitting Use of] Photo Identification for Voting. G.S. 163A-1389(19) (6/2019)		I
259.98	Voting More Than One Time in an Election—Verdict Form. G.S. 163-275(7). (6/2017)		I
	Dangerous Drugs.		
	260 Series—Directory of Dangerous Drug Charges. (6/1996)		
260.10	Possession of a Controlled Substance. G.S. 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] [Local Confinement Facility]. G.S. 90-95(a)(3), (e)(9). (6/2014)	I	I*
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

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

260.17	Drug Trafficking—Possession (Marijuana, Methaqualone, Cocaine, Amphetamine, Methamphetamine, Opium, Opiate, Opioid or Heroin, Lysergic Acid Diethylamide, Methylenedioxyamphetamine, Methylenedioxymethamphetamine, Substituted Cathinones, or Synthetic Cannabinoid). G.S. 90-95(h). (6/2019)	C, D, E F, G, H	D, D, E F, G, H
260.18	Forged Prescription—Acquiring or Obtaining Possession of a Controlled Substance by [Misrepresentation] [Fraud] [Forgery] [Deception] [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, Opiate, Opioid or Heroin, Lysergic Acid Diethylamide, Methylenedioxyamphetamine, Methylenedioxymethamphetamine, Substituted Cathinones, or Synthetic Cannabinoid). G.S. 90-95(h). (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). (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
260.23	Drug Trafficking—[Selling] [Delivering] (Marijuana, Methaqualone, Cocaine, Amphetamine, Methamphetamine, Opium, Opiate, Opioid or Heroin, Lysergic Acid Diethylamide, Methylenedioxyamphetamine, Methylenedioxymethamphetamine, Substituted Cathinones or Synthetic Cannabinoid) G.S. 90-95(h). (6/2019)	C, D, E, F, G, H	C, D, E, F, G, H
260.30	Drug Trafficking—Transportation (Marijuana, Methaqualone, Cocaine, Amphetamine, Methamphetamine, Opium, Opiate, Opioid or Heroin, Lysergic Acid Diethylamide, Methylenedioxyamphetamine, Methylenedioxymethamphetamine, Substituted Cathinones, or Synthetic Cannabinoid). G.S. 90-95(h). (6/2019)	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

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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
260.81	Feloniously [Diverting] [Embezzling] a Controlled Substance (Practitioner, Registrant, or Employee). G.S. 90-108(b) and 90-108(a)(14) (6/2019)		E
260.82	Feloniously [Diverting] [Embezzling] a Controlled Substance by [Dilution] (or) [Substitution] (Practitioner, Registrant, or Employee). G.S. 90-108(b)(3) and 90-108(a)(14) (6/2019)		E
260.83	Feloniously [Diverting] [Embezzling] a Controlled Substance (by Virtue of Occupation). G.S. 90-108(b)(2) and 90-108(a)(15) (6/2019)		E
260.84	Feloniously [Diverting] [Embezzling] a Controlled Substance by [Dilution] (or) [Substitution] (by Virtue of Occupation). G.S. 90-108(b)(3) and 90-108(a)(15) (6/2019)		E
260.85	Felonious Use of Controlled Substances Reporting System—Unauthorized [Disclosure] [Dissemination] G.S. 90-113.74(k)(2) (6/2019)		I
280.86	Felonious Use of Controlled Substances Reporting System—[Commercial Advantage] [Personal Gain] [Maliciously Harm] G.S. 90-113.74(k)(3) (6/2019)		H
260.87	Felonious Use of Controlled Substances Reporting System for an Unauthorized Purpose. G.S. 90-113.74(k)(1) (6/2019)		I
260.90	[Intentionally] [Knowingly] [Keeping] [Maintaining] a Building or Vehicle for the [Use] [Keeping] [Selling] of Controlled Substances. G.S. 90-108(a)(7). (6/2009)	I, Misd	I, Misd 1
260.95	[Possession] [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. 90-113.82(b) (6/2010)		Misd 1
260.96C	Failure to Maintain Records of Purchasers of [Glass Tubes] [Splitters]. G.S. 90-113.82(c) (6/2010)		Misd 2
260.96D	Failure to Train Agents and Employees on Requirements of Sales of [Glass Tubes] [Splitters]. G.S. 90-113.82(e) (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)		Misd A1, I
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]. G.S. 90-95(d1)(1)(c). (6/2016)		H
261.60	[Manufacturing] [Distributing] [Dispensing] [Delivering] [Purchasing] Marijuana on Property Lawfully Used for Industrial Hemp Production. G.S. 106-568.57(a). (6/2017)		I
261.65	Providing [False] [Misleading] Information to the Industrial Hemp Commission Related to a License [Application] [Renewal] [Inspection] [Investigation]. G.S. 106-568.57(b). (6/2017)		Misd 1
261.70	[Tampering With] [Adulterating] a Lawfully Planted Industrial Hemp Crop. G.S. 106-568.57(c). (6/2017)		Misd 1
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. G.S. 20-138.1. (6/2010)	Misd	Misd
270.20A	Impaired Driving. G.S. 20-138.1. (6/2016)		
270.21	Impaired Driving of a Commercial Vehicle. G.S. 20-138.2 and -138.2A. (6/2010)		Misd 1
270.21A	Impaired Driving in a Commercial Vehicle. 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.). G.S. 20-138.5. (6/2015)	J	F
270.25A	Habitual Impaired Driving—Including Chemical Test. G.S. 20-138.2A. (6/2018)	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	Operating a Motor Vehicle to Elude Arrest. G.S. 20-141.5(a). (4/2001)	Misd	Misd 1
270.54A	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
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 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] [Passenger]. G.S. 20-154(a1). (6/2014)		Infraction
270.61B	Unsafe 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 Law Enforcement 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
270.90	Failure to Maintain Lane Control. G.S. 20-146(d)(1) (6/2019)		Infraction
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). (6/2017)		Misd 2
270A.27	[Recklessly] [Negligently] [Operating a [Motorboat] [Vessel]] [Manipulating [Water Skis] [A Surfboard.]]. G.S. 75A-10(a). (6/2017)		Misd 2
270A.27A	Manipulating [Water Skis] [A Surfboard] [Nonmotorized Vessel] [Similar Device] While Under the Influence of an Impairing Substance. G.S. 75A-10(b). (6/2017)		Misd 2
270A.27B	[Death] [Serious Injury] by Impaired Boating. G.S. 75A-10.3(a),(b),(f). (6/2017)		D, F
270A.27C	Aggravated [Death] [Serious Injury] by Impaired Boating. G.S. 75A-10.3(c),(d),(f). (6/2017)		D
270A.27D	Repeat Death by Impaired Boating. G.S. 75A-10.3(e),(f). (6/2017)		B2
270A.30	Improper Vessel Registration. G.S. 75A-4. (6/2009)		Misd 3

Non-Traffic Automobile Offenses.

271.10	Driving a Motor Vehicle on a Highway While License Has Been Suspended or Revoked. G.S. 20-28. (5/2001)	Misd	Misd 1
271.12	Driving a Motor Vehicle on a Highway while License Has Been Revoked for Impaired Driving. G.S. 20-28(a1). (6/2018)		
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] Knowingly Permitting Another to Drive] a Vehicle that [was Not Registered with the Division of Motor Vehicles] [Did Not Display a Current 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)		F
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
271.28	Forging an Inspection [Sticker] [Receipt]. G.S. 20-183.8(c)(1). (6/2017)		I
271.28A	[Buying] [Selling] [Issuing] [Possessing] a Forged [Inspection Sticker] [An Electronic Inspection Authorization]. G.S. 20-183.8(c)(2). (6/2017)		I
271.28B	Unlawfully [Buying] [Selling] [Issuing] [Possessing] an [Inspection Sticker] [Electronic Inspection Authorization]. G.S. 20-183.8(c)(3). (6/2017)		I
271.28C	Failing the [Safety] [Emissions] Inspection of a Vehicle for an Unlawful Reason. G.S. 20-183.8(c)(5). (6/2017)		I
271.28D	[Soliciting] [Accepting] Something of Value in Order to Pass a Vehicle That Fails [Safety] [Emissions] Inspection. G.S. 20-183.8(c)(4). (6/2017)		I
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] [Refusing] 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(a); 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] [Possessing] 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 on a Motor Vehicle Without a License. G.S. 20-183.8(b)(1). (6/2017)		Misd 3
271.46	[Giving] [Lending] [Borrowing] of a License Plate for the Purpose of Using Same on a Motor Vehicle Other Than That for Which It Was 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 of Registration] [Duplicate [Registration] [Title]]. G.S. 20-111(5). Misdemeanor. (6/2011)		Misd 1
271.48	Using a [Name] [Address] That Is [False] [Fictitious] in Any Application for [the Registration of Any Vehicle] [Certificate of Title] [Renewal of Registration] [Duplicate [Registration] [Title]]. 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 of Title for Any Purpose Other Than the [[Registration] [Sale] of a Vehicle] [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). (6/2018)		F, 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 or 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. G.S. 20-178A. (6/2012)		Misd 1
271.81	Tampering with Ignition Interlock Device—Altering Testing Results on Ignition Interlock Device. G.S. 20-178A. (6/2012)		Misd 1
271.91	Liability Insurance for Motor Vehicles. G.S. 20-279.21, 20-308, 20-309.—Deleted. See G.S. 20-311. (6/2019)		Misd 1
271.92	Operation of Motor Vehicles Without Financial Responsibility G.S. 20-309(b), 20-313 (6/2019)		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 the 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, or Tobacco Product 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 (6/2014)		Misd 3
272.40	[Manufacturer] [Sale] [Transportation] [Importation] [Furnishing] [Consumption] [Possession] of Powdered Alcohol. G.S. 18B-102 (6/2016)		Misd 1
272.60	[Sale] [Offer for Sale] [Introduce Into Commerce in North Carolina] of an E-liquid Container without Child-Resistant Packaging. G.S. 14-401.18A. (6/2016)		Misd A1
272.65	[Sale] [Offer for Sale] [Introduce 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)		Misd A1
272.80	Knowingly Making a False Statement in an Application for Reissuance of a Special Occasion Permit. G.S. 18B-903.1(e) (6/2019)		Misd 1

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(a), (a1). (6/2018)		
273.55	Unlawful Hunting of Migratory Birds on Sunday. (6/2018)		
Welfare Fraud.			
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(a). (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(a). (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
275.10	Unsupervised Use of Fully Autonomous Vehicle by a Person Under the Age of 12. G.S. 103-2(a2).(6/2018)		
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
280.45	Escape of a Working Prisoner. G.S. 14-255. (5/2001)		Misd 1

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

PART III. DEFENSES

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|---------|--|
| 301.10 | Alibi. (3/2003) |
| 302.10 | Automatism.
Automatism or Unconsciousness. (6/2009) |
| 304.10 | Insanity.
Insanity Defense. (6/2009) |
| 305.10 | Intoxication.
Voluntary Intoxication, Liquor or Drugs—In General. (6/2009) |
| 305.11 | Voluntary Intoxication, Lack of Mental Capacity—Premeditated and Deliberate First-Degree Murder. (6/2009) |
| 307.10 | Accident.
Accident (Defense to Homicide Charge, Except Homicide Committed during Perpetration of a Felony). (5/2003) |
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| 308.10 | Self-Defense.
Self-Defense, Retreat—Including Homicide (to Be Used Following Self-Defense Instructions Where Retreat Is in Issue). G.S. 14-51.2(1), .3(a). (6/2019) |
| 308.40 | Self-Defense—Assaults Not Involving Deadly Force. G.S. 14.15.2, .3, .4. (6/2019) |
| 308.41 | Detention of Offenders by Private Persons. G.S. 15A-404. (6/2009) |
| 308.45 | Self-Defense—All Assaults Involving Deadly Force. G.S. 14.51.2, .3, .4. (6/2019) |
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| 308.50 | Assault in Lawful Defense of a [Family Member] [Third Person]—(Defense to All Assaults Involving Deadly Force). G.S. 14.51.2, .3, .4. (6/2019) |
| 308.60 | Killing in Lawful Defense of a [Family Member] [Third Person]—(Defense to Homicide). G.S. 14.51.2, .3, .4. (6/2019) |
| 308.70 | Self-Defense to Sexual Assault—Homicide. G.S. 14.51.2, .3. (6/2019) |
| 308.80 | Defense of [Habitation] [Workplace] [Motor Vehicle]—Homicide and Assault. G.S. 14-51.1, .2, .3, .4. (6/2019) |
| 309.10 | Entrapment.
Entrapment. (5/2003) |
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Compulsion, Duress, or Coercion. (6/2019) |
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311.10 Jurisdiction.
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APPENDICES:

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B. CRIMINAL VOLUME INDEX.

