

June 2020 Supplement to North Carolina Pattern Jury Instructions for Criminal Cases

This supplement contains a new table of contents for the criminal instructions, a number of new or replacement instructions for criminal cases, and a new criminal index. Place the instructions in the book in the proper numerical sequence. Old instructions with the same number should be discarded. The supplement contains three copies of the table of contents so that each criminal volume will include a complete table of contents; they are inserted in the supplement at the appropriate places for Volumes II and III.

Interim Instructions. As the Pattern Jury Instructions Committee considers new or updated instructions, it posts Interim Instructions that are too important to wait until the annual summer distribution of hard copy supplements to the School of Government website at sog.unc.edu/programs/ncpji. You may check the site periodically for these instructions or join the Pattern Jury Interim Instructions Listserv to receive notification when instructions are posted to the website. Visit the following to join the Listserv: lists.unc.edu/read/all_forums/subscribe?name=ncpji.

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for Criminal Cases

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* On or after 12/1/97, Voluntary Manslaughter is a Class D felony.

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206.57A	Felony Death by Vehicle (offenses after Dec. 1, 2006). G.S. 20-141.4(a1). (6/2014)	I	G
206.57B	Aggravated Felony Death by Vehicle. G.S. 20-141.4(a5). (6/2014)		D
206.57C	Felony Serious Injury by Vehicle. G.S. 20-141.4(a3). (6/2014)		F
206.57D	Aggravated Felony Serious Injury by Vehicle. G.S. 20-141.4(a4). (6/2014)		E
206.58	Misdemeanor Death by Vehicle. G.S. 20-141.4(a2). (6/2014)	Misd	Misd 1
206.60	Murder of Unborn Child—Willful and Malicious Act (6/2012)		A
206.61	Murder of Unborn Child—Inherently Dangerous Act (6/2014)		B2
206.62	Murder of Unborn Child—[Murder] [Voluntary Manslaughter] [Involuntary Manslaughter] of Mother (6/2012)		B2, D, F
206.63	Murder of Unborn Child—Willful and Malicious Act. G.S. 14-23.2(a)(1). (6/2014)		A
206.70	Death By Distribution of Certain Controlled Substances. (6/2020)		C
206.72	Aggravated Death By Distribution of Certain Controlled Substances. (6/2020)		B2
Rape and Sexual Offenses.			
207.10	First Degree Rape (Weapon, Serious Injury, or Multiple Assailants) and Lesser Included Offenses. G.S. 14-27.2, 14-27.3, 14-27.6, 14-33(b)(2). (6/2020)	B, D, F, H, Misd	B1, C, F, H, Misd 1
207.10A	First Degree Forcible Rape (Weapon, Serious Injury, or Multiple Assailants) and Lesser Included Offenses. G.S. 14-27.21, 14-27.22, 14-27.34. (Offenses on or After Dec. 1, 2015). (6/2020)		B1, B2, C, D, Misd
207.10B	First Degree Forcible Rape (Weapon, Serious Injury, or Multiple Assailants) and Lesser Included Offenses. G.S. 14-27.21, 14-27.22, 14-27.34. (Offenses on or After Dec. 1, 2017). (6/2020)		B1, B2, C, D, Misd
207.11	Attempted First Degree Rape (Weapon, Serious Injury, or Multiple Assailants) Covering Attempted Second Degree Rape as a Lesser Included Offense. G.S. 14-27.2(2), 14-27.3(1), 14-27.6. (6/2020)	F, H	F, H
207.11A	Attempted First Degree Rape (Weapon, Serious Injury, or Multiple Assailants) Covering Attempted Second Degree Rape as a Lesser Included Offense. G.S. 14-27.21, 14-27.22, 14-27.34. (6/2020)		
207.11B	Attempted First Degree Forcible Rape (Weapon, Serious Injury or Multiple Assailants) Covering Attempted Second-Degree Rape as a Lesser Included Offense. (Offenses on or after Dec. 1, 2017). (6/2020)		B1, C
207.15	Rape of a Child. G.S. 14-27.2A. (6/2016)		B1
207.15A	Statutory Rape of a Child by an Adult G.S. 14-27.23. (6/2016)		

207.15A.1	Attempted First Degree Rape—Alleged Victim Under the Age of Thirteen Years. G.S. 14-27.2(a)(1), 14-27.8 (6/2016).	F	F
207.15A.1A	Attempted First Degree Statutory Rape—Alleged Victim Under the Age of Thirteen Years. G.S. 14-27.24(a)(1), 14-27.34. (6/2016)		
207.15.1	First Degree Rape—Female under the Age of Thirteen Years. G.S. 14-27.2(1). (6/2016)	B	B1
207.15.1A	First Degree Statutory Rape—Alleged Victim Under the Age of Thirteen Years. (6/2016)		
207.15.2	Statutory Rape Against a Victim Who Was Thirteen, Fourteen, or Fifteen Years Old. G.S. 14-27.7A. (6/2016)		B1, C
207.15.2A	Statutory Rape Against an Alleged Victim Who Was Fifteen Years of Age or Younger. G.S. 14-27.25. (6/2016)		
207.15.3	Statutory Sexual Offense against a Victim Who Was Thirteen, Fourteen, or Fifteen Years Old. G.S. 14-27.7A. (6/2016)		
207.15.3A	Statutory Sexual Offense of an Alleged Victim Who Was Fifteen Years of Age or Younger. G.S. 14-27.30. (6/2016)		B1, C
207.20	Second Degree Rape—Force. G.S. 14-27.3. (6/2020)	D	C
207.20A	Second Degree Rape—Force (Victim Asleep or Similarly Incapacitated). G.S. 14-27.3. (6/2020)		
207.20A.1	Second Degree Rape—Forcible (Alleged Victim Asleep or Similarly Incapacitated). G.S. 14-27.3 (6/2020)		
207.20B	Second Degree Forcible Rape. G.S. 14-27.22 (6/2020)		
207.25	Second Degree Rape—Victim Mentally Disabled, Mentally Incapacitated or Physically Helpless. G.S. 14-27.3. (6/2020)	D	C
207.25A	Second Degree Rape—Victim Mentally Disabled, Mentally Incapacitated or Physically Helpless. G.S. 14-27.3. (6/2020)		
207.40	First Degree Sexual Offense—Weapon, Serious Injury, or Multiple Assailants, Covering Second Degree Sex Offense as a Lesser Included Offense. G.S. 14-27.4, 14-27.5. (5/2020)	B, D	B1, C
207.40A	Attempted First Degree Sexual Offense (Weapon, Serious Injury, or Multiple Assailants) Covering Attempted Second Degree Sex Offense as a Lesser Included Offense. G.S. 14-27.4(2), 14-27.5(2), 14-27.6. (5/2020)	F, H	F, H
207.40A.1	Attempted First Degree Forcible Sexual Offense—(Weapon, Serious Injury, or Multiple Assailants) Covering Attempted Second Degree Forcible Sex Offense as a Lessor Included Offense. G.S. 14-27.26, 14-27.27, 14-27.34. (6/2020)		
207.40B	First Degree Forcible Sexual Offense—(Weapon, Serious Injury, or Multiple Assailants) Covering Second Degree Sex Offense as a Lessor Included Offense. G.S. 14-27.26, 14-27.27. (Offenses on or After Dec. 1, 2015). (6/2020)		
207.40C	First Degree Forcible Sexual Offense—(Weapon, Serious Injury, or Multiple Assailants) Covering Second Degree Sex Offense as a Lessor Included Offense. G.S. 14-27.26, 14-27.27. (Offenses on or After Dec. 1, 2017). (6/2020)		
207.45	Sexual Offense with a Child. G.S. 14-27.4A. (6/2016)		B1
207.45.1	First Degree Sexual Offense—Child under the Age of Thirteen Years. G.S. 14-27.4. (6/2016)	B	B1
207.45.1A	First Degree Statutory Sexual Offense—Child under the Age of Thirteen Years. G.S. 14-27.29. (6/2016)		

207.45A	Statutory Sexual Offense with a Child by an Adult. G.S. 14-27.28 (6/2016)		
207.45A.1	Attempted First Degree Sexual Offense—Child under the Age of Thirteen Years. G.S. 14-27.4, 14-27.8. (6/2016)	F	F
207.45A.1A	Attempted First Degree Statutory Sexual Offense—Child Under the Age of Thirteen Years. G.S. 14-27.29, 14-27.34. (6/2016)		
207.60	Second Degree Sexual Offense—Force. G.S. 14-27.5. (6/2020)	D	C
207.60A	Second Degree Forcible Sexual Offense. G.S. 14-27.27. (6/2020)		
207.65	Second Degree Sexual Offense—Victim Mentally Disabled, Mentally Incapacitated or Physically Helpless. G.S. 14-27.5. (Offenses Prior to Dec. 1, 2015). (6/2020)	D	C
207.65A	Second Degree Forcible Sexual Offense—Alleged Victim Mentally Disabled, Mentally Incapacitated or Physically Helpless. G.S. 14-27.27. (Offenses On or After to Dec. 1, 2015). (6/2020)	D	C
207.70	Felonious Sexual Activity with Person in Defendant’s Custody. G.S. 14-27.7. (6/2016)	G	E
207.70A	Felonious Sexual Activity with Person in Defendant’s Custody. G.S. 14-27.7. (6/2016)		
207.71	DELETE SHEET. Unlawfully Accessing a Commercial Social Networking Website by a Sex Offender. G.S. 14-202.5A. (6/2018)		I
207.71A	Unlawful Online Conduct By A High-Risk Sex Offender That Endangers Children. (6/2020)		I
207.72	Sex Offender Unlawfully on Certain Premises. G.S. 14-208.18. (6/2017)		H
207.73	Failure to Enroll in a Satellite-Based Monitoring Program. G.S. 14-208.44(a). (6/2008)		F
207.74	Failing to [Provide Necessary Information to] [Cooperate with Guidelines and Regulations of] the Department of Corrections While Required to Enroll in a Satellite-Based Monitoring Program. G.S. 14-208.44(c). (6/2008)		Misd 1
207.75	Willfully Failing to Comply with Sex Offender Registration Law. G.S. 14-208.11. (6/2016)	-	F
207.76	Failure to Comply with Sex Offender Residential Restrictions. G.S. 14-208.16. (6/2015)	-	F
207.77	Failure to Comply with Sex Offender Limitations on Residential Use—Minor in Residence. G.S. 14-208.17(b). (6/2007)	-	F
207.78	Intentionally [Tampering with] [Removing] [Vandalizing] [Interfering with Proper Functioning of] a Satellite-Based Monitoring Device. G.S. 14-208.44(a). (6/2008)	-	F
207.79	Failure to Comply with Sex Offender Prohibition on Working or Volunteering for Child-Involved Activities. G.S. 14-208.17(a). (6/2007)	-	F
207.80A	Felonious Sexual Activity Involving Students (by teacher, school administrator, student teacher, school safety officer, coach). G.S. 14-27.7(b). (6/2016)	-	G

207.80A.1	Felonious Sexual Activity With a Student (by Teacher, School Administrator, Student Teacher, School Safety Officer, Coach). G.S. 14-27.32. (6/2016)		G
207.80B	Felonious Sexual Activity Involving Students (by member of school personnel other Than teacher, school administrator, student teacher, school safety officer, coach). G.S. 14-27.7(b). (6/2016)	-	G, Misd A1
207.80B.1	Felonious Sexual Activity With a Student (by member of school personnel other than teacher, School Administrator, Student Teacher, School Safety Officer, Coach). G.S. 14-27.32. (6/2016)		G, I
207.90	Sexual Battery. G.S. 14-27.5A. (Offenses Prior to Dec. 1, 2015) (6/2020)		Misd A1
207.90A	Sexual Battery. G.S. 14-27.33 (Offenses Occuring on or After Dec. 1, 2015) (6/2020)		Misd A1
207.95	Knowingly and Without Authority [Removing] [Destroying] [Circumventing Operation of] an Electronic Monitoring Device. G.S. 14-226.3 (June 2010)		
207.97	Sexual [Contact] [Penetration] Under Pretext of Medical Treatment—Representations. (6/2020)		C
207.98	Engaging In Sexual [Contact] [Penetration] Under Pretext of Medical Treatment – Incapacitated Patient. (6/2020)		C
	Assaults.		
208.01	Assault on [Legislative] [Executive] [Court] Officer. G.S. 14-16.6(a). (6/2011)	H	I
208.01A	Making a Violent Attack upon the [Residence] [Office] [Temporary Accommodation] [Means of Transport] of a(n) [Legislative] [Executive] [Court] Officer. G.S. 14-16.6(a). (4/2004)	H	I
208.02	Assault on a(n) [Legislative] [Executive] [Court] Officer with a Deadly Weapon. G.S. 14-16.6(a), (b). (4/2004)	G	F
208.02A	Making a Violent Attack with a Deadly Weapon upon the [Residence] [Office] [Temporary Accommodation] [Means of Transport] of a(n) [Legislative] [Executive] [Court] Officer. G.S. 14-16.6(a), (b). (4/2004)	G	F
208.03	Assault on a(n) [Legislative] [Executive] [Court] Officer Inflicting Serious Injury. G.S. 14-16.6(c). (4/2004)	F	F
208.03A	Making a Violent Attack upon the [Residence] [Office] [Temporary Accommodation] [Means of Transport] of a(n) [Legislative] [Executive] [Court] Officer Inflicting Serious Injury to a(n) [Legislative] [Executive] [Court] Officer. G.S. 14-16.6(c). (4/2004)	F	F
208.04	Threatening to Kill or Inflict Serious Bodily Injury upon a [Legislative] [Executive] [Court] Officer. G.S. 14-16.7(a), 14-16.8. (6/2020)	J	I
208.04A	Mailing a Threat to Kill or Inflict Serious Bodily Injury upon a(n) [Legislative] [Executive] [Court] Officer. G.S. 14-16.7(b), 14-16.8. (4/2004)	J	I
208.04B	Threatening to Kill or Inflict Serious Bodily Injury Upon a Person as Retaliation Against a [Legislative] [Executive] [Court] Officer. Felony. G.S. 14-16.7(a) (6/2019)		I

208.04C	Mailing a Threat to Kill or Inflict Serious Bodily Injury Upon a Person as Retaliation Against a [Legislative] [Executive] [Copurt] Officer. Felony. G.S. 14-16.7(b) (6/2019)		I
208.05	Malicious Castration. G.S. 14-28, -29. (3/2002)	D, H	C, E
208.06	Castration or Other Maiming without Malice Aforethought. G.S. 14-29. (3/2002)	H	E
208.07	Malicious Maiming. G.S. 14-30. (3/2002)	H	C
208.08	Malicious Throwing of Corrosive Acid or Alkali. G.S. 14-30.1. (3/2002)	H	E
208.09	Malicious Assault and Battery in a Secret Manner with a Deadly Weapon with Intent to Kill. G.S. 14-31. (3/2002)	F	E
208.10	Assault with a Deadly Weapon with Intent to Kill Inflicting Serious Injury. G.S. 14-32(a). (3/2002)	F	C
208.13	Hazing. G.S. 14-35. (4/2004)		Misd 2
208.14	Assault upon a Sports Official. G.S. 14-33(b)(9). (6/2011)	Misd	Misd 1
208.15	Assault with a Deadly Weapon Inflicting Serious Injury. G.S. 14-32(b). (6/2008)	H	E
208.16	Felonious Assault Inflicting Serious Bodily Injury. G.S. 14-32.4. (3/2002)		F
208.25	Assault with a Deadly Weapon with Intent to Kill. G.S. 14-32(c). (3/2002)	H	E
208.30	Assault Offense Classification Chart. (12/1995)		
208.40	Simple Assault—(Not Involving Physical Contact) G.S. 14-33(a). (6/2011)	Misd	Misd 2
208.40A	Simple Assault on an Individual with a Disability. G.S. 14-32.1(f). (6/2019)	Misd	Misd 1
208.41	Simple Assault—(Involving Physical Contact) G.S. 14-33(a). (6/2010)	Misd	Misd 2
208.43	Simple Affray. G.S. 14-33. (6/2017)		Misd 2
208.45	Habitual Misdemeanor Assault. G.S. 14-33.2. (6/2011)		H
208.45A	Habitual Misdemeanor Assault. G.S. 14-33.2. (6/2017)		H
208.45A.1	Habitual Misdemeanor Assault. G.S. 14-33.2. (6/2017)		H
208.50	Assault with a Deadly Weapon. G.S. 14-33(c)(1). (3/2002)	Misd	Misd 1
208.50A	Aggravated Assault on an Individual with a Disability. G.S. 14-32.1(e). (6/2019)	I	F
208.55	Assault Attempting to Inflict Serious Injury. G.S. 14-33(c)(1). (3/2002)	Misd	Misd 1
208.60	Assault Inflicting Serious Injury. G.S. 14-33(c)(1). (6/2020)	Misd	Misd A1
208.61	Assault Inflicting Physical Injury by Strangulation. G.S. 14-32.4. (2/2005)		H
208.65	Assault by a Prisoner with a Deadly Weapon Inflicting Bodily Injury. G.S. 14-258.2. (3/2002)	H	F
208.67	Malicious Conduct by a Prisoner—Throwing of [Bodily Fluids] [Excrement] [Unknown Substance] by a Prisoner at a [State] [Local Government] Employee in the Performance of Employee's Duties. G.S. 14-258.4. (6/2019)		F
208.68	Malicious Conduct by a Prisoner—Exposing Genitalia by a Prisoner to an Employee of [State] [Local Government] in the Performance of Employee's Duties. G.S. 14-258.4 (6/2019)		I
208.70	Assault on a Female by a Male Person. G.S. 14-33(c)(2). (6/2015)	Misd	Misd A1

208.72	Assault by [Inflicting Serious Injury] [Using a Deadly Weapon] in the Presence of a Minor G.S. 14-33(d). (6/2017)		Misd A1
208.75	Assault on a Child under the Age of Twelve Years. G.S. 14-33(c)(3). (6/2011)	Misd	Misd A1
208.76	Assault on an Unborn Child (6/2012)		Misd A1
208.77	Assault Inflicting Serious Bodily Injury—Unborn Child 6/2012)		F
208.80 Series—Notes to 208.80, 208.80A, 208.80B, 208.80C			
208.80	Index to Instructions in 208.81 Series. Assault on an Officer—Arrest Situations. G.S. 14-33(c)(4); 15A-401. (6/2015)		
208.81	Model Instruction—Assault on an Officer—Arrest Situations. G.S. 14-33(c)(4); 15A-401. (6/2015)		
208.81A	Assault on an Officer—Arrest Situations (Only Officer's and Defendant's Force in Dispute). G.S. 14-33(c)(4). (6/2015)	Misd	Misd A1
208.81B	Assault on an Officer and Simple Assault—Arrest Situations (Issues as to Lawfulness of Arrest and Defendant's Force). G.S. 14-33(c)(4); 15A-401, 15A-402. (6/2015)	Misd	Misd A1
208.81C	Assault on an Officer and Simple Assault—Arrest Situations (Issues as to Lawfulness of Arrest without a Warrant, and as to Force Used by Officer and Defendant). G.S.14-33(c)(4). (6/2015)	Misd	Misd A1
208.81D	Simple Assault—Arrest Situations (Issue as to Force Used by Defendant to Resist Unlawful Arrest). G.S. 14-33(c)(4). (6/2015)	Misd	Misd A1
208.81E	Assault on an Officer—Arrest Situations (Issues as to Officer Status of Victim, Fact of Arrest, and Lawfulness of Arrest—Neither Officer's Nor Defendant's Force in Dispute). G.S. 14-33(c)(4). (6/2015)	Misd	Misd A1
208.81F	Assault on an Officer and Simple Assault—Arrest Situations (All Issues in Dispute). G.S. 14-33(c)(4). (6/2015)	Misd	Misd A1
208.81G	Assault on [[Law Enforcement] [Probation] [Parole] Officer] [Person Employed at a [State] [Local] Detention Facility]. G.S. 14-34.7. (6/2013)		F
208.82	Assault upon an Officer or Employee of the State or of Any Political Subdivision of the State or Public Transit Operator. G.S. 14-33(c)(4). (6/2011)	Misd	Misd A1
208.83	Assault upon a School Employee or Volunteer. G.S. 14-33(c)(6). (6/2011)	-	Misd A1
208.84	Ethnic Intimidation. G.S. 14-401.14. (4/2002)	Misd	Misd 1
208.85	Assault by Pointing a Gun. G.S. 14-34. (4/2002)	Misd	Misd A1
208.90	Discharging a Firearm into Occupied Property. G.S. 14-34.1. (6/2020)	H	E
208.90A	Discharging Barreled Weapon into Occupied Property. G.S. 14-34.1. (6/2011)	H	E
208.90B	[Discharging] [Attempting to Discharge] a Firearm Within an Occupied Building or Other Enclosure With Intent to Incite Fear. G.S. 14-34.10. (6/2018)		F
208.90C	Discharging a Barreled Weapon into Occupied Dwelling. G.S. 14-34.1. (6/2016)		D

208.90D	Discharging a Firearm into Occupied Vehicle in Operation. G.S. 14-34.1(b). (6/2011)		D
208.90E	Discharging a Barreled Weapon into Occupied Vehicle in Operation. G.S. 14-34.1(b). (6/2011)		D
208.90F	Discharging a Firearm into Occupied Property Inflicting Serious Bodily Injury. G.S. 14-34.1(c). (6/2011)		C
208.90G	Discharging a Barreled Weapon into Occupied Property Inflicting Serious Bodily Injury. G.S. 14-34.1(c). 6/2011)		C
208.90H	Discharging a Firearm into Occupied Dwelling Inflicting Serious Bodily Injury. G.S. 14-34.1(c). (6/2011)		C
208.90I	Discharging a Barreled Weapon into Occupied Dwelling Inflicting Serious Bodily Injury. G.S. 14-34.1(c). (6/2011)		C
208.90J	Discharging a Firearm into Occupied Vehicle in Operation Inflicting Serious Bodily Injury. G.S. 14-34.(c). (6/2011)		C
208.90K	Discharging a Barreled Weapon into Occupied Vehicle in Operation Inflicting Serious Bodily Injury. G.S. 14-34.1(c). (6/2011)		C
208.94	Assault Inflicting [Serious Bodily] [Serious] Injury on a [[Law Enforcement] [Probation] [Parole] Officer] [Member of the North Carolina National Guard] [Person Employed at a [State] [Local] Detention Facility]. G.S. 14-34.7. (6/2017)		F
208.95	Assault with a Firearm on a Law Enforcement, Probation, or Parole Officer or on a Person Employed at a State or Local Detention Facility. G.S. 14-34.5. (11/1998)	I	E, G
208.95A	Assault with a Firearm or Other Deadly Weapon upon Emergency Medical Services Personnel. G.S. 14-34.6. (2/1999)	I	I, F
208.95B	Assault with a Firearm or Other Deadly Weapon upon an Officer or Employee of the State or of any Political Subdivision of the State, Company Police Officer, or Campus Police Officer. G.S. 14-34.2. (3/1999)	I	F
208.95C	Assault on [[Law Enforcement] [Probation] [Parole] Officer] [Member of the North Carolina National Guard] [Person Employed at a [State] [Local] Detention Facility]—Physical Injury. G.S. 14-34.7(c) (6/2017)		I
208.95D	Assault on [Firefighter] [Emergency Medical Technician] [Emergency Health Care Provider] [Medical Responder] [Emergency Department Personnel] [Licensed Health Provider]. (6/2018)		I
208.95E	[Serious Bodily Injury Inflicted] [Deadly Weapon Used Other Than a Firearm] in Assault on [Firefighter] [Emergency Medical Technician] [Emergency Health Care Provider] [Medical Responder] [Emergency Department Personnel] (6/2012)		H
208.95F	Assault on Emergency Personnel—Dangerous [Weapon] [Substance] (6/2012)		I, F
208.95G	Assault on Emergency Personnel—Physical Injury (6/2012)		
208.96A	Adulteration or Misbranding of Food, Drugs or Cosmetics with Intent to Inflict Serious Injury or Death. G.S. 14-34.4(a). (4/2002)	C	C
208.96B	Extortion by Adulteration or Misbranding of Food, Drugs, or Cosmetics. G.S. 14-34.4(b). (4/2002)	C	C

