

[OWNING] [POSSESSING] [USING] [TRANSPORTING] [TRAFFICKING] OF CROCODILIAN NOT HOUSED IN A STURDY AND SECURE ENCLOSURE. G.S. § 14-417.2. MISDEMEANOR.

NOTE WELL: This instruction applies to offenses committed on or after December 1, 2009.

The defendant has been charged with [owning] [possessing] [using] [transporting] [trafficking] a crocodilian not housed in a sturdy and secure enclosure.

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

First, that the defendant [owned] [possessed] [used] [transported] [trafficked¹] a crocodilian².

(And) Second, that the crocodilian was not housed in a sturdy and secure enclosure.³

(Use the following element only if the victim was a person other than the [owner] [owner's agent] [member of the owner's immediately family].)

(And) Third, that the victim [suffered a life threatening injury] [was killed].⁴

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant [owned] [possessed] [used] [transported] [trafficked] a crocodilian, (and) that the crocodilian was not housed in a sturdy and secure enclosure, (and that the victim

¹ Trafficking means transporting along a route.

² The term "crocodilian" does not include American alligators.

³ Permanent enclosures shall be designed to be escape-proof and have a fence of sufficient strength to prevent contact between an observer and the crocodilian and shall have an operable lock. Transport containers shall be designed to be escape-proof. A written safety protocol and escape recovery plan shall be within sight of permanent housing, and a copy must accompany the transport of any crocodilian.

⁴ The penalty for this offense will be higher if any person, other than the owner of the crocodilian, the owner's agent, employee, or a member of the owner's immediate family, suffers a life threatening injury or is killed as the result of this offense. This shall not apply to violations that result from incidents that could not have been prevented or avoided by the owner's exercise of due care or foresight, such as natural disasters or other acts of God, or in the case of thefts of the reptile from the owner.

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[suffered a life threatening injury] [was killed]), 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.