259.97 [COUNTERFEITING] [SELLING] [LENDING] [PERMITTING USE OF]
PHOTO IDENTIFICATION FOR VOTING. FELONY.

The defendant has been charged with [counterfeiting] [selling] [lending]
[permitting use of] photo identification for voting.

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

First, that defendant [counterfeited] [sold] [lent] [permitted the use of]
a form of photo identification¹.

Second, that the person receiving this photo identification was not
entitled to its use.

And Third, that defendant [counterfeited] [sold] [lent] [permitted the
use of] this photo identification for the purposes of voting.

If you find from the evidence beyond a reasonable doubt that on or
about the alleged date the defendant [counterfeited] [sold] [lent] [permitted
the use of] a form of photo identification, to a person not entitled to the use
of the photo identification, and that the defendant [counterfeited] [sold] [lent]
[permitted the use of] this photo identification for the purposes of voting, 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.

¹ See N.C. Gen. Stat. § 163A-1145.1 for applicable forms of photo identification.

DRUG TRAFFICKING—POSSESSION (MARIJUANA, METHAQUALONE, COCAINE, AMPHETAMINE, METHAMPHETAMINE, OPIUM, OPIATE, OPIOID OR HEROIN, LYSERGIC ACID DIETHYLAMIDE, METHYLENEDIOXYAMPHETAMINE, METHYLENEDIOXYMETHAMPHETAMINE, SUBSTITUTED CATHINONES, OR SYNTHETIC CANNABINOID). FELONY.

GENERAL CRIMINAL VOLUME

REPLACEMENT JUNE 2019

N.C. Gen. Stat. § 90-95 (H)

260.17 DRUG TRAFFICKING—POSSESSION (MARIJUANA, METHAQUALONE, COCAINE, AMPHETAMINE, METHAMPHETAMINE, OPIUM OPIATE, OPIOID OR HEROIN, LYSERGIC ACID DIETHYLAMIDE, METHYLENEDIOXYAMPHETAMINE, METHYLENEDIOXYMETHAMPHETAMINE, SUBSTITUTED CATHINONES, 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] [opiate] [opiod] [heroin] [lysergic acid diethylamide (LSD)] [methylenedioxyamphetamine (MDA)] [methylenedioxymethamphetamine (MDMA)] [any substituted cathinones]⁴ [synthetic cannabinoid], which is the unlawful possession of (*state amount*)⁵ 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 knowingly⁶ possessed [marijuana] [methaqualone] [cocaine] [[amphetamine] [any mixture containing amphetamine]] [[methamphetamine] [any mixture containing methamphetamine]] [opium] [opiate] [opiod] [heroin] [LSD] [MDA] [MDMA] [any substituted cathinones] [synthetic cannabinoid].⁷ 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.

DRUG TRAFFICKING—POSSESSION (MARIJUANA, METHAQUALONE, COCAINE, AMPHETAMINE, METHAMPHETAMINE, OPIUM, OPIATE, OPIOID OR HEROIN, LYSERGIC ACID DIETHYLAMIDE, METHYLENEDIOXYAMPHETAMINE, METHYLENEDIOXYMETHAMPHETAMINE, SUBSTITUTED CATHINONES, OR SYNTHETIC CANNABINOID). FELONY.

GENERAL CRIMINAL VOLUME

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N.C. Gen. Stat. § 90-95 (H)

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.

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*)⁸.

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 guilty⁹.

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.

DRUG TRAFFICKING—POSSESSION (MARIJUANA, METHAQUALONE, COCAINE, AMPHETAMINE, METHAMPHETAMINE, OPIUM, OPIATE, OPIOID OR HEROIN, LYSERGIC ACID DIETHYLAMIDE, METHYLENEDIOXYAMPHETAMINE, METHYLENEDIOXYMETHAMPHETAMINE, SUBSTITUTED CATHINONES, OR SYNTHETIC CANNABINOID). FELONY.

GENERAL CRIMINAL VOLUME

REPLACEMENT JUNE 2019

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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 Substituted cathinone" is defined by N.C. Gen. Stat. § 90-89(5)(j) as "a compound, other than bupropion, that is structurally derived from 2-amino-1-phenyl-1-propanone by modification in any of the following ways: (i) by substitution in the phenyl ring to any extent with alkyl, alkoxy, alkylenedioxy, haloalkyl, or halide substituents, whether or not further substituted in the phenyl ring by one or more other univalent substituents; (ii) by substitution at the 3-position to any extent; or (iii) by substitution at the nitrogen atom with alkyl, dialkyl, benzyl, or methoxybenzyl groups or by inclusion of the nitrogen atom in a cyclic structure."

5 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

6 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).

7 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).

8 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

DRUG TRAFFICKING—POSSESSION (MARIJUANA, METHAQUALONE, COCAINE, AMPHETAMINE, METHAMPHETAMINE, OPIUM, OPIATE, OPIOID OR HEROIN, LYSERGIC ACID DIETHYLAMIDE, METHYLENEDIOXYAMPHETAMINE, METHYLENEDIOXYMETHAMPHETAMINE, SUBSTITUTED CATHINONES, OR SYNTHETIC CANNABINOID). FELONY.

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defendant knowingly possessed the controlled substance. *State v. Shelman*, 159 N.C. App. 300, 584 S.E.2d 88 (2003).

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*)."

DRUG TRAFFICKING—MANUFACTURING (MARIJUANA, METHAQUALONE, COCAINE, AMPHETAMINE, METHAMPHETAMINE, OPIUM, OPIATE, OPIOID OR HEROIN, LYSERGIC ACID DIETHYLAMIDE, METHYLENEDIOXYAMPHETAMINE, METHYLENEDIOXYMETHAMPHETAMINE, SUBSTITUTED CATHINONES, OR SYNTHETIC CANNABINOID). FELONY.

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260.20A DRUG TRAFFICKING—MANUFACTURING (MARIJUANA, METHAQUALONE, COCAINE, AMPHETAMINE, METHAMPHETAMINE, OPIUM, OPIATE, OPIOID OR HEROIN, LYSERGIC ACID DIETHYLAMIDE, METHYLENEDIOXYAMPHETAMINE, METHYLENEDIOXYMETHAMPHETAMINE, SUBSTITUTED CATHINONES, OR SYNTHETIC CANNABINOID). FELONY.

The defendant has been charged with trafficking in [marijuana]¹ [methaqualone] [cocaine] [[amphetamine] [any mixture containing amphetamine]]² [[methamphetamine] [any mixture containing methamphetamine]]³ [opium] [opiate] [opioid] [heroin] [lysergic acid diethylamide (LSD)] [methylenedioxyamphetamine (MDA)] [methylenedioxymethamphetamine (MDMA)] [any substituted cathinones]⁴ [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] [opiate] [opioid] [heroin] [LSD] [MDA] [MDMA] [any substituted cathinones] [synthetic cannabinoid]. (Describe manner in which manufacturing was done, *e.g.*, growing, chemically compounding⁵ (*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*)⁶.

DRUG TRAFFICKING—MANUFACTURING (MARIJUANA, METHAQUALONE, COCAINE, AMPHETAMINE, METHAMPHETAMINE, OPIUM, OPIATE, OPIOID OR HEROIN, LYSERGIC ACID DIETHYLAMIDE, METHYLENEDIOXYAMPHETAMINE, METHYLENEDIOXYMETHAMPHETAMINE, SUBSTITUTED CATHINONES, 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.⁷

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 "Substituted cathinone" is defined by N.C. Gen. Stat. § 90-89(5)(j) as "a compound, other than bupropion, that is structurally derived from 2-amino-1-phenyl-1-propanone by modification in any of the following ways: (i) by substitution in the phenyl ring to any extent with alkyl, alkoxy, alkylenedioxy, haloalkyl, or halide substituents, whether or not further substituted in the phenyl ring by one or more other univalent substituents; (ii) by substitution at the 3-position to any extent; or (iii) by substitution at the nitrogen atom with alkyl, dialkyl, benzyl, or methoxybenzyl groups or by inclusion of the nitrogen atom in a cyclic structure."

5 "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.

DRUG TRAFFICKING—MANUFACTURING (MARIJUANA, METHAQUALONE, COCAINE, AMPHETAMINE, METHAMPHETAMINE, OPIUM, OPIATE, OPIOID OR HEROIN, LYSERGIC ACID DIETHYLAMIDE, METHYLENEDIOXYAMPHETAMINE, METHYLENEDIOXYMETHAMPHETAMINE, SUBSTITUTED CATHINONES, OR SYNTHETIC CANNABINOID). FELONY.

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6 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 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.)

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 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.”)

DRUG TRAFFICKING—[SELLING] [DELIVERING] (MARIJUANA, METHAQUALONE, COCAINE, AMPHETAMINE, METHAMPHETAMINE, OPIUM, OPIATE, OPIOID OR HEROIN, LYSERGIC ACID DIETHYLAMIDE, METHYLENEDIOXYAMPHETAMINE, METHYLENEDIOXYMETHAMPHETAMINE, SUBSTITUTED CATHINONES, OR SYNTHETIC CANNABINOID). FELONY.

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260.23 DRUG TRAFFICKING—[SELLING] [DELIVERING] (MARIJUANA, METHAQUALONE, COCAINE, AMPHETAMINE, METHAMPHETAMINE, OPIUM, OPIATE, OPIOID OR HEROIN, LYSERGIC ACID DIETHYLAMIDE, METHYLENEDIOXYAMPHETAMINE, METHYLENEDIOXYMETHAMPHETAMINE, SUBSTITUTED CATHINONES, OR SYNTHETIC CANNABINOID). FELONY.

The defendant has been charged with trafficking in [marijuana] [methaqualone] [cocaine] [[amphetamine] [any mixture containing amphetamine]]¹ [[methamphetamine] [any mixture containing methamphetamine]]² [opium] [opiate] [opiod] [heroin] [lysergic acid diethylamide (LSD)] [methylemedioxyamphetamine (MDA)] [methylenedioxymethamphetamine (MDMA)] [any substituted cathinones]³ [synthetic cannabinoid], which is the unlawful [sale] [delivery] 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 [sold] [delivered]⁶ [marijuana] [methaqualone] [cocaine] [[amphetamine] [any mixture containing amphetamine]] [[methamphetamine] [any mixture containing methamphetamine]] [opium] [opiate] [opiod] [heroin] [LSD] [MDA] [MDMA] [any substituted cathinones] [synthetic cannabinoid] to (*name buyer or distributee*).

And Second, that the amount of (*name controlled substance*) which the defendant [sold] [delivered] was (*state amount*).

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant knowingly [sold] [delivered] (*name*

DRUG TRAFFICKING—[SELLING] [DELIVERING] (MARIJUANA, METHAQUALONE, COCAINE, AMPHETAMINE, METHAMPHETAMINE, OPIUM, OPIATE, OPIOID OR HEROIN, LYSERGIC ACID DIETHYLAMIDE, METHYLENEDIOXYAMPHETAMINE, METHYLENEDIOXYMETHAMPHETAMINE, SUBSTITUTED CATHINONES, OR SYNTHETIC CANNABINOID). FELONY.

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controlled substance) to (*name buyer or distributee*), and that the amount which *he* [sold] [delivered] 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 more of these things, it would be your duty to return a verdict of not guilty.⁷

1 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).

2 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).

3 “Substituted cathinone” is defined by N.C. Gen. Stat. § 90-89(5)(j) as “a compound, other than bupropion, that is structurally derived from 2-amino-1-phenyl-1-propanone by modification in any of the following ways: (i) by substitution in the phenyl ring to any extent with alkyl, alkoxy, alkylendioxy, haloalkyl, or halide substituents, whether or not further substituted in the phenyl ring by one or more other univalent substituents; (ii) by substitution at the 3-position to any extent; or (iii) by substitution at the nitrogen atom with alkyl, dialkyl, benzyl, or methoxybenzyl groups or by inclusion of the nitrogen atom in a cyclic structure.”

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.

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 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.)

DRUG TRAFFICKING—[SELLING] [DELIVERING] (MARIJUANA, METHAQUALONE, COCAINE, AMPHETAMINE, METHAMPHETAMINE, OPIUM, OPIATE, OPIOID OR HEROIN, LYSERGIC ACID DIETHYLAMIDE, METHYLENEDIOXYAMPHETAMINE, METHYLENEDIOXYMETHAMPHETAMINE, SUBSTITUTED CATHINONES, OR SYNTHETIC CANNABINOID). FELONY.