	Kidnapping.		
210.15	False Imprisonment. (4/2002)	Misd	Misd 1
210.20	First Degree Kidnapping (Hostage, Ransom, Shield, or Terror) Covering Second Degree Kidnapping as a Lesser Included Offense. G.S. 14-39. (6/2011)	D, E	C, E
210.25	First Degree Kidnapping to Commit [Felony] [Serious Injury] Covering Second Degree Kidnapping as a Lesser Included Offense. G.S. 14-39. (6/2016)	D, E	C, E
210.26	First Degree Kidnapping (Involuntary Servitude) Covering Second Degree Kidnapping as a Lesser Included Offense. G.S. 14-39; 14-43.2. (3/2005)	D, E	C, E
210.30	Second Degree Kidnapping (Hostage, Ransom, Shield, or Terror). G.S. 14-39. (6/2017)	E	E
210.35	Second Degree Kidnapping (to Commit Felony or Serious Injury). G.S. 14-39. (6/2017)	E	E
210.36	Second Degree Kidnapping (Involuntary Servitude). G.S. 14-39; 14-43.2. (4/2002)	E	E
210.40	Felonious Restraint. G.S. 14-43.3. (6/2011)	J	F
210.50	Involuntary Servitude (offenses prior to Dec. 1, 2006). G.S. 14-43.2. (6/2011)	I	F
210.50A	Involuntary Servitude. G.S. 14-43.12. (6/2019)	I	F
210.52	Involuntary Servitude of a Minor. G.S. 14-43.12. (6/2019)		C
210.60	Child Abduction. G.S. 14-41. (6/2011)	G	F
210.70	Sexual Servitude. G.S. 14-43.13. (6/2020)		F
210.72	Sexual Servitude of a Minor. G.S. 14-43.13. (6/2020)		C
210.80	Human Trafficking Involving Involuntary Servitude. G.S. 14-43.11. (6/2019)		F
210.82	Human Trafficking Involving Sexual Servitude. G.S. 14-43.11. (6/2020)		F
210.84	Human Trafficking of a Minor Involving Involuntary Servitude. G.S. 14-43.11. (6/2019)		C
210.86	Human Trafficking of a Minor Involving Sexual Servitude. G.S. 14-43.11. (6/2020)		C
210.88	Unlawful [Sale] [Surrender] [Purchase] of a Minor. G.S. 14-43.14. (6/2019)		F
210.89	Promoting Travel For Unlawful Sexual Conduct. (6/2020)		G
210.90	Unlawful Transfer of Custody of a Minor Child by a Parent. G.S. 14-321.2(a)(1). (6/2017)		Misd 2
210.91	Unlawful Transfer of Custody of a Minor Child by a Parent Resulting in Serious Physical Injury to the Child. G.S. 14-321.2(a)(1). (6/2017)		G
210.92	Unlawful Acceptance of Custody of a Minor Child from a Parent. G.S. 14-321.2(a)(2). (6/2017)		Misd 2
210.93	Unlawful Acceptance of Custody of a Minor Child from a Parent Resulting in Serious Physical Injury to the Child. G.S. 14-321.2(a)(2). (6/2017)		G
210.94	Unlawful [Advertising] [Recruiting] [Soliciting] [Aiding] [Abetting] [Conspiring] or [Assisting] in the Unlawful Transfer of Custody of a Minor Child. G.S. 14-321.2(a)(3). (6/2017)		Misd 2

210.95	Unlawful [Advertising] [Recruiting] [Soliciting] [Aiding] [Abetting] [Conspiring] [Assisting] in the Unlawful Transfer of Custody of a Minor Child Resulting in Serious Physical Injury to the Child. G.S. 14-321.2(a)(3). (6/2017)		G
210.96	Knowingly Mutilating The Female Genitals of a Child Less Than 18 Years of Age. (6/2020)		C
210.97	[Consenting to] [Permitting] the Mutilation of the Female Genitals of a Child Less Than 18 Years of Age. (6/2020)		C
210.98	Knowingly [Removing] [Permitting the Removal of] a Child Less Than 18 Years of Age From The State For The Purpose of Mutilating The Child's Female Genitals. (6/2020)		C
Abortion and Similar Offenses.			
211.50	Concealing Birth of a Child. G.S. 14-46. (5/2002)	H	H
211.60	Unlawful Sale of the Remains of an Unborn Child from [Abortion] [Miscarriage]. G.S. 14-46.1 (6/2016)		
Libel and Slander.			
212.10	Communicating Libelous Matter to Newspapers. G.S. 14-47. (5/2002)	Misd	Misd 2
Use of Explosives or Incendiary Devices.			
213.10	Malicious Use of Explosive or Incendiary Device—Personal Injury. G.S. 14-49(a). (5/2002)	E	D
213.15	Malicious Use of Explosive or Incendiary Device—Property Damage. G.S. 14-49(b). (5/2002)	E	G
213.20	Malicious Damage of Occupied Property by Use of Explosive or Incendiary [Device] [Material]. G.S. 14-49.1. (11/2003)	C	D
213.25	Maliciously Damaging Church or Other Building of Worship by Use of an Explosive or Incendiary Device. G.S. 14-49(b1). (1/2004)		E
213.30	Maliciously Damaging State or Local Government Buildings by Use of an Explosive or Incendiary Device. G.S. 14/49(b2). (1/2004)		E
Burglary and Breaking and Entering.			
214.10	First Degree Burglary Covering Second Degree Burglary, Felonious Breaking or Entering and Nonfelonious Breaking or Entering as Lesser Included Offenses. G.S. 14-51, -52, -54. (6/2011)	C, D, H, Misd	D, G, H, Misd 1
214.11	Second Degree Burglary. G.S. 14-51, -52. (6/2011)	D	G
214.20	Habitual Breaking or Entering (6/2018)		E
214.30	Felonious Breaking or Entering. G.S. 14-54. (5/2002)	H, Misd	H, Misd 1
214.31	First-Degree Trespass. G.S. 14-159.12. (5/2019)	Misd	Misd 2
214.31A	Second-Degree Trespass. G.S. 14-159.13. (5/2002)	Misd	Misd 3
214.31B	First-Degree Trespass. G.S. 14-159.12(f). (6/2017)		I
214.32	Felonious Breaking or Entering. G.S. 14-54. Felonious Larceny—Pursuant to a Breaking or Entering Where the Property Is Worth More Than \$1,000. G.S. 14-70, 14-72(a), (b)(2). (6/2012)	H, Misd	H, Misd 1

214.34	Misdemeanor Breaking or Entering. G.S. 14-54. (5/2002)	Misd	Misd 1
214.35	Possession without Lawful Excuse of an Implement of Housebreaking. G.S. 14-55. (6/2011)	E	I
214.40	Breaking or Entering into Motor Vehicle. G.S. 14-56. (6/2016)	I	I
214.41	Preparation to Commit Breaking or Entering into Motor Vehicles—Possession of a Motor Vehicle [Master Key] [Manipulative Key] [Lock-Picking Device] [Hot Wiring Device]. G.S. 14-56.4(b). (6/2006)		Misd 1
214.42	Preparation to Commit Breaking or Entering into Motor Vehicles—Possession of a Motor Vehicle [Master Key] [Manipulative Key] [Lock-Picking Device] [Hot Wiring Device]. G.S. 14-56.4(b). (6/2006)		I, Misd 1
214.43	Preparation to Commit Breaking or Entering into Motor Vehicles—[Buying] [Selling] [Transferring] a Motor Vehicle [Master Key] [Manipulative Key] [Key Cutting Device] [Lock-Picking Device] [Hot Wiring Device]. G.S. 14-56.4(c). (6/2006)		Misd 1
214.44	Preparation to Commit Breaking or Entering into Motor Vehicles—[Buying] [Selling] [Transferring] a Motor Vehicle [Master Key] [Manipulative Key] [Key Cutting Device] [Lock-Picking Device] [Hot Wiring Device]. G.S. 14-56.4(c). (6/2006)		I, Misd 1
214.45	Felonious Breaking or Entering—Place of Religious Worship. G.S. 14-54.1. (6/2006)		G
214.47	Felonious Breaking or Entering—Intent to [Injure] [Terrorize] Occupant. G.S. 14-54. (6/2014)		H
214.50	(Misdemeanor) Opening Coin- or Currency-Operated Machines by Unauthorized Use of [a Key] [an Instrument]. G.S. 14-56.1. (5/2002)	Misd	Misd 1
214.51	Opening Coin- or Currency-Operated Machines by Unauthorized Use of [a Key] [an Instrument]. G.S. 14-56.1. (5/2002)	H, Misd	H, Misd 1
214.55	(Misdemeanor) Breaking into Coin- or Currency-Operated Machines. G.S. 14-56.1, -56.3. (5/2002)	Misd	Misd 1
214.56	Breaking into Coin- or Currency-Operated Machines. G.S. 14-56.1, -56.3. (5/2002)	H, Misd	H, Misd 1
214.60	Destroying or Damaging Coin- or Currency-Operated Machines. G.S. 14-56.2. (5/2002)	Misd	Misd 1
214.65	Burglary with Explosives or Acetylene Torch. G.S. 14-57. (5/2002)	E, H, Misd	D, H, Misd 1
214.70	Breaking or Entering of a Pharmacy With The Intent To Commit Larceny of a Controlled Substance. (6/2020)		E
Arson and Other Burnings.			
215.11	First Degree Arson (Including Second Degree Arson, Burning an Uninhabited House). G.S. 14-58, -62. (5/2002)	C, D, E	D, G, F
215.11A	First Degree Arson, Burning a Structure within the Curtilage of the Dwelling House (Including Second Degree Arson, Burning an Uninhabited House). G.S. 14-58, -62. (3/2005)	C, D, E	D, G, F
215.12	Second Degree Arson. G.S. 14-58. (5/2002)	D	G
215.25	Wanton and Willful Burning—Property. G.S. 14-58 through 14-67.1. (5/2002)	E	D-H

215.30	Wanton and Willful Burning of a [Boat] [Barge] [Ferry] [Float]. G.S. 14-63. (5/2002)	H	H
215.35	Wanton and Willful Burning of a [Ginhouse] [Tobacco House] [Miscellaneous Structure]. G.S. 14-64, -67.1. (5/2002)	H	H
215.40	Wanton and Willful or Fraudulent Burning of a Dwelling House by the Owner or Occupant. G.S. 14-65. (5/2002)	H	H
215.45	Burning Personal Property with Intent to Injure or Prejudice. G.S. 14-66. (5/2002)	H	H
215.50	Arson or Other Unlawful Burning Resulting in Serious Bodily Injury to a Firefighter, Law Enforcement Officer, or Emergency Medical Technician. G.S. 14-69.3. (6/2019)		E
215.60	Burning Caused During Commission of Another Felony. G.S. 14-67.2 (6/2019)		D
215.85	Making a False Report concerning a Destructive Device. (Other Than Public Building). G.S. 14-69.1(a). (6/2006)	-	H
215.85B	Making a False Report concerning a Destructive Device—(Public Building). G.S. 14-69.1(c). (6/2006)	-	H, G
215.86	Perpetrating Hoax by Use of a False Bomb or Other Device—(Other Than Public Building). G.S. 14-69.2(a). (2/2000)	-	H
215.86B	Perpetrating Hoax by Use of a False Bomb or Other Device—(Public Building). G.S. 14-69.2(c). (2/2000)	-	H, G
215.87	Making a False Report Concerning a Threat of Mass Violence on Educational Property. G.S. 14-277.5(b). (6/2008)	H	
215.90	Communicating a Threat of Mass Violence on Educational Property. G.S. 14-277.6 (6/2019)		H
215.91	Communicating a Threat of Mass Violence at a Place of Religious Worship. G.S. 14-277.7 (6/2019)		H
	Larceny.		
216.05	Misdemeanor Larceny. G.S. 14-72(a). (6/2013)	Misd	Misd 1
216.07	Larceny of Motor Fuel Valued at Less Than \$1,000. G.S. 14-72.5(a). (6/2010)		Misd 1
216.08	Felonious Larceny—Habitual Misdemeanor Larceny. G.S. 14-72(b)(6). (6/2013).		H
216.10	Felonious Larceny—Goods Worth More Than \$1,000. G.S. 14-70, -72(a). (6/2010)	H, Misd	H, Misd 1
216.11	Felonious Larceny—[Explosive Device] [Incendiary Device]. G.S. 14-70, -72(b)(3). (2/2000)	H, Misd	H, Misd 1
216.11A	Felonious Larceny—Firearm. G.S. 14-70, -72(b)(4). (12/1999)	H, Misd	H, Misd 1
216.13	Larceny of Chose in Action. G.S. 14-75. (6/2017)		H
216.15	Felonious Larceny—by Trick. G.S. 14-70, -72. (5/2002)	H, Misd	H, Misd 1
216.20	Felonious Larceny—From the Person. G.S. 14-70, -72(b)(1). (6/2011)	H, Misd	H, Misd 1
216.30	Felonious Larceny—Pursuant to Breaking/Entering Offense. G.S. 14-70, -72(b)(2). (5/2002)	H	H
216.35	Felonious Larceny—Pursuant to Breaking/Entering Offense Where the Property Is Worth More Than \$1,000. G.S. 14-70, -72(a), (b)(2). (5/2002)	H, Misd	H, Misd 1
216.36	Larceny from a Permitted Construction Site—Goods Worth More Than \$300 but Less Than \$1,000. G.S. 14-72.6. (6/2006)		

216.37	Felonious Larceny—Motor Vehicle Parts Worth More Than \$1,000. G.S. 14-72.8 (6/2010)		I
216.40	Feloniously Receiving Stolen Goods—Goods Worth More Than \$1,000. G.S. 14-71, -72. (5/2002)	H, Misd	H, Misd 1
216.41	Feloniously Receiving Stolen Goods from a Permitted Construction Site—Goods Valued in Excess of \$300 and Less Than \$1,000. G.S. 14-72.6. (6/2006)		I
216.42	Felonious [Receiving] [Possessing] Property in the Custody of a Law Enforcement Agency. G.S. 14-71(b). (6/2009)		H
216.43	Receiving Stolen Controlled Substances – Pursuant to a Breaking or Entering of a Pharmacy. (6/2020)		F
216.45	Felonious Receiving Stolen Goods—Pursuant to a Breaking or Entering. G.S. 14-71, -72. (5/2002)	H, Misd	H, Misd 1
216.46	Misdemeanor Possession of Stolen Goods. G.S. 14-70, -72(a). (5/2002)	Misd	Misd 1
216.47	Felonious Possession of Stolen Goods—Goods Worth More Than \$1,000. G.S. 14-70, -71.1, -72(a). (5/2002)	H, Misd	H, Misd 1
216.48	Possession of Property Stolen Pursuant to a Breaking or Entering. G.S. 14-71.1, -72(b)(1) and (2). (5/2002)	H	H
216.48A	Felonious Possession of Stolen Goods—Stolen Pursuant to a Breaking or Entering or Worth More Than \$1,000 (Including Non-Felonious Possession). G.S. 14-71.1, -72(b)(1) and (2). (6/2008)	H, Misd	H, Misd 1
216.48B	Possession of Controlled Substances—Pursuant to a Breaking or Entering of a Pharmacy. (6/2020)		F
216.49	Possession of Stolen Explosives, Public Records. G.S. 14-71.1, -72(b)(3), (4), and (5). (5/2002)	H	H
216.49A	Possession of Feloniously Taken Property Other Than by Larceny (e.g., Embezzlement). G.S. 14-70, -71.1, -72(a). (5/2002)	H, Misd	H, Misd 1
216.49B	Possession of Stolen Firearm. G.S. 14-71.1 and -72(b)(4). (5/2002)	H	H
216.49C	Felonious Possession of Stolen Goods from Permitted Construction Site—Goods Valued in Excess of \$300 but Less Than \$1,000. G.S. 14-72.6. (6/2006)		
216.50	Willfully Concealing the Merchandise of a Store—Shoplifting. G.S. 14-72.1(a). (3/2003)	Misd	Misd 3
216.52	Larceny by Price Tag Change. G.S. 14-72.1(d). (5/2002)	Misd	Misd 3
216.55	Willfully Concealing the Merchandise of a Store—Using Lead- or Aluminum-Lined Bag or Article of Clothing to Prevent Activation of Anti-Shoplifting Device or Inventory Control Device. G.S. 14-72.1(a), (d1). (5/2004)		H
216.56	Larceny from a Merchant. G.S. 14-72.11. (6/2018)		H
216.57	Organized Retail Theft. Retail Property with Value Exceeding \$1,500, Aggregated Over 90-Day Period. G.S. 14-86.6(a)(1). (6/2018)		H
216.57A	Organized Retail Theft Conspiracy — Retail Property with Value Exceeding \$20,000, Aggregated Over 90-Day Period. (6/2018)		
216.58	[Receiving] [Possessing] Retail Property Obtained by Organized Retail Theft. G.S. 14-86.6(a)(2). (6/2009)		H
216.59	Organized Retail Theft — Acting as Leader. (6/2018)		

216.60	Larceny by an Employee. G.S. 14-74. (3/1998)	H	H
216.60A	Larceny by an Employee. G.S. 14-74, -75. (4/1998)		C, H (12/97)
216.61	Appropriation of Partnership Funds by Partner to Personal Use. G.S. 14-97. (5/1998)		C, H
216.62	Embezzlement by Insurance [Agents] [Brokers] [Administrators]. G.S. 58-2-162. (6/2010)		C, H
216.70	Felonious [Altering] [Destroying] [Disassembling] [Dismantling] [Reassembling] [Storing] of Any [Motor Vehicle] [Motor Vehicle Part] Illegally Obtained by [Theft] [Fraud] [Other Illegal Means]. G.S. 14-72.7(a)(1). (6/2014)		
216.71	Felonious Permitting of Chop Shop Activity on Property. G.S. 14-72.7(a)(2). (6/2014)		H
216.72	Felonious [Purchasing] [Disposing] [Selling] [Transferring] [Receiving] [Possessing] of [Motor Vehicles] [Motor Vehicle Parts] with an Altered [Vehicle Identification Number] [Vehicle Part Identification Number]. G.S. 14-72.7(a)(3). (6/2014)		H
216.73	Felonious [Purchasing] [Disposing of] [Selling] [Transferring] [Receiving] [Possessing] a [Motor Vehicle] [Motor Vehicle Part] from a Person Engaged in a Chop Shop Activity. G.S. 14-72.7(a)(4). (6/2014)		H
216.77	Purchasing of Vehicles for the Purpose of Scrap Parts Only and Failing to Comply with Certain Requirements Mandated by Law. G.S. 20-62.1 (6/2019)		I
216.80	Purchase of Regulated Metals by Secondary Metals Recyclers from Other Than a Fixed Location. G.S. 66-11(d)(1). (6/2008)		Misd 1
216.81	[Purchasing] [Receiving] of Regulated Metals by Secondary Metals Recyclers from (a) Minor(s). G.S. 66-11(d)(1). (6/2008)		Misd 1
216.82	[Cutting] [Mutilating] [Defacing] [Otherwise Injuring] Property to Obtain Nonferrous Metals—Property [Injury] [Loss in Value] [Repairs] [Loss Including Fixtures or Improvements] Less than \$1,000. G.S. 14-159.4(c)(1) (6/2013)		Misd 1
216.83	[Cutting] [Mutilating] [Defacing] [Otherwise Injuring] Property to Obtain Nonferrous Metals—Property [Injury] [Loss in Value] [Repairs] [Loss Including Fixtures or Improvements] \$1,000 or More (But Less than \$10,000). G.S. 14-159.4(c)(1) (6/2013)		H
216.84	[Cutting] [Mutilating] [Defacing] [Otherwise Injuring] Property to Obtain Nonferrous Metals—Property [Injury] [Loss in Value] [Repairs] [Loss Including Fixtures or Improvements] \$10,000 or More. G.S. 14-159.4(c)(1) (6/2013)		F
216.85	[Cutting] [Mutilating] [Defacing] [Otherwise Injuring] Property to Obtain Nonferrous Metals—Serious Injury. G.S. 14-159.4(c)(2) (6/2013)		Misd A1
216.86	[Cutting] [Mutilating] [Defacing] [Otherwise Injuring] Property to Obtain Nonferrous Metals—Serious Bodily Injury. G.S. 14-159.4(c)(3). (6/2013)		F
216.87	[Cutting] [Mutilating] [Defacing] [Otherwise Injuring] Property to Obtain Nonferrous Metals—Death. G.S. 14-159.4(c)(4) (6/2013)		D

216.88	[Cutting] [Mutilating] [Defacing] [Otherwise Injuring] Property to Obtain Nonferrous Metals—Critical Infrastructure. G.S. 14-159.4 (c)(5) (6/2013)		Misd 1
216.90	Unauthorized Use of a Conveyance. G.S. 14-72.2. (5/2002)	I, Misd	I, Misd 7
216.93	Larceny of Pinestraw. G.S. 14-79.1. (11/1998)		H
216.95	Felonious Larceny of Ungathered Crops. G.S. 14-78. (5/2002)	H, Misd	H, Misd 1
216.96	Felonious Larceny of Horses, Mules, Swine, Cattle, or Dogs. G.S. 14-81. (2/2003)	H, J	H, I
216.97	Unlawful Taking and Carrying Away of Any [Horse] [Mare] [Gelding] [Mule] [Dog] with the Intent to Deprive the Owner of the [Special] [Temporary] Use of Such Property. G.S. 14-82. (2/2003)	Misd	Misd 2
216.98	Unlawful Taking and Carrying Away of Any [Horse] [Mare] [Gelding] [Mule] [Dog] with the Intent to Use Such Property for a [Special] [Temporary] Purpose. G.S. 14-82. (2/2003)	Misd	Misd 2
	Robbery.		
217.10	Common Law Robbery. G.S. 4-1, 14-2, 14-87.1. (6/2016)	H	G
217.20	Robbery with a Firearm. G.S. 14-87. (6/2020)	D	D
217.25	Attempted Robbery with a Firearm. G.S. 14-87. (5/2003)	D	D
217.30	Robbery with a Dangerous Weapon—Other Than a Firearm Covering Common Law Robbery as a Lesser Included Offense. G.S. 14-87, 14-87.1, 14.1, 14.2. (6/2018)	D, H	D, G
217.50	Safecracking—By Explosives, Drills, or Tools. G.S. 14-89.1(a)(1). (6/2017)	H	I
217.51	Safecracking—By Stolen Combination, Key, Electronic Device or Fraudulently Acquired Implement or Means. G.S. 14-89.1(a)(2). (6/2017)	H	I
217.52	Safecracking—By Use of [[Master Key] [Duplicate Key] [Device] [[Made] [Obtained]] in an Unauthorized Manner] [Stethoscope] [Listening Device] [Surreptitious Means]. G.S. 14-89.1(a)(3). (6/2017)	H	I
217.53	Safecracking—All Other Means. G.S. 14-89.1(a)(3) and (4). (6/2017)	H	I
217.54	Safecracking—Removing Safe or Vault from Premises. G.S. 14-89.1(b). (5/2003)	H	I
	Embezzlement.		
218.10	Embezzlement of Property by Virtue of Office or Employment. G.S. 14-90, 58-2-162. (6/2010)	H	H
218.10A	Embezzlement of Property Valued at \$100,000 or More by Virtue of Office or Employment. G.S. 14-90; 58-2-162. (6/2010)		C, H (12/97)
218.15	Embezzlement of Property by Virtue of Office or Employment. G.S. 14-90, 58-2-162, 45A-3. (6/2010)		H
218.15A	Embezzlement of Property Valued at \$100,000 or More by Virtue of Office or Employment. G.S. 14-90, 58-2-162, 45A-3. (6/2010)		C
218.20	Willful Misapplication of Corporate Money, Funds or Credits. G.S. 14-254. (5/2003)	G	H

218.21	Unauthorized Issuance of Corporate Instruments. G.S. 14-254. (5/2003)	G	H
218.22	False Entries by Corporate Officers or Agents. G.S. 14-254. (5/2003)	G	H
218.25	Embezzlement of State Property by Public Officers and Employees. G.S. 14-91. (6/2010)		F
218.25A	Embezzlement of State Property Valued at \$100,000 or More by Public Officers and Employees. G.S. 14-91. (6/2010)		C
218.30	[Misapplication] [Embezzlement] of Bank Funds (6/2013)		C, H
	False Pretenses and Cheats.		
219.10	Obtaining Property by False Pretenses. G.S. 14-100. (6/2020)	H	H
219.10A	Obtaining Property by False Pretenses (Value of Property \$100,000 or More). G.S. 14-100. (6/2020)		C, H (12/97)
219.11	Fraudulent Misrepresentation Involving Child Care Subsidies. G.S. 110-107. (4/2000)	-	Class 1; I
219.20	Obtaining Advances under Promise to Work. G.S. 14-104. (10/1998)	-	Misd 2
219.40	Obtaining Property in Return for Worthless Check, with Intent to Cheat and Defraud. G.S. 14-106. (3/2003)	Misd	Misd 2
219.50A	Worthless Check—Insufficient Funds (Less Than \$2,000). G.S. 14-107(a), (d)(1). (6/2014)	-	Misd 2
219.51A	Worthless Check—Insufficient Funds (More Than \$2,000). G.S. 14-107(a), (d). (6/2014)	J	I
219.52	Worthless Check—Drawn on Non-Existent Account. G.S. 14-107(d)(3). (5/2000)	Misd	Misd 1
219.53	Worthless Check—Drawn on Closed Account. G.S. 14-107(d)(4). (5/2000)	Misd	Misd 1
	Credit Card Crime Act.		
219B.10	Credit Card (Financial Transaction Card) Theft. G.S. 14-113.9(a)(1). (4/2003)	J	I
219B.11	Credit Card (Financial Transaction Card) Theft—Receiving Stolen Card. G.S. 14-113.9(a)(1). (4/2003)	J	I
219B.20	Credit Card (Financial Transaction Card) Theft—Use of Lost, Misaid, or Mistakenly Delivered Card. G.S. 14-113.9(a)(2). (4/2003)	J	I
219B.25	Credit Card (Financial Transaction Card) Theft—Buying a Credit Card. G.S. 14-113.9(a)(3). (5/2003)	J	I
219B.26	Credit Card (Financial Transaction Card) Theft—Selling a Credit Card. G.S. 14-113.9(a)(3). (5/2003)	J	I
219B.30	Forgery of a Credit Card (Financial Transaction Card)—Making or Embossing Credit Card. G.S. 14-113.11(a)(1). (4/2003)	J	I
219B.31	Forgery or Uttering of a Forged Credit Card (Financial Transaction Card)—Falsely Encoded, Duplicated, Altered, or Uttered. G.S. 14-113.11(a)(2). (4/2003)	J	I
219B.35	Forgery of a Credit Card (Financial Transaction Card)— Unauthorized Signing of a Credit Card. G.S. 14-113.11(a)(3). (4/2003)	J	I

