

N.C.P.I.—Crim 240.80

[EMPLOYEE] [VOLUNTEER] AT A [CARE] [TREATMENT] [HABILITATION] [REHABILITATION] FACILITY OF INDIVIDUALS WITH [MENTAL ILLNESS] [DEVELOPMENTAL DISABILITIES] [SUBSTANCE ABUSE DISORDERS] CAUSES [PAIN] [INJURY] TO A CLIENT OTHER THAN AS PART OF A GENERALLY ACCEPTED [MEDICAL] [THERAPEUTIC] PROCEDURE. MISDEMEANOR.

CRIMINAL VOLUME

JUNE 2016

N.C. Gen. Stat. § 122C-66 (a)

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240.80 [EMPLOYEE] [VOLUNTEER] AT A [CARE] [TREATMENT] [HABILITATION] [REHABILITATION] FACILITY OF INDIVIDUALS WITH [MENTAL ILLNESS] [DEVELOPMENTAL DISABILITIES] [SUBSTANCE ABUSE DISORDERS] CAUSES [PAIN] [INJURY] TO A CLIENT OTHER THAN AS PART OF A GENERALLY ACCEPTED [MEDICAL] [THERAPEUTIC] PROCEDURE. MISDEMEANOR.

*NOTE WELL: Any employee or volunteer who uses reasonable force to carry out the provisions of G.S. § 122C-60 or to protect himself/herself or others from a violent client does not violate this subsection.*

The defendant has been charged with knowingly causing [pain] [injury] to a client other than as a part of a generally accepted [medical] [therapeutic] procedure.<sup>1</sup>

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

First, that the defendant was a(n) [employee] [volunteer] at (name facility), a facility whose primary purpose is to provide services for the [care] [treatment] [habilitation] [rehabilitation] of individuals with [mental illness] [developmental disabilities] [substance abuse disorders].

Second, that (name victim) was a client at (name facility).

And Third, that the defendant knowingly caused [pain] [injury] to (name victim), other than as part of a generally accepted [medical] [therapeutic] procedure.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant was a(n) [employee] [volunteer] at (name facility), a facility where the primary purpose is to provide services

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[DEVELOPMENTAL DISABILITIES] [SUBSTANCE ABUSE DISORDERS]  
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for the [care] [treatment] [habilitation] [rehabilitation] of individuals with  
[mental illness] [developmental disabilities] [substance abuse disorders],  
that (name victim) was a client at (name facility), and that the defendant  
knowingly caused [pain] [injury] to (name victim), other than as part of a  
generally accepted [medical] [therapeutic] procedure, 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.

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1 This provision is effective for offenses committed on or after December 1, 2015.