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5 If the defendant contends that *he* did not know the true identity of what *he* [sold] [delivered], add this language to the first sentence: "and the defendant knew that what *he* [sold] [delivered] was (*name substance*)."
S. v. Boone, 310 N.C. 284, 291 (1984).

6 "Delivery" is defined by N.C. Gen. Stat. § 90-87(7) as the actual, constructive, or attempted transfer from one person to another of a controlled substance.

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 trafficking in (*name controlled substance*)."

DRUG TRAFFICKING—TRANSPORTATION (MARIJUANA, METHAQUALONE, COCAINE, AMPHETAMINE, METHAMPHETAMINE, OPIUM, OPIATE, OPIOID OR HEROIN, LYSERGIC ACID DIETHYLAMIDE, METHYLENEDIOXYAMPHETAMINE, METHYLENEDIOXYMETHAMPHETAMINE, SUBSTITUTED CATHINONES, OR SYNTHETIC CANNABINOID). FELONY.

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260.30 DRUG TRAFFICKING—TRANSPORTATION (MARIJUANA, METHAQUALONE, COCAINE, AMPHETAMINE, METHAMPHETAMINE, OPIUM, OPIATE, OPIOID OR HEROIN, LYSERGIC ACID DIETHYLAMIDE, METHYLENEDIOXYAMPHETAMINE, METHYLENEDIOXYMETHAMPHETAMINE, SUBSTITUTED CATHINONES, OR SYNTHETIC CANNABINOID). FELONY.

The defendant has been charged with trafficking in [marijuana]¹ [methaqualone] [cocaine] [[amphetamine] [any mixture containing amphetamine]]² [[methamphetamine] [any mixture containing methamphetamine]]³ [opium] [opiate] [opiod] [heroin] [lysergic acid diethylamide (LSD)] [methylemedioxyamphetamine (MDA)] [methylenedioxyamphetamine (MDMA)] [any substituted cathinones]⁴ [synthetic cannabinoid], which is the unlawful transportation of (*state amount*)⁵ 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 knowingly⁶ transported [marijuana] [methaqualone] [cocaine] [[amphetamine] [any mixture containing amphetamine]] [[methamphetamine] [any mixture containing methamphetamine]] [opium] [opiate] [opiod] [heroin] [LSD] [MDA] [MDMA] [any substituted cathinones] [synthetic cannabinoid] from one place to another.⁷

And Second, that the amount of (*name controlled substance*) which the defendant transported was (*state amount*).^{8 9}

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant knowingly transported (*name controlled*

DRUG TRAFFICKING—TRANSPORTATION (MARIJUANA, METHAQUALONE, COCAINE, AMPHETAMINE, METHAMPHETAMINE, OPIUM, OPIATE, OPIOID OR HEROIN, LYSERGIC ACID DIETHYLAMIDE, METHYLENEDIOXYAMPHETAMINE, METHYLENEDIOXYMETHAMPHETAMINE, SUBSTITUTED CATHINONES, OR SYNTHETIC CANNABINOID). FELONY.

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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.¹⁰

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 "Substituted cathinone" is defined by N.C. Gen. Stat. § 90-89(5)(j) as "a compound, other than bupropion, that is structurally derived from 2-amino-1-phenyl-1-propanone by modification in any of the following ways: (i) by substitution in the phenyl ring to any extent with alkyl, alkoxy, alkylendioxy, haloalkyl, or halide substituents, whether or not further substituted in the phenyl ring by one or more other univalent substituents; (ii) by substitution at the 3-position to any extent; or (iii) by substitution at the nitrogen atom with alkyl, dialkyl, benzyl, or methoxybenzyl groups or by inclusion of the nitrogen atom in a cyclic structure."

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.

6 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).

7 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).

DRUG TRAFFICKING—TRANSPORTATION (MARIJUANA, METHAQUALONE, COCAINE, AMPHETAMINE, METHAMPHETAMINE, OPIUM, OPIATE, OPIOID OR HEROIN, LYSERGIC ACID DIETHYLAMIDE, METHYLENEDIOXYAMPHETAMINE, METHYLENEDIOXYMETHAMPHETAMINE, SUBSTITUTED CATHINONES, OR SYNTHETIC CANNABINOID). FELONY.

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8 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).

9 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 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.)

10 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*)."

260.81 FELONIOUSLY [DIVERTING] [EMBEZZLING] A CONTROLLED
SUBSTANCE (PRACTITIONER, REGISTRANT, OR EMPLOYEE). FELONY.

NOTE WELL: If the defendant allegedly embezzled by dilution or substitution, use N.C.P.I.—Crim. 260.82. If the defendant allegedly embezzled by virtue of occupation, use N.C.P.I.—Crim. 260.83. If the defendant allegedly embezzled by virtue of occupation by dilution or substitution, use N.C.P.I.—Crim. 260.84.

The defendant has been charged with feloniously [diverting] [embezzling] [misapplying] (*name substance*), a controlled substance, in the defendant's capacity as a [practitioner] [registrant] [employee of [practitioner] [registrant]].

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 [licensed (*describe type of practitioner, e.g., physician, dentist*)] [a registered (*describe type of registrant, e.g., scientific investigator*)] [employee of (*describe type of practitioner or registrant*)].

Second, that the defendant [was authorized to possess] [had access to] controlled substances by virtue of the defendant's employment and the (*name substance*) [had come into defendant's possession] [was under defendant's care].

And Third that defendant:

NOTE WELL: Submit the case to the jury under each of the following alternatives ((a), (b), (c), (d), (e), (f)) supported by the evidence.

- a. [Embezzled¹ (*name substance*) for [defendant's own use] [unauthorized use] [illegal use]].
- b. [Fraudulently [misapplied] [diverted] (*name substance*) for [defendant's own use] [unauthorized use] [illegal use]].
- c. [Knowingly and willfully [misapplied] [diverted] (*name substance*) for [defendant's own use] [unauthorized use] [illegal use]].
- d. [[Took] [made away with] [secreted] (*name substance*) with intent² to embezzle (*name substance*) for [defendant's own use] [unauthorized use] [illegal use]].
- e. [[Took] [made away with] [secreted] (*name substance*) with intent² to fraudulently [misapply] [divert] (*name substance*) for [defendant's own use] [unauthorized use] [illegal use]].
- f. [[Took] [made away with] [secreted] (*name substance*) with intent² to knowingly and willfully [misapply] [divert] (*name substance*) for [defendant's own use] [unauthorized use] [illegal use]].

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant was a [licensed (*describe type of practitioner*)] [a registered (*describe type of registrant*)] [employee of (*describe type of practitioner or registrant*)], and that the defendant [was authorized to possess] [had access to] controlled substances by virtue of the defendant's employment and (*name substance*) [had come into defendant's possession] [was under defendant's care], and that defendant:

- a. [Embezzled (*name substance*) for [defendant's own use] [unauthorized use] [illegal use]];

- b. [Fraudulently [misapplied] [diverted] (*name substance*) for [defendant's own use] [unauthorized use] [illegal use]];
- c. [Knowingly and willfully [misapplied] [diverted] (*name substance*) for [defendant's own use] [unauthorized use] [illegal use]];
- d. [[Took] [made away with] [secreted] (*name substance*) with intent to embezzle (*name substance*) for [defendant's own use] [unauthorized use] [illegal use]];
- e. [[Took] [made away with] [secreted] (*name substance*) with intent to fraudulently [misapply] [divert] (*name substance*) for [defendant's own use] [unauthorized use] [illegal use]];
- f. [[Took] [made away with] [secreted] (*name substance*) with intent to knowingly and willfully [misapply] [divert] (*name substance*) for [defendant's own use] [unauthorized use] [illegal use]],

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 Embezzlement is the fraudulent taking of personal property with which one has been entrusted. *Black's Law Dictionary* (8th ed. 2004).

2 For a definition of intent see N.C.P.I.—Crim. 120.10.

260.82 FELONIOUSLY [DIVERTING] [EMBEZZLING] A CONTROLLED SUBSTANCE BY [DILUTION] (OR) [SUBSTITUTION] (PRACTITIONER, REGISTRANT, OR EMPLOYEE)¹. FELONY.

NOTE WELL: If the defendant allegedly embezzled without dilution or substitution, use N.C.P.I.—Crim. 260.81. If the defendant allegedly embezzled by virtue of occupation, use N.C.P.I.—Crim. 260.83. If the defendant allegedly embezzled by virtue of occupation by dilution or substitution, use N.C.P.I.—Crim. 260.84.

The defendant has been charged with feloniously [diverting] [embezzling] [misapplying] (*name substance*), a controlled substance, in the defendant's capacity as a [practitioner] [registrant] [employee of [practitioner] [registrant]], by [dilution] (or) [substitution] [dilution and substitution].

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

First, that the defendant was a [licensed (*describe type of practitioner, e.g., physician, dentist*)] [a registered (*describe type of registrant, e.g., scientific investigator*)] [employee of (*describe type of practitioner or registrant*)].

Second, that the defendant [was authorized to possess] [had access to] controlled substances by virtue of the defendant's employment and the (*name substance*) [had come into defendant's possession] [was under defendant's care].

Third that defendant:

NOTE WELL: Submit the case to the jury under each of the following alternatives ((a), (b), (c), (d), (e), (f)) supported by the evidence.

- a. [Embezzled (*name substance*) for [defendant's own use]
[unauthorized use] [illegal use]].
- b. [Fraudulently [misapplied] [diverted] (*name substance*) for
[defendant's own use] [unauthorized use] [illegal use]].
- c. [Knowingly and willfully [misapplied] [diverted] (*name substance*)
for [defendant's own use] [unauthorized use] [illegal use]].
- d. [[Took] [made away with] [secreted] (*name substance*) with intent²
to embezzle (*name substance*) for [defendant's own use]
[unauthorized use] [illegal use]].
- e. [[Took] [made away with] [secreted] (*name substance*) with intent
to fraudulently [misapply] [divert] (*name substance*) for
[defendant's own use] [unauthorized use] [illegal use]].
- f. [[Took] [made away with] [secreted] (*name substance*) with intent
to knowingly and willfully [misapply] [divert] (*name substance*) for
[defendant's own use] [unauthorized use] [illegal use]].

And Fourth, that defendant did so by means of [dilution]³ (or)
[substitution]⁴.

If you find from the evidence beyond a reasonable doubt that on or
about the alleged date, the defendant was a [licensed (*describe type of
practitioner, e.g., physician, dentist*)] [a registered (*describe type of
registrant, e.g., scientific investigator*)] [employee of (*describe type of
practitioner or registrant*)], and that the defendant [was authorized to
possess] [had access to] controlled substances by virtue of the defendant's
employment and (*name substance*) [had come into defendant's possession]
[was under defendant's care], that defendant:

- a. [Embezzled (*name substance*) for [defendant's own use] [unauthorized use] [illegal use]];
- b. [Fraudulently [misapplied] [diverted] (*name substance*) for [defendant's own use] [unauthorized use] [illegal use]];
- c. [Knowingly and willfully [misapplied] [diverted] (*name substance*) for [defendant's own use] [unauthorized use] [illegal use]];
- d. [[Took] [made away with] [secreted] (*name substance*) with intent to embezzle (*name substance*) for [defendant's own use] [unauthorized use] [illegal use]]];
- e. [[Took] [made away with] [secreted] (*name substance*) with intent to fraudulently [misapply] [divert] (*name substance*) for [defendant's own use] [unauthorized use] [illegal use]]];
- f. [[Took] [made away with] [secreted] (*name substance*) with intent to knowingly and willfully [misapply] [divert] (*name substance*) for [defendant's own use] [unauthorized use] [illegal use]],

and that defendant did so by means of [dilution] (or) [substitution], 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 Embezzlement is the fraudulent taking of personal property with which one has been entrusted. *Black's Law Dictionary* (8th ed. 2004).

2 For a definition of intent see N.C.P.I.—Crim. 120.10.

3 N.C. Gen. Stat. § 90-108(b)(3) defines "dilution" as "the act of diluting or the state of being diluted; the act of reducing the concentration of a mixture or solution."

