

MAKING A FALSE REPORT CONCERNING A DESTRUCTIVE DEVICE-- (Public Building). G.S. 14-69.1(c).<sup>1</sup> FELONY.

*NOTE WELL: Effective September 1, 1999, applying to offenses committed on or after that date, this is a Class H felony. G.S. 14-69.1(c) also provides that "[a]ny person who receives a second conviction for a violation of this subsection within five years of the first conviction for violation of this subsection is guilty of a Class G felony."*

The defendant has been charged with making a false report concerning a destructive device in a public building.

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

First, that the defendant reported by any means of communication to any [person] (or) [group of persons] that (*describe device designed to destroy or damage by explosion, blasting, or burning*) was [located in] [located in sufficient proximity to cause damage to] (*describe place*).

Second, that (*describe place*) was a public building.<sup>2</sup>

Third, that this report was false.

And Fourth, that the defendant knew or had reason to know that it was false.

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<sup>1</sup> G.S. 14-69.1(d) authorizes the court to order restitution (costs and consequential damages).

<sup>2</sup> G.S. 14-69.1(c) states "For purposes of this subsection, 'public building' means educational property as defined in G.S. 14-269.2(a)(1), a hospital as defined in G.S. 131E-76(3), a building housing only State, federal, or local government offices, or the offices of State, federal, or local government located in a building that is not exclusively occupied by the State, federal, or local government."

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If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant falsely reported to another person that (*describe device designed to destroy or damage by explosion, blasting, or burning*) was [located in] [located in sufficient proximity to cause damage to] (*describe place*), which was a public building, and that the defendant knew or had reason to know that the report was false, 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.