219B.40	Credit Card (Financial Transaction Card) Fraud—Credit Card Stolen, Forged, Falsely Represented, Expired, or Revoked. G.S. 14-113.13(a)(1)(2); (b). (4/2003)	J, Misd	I, Misd 2
219B.41	Credit Card Fraud—False Representation as to Holding or Issuance of Card. G.S. 14-113.13(a)(2). (5/2003)	J, Misd	I, Misd 2
219B.42	Credit Card Fraud—Where Defendant Held or Controlled Card as Security for Debt. G.S. 14-113.13(a)(3). (5/2003)	J, Misd	I, Misd 2
219B.43	Credit Card Fraud—By Furnisher of Goods and Services. G.S. 14-113.13(b)(1). (4/2003)	J, Misd	I, Misd 2
219B.44	Credit Card (Financial Transaction Card)—Fraud by Misrepresentation to Issuer. G.S. 14-113.13(b)(2). (4/2003)	J, Misd	I, Misd 2
219B.50	Criminal Possession of Incomplete Credit Cards (Financial Transaction Card). G.S. 14-113.14(a)(1). (4/2003)	J	I
219B.55	Criminal Possession of Credit Card (Financial Transaction Card)—Reproduction Device. G.S. 14-113.14(a)(2). (4/2003)	J	I
219B.60	Credit Card Fraud—Criminal Factoring of Transaction Card Records of Sale. G.S. 14-113.15A. (4/2003)	I	I
219B.80	Identity Theft. G.S. 14-113.20, 14-113.22. (6/2020)		F, G
219B.80A	Identity Theft—Financial Fraud Resulting in Another Person's [Arrest] [Detention] [Conviction of a Criminal Offense]. G.S. 14-113.20, -113.22. (6/2010)	-	F, G
219B.80B	Identity Theft—Possession of Identifying Information Pertaining to Three or More Persons. G.S. 14-113.20, -113.22. (6/2010)		F, G
219B.85	Identity Theft—Trafficking in Stolen Identities. G.S. 14-113.20A. (6/2010)		E
219C.05	Willfully Failing to Make North Carolina Income Tax Returns. G.S. 105-236(9). Deleted. (6/2013).	Misd	Misd 1
219D.10	Fraudulent Misrepresentation Involving a [License Application] [Other Document] Filed Pursuant to the North Carolina Money Transmitters Act. G.S. 53-208.58(b). (6/2017)		Misd 1
219D.15	Engaging in the Business of Money Transmission Without a License. G.S. 53-208.58(c). (6/2017)		Misd 1
219D.20	Unlawfully Engaging in the Business of Money Transmission—Any Reason. G.S. 53-208.58(a). (6/2017)		Misd 1
	Frauds.		
220.10	Fraudulent Disposal of Personal Property on Which There Is a Security Interest. G.S. 14-114. (5/2003)	Misd	Misd 2
220.20	Secreting Property to Hinder Enforcement of Lien or Security Interest. G.S. 14-115. (5/2003)	Misd	Misd 2
220.22	Filing False Security Agreements (6/2013)		I
220.24	Improper Filing of Lien on [Real Property] [Other Document]. G.S. 44A-12.1(c). (6/2013)		I
220.26	Filing [False Lien] [Encumbrance]. G.S. 14-118.6. (6/2020)		I
220.28	Simulation of Court Process in Connection with Collection of [a Claim] [a Demand] [an Account]. G.S. 14-118.1 (6/2013)		I
220.30	Residential Mortgage Fraud. G.S. 14-118.12(a)(1)–(2). (6/2013)		H
220.31	[Receiving] [Attempting to Receive] Proceeds from Residential Mortgage Fraud. G.S. 14-118.12(a)(3). (6/2008)		H

220.32	Conspiracy to Commit Residential Mortgage Fraud. G.S. 14-118.12(a)(4). (6/2008)		H
220.33	Solicitation of Residential Mortgage Fraud. G.S. 14-118.12(a)(4). (6/2008)		H
220.34	Pattern of Residential Mortgage Fraud. G.S. 14-118.15. (6/2008)		H, E
220.35	False Statement of Sums Due for [Labor] [Materials] Furnished at Site of Improvements to Real Property (6/2013)		Misd 1
220.40	Fraudulent and Deceptive Advertising. G.S. 14-117. (5/2003)	Misd	Misd 2
220.50	[Improper] [Fraudulent] Receipt of Decedent's [Retirement Allowance] [Disability Benefit]. G.S. 135-18.11. (6/2013)		Misd 1
220.53	Improper Receipt of a Decedent's Disability Income Plan Allowance from the State of North Carolina. G.S. 135.111.1. (6/2014)		Misd 1
220.55	Fraudulently [Obtaining] [Increasing] Benefit Under Unemployment Insurance. G.S. 96-18.A. (6/2013)		I, Misd 1
220.60	Blackmail—Other Than by Accusation of Crime. G.S. 14-118. (5/2003)	Misd	Misd 1
220.65	Blackmail—By Accusation of Crime. G.S. 14-118. (5/2003)	Misd	Misd 1
220.70	Obtaining Academic Credit by Fraudulent Means. G.S. 14-118.2. (5/2003)	Misd	Misd 2
220.80	Extortion. G.S. 14-118.4. (5/2003)	H	F
220.85	Exploitation of [Disabled] [Older] Adult by a Person in a [Position of Trust] [Business Relationship with the Adult]. G.S. 14-112.2(b), (d). (6/2014)		F, G, H
220.90	Fraud in Connection with Rental of Motor Vehicle. G.S. 20-106.1. (3/2003)	J	I
220.91	Failing to Return Rented Property on Which There Is a Purchase Option (Rent to Own). G.S. 14-168.4. (5/2003)	Misd	Misd 2
220.95	Interfering with Gas, Electric, and Steam [Appliances] [Meters]. G.S. 14-151. (6/2014)		Misd 1
220.97	[Possession] [Transfer] [Use] of Automated Sale Suppression Device. G.S. 14-118.7. (6/2014)		H
221.10	Forgery. Forgery of Notes, Checks, and Other Securities. G.S. 14-119(a). (6/2008)	I	I
221.12	Possession of Counterfeit Instrument(s). G.S. 14-119(a). (6/2008)		I
221.14	Possession of Five or More Counterfeit Instruments. G.S. 14-119(b). (6/2008)		G
221.16	Transporting Five or More Counterfeit Instruments. G.S. 14-119(b). (6/2008)		G
221.20	Uttering Forged Instrument or Instrument Containing a Forged Endorsement. G.S. 14-120. (4/2003)	I	I
221.40	Forgery of Deeds, Wills and Certain Other Instruments. G.S. 14-122. (5/2003)	I	H
221.41	Showing Forth in Evidence Forged Deeds, Wills, and Certain Other Instruments. G.S. 14-122. (5/2003)	I	H
221.80	Forgery of Writings (Common Law Misdemeanor). (5/2003)	Misd	Misd 1; H
	Trespasses to Land and Fixtures.		

222.15	Willful and Wanton Injury to Real Property. G.S. 14-127. (5/2003)	Misd	Misd 1
222.16	Felonious Injury to Houses or Other Buildings Including Lesser Offense (6/2009)		I
222.17	Misdemeanor Injury to Houses or Other Buildings. G.S. 14-144. (6/2009)		Misd 2
222.18	Felonious Injury to Fences or Walls Including Lesser Offense. G.S. 14-144. (6/2009)		I
222.19	Misdemeanor Injury to Fences or Walls. G.S. 14-144. (6/2009)		Misd 2
222.20	Forcible Trespass to Real Property (Common Law Misdemeanor). (5/2003)	Misd	Misd 1
222.22	Unlawfully [Stopping] [Impeding] [Delaying] [Detaining] a Public School Bus or Public School Activity Bus. G.S. 14-132.2. (5/2002)		Misd 1
222.23	Refusing to Leave a Public School Bus or Public School Activity Bus. G.S. 14-132.2. (5/2002)		Misd 1
222.24	Trespassing on Public School Bus or Public School Activity Bus. G.S. 14-132.2. (5/2002)		Misd 1
222.26	Trespass—Electric Power Supplier—Basic Offense. G.S. 14-159.12(c). (6/2013)		Misd A1
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]. G.S. 14-159.12(d). (6/2013)		H Misd 1
222.30	Domestic Criminal Trespass. G.S. 14-134.3(a). (5/2003)		G
222.31	Aggravated Domestic Criminal Trespass. G.S. 14-134.3(b). (5/2003)		Misd A1
222.32	Interfering with Emergency Communications. G.S. 14-286.2. (5/2002)		H
222.33	Trespassing by Person Subject to Valid Protective Order onto Property Operated as a Safe House or Haven for Victims of Domestic Violence. (6/2011)		H
222.40	Setting Fire to [Grassland] [Brushland] [Woodland] Property of Another. G.S. 14-136. (4/2003)	Misd	Misd 2
222.40A	Setting Fire to [Grassland] [Brushland] [Woodland] (Defendant's Property). G.S. 14-136. (4/2003)	Misd	Misd 2
222.41	Setting Fire to [Grassland] [Brushland] [Woodland] with Intent to Damage Property of Another. G.S. 14-136. (3/2003)	I	I
222.42	[Cutting] [Injuring] [Removing] Another's Timber. G.S. 14-135, 14-72.		Misd 1, H
222.45	Toxic Substances, Dumping. G.S. 14-284.2. (5/2003)		F
222.50	Desecration of a Gravesite. G.S. 14-148(a). (6/2008)		Misd 1
222.51	Desecration of Human Remains. G.S. 14-149. (6/2008)		H
222.52	Felonious Desecration of a Gravesite. G.S. 14-148(a). (6/2008)		I
222.60	Injuring Telecommunication Wires. G.S. 14-154. (6/2008)		I
222.65	Trespassing for the Purpose of [Hunting] [Fishing] [Trapping] (6/2012)		Misd 1
222.66	Trespassing for the Purpose of [Raking] [Removing] Pine Straw (6/2012)		Misd 1
222.68	Improper Taking of [Menhaden] [Atlantic Thread] Herring. G.S. 113-187. (6/2013)		Misd A1

222.69	Unlawful Dealings with [Ginseng] [Galax] [Venus Flytrap]. G.S. 106-202.19(a). (6/2013)		Misd 2
222.70	Trespass to Land on a Motorized All Terrain Vehicle. G.S. 14-159.3. (6/2015)		Misd 2
222.75	Collection of [Seismic] [Geophysical] Data on Another's Property Without Written Consent. G.S. 113-395.4. (6/2015)		Misd 1
222.80	Graffiti Vandalism. G.S. 14-127.1. (6/2016)		Misd
222.85	Graffiti Vandalism. G.S. 14-127.1. (6/2016)		
Trespasses to Personal Property.			
223.15	Willful and Wanton Injury to Personal Property Causing Damage of More Than \$200. G.S. 14-160. (5/2003)	Misd	Misd 1, 2
223.20	[Alteration] [Destruction] [Removal] of Permanent Identification Marks from Personal Property. G.S. 14-160.1(a). (3/2003)	Misd	Misd 1
223.21	[Buying] [Selling] [Possessing] Item of Personal Property on Which the Permanent Identification Mark Has Been [Altered] [Destroyed] [Defaced] [Removed]. G.S. 14-160.1(b). (3/2003)	Misd	Misd 1
223.25	Felonious Computer Trespass. G.S. 14-453, -458. (4/2000)		Misd 1
223.30	Willfully Damaging [Computers] [Computer Programs] [Computer Systems] [Computer Networks]. G.S. 14-455. (6/2009)		Misd 1
223.31	Willfully Damaging Government [Computers] [Computer Programs] [Computer Systems] [Computer Networks]. G.S. 14-455(b). (6/2009)		F
223.40	Unlawful Operation of an Audiovisual Recording Device. G.S. 14-440.1. (6/2006)		Misd 1
223.45	Unlawful Operation of an Audiovisual Recording Device. G.S. 14-440.1. (6/2006)		I, Misd 1
223.70	Injuring, Destroying, Removing, Vandalizing, or Tampering with Firefighting or Emergency Medical Services Machinery or Equipment. (6/2018)		
223.71	Interfering with a [Fire-Alarm] [Fire-Detection] [Fire- Extinguishing] System. (6/2020)		Misd 2
223.72	Interfering with a [Fire-Alarm] [Fire-Detection] [Fire- Extinguishing] System in a [Prison] [Local Confinement Facility]. (6/2020)		H
223.73	Giving False Alarms. (6/2020)		Misd 2
223.74	Willfully [Misusing] [Damaging] a Portable Fire Extinguisher. (6/2020)		Misd 2
Vehicles and Draft Animals—Protection of Bailor against Acts of Bailee.			
224.10	[Willful] [Malicious] Injury to [Rented] [Hired] Personal Property. G.S. 14-165. (3/2003)	Misd	Misd 2
224.20	Failure to Return [Rented] [Hired] Property. G.S. 14-167. (3/2003)	Misd	Misd 2
224.25	Failure to Return [Rented] [Hired] [Leased] Motor Vehicle Valued in Excess of \$4,000. G.S. 14-167. (6/2006)		
224.30	Felonious Conversion by Bailee. G.S. 14-168.1 (4/2003)	H, Misd	H, Misd 1

Offenses against Public Morality and Decency.

225.10	[Knowingly] [Willingly] [Abusing] [Mutilating] a Dead Human Body in a Person's Custody. 90-210.25(5)(2) (6/2019)		Misd 2
225.15	Unauthorized Practice of [Embalming] [Funeral Directing] [Funeral Service] [Operating Funeral Establishment]—Practicing Without a License (Including While Representing Oneself as Being Licensed. G.S. 90-210.25(f)(1) (6/2019)		Misd 2
226.10	Crime against Nature—Animals. G.S. 14-177. (6/2006)	H	I
226.10A	Crime against Nature—Persons. G.S. 14-177. (6/2019)		
226.20	Incest. G.S. 14-178. (3/2003)	G	F
226.20A	Incest with a Person under the Age of Thirteen Years. G.S. 14-178. (3/2003)	G	B1
226.20B	Incest with a Person [Thirteen] [Fourteen] [Fifteen] Years of Age. G.S. 14-178. (3/2003)		B1, C
226.45	Bigamy. G.S. 14-183. (3/2003)	H	I
226.46	Bigamous Cohabitation. G.S. 14-183. (4/2003)	H	I
226.50	Fornication and Adultery. G.S. 14-184. (1/2004)	Misd	Misd 2
226.55	Using Profane or Indecent Language over a Telephone. G.S. 14-196(a)(1). (3/2001)	Misd	Misd 2
226.56	Using Threatening Language by Way of Telephone. G.S. 14-196(a)(2). (3/2001)	Misd	Misd 2
226.57	Harassing by Repeated Telephone Calls. G.S. 14-196(a)(3). (3/2001)	Misd	Misd 2
226.58	Disrupting Telephone Service of Another. G.S. 14-196(a)(4). (3/2001)	Misd	Misd 2
226.59	Harassing by Imparting False Information by Telephone. G.S. 14-196(a)(5). (3/2001)	Misd	Misd 2
226.60	Cyberstalking—Threatening Language. G.S. 14-196.3(b)(1). (3/2001)		Misd 2
226.60A	Cyberstalking—Harassment. G.S. 14-196.3(b)(2). (1/2001)		Misd 2
226.60B	Cyberstalking—False Statement. G.S. 14-196.3(b)(3). (3/2001)		Misd 2
226.60C	Cyberstalking—Permitting Communication. G.S. 14-196.3(b)(4). (3/2001)		Misd 2
226.62	Cyberstalking Through Use of An Electronic Tracking Device. G.S. 14-196.3 (6/2016)		
226.65	Cyber-bullying with Intent to [Intimidate] [Torment] a Minor. G.S. 14-458.1(a)(1). (6/2017)		Misd 1, Misd 2
226.66	Cyber-bullying with Intent to [Intimidate] [Torment] [a Minor] [a Minor's [Parent] or [Guardian]]. G.S. 14-458.1(a)(2). (6/2010)		Misd 1, Misd 2
226.67	Cyber-bullying—Using a [Computer] [Computer Network] to Plant any Statement to Provoke a Third Party to [Stalk] [Harass] a Minor. G.S. 14-458.1(a)(3). (6/2010)		Misd 1, Misd 2
226.68	Cyber-bullying—Using a [Computer] [Computer Network] to [Copy and Disseminate] [Cause to be Made] an Unauthorized Copy of Data Pertaining to a Minor for the Purpose of [Intimidating] [Tormenting] that Minor. G.S. 14-458.1(a)(4). (6/2010)		Misd 1, Misd 2
226.69	Cyber-bullying—Signing up a Minor for a Pornographic Internet Site. G.S. 14-458.1(a)(5). (6/2010)		Misd 1, Misd 2

226.70	Cyber-bullying—Using a [Computer] [Computer Network] to Sign up a Minor for [Electronic Mailing List] [Electronic Messages] Without Consent of the [Minor] [Minor's [Parent] [Guardian]] Resulting in [Intimidation] [Torment] of the Minor. G.S. 14-458.1(a)(6). (6/2010)		Misd 1, Misd 2
226.71A	Cyber-bullying of School Employee by Student—[Computer] [Internet] Interference with Employee. G.S. 14-458.2(b)(1). (6/2013)		Misd 2
226.72B	Cyber-bullying of School Employee by Student—Statements Likely to Provoke Action. G.S. 14-458.2(b)(2). (6/2013)		Misd 2
226.72C	Cyber-bullying of School Employee by Student—Unauthorized Copying of Data. G.S. 14-458.2(b)(3). (6/2013)		Misd 2
226.72D	Cyber-bullying of School Employee by Student—Pornographic Internet Site. G.S. 14-458.2(b)(4). (6/2013)		Misd 2
226.72E	Cyber-bullying of School Employee by Student—Electronic Mailing Lists. G.S. 14-458.2(b)(5). (6/2013)		Misd 2
226.75	Secretly Peeping into Room Occupied by Another Person. G.S. 14-202(a). (12/2003)	Misd	Misd 1
226.75A	Secretly Peeping through the Use of a Mirror or Other Device. G.S. 14-202(a1). (2/2005)		Misd 1
226.76	Secretly Peeping into Room While in Possession of a Device Used to Create a Photographic Image. G.S. 14-202(c). (4/2004)		Misd A1
226.77	Felonious Secretly Peeping into Room Occupied by Another Person and Using a Device to Create a Photographic Image of a Person in That Room for the Purpose of Sexual Arousal or Gratification. G.S. 14-202(d). (4/2004)		I
226.78	Secretly or Surreptitiously Using a Device to Create a Photographic Image of Another Person Underneath or through the Clothing. G.S. 14-202(e). (4/2004)		I
226.79	Secretly or Surreptitiously Installing a Device Used to Create a Photographic Image. G.S. 14-202(f). (4/2004)		I
226.80	Knowingly Possessing a Photographic Image Obtained by Secretly Peeping. G.S. 14-202(g). (5/2004)		I
226.81	Knowingly Disseminating a Photographic Image Obtained by Secretly Peeping. G.S. 14-202(h). (5/2004)		H
226.85	Taking an Indecent Liberty with a Child. G.S. 14-202.1. (4/2003)	H	F
226.86A	Taking Indecent Liberties with a Student (by Teacher, School Administrator, Student Teacher, School Safety Officer, Coach). G.S. 14-202.4. (6/2016)	-	I
226.86B	Taking Indecent Liberties with a Student (by Member of School Personnel Other Than Teacher, School Administrator, Student Teacher, School Safety Officer, Coach). G.S. 14-202.4. (6/2016)	-	Misd A1
226.90	Promoting Prostitution. G.S. 14-205.3. (6/2014)		E, F
226.91	Patronizing a Prostitute. G.S. 14-205.2. (6/2014)		E, F
226.92	Patronizing a Prostitute G.S. 14-205.2. (6/2014)		E, F
226.93	Patronizing a Prostitute who Had a [Severe] [Profound] Mental Disability. G.S. 14-205.2. (6/2019)		D
226.94	Promoting Prostitution of a Person Who Had a [Severe] [Profound] Mental Disability. G.S. 14-205/3(b) (6/2019)		Misd A1, G

226.96	Solicitation for Prostitution with a Person who Has a [Severe] [Profound] Mental Disability. G.S. 14-204(5), 14-205.1. (6/2019)		E
226.97	Solicitation for Prostitution. G.S. 14-204(5), 14-205.1. (6/2014)		G, H
226.98	Solicitation for Prostitution. G.S. 14-204(5), 14-205.1. (6/2014)	Misd	Misd 1
227.10	Massage and Bodywork Therapy Licensing Violation. (6/2018)		
227.15	[Sexual Activity] [Solicitation of Sexual Activity] in a Message and Bodywork Therapy Establishment. (6/2018)		
227.20	Owner of Massage and Bodywork Therapy Establishment Permitting or Engaging in Sexual Activity. (6/2018)		
	Perjury.		
228.10	Perjury. G.S. 14-209. (1/2001)	H	F
228.20	Subornation of Perjury. G.S. 14-210. (1/2001)	H	I
228.30	Presenting a False Statement to Procure Benefit of Insurance Policy. G.S. 58-2-161(b)(1). (2/1999)	I	I
228.30A	Presenting a False Statement to Deny Benefit of Insurance Policy. G.S. 58-2-161(b)(1). (2/1999)	I	I
228.35	Making (or Participating in) a False Statement to Procure Benefit of an Insurance Policy. G.S. 58-2-161(b)(2). (2/1999)	I	I
228.35A	Making (or Participating in) a False Statement to Deny Benefit of Insurance Policy. G.S. 58-2-161(b)(2). (2/1999)	I	I
	Bribery.		
229.05	Bribery of Officials. G.S. 14-217. (5/2005)	I	F
229.10	Offering a Bribe to Public Officials. G.S. 14-218. (4/2003)	I	F
229.15	[Buying] [Selling] Public Offices. G.S. 14-228. (6/2016)		
229.20	Commercial Bribery. G.S. 14-353. (6/2014)	Misd	Misd 2
229.21	Commercial Bribery (Making Bribe). G.S. 14-353. (6/2014)	Misd	Misd 2
	Obstructing Justice.		
230.20	Breaking or Entering with the Intent of Altering, Destroying, or Stealing Evidence. G.S. 14-221.1. (1/1999)	I	I
230.21	[Altering] [Destroying] [Stealing] Evidence of Criminal Conduct. G.S. 14-221.1. (6/2010)	I	I
230.25	[Destroying] [Altering] [Concealing] [Tampering With] Biological Evidence of Criminal Conduct. G.S. 15A-268. (6/2010)		H, I
230.26	Felonious Misrepresentation of Evidence (6/2012)		H
230.27	Non-Felonious Misrepresentation of Evidence (6/2012)		Misd 1
230.30	Resisting, Delaying, or Obstructing a Public Officer—All Situations Other Than Arrest. G.S. 14-223. (1/1999)	Misd	Misd 2
230.31	Resisting Arrest—Lawfulness of Arrest. G.S. 14-223. (1/1999)	Misd	Misd 2
230.32	Resisting, Delaying or Obstructing an Officer—Excessive Force by the Officer. G.S. 14-223. (1/1999)	Misd	Misd 2
230.40	Obstructing the Administration of Justice by [Picketing] [Parading] [Use of a Sound Truck or Similar Device]. G.S. 14-225.1. (12/1998)	Misd	Misd 1

230.60	Harassment or Intimidation of or Communication with Juror. G.S. 14-225.2. (12/1998)	I	H, I
230.60A	Harassment or Intimidation of or Communication with Juror's Spouse. G.S. 14-225.2. (1/1999)	I	H, I
230.61A	Intimidating Witnesses by Threatening the Assertion or Denial of Parental Rights. G.S. 14-226. (2/2005)		H
230.62	Obstruction of Justice. Common Law Misdemeanor. (3/2003)	Misd	Misd 1, H
230.65	[Intimidating] [Interfering] With a Witness. G.S. 14-226(a). (6/2018)		G
230.70	Impersonation of Law-Enforcement Officer by [Verbally Informing Another] [Displaying any Badge or Identification] [Unlawfully Operating a Vehicle with an Operating Red Light]. Misdemeanor. G.S. 14-277(a). (6/2011)	Misd	Misd 1
230.70A	Impersonating of Law-Enforcement Officer by Operating a Vehicle with an Operating Blue Light. Felony. (6/2011)		H, I
230.71	Impersonating a Law Enforcement Officer by Operating a Vehicle with an Operating Blue Light Causing a Person to [Stop] [Yield] (Blue Light Bandit). G.S. 14-277(a)(4), (b)(5). (12/1997)		H, I
230.73	Impersonation of [a Firefighter] [an Emergency Medical Services Personnel]. G.S. 14-276.1 (6/2016)		
230.75	Impersonation of Law-Enforcement Officer (Carrying Out an Act in Accordance with the Authority Granted to a Law-Enforcement Officer). Misdemeanor. G.S. 14-277(b). (6/2011)	Misd	Misd 1
230.75A	Impersonation of Law-Enforcement Officer (Carrying Out an Act in Accordance with the Authority Granted to a Law-Enforcement Officer). Felony. G.S. 14-277(b). (6/2011)		H, I
230.77	Driving with a Light Bar. (6/2018)		
230.80	Concealment of Death. G.S. 14-401.22. (6/2006)		Felony
230.81	Harassment of a Participant in a Neighborhood Crime Watch Program. G.S. 14-226.2. (6/2007)		Misd 1
230.91	Concealment of Death—Intent to Conceal Death by Dismembering or Destroying Human Remains (6/2012)		H
230.92	Concealment of Death—Intent to Conceal Unnatural Death by Dismembering or Destroying Human Remains (6/2012)		D
230.93	Concealment of Death—Aiding, Counseling, and Abetting (6/2012)		Misd 1
230.94	Disturbing Human Remains—Physical Alteration or Manipulation (6/2012)		I
230.95	Disturbing Human Remains—Acts of Sexual Penetration (6/2012)		I
233.45	Prison Breach and Prisoners. Prison Breach and Escape from [County] [Municipal] Confinement [Facilities] [Officers]. G.S. 14-256. (6/2014)		Misd 1, H
233.47	Possession of Tools for Escape by a Prisoner G.S. 14-258(c) (6/2019)		H
233.50	Feloniously Harboring or Aiding an Escaped Prisoner. G.S. 14-259. (12/1998)	I	I
233.60	Injury to Prisoner by Jailer. G.S. 162-55. (12/1998)	Misd	Misd 1
233.70	Harboring a Fugitive. G.S. 14-267. (2/1999)	Misd	Misd 1