4 N.C. Gen. Stat. § 90-108(b)(3) defines "substitution" as "to take the place of or replace."

260.83 FELONIOUSLY [DIVERTING] [EMBEZZLING] A CONTROLLED SUBSTANCE (BY VIRTUE OF OCCUPATION). FELONY.

NOTE WELL: If the defendant allegedly embezzled by dilution or substitution, use N.C.P.I.—Crim. 260.84. If the defendant was a licensed registrant, or practitioner, or employee of a licensed registrant or practitioner, use N.C.P.I.—Crim. 260.81. If the defendant was a licensed registrant, or practitioner, or employee of a licensed registrant or practitioner, and allegedly embezzled by dilution or substitution, use N.C.P.I.—Crim. 260.82.

The defendant has been charged with feloniously [diverting] [embezzling] [misapplying] (*name substance*), a controlled substance, by virtue of defendant's occupation.

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

First, that by virtue of occupation or profession, defendant administered or provided [medical care] [aid] [emergency treatment] (or any combination thereof).

Second, that the defendant administered or provided this [medical care] [aid] [emergency treatment] (or any combination thereof) to a person who was prescribed a controlled substance.

Third that the defendant:

NOTE WELL: Submit the case to the jury under each of the following alternatives ((a), (b), (c), (d), (e), (f)) supported by the evidence.

- a. [Embezzled¹ (*name substance*) for [defendant's own use] [unauthorized use] [illegal use]].

-
- b. [Fraudulently [misapplied] [diverted] (*name substance*) for [defendant's own use] [unauthorized use] [illegal use]].
 - c. [Knowingly and willfully [misapplied] [diverted] (*name substance*) for [defendant's own use] [unauthorized use] [illegal use]].
 - d. [[Took] [made away with] [secreted] (*name substance*) with intent² to embezzle (*name substance*) for [defendant's own use] [unauthorized use] [illegal use]].
 - e. [[Took] [made away with] [secreted] (*name substance*) with intent to fraudulently [misapply] [divert] (*name substance*) for [defendant's own use] [unauthorized use] [illegal use]].
 - f. [[Took] [made away with] [secreted] (*name substance*) with intent to knowingly and willfully [misapply] [divert] (*name substance*) for [defendant's own use] [unauthorized use] [illegal use]].

And Fourth, that (*name substance*) was prescribed to another.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant by virtue of occupation or profession administered or provided [medical care] [aid] [emergency treatment] (or any combination thereof), that defendant administered or provided [medical care] [aid] [emergency treatment] [or any combination thereof] to a person who was prescribed a controlled substance, that defendant

- a. [Embezzled (*name substance*) for [defendant's own use] [unauthorized use] [illegal use]],
- b. [Fraudulently [misapplied] [diverted] (*name substance*) for [defendant's own use] [unauthorized use] [illegal use]],
- c. [Knowingly and willfully [misapplied] [diverted] (*name substance*) for [defendant's own use] [unauthorized use] [illegal use]],

- d. [[Took] [made away with] [secreted] (*name substance*) with intent to embezzle (*name substance*) for [defendant's own use] [unauthorized use] [illegal use]],
- e. [[Took] [made away with] [secreted] (*name substance*) with intent to fraudulently [misapply] [divert] (*name substance*) for [defendant's own use] [unauthorized use] [illegal use]],
- f. [[Took] [made away with] [secreted] (*name substance*) with intent to knowingly and willfully [misapply] [divert] (*name substance*) for [defendant's own use] [unauthorized use] [illegal use]],

and that (*name substance*) was prescribed to another, 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 Embezzlement is the fraudulent taking of personal property with which one has been entrusted. *Black's Law Dictionary* (8th ed. 2004).

2 For a definition of intent see N.C.P.I.—Crim. 120.10.

260.84 FELONIOUSLY [DIVERTING] [EMBEZZLING] A CONTROLLED
SUBSTANCE BY [DILUTION] (OR) [SUBSTITUTION] (BY VIRTUE OF
OCCUPATION). FELONY.

NOTE WELL: If the defendant allegedly embezzled without dilution or substitution, use N.C.P.I.—Crim. 260.83. If the defendant was a licensed registrant, or practitioner, or employee of a licensed registrant or practitioner, use N.C.P.I.—Crim. 260.81. If the defendant was a licensed registrant, or practitioner, or employee of a licensed registrant or practitioner, and allegedly embezzled by dilution or substitution, use N.C.P.I.—Crim. 260.82.

The defendant has been charged with feloniously [diverting] [embezzling] [misapplying] (*name substance*), a controlled substance, by virtue of defendant's occupation, by [dilution] (or) [substitution].

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

First, that by virtue of occupation or profession defendant administered or provided [medical care] [aid] [emergency treatment] (or any combination thereof).

Second, that defendant administered or provided this [medical care] [aid] [emergency treatment] (or any combination thereof) to a person who was prescribed a controlled substance.

Third, that defendant:

NOTE WELL: Submit the case to the jury under each of the following alternatives ((a), (b), (c), (d), (e), (f)) supported by the evidence.

-
- a. [Embezzled¹ (*name substance*) for [defendant's own use]
[unauthorized use] [illegal use]].
 - b. [Fraudulently [misapplied] [diverted] (*name substance*) for
[defendant's own use] [unauthorized use] [illegal use]].
 - c. [Knowingly and willfully [misapplied] [diverted] (*name substance*)
for [defendant's own use] [unauthorized use] [illegal use]].
 - d. [[Took] [made away with] [secreted] (*name substance*) with intent²
to embezzle (*name substance*) for [defendant's own use]
[unauthorized use] [illegal use]].
 - e. [[Took] [made away with] [secreted] (*name substance*) with intent
to fraudulently [misapply] [divert] (*name substance*) for
[defendant's own use] [unauthorized use] [illegal use]].
 - f. [[Took] [made away with] [secreted] (*name substance*) with intent
to knowingly and willfully [misapply] [divert] (*name substance*) for
[defendant's own use] [unauthorized use] [illegal use]].

Fourth, that defendant did so by means of [dilution]³ (or)
[substitution]⁴.

And Fifth, that (*name substance*) was prescribed to another.

If you find from the evidence beyond a reasonable doubt that on or
about the alleged date, the defendant by virtue of occupation or profession
administered or provided [medical care] [aid] [emergency treatment] (or any
combination thereof), that defendant administered or provided [medical care]
[aid] [emergency treatment] [or any combination thereof] to a person who
was prescribed a controlled substance, that defendant

- a. [Embezzled (*name substance*) for [defendant's own use]
[unauthorized use] [illegal use]],

- b. [Fraudulently [misapplied] [diverted] (*name substance*) for
[defendant's own use] [unauthorized use] [illegal use]],
- c. [Knowingly and willfully [misapplied] [diverted] (*name substance*)
for [defendant's own use] [unauthorized use] [illegal use]],
- d. [[Took] [made away with] [secreted] (*name substance*) with intent
to embezzle (*name substance*) for [defendant's own use]
[unauthorized use] [illegal use]],
- e. [[Took] [made away with] [secreted] (*name substance*) with intent
to fraudulently [misapply] [divert] (*name substance*) for
[defendant's own use] [unauthorized use] [illegal use]],
- f. [[Took] [made away with] [secreted] (*name substance*) with intent
to knowingly and willfully [misapply] [divert] (*name substance*) for
[defendant's own use] [unauthorized use] [illegal use]],

that defendant did so by means of [dilution] (or) [substitution], and that
(*name substance*) was prescribed to another, 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 Embezzlement is the fraudulent taking of personal property with which one has
been entrusted. *Black's Law Dictionary* (8th ed. 2004).

2 For a definition of intent see N.C.P.I.—Crim. 120.10.

3 N.C. Gen. Stat. § 90-108(b)(3) defines "dilution" as "the act of diluting or the state
of being diluted; the act of reducing the concentration of a mixture or solution.

4 N.C. Gen. Stat. § 90-108(b)(3) defines "substitution" as "to take the place of or
replace."

260.85 FELONIOUS USE OF CONTROLLED SUBSTANCES REPORTING
SYSTEM–UNAUTHORIZED [DISCLOSURE] [DISSEMINATION]. FELONY.

The defendant has been charged with feloniously using the controlled substances reporting system to knowingly and intentionally disclose or disseminate prescription information for an unauthorized purpose.

For you to find the defendant guilty of intentionally disclosing or disseminating information from the controlled substances reporting system for an unauthorized purpose, the State must prove three things beyond a reasonable doubt.

First, that the defendant was authorized to access data in the controlled substances reporting system.¹

Second, that defendant knowingly and intentionally disclosed or disseminated prescription information.

And Third, that defendant disclosed or disseminated this information for an unauthorized purpose.² (*Describe activity*) would be an unauthorized purpose.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant was authorized to access the data in the controlled substances reporting system, and that the defendant knowingly and intentionally disclosed or disseminated prescription information for an unauthorized purpose, 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.

1 See N.C. Gen. Stat. § 90-113.74(c) for a list of persons authorized to access the controlled substances reporting system and the scope of their authorization.

2 Access of data in the controlled substances reporting system is authorized for those purposes enumerated in N.C. Gen. Stat. § 90-113.74(c).

260.86 FELONIOUS USE OF CONTROLLED SUBSTANCES REPORTING
SYSTEM—[COMMERCIAL ADVANTAGE] [PERSONAL GAIN] [MALICIOUSLY
HARM]. FELONY.

The defendant has been charged with feloniously using the controlled substances reporting system for [commercial advantage] [personal gain] (or to) [maliciously harm another person].

For you to find the defendant guilty of willfully and maliciously [obtaining] [disclosing] [disseminating] prescription information for an unauthorized purpose with an intent to [use information for commercial advantage] [use information for personal gain] (or to) [maliciously harm another person], the State must prove three things beyond a reasonable doubt.

First, that the defendant was authorized to access data in the controlled substances reporting system.¹

Second, that the defendant willfully and maliciously [obtained] [disclosed] [disseminated] prescription information for an unauthorized purpose.² (*Describe activity*) would be an unauthorized purpose.

And Third, that the defendant intended to use such information [for commercial advantage] [for a personal gain] (or to) [to maliciously harm another person].

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant was authorized to access the data in the controlled substances reporting system, and that the defendant willfully and maliciously [obtained] [disclosed] [disseminated] prescription information for an unauthorized purpose with the intent to use such information [for

commercial advantage] [for personal gain] [to maliciously harm another person], 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.

1 See N.C. Gen. Stat. § 90-113.74(c) for a list of persons authorized to access the controlled substances reporting system and the scope of their authorization.

2 Access of data in the controlled substances reporting system is authorized for those purposes enumerated in N.C. Gen. Stat. § 90-113.74(c).

260.87 FELONIOUS USE OF CONTROLLED SUBSTANCES REPORTING
SYSTEM FOR AN UNAUTHORIZED PURPOSE. FELONY.

The defendant has been charged with feloniously using the controlled substances reporting system for an unauthorized purpose.

For you to find the defendant guilty of using the controlled substances reporting system for an unauthorized purpose, the State must prove three things beyond a reasonable doubt.

First, that the defendant was authorized to access data in the controlled substances reporting system.¹

Second, that defendant knowingly and intentionally accessed prescription information in the reporting system.

And Third, that defendant accessed this information for an unauthorized purpose.² (*Describe activity*) would be an unauthorized purpose.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant was authorized to access the data in the controlled substances reporting system, and that the defendant knowingly and intentionally accessed this information for an unauthorized purpose, 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.

¹ See N.C. Gen. Stat. § 90-113.74(c) for a list of persons authorized to access the controlled substances reporting system and the scope of their authorization.

² Access of data in the controlled substances reporting system is authorized for those purposes enumerated in N.C. Gen. Stat. § 90-113.74(c).

270.90 FAILURE TO MAINTAIN LANE CONTROL.

NOTE WELL: This instruction is meant to serve as a model of NC Gen. Stat. § 20-146, offenses for failure to drive on the right side of the highway. For offenses other than failure to maintain lane control this instruction will need to be adapted for the offense charged.

The defendant has been charged with failure to maintain lane control.

For you to find the defendant responsible for this infraction, the State must prove four things beyond a reasonable doubt:

First, that the defendant was the driver of a vehicle on a street or highway.

Second, that the defendant was traveling on a street or highway that had been divided into two or more clearly marked lanes for traffic.

Third, that the defendant failed to drive as nearly as practicable entirely within a single lane of travel.

And Fourth, that before leaving the defendant's lane of travel, the defendant failed to ascertain that such a movement could be made in safety.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant was the driver of a vehicle on a street or highway, that the street or highway had been divided into two or more clearly marked lanes for traffic, that the defendant failed to drive as nearly as practicable entirely within a single lane of travel, and that before leaving the defendant's lane of travel the defendant failed to ascertain that such a movement could be made in safety, it would be your responsibility to return a verdict of responsible. 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 responsible.

