

N.C.P.I.—Crim—226.72E
CYBER-BULLYING OF SCHOOL EMPLOYEE BY STUDENT—ELECTRONIC
MAILING LISTS. MISDEMEANOR.
CRIMINAL VOLUME
June 2013
N.C. Gen. Stat. § 14-458.2 (b)(5).

226.72E CYBER-BULLYING OF SCHOOL EMPLOYEE BY STUDENT—
ELECTRONIC MAILING LISTS. 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 without the authorization of the school employee, the defendant signed up² (*name school employee*) [for electronic mailing lists] [to receive junk electronic messages and instant messages];

Third, that the defendant had the intent to [intimidate] [torment] 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 employee.³

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 While the statute does not define the term "sign up," this colloquial expression is commonly understood to mean enroll or to subscribe.

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

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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] to sign up a school employee [for electronic mailing lists] [to receive junk electronic messages and instant messages] without the school employee’s authorization and with the intent to intimidate or torment 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.

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.”