233.80	Furnishing a Controlled Substance to an Inmate. G.S. 14-258.1(a). (6/2010)	H	H
233.81	Furnishing a Deadly Weapon, Cartridge or Ammunition to an Inmate. G.S. 14-258.1(a). (6/2010)	H	H
233.82	Furnishing an Alcoholic Beverage to an Inmate. G.S. 14-258.1(b). (6/2010)	Misd	Misd 1
233.83	Furnishing a Tobacco Product (Including Vapor Products) to an Inmate. G.S. 14-258.1(c). (6/2015)	Misd	Misd 1
233.84	Furnishing a [Mobile Telephone] [Wireless Communication Device] [Component of a [Mobile Telephone] [Wireless Communication Device]] to an Inmate. G.S. 14-258.1(d). (6/2016)	Misd	Misd 1
233.85	Providing [Forbidden Articles] [Tools to Escape] to a Prisoner. G.S. 14-258(a) (6/2019)		H
233.90	Possession of Tobacco Product (Including Vapor Products) by an Inmate. G.S. 14-258.1(e). (6/2015)	Misd	Misd 1
233.95	Possession of a [Mobile Telephone] [Wireless Communication Device] [Component of a [Mobile Telephone] [Wireless Communication Device]]. G.S. 14-258.1(d). (6/2016)	Misd	Misd 1
Offenses against the Public Peace.			
235.10	Carrying a Concealed Weapon Other Than a Pistol or Handgun. G.S. 14-269(a). (6/2014)	Misd	Misd 2
235.12	Carrying a Concealed [Pistol] [Handgun]. G.S. 14-269(a1). (6/2015)		Misd 2, H
235.15	Carrying Weapons into Assemblies. G.S. 14-269.3. (6/2014)	Misd	Misd 1
235.16	Carrying Weapons into Establishments Where Alcoholic Beverages Are Sold and Consumed. G.S. 14-269.3. (6/2014)	Misd	Misd 1
235.17	[Carrying] [Possessing] Weapons [on Educational Property] [at School Sponsored Activity]. G.S. 14-269.2(b) and (b1). (6/2016)	I, Misd	I, Misd 1
235.17A	[Causing] [Encouraging] [Aiding] a Minor to [Carry] [Possess] Weapons on Educational Property. G.S. 14-269.2(c) and (c1). (6/2014)	I, Misd	I, Misd 1
235.17B	Willfully Discharging a Firearm on Educational Property or at School Sponsored Activity. G.S. 14-269.2(b) and (b1). (6/2014)		F
235.18	Communicating Threats. G.S. 14-277.1. (2/2000)	Misd	Misd 1
235.19	Stalking. G.S. 14-277.3A(c)(d). (6/2009)	I, Misd	F, H, Misd A1
235.19A	Stalking (Court Order in Effect). G.S. 14-277.3A(c)(d). (6/2009)		H
235.19B	Stalking (Previously Convicted). G.S. 14-277.3A(c)(d). (6/2009)		F
235.20	Going about Armed with Unusual and Dangerous Weapons to the Terror of the People (Common Law Misdemeanor). (4/1999)	Misd	Misd 1
235.30	Pointing a Laser Device towards an Aircraft. G.S. 14-280.2. (6/2006)		H
235.35	Interference with Manned Aircraft by Unmanned Aircraft Systems. G.S. 14-280.3. (6/2015)		H

235.37	Use of Unmanned Aircraft System Near a [Confinement] [Correctional] Facility. (6/2018)		
235.38	Use of an Unmanned Aircraft System Near a [Confinement] [Correctional] Facility to [[Deliver] [Attempt to Deliver]] [[a Weapon] [Contraband]]. (6/2018)		
235.50	Terrorism (Basic Offense). G.S. 14-10.1. (6/2013)		B1*
235.51	Terrorism—Continuing Criminal Enterprise. G.S. 14-7.20. (6/2013)		D
235.61	Unlawful Distribution Of Images Taken by Unmanned Aircraft. G.S. 14-401.25. (6/2015)		Misd A1
235.65	Disclosure of Private Images by Offender Under the Age of 18. G.S. 14-190.5A(c)(2). (6/2018)		Misd 1
235.65A	Disclosure of Private Images by Offender Under 18 Years of Age. G.S. 14-190.5A(b), (c)(2). (6/2018)		Misd
235.67	Disclosure of Private Images by Offender 18 Years of Age Or Older. G.S. 14-190.5A(c)(1). (6/2018)		H
235.67A	Disclosure of Private Images by Offender 18 Years of Age Or Older. G.S. 14-190.5A(b), (c)(1). (6/2018)		F
235.69	Felonious Disclosure of Private Images by Offender Under the Age of 18 G.S. 14-190.5A(c)(3). (6/2018)		H
	Riots and Civil Disorders.		
235.69A	Felonious Disclosure of Private Images by Offender Under 18 Years of Age. G.S. 14-190.5A(b), (c)(3). (6/2018)		
236A.10	Feloniously Engaging in a Riot Where the Defendant Has Actually Participated in the Violence—More Than \$1,500 Property Damage or Serious Injury. G.S. 14-288.2(c)(1). (5/1999)	I, Misd	H, Misd 1
236A.15	Feloniously Engaging in a Riot Where the Defendant Has Actually Participated in the Violence—Dangerous Weapon or Substance. G.S. 14-288.2(c)(2). (5/1999)	I, Misd	H, Misd 1
236A.20	Inciting to Riot—\$1,500 or Less in Damage—Misdemeanor. G.S. 14-288.2(d). (5/1999)	Misd	Misd 1
236A.25	Felonious Inciting to Riot—Damage in Excess of \$1,500 or Serious Bodily Injury (with Misdemeanor Inciting as a Lesser Included Offense). G.S. 14-288.2(e). (5/1999)	H, Misd	F, Misd 1 Misd 2
236A.27	Failure to Disperse. G.S. 14-288.5. (6/2013)		Misd 2
236A.28	[Standing] [Sitting] [Lying] Upon [Highways] [Streets]. G.S. 20-174.1. (6/2015)		Misd 2
236A.30	Disorderly Conduct (Fighting or Other Violent Conduct). G.S. 14-288.4(a)(1). (5/1999)	Misd	Misd 2
236A.31	Disorderly Conduct (Abusive Language or Gestures). G.S. 14-288.4(a)(2). (5/1999)	Misd	Misd 2
236A.33	Disorderly Conduct at a Funeral. G.S. 14-288.4 (a)(8). (6/2014)		Misd 1, H, I
236A.35	Disorderly Conduct at a Funeral. G.S. 14-288.4 (a)(8) (6/2014)		Misd 1, H, I
236A.40	Disorderly Conduct [In] [Near] a Public [Building] [Facility]. G.S. 14-132(a)(1). (6/2016)		

* If the underlying act of violence is a Class A or B1 felony offense. Otherwise, it is one class higher than felony for underlying act of violence.

236A.60	Looting (Lesser Included Offense of Trespass during Emergency). G.S. 14-288.6. (5/1999)	I, Misd	H, Misd 1
237.20	Lotteries and Gaming. Possession of Lottery Tickets Used in the Operation of a Lottery. G.S. 14-290. (6/2006)	Misd	Misd 2
237.25	Sale of Lottery Tickets. G.S. 14-291. (6/2006)	Misd	Misd 2
237.26	Sale of Tickets Used in a Numbers Lottery. G.S. 14-291.1. (6/2006)	Misd	Misd 2
237.30	Gambling. G.S. 14-292. (1/2000)	Misd	Misd 2
237.40	Unlicensed Operation of a Beach Bingo Game. G.S. 14-309.14(5). (6/2017)		Misd 2
237.45	Providing False Information in Order to Obtain a License to Operate a Beach Bingo Game. G.S. 14-309.14(5)(c). (6/2017)		Misd 2
237.60	Possession of Illegal Slot Machine. G.S. 14-301. (8/1999)	Misd	Misd 2
237.70	Unlawful [Operation] [Possession] of Video Gaming Machines. G.S. 14-306.1, -306.1A. (6/2007).		Misd 1, H, G
237.75	Operating Electronic Sweepstakes. G.S. 14-306.4(b). (6/2013)		Misd 1, H, G
237.80	Unlawful [Promotion] [Operation] [Conducting] of a Server-Based Electronic Game Promotion. G.S. 14-306.3(a). (6/2009)		Misd 1, H, G
237.90	Unlawful Possession of Game Terminal for the Purpose of [Promoting] [Operating] [Conducting] a Server-Based Electronic Game Promotion. G.S. 14-306.3(b). (6/2009)		Misd 1
237.91	Felonious Possession of Game Terminals for the Purpose of [Promoting] [Operating] [Conducting] a Server-Based Electronic Game Promotion. G.S. 14-306.3; 14-309(c). (6/2009)		G
238.10	Obscenity. Disseminating Obscenity Intentionally (Physical Transfers). G.S. 14-190.1(a)(1), (3). (11/1999)	J	I
238.10A	Disseminating Obscenity Intentionally (Live Performance). G.S. 14-190.1(a)(2). (12/1999)	J	I
238.10B	Disseminating Obscenity Intentionally (Transmissions or Deliveries of Actual Images—Not Drawings). G.S. 14-190.1(a)(4). (12/1999)	J	I
238.11	Creating, Buying, Procuring, or Possessing Obscene Material with the Intent to Disseminate. G.S. 14-190.1(e). (12/1999)	J	I
238.12	Advertising or Promoting Sale of Material as Obscene. G.S. 14-190.1(f). (12/1999)	J	I
238.13	Preparing Obscene [Films] [Photographs] [Slides] [Negatives] [Motion Pictures] of Himself or Another for the Purpose of Dissemination. G.S. 14-190.5(1). (12/1999)	Misd	Misd 1
238.13A	Preparing Obscene [Films] [Photographs] [Slides] [Negatives] [Motion Pictures] for the Purpose of Dissemination (Modeling or Assisting the Photographer). G.S. 14-190.5(2). (12/1999)	Misd	Misd 1
238.14	Intentionally [Employing] [Permitting] Minor to Assist in Obscenity Offense. G.S. 14-190.6. (12/1999)	I	I

238.15	Disseminating Obscene Material to Minors under the Age of Sixteen. G.S. 14-190.7. (12/1999)	I	I
238.16	Disseminating Obscene Material to Minors under the Age of Thirteen. G.S. 14-190.8. (12/1999)	H	I
238.17	Indecent Exposure. G.S. 14-190.9. (6/2006)	Misd	Misd 2
238.17A	Indecent Exposure to Minor for Purpose of Arousing or Gratifying Sexual Desire. G.S. 14-190.9. (6/2020)		
238.18	Displaying Material Harmful to Minors. G.S. 14-190.14. (12/1999)	Misd	Misd 2
238.19	Disseminating Harmful Material to Minors (Distribution). G.S. 14-190.15(a)(1). (12/1999)	Misd	Misd 1
238.19A	Disseminating Harmful Material to Minors (Allowing Minor to Review). G.S. 14-190.15(a)(2). (12/1999)	Misd	Misd 1
238.20	Exhibiting a Harmful Performance to Minors. G.S. 14-190.15(b). (12/1999)	Misd	Misd 1
238.21	First Degree Sexual Exploitation of a Minor (Using or Employing a Minor to Engage in or Assist Others in Engaging in Sexual Activity). G.S. 14-190.16(a)(1). (1/2000)	G	D
238.21A	First Degree Sexual Exploitation of a Minor (Permitting a Minor to Engage in Sexual Activity for Live Performance, etc.) G.S. 14-190.16(a)(2). (1/2000)	G	D
238.21B	First Degree Sexual Exploitation of a Minor by Transporting a Minor. G.S. 14-190.16(a)(3). (1/2000)	G	D
238.21C	First Degree Sexual Exploitation of a Minor by Photographing, etc. G.S. 14-190.16(a)(4). (1/2000)	G	D
238.22	Second Degree Sexual Exploitation of a Minor (Producing Material). G.S. 14-190.17(a)(1). (1/2000)	H	F
238.22A	Second Degree Sexual Exploitation of a Minor (Circulating Material). G.S. 14-190.17(a)(2). (1/2000)	H	F
238.22B	Third Degree Sexual Exploitation of a Minor. G.S. 14-190.17A. (6/2015)	J	I
238.23	Promoting Prostitution of a Minor (Enticing Prostitution). G.S. 14-190.18(a)(1). (6/2014)	G	D
238.23A	Promoting Prostitution of a Minor (Supervising Prostitution). G.S. 14-190.18(a)(2). (6/2014)	G	D
238.23C	Patronizing a Prostitute, a Minor. G.S. 14-205.2. (6/2014)		Misd 1, D, F, G
238.24	Participating in Prostitution of a Minor. G.S. 14-190.19(a). (6/2014)	H	F
238.26A	Solicitation for Prostitution with a Minor. G.S. 14-204(5), 14-205.1 (6/2014)		Misd 1, E, G, H
238.30	Solicitation of a [Child] [Person Defendant Believed to Be a Child] by [Computer] [a Device Capable of Electronic Data [Storage] [Transmission] to Commit a Sex Act. G.S. 14-202.3. (6/2017)		H
238.35	Solicitation of a [Child] [Person Defendant Believed to Be a Child] by [Computer] [a Device Capable of Electronic Data [Storage] [Transmission] to Commit a Sex Act and Appearing at Location. G.S. 14-202.3(c)(2). (6/2017)		G
238.40	DELETE SHEET. Soliciting a Child by [Computer] [Electronic Device] to Commit an Unlawful Sex Act. (Offenses after December 1, 2009). G.S. 14-202.3 (6/2017)		H, G

239.10	Protection of Minors. [Selling] [Giving] a Weapon to a Minor. G.S. 14-315. (11/1999)	-	H, Misd 1
239.11	Improper Storage of Firearms to Protect Minors. G.S. 14-315.1. (8/1999)	Misd	Misd 1
239.20	Permitting a Young Child Under the Age of Twelve to Use a Dangerous Firearm. G.S. 14-316. (6/2014)	Misd	Misd 2
239.21	Furnishing a Young Child a Dangerous Firearm—Nonparent. G.S. 14-316. (Delete Sheet) (6/2014)	Misd	Misd 2
239.23	Possession of Handguns by Minors (6/2012)		Misd 1
239.25	Contributing to the Delinquency and Neglect by Parents and Others. G.S. 14-316.1; 7B-101(1), (15); 7B-1501(7), (27). (6/2019)	Misd	Misd 1
239.30	Child Care Facility Report of Missing Child. G.S. 110-102.1(a). (6/2014)		
239.31	Concealment of Death—Failure to Notify Law Enforcement of Death of Child or Secretly Burying Child. G.S. 14-401.22(a1). (6/2014)		H
239.32	Failure to Report the Disappearance of a Child to Law Enforcement. G.S. 14-318.5. (6/2014)		I
239.33	False Reports to Law Enforcement [Agency] [Officer] Related to the Disappearance of a Child. G.S. 14-225(b). (6/2014)		Misd 2, H
239.34	False Reports to Law Enforcement [Agency] [Officer]. G.S. 14-225(a). (6/2014)		Misd 2
239.35	Failure to Report [Abuse] [Neglect] [Dependency] [Death] Due to Maltreatment of a Juvenile. G.S. 7B-301(a), (b). (6/2019)		Misd 1
239.36	Failure of Department of Social Services Director to Notify the State Bureau of Investigations of a Report of Sexual Abuse of a Juvenile in a Child Care Facility. G.S. 7B-301(a), (c) (6/2014)		Misd 1
239.37	Failure to Report Crimes Against Juveniles. Misdemeanor. (6/2020)		Misd 1
239.55	Felonious Child Abuse. G.S. 14-318.4(a); 14-318.2. (6/2009)	H, Misd	E, Misd 1
239.55A	Felonious Child Abuse by Prostitution. G.S. 14-318.4(a1). (5/2000)	H	E
239.55B	Felonious Child Abuse by a Sexual Act by a [Parent] [Legal Guardian]. G.S. 14-318.4(a2). (5/2020)	H	H
239.55C	Felonious Child Abuse (Reckless Disregard—Serious Bodily Injury). G.S. 14-318.4(a4); 2414-318.2. (6/2014)		E
239.55D	Felonious Child Abuse (Reckless Disregard—Serious Physical Injury). G.S. 14-318.4(a5); 14-318.2 (6/2014)		H
239.57	Felonious Child Abuse [Inflicting Serious Bodily Injury] [Resulting in Permanent or Protracted Loss or Impairment of any Mental or Emotional Function]. G.S. 14-318.4(a3). (6/2009)		C
239.60	Child Abuse. G.S. 14-318.2. (6/2009)	Misd	Misd 1
239.65	Permitting a Child under 16 Years of Age to [Operate] [Be a Passenger on] a Bicycle without a Protective Bicycle Helmet. G.S. 20-171.9. (2/2002)		Infraction

239.70	Failure to Secure a Child in a Restraint System. G.S. 20-137.1. (2/2005)		Infraction
239.80	[Transporting] [Keeping] Child Outside the State with Intent to Violate Custody Order. G.S. 14-320.1. (5/2000)	J	I
239.90	Felonious Unauthorized Administration of Medication to a Child. G.S. 110-102.1A. (4/2004)		F, Misd A1
239.91	Unauthorized Administration of Medication to a Child. G.S. 110-102.1A. (4/2004)		Misd A1
239.95	Distribution of Certain Food at Halloween and All Other Times Prohibited—Controlled Substance. G.S. 14-401.11. (6/2020)		F
239.96	Distribution of Certain Food at Halloween and All Other Times Prohibited—Noxious Substances; Greater Than Mild Physical Discomfort. G.S. 14-401.11. (6/2020)		H
239.97	Distribution of Certain Food at Halloween and All Other Times Prohibited—Noxious Substances; Mild Physical Discomfort. G.S. 14-401.11. (6/2020)		I
239.98	Distribution of Certain Food at Halloween and All Other Times Prohibited—Poisonous Chemical, Compound, or Foreign Substance. G.S. 14-401.11. (6/2020)		C
Protection of Family.			
240.05	Abandonment by Supporting Spouse. G.S. 14-322(b). (5/2000)	Misd	Misd 2
240.06	Failure to Support Child. G.S. 14-322(d). (5/2000)	Misd	Misd 2
240.07	Felonious Abandonment and Lesser Included Offense of Failure to Support by Parent. G.S. 14-322.1, -322(d). (6/2014)	I, Misd	I, Misd 2
240.10	Failure of Supporting Spouse to Provide Adequate Support for Dependent Spouse. G.S. 14-322(c). (5/2000)	Misd	Misd 2
240.40	Willful Neglect or Refusal to Adequately Support and Maintain a Born Out of Wedlock Child. G.S. 49-2. (6/2014)	Misd	Misd 2
240.50	Violation of Valid Protective Order. G.S. 50B.4.1(a). (6/2016)		Misd A1
240.51	Violation of a Protective Order While in Possession of a Deadly Weapon. G.S. 50B-4.1(g). (6/2016)		H
240.55	Felonious Violation of Valid Protective Order. G.S. 50B.4.1(f). (6/2009)		H
240.60	Violation of Permanent Civil No-Contact Order. G.S. 50D-10. (6/2016)		
240.70	Domestic Abuse of a [Disabled] [Elder] Adult Inflicting [Mental] [Physical] Injury. G.S. 14-32.3. (6/2015)		II, H
240.71	Domestic Neglect of a [Disabled] [Elder] Adult Inflicting [Mental] [Physical] Injury. G.S. 14-32.3 (6/2015)		I, H
240.75	Domestic Abuse of a [Disabled] [Elder] Adult Inflicting Serious [Mental] [Physical] Injury. G.S. 14-32.3. (6/2015)		F
240.76	Domestic Neglect of a [Disabled] [Elder] Adult Inflicting Serious [Mental] [Physical] Injury. G.S. 14-32.3 (6/2015)		F

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. G.S. 122C-66(a). (6/2016)		Misd A1
240.82	[Employee] [Volunteer] at a Facility Who [Borrows] [Takes] Personal Property From a Client. G.S. 122C-66(a1). (6/2016)		Misd 1
240.84	[Employee] [Volunteer] at a Facility Failed to Report Violations of Client Abuse. G.S. 122C-66(b). (6/2016)		Misd 1
240.86	[Employee] [Volunteer] at a Facility Failed to Report Violations of [Borrowing] [Taking] Client Property. G.S. 122C-66(a1)-(b). (6/2016)		Misd 1
240.88	[Employee] [Volunteer] at a Facility Failed to Report Accidental Injury to a Client. G.S. 122C-66(b). (6/2016)		Misd A1
Intoxicating Liquors.			
241.05	Manufacturing Poisonous Spirituous Liquor for Use as a Beverage. G.S. 14-329(a). (8/2000)	H	H
241.10	Selling Spirituous Liquor for Use as a Beverage Knowing It to Be Poisonous. G.S. 14-329(b). (8/2000)	H	F
241.11	[Transporting for Other Than Personal Use] [Possessing for Purpose of Sale] of Spirituous Liquor for Use as a Beverage Knowing It to Be Poisonous. G.S. 14-329(b). (8/2000)	H	F
241.15	Selling Poisonous Spirituous Liquor for Use as a Beverage. G.S. 14-329(c). (8/2000)	Misd	Misd 2
241.16	[Transporting for Other Than Personal Use] [Possessing for Purpose of Sale] Poisonous Spirituous Liquor. G.S. 14-329(c). (8/2000)	Misd	Misd 2
241.20	[Transportation] [Possession] of Poisonous Spirituous Liquor for Use as a Beverage. G.S. 14-329(d). (8/2000)	Misd	Misd 1
242.10	Intentional Patient Abuse Resulting in Death. G.S. 14-32.2(a)-(b)(1). (6/2008)		C
242.15	Culpably Negligent Patient Abuse Resulting in Death. G.S. 14-32.2(a)-(b)(2). (6/2008)		E
242.20	Patient Abuse Resulting in Serious Bodily Injury. G.S. 14-32.2(a)-(b)(3). (6/2008)		F
242.25	Pattern of Patient Abuse Resulting in Bodily Injury. G.S. 14-32.2(a)-(b)(4). (6/2008)		H
Cruelty to Animals.			
247.10	Non-Felonious Cruelty to (an) Animal(s). G.S. 14-360(a). (6/2017)	Misd	Misd 1
247.10A	Felonious Cruelty to (an) Animal(s). G.S. 14-360(b). (6/2017)		H
247.10B	Misdemeanor Cruelty to Animals by Depriving of Necessary Sustenance. G.S. 14-360(a1). (6/2008)		Misd 1
247.15	Willful Killing of [Law Enforcement Agency] [Assistance] [Search and Rescue] Animal. G.S. 14-163.1. (6/2010)		H
247.15A	[Causing] [Attempting to Cause] Serious Harm to a [Law Enforcement Agency] [Assistance] [Search and Rescue] Animal. G.S. 14-163.1. (6/2010)		I

247.15B	Willfully [Taunting] [Teasing] [Harassing] [Delaying] [Obstructing] [Attempting to [Delay] [Obstruct]] a [Law Enforcement Agency] [Assistance] [Search and Rescue] Animal in the Performance of its Duties. G.S. 14-163.1. (6/2010)		Misd 2
247.20	Instigating or Promoting Cruelty to an Animal(s). G.S. 14-361. (6/2017)	Misd	Misd 1
247.30	Cockfighting. G.S. 14-362. (1/2001)	Misd	Misd 2
247.31	Dog Fighting and Baiting. G.S. 14-362.2. (6/2008)		H
247.40	Interference with Animal Research Involving Release of an Animal Having an Infectious Disease. G.S. 14-159.2(a)(1), (b), (c). (12/2000)	J, Misd	I, Misd 1
247.50	Interference with Animal Research—Willfully Damaging an Animal Research Facility. G.S. 14-159.2(a)(2). (8/2000)	Misd	Misd 1
247.60	Interference with Animal Research—Willful, Unauthorized Release of an Animal from an Enclosure or Restraining Device. G.S. 14-159.2(a)(3). (12/2000)	Misd	Misd 1
247.70	Interference with Animal Research—Willful Interference with the Care of an Animal Kept within an Animal Research Facility. G.S. 14-159.2(a)(4). (12/2000)	Misd	Misd 1
247.80	[Owning] [Possessing] [Using] [Transporting] [Trafficking] of Venomous Reptile not Housed in a Sturdy and Secure Enclosure. G.S. 14-417. (6/2020)		Misd 2, Misd A1
247.80A	[Owning] [Possessing] [Using] [Transporting] [Trafficking] of Crocodilian not Housed in a Sturdy and Secure Enclosure. G.S. 14-417.2. (6/2020)		Misd 2, Misd A1
247.80B	[Owning] [Possessing] [Using] [Transporting] [Trafficking] of Constricting Snake not Housed in a Sturdy and Secure Enclosure. G.S. 14-417.1. (6/2020)		Misd 2, Misd A1
247.81	Failure to Immediately Notify Local Law Enforcement of Escape of [Venomous Reptile] [Large Constricting Snake] [Crocodilian]. G.S. 14-417. (6/2010)		Misd 2, Misd A1
247.82	Handling a [Venomous Reptile] [Large Constricting Snake] [Crocodilian] in a Manner That [Intentionally] [Negligently] Exposes Another to Unsafe Contact with the [Venomous Reptile] [Large Constricting Snake] [Crocodilian]. G.S. 14-418. (6/2010)		Misd 2, Misd A1
247.83	Intentionally Releasing into the Wild a Nonnative [Venomous Reptile] [Large Constricting Snake] [Crocodilian]. G.S. 14-422. (6/2010)		Misd A1
247.84	[Intentionally] [Negligently] [[Suggesting] [Enticing] [Inviting] [Challenging] [Intimidating] [Exhorting] [Inducing] [Aiding]] Any Person to [Handle] [Be Exposed] in an Unsafe Manner to a [Venomous Reptile] [Large Constricting Snake] [Crocodilian]. G.S. 14-418. (6/2010)		Misd 2, Misd A1
252.65	Miscellaneous Police Regulations. Tattooing a Minor. G.S. 14-400. (8/2000)	Misd	Misd 2
254A.11	Felony Firearms. Possession of a Firearm or Weapon of Mass Death and Destruction by a Felon. G.S. 14-415.1. (6/2020)		G