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FAILURE TO MAINTAIN LANE CONTROL. INFRACTION.

GENERAL CRIMINAL VOLUME

JUNE 2019

N.C. Gen. Stat. § 20-146(d)(1)

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N.C.P.I.—Criminal 271.91

LIABILITY INSURANCE FOR MOTOR VEHICLES. MISDEMEANOR.

GENERAL CRIMINAL VOLUME

JUNE 2019

N.C. Gen. Stat. §§ 20-279.21, 20-308, 20-309

271.91 LIABILITY INSURANCE FOR MOTOR VEHICLES. MISDEMEANOR.

This instruction has been deleted. See N.C. Gen. Stat. § 20-311 regarding civil penalties associated with the failure to maintain the financial responsibility required under Article 13 of Chapter 20 of the North Carolina General Statutes.

271.92 OPERATION OF MOTOR VEHICLES WITHOUT FINANCIAL
RESPONSIBILITY. MISDEMEANOR.

The defendant has been charged with failing to have financial responsibility while [operating (a) motor vehicle] [permitting the operation of a motor vehicle in this State].

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 the owner of a motor vehicle;

Second, that the defendant registered¹ this motor vehicle with the North Carolina Division of Motor Vehicles;

And Third, that the defendant [operated this motor vehicle] [permitted this motor vehicle to be operated] in North Carolina at a time when the defendant did not have in place the financial responsibility, that is liability insurance in the amount of (*insert amount*) as required by North Carolina law.²

(If you find from the evidence that the owner of a motor vehicle registered or required to be registered in this State [operated this vehicle] [permitted this motor vehicle to be operated] in North Carolina, and if records from the Division of Motor Vehicles indicate that the owner did not have the required financial responsibility, you may, but are not compelled to, find that the owner [operated] [permitted the operation of] a motor vehicle without the required financial responsibility).³

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant was the owner of a motor vehicle, that the defendant registered this motor vehicle with the North Carolina Division

of Motor Vehicles, that the defendant [operated this motor vehicle] [permitted this motor vehicle to be operated] in North Carolina at a time when the defendant did not have in place the financial responsibility, that is liability insurance in the amount of (*insert amount*) as required by North Carolina law, 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. 20-313(a) also applies to an owner of a motor vehicle required to be registered in this State, even though it is not registered. For a full list of requirements for vehicle registration in North Carolina, please see:

<http://www.dmv.com/nc/north-carolina/vehicle-registration>.

2 N.C. Gen. Stat. § 20-309 (a).

3 N.C. Gen. Stat. § 20-313(b).

272.80 KNOWINGLY MAKING A FALSE STATEMENT IN AN APPLICATION FOR
REISSUANCE OF A SPECIAL OCCASION PERMIT. MISDEMEANOR.

The defendant has been charged with knowingly making a false statement in an application for a permit reissuance.

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

First, that the defendant made a false statement in an application for a permit reissuance.

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 made a false statement in an application for a permit reissuance, and that the defendant did so knowingly, 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.

308.10 SELF-DEFENSE, RETREAT—INCLUDING HOMICIDE (TO BE USED FOLLOWING THE SELF-DEFENSE INSTRUCTIONS WHERE RETREAT IS IN ISSUE).

NOTE WELL: This instruction is to be used if the evidence shows that the defendant was at a place where the defendant had a lawful right to be, including the defendant's own home¹ or premises, the defendant's place of residence, the defendant's workplace, or in the defendant's motor vehicle, when the assault on the defendant occurred.²

If the defendant was not the aggressor³ and the defendant was [in the defendant's own home]⁴ [on the defendant's own premises] [in the defendant's place of residence] [at the defendant's workplace]⁵ [in the defendant's motor vehicle]⁶ [at a place the defendant had a lawful right to be], the defendant could stand the defendant's ground and repel force with force regardless of the character of the assault being made upon the defendant. However, the defendant would not be excused if the defendant used excessive force.

¹ N.C. Gen. Stat. § 14-51.2 (a) (1) states that a home is a "building or conveyance of any kind, to include its curtilage, whether the building or conveyance is temporary or permanent, mobile or immobile, which has a roof over it, including a tent, and is designed as a temporary or permanent residence." Curtilage is the area "immediately surrounding and associated with the home," which may include "the yard around the dwelling house as well as the area occupied by barns, cribs, and other outbuildings." *State v. Grice*, 367 N.C. 753, 759 (2015) (citations and quotations omitted) (defining curtilage in a Fourth Amendment case).

² "[W]herever an individual is lawfully located—whether it is his home, motor vehicle, workplace, or any other place where he has the lawful right to be—the individual may stand his ground and defend himself from attack when he reasonably believes such force is necessary to prevent imminent death or great bodily harm to himself or another." *State v. Bass*, ___ N.C. ___, 819 S.E.2d 322, 326

(2018). “[A] defendant entitled to any self-defense instruction is entitled to a complete self-defense instruction, which includes the relevant stand-your-ground provision.” Id.

3 See State v. Holloman, 369 N.C. 615 (2017), reversing, 247 N.C. App. 434 (2016). The Supreme Court in Holloman explained that G.S. 14-51.4(2)(a), allowing an aggressor to regain the right to utilize defensive force under certain circumstances, does not apply where the aggressor initially uses deadly force against the person provoked. Accordingly, the trial court did not err by instructing that a defendant who was the aggressor using deadly force had forfeited the right to use deadly force and that a person who displays a firearm to his opponent with the intent to use deadly force against him or her and provokes the use of deadly force in response is an aggressor.

4 See State v. Pearson, 288 N.C. 34 (1975); State v. Kelly, 24 N.C. App. 673 (1975).

5 N.C. Gen. Stat. § 14-51.2 (a) (4) states that a workplace is a “building or conveyance of any kind, whether the building or conveyance is temporary or permanent, mobile or immobile, which has a roof over it, including a tent, which is being used for commercial purposes.”

6 N.C. Gen. Stat. § 14-51.2 (a) (3); which incorporates N.C. Gen. Stat. § 20-4.01 (23), defines “motor vehicle” as “Every vehicle which is self-propelled and every vehicle designed to run upon the highways which is pulled by a self-propelled vehicle. This shall not include mopeds as defined in N.C. Gen. Stat. § 20-4.01(27)d1.”

308.40 SELF-DEFENSE—ASSAULTS NOT INVOLVING DEADLY FORCE.

NOTE WELL: Use only with N.C.P.I.—Crim. 208.40, 208.40A, 208.70, 208.70A, 208.75, and 208.60 when no evidence of 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.

If the State has satisfied you beyond a reasonable doubt that the defendant assaulted the victim 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-defense.

Even if you find beyond a reasonable doubt that the defendant assaulted the victim, the assault would be justified by self-defense under the following circumstances:

- (1) If the circumstances, at the time the defendant acted, would cause a person of ordinary firmness to reasonably believe that such action was necessary or apparently necessary to protect that person from bodily injury or offensive physical contact, and

- (2) The circumstances created such belief in the defendant's mind. You determine the reasonableness of the defendant's belief from the circumstances appearing to the defendant at the time.²

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]⁴ [own premises] [place of residence] [workplace]⁵ [motor vehicle]⁶.)

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].⁷

Additionally, even if the defendant believed there was a right to use force, the amount of force would be limited to reasonable force- not excessive force. The right to use force extends only to such force reasonably appearing to the defendant under the circumstances, necessary to protect the defendant from bodily injury or offensive physical contact. In so determining, you should consider the circumstances you find to have existed from the evidence. You should consider (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), (the reputation, if any, of the victim for danger and violence) (and) (*describe other circumstances supported by the evidence*). Again, you 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 the aggressor.⁸ 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 the 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.⁹⁾

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: 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

Even if you are satisfied beyond a reasonable doubt that the defendant committed (*name offense*) you may return a verdict of guilty only if the State has also satisfied you beyond a reasonable doubt that the defendant did not act in self-defense. Therefore, if the defendant did not reasonably believe that the defendant's action was necessary or appeared to be necessary to protect the defendant from bodily injury or offensive physical contact, or the

defendant used excessive force, or the defendant was the aggressor, the defendant's acts would not be excused or justified in defense of the defendant.

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.

1 Deadly force is force likely to cause death or great bodily harm. *S. v. Clay*, 297 N.C. 555, 563 (1979). For any assault involving deadly force, use N.C.P.I.—Crim. 308.45 to charge on self-defense. Such assaults include all felonious assaults, misdemeanor assaults such as assault with a deadly weapon, assault by pointing a gun, and may include assault inflicting serious injury.

2 In self-defense, action need only be apparently necessary, not actually. *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. § 14-51.2 (a) (1) states that a home is a "building or conveyance of any kind, to include its curtilage, whether the building or conveyance is temporary or permanent, mobile or immobile, which has a roof over it, including a tent, and is designed as a temporary or permanent residence." Curtilage is the area "immediately surrounding and associated with the home," which may include "the yard around the dwelling house as well as the area occupied by barns, cribs, and other outbuildings." *State v. Grice*, 367 N.C. 753, 759 (2015) (citations and quotations omitted) (defining curtilage in a Fourth Amendment case).

5 N.C. Gen. Stat. § 14-51.2 (a) (4) states that a workplace is a "building or conveyance of any kind, whether the building or conveyance is temporary or permanent, mobile or immobile, which has a roof over it, including a tent, which is being used for commercial purposes."

6 N.C. Gen. Stat. § 14-51.2 (a) (3); which incorporates N.C. Gen. Stat. § 20-4.01 (23), defines "motor vehicle" as "Every vehicle which is self-propelled and every vehicle designed to run upon the highways which is pulled by a self-propelled vehicle. This shall not include mopeds as defined in N.C. Gen. Stat. § 20-4.01(27)d1."

7 "[W]herever an individual is lawfully located—whether it is his home, motor vehicle, workplace, or any other place where he has the lawful right to be—the individual may stand his ground and defend himself from attack when he reasonably believes such force is necessary to prevent imminent death or great bodily harm to himself or another." *State v. Bass*, __ N.C. __, 819 S.E.2d 322, 326 (2018). "[A] defendant entitled to *any* self-defense instruction is entitled to a *complete* self-defense instruction, which includes the relevant stand-your-ground provision." *Id.*

8 N.C. Gen. Stat. § 14-51.4(2). 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.”

9 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.

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.

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-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]⁴ [own premises] [place of residence] [workplace]⁵ [motor vehicle]⁶.)

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 the aggressor.⁷ 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.⁸⁾

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.

See State v. Holloman, 369 N.C. 615 (2017), reversing, 247 N.C. App. 434, 786 S.E.2d 328 (2016). The Supreme Court in Holloman explained that G.S. 14-51.4(2)(a), allowing an aggressor to regain the right to utilize defensive force under certain circumstances, does not apply where the aggressor initially uses deadly force against the person provoked. Accordingly, the trial court did not err by instructing that a defendant who was the aggressor using deadly force had forfeited the right to use deadly force and that a person who displays a firearm to his opponent with the intent to use deadly force against him or her and provokes the use of deadly force in response is an 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).

(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*),⁹ 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 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*),¹⁰ 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; “[W]herever an individual is lawfully located—whether it is his home, motor vehicle, workplace, or any other place where he has the lawful right to be—the individual may stand his ground and defend himself from attack when he reasonably believes such force is necessary to prevent imminent death or great bodily harm to himself or another.” *State v. Bass*, ___ N.C. ___, 819 S.E.2d 322, 326 (2018). “[A] defendant entitled to *any* self-defense instruction is entitled to a *complete* self-defense instruction, which includes the relevant stand-your-ground provision.” *Id.***

4 N.C. Gen. Stat. § 14-51.2 (a) (1) states that a home is a “building or conveyance of any kind, to include its curtilage, whether the building or conveyance is temporary or

permanent, mobile or immobile, which has a roof over it, including a tent, and is designed as a temporary or permanent residence.” Curtilage is the area “immediately surrounding and associated with the home,” which may include “the yard around the dwelling house as well as the area occupied by barns, cribs, and other outbuildings.” *State v. Grice*, 367 N.C. 753, 759 (2015) (citations and quotations omitted) (defining curtilage in a Fourth Amendment case).

5 N.C. Gen. Stat. § 14-51.2 (a) (4) states that a workplace is a “building or conveyance of any kind, whether the building or conveyance is temporary or permanent, mobile or immobile, which has a roof over it, including a tent, which is being used for commercial purposes.”

