
204A.25A SOLICITATION OF PARTICIPATION BY A MINOR IN CRIMINAL
GANG ACTIVITY. FELONY.

*NOTE WELL: Use this instruction for offenses occurring on or after
December 1, 2017. For offenses occurring before December 1,
2017, use N.C.P.I.-Crim. 204A.25.*

The defendant has been charged with [causing] [encouraging]
[soliciting] [coercing] a person under 16 years of age to participate in criminal
gang activity.

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

First, that the defendant [caused] [encouraged] [solicited] [coerced]
(*name individual*) to participate in criminal gang activity by committing the
offense of (*name crime*). (*Define crime.*)¹

Second, that the defendant had the specific intent that the (*name crime*)
was committed in furtherance of the defendant's involvement in a criminal
gang.

A criminal gang is defined as any ongoing organization, association, or
group of three or more persons, whether formal or informal, that has as one
of its primary activities the commission of criminal or delinquent acts and
shares a common name, identification, signs, symbols, tattoos, graffiti, attire,
or other distinguishing characteristics, including common activities, customs,
or behaviors. This term shall not include three or more persons associated in
fact, whether formal or informal, who are not engaged in criminal gang
activity.²

And Third, that (*name individual*) who was [caused] [encouraged]
[solicited] [coerced] was under 16 years of age when the defendant [caused]

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[encouraged] [solicited] [coerced] (*name individual*) to participate in criminal gang activity. Criminal gang activity is defined as the commission of, attempted commission of, or solicitation, coercion, or intimidation of another person to commit (name offense and describe the elements of the offense) and either of the following conditions is met: the offense is committed with the intent to benefit, promote, or further the interests of a criminal gang for the purpose of increasing a person's own standing or position within a criminal gang or the participants in the offense are identified as criminal gang members acting individually or collectively to further any criminal purpose of a criminal gang.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant [caused] [encouraged] [solicited] [coerced] (*name individual*), who was under 16 years of age to participate at the time, in criminal gang activity by committing (*name crime*), and that the defendant had the specific intent that (*name crime*) was committed in furtherance of the defendant's involvement in a criminal gang, it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.

1 For a definition of "criminal gang activity," see N.C. Gen. Stat. § 14-50.16A(2). For offenses that qualify as criminal gang activity, see Article 5 of Chapter 90 of the General Statutes or Chapter 14 of the General Statutes except Article 9, 22A, 40, 46, or 59 and G.S. 14-82, 14-145, 14-183, 14-184, 14-186, 14-190.9, 14-247, 14-248, or 14-313.

2 For a definition of "criminal gang activity," see N.C. Gen. Stat. § 14-50.16A(2). For offenses that qualify as criminal gang activity, see Article 5 of Chapter 90 of the General Statutes or Chapter 14 of the General Statutes except Article 9, 22A, 40, 46, or 59 and G.S. 14-82, 14-145, 14-183, 14-184, 14-186, 14-190.9, 14-247, 14-248, or 14-313.