254A.15	[Altering] [Defacing] [Destroying] [Removing] the Serial Number of a Firearm. G.S. 14-160.2 (6/2010)		H
254A.17	[Selling] [Buying] [Possessing] Firearm with Serial Number [Altered] [Defaced] [Destroyed] [Removed]. G.S. 14-160.2 (6/2010)		H
	Miscellaneous.		
255.01	Felonious Willful Failure to Appear. G.S. 15A-543. (12/2000)		I
255.02	Misdemeanor Willful Failure to Appear. G.S. 15A-543. (12/2000)	Misd	Misd 2
255.03	Failure to Appear (Alcohol-Related Offenses). G.S. 20-28(a2). (6/2007)		Misd 1
256.10	Intoxicated and Disruptive in Public. G.S. 14-444. (12/2000)	Misd	Misd 3
257.10	Willfully Violating Occupational Safety and Health Act of North Carolina Resulting in Death of an Employee. G.S. 95-139. (6/2010)		Misd 2
257.11	Knowingly Making a False [Statement] [Representation] [Certification] in a(n) [Application] [Record] [Report] [Plan] [Document] Required to be [Filed] [Maintained] Pursuant to the Occupational Safety and Health Act of North Carolina. G.S. 95-139. (6/2010)		Misd 2
257.12	Giving Advance Notice of OSHA Inspection Without Authorization. G.S. 95-139. (6/2010)		Misd 2
258.10	Failure of Secondary Metals Recycler to Issue Receipt for Purchase of Regulated Metals Property. G.S. 66-11(a1) (6/2010)		Misd 1, I
258.12	Failure of Secondary Metals Recycler to Maintain Records of Purchases of Regulated Metals. G.S. 66-11(b) (6/2010)		Misd 1, I
258.14	Failure to Hold and Retain Regulated Metals for Seven Days Before [Selling] [Dismantling] [Defacing] [Altering] [Disposing of] Regulated Metals. G.S. 66-11(d1) (6/2010)		Misd 1, I
258.16	Purchase of [Air Conditioning [Coils] [Condensers]] [Catalytic Converter] by Secondary Metals Recycler. G.S. 66-11(d)(3) (6/2010)		Misd 1, I
258.18	Purchase of Nonferrous Metal by Secondary Metals Recycler. G.S. 66-11(d)(4) (6/2010)		Misd 1, I
258.20	Purchase of Prohibited Material by Secondary Metals Recycler. G.S. 66-11(d)(5). G.S. 136-32(a). (6/2010)		Misd 1, I
258.30	Erecting or Maintaining Signs on Highways (6/2012)		Misd 3
258.31	Erecting or Maintaining Political Advertising Signs in Highway Rights of Way. G.S. 136-32(a), (b), (c), (d). (6/2012)		Misd 1, 3
258.32	Erecting or Maintaining Commercial Advertising Signs in Highway Rights of Way. G.S. 136-32(a), (d). (6/2012)		Misd 1
258.33	[Stealing] [Defacing] [Vandalizing] [Unlawfully Removing] Political Signs That Are Lawfully Placed. G.S. 136-32(a), (b), (c), (d), (e). (6/2012)		Misd 3
258.35	Removal or Destruction of Warning Signs—Water Quality in Coastal Recreation Waters. G.S. 113-221.3(b), (c), (d). (6/2012)		Misd 2

258.36	Possession of Signs Posted by Department of Environment and Natural Resources—Water Quality in Coastal Recreation Waters. G.S. 113-221.3(b), (c), (d). (6/2012)	Misd 2
259.10	Unauthorized Practice of Medicine—Practicing Without a License. G.S. 90-18. (6/2012)	Misd 1
259.11	Unauthorized Practice of Medicine—Practicing Without a License While Representing Oneself as Being Licensed. G.S. 90-18. (6/2012)	I
259.12	Unauthorized Practice of Medicine—Practicing Without a License in North Carolina By an Out-of-State Practitioner. (G.S. 90-18). (6/2012)	I
259.13	Unauthorized Practice of Medicine—Practicing Without a License Due to Failure to Complete Timely Annual Registration or Practice While Licensed Under Another Article. G.S. 90-18. (6/2012)	Misd 1
259.20	Unauthorized Practice of Law—Non-Members of the State Bar. G.S. 84-4. (6/2017)	Misd 1
259.21	Unauthorized Practice of Law—Corporations. G.S. 84.5. (6/2012)	Misd 1
259.22	Unauthorized Practice of Law—Foreclosure Fees. G.S. 84.6. (6/2012)	Misd 1
259.23	Unauthorized Practice of Law—Appearing for Creditors in [Insolvency] [Bankruptcy] and Other Proceedings. G.S. 84.9. (6/2012)	Misd 1
259.30	Practice as a Clinical Addiction Specialist Without a License. G.S. 90-113.43(a)(1). (6/2020)	Misd 1
259.31	Practice as a Clinical Addiction Specialist Without a License—Using [Letters] [Words] [Numerical Codes] [Insignia]. G.S. 90-113.43(a)(2). (6/2020)	Misd 1
259.32	[Practice] [Attempt to Practice] as a Clinical Addiction Specialist With a [Revoked] [Lapsed] [Suspended] Certification or License. G.S. 90-113.43(a)(3). (6/2020)	Misd 1
259.33	[Aiding] [Abetting] [Assisting] the Practice of a Clinical Addiction Specialist Without a License. G.S. 90-113.43(a)(4). (6/2020)	Misd 1
259.34	Knowingly Serving in a Position Required by Law to be Filled by a Clinical Addiction Specialist. G.S. 90-113.43(a)(5). (6/2020)	Misd 1
259.40	Bank Examiner Making False Report. G.S. 53C-8-7. (6/2013)	H
259.41	[Bank Examiner] [Other Employee] Disclosing Confidential Information. G.S. 53C-8-8. (6/2013)	Misd 1
259.42	Willfully and Maliciously Making [False] [Derogatory] Reports about the Financial Condition of a Bank. G.S. 53C-8-10. (6/2013)	Misd 1
259.43	[Bank] [Officer] [Director] [Employee] Making Extension of Credit to a Disqualified Individual. G.S. 53C-8-9. (6/2013)	Misd 1
259.50	Attempt to [Evade] [Defeat] Tax. G.S. 105-236(a)(7). (6/2016)	H
259.51	Willful Failure to [Collect] [Withhold] [Pay Over] Tax. G.S. 105-236(a)(8). (6/2016)	Misd 1
259.52	Willful Failure to [File Return] [Supply Information] [Pay Tax]. G.S. 105-236(a)(9). (6/2016)	Misd 1
259.53	[Aiding] [Assisting] [Procuring] [Counseling] [Advising] in the [Preparation] [Presentation] [Filing] of a [Fraudulent] [False]	

	Tax Document by a Tax Return Preparer. G.S. 105-236(a)(9a). (6/2016)		C, F, H
259.53A	[Aiding] [Assisting] [Procuring] [Counseling] [Advising] in the [Preparation] [Presentation] [Filing] of a [Fraudulent] [False] Tax Document by Any Person Other Than a Tax Return Preparer. G.S. 105-236(a)(9a). (6/2016)		C, F, H
259.55	Identity Theft – Submission to the Department of Revenue. G.S. 105-236(a)(9b). (6/2018)		
259.57	Identity Theft – Submission to the Department of Revenue Resulting in Adverse Financial Impact. G.S. 105-236(a)(9b). (6/2018)		
259.60	Unlawful Handling of Waste Kitchen Grease. G.S. 14-79.2. (6/2013)		H, Misd 1
259.70	Medicaid Subrogation – Withholding Information. G.S. 108A-57(b). (6/2014)		Misd 1
259.80	Misuse of 911 System. G.S. 14-111.4. (6/2014)		Misd 1
259.85	Subsurface Injection of Waste. G.S. 113-395.2, 143-214.2 (6/2015)		Misd 1
259.90	Member of a [County] [City] Inspection Department Who Willfully [Fails to Perform Duties] [Improperly [Issues Permit] [Gives Certificate of Compliance]] [Improperly Gives a Certificate of Compliance Without First Making the Required Inspections by Law] [Improperly Gives a Certificate of Compliance]. G.S. 153A-356; 160A-416. (6/2016)		Misd 1
259.95	Illegal Operation of Amusement Devices Causing [Death] [Serious Injury]. G.S. 95-111.13. (6/2016)		E
259.97	[Counterfeiting] [Selling] [Lending] [Permitting Use of] Photo Identification for Voting. G.S. 163A-1389(19) (6/2019)		I
259.98	Voting More Than One Time in an Election—Verdict Form. G.S. 163-275(7). (6/2017)		I
	Dangerous Drugs.		
	260 Series—Directory of Dangerous Drug Charges. (6/1996)		
260.10	Possession of a Controlled Substance. G.S. 90-95(a)(3)(d). (6/2014)	I, Misd	I, Misd 1, Misd 2, 3
260.11	Aggravated Possession of a Controlled Substance—Including Lesser Offenses. G.S. 90-95. (6/2014)	I, Misd	I, Misd 1, Misd 2, 3
260.12	Possession of a Controlled Substance on Premises of a [Penal Institution] [Local Confinement Facility]. G.S. 90-95(a)(3), (e)(9). (6/2014)	I	I*
260.15	Possession of a Controlled Substance with Intent to [Manufacture] [Sell] [Deliver]—Lesser Included Offense. G.S. 90-95(a)(1), (3), (b), (d). (6/2014)	H, I, Misd	H, I, Misd 1, Misd 2, 3
260.15A	Possession of a Counterfeit Controlled Substance with Intent to [Sell] [Deliver]. G.S. 90-87(6) and 90-95(a)(2), (c). (6/2014)	I	I
260.15B	Possession of an Immediate Precursor Chemical. G.S. 90-95(d1), (d2). (12/2004)	H	H

* On or after 12/1/97, Voluntary Manslaughter is a Class D felony.

260.16	Aggravated Possession of a Controlled Substance with Intent to [Manufacture] [Sell] [Deliver]—Lesser Included Offenses. G.S. 90-95(a)(1), (b)(2), (e)(1-4). (6/2014)	E, H, I, Misd	E, H, I, Misd 1,2,3
260.17	Drug Trafficking—Possession (Marijuana, Methaqualone, Cocaine, Amphetamine, Methamphetamine, Opium, Opiate, Opioid or Heroin, Lysergic Acid Diethylamide, Methylenedioxyamphetamine, Methylenedioxymethamphetamine, Substituted Cathinones, or Synthetic Cannabinoid). G.S. 90-95(h). (6/2019)	C, D, E F, G, H	D, D, E F, G, H
260.18	Forged Prescription—Acquiring or Obtaining Possession of a Controlled Substance by [Misrepresentation] [Fraud] [Forgery] [Deception] [Subterfuge]. G.S. 90-108(a)(10). (6/2014)	I	I
260.19	Manufacturing a Controlled Substance. G.S. 90-95(a)(1). (1/2001)	H, I	H, I
260.19A	Creating a Counterfeit Controlled Substance. G.S. 90-95(a)(2) and 90-87(b). (1/2001)	I	I
260.20	Aggravated Manufacture of Controlled Substance—Lesser Included Offense. G.S. 90-95(a)(1), (e)(1-4). (1/2001)	Misd	Misd 1, 2
260.20A	Drug Trafficking—Manufacturing (Marijuana, Methaqualone, Cocaine, Amphetamine, Methamphetamine, Opium, Opiate, Opioid or Heroin, Lysergic Acid Diethylamide, Methylenedioxyamphetamine, Methylenedioxymethamphetamine, Substituted Cathinones, or Synthetic Cannabinoid). G.S. 90-95(h). (6/2016)	C, D, E, F, G, H	C, D, E, F, G, H
260.21	[Selling] [Delivering] a Controlled Substance. G.S. 90-95(a)(1). (1/2001)	H, I	H, I*
260.21A	[Selling] [Delivering] a Counterfeit Controlled Substance. G.S. 90-95(a)(2) and 90-87(6). (1/2001)	I	I
260.22	Sale or Delivery of a Controlled Substance to a Minor or Pregnant Woman—Lesser Included Offense. G.S. 90-95(a)(1), (e)(5). (1/2001)	E, H, I	E, H
260.22A	Sale or Delivery of a Controlled Substance on or within 1,000 Feet of School Property. G.S. 90-95(e)(8). (6/2012)		E
260.22B	Sale or Delivery of a Controlled Substance on or within 1,000 Feet of a Public Park G.S. 90-95(e)(10). (6/2008)		E
260.22C	Sale or Delivery of a Controlled Substance on Property Used for a Child Care Center. G.S. 90-95(e)(8). (6/2008)		E
260.23	Drug Trafficking—[Selling] [Delivering] (Marijuana, Methaqualone, Cocaine, Amphetamine, Methamphetamine, Opium, Opiate, Opioid or Heroin, Lysergic Acid Diethylamide, Methylenedioxyamphetamine, Methylenedioxymethamphetamine, Substituted Cathinones or Synthetic Cannabinoid) G.S. 90-95(h). (6/2019)	C, D, E, F, G, H	C, D, E, F, G, H
260.30	Drug Trafficking—Transportation (Marijuana, Methaqualone, Cocaine, Amphetamine, Methamphetamine, Opium, Opiate, Opioid or Heroin, Lysergic Acid Diethylamide, Methylenedioxyamphetamine, Methylenedioxymethamphetamine, Substituted Cathinones, or Synthetic Cannabinoid). G.S. 90-95(h). (6/2019)	C, D, E, F, G, H	C, D, E, F, G, H

* On or after 12/1/97, Voluntary Manslaughter is a Class D felony.

260.40	Employing a Minor to Commit a Drug Law Violation. G.S. 90-95.4. (1/2001)		
260.41	Promoting Drug Sales by a Minor. G.S. 90-95.6. (1/2001)		D
260.42	Participating in a Drug Violation by a Minor. G.S. 90-95.7. (3/2001)		G
260.45	General Aggravating Conditions Applicable to Drug Charges. G.S. 90-95(d), (e)(1-5). (12/2003)		
260.70	Continuing Criminal Enterprise—The Controlled Substances Act. G.S. 90-95.1. (3/2001)	C	C
260.80	Feloniously Dispensing a Controlled Substance (Practitioner or Registrant)—Lesser Included Offense. G.S. 90-108(a)(2) and (b); 90-106. (3/2001)	I, Misd	I, Misd 1
260.81	Feloniously [Diverting] [Embezzling] a Controlled Substance (Practitioner, Registrant, or Employee). G.S. 90-108(b) and 90-108(a)(14) (6/2019)		E
260.82	Feloniously [Diverting] [Embezzling] a Controlled Substance by [Dilution] (or) [Substitution] (Practitioner, Registrant, or Employee). G.S. 90-108(b)(3) and 90-108(a)(14) (6/2019)		E
260.83	Feloniously [Diverting] [Embezzling] a Controlled Substance (by Virtue of Occupation). G.S. 90-108(b)(2) and 90-108(a)(15) (6/2019)		E
260.84	Feloniously [Diverting] [Embezzling] a Controlled Substance by [Dilution] (or) [Substitution] (by Virtue of Occupation). G.S. 90-108(b)(3) and 90-108(a)(15) (6/2019)		E
260.85	Felonious Use of Controlled Substances Reporting System—Unauthorized [Disclosure] [Dissemination] G.S. 90-113.74(k)(2) (6/2019)		I
280.86	Felonious Use of Controlled Substances Reporting System—[Commercial Advantage] [Personal Gain] [Maliciously Harm] G.S. 90-113.74(k)(3) (6/2019)		H
260.87	Felonious Use of Controlled Substances Reporting System for an Unauthorized Purpose. G.S. 90-113.74(k)(1) (6/2019)		I
260.90	[Intentionally] [Knowingly] [Keeping] [Maintaining] a Building or Vehicle for the [Use] [Keeping] [Selling] of Controlled Substances. G.S. 90-108(a)(7). (6/2009)	I, Misd	I, Misd 1
260.95	[Possession] [Use] of Drug Paraphernalia. G.S. 90-113.22. (6/2014)	Misd	Misd 1
260.96A	Willfully and Knowingly Offering a [Glass Tube] [Splitter] for Retail Sale by Self-Service. G.S. 90-113.82(a) (6/2010)		Misd 2
260.96B	Failure to Comply with Restrictions on Sales of [Glass Tubes] [Splitters]. G.S. 90-113.82(b) (6/2010)		Misd 1
260.96C	Failure to Maintain Records of Purchasers of [Glass Tubes] [Splitters]. G.S. 90-113.82(c) (6/2010)		Misd 2
260.96D	Failure to Train Agents and Employees on Requirements of Sales of [Glass Tubes] [Splitters]. G.S. 90-113.82(e) (6/2010)		Misd 2
261.10	Adulterating a [Urine] [Bodily Fluid] Sample with the Intent to Defraud a [Drug] [Alcohol] Test. G.S. 14-401.20(b). (4/2003)		Misd 1, I

261.20	Attempt to [Foil] [Defeat] a [Drug] [Alcohol] Screening Test by the [[Substitution] [Spiking] of a Urine Sample] [Advertisement of a [Sample Substitution] [Spiking Device or Measure]]. G.S. 14-401.20(a)(2). (4/2003)		Misd 1, I
261.30	Distributing or Transporting Urine to Defraud a [Drug] [Alcohol] Test. G.S. 14-401.20. (4/2003)		Misd 1, I
261.40	[Possessing] [Selling] Adulterants Intended to Be Used to Adulterate a [Urine] [Bodily Fluid] Sample for the Purpose of Defrauding a [Drug] [Alcohol] Screening Test. G.S. 14-401.20(b)(2), (3). (4/2003)		Misd 1, I
261.50	Pseudoephedrine Sales—Retailer. G.S. 90-113.56. (6/2013)		Misd A1, I
261.51	Pseudoephedrine Sales—Purchaser. G.S. 90-113.56. (6/2013)		Misd 1, A1, I
261.52	Pseudoephedrine Sales—[Employee of Retailer] [Other Person]. G.S. 90-113.56. (6/2013)		Misd 1, A1, I
261.53	Pseudoephedrine Sales—Retailer Who Fails to Train Employees. G.S. 90-113.56. (6/2012)		Misd A1, I
261.55	Possession of a Pseudoephedrine Product with Prior Conviction for the [Possession] With Intent to [Sell] [Deliver]] [Trafficking] [Manufacture of] a [Methamphetamine] [Immediate Precursor Chemical]. G.S. 90-95(d1)(1)(c). (6/2016)		H
261.60	[Manufacturing] [Distributing] [Dispensing] [Delivering] [Purchasing] Marijuana on Property Lawfully Used for Industrial Hemp Production. G.S. 106-568.57(a). (6/2017)		I
261.65	Providing [False] [Misleading] Information to the Industrial Hemp Commission Related to a License [Application] [Renewal] [Inspection] [Investigation]. G.S. 106-568.57(b). (6/2017)		Misd 1
261.70	[Tampering With] [Adulterating] a Lawfully Planted Industrial Hemp Crop. G.S. 106-568.57(c). (6/2017)		Misd 1
Traffic Offenses.			
270.00	Model Jury Instruction. (6/2011)		
270.05	Punishment Levels For Impaired Driving. (1/1995)		
270.05A	Punishment Levels For Impaired Driving. (1/1999)		
270.15	Aggravating Factors for Impaired Driving. G.S. 20-179. (6/2016)		
270.15A	Verdict Form—Aggravating Factors for Impaired Driving. G.S. 20-179. (6/2016)		
270.20	Impaired Driving. G.S. 20-138.1. (6/2010)	Misd	Misd
270.20A	Impaired Driving. G.S. 20-138.1. (6/2016)		
270.21	Impaired Driving of a Commercial Vehicle. G.S. 20-138.2 and -138.2A. (6/2010)		Misd 1
270.21A	Impaired Driving in a Commercial Vehicle. G.S. 20-138.2 and -138.2A. (6/2014)		Misd 3
270.23	Operating a [School Bus] [School Activity Bus] [Child Care Vehicle] [Ambulance] [EMS Vehicle] [Firefighting Vehicle] [Law Enforcement Vehicle] After Consuming Alcohol. G.S. 20-138.2B(a). (6/2014)		Misd 3

270.25	Habitual Impaired Driving—Including Chemical Test.). G.S. 20-138.5. (6/2015)	J	F
270.25A	Habitual Impaired Driving—Including Chemical Test. G.S. 20-138.2A. (6/2018)	J	F
270.30	Driving by a person Less Than 21 Years Old [While] [After] Consuming Alcohol or Drugs. G.S. 20-138.3. (5/1999)	Misd	Misd 2
270.35	Possession of an Open Container of Alcoholic Beverage. G.S. 20-138.7(a1). (6/2014)		Infraction
270.40	Transporting an Open Container of Alcoholic Beverage. G.S. 20-138.7(a). (6/2010)		Misd 2, Misd 3
270.50	Speeding in Excess of [15 mph More Than Speed Limit] [80 mph]. G.S. 20-141(j1). (5/2001)	Misd, Infraction	Misd 2, Infraction
270.51	Driving Too Fast for Conditions. G.S. 20-141(a). (4/2001)	Infraction	Infraction
270.52	Speeding Inside Municipal Corporate Limits—No Limit Posted. G.S. 20-141(b). (3/2001)	Infraction	Infraction
270.53	Exceeding the Posted Speed Limit. G.S. 20-141(d), (e), (f). (4/2001)	Infraction	Infraction
270.54	Operating a Motor Vehicle to Elude Arrest. G.S. 20-141.5(a). (4/2001)	Misd	Misd 1
270.54A	Operating a Motor Vehicle to Elude Arrest. G.S. 20-141.5(a) and (b). (4/2001)		H, Misd 1
270.54B	Operating a Motor Vehicle to Elude Arrest Resulting in Death. G.S. 20-141.5(b1). (6/2006)		H
270.54C	Operating a Motor Vehicle to Elude Arrest Accompanied by Aggravating Factors Resulting in Death. G.S. 20-141.5(b1). (6/2006)		E
270.55	Willfully Engaging in a Speed Competition on a Street or Highway. G.S. 20-141.3(b). (3/2001)	Misd	Misd 1
270.56	Willfully Engaging in a Prearranged Speed Competition on a Street or Highway. G.S. 20-141.3(a). (3/2001)	Misd	Misd 2
270.57	Failure to Slow Down. G.S. 20-141(m). (3/2020)		Infraction
270.58	Turning at Intersections. G.S. 20-153. (4/2001)	Infraction	Infraction
270.59	Turning at Intersections—Local Ordinance. G.S. 20-153(c). (4/2001)		
270.60	Unsafe Movement (Starting, Stopping, or Turning). G.S. 20-154. (6/2014)	Infraction	Infraction
270.60A	Unsafe Movement Causing [Property Damage] [Personal Injury] to Motorcycle Operator. G.S. 20-154(a1). (6/2014)		Infraction
270.60B	Unsafe Movement Causing [Property Damage in Excess of Five Thousand (\$5,000) Dollars] [Serious Bodily Injury] to Motorcycle [Operator] [Passenger]. G.S. 20-154(a1), (a2). (6/2014)		Infraction
270.61	Unsafe Movement (Backing). G.S. 20-154. (6/2012)	Infraction	Infraction
270.61A	Unsafe Movement (Backing) Causing [Property Damage] [Personal Injury] to Motorcycle [Operator] [Passenger]. G.S. 20-154(a1). (6/2014)		Infraction
270.61B	Unsafe Backing Causing [Property Damage in Excess of Five Thousand Dollars (\$5,000)] [Serious Bodily Injury] to a Motorcycle [Operator] [Passenger]. G.S. 20-154(a1), (a2). (6/2014)		Infraction

