

N.C.P.I.—Crim—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]. FELONY.

CRIMINAL VOLUME

June 2013

N.C. Gen. Stat. § 14-159.12 (d).

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The defendant has been charged with the crime of trespass on the property of an electric power supplier.

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

First, that the defendant [entered into] [remained in] [[the building of another] [on the premises of another so [enclosed] [secured] as to demonstrate clearly an intent to keep out intruders]];

Second, that the [building] [premise] was:

- a) [[a facility¹ [owned] [operated] by an electric power supplier and was a(n) [electric generation facility] [transmission substation] [transmission switching station] [transmission switching structure] [control center used to manage transmission operations or electrical power generating at multiple plant locations]]];
- b) [[a facility [used] [available] for use in the [collection] [treatment] [testing] storing] [pumping] [distribution] of water for a public water system];
- c) [[a facility including any [liquefied natural gas storage facility] [propane air facility] that was [owned] [operated] by a [natural gas local distribution company] [natural gas pipeline] operating under a

¹ G.S. 14-159.12 (e) states "as used in subsections (c) and (d) of this section, the term 'facility' shall mean a building or other infrastructure."

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 certificate of public convenience and necessity from the [Utilities Commission] [municipal corporation operating a municipally owned gas distribution system] [regional natural gas district organized and operated for [transmission] [distribution] [measurement] [testing] [regulating] [compression] [control] [storage] of natural gas];

Third, that the defendant [entered a building] [[climbed over] [went under] [(otherwise) surmounted a [fence] [*describe other barrier*]] to reach the facility];

And Fourth, that the offense [was committed with the intent to disrupt the normal operation of (*describe facility*)] [involved an act that placed [the offender] [another person] on the premises at risk of serious bodily injury].²

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant [entered into] [remained in] without authorization [the building of another] [on the premises of another so [enclosed] [secured] as to demonstrate clearly an intent to keep out intruders]] that the [building] [premise] was:

- a) [[a facility [owned] [operated] by an electric power supplier and was a(n) [electric generation facility] [transmission substation] [transmission switching station] [transmission switching structure] [control center used to manage transmission

² Serious bodily injury is defined as any bodily injury that creates a substantial risk of death, or that causes serious permanent disfigurement, coma, a permanent or protracted condition that causes extreme pain, or permanent or protracted loss or impairment of the function of any bodily member or organ, or that results in prolonged hospitalization.

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operations or electrical power generating at multiple plant locations]]];

- b) [[a facility [used] [available] for use in the [collection] [treatment] [testing] storing] [pumping] [distribution] of water for a public water system];
- c) [[a facility including any [liquefied natural gas storage facility] [propane air facility] that was [owned] [operated] by a [natural gas local distribution company] [natural gas pipeline] operating under a certificate of public convenience and necessity from the [Utilities Commission] [municipal corporation operating a municipally owned gas distribution system] [regional natural gas district organized and operated for [transmission] [distribution] [measurement] [testing] [regulating] [compression] [control] [storage of natural gas]], the defendant [entered a building] [climbed over] [went under] [(otherwise surmounted) a [fence] [*describe other barrier*]] to reach the facility], and that the offense was [committed with to intent to disrupt the normal operation of the facility (*describe facility*)] [involved an act that placed [the offender] [another person] on the premises at risk of serious bodily injury],

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.³

³ If there is to be an instruction on lesser included offenses, the last phrase should be: “. . . you will not return a verdict of guilty of trespassing on the property of an electric power supplier, but will consider whether the defendant is guilty of misdemeanor trespass.” See N.C.P.I. Crim. 214.31 (G.S. 14.159.12 (a)).