6 N.C. Gen. Stat. § 14-51.2 (a) (3); which incorporates N.C. Gen. Stat. § 20-4.01 (23), defines “motor vehicle” as “Every vehicle which is self-propelled and every vehicle designed to run upon the highways which is pulled by a self-propelled vehicle. This shall not include mopeds as defined in N.C. Gen. Stat. § 20-4.01(27)d1.”

7 See *State v. Juarez*, 794 S.E.2d 293,299 (N.C. 2016) (holding when there is no evidence that a defendant was the initial aggressor, it is reversible error for the trial court to instruct on the aggressor doctrine, and concluding that it was unnecessary to decide whether an instruction on the aggressor doctrine was improper because the defendant failed to show that the alleged error was so fundamentally prejudicial as to constitute plain error.)

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.”

8 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.

9 Name all offenses that involve the use of deadly force.

10 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.

308.45A SELF-DEFENSE EXAMPLE WITH 208.10—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: This example instruction combines the assault instruction with the self-defense 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.

The defendant has been charged with assault with a deadly weapon with intent to kill inflicting serious injury.

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

First, that the defendant assaulted the victim by intentionally² (and without justification or excuse)³ (*describe assault*).

Second, that the defendant used a deadly weapon. A deadly weapon is a weapon which is likely to cause death or serious bodily injury. [(Name object) is a deadly weapon]. [In determining whether (*name object*) was a deadly weapon, you should consider the nature of (*name object*), the manner

in which it was used, and the size and strength of the defendant as compared to the victim.]⁴

Third, the State must prove that the defendant had the specific intent to kill the victim.

And Fourth, that the defendant inflicted serious injury.⁵

If the State has satisfied you beyond a reasonable doubt that the defendant assaulted the victim with a deadly weapon with intent to cause death or serious bodily injury, 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-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.⁶ 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.⁷ (The defendant would have a lawful right to be in the defendant's [home]⁸ [own premises] [place of residence] [workplace]⁹ [motor vehicle]¹⁰.)

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 the aggressor.¹¹ 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 the defendant was the aggressor, the defendant is 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.¹²⁾

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 6-7. If the weapon is not a deadly weapon per se, give the following paragraph and the paragraph on p. 6-7. State v. Clay, 297 N.C. 555, 566 (1979).

(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.)

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant intentionally (*describe assault*) the victim with a (*name object*) (and that (*name weapon*) was a deadly weapon)¹³ and that the defendant intended to kill the victim and did seriously injure *him*, 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.¹⁴

*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*),¹⁵ 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 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.

NOTE WELL: Do not give the following paragraph if the 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*)¹⁶ 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).

2 If a definition of intent is required, see N.C.P.I.—Crim. 120.10.

3 The parenthetical phrase should be used only where there is evidence of justification or excuse, such as self-defense.

4 Use appropriate bracketed statement. 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.

5 Serious injury may be defined as "such physical injury as causes great pain and suffering." See *S. v. Jones*, 258 N.C. 89 (1962), or *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. Davis*, 33 N.C. App. 262 (1977).

6 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).

7 See N.C.P.I.—Crim. 308.10. "[W]herever an individual is lawfully located—whether it is his home, motor vehicle, workplace, or any other place where he has the lawful right to be—the individual may stand his ground and defend himself from attack when he reasonably believes such force is necessary to prevent imminent death or great bodily harm to himself or another." *State v. Bass*, __ N.C. __, 819 S.E.2d 322, 326 (2018). "[A] defendant entitled to *any* self-defense instruction is entitled to a *complete* self-defense instruction, which includes the relevant stand-your-ground provision." *Id.*

8 N.C. Gen. Stat. § 14-51.2 (a) (1) states that a home is a “building or conveyance of any kind, to include its curtilage, whether the building or conveyance is temporary or permanent, mobile or immobile, which has a roof over it, including a tent, and is designed as a temporary or permanent residence.” Curtilage is the area “immediately surrounding and associated with the home,” which may include “the yard around the dwelling house as well as the area occupied by barns, cribs, and other outbuildings.” *State v. Grice*, 367 N.C. 753, 759 (2015) (citations and quotations omitted) (defining curtilage in a Fourth Amendment case).

9 N.C. Gen. Stat. § 14-51.2 (a) (4) states that a workplace is a “building or conveyance of any kind, whether the building or conveyance is temporary or permanent, mobile or immobile, which has a roof over it, including a tent, which is being used for commercial purposes.”

10 N.C. Gen. Stat. § 14-51.2 (a) (3); which incorporates N.C. Gen. Stat. § 20-4.01 (23), defines “motor vehicle” as “Every vehicle which is self-propelled and every vehicle designed to run upon the highways which is pulled by a self-propelled vehicle. This shall not include mopeds as defined in N.C. Gen. Stat. § 20-4.01(27)d1.”

11 N.C. Gen. Stat. § 14-51.4(2). 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.”

12 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.

13 This parenthetical phrase should be used only where the weapon is not deadly *per se*.

14 If there is to be instruction on lesser included offenses, the last phrase should be: “. . . you will not return a verdict of guilty of assault with a deadly weapon with intent to kill inflicting serious injury.” See *State v. Hannah*, 149 N.C. App. 713, 563 S.E.2d 1 (2002) (holding that assault inflicting serious bodily injury pursuant to N.C. Gen. Stat. § 14-32.4 is not a lesser-included offense of assault with a deadly weapon with intent to kill inflicting serious injury).

15 Name all offenses which involve the use of deadly force.

16 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.

308.47 ASSAULT IN LAWFUL DEFENSE OF A [FAMILY MEMBER] [THIRD
PERSON]—(DEFENSE TO ASSAULTS NOT INVOLVING DEADLY FORCE).

NOTE WELL: Use only with N.C.P.I.—Crim. 208.40, 208.40A, 208.70, 208.70A, 208.75, and 208.60 when there is no evidence of deadly force.

*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 defense of a family member or third person 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 defense of a family member or third person as set out below in this instruction. **THE FAILURE TO CHARGE ON ALL OF THESE MATTERS CONSTITUTES REVERSIBLE ERROR.***

NOTE WELL: Defense of a [family member] [third person] is only justified if the [family member] [third person] would have been justified in using self-defense. If this is an issue, modify accordingly.¹

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.

If the defendant assaulted the victim in lawful defense of another person, the defendant's actions would be excused, and the defendant would be not guilty. The State has the burden of proving from the evidence beyond a reasonable doubt that the defendant did not act in the lawful defense of another person.

If from the evidence you find beyond a reasonable doubt that the defendant assaulted the victim and that the circumstances would have created a reasonable belief in the mind of a person of ordinary firmness that the

assault was necessary or apparently necessary to protect a [family member] [third 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, such assault would be justified by defense of a [family member] [third person]. 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.² (The defendant would have a lawful right to be in the defendant's [home]³ [own premises] [place of residence] [workplace]⁴ [motor vehicle]⁵.)

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 may only do in defense of a [family member] [third person] what that other person might do in that person's own defense. Further, a defendant does not have the right to use excessive force. This means that the defendant had the right to use only such force as reasonably appeared to the defendant to be necessary under the circumstances to protect that [family member] [third person] from bodily injury or offensive physical contact. 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 and the [family member] [third person] as compared to the victim), (the fierceness of the assault, if any, upon the [family member] [third person], (whether the victim had a weapon in the victim's possession), (and) (the reputation, if any, of the victim for danger and violence). Again, it is for you, the jury, to determine whether the defendant's

belief was reasonable from the circumstances as they appeared to the defendant at the time.

(Furthermore, defense of a [family member] [third person] is justified only if the [defendant] [family member] [third person] was not the aggressor.⁶ Justification for defensive force is not present if a person voluntarily enters into the fight or, in other words, initially provokes 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 the [defendant] [family member] [third person] was the aggressor, the defendant is justified in using defensive force only if the [defendant] [family member] [third person] thereafter attempted to abandon the fight and gave notice to the opponent that the [defendant] [family member] [third person] 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.⁷)

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: Add the following to the final mandate:

Although you are satisfied beyond a reasonable doubt that the defendant assaulted the victim, you may return a verdict of guilty only if the State has satisfied to you beyond a reasonable doubt that the defendant did not act in the lawful defense of a [family member] [third person]; that is, that the defendant did not reasonably believe that the assault of the victim was necessary or apparently necessary to protect [the defendant's family member] [the third person] 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 would be justified by defense of a [family member] [third person]; therefore, your duty would be to return a verdict of not guilty.

1 See *State v. McLawhorn*, 270 N.C. 622, 629 (1967).

2 See N.C.P.I.—Crim. 308.10. “[W]herever an individual is lawfully located—whether it is his home, motor vehicle, workplace, or any other place where he has the lawful right to be—the individual may stand his ground and defend himself from attack when he reasonably believes such force is necessary to prevent imminent death or great bodily harm to himself or another.” *State v. Bass*, ___ N.C. ___, 819 S.E.2d 322, 326 (2018). “[A] defendant entitled to *any* self-defense instruction is entitled to a *complete* self-defense instruction, which includes the relevant stand-your-ground provision.” *Id.*

3 N.C. Gen. Stat. § 14-51.2 (a) (1) states that a home is a “building or conveyance of any kind, to include its curtilage, whether the building or conveyance is temporary or permanent, mobile or immobile, which has a roof over it, including a tent, and is designed as a temporary or permanent residence.” Curtilage is the area “immediately surrounding and associated with the home,” which may include “the yard around the dwelling house as well as the area occupied by barns, cribs, and other outbuildings.” *State v. Grice*, 367 N.C. 753, 759 (2015) (citations and quotations omitted) (defining curtilage in a Fourth Amendment case).

4 N.C. Gen. Stat. § 14-51.2 (a) (4) states that a workplace is a “building or conveyance of any kind, whether the building or conveyance is temporary or permanent, mobile or immobile, which has a roof over it, including a tent, which is being used for commercial purposes.”

5 N.C. Gen. Stat. § 14-51.2 (a) (3); which incorporates N.C. Gen. Stat. § 20-4.01 (23), defines “motor vehicle” as “Every vehicle which is self-propelled and every vehicle designed to run upon the highways which is pulled by a self-propelled vehicle. This shall not include mopeds as defined in N.C. Gen. Stat. § 20-4.01(27)d1.”

6 N.C. Gen. Stat. § 14-51.4(2). *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.”

7 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.

308.50 ASSAULT IN LAWFUL DEFENSE OF A [FAMILY MEMBER] [THIRD
PERSON]—(DEFENSE TO 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 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 defense of a family member or third
person as 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 defense of a
family member or third person as set out below in this
instruction. **THE FAILURE TO CHARGE ON ALL OF THESE
MATTERS CONSTITUTES REVERSIBLE ERROR.***

*NOTE WELL: Defense of a [family member] [third person] is only
justified if the [family member] [third person] would have been
justified in using self-defense. If this is an issue, modify
accordingly.²*

*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.*

If the State has satisfied you beyond a reasonable doubt that the defendant assaulted the victim (with deadly force), then you would consider whether the defendant's actions are excused and the defendant is not guilty because the defendant acted in defense of a [family member] [third person]. The State has the burden of proving from the evidence beyond a reasonable doubt that the defendant's action was not in defense of a [family member] [third person].

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 a [family member] [third 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 defense of a [family member] [third person].³ 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.⁴ (The defendant would have a lawful right to be in the defendant's [home]⁵ [own premises] [place of residence] [workplace]⁶ [motor vehicle]⁷.)

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 a [family member] [third person] 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 and the [family member] [third person] as compared to the victim), (the fierceness of the assault, if any, upon the [family member] [third person], (whether the victim had a weapon in the victim's possession), (and) (the reputation, if any, of the victim for danger and violence). You, the jury, determine the reasonableness of the defendant's belief from the circumstances appearing to the defendant at the time.

(Furthermore, defense of a [family member] [third person] is justified only if the [defendant] [family member] [third person] was not the aggressor.⁸ 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. However, if the [defendant] [family member] [third person] was the aggressor, the defendant would be justified in using defensive force only if the [defendant] [family member] [third person] thereafter attempted to abandon the fight and gave notice to the opponent that the [defendant] [family member] [third person] 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. 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.⁹)

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 5-6. If the weapon is not a deadly weapon per se, give the following paragraph and the paragraph on p. 5-6. State v. Clay, 297 N.C. 555, 566 (1979).

(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 defense of [family member] [third person] 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, defense of a [family member] [third person] is an excuse only if neither the defendant nor the [family member] [third person] was the aggressor.)