270.62	Willfully Covering Registration Plate. G.S. 20-63(g). (2/2005)		Misd 2
270.65	Failure to Stop for Blue Light and Siren (Approaching Law Enforcement Vehicle). G.S. 20-157(a); 20-125. (6/2013)	Misd	Misd 2
270.66	Failure to Stop for Blue Light and Siren (Approaching Law Enforcement Vehicle) Causing Serious Injury or Death to a Law Enforcement Officer, Firefighter, or Other Rescue Worker. G.S. 20-157(a), (i); 20-125. (6/2006)		I
270.67	Failure to Stop for Blue Light and Siren (Approaching Law Enforcement Vehicle) Causing Injury to a Law Enforcement Officer, Firefighter, or Other Rescue Worker. G.S. 20-157(a), (h); 20-125. (6/2006)		Misd 1
270.68	Failure to Stop for Blue Light and Siren (Approaching Law Enforcement Vehicle) Causing Damage to Property in Excess of \$500. G.S. 20-157(a), (h); 20-125. (6/2006)		Misd 1
270.70	Failure to Stop for a Traffic Control Signal. G.S. 20-158(b)(2). (12/2004)	Infraction	Infraction
270.71	Failure to Stop for Flashing Red Light. G.S. 20-158(b)(3). (4/2004)	Infraction	Infraction
270.72	Failure to Stop for Stop Sign. G.S. 20-158(b)(1). (4/2004)	Infraction	Infraction
270.73	Failure to Yield to a Pedestrian. G.S. 20-158(b). (3/2005)		
270.75	Passing Stopped School Bus. G.S. 20-217. (6/2006)	Misd	Misd 2
270.76	Passing Stopped School Bus—Striking a Person Causing Serious Bodily Injury. G.S. 20-217. (6/2010)		I
270.76A	Passing Stopped School Bus—Striking a Person Causing Death. G.S. 20-217. (6/2010)		H
270.77	Unlawful Use of Mobile Phone to [Manually Enter Multiple Letters or Text As a Means of Communicating with Another Person] [Read Any [Electronic Mail] [Text Message] [Transmitted to] [Stored Within] the Device] While Operating a School Bus. (Texting While Operating a School Bus) G.S. 20-137.4(b). (6/2010)		Misd 2
270.80	Reckless Driving—Carelessly and Heedlessly. G.S. 20-140(a). (5/2001)	Misd	Misd 2
270.81	Reckless Driving—Driving to Endanger. G.S. 20-140(b). (5/2001)	Misd	Misd 2
270.90	Failure to Maintain Lane Control. G.S. 20-146(d)(1) (6/2019)		Infraction
270A.10	Infliction of Serious Bodily Injury by Operation of Aircraft While Impaired (Flying High). G.S. 63-28. (5/2001)	H	F
270A.15	Operation of Aircraft While Impaired (Flying High). G.S. 63-27. (5/2001)	Misd	Misd 1
270A.20	Operating Vessel in Reckless Manner. G.S. 75A-10(a). (6/2008)		Misd 2
270A.25	Operating Vessel While under the Influence of an Impairing Substance. G.S. 75A-10(b1). (6/2017)		Misd 2
270A.27	[Recklessly] [Negligently] [Operating a [Motorboat] [Vessel]] [Manipulating [Water Skis] [A Surfboard.]]. G.S. 75A-10(a). (6/2017)		Misd 2
270A.27A	Manipulating [Water Skis] [A Surfboard] [Nonmotorized Vessel] [Similar Device] While Under the Influence of an Impairing Substance. G.S. 75A-10(b). (6/2017)		Misd 2

270A.27B	[Death] [Serious Injury] by Impaired Boating. G.S. 75A-10.3(a),(b),(f). (6/2017)		D, F
270A.27C	Aggravated [Death] [Serious Injury] by Impaired Boating. G.S. 75A-10.3(c),(d),(f). (6/2017)		D
270A.27D	Repeat Death by Impaired Boating. G.S. 75A-10.3(e),(f). (6/2017)		B2
270A.30	Improper Vessel Registration. G.S. 75A-4. (6/2009)		Misd 3
Non-Traffic Automobile Offenses.			
271.10	Driving a Motor Vehicle on a Highway While License Has Been Suspended or Revoked. G.S. 20-28. (5/2001)	Misd	Misd 1
271.12	Driving a Motor Vehicle on a Highway while License Has Been Revoked for Impaired Driving. G.S. 20-28(a1). (6/2018)		
271.15	Operating a Motor Vehicle in Violation of License Limitation. G.S. 20-7(e). (5/2001)	Misd	Misd 1
271.16	Operating a Motor Vehicle in Violation of a Limited Driving Privilege. G.S. 20-179.3(j). (5/2001)	Misd	Misd 1
271.21	Knowingly Permitting Motor Vehicle to Be Driven by a Person Having No Legal Right to Do So. G.S. 20-34; 20-35. (5/2001)	Misd	Misd 2
271.22	[Driving] Knowingly Permitting Another to Drive] a Vehicle that [was Not Registered with the Division of Motor Vehicles] [Did Not Display a Current Registration Plate]. Misdemeanor. G.S. 20-111(1) (6/2011)		Misd 2
271.23	Sex Offender Driving [Commercial Passenger Vehicle] [School Bus]. G.S. 20-27.1. (6/2010)		F
271.25	[Receiving] [Transferring] a Stolen Vehicle with Intent to [Procure] [Pass] Title to That Vehicle. G.S. 20-106. (5/2001)	I	H
271.26	Possession of a Stolen Vehicle. G.S. 20-106. (6/2016)	I	H
271.28	Forging an Inspection [Sticker] [Receipt]. G.S. 20-183.8(c)(1). (6/2017)		I
271.28A	[Buying] [Selling] [Issuing] [Possessing] a Forged [Inspection Sticker] [An Electronic Inspection Authorization]. G.S. 20-183.8(c)(2). (6/2017)		I
271.28B	Unlawfully [Buying] [Selling] [Issuing] [Possessing] an [Inspection Sticker] [Electronic Inspection Authorization]. G.S. 20-183.8(c)(3). (6/2017)		I
271.28C	Failing the [Safety] [Emissions] Inspection of a Vehicle for an Unlawful Reason. G.S. 20-183.8(c)(5). (6/2017)		I
271.28D	[Soliciting] [Accepting] Something of Value in Order to Pass a Vehicle That Fails [Safety] [Emissions] Inspection. G.S. 20-183.8(c)(4). (6/2017)		I
271.30	Willfully Injuring or Tampering with or Removing Parts from a Vehicle without the Consent of the Owner. G.S. 20-107(a). (5/2001)	Misd	Misd 2
271.31	[Climbing Into] [Attempting to or Setting in Motion] a Vehicle with Intent to Steal, Commit Malicious Injury, etc. G.S. 20-107(b). (5/2001)	Misd	Misd 2

271.34	[Failure] [Refusing] to Surrender to the Division of Motor Vehicles, Upon Demand, Any [Title Certificate] [Registration Card] [Registration Number Plate] Which Has Been [Suspended] [Cancelled] [Revoked]. Misdemeanor. G.S. 20-111(4). (6/2011)		Misd. 2
271.35	Alteration or Change of Engine or Other Number on a Vehicle. G.S. 20-109(a)(1). (5/2001)	Misd	I
271.36	Permitting the Alteration or Change of Engine or Other Numbers on a Vehicle. G.S. 20-109(a)(2). (5/2001)	Misd	I
271.37	Unlawful Placing or Stamping of a Serial or Other Number upon a Vehicle, Where Such Number Has Not Been Assigned to the Vehicle by the Division of Motor Vehicles. G.S. 20-109(a)(3). (5/2001)	Misd	I
271.38	Knowingly Permitting the Placing or Stamping of a Serial or Motor Number upon a Motor Vehicle by Its Owner, Where the Number Has Not Been Assigned to Such Vehicle by the Division of Motor Vehicles. G.S. 20-109(a)(4). (5/2001)	Misd	I
271.39	Alteration of a Serial or Motor Number Assigned to a Vehicle by the Division of Motor Vehicles with the Intent to Conceal or Misrepresent Its True Identity. G.S. 20-109(b)(1). (5/2001)	I	I
271.40	Permitting by Owner of a Vehicle the Alteration or Use of a Serial or Motor Number Assigned to That Vehicle by the Division of Motor Vehicles with the Intent to Conceal or Misrepresent Its True Identity. G.S. 20-109(b)(2). (5/2001)	I	I
271.41	Unlawful Use of a [Driver's License] [Learner's Permit] [Special Identification Card] Issued by the Division of Motor Vehicles. G.S. 20-30(a); 20-37.8(b). (2/2000)	-	I
271.42	Possession or Manufacture of Certain Fraudulent Forms of Identification. G.S. 14-100.1. (5/2002)		Misd 1
271.43	Willfully Displaying an Expired [License] [Registration Plate] on a Vehicle Knowing the Same to be Expired. G.S. 20-111(2). Misdemeanor. (6/2011)		Misd 2
271.44	[Displaying] [Causing to be Displayed] [Permitting to be Displayed] [Possessing] a [Registration Card] [Certificate of Title] [Registration Number Plate] That Is [Fictitious] [Has Been [Cancelled] [Revoked] [Suspended] [Altered]] Misdemeanor. G.S. 20-111(2). (6/2011)		Misd 2
271.45	Performing [Safety] [Emissions] Inspection on a Motor Vehicle Without a License. G.S. 20-183.8(b)(1). (6/2017)		Misd 3
271.46	[Giving] [Lending] [Borrowing] of a License Plate for the Purpose of Using Same on a Motor Vehicle Other Than That for Which It Was Issued. Misdemeanor. G.S. 20-111(3). (6/2011)		Misd 3
271.47	Knowingly [Making a False Statement] [Concealing a Material Fact] [Committing Fraud] in any Application for [the Registration of Any Vehicle] [Certificate of Title] [Renewal of Registration] [Duplicate [Registration] [Title]]. G.S. 20-111(5). Misdemeanor. (6/2011)		Misd 1
271.48	Using a [Name] [Address] That Is [False] [Fictitious] in Any Application for [the Registration of Any Vehicle] [Certificate of Title] [Renewal of Registration] [Duplicate [Registration] [Title]]. G.S. 20-111(5). (6/2011)		Misd 1

271.49	[Giving] [Lending] [Selling] [Obtaining] a Certificate of Title for the Purpose of Using the Certificate of Title for Any Purpose Other Than the [[Registration] [Sale] of a Vehicle] [Use in Connection with the Vehicle for which the Certificate was Issued]. G.S. 20-111(6). (6/2011)		Misd 2
271.50 Series—	Introduction to Hit and Run Instructions. (1/1997)		
271.50	Felonious Hit and Run with Serious Bodily Injury or Death (Failure to Stop), Including Lesser Offense. G.S. 20-166(a), (c)(2). (6/2018)		F, Misd 1
271.51	Hit and Run with Personal Injury or Death (Failure to Stop or Give Required Information). G.S. 20-166(c), (c1). (6/2009)		Misd 1
271.52	Hit and Run with Serious Bodily Injury or Death (Defendant Stopped but Failed to Give Required Information or Render Assistance). G.S. 20-166(b). (6/2009)		Misd 1
271.53	Hit and Run with Property Damage. G.S. 20-166(c), (c1). (6/2009)	Misd	Misd 1
271.54	Felonious Hit and Run with Injury (Failure to Stop) Including Lesser Offense. G.S. 20-166(a1), (c)(2). (6/2009)		H
271.61	Removal of Vehicle from Scene after Accident Resulting in [Injury] [Death] to Any Person—Driver. G.S. 20-166(a). (6/2006)		F
271.62	Removal of Vehicle from Scene after Accident Resulting in [Damage to Property] [[Injury] [Death] to Any Person of Which the Driver Was Unaware]—Driver. G.S. 20-166(c). (6/2006)		Misd 1
271.66	Failure to Return with the Vehicle after Being Permitted to Remove It from the Scene after an Accident Resulting in [Injury] [Death] to Any Person—Driver. G.S. 20-166(a). (6/2006)		F
271.67	Failure to Return with the Vehicle after Being Permitted to Remove It from the Scene after an Accident Resulting in [Damage to Property] [[Injury] [Death] to Person of Which the Driver Was Unaware]—Driver. G.S. 20-166(c). (6/2006)		Misd 1
271.70	Leaving Scene after Accident Resulting in [Injury] [Death] to Any Person—Passenger. G.S. 20-166.2(a). (6/2006)		H
271.71	Leaving Scene after Accident Resulting in [Damage to Property] [Injury or Death to Person of Which the Passenger was Unaware]—Passenger. G.S. 20-166.2(a). (6/2006)		Misd 1
271.72	Failure to Render Assistance—Passenger. G.S. 20-166.2(b) (6/2006)		Misd 1
271.73	Failure to Stop or Give Required Information after Accident—Passenger. G.S. 20-166.2(b). (6/2006)		Misd 1
271.74	Removal of Vehicle from Scene after Accident Resulting in [Injury] [Death] to Any Person—Passenger. G.S. 20-166.2(a). (6/2006)		H
271.75	Removal of Vehicle from Scene after Accident Resulting in [Damage to Property] [Injury or Death to Person of Which the Passenger Was Unaware]—Passenger. G.S. 20-166.2(a). (6/2006)		Misd 1

271.76	Failure to Return with the Vehicle after Being Permitted to Remove It from the Scene after an Accident Resulting in [Injury] [Death] to Any Person—Passenger. G.S. 20-166.2(a). (6/2006)		H
271.77	Failure to Return with the Vehicle after Being Permitted to Remove It from the Scene after an Accident Resulting in [Damage to Property] [Injury or Death to Person of Which the Passenger was Unaware]—Passenger. G.S. 20-166.2(a). (6/2006)		Misd 1
271.80	Tampering with Ignition Interlock Device—Avoiding or Altering Testing in Operation of a Vehicle. G.S. 20-178A. (6/2012)		Misd 1
271.81	Tampering with Ignition Interlock Device—Altering Testing Results on Ignition Interlock Device. G.S. 20-178A. (6/2012)		Misd 1
271.91	Liability Insurance for Motor Vehicles. G.S. 20-279.21, 20-308, 20-309.—Deleted. See G.S. 20-311. (6/2019)		Misd 1
271.92	Operation of Motor Vehicles Without Financial Responsibility G.S. 20-309(b), 20-313 (6/2019)		Misd 1
271.94	Impersonation of a Transportation Network Company Driver. (6/2020)		Misd 2
271.95	Impersonation of a Transportation Network Company Driver While [Committing] [Attempting to Commit] a Felony. (6/2020)		H
271.97	[Import] [Manufacture] [Sale] [Offer of Sale] [Installation] [Reinstallation] of [Counterfeit Supplemental Restraint System] [Nonfunctional Airbag]. (6/2020)		Misd 1
271.98	Contributing to a Person's [Physical Injury] [Death] By [Importing] [Manufacturing] [Selling] [Offering to Sale] [Installing] [Reinstalling] A [Counterfeit Supplemental Restraint System] [Nonfunctional Airbag]. (6/2020)		H
272.10	Intoxicating Liquors. Possession of Nontaxpaid Alcoholic Beverages. G.S. 18B-101(4), -102. (5/2001)	Misd	Misd 1
272.11	Transporting of Nontaxpaid Alcoholic Beverages. G.S. 18B-101(4), -102. (5/2001)	Misd	Misd 1
272.13	Possession of Nontaxpaid Alcoholic Beverages with the Intent to Sell. G.S. 18B-304(b)(3). (5/2002)		Misd 1
272.14	Knowingly Selling or Giving Cigarettes, Cut Tobacco, Cigarette Wrapping Papers, or Smokeless Tobacco, or Tobacco Product to a Person under the Age of 18 Years. G.S. 14-313. (6/2014)	Misd	Misd 2
272.15A	Selling or Giving Fortified Wine, Spirituous Liquor, or Mixed Beverages to a Person Less Than Twenty-One Years. G.S. 18B-302(a)(2). (5/2001)	Misd	Misd 1
272.18	Purchase or Possession of Fortified Wine, Spirituous Liquor or Mixed Beverages by a Person Less Than Twenty-One. G.S. 18B-302(b)(2). (6/2014)	Misd	Misd 1
272.18A	Attempt to Purchase Fortified Wine, Spirituous Liquor, or Mixed Beverages by a Person Less Than Twenty-One Years. G.S. 18B-302(b)(2). (5/2001)	Misd	Misd 2

272.19	Aiding and Abetting an Underage Person to Purchase or Possess Malt Beverages, Unfortified Wine, Fortified Wine, Spirituous Liquor or Mixed Beverages. G.S. 18B-302(c). (5/2001)	Misd	Misd 1,2
272.20	Transportation within Passenger Area of Motor Vehicle of Fortified Wine or Spirituous Liquor in Other Than Manufacturer's Unopened Original Container. G.S. 18B-401(a). (5/2001)	Misd	Misd 3
272.21	Consuming Malt Beverage or Unfortified Wine by the Driver of Motor Vehicle. G.S. 18B-401(a). (5/2001)	Misd	Misd 3
272.21A	Possession of Malt Beverages with the Intent to Sell without Obtaining Permit or License. G.S. 18B-304(a). (5/2002)		Misd 1
272.22	Fraudulent Use of Identification by an Underage Person in Obtaining or Attempting to Obtain Alcoholic Beverage. G.S. 18B-302(e); (b). (5/2001)	Misd	Misd 1 or Infraction
272.25	Consumption of Alcohol by a Person Less Than 19 Years of Age. G.S. 18B-302(b)(3). (6/2014)		Misd 1
272.26	Consumption of Alcohol by Person Greater Than 19 Years of Age but Less Than 21 Years of Age. G.S. 18B-302 (6/2014)		Misd 3
272.40	[Manufacturer] [Sale] [Transportation] [Importation] [Furnishing] [Consumption] [Possession] of Powdered Alcohol. G.S. 18B-102 (6/2016)		Misd 1
272.60	[Sale] [Offer for Sale] [Introduce Into Commerce in North Carolina] of an E-liquid Container without Child-Resistant Packaging. G.S. 14-401.18A. (6/2016)		Misd A1
272.65	[Sale] [Offer for Sale] [Introduce Into Commerce in North Carolina] of an E-liquid Container for E-liquid Product Containing Nicotine without Labeling Nicotine Contents on Packaging. G.S. 14-401.18A (6/2016)		Misd A1
272.80	Knowingly Making a False Statement in an Application for Reissuance of a Special Occasion Permit. G.S. 18B-903.1(e) (6/2019)		Misd 1
Game Laws.			
273.10	Firelighting or Spotlighting (Taking Deer by Artificial Light). G.S. 113-291.1(b)(2), -130(7), -294(e). (5/2001)	Misd	Misd 1
273.20	Taking a Deer from a Boat. G.S. 113-109(e). (9/2001)	Misd	Misd 1
273.30	Hunting, etc., While License Is Revoked. G.S. 113-300.8. (6/2009)		Misd 1
273.40	[Purchasing] [Possessing] License to Hunt, etc., While License Is Revoked. G.S. 113-300.8. (6/2009)		Misd 1
273.50	Unlawful Hunting with a Firearm on Sunday. G.S. 103-2(a), (a1). (6/2018)		
273.55	Unlawful Hunting of Migratory Birds on Sunday. (6/2018)		
Welfare Fraud.			
274.10	Misdemeanor Misrepresentation in Obtaining Public Assistance. G.S. 108A-39(a). (9/2001)	Misd	Misd 1

274.15	Felonious Misrepresentation in Obtaining Public Assistance— More Than \$400. G.S. 108A-39(b). (9/2001)	I,Misd	I,Misd 1
274.20	Misdemeanor Obtaining Food Stamps by Misrepresentation. G.S. 108A-53(a). (10/2001)	Misd	Misd 1
274.21	Feloniously Obtaining Food Stamps by Misrepresentation— More Than \$400 G.S. 108A-53(a). (10/2001)	I,Misd	I,Misd 1
274.22	Misdemeanor Obtaining Food Stamps by Misrepresentation— Aiding and Abetting. G.S. 108A-53(a). (10/2001)	Misd	Misd 1
274.23	Feloniously Obtaining Food Stamps by Misrepresentation— Aiding and Abetting. G.S. 108A-53(a). (10/2001)	I,Misd	I,Misd 1
275.10	Unsupervised Use of Fully Autonomous Vehicle by a Person Under the Age of 12. G.S. 103-2(a2).(6/2018)		
280.20	Escape. Felonious Escape. G.S. 148-45(a), (b); 14-256(1), (2). *(On or after 12/97, Voluntary Manslaughter Is a Class D felony.) (6/2014)	J	I*
280.21	Escape from Private Correction Facility. G.S. 14-256.1. (5/2001)		H
280.40	Escape from Imprisonment by Use of a Dangerous Weapon. G.S. 14-258.2. (5/2001)	H	F
280.41	Assault with a Deadly Weapon Inflicting Bodily Injury While Assisting a Prisoner to Escape or Attempt to Escape. G.S. 14-258.2(b). (12/2001)	H	H
280.42	Using a Deadly Weapon in Assisting a Prisoner to Effect His Escape. G.S. 14-258.2. (5/2001)	H	H
280.43	Unauthorized Possession or Fabrication of Dangerous Weapon by Prisoner. G.S. 14-258.2(a). (11/2000)	Misd	H
280.44	Misdemeanor Jailbreak or Escape from Confinement Facility Officer. G.S. 14-256. (5/2001)	J, Misd	Misd 1
280.45	Escape of a Working Prisoner. G.S. 14-255. (5/2001)		Misd 1

PART III. DEFENSES

301.10	Alibi. (3/2003)		
302.10	Automatism. Automatism or Unconsciousness. (6/2009)		
304.10	Insanity. Insanity Defense. (6/2009)		
305.10	Intoxication. Voluntary Intoxication, Liquor or Drugs—In General. (6/2020)		
305.11	Voluntary Intoxication, Lack of Mental Capacity—Premeditated and Deliberate First-Degree Murder. (6/2009)		

* On or after 12/1/97, Voluntary Manslaughter is a Class D felony.

- 306.10 Accepted Medical Purpose (Defense to First and Second-Degree Sexual Offenses Involving Penetration). (6/2020)

- 307.10 Accident.
Accident (Defense to Homicide Charge, Except Homicide Committed during Perpetration of a Felony). (5/2003)
- 307.11 Accident (Defense in Cases Other Than Homicide). (5/2020)

- 308.10 Self-Defense.
Self-Defense, Retreat—Including Homicide (to Be Used Following Self-Defense Instructions Where Retreat Is in Issue). G.S. 14-51.2(1), .3(a). (6/2019)
- 308.40 Self-Defense—Assaults Not Involving Deadly Force.
G.S. 14.15.2, .3, .4. (6/2020)
- 308.41 Detention of Offenders by Private Persons. G.S. 15A-404. (6/2009)
- 308.45 Self-Defense—All Assaults Involving Deadly Force.
G.S. 14.51.2, .3, .4. (6/2020)
- 308.45A Self-Defense Example with 208.10—All Assaults Involving Deadly Force. G.S. 14.51.2, .3, .4. (6/2019)
- 308.47 Assault in Lawful Defense of a [Family Member] [Third Person]—(Defense to Assaults Not Involving Deadly Force).
G.S. 14.51.2, .3, .4. (6/2019)
- 308.50 Assault in Lawful Defense of a [Family Member] [Third Person]—(Defense to All Assaults Involving Deadly Force).
G.S. 14.51.2, .3, .4. (6/2019)
- 308.60 Killing in Lawful Defense of a [Family Member] [Third Person]—(Defense to Homicide). G.S. 14.51.2, .3, .4. (6/2019)
- 308.70 Self-Defense to Sexual Assault—Homicide.
G.S. 14.51.2, .3. (6/2019)
- 308.80 Defense of [Habitation] [Workplace] [Motor Vehicle]—Homicide and Assault. G.S. 14-51.1, .2, .3, .4. (6/2020)

- 309.10 Entrapment.
Entrapment. (5/2003)

- 310.10 Coercion.
Compulsion, Duress, or Coercion. (6/2019)
- 310.11 Duress or Necessity Defense to Escape from Department of Correction. (5/2003)
- 310.12 Necessity. (6/2019)

- 311.10 Jurisdiction.
Lack of Jurisdiction (with Special Verdict Form). (5/2003)

APPENDICES:

A. TABLE OF SECTIONS OF GENERAL STATUTES INVOLVED IN CRIMINAL INSTRUCTIONS.

B. CRIMINAL VOLUME INDEX.

104.35 FLIGHT—IN GENERAL.¹

The State contends (and the defendant denies) that the defendant fled. Evidence of flight may be considered by you together with all other facts and circumstances in this case in determining whether the combined circumstances amount to an admission or show a consciousness of guilt. However, proof of this circumstance is not sufficient, in itself, to establish defendant's guilt.²

1. For use in cases other than first degree murder cases where premeditation is an issue.

2. *State v. Self*, 280 N.C. 665, 673 (1972). See also *State v. Hunt*, 305 N.C. 238 (1982).

202.10 ACTING IN CONCERT.

For a defendant to be guilty of a crime, it is not necessary that the defendant do all of the acts necessary to constitute the crime.¹ If two or more persons join in a common purpose² to commit (*name crime*), each of them, if actually or constructively present,³ is guilty of the crime (and also guilty of any other crime committed by the other in pursuance of the common purpose to commit (*name crime*), or as a natural or probable consequence thereof.⁴)⁵

(A defendant is not guilty of a crime merely because the defendant is present at the scene, even though the defendant may silently approve of the crime or secretly intend to assist in its commission.⁶ To be guilty the defendant must aid or actively encourage the person committing the crime, or in some way communicate to another person the defendant's intention to assist in its commission.)⁷

FINAL MANDATE

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant acting either by (himself) (herself)⁸ or acting together with (other persons) . . . (continue with appropriate mandate).⁹

1. This instruction is intended for use in a case in which it is clear that the defendant was an actual participant in the crime even though the defendant did not himself or herself do all of the necessary acts. This instruction, rather than an aiding and abetting charge, should be given in such a case.

