

N.C.P.I.—Crim—226.72C
CYBER-BULLYING OF SCHOOL EMPLOYEE BY STUDENT—UNAUTHORIZED
COPYING OF DATA. MISDEMEANOR.
CRIMINAL VOLUME
JUNE 2013
N.C. Gen. Stat. § 14-458.2 (b)(3).

226.72C CYBER-BULLYING OF SCHOOL EMPLOYEE BY STUDENT—
UNAUTHORIZED COPYING OF DATA. MISDEMEANOR.

The defendant has been charged with the cyber-bullying of a school employee.

For you to find the defendant¹ guilty of this offense, the State must prove five things beyond a reasonable doubt:

First, that the defendant used a [computer] [computer network];

Second, that the defendant [copied and disseminated] [caused to be made] an unauthorized copy of any data² pertaining to (*name school employee*);

Third, that the defendant did this for the purpose of [intimidating] [tormenting] that school employee;

Fourth, that the defendant was a student at (*name school*);

And Fifth, that the victim of the cyber-bullying was a school

1 G.S. 14-458.2 (a)(2) defines "student" as "a person who has been assigned to a school by a local board of education as provided in G.S. 115C-366; or has enrolled in a charter school authorized under G.S. 115C-238.29D, a regional school created under G.S. 115C-238.62, or a nonpublic school which has filed intent to operate under Part 1 or Part 2 of Article 39 of Chapter 115C of the General Statutes, or a person who has been suspended or expelled from any of these schools within the last year."

2 If further explanation of the word "data" is necessary, the jury can be informed as follows: Data can be "(in any form, including, but not limited to) any [printed] [electronic] form of computer data [computer programs] [computer software] [residing in] [communicated by] [produced by] a [computer] [computer network]."

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employee.³

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant was a student and used a [computer] [computer network], and that the defendant [copied and disseminated] [caused to be made] an unauthorized copy of any data pertaining to a school employee, and that the defendant did this for the purpose of [intimidating] [tormenting] that school employee, 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 G.S. 14-458.2 (a)(1) defines "school employee" as "(a) An employee of a local board of education, a charter school authorized under G.S. 115C-238.29D, a regional school created under G.S. 115C-238.62, or a nonpublic school which has filed intent to operate under Part 1 or Part 2 of Article 39 of Chapter 115C of the General statutes. (b) An independent contractor or an employee of an independent contractor of a local board of education, a charter school authorized under G.S. 115C-238.29D, a regional school created under G.S. 115C-238.62, or a nonpublic school which has filed intent to operate under Part 1 or Part 2 of Article 39 of Chapter 115C of the General Statutes, if the independent contractor carries out duties customarily performed by employees of the school."