DEFENSE OF [FAMILY MEMBER] [THIRD PERSON] MANDATE

Therefore, I instruct you, if you are satisfied beyond a reasonable doubt that the defendant committed (name offense, including appropriate lesser included offenses),¹⁰ 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 defense of a [family member] [third person]; that is, that the defendant did not reasonably believe that the assault was necessary or appeared to be necessary to protect a [family member] [third person] 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 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 assaulted the victim, 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 a [family member] [third person] 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 defense of a [family member] [third person] 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).

2 See *State v. McLawhorn*, 270 N.C. 622, 629 (1967).

3 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).

4 See **N.C.P.I.—Crim. 308.10**. “[W]herever an individual is lawfully located—whether it is his home, motor vehicle, workplace, or any other place where he has the lawful right to be—the individual may stand his ground and defend himself from attack when he reasonably believes such force is necessary to prevent imminent death or great bodily harm to himself or another.” *State v. Bass*, ___ N.C. ___, 819 S.E.2d 322, 326 (2018). “[A] defendant entitled to *any* self-defense instruction is entitled to a *complete* self-defense instruction, which includes the relevant stand-your-ground provision.” *Id.*

5 N.C. Gen. Stat. § 14-51.2 (a) (1) states that a home is a “building or conveyance of any kind, to include its curtilage, whether the building or conveyance is temporary or permanent, mobile or immobile, which has a roof over it, including a tent, and is designed as a temporary or permanent residence.” Curtilage is the area “immediately surrounding and associated with the home,” which may include “the yard around the dwelling house as well as the area occupied by barns, cribs, and other outbuildings.” *State v. Grice*, 367 N.C. 753, 759 (2015) (citations and quotations omitted) (defining curtilage in a Fourth Amendment case).

6 N.C. Gen. Stat. § 14-51.2 (a) (4) states that a workplace is a “building or conveyance of any kind, whether the building or conveyance is temporary or permanent, mobile or immobile, which has a roof over it, including a tent, which is being used for commercial purposes.”

7 N.C. Gen. Stat. § 14-51.2 (a) (3); which incorporates N.C. Gen. Stat. § 20-4.01 (23), defines “motor vehicle” as “Every vehicle which is self-propelled and every vehicle designed to run upon the highways which is pulled by a self-propelled vehicle. This shall not include mopeds as defined in N.C. Gen. Stat. § 20-4.01(27)d1.”

8 N.C. Gen. Stat. § 14-51.4(2). 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.”

9 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.

10 Name all offenses which involve the use of deadly force.

308.60 KILLING IN LAWFUL DEFENSE OF A [FAMILY MEMBER] [THIRD
PERSON]—(DEFENSE TO HOMICIDE).

*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 defense of a family member or third person 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 defense of a family member or third person as set out below in the instruction. **THE FAILURE TO CHARGE ON ALL OF THESE MATTERS CONSTITUTES REVERSIBLE ERROR.***

NOTE WELL: Defense of a [family member] [third person] is only justified if the [family member] [third person] would have been justified in using self-defense. If this is an issue, modify accordingly.¹

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.

If the defendant killed the victim in lawful defense of another person, the defendant's actions would be excused, and the defendant would be not guilty. The State has the burden of proving from the evidence beyond a reasonable doubt that the defendant did not act in the lawful defense of another person.

If you find that the defendant killed the victim and that the circumstances would have created a reasonable belief in the mind of a person of ordinary firmness that the killing was necessary or apparently necessary to protect a [family member] [third 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, the killing would be justified by defense of a

[family member] [third person]. 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.² (The defendant would have a lawful right to be in the defendant's [home]³ [own premises] [place of residence] [workplace]⁴ [motor vehicle]⁵.)

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 may only do in defense of a [family member] [third person] what that other person might do in that person's own defense. Further, a defendant does not have the right to use excessive force. The defendant had the right to use only such force as reasonably appeared to the defendant to be necessary under the circumstances to protect that [family member] [third person] 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 and the [family member] [third person] as compared to the victim), (the fierceness of the assault, if any, upon the [family member] [third person], (whether the victim had a weapon in the victim's possession), (and) (the reputation, if any, of the victim for danger and violence). You, the jury, determine whether the defendant's belief was reasonable from the circumstances as they appeared to the defendant at the time.

(Furthermore, defense of a [family member] [third person] is justified only if the [defendant] [family member] [third person] was not the aggressor.⁶ 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. However, if the [defendant] [family member] [third person] was the aggressor, the defendant would be justified in using defensive force only if the [defendant] [family member] [third person] thereafter attempted to abandon the fight and gave notice to the opponent that the [defendant] [family member] [third person] 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. 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.⁷⁾

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: Add the following to the final mandate:

If you are satisfied beyond a reasonable doubt that the defendant killed the victim, you may return a verdict of guilty only if the State also has satisfied you beyond a reasonable doubt that the defendant did not act in the lawful

defense of a [family member] [third person]. The State must satisfy you beyond a reasonable doubt that the defendant did not reasonably believe that the killing of the victim was necessary or apparently necessary to protect [the defendant's family member] [the third person] from death or great bodily harm, or the State must satisfy you beyond a reasonable doubt that the defendant used excessive force, or was the aggressor. If you do not so find or have a reasonable doubt as to one or more of these things, then the defendant would be justified by defense of a [family member] [third person], and it would be your duty to return a verdict of not guilty.

1 See *State v. McLawhorn*, 270 N.C. 622, 629 (1967).

2 See N.C.P.I.—Crim. 308.10. “[W]herever an individual is lawfully located—whether it is his home, motor vehicle, workplace, or any other place where he has the lawful right to be—the individual may stand his ground and defend himself from attack when he reasonably believes such force is necessary to prevent imminent death or great bodily harm to himself or another.” *State v. Bass*, ___ N.C. ___, 819 S.E.2d 322, 326 (2018). “[A] defendant entitled to *any* self-defense instruction is entitled to a *complete* self-defense instruction, which includes the relevant stand-your-ground provision.” *Id.*

3 N.C. Gen. Stat. § 14-51.2 (a) (1) states that a home is a “building or conveyance of any kind, to include its curtilage, whether the building or conveyance is temporary or permanent, mobile or immobile, which has a roof over it, including a tent, and is designed as a temporary or permanent residence.” Curtilage is the area “immediately surrounding and associated with the home,” which may include “the yard around the dwelling house as well as the area occupied by barns, cribs, and other outbuildings.” *State v. Grice*, 367 N.C. 753, 759 (2015) (citations and quotations omitted) (defining curtilage in a Fourth Amendment case).

4 N.C. Gen. Stat. § 14-51.2 (a) (4) states that a workplace is a “building or conveyance of any kind, whether the building or conveyance is temporary or permanent, mobile or immobile, which has a roof over it, including a tent, which is being used for commercial purposes.”

5 N.C. Gen. Stat. § 14-51.2 (a) (3); which incorporates N.C. Gen. Stat. § 20-4.01 (23), defines “motor vehicle” as “Every vehicle which is self-propelled and every vehicle designed to run upon the highways which is pulled by a self-propelled vehicle. This shall not include mopeds as defined in N.C. Gen. Stat. § 20-4.01(27)d1.”

6 N.C. Gen. Stat. § 14-51.4(2). 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.”

7 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.

308.70 SELF-DEFENSE TO SEXUAL ASSAULT—HOMICIDE.

*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.

If the defendant acted in self-defense defending against a sexual assault,¹ the defendant's actions are excused and the defendant would be not guilty. The State has the burden to prove beyond a reasonable doubt that the defendant did not act in self-defense.

A killing would be excused if:

First, it appeared to the defendant and the defendant reasonably believed it to be necessary to kill the victim in order to save the defendant from death, great bodily harm or sexual assault. (*Define appropriate sexual assault involved.*)

Second, the circumstances as they appeared to the defendant at the time were sufficient to create such a belief in the mind of a person of ordinary firmness. It is for you the jury to determine the reasonableness of the defendant's belief from the circumstances as they appeared to the defendant at the time. 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 with that of the

victim) (the fierceness of the assault, if any, upon the defendant), (whether or not the victim possessed a weapon in his possession) (the reputation, if any, of the victim for danger, violence and/or sexual attacks (and) (*describe any other circumstances supported by the evidence*). Furthermore, the defendant has no duty to retreat in a place where the defendant has a lawful right to be.² (The defendant would have a lawful right to be in the defendant's [home]³ [own premises] [place of residence] [workplace]⁴ [motor vehicle]⁵.)

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].

And Third, the defendant did not use excessive force; that is, more force than reasonably appeared to be necessary to the defendant at the time. 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 had a weapon in the victim's possession), (and) (the reputation, if any, of the victim for danger and violence) (*describe other circumstances as appropriate from the evidence*). Again, it is for you, the jury, to determine the reasonableness of the force used by the defendant under all of the circumstances as they appeared to the defendant at the time.⁶

*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

Although you are satisfied beyond a reasonable doubt that the defendant killed the victim, you may return a verdict of guilty only if the State has satisfied you beyond a reasonable doubt that the defendant did not act in self-defense; that is, that the defendant did not reasonably believe that the killing of the victim was necessary to save the defendant from death, great bodily harm or sexual assault, or that the defendant used excessive force. If you do not so find or have a reasonable doubt that the State has proved any of these things, then the defendant would be justified by self-defense to sexual assault and it would be your duty to return a verdict of not guilty.

1 Sexual assault would include rape, sexual offense, or forcible crime against nature or attempts thereof. This charge would be applicable to either sex. *S v. Hunter*, 305 N.C. 106 (1982).

2 **See N.C.P.I.—Crim. 308.10. “[W]herever an individual is lawfully located—whether it is his home, motor vehicle, workplace, or any other place where he has the lawful right to be—the individual may stand his ground and defend himself from attack when he reasonably believes such force is necessary to prevent imminent death or great bodily harm to himself or another.” *State v. Bass*, ___ N.C. ___, 819 S.E.2d 322, 326 (2018). “[A] defendant entitled to *any* self-defense instruction is entitled to a *complete* self-defense instruction, which includes the relevant stand-your-ground provision.” *Id.***

3 N.C. Gen. Stat. § 14-51.2 (a) (1) states that a home is a “building or conveyance of any kind, to include its curtilage, whether the building or conveyance is temporary or permanent, mobile or immobile, which has a roof over it, including a tent, and is designed as a temporary or permanent residence.” Curtilage is the area “immediately surrounding and associated with the home,” which may include “the yard around the dwelling house as well as the area occupied by barns, cribs, and other outbuildings.” *State v. Grice*, 367 N.C. 753, 759 (2015) (citations and quotations omitted) (defining curtilage in a Fourth Amendment case).

4 N.C. Gen. Stat. § 14-51.2 (a) (4) states that a workplace is a “building or conveyance of any kind, whether the building or conveyance is temporary or permanent, mobile or immobile, which has a roof over it, including a tent, which is being used for commercial purposes.”

5 N.C. Gen. Stat. § 14-51.2 (a) (3); which incorporates N.C. Gen. Stat. § 20-4.01 (23), defines "motor vehicle" as "Every vehicle which is self-propelled and every vehicle designed to run upon the highways which is pulled by a self-propelled vehicle. This shall not include mopeds as defined in N.C. Gen. Stat. § 20-4.01(27)d1."

6 Where appropriate, charge as to the defendant being the aggressor. The mandate should thus be modified accordingly. See *e.g.*, N.C.P.I.—Crim. 308.50 for appropriate language regarding the aggressor determination.

308.80 DEFENSE OF [HABITATION] [WORKPLACE] [MOTOR VEHICLE]—
HOMICIDE AND ASSAULT.

*NOTE WELL: The use of force, including deadly force, is justified when the defendant is acting to prevent a forcible entry into the defendant's home, other place of residence, workplace, or motor vehicle, or to terminate an intruder's unlawful entry. See G.S. 14-51.1. This instruction is designed to be used instead of, or together with, the self-defense instructions which are incorporated in the murder charges (N.C.P.I.—Crim. 206.10, 206.11, 206.30), and those in N.C.P.I.—Crim. 308.40 or 308.45. See State v. Kuhns, __N.C. App.__, 817 S.E.2d 828, 832 (2018), holding that **a "rebuttable presumption of lawfulness applies if the person against whom defensive force is used 'was in the process of unlawfully and forcefully entering, or had unlawfully and forcibly entered, a home,' and the person using the defensive force knew or had reason to believe that 'an unlawful entry . . . was occurring or had occurred.'**"* (quoting N.C. Gen. Stat. § 14-51.2(b)(1)-(2)).