2. See *State v. Joyner*, 297 N.C. 349 (1979).

3. A person is constructively present when he is close enough to the scene to render assistance to the perpetrator or is standing by to help the perpetrator. See *State v. Davis*, 301 N.C. 394, 271 S.E.2d 263 (1980); *State v. Price*, 280 N.C. 154, 184 S.E.2d 866 (1971); *State v. McKinnon*, 306 N.C. 288, 293 S.E.2d 118 (1982); *State v. Matthews*, 299 N.C. 284, 261 S.E.2d 8872 (1980).

4. For specific intent crimes occurring on or after September 29, 1994 and before March 3, 1997, the jury should be instructed as follows: One may not be criminally responsible on the basis of acting in concert for [name specific intent crime], which requires specific intent, unless he is shown to have the requisite specific intent. *State v. Blankenship*, 337 N.C. 543 (1994). However, for offenses occurring on or after March 3, 1997, this is no longer the law. *State v. Barnes* overruled *State v. Blankenship*, 337 N.C. 543 (1994); *State v. Barnes*, 345 N.C. 184 (1997), quoting *State v. Westbrook*, 279 N.C. 18 (1971).

5. Where the participant is being tried for a crime other than the offense that the participants joined together to commit, use the parenthetical portion of this charge.

6. Mere presence at the scene of a crime is not itself a crime, and is insufficient where the State presents no evidence of any criminal intent. See *State v. Holloway*, 793 S.E.2d 766, 774 (N.C. Ct. App. 2016), writ denied, review denied, 798 S.E.2d 525 (N.C. 2017). For a definition of intent, see N.C.P.I.—Crim. 120.10.

7. This paragraph should be given only where there is support in the evidence for a finding that defendant was present at the scene of the crime. *S. v. Beach*, 283 N.C. 261, 267-268 (1973), states that there is an exception to the rule that mere presence does not make one an accessory: “...when the bystander is a friend of the perpetrator, and knows that his presence will be regarded by the perpetrator as an encouragement and protection, presence alone may be regarded as an encouragement, and in contemplation of the law this was aiding and abetting.” See *S. v. Walden*, 306 N.C. 466 (1982).

8. Under certain factual circumstances it may not be appropriate to include the phrase “...acting either by himself or . . .”. *State v. Graham*, 145 N.C. App. 483, 549 S.E.2d 908 (2001).

9. This instruction must be in accord with both the indictment and evidence presented at trial. See *State v. Chavez*, 842 S.E.2d 128 (N.C. Ct. App. 2020).

206.10 FIRST-DEGREE MURDER WHERE A DEADLY WEAPON IS USED,
COVERING ALL LESSER INCLUDED HOMICIDE OFFENSES AND SELF-
DEFENSE. FELONY.

NOTE WELL: If self-defense is at issue and the assault occurred in defendant's home, place of residence, workplace or motor vehicle, see N.C.P.I.—Crim. 308.80, Defense of Habitation.

NOTE WELL: N.C. Gen. Stat. §§ 15-176.4; 15A-2000(a): When the defendant is indicted for first degree murder the court shall, upon request by either party, instruct the jury as follows:

"In the event that the defendant is convicted of murder in the first degree, the court will conduct a separate sentencing proceeding to determine whether the defendant should be sentenced to death or life imprisonment (without parole).¹ If that time comes, you will receive separate sentencing instructions. However, at this time your only concern is to determine whether the defendant is guilty of the crime charged or any lesser included offenses about which you are instructed."²

The defendant has been charged with first degree murder.

Under the law and the evidence in this case, it is your duty to return one of the following verdicts:

- 1) guilty of first-degree murder,
- 2) guilty of second-degree murder,³
- 3) guilty of voluntary manslaughter,
- 4) guilty of involuntary manslaughter, or
- 5) not guilty.

First degree murder is the unlawful killing of a human being with malice and with premeditation and deliberation.

Second-degree murder is the unlawful killing of a human being with malice, but without premeditation and deliberation.

Voluntary manslaughter is the unlawful killing of a human being without malice and without premeditation and deliberation.

Involuntary manslaughter is the unintentional killing of a human being by an unlawful act not amounting to a felony or by an act done in a criminally negligent way.

The defendant would be excused of first-degree murder and second-degree murder on the ground of self-defense if:

First, the defendant believed it was necessary to kill the victim⁴ in order to save the defendant from death or great bodily harm.

And Second, the circumstances as they appeared to the defendant at the time were sufficient to create such a belief in the mind of a person of ordinary firmness. In determining the reasonableness of the defendant's belief, you should consider the circumstances as you find them to have existed from the evidence, including (the size, age and strength of the defendant as compared to the victim), (the fierceness of the assault, if any, upon the defendant), (whether the victim had a weapon in the victim's possession), (and the reputation, if any, of the victim for danger and violence) (*describe other circumstances, as appropriate from the evidence*).

The defendant would not be guilty of any murder or manslaughter if the defendant acted in self-defense, and if the defendant (was not the aggressor in provoking the fight and) did not use excessive force under the circumstances.

(One enters a fight voluntarily if one uses toward one's opponent abusive language, which, considering all of the circumstances, is calculated and intended to provoke a fight. If the defendant voluntarily and without provocation entered the fight, the defendant would be considered the aggressor unless the defendant thereafter attempted to abandon the fight and gave notice to the deceased that the defendant was doing so. In other words, a person who uses defensive force is justified if the person withdraws, in good faith, from physical contact with the person who was provoked, and indicates clearly that [he] [she] desires to withdraw and terminate the use of force, but the person who was provoked continues or resumes the use of force. A person is also justified in using defensive force when the force used by the person who was provoked is so serious that the person using defensive force reasonably believes that [he] [she] was in imminent danger of death or serious bodily harm, the person using defensive force had no reasonable means to retreat, and the use of force likely to cause death or serious bodily harm was the only way to escape the danger. The defendant is not entitled to the benefit of self-defense if the defendant was the aggressor⁵ with the intent to kill or inflict serious bodily harm upon the deceased.⁶)

NOTE WELL: Instructions on aggressors and provocation should only be used if there is some evidence presented that defendant provoked the confrontation. See N.C. Gen. Stat. § 14-51.4(2). If no such evidence is presented, the preceding parenthetical and reference to the aggressor throughout this instruction would not be given. In addition, the remainder of the instruction, including the mandate, would need to be edited accordingly to remove references to the aggressor.

A defendant does not have the right to use excessive force. A defendant uses excessive force if the defendant uses more force than reasonably appeared to the defendant to be necessary at the time of the killing. It is for you the jury to determine the reasonableness of the force used by the defendant under all of the circumstances as they appeared to the defendant at the time.

Furthermore, the defendant has no duty to retreat in a place where the defendant has a lawful right to be.⁷ (The defendant would have a lawful right to be in the defendant's [home]⁸ [own premises] [place of residence] [workplace]⁹ [motor vehicle]¹⁰.)

NOTE WELL: The preceding parenthetical should only be given where the place involved was the defendant's [home] [own premises] [place of residence] [workplace] [motor vehicle].¹¹

Therefore, in order for you to find the defendant guilty of first-degree murder or second-degree murder, the State must prove beyond a reasonable doubt, among other things, that the defendant did not act in self-defense, or, failing in this, that the defendant was the aggressor with the intent to kill or to inflict serious bodily harm upon the deceased. If the State fails to prove that the defendant did not act in self-defense or was the aggressor with intent to kill or to inflict serious bodily harm, you may not convict the defendant of either first- or second-degree murder. However, you may convict the defendant of voluntary manslaughter if the State proves that the defendant was the aggressor without murderous intent in provoking the fight in which the deceased was killed, or that the defendant used excessive force.

For you to find the defendant guilty of first-degree murder, the state must prove six things beyond a reasonable doubt:

First, that the defendant intentionally¹² and with malice killed the victim with a deadly weapon.

Malice means not only hatred, ill will, or spite, as it is ordinarily understood, but it also means the condition of mind which prompts a person to intentionally take the life of another or to intentionally inflict serious bodily harm that proximately results in another person's death without just cause, excuse or justification. If the State proves beyond a reasonable doubt, (or it is admitted)¹³ that the defendant intentionally killed the victim with a deadly weapon or intentionally inflicted a wound upon the deceased with a deadly weapon that proximately caused the victim's death, you may infer first, that the killing was unlawful, and second, that it was done with malice, but you are not compelled to do so.¹⁴ You may consider this along with all other facts and circumstances in determining whether the killing was unlawful and whether it was done with malice.

[A firearm is a deadly weapon.] [A deadly weapon is a weapon which is likely to cause death or serious injury. In determining whether the instrument involved was a deadly weapon, you should consider its nature, the manner in which it was used, and the size and strength of the defendant as compared to the victim.]

Second, the State must prove that the defendant's act was a proximate cause of the victim's death. A proximate cause is a real cause, a cause without which the victim's death would not have occurred,¹⁵ and one that a reasonably

careful and prudent person could foresee would probably produce such [injury] [damage] or some similar injurious result. (The defendant's act need not have been the only cause, nor the last or nearest cause. It is sufficient if it occurred with some other cause acting at the same time, which, in combination with, caused the death of the victim.) (A child has been killed if the child was born alive, but died as a result of injuries inflicted prior to being born alive.)¹⁶

Third, that the defendant intended to kill the victim. Intent is a mental attitude seldom provable by direct evidence. It must ordinarily be proven by circumstances from which it may be inferred. An intent to kill may be inferred from the nature of the assault, the manner in which the assault was made, the conduct of the parties and any other relevant circumstances.

Fourth, that the defendant acted with premeditation, that is, that the defendant formed the intent to kill the victim over some period of time, however short, before the defendant acted.

Fifth, that the defendant acted with deliberation, which means that the defendant acted while the defendant was in a cool state of mind. This does not mean that there had to be a total absence of passion or emotion. If the intent to kill was formed with a fixed purpose, not under the influence of some suddenly aroused violent passion, it is immaterial that the defendant was in a state of passion or excited when the intent was carried into effect.

Neither premeditation nor deliberation is usually susceptible of direct proof. They may be proved by circumstances from which they may be inferred, such as the [lack of provocation by the victim] [conduct of the

defendant before, during and after the killing] [threats and declarations of the defendant] [use of grossly excessive force] [infliction of lethal wounds after the victim is felled] [brutal or vicious circumstances of the killing] [manner in which or means by which the killing was done]¹⁷ [ill will between the parties].¹⁸

And Sixth, that the defendant did not act in self-defense or that the defendant was the aggressor in provoking the fight with the intent to kill or inflict serious bodily harm upon the deceased.

Second Degree Murder differs from first degree murder in that the State does not have to prove specific intent to kill, premeditation, or deliberation. For you to find the defendant guilty of second-degree murder, the State must prove beyond a reasonable doubt that the defendant unlawfully, intentionally¹⁹ and with malice wounded the victim with a deadly weapon, proximately causing the victim's death. The State must also prove that the defendant did not act in self-defense, or if the defendant did act in self-defense, the State must prove that the defendant was the aggressor in provoking the fight with the intent to kill or inflict serious bodily harm.

Voluntary Manslaughter is the unlawful killing of a human being without malice, premeditation, and deliberation. A killing is not committed with malice if the defendant acts in the heat of passion upon adequate provocation.

The heat of passion does not mean mere anger. It means that at the time the defendant acted, the defendant's state of mind was so violent as to overcome reason, so much so that the defendant could not think to the extent necessary to form a deliberate purpose and control the defendant's

actions. Adequate provocation means anything that has a natural tendency to produce such passion in a person of average mind and disposition.²⁰ Also, the defendant's act must have taken place so soon after the provocation that the passion of a person of average mind and disposition would not have cooled.

The burden is on the State to prove beyond a reasonable doubt that the defendant did not act in the heat of passion upon adequate provocation, but rather that the defendant acted with malice. If the State fails to meet this burden, the defendant can be guilty of no more than voluntary manslaughter.

For you to find the defendant guilty of voluntary manslaughter, the State must prove three things beyond a reasonable doubt:

First, that the defendant killed the victim by an intentional²¹ and unlawful act.

Second, that the defendant's act was a proximate cause²² of the victim's death. A proximate cause is a real cause, a cause without which the victim's death would not have occurred.

And Third, that the defendant [did not act in self-defense] or [though acting in self-defense [was the aggressor] (or) [though acting in self-defense used excessive force]].

Voluntary manslaughter is also committed if the defendant kills in self-defense but uses excessive force under the circumstances or was the aggressor without murderous intent in provoking the fight in which the killing took place.

The burden is on the State to prove beyond a reasonable doubt that the defendant did not act in self-defense. However, if the State proves beyond a reasonable doubt that the defendant, though otherwise acting in self-defense, [used excessive force] (or) [was the aggressor, though the defendant had no murderous intent when the defendant entered the fight], the defendant would be guilty of voluntary manslaughter.²³

If you do not find the defendant guilty of murder or voluntary manslaughter, you must consider whether the defendant is guilty of involuntary manslaughter. Involuntary manslaughter is the unintentional killing of a human being by an unlawful act that is not a felony, or by an act done in a criminally negligent way.

For you to find the defendant guilty of involuntary manslaughter, the State must prove two things beyond a reasonable doubt:

First, that the defendant acted

- a) [unlawfully] [The defendant's act was unlawful if (*define crime alleged to have been violated, e.g., defendant recklessly discharged a gun, killing the victim*).]
- b) [in a criminally negligent way].²⁴ [Criminal negligence is more than mere carelessness. The defendant's act was criminally negligent, if, judging by reasonable foresight, it was done with such gross recklessness or carelessness as to amount to a heedless indifference to the safety and rights of others.]

And Second, the State must prove that this [unlawful] (or) [criminally negligent] act proximately caused the victim's death.

(If the victim died by accident or misadventure, that is, without wrongful purpose or criminal negligence on the part of the defendant, the defendant would not be guilty.²⁵ The burden of proving accident is not on the defendant. The defendant's assertion of accident is merely a denial that the defendant has committed any crime. The burden remains on the State to prove the defendant's guilt beyond a reasonable doubt.)

FINAL MANDATE ON ALL CHARGES AND DEFENSES

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant, acting with malice and not in self-defense, wounded the victim with a deadly weapon thereby proximately causing the victim's death, that the defendant intended to kill the victim, and that the defendant acted after premeditation and with deliberation, it would be your duty to return a verdict of guilty of first-degree murder. If you do not so find or have a reasonable doubt as to one or more of these things, you will not return a verdict of guilty of first-degree murder, but will determine whether the defendant is guilty of second degree murder.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant intentionally and with malice but not in self-defense wounded the victim with a deadly weapon thereby proximately causing the victim's death, it would be your duty to return a verdict of guilty of second-degree murder. If you do not so find or have a reasonable doubt as to one or more of these things, you will not return a verdict of guilty of second-degree murder, but will determine whether the defendant is guilty of voluntary manslaughter.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant intentionally wounded the victim with a deadly weapon and thereby proximately caused the victim's death, and that the defendant was the aggressor in provoking the fight or used excessive force, it would be your duty to find the defendant guilty of voluntary manslaughter even if the state has failed to prove that the defendant did not act in self-defense.

Or, if you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant intentionally and not in self-defense wounded the victim with a deadly weapon and thereby proximately caused the victim's death, but the State has failed to satisfy you beyond a reasonable doubt that defendant did not act in the heat of passion upon adequate provocation, it would be your duty to return a verdict of guilty of voluntary manslaughter.

If you do not so find or have a reasonable doubt as to one or more of these things, you will not return a verdict of guilty of voluntary manslaughter, but will determine whether the defendant is guilty of involuntary manslaughter.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant [committed the offense of (name crime)] [acted in a criminally negligent way] thereby proximately causing the victim's death, it would be your duty to return a verdict of guilty of involuntary manslaughter. However, 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.

And finally, if the State has failed to satisfy you beyond a reasonable doubt that the defendant did not act in self-defense, that the defendant was the aggressor, or that the defendant used excessive force, then the defendant's action would be justified by self-defense; and it would be your duty to return a verdict of not guilty.

1. The parenthetical phrase, without parole, must be used for offenses occurring on or after October 1, 1994.

2 .N.C. Gen. Stat. § 14-5.2 (effective July 1, 1981) abolished all distinctions between accessories before the fact and principals to felonies as to both trial and punishment, except that if a person who would have been guilty and punishable as an accessory before the fact is convicted of a capital felony, and the jury finds that his conviction was based solely on the uncorroborated testimony of one or more principals, co-conspirators or accessories to the crime, he shall be guilty of a Class B felony. The act applies to all offenses committed on or after July 1, 1981. See N.C.P.I.—Crim. 202.30.

As to felonies allegedly committed before that date, accessories before the fact should be tried (and punished) according to previously existing law. See N.C.P.I.—Crim. 202.20, 202.30 and *State v. Small*, 301 N.C. 407, 272 S.E.2d 128 (1980).

See N.C.P.I.—Crim. 206.10A for suggested procedure and instruction where an accessory before the fact is convicted of first-degree murder.

3. If the evidence is sufficient to fully satisfy the State's burden of proving each and every element of the offense of murder in the first degree, including premeditation and deliberation, and there is no evidence to negate these elements other than defendant's denial that he committed the offense, the trial judge should properly exclude from jury consideration the possibility of a conviction of second-degree murder." *S v. Strickland*, 307 N.C. 274, 293 (1983), overruling *S v. Harris*, 290 N.C. 718 (1976).

4. Substitute "to use deadly force against the victim" for "to kill the victim" when the evidence tends to show that the defendant intended to use deadly force to disable the victim, but not to kill the victim. See *State v. Watson*, 338 N.C. 168 (1994). See also *State v. Richardson*, 341 N.C. 585 (1995).

5. N.C. Gen. Stat. § 14-51.4(2).

6. Pursuant to N.C. Gen. Stat. § 14-51.4(1), self-defense is also not available to a person who used defensive force and who was [attempting to commit] [committing] [escaping after the commission of] a felony. If evidence is presented on this point, then the instruction should be modified accordingly to add this provision.

7. See N.C.P.I.—Crim. 308.10.

8. N.C. Gen. Stat. § 14-51.2 (a) (1) states that a home is a "building or conveyance of any kind, to include its curtilage, whether the building or conveyance is temporary or permanent, mobile or immobile, which has a roof over it, including a tent, and is designed as a temporary or permanent residence." Curtilage is the area "immediately surrounding and associated with the home," which may include "the yard around the dwelling house as well as the area occupied by barns, cribs, and other outbuildings." *State v. Grice*, 367 N.C. 753, 759 (2015) (citations and quotations omitted) (defining curtilage in a Fourth Amendment case).

9. N.C. Gen. Stat. § 14-51.2 (a) (4) states that a workplace is a "building or conveyance of any kind, whether the building or conveyance is temporary or permanent, mobile or immobile, which has a roof over it, including a tent, which is being used for commercial purposes."

10. N.C. Gen. Stat. § 14-51.2 (a) (3); which incorporates N.C. Gen. Stat. § 20-4.01 (23), defines "motor vehicle" as "Every vehicle which is self-propelled and every vehicle designed to run upon the highways which is pulled by a self-propelled vehicle. This shall not include mopeds as defined in N.C. Gen. Stat. § 20-4.01(27)d1."

11. **"[W]herever an individual is lawfully located—whether it is his home, motor vehicle, workplace, or any other place where he has the lawful right to be—the individual may stand his ground and defend himself from attack when he reasonably believes such force is necessary to prevent imminent death or great bodily harm to himself or another." *State v. Bass*, 371 N.C. 456, 541, 819 S.E.2d 322, 326 (2018). "[A] defendant entitled to any self-defense instruction is entitled to a complete self-defense instruction, which includes the relevant stand-your-ground provision." *Id.***

12. If a definition of intent is required, see N.C.P.I.—Crim. 120.10. If a further definition of general intent or specific intent is required, you may consider giving the following additional instruction: [Specific Intent is a mental purpose, aim or design to accomplish a specific harm or result] [General Intent is a mental purpose, aim or design to perform an act, even though the actor does not necessarily desire the consequences that result] *Black's Law Dictionary*, 825-26 (Bryan A. Garner, 8th ed. 2004).

13. Use the parenthetical only if defendant admits to an intentional shooting in open court. See *State v. McCoy*, 303 N.C. 1, 28-29 (1981).

14. In *Francis v. Franklin*, 471 U.S. 307, 105 S.Ct. 1965 (1985), the Supreme Court held that a mandatory presumption, if it relieves the State of its burden of persuasion on an element of the offense, violates the Due Process Clause. This raises questions concerning the validity of the mandatory presumption of malice required in *S. v. Reynolds*, 307 N.C. 184 (1982).

15. Where there is a serious issue as to proximate cause, further instructions may be helpful, e.g., "The defendant's act need not have been the last cause or the nearest cause. It is sufficient if it concurred with some other cause acting at the same time, which in combination with it, proximately caused the death of (name victim)." This language was approved in *State v. Messick*, 159 N.C. App. 232 (2003), per curiam affirmed, 358 N.C. 145

(2004). ("Defendant's act does not have to be the sole proximate cause of death. It is sufficient that the act was a proximate cause which in combination with another possible cause resulted in [the victim's] death.").

16. This sentence is only to be provided if the offense involved the killing of a child.

17. If there is evidence of lack of mental capacity to premeditate or deliberate, see *S. v. Shank*, 322 N.C. 243, 250-251 (1988), *S. v. Weeks*, 322 N.C. 152 (1988) and *S. v. Rose*, 323 N.C. 455 (1988), and N.C.P.I.—Crim. 305.11.

18. See *State v. Battle*, 322 N.C. 114 (1988).

19. Neither second-degree murder nor voluntary manslaughter has as an essential element an intent to kill. In connection with these two offenses, the phrase 'intentional killing' refers not to the presence of a specific intent to kill, but rather to the fact that the act which resulted in death is intentionally committed and is an act of assault which in itself amounts to a felony or is likely to cause death or serious bodily injury. Such an act committed in the heat of passion suddenly aroused by adequate provocation or in the imperfect exercise of the right of self-defense is voluntary manslaughter. But such an act can never be involuntary manslaughter. This is so because the crime of involuntary manslaughter involves the commission of an act, whether intentional or not, which in itself is not a felony or likely to result in death or great bodily harm. *S. v. Ray*, 299 N.C. 151, 158 (1980). See also *S. v. Jordan*, 140 N.C. App. 594 (2000); *S. v. Coble*, 351 N.C. 448 (2000).

20. If some evidence tends to show legally sufficient provocation (e.g., assault), but other evidence tends to show that the provocation, if any, was insufficient (e.g., mere words), the jury should be told the kind of provocation that the law regards as insufficient, e.g., "Words and gestures alone, however insulting, do not constitute adequate provocation when no assault is made or threatened against the defendant."

21. "Neither second-degree murder nor voluntary manslaughter has as an essential element an intent to kill. In connection with these two offenses, the phrase 'intentional killing' refers not to the presence of a specific intent to kill, but rather to the fact that the act which resulted in death is intentionally committed and is an act of assault which in itself amounts to a felony or is likely to cause death or serious bodily injury. Such an act committed in the heat of passion suddenly aroused by adequate provocation or in the imperfect exercise of the right of self-defense is voluntary manslaughter. But such an act can never be involuntary manslaughter. This is so because the crime of involuntary manslaughter involves the commission of an act, whether intentional or not, which in itself is not a felony or likely to result in death or great bodily harm." *S. v. Ray*, 299 N.C. 151, 158 (1980). See also *S. v. Jordan*, 140 N.C. App. 594 (2000); *S. v. Coble*, 351 N.C. 448 (2000).

22. Where there is a serious issue as to proximate cause, further instructions may be helpful, e.g., "The defendant's act need not have been the last cause or the nearest cause. It is sufficient if it concurred with some other cause acting at the same time, which in combination with it, proximately caused the death of the victim."

23. Where the evidence raises the issue of retreat, see N.C.P.I.—Crim. 308.10.

24. Note that you must choose either “unlawfully” or “in a criminally negligent way.” Jurors should not be given both options.

25. In the event that the evidence shows that there was an accident, give N.C.P.I.—Crim. 307.10.

206.70 DEATH BY DISTRIBUTION OF CERTAIN CONTROLLED SUBSTANCES—
LESSER INCLUDED OFFENSE. FELONY.

NOTE WELL: N.C. Gen. Stat. § 14-18.4(f) provides that nothing in this section shall be construed to restrict or interfere with the rights and immunities provided under the Samaritan Protection in N.C. Gen. Stat. 90-96.2. N.C. Gen. Stat. § 14-18.4(g) provides that this section does not apply to lawful distribution pursuant to a valid prescription.

The defendant has been charged with death by distribution of certain controlled substances.

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

First, that the defendant unlawfully sold¹ (a) controlled substance(s),² (name certain³ controlled substance(s)).

Second, that the ingestion of (that) (these) controlled substance(s) caused the death of the user.

Third, that the defendant's action of selling (the) controlled substance(s) was the proximate cause of the user's death. A proximate cause is a real cause, a cause without which the user's death would not have occurred, and one that a reasonably careful and prudent person could foresee would probably produce such [injury] [damage] or some similar injurious result. (The defendant's act need not have been the only cause, nor the nearest cause. It is sufficient if it occurred in combination with some other cause, acting at the same time, that caused the death of the user).