*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 defense of habitation 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 defense of habitation as set out below in this instruction. **THE FAILURE TO CHARGE ON ALL OF THESE MATTERS CONSTITUTES REVERSIBLE ERROR.***

*NOTE WELL: The defense of habitation mandate must be given **after** the mandate on the substantive offense(s). **SEE STATE V. WOODSON**, 31 N.C. APP. 400 (1976). Cf. State v. Dooley, 285 N.C. 158 (1974) (**discussing the requirement of a self-defense mandate**).*

If the defendant [killed] [assaulted] the alleged victim to prevent a forcible entry into the defendant's [home]¹ [place of residence] [workplace]² [motor vehicle]³, or to terminate the intruder's unlawful entry, the defendant's actions are excused and the defendant is not guilty. The State has the burden of proving from the evidence beyond a reasonable doubt that the defendant did not act in the lawful defense of the defendant's [home] [place of residence] [workplace] [motor vehicle].

The defendant was justified in using (deadly) force⁴ if:

(1) such force was being used to [prevent a forcible entry] [terminate the intruder's unlawful entry] into the defendant's [home] [place of residence] [workplace] [motor vehicle]; and

(2) the defendant reasonably believed that the intruder [would kill or inflict serious bodily harm to the defendant or others in the [home] [place of residence] [workplace] [motor vehicle]]⁵ [intended to commit a felony in the [home] [place of residence] [workplace] [motor vehicle]]⁶.

A lawful occupant within a [home] [place of residence] [workplace] [motor vehicle] does not have a duty to retreat from an intruder in these circumstances.⁷ Furthermore, a "person who unlawfully and by force enters or attempts to enter a person's [home] [place of residence] [workplace] [motor vehicle] is presumed to be doing so with the intent to commit an unlawful act involving force or violence."⁸ In addition, (absent evidence to the contrary)⁹, the lawful occupant of a [home] [place of residence] [workplace] [motor vehicle] is presumed to have held a reasonable fear of imminent death or serious bodily harm to [himself] [herself] or another when using defensive force that is intended or likely to cause death or serious bodily harm to another if both of the following apply: (1) The person against whom the defensive

force was used was in the process of unlawfully and forcefully entering, or had unlawfully and forcibly entered, a [home] [place of residence] [workplace] [motor vehicle], or if that person had removed or was attempting to remove another person against that person's will from the [home] [place of residence] [workplace] [motor vehicle]; and (2) The person who uses defensive force knew or had reason to believe that an unlawful and forcible entry or unlawful and forcible act was occurring or had occurred.¹⁰

It is for you, the jury, to determine the reasonableness of the defendant's belief from the circumstances as they appeared to the defendant at the time.

DEFENSE OF HABITATION MANDATE

If you find from the evidence beyond a reasonable doubt that the defendant [killed] [assaulted] the alleged victim you may return a verdict of guilty only if the State has satisfied you beyond a reasonable doubt that the defendant did not act in the lawful defense of the defendant's [home] [place of residence] [workplace] [motor vehicle], that is,

- (1) that the defendant did not use such force to [prevent a forcible entry] [terminate the intruder's unlawful entry] into the defendant's [home] [place of residence] [workplace] [motor vehicle]; and
- (2) that the defendant did not reasonably believe that the intruder [would kill or inflict serious bodily harm to the defendant or others in the [home] [place of residence] [workplace] [motor vehicle]] [intended to commit a felony in the [home] [place of residence] [workplace] [motor vehicle]]¹¹.

If you do not so find, or if you have a reasonable doubt that the State has proved any one or more of these things, then the defendant would be justified in defending the [home] [place of residence] [workplace] [motor vehicle], and it would be your duty to return a verdict of not guilty.

1 N.C. Gen. Stat. § 14-51.2 (a) (1) states that a home is a "building or conveyance of any kind, to include its curtilage, whether the building or conveyance is temporary or permanent, mobile or immobile, which has a roof over it, including a tent, and is designed as a temporary or permanent residence." Curtilage is the area "immediately surrounding and associated with the home," which may include "the yard around the dwelling house as well as the area occupied by barns, cribs, and other outbuildings." *State v. Grice*, 367 N.C. 753, 759 (2015) (citations and quotations omitted) (defining curtilage in a Fourth Amendment case).

2 N.C. Gen. Stat. § 14-51.2 (a) (4) states that a workplace is a "building or conveyance of any kind, whether the building or conveyance is temporary or permanent, mobile or immobile, which has a roof over it, including a tent, which is being used for commercial purposes."

3 N.C. Gen. Stat. § 14-51.2 (a) (3); which incorporates N.C. Gen. Stat. § 20-4.01 (23), defines "motor vehicle" as "Every vehicle which is self-propelled and every vehicle designed to run upon the highways which is pulled by a self-propelled vehicle. This shall not include mopeds as defined in N.C. Gen. Stat. § 20-4.01(27)d1."

4 See N.C. Gen. Stat. § 14-51.4. The justification described in N.C. Gen. Stat. §§ 14-51.2 and 14-51.3 is not available to a person who used defensive force and who: "(1) Was attempting to commit, committing, or escaping after the commission of a felony; or (2) Initially provokes the use of force against himself or herself. However, the person who initially provokes the use of force against himself or herself will be justified in using defensive force if either of the following occur: a. The force used by the person who was provoked is so serious that the person using defensive force reasonably believes that he or 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 which is likely to cause death or serious bodily harm to the person who was provoked was the only way to escape the danger. b. The person who used defensive force withdraws, in good faith, from physical contact with the person who was provoked, and indicates clearly that he or she desires to withdraw and terminate the use of force, but the person who was provoked continues or resumes the use of force." If evidence is presented to show the preceding, then this instruction should be modified accordingly.

5 N.C. Gen. Stat. § 14-51.3 (a) (1).

6 N.C. Gen. Stat. § 14-51.2 (e) states that a person is not justified in using (deadly) force where 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.” N.C. Gen. Stat. § 14-51.2 (a) (2) defines law enforcement officers as “any person employed or appointed as a full-time, part-time, or auxiliary law enforcement officers, correctional officer, probation officer, post-release supervision officer, or parole officer.”

If the defendant instigated or provoked an intrusion, the defendant cannot rely on the defense that the degree of force used by the defendant was reasonably necessary.

7 N.C. Gen. Stat. § 14-51.2 (f) states “a lawful occupant within his or her home, motor vehicle, or workplace does not have a duty to retreat from an intruder in the circumstances described in this section.” The defendant can stand the defendant’s ground and repel force with force regardless of the character of the assault being made upon the defendant. (N.C.P.I.—Crim. 308.10). “[W]herever an individual is lawfully located—whether it is his home, motor vehicle, workplace, or any other place where he has the lawful right to be—the individual may stand his ground and defend himself from attack when he reasonably believes such force is necessary to prevent imminent death or great bodily harm to himself or another.” *State v. Bass*, __ N.C. __, 819 S.E.2d 322, 326 (2018). “[A] defendant entitled to *any* self-defense instruction is entitled to a *complete* self-defense instruction, which includes the relevant stand-your-ground provision.” *Id.*

8 N.C. Gen. Stat. § 14-51.2 (d).

9 This parenthetical should be used where there is evidence presented to rebut the presumption.

10 N.C. Gen. Stat. § 14-51.2 (b). Pursuant to N.C. Gen. Stat. § 14-51.2(c), the presumption in (b) does not apply in any of the following circumstances: “(1) The person against whom the defensive force is used has the right to be in or is a lawful resident of the home, motor vehicle, or workplace, such as an owner or lessee, and there is not an injunction for protection from domestic violence or a written pretrial supervision order of no contact against that person. (2) The person sought to be removed from the home, motor vehicle, or workplace is a child or grandchild or is otherwise in the lawful custody or under the lawful guardianship of the person against whom the defensive force is used. (3) The person who uses defensive force is engaged in, attempting to escape from, or suing the home, motor vehicle, or workplace to further any criminal offense that involves the use or threat of physical force or violence against any individual. (4) The person against whom the defensive force is used is a law enforcement officer or bail bondsman who enters or attempts to enter a home, motor vehicle, or workplace in the lawful 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 entering or attempting to enter was a law enforcement officer or bail bondsman in the lawful performance of his or her official duties. (5) The person against whom the defensive force is used (i) has discontinued all efforts to unlawfully and forcefully enter the home, motor vehicle, or workplace and (ii) has exited the home, motor vehicle, or workplace.” If the State presents evidence to rebut this presumption, then this instruction should be edited accordingly. For instance, language like the following could be added: If you find that the defendant was (*describe rebuttal evidence presented by State*), then this presumption would not apply.

11 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.”

310.10 COMPULSION, DURESS¹, OR COERCION.

There is evidence in this case tending to show that the defendant acted only because of [compulsion] [duress] [coercion]. The burden of proving [compulsion] [duress] [coercion] is on the defendant². It need not be proved beyond a reasonable doubt, but only to your satisfaction.

[COMPULSION

Compulsion is the act of compelling; the quality, state, or condition of being compelled.^{3]}

[DURESS

Duress is where the unlawful act of another induces the defendant to perform some act under circumstances which deprive defendant of the exercise of free will.⁴

The defendant would not be guilty of [name crime] because of duress if the defendant proves to your satisfaction the following two things:

First, the defendant's reasonable fear that the defendant would suffer immediate death or serious bodily injury if the defendant did not so act.

And Second, the defendant did not have a reasonable opportunity to avoid doing the act without undue exposure to death or serious bodily harm.]⁵

[COERCION⁶

Coercion is compulsion of a free agent by physical, moral, or economic force or threat of physical force.^{7]}

The defendant's assertion of [compulsion] [duress] [coercion] is a denial that the defendant committed any crime. The burden remains on the State to prove the defendant's guilt beyond a reasonable doubt.⁸

If the defendant has proven to your satisfaction that the defendant (describe action of the defendant) at the time of the alleged offense because

of [compulsion] [duress] [coercion] you will not consider this case further and it would be your duty to return a verdict of not guilty.

However, if you do not so find then you must decide if the defendant is guilty of (name offense). If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant (give final mandate for offense charged), then you would 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 defense of duress is not available to a defendant charged with murder. *State v. Strickland*, 307 N.C. 274, 295 (1983), *overruled on other grounds* by *State v. Johnson*, 317 N.C. 193 (1986); *State v. Brock*, 305 N.C. 532 (1982), *disapproved of* by *State v. Taylor*, 337 N.C. 597 (1994).

2 *State v. Strickland*, 307 N.C. at 297 (1983).

3 Compulsion, *Black's Law Dictionary* (10th Ed. 2014)

4 *Stegall v. Stegall*, 100 N.C. App. 398, 401, 397 S.E.2d 306, 307 (1990).

5 *State v. Smarr*, 146 N.C. App. 44, 54–55, 551 S.E.2d 881, 888 (2001).

6 The distinction between duress and coercion has blurred. See *State v. Smarr*, 146 N.C. App. 44, 54 n.1, 551 S.E.2d 881, 887 n.1 (2001) (“North Carolina case law uses the terms duress and coercion interchangeably”).

7 Coercion, *Black's Law Dictionary* (10th Ed. 2014).

8 *State v. Sherian*, 234 N.C. 30 (1951).

310.12 NECESSITY¹

There is evidence in this case tending to show that the defendant acted only because of necessity. The burden of proving necessity is on the defendant.² It need not be proved beyond a reasonable doubt, but only to your satisfaction. The defendant would not be guilty of [crime charged] if the defendant proves to your satisfaction the following three things:

First, the action of the defendant was reasonable.

Second, the action was taken to protect the life, limb, or health of the defendant (or of some other person).

And Third, there were no other acceptable choices available to the defendant.³

The defendant's assertion of necessity is a denial that the defendant has committed any crime. The burden remains on the State to prove the defendant's guilt beyond a reasonable doubt.⁴

If the defendant has proven to your satisfaction that the defendant (describe action of the defendant) at the time of the alleged offense because of necessity as I have defined that term for you, you will not consider this case further and it would be your duty to return a verdict of not guilty.

However, if you do not so find then you must decide if the defendant is guilty of (name offense). If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant (give final mandate for offense charged), then you would 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. Miller*, __ N.C. App. __, __, 812 S.E.2d 692, 694 (2018), (explaining that “the affirmative defense of necessity is available to defendants charged with driving while under the influence”).

2 *State v. Caddell*, 287 N.C. 266, 289 (1975).

3 *State v. Miller*, __ N.C. App. __, __, 812 S.E.2d 692, 694 (2018).

4 *State v. Sherian*, 234 N.C. 30 (1951).

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