And Fourth, that the defendant did not act with malice, that is, it is not necessary to find that the defendant acted with hatred, ill will, or spite. Even

in the absence of the condition of mind which prompts a person to intentionally inflict death, the defendant may still be found guilty.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant sold (a) certain controlled substance(s), that the ingestion of (that) (these) controlled substance(s) caused the death of the user, that the defendant's action of selling the controlled substance(s) was the proximate cause of the user's death, even though the defendant did not act with malice, it would be your duty to return a verdict of guilty of death by distribution of (a) certain controlled substance(s). 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.

1. For purposes of the Controlled Substance Act, a sale is a "transfer of property for a specified price payable in money" or a "transfer[]" for other forms of consideration." *State v. Carr*, 145 N.C.App 335, 344-45 549 S.E.2d 897, 903 (2001).

2. If the sale of more than one controlled substance is alleged, then edit this element accordingly.

3. "Certain Controlled Substances" is defined under N.C. Gen. Stat. § 14-18.4 as any opium, opiate, or opioid; any synthetic or natural salt, compound, derivative, or preparation of opium, opiate, or opioid; cocaine or any other substance described in G.S. 90-90(1)(d); methamphetamine; a depressant described in G.S. 90-92(a)(1); or a mixture of one or more of these substances.

206.72 AGGRAVATED DEATH BY DISTRIBUTION OF CERTAIN CONTROLLED
SUBSTANCES—LESSER INCLUDED OFFENSE. FELONY.

NOTE WELL: N.C. Gen. Stat. § 14-18.4(f) provides that nothing in this section shall be construed to restrict or interfere with the rights and immunities provided under the Samaritan Protection in N.C. Gen. Stat. 90-96.2. N.C. Gen. Stat. § 14-18.4(g) provides that this section does not apply to lawful distribution pursuant to a valid prescription.

The defendant has been charged with aggravated death by distribution of certain controlled substances.

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

First, that the defendant unlawfully sold¹ (a) controlled substance(s),² (name certain³ controlled substance(s)).

Second, that the ingestion of (that) (these) controlled substance(s) caused the death of the user.

Third, that the defendant's action of selling the controlled substance(s) was the proximate cause of the user's death. A proximate cause is a real cause, a cause without which the user's death would not have occurred, and one that a reasonably careful and prudent person could foresee would probably produce such [injury] [damage] or some similar injurious result. (The defendant's act need not have been the only cause, nor the nearest cause. It is sufficient if it occurred in combination with some other cause, acting at the same time, that caused the death of the user).

Fourth, that the defendant did not act with malice, that is, it is not necessary to find that the defendant acted with hatred, ill will, or spite. Even

in the absence of the condition of mind which prompts a person to intentionally inflict death, the defendant may still be found guilty.

Fifth, on (name date) the defendant in (name court) [was convicted of] [pled guilty to] the felony of (name felony)⁴ that was committed on (name date) in violation of the law of the [State of North Carolina] [State of (name other state)] [United States].

And Sixth, that the prior conviction occurred within seven years of this offense, excluding any periods of imprisonment.⁵

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant unlawfully sold (a) certain controlled substance(s), that the ingestion of [that] [these] controlled substance(s) caused the death of the user, that the defendant's action of unlawfully selling the controlled substance was the proximate cause of the user's death, even though the defendant did not act with malice, and on (name date) the defendant in (name court) [was convicted of] [pled guilty to] the felony of (name felony) in violation of the law of the [State of North Carolina] [State of (name other state)] [United States] and that conviction occurred within seven years of this offense, excluding any periods of imprisonment, it would be your duty to return a verdict of guilty of aggravated death by distribution of certain (a) controlled substance(s). If you do not so find, or have a reasonable doubt as to one or more of these things, you will not return a verdict of guilty of aggravated death by distribution of certain controlled substance(s), but would consider whether the defendant is guilty of death by distribution of certain controlled substances. Death by distribution of certain controlled substances

differs from the aggravated offense in that it does not require proof of a prior conviction.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant sold (a) certain controlled substance(s), that the ingestion of (that) (these) controlled substance(s) caused the death of the user, that the defendant's action of unlawfully selling the controlled substance(s) was the proximate cause of the user's death, even though the defendant did not act with malice, it would be your duty to return a verdict of guilty of death by distribution of (a) certain controlled substance(s). 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.

1. For purposes of the Controlled Substance Act, a sale is a "transfer of property for a specified price payable in money" or a "transfer[]" for other forms of consideration." State v. Carr, 145 N.C.App 335, 344-45 549 S.E.2d 897, 903 (2001).

2. If the sale of more than one controlled substance is alleged, then edit this element accordingly.

3. "Certain Controlled Substances" is defined under N.C. Gen. Stat. § 14-18.4 as any opium, opiate, or opioid; any synthetic or natural salt, compound, derivative, or preparation of opium, opiate, or opioid; cocaine or any other substance described in G.S. 90-90(1)(d); methamphetamine; a depressant described in G.S. 90-92(a)(1); or a mixture of one or more of these substances.

4. N.C. Gen. Stat. § 14-18.4 provides the person has a previous conviction under this section, G.S. 90-95(a)(1), 90-95.1, 90-95.4, 90-95.6, or trafficking in violation of G.S. 90-95(h), or a prior conviction in any federal or state court in the United States that is substantially similar to an offense listed, within seven years of the date of the offense. The pattern jury committee believes it is for the trial judge to determine whether an offense UNDER THE LAWS OF ANOTHER STATE is substantially similar to an offense that is a felony in North Carolina.

5. N.C. Gen. Stat. § 14-18.4 provides that any period of time during which the person was incarcerated in a local, state, or federal detention center, jail or prison shall be excluded in calculating the seven-year period.

Session Law	Statutory Revisions	Instructions Impacted
2015 (S.L. 2015-181)	<p>As part of a comprehensive reorganization, renaming, and renumbering of various sexual offenses, this session law added the word “forcible” and made other changes throughout these statutes.</p> <p>N.C. Gen. Stat. § 14-27.21 First-degree <u>forcible</u> rape</p> <p>N.C. Gen. Stat. § 14-27.22 Second-degree <u>forcible</u> rape</p> <p>N.C. Gen. Stat. § 14-27.26 First-degree <u>forcible</u> sexual offense.</p> <p>N.C. Gen. Stat. § 14-27.27 Second-degree <u>forcible</u> sexual offense.</p>	207.10A 207.10B 207.11A 207.11B 207.20 207.20A.1 207.20B 207.25A 207.40A.1 207.40B 207.40C 207.60A 207.65A
2017 (S.L. 2017-30)	<p>Amending these statutes by deleting (strikethrough) and adding (underlined) the noted language:</p> <p>N.C. Gen. Stat. § 14-27.21 (a)(1) First-degree forcible rape</p> <p>N.C. Gen. Stat. § 14-27.26 First-degree forcible sexual offense Employs or displays a <u>Uses, threatens to use, or displays a</u> dangerous or deadly weapon . . .</p>	207.10B 207.11B 207.40C
2018 (S.L. 2018-47)	<p>Amending the statute to add the following underlined language:</p> <p>N.C. Gen. Stat. § 14-27.20 Definitions</p>	207.25A 207.65A

	<p>Mentally incapacitated. – A victim who due to (i) any act committed upon the victim or (ii) <u>a poisonous or controlled substance provided to the victim without the knowledge or consent of the victim</u> is rendered substantially incapable of either appraising the nature of his or her conduct, or resisting the act of vaginal intercourse or a sexual act.</p>	
<p>2019 (S.L. 2019-245)</p>	<p>Amending the statute by deleting (strikethrough) and adding (underlined) the noted language:</p> <p>N.C. Gen. Stat. § 14-27.20(2) Definitions</p> <p>Mentally incapacitated. – A victim who due to (i) any act committed upon the victim or (ii) a poisonous or controlled substance provided to the victim without the knowledge or consent of the victim <u>any act</u> is rendered substantially incapable of either appraising the nature of his or her conduct, or resisting the act of vaginal intercourse or a sexual act.</p>	<p>207.25A 207.65A</p>
<p>2019 (S.L. 2019-245)</p>	<p>Amending the statute to add the following underlined language:</p> <p>N.C. Gen. Stat. § 14-27.20(1a) Definitions</p> <p><u>"Against the Will of the Other Person" is either of the following: (a) without the consent of the other person (b) after consent is revoked by the other person, in a manner that would cause a reasonable person to believe consent is revoked.</u></p>	<p>207.10B 207.11B 207.20A.1 207.20B 207.40A.1 207.40C 207.60A 207.90A</p>

207.10 FIRST DEGREE RAPE (WEAPON, SERIOUS INJURY OR MULTIPLE
ASSAILANTS) AND LESSER INCLUDED OFFENSES. (OFFENSES PRIOR TO
DEC. 1, 2015) FELONIES, MISDEMEANOR.¹

*NOTE WELL: This instruction is valid for offenses committed
before December 1, 2015. For offenses committed on or after
December 1, 2015 — December 1, 2017 use N.C.P.I.—
Crim. 207.10A. For offenses committed on or after December 1,
2017, use N.C.P.I.—Crim. 207.10B*

*Marriage is no longer a defense where the alleged crime was
committed after July 5, 1993. N.C. Gen. Stat. § 14-27.8 (1993).*

The defendant has been charged with first degree rape.

Under the law and the evidence in this case, it is your duty to return one
of the following verdicts:

- (1) guilty of first degree rape;
- (2) guilty of attempted first degree rape;
- (3) guilty of second degree rape;
- (4) guilty of attempted second degree rape; or
- (5) not guilty.

For you to find the defendant guilty of first degree rape, the State must
prove four things beyond a reasonable doubt:

First, that the defendant engaged in vaginal intercourse with the alleged
victim. Vaginal intercourse is penetration, however slight, of the female sex
organ by the male sex organ. (The actual emission of semen is not
necessary.)

Second, that the defendant used or threatened to use force sufficient to overcome any resistance the alleged victim might make. (The force necessary to constitute rape need not be actual physical force. Fear or coercion may take the place of physical force.)

Third, that the alleged victim did not consent and it was against the alleged victim's will. (Consent induced by fear is not consent at law).

And Fourth, that the defendant

(A) [[employed] [displayed]

(1) [a dangerous or deadly weapon. [(*Name weapon*) is a dangerous or deadly weapon.] [A dangerous or deadly weapon is a weapon which is likely to cause death or serious bodily injury. In determining whether a particular object is a dangerous or deadly weapon, you should consider its nature, the manner in which it was used and the size and strength of the defendant as compared to the alleged victim.]]; or

(2) [an object that the alleged victim reasonably believed was a dangerous or deadly weapon.² A dangerous or deadly weapon is a weapon which is likely to cause death or serious bodily injury. In determining whether a particular object is a dangerous or deadly weapon you should consider its nature, the manner in which it was used, and the size and strength of the defendant as compared with the alleged victim.]]; or

(B) [inflicted serious personal³ injury upon the alleged victim or any other person injured.]

-
- (C) [was aided and abetted by one or more other persons. A defendant would be aided and abetted by another person if that person [was present at the time the rape was committed and knowingly [advised] [encouraged] [instigated] [aided] the defendant to commit the crime] (or) [though not physically present at the time the rape was committed, shared the defendant's criminal purpose and to the defendant's knowledge was aiding or was in a position to aid the defendant at the time the rape was committed.]

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant engaged in vaginal intercourse with the alleged victim and that the defendant did so by force or threat of force and that this was sufficient to overcome any resistance which the alleged victim might make, and that the alleged victim did not consent and it was against the alleged victim's will, and that the defendant

- (A) [[employed] (or) [displayed] a [weapon] [object] (and that [this was] [the alleged victim reasonably believed that this was] a dangerous or deadly weapon).]; or
- (B) [inflicted serious personal injury upon [the alleged victim] [another person].]; or
- (C) [was aided and abetted by another person(s).]

it would be your duty to return a verdict of guilty of first degree rape. If you do not so find or if you have a reasonable doubt as to one or more of these things you would not return a verdict of guilty of first degree rape but would determine whether the defendant is guilty of attempted first degree rape.

For you to find the defendant guilty of attempted first degree rape, the State must prove three things beyond a reasonable doubt:

First, that the defendant intended to engage in vaginal intercourse with the alleged victim by force and against the alleged victim's will. (Consent induced by fear is not consent).

Second, that at the time the defendant had this intent, the defendant performed an act which was calculated and designed to bring about vaginal intercourse by force and against the will of the alleged victim and which came so close to bringing it about that in the ordinary and likely course of things the defendant would have completed such intercourse had the defendant not been stopped or prevented from completing the defendant's apparent course of action.

(Mere preparation or planning is not enough to constitute such an act. But the act need not necessarily be the last act required to complete the offense.)

And Third, that the defendant

(A) [[employed] [displayed] a

(1) [dangerous or deadly weapon. [(*Name weapon*) is a dangerous or deadly weapon.] [A dangerous or deadly weapon is a weapon which is likely to cause death or serious bodily injury. In determining whether a particular object is a deadly weapon, you should consider the nature of the object, the

manner in which it was used and the size and strength of the
defendant as compared to the alleged victim.]]]; or

(2) [an object that the alleged victim reasonably believed was a
dangerous or deadly weapon.]]]; or

(B) [inflicted serious personal⁴ injury upon the alleged victim or another
person.]

(C) [was aided and abetted by one or more other persons.]

If you find from the evidence beyond a reasonable doubt that on or
about the alleged date, the defendant intended to have vaginal intercourse
with the alleged victim by force and against the alleged victim's will and that
the defendant performed [an act] [acts] which [was] [were] calculated and
designed to bring about vaginal intercourse by force and against the alleged
victim's will and would have resulted in such intercourse had the defendant
not been [stopped] [prevented] from completing the defendant's apparent
course of action, and that

(A) [the defendant [employed] [displayed] a [weapon] [object] (and
that [this was] [the alleged victim reasonably believed that this
was] a dangerous or deadly weapon).]; or

(B) [inflicted serious personal injury upon the alleged victim] [another
person.]; or

(C) [was aided and abetted by another person(s).]

it would be your duty to return a verdict of guilty of attempted first degree
rape. If you do not so find or if you have a reasonable doubt as to one or
more of these things you would not return a verdict of guilty of attempted first

degree rape but would determine whether defendant is guilty of second degree rape which differs from first degree rape only in that it is not necessary for the State to prove beyond a reasonable doubt that the defendant

- (A) [[employed] (or) [displayed] [a dangerous or deadly weapon] [an object which the alleged victim reasonably believed was a dangerous or deadly weapon].]; or
- (B) [inflicted serious personal injury upon [the alleged victim] [another person.]; or
- (C) [was aided and abetted by [another person] [other persons].]

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant engaged in vaginal intercourse with the alleged victim and that the defendant did so by [force] [threat of force] and that this was sufficient to overcome any resistance which the alleged victim might make, and that the alleged victim did not consent and it was against the alleged victim's will, it would be your duty to return a verdict of guilty of second degree rape. If you do not so find or have a reasonable doubt as to one or more of these things, you would not return a verdict of guilty of second degree rape but would determine whether the defendant is guilty of attempted second degree rape. Attempted second degree rape differs from attempted first degree rape only in that it is not necessary for the State to prove beyond a reasonable doubt that the defendant

- (A) [[employed] [displayed] [a dangerous or deadly weapon] [an object which the alleged victim reasonably believed was a dangerous or deadly weapon]] ; or

(B) [inflicted serious personal injury upon [the alleged victim]
[another person]] ; or

(C) [was aided and abetted by another person(s)].

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant intended to have vaginal intercourse with the alleged victim by force and against the alleged victim's will and that the defendant performed [an act] [acts] which [was] [were] calculated and designed to bring about vaginal intercourse by force and against the alleged victim's will and would have resulted in such intercourse had the defendant not been [stopped] [prevented] from completing the defendant's apparent course of action it would be your duty to return a verdict of guilty of attempted second degree rape. 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.

1. N.C. Gen. Stat. § 15-144.1 provides that an indictment for rape in the first degree will support a verdict of guilty of rape in the first degree, rape in the second degree, attempted rape or assault on a female.

But see, *S. v. Wortham*, 318 N.C. 669 (1987), where the defendant was indicted for attempted second degree rape, the North Carolina Supreme Court held that assault on a female is not a lesser included offense of attempted rape, because:

(1) An assault on a female is not legally the same as the overt act required in attempted rape; and

(2) The defendant in the crime of assault on a female must be first, a male, and second, at least 18 years old. Neither of these is an element of attempted rape.

Simple Assault may still be an appropriate lesser included offense. If so, use
N.C.P.I.-Crim. 208.40.

2. See *State v. Williams*, 335 N.C. 518 (1994), regarding a mandatory presumption of dangerous or deadly weapon in certain factual situations.

3. Note that N.C. Gen. Stat. § 14-27.2 includes serious mental injury, as well as physical or bodily injury. *State v. Boone*, 307 N.C. 198 (1982), held that, "proof of the

element of infliction of 'serious personal injury' . . . may be met by the showing of mental injury as well as bodily injury," but that, "in order to support a jury finding of serious personal injury because of injury to the mind or nervous system, the state must ordinarily offer proof that such injury was not only caused by the defendant but that the injury extended for some appreciable time beyond the incidents surrounding the crime itself." If the state relies on such a theory of personal injury, the judge should instruct the jury in accordance with the rule set forth in Boone, above.

4. See note 1, *supra*.

207.10A FIRST DEGREE FORCIBLE RAPE (WEAPON, SERIOUS INJURY OR MULTIPLE ASSAILANTS) AND LESSER INCLUDED OFFENSES. (OFFENSES ON OR AFTER DEC 1, 2015) FELONIES, MISDEMEANOR.¹

NOTE WELL: This instruction is valid for offenses committed on or after December 1, 2015. For offenses committed on before December 1, 2015, use N.C.P.I.—Crim. 207.10. For offenses occurring on or after December 1, 2017, use N.C.P.I.—Crim. 207.10B. Marriage is not a defense to this offense. N.C. Gen. Stat. § 14-27.34 (2015).

The defendant has been charged with first degree forcible rape.

Under the law and the evidence in this case, it is your duty to return one of the following verdicts:

- (1) guilty of first degree forcible rape;
- (2) guilty of attempted first degree forcible rape;
- (3) guilty of second degree forcible rape;
- (4) guilty of attempted second degree forcible rape;
- (5) not guilty.

For you to find the defendant guilty of first degree forcible rape, the State must prove four things beyond a reasonable doubt:

First, that the defendant engaged in vaginal intercourse with the alleged victim. Vaginal intercourse is penetration, however slight, of the female sex organ by the male sex organ. (The actual emission of semen is not necessary.)

Second, that the defendant used or threatened to use force sufficient to overcome any resistance the alleged victim might make. (The force necessary

to constitute rape need not be actual physical force. Fear or coercion may take the place of physical force.)

Third, that the alleged victim did not consent and it was against the alleged victim's will (Consent induced by fear is not consent at law.)

And Fourth, that the defendant

(1) [[employed] [displayed]

(A) [a dangerous or deadly weapon. [(Name weapon) is a dangerous or deadly weapon.] [A dangerous or deadly weapon is a weapon which is likely to cause death or serious bodily injury. In determining whether a particular object is a dangerous or deadly weapon, you should consider its nature, the manner in which it was used and the size and strength of the defendant as compared to the alleged victim.]]

(B) [an object that the alleged victim reasonably believed was a dangerous or deadly weapon.² A dangerous or deadly weapon is a weapon which is likely to cause death or serious bodily injury. In determining whether a particular object is a dangerous or deadly weapon you should consider its nature, the manner in which it was used, and the size and strength of the defendant as compared with the alleged victim.]]]; or

(2) [inflicted serious personal³ injury upon the alleged victim or any other person injured.]; or

- (3) [was aided and abetted by one or more other persons. A defendant would be aided and abetted by another person if that person [was present at the time the rape was committed and knowingly [advised] [encouraged] [instigated] [aided] the defendant to commit the crime] (or) [though not physically present at the time the rape was committed, shared the defendant's criminal purpose and to the defendant's knowledge was aiding or was in a position to aid the defendant at the time the rape was committed.]; or

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant engaged in vaginal intercourse with the alleged victim and that the defendant did so by force or threat of force and that this was sufficient to overcome any resistance which the alleged victim might make, and that the alleged victim did not consent, and it was against alleged victim will, and that the defendant

- (1) [[employed] (or) [displayed] a [weapon] [object] (and that [this was] [the alleged victim reasonably believed that this was] a dangerous or deadly weapon).] ; or
- (2) [inflicted serious personal injury upon [the alleged victim] [another person].] ; or
- (3) [was aided and abetted by another person(s).]

it would be your duty to return a verdict of guilty of first degree forcible rape. If you do not so find or if you have a reasonable doubt as to one or more of these things you would not return a verdict of guilty of first degree forcible

rape but would determine whether the defendant is guilty of attempted first degree forcible rape.

For you to find the defendant guilty of attempted first degree forcible rape, the State must prove three things beyond a reasonable doubt:

First, that the defendant intended to engage in vaginal intercourse with the alleged victim by force and against the alleged victim's will.

Second, that at the time the defendant had this intent, the defendant performed an act which was calculated and designed to bring about vaginal intercourse by force and against the will of the alleged victim and which came so close to bringing it about that in the ordinary and likely course of things the defendant would have completed such intercourse had the defendant not been stopped or prevented from completing his apparent course of action.

(Mere preparation or planning is not enough to constitute such an act. But the act need not necessarily be the last act required to complete the offense.)

And Third, that the defendant

(1) [[employed] [displayed] a

(A) [dangerous or deadly weapon. [(*Name weapon*) is a dangerous or deadly weapon.] [A dangerous or deadly weapon is a weapon which is likely to cause death or serious bodily injury. In determining whether a particular object is a deadly weapon, you should consider the nature of the object, the manner in

which it was used, and the size and strength of the defendant as compared to the alleged victim.]]

(B) [an object that the alleged victim reasonably believed was a dangerous or deadly weapon.]] ; or

2) [inflicted serious personal⁴ injury upon the alleged victim or another person.] ; or

3) [was aided and abetted by one or more other persons.]

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant intended to have vaginal intercourse with the alleged victim by force and against the alleged victim's will and that the defendant performed [an act] [acts] which [was] [were] calculated and designed to bring about vaginal intercourse by force and against the alleged victim's will and would have resulted in such intercourse had the defendant not been [stopped] [prevented] from completing his apparent course of action, and that

(1) [the defendant] [employed] [displayed] a [weapon] [object] (and that [this was] [the alleged victim reasonably believed that this was] a dangerous or deadly weapon).] ; or

(2) [inflicted serious personal injury upon the alleged victim] [another person.] ; or

(3) [was aided and abetted by another person(s).]

it would be your duty to return a verdict of guilty of attempted first degree forcible rape. If you do not so find or if you have a reasonable doubt as to one or more of these things you would not return a verdict of guilty of attempted

first degree forcible rape but would determine whether defendant is guilty of second degree forcible rape which differs from first degree forcible rape only in that it is not necessary for the State to prove beyond a reasonable doubt that the defendant

- (1) [[employed] (or) [displayed] [a dangerous or deadly weapon] [an object which the alleged victim reasonably believed was a dangerous or deadly weapon.] ; or
- (2) [inflicted serious personal injury upon [the alleged victim] [another person.] ; or
- (3) [was aided and abetted by [another person] [other persons].]

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant engaged in vaginal intercourse with the alleged victim and that the defendant did so by [force] [threat of force] and that this was sufficient to overcome any resistance which the alleged victim might make, and that the alleged victim did not consent and it was against the alleged victim's will it would be your duty to return a verdict of guilty of second degree forcible rape. If you do not so find or have a reasonable doubt as to one or more of these things, you would not return a verdict of guilty of second degree forcible rape but would determine whether the defendant is guilty of attempted second degree forcible rape. Attempted second degree forcible rape differs from attempted first degree forcible rape only in that it is not necessary for the State to prove beyond a reasonable doubt that the defendant

- (1) [[employed] [displayed] [a dangerous or deadly weapon] [an object which the alleged victim reasonably believed was a dangerous or deadly weapon.]] ; or
- (2) [inflicted serious personal injury upon [the alleged victim] [another person]] ; or
- (3) [was aided and abetted by another person(s)].

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant intended to have vaginal intercourse with the alleged victim by force and against the alleged victim's will and that the defendant performed [an act] [acts] which [was] [were] calculated and designed to bring about vaginal intercourse by force and against the alleged victim's will and would have resulted in such intercourse had the defendant not been [stopped] [prevented] from completing his apparent course of action it would be your duty to return a verdict of guilty of attempted second degree forcible rape. 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.

1. N.C. Gen. Stat. § 15-144.1 provides that an indictment for rape in the first degree will support a verdict of guilty of rape in the first degree, rape in the second degree, attempted rape or assault on a female.

But see, *S. v. Wortham*, 318 N.C. 669 (1987), where the defendant was indicted for attempted second degree rape, the North Carolina Supreme Court held that assault on a female is not a lesser included offense of attempted rape, because:

- (1) An assault on a female is not legally the same as the overt act required in attempted rape; and
- (2) The defendant in the crime of assault on a female must be first, a male, and second, at least 18 years old. Neither of these is an element of attempted rape.

Simple Assault may still be an appropriate lesser included offense. If so, use N.C.P.I.—Crim. 208.40.

2. See *State v. Williams*, 335 N.C. 518 (1994), regarding a mandatory presumption of dangerous or deadly weapon in certain factual situations.

3. Note the term "serious personal injury" includes serious mental injury, as well as physical or bodily injury. *State v. Boone*, 307 N.C. 198 (1982), held in relation to N.C. Gen. Stat. § 14-27.2, the predecessor to N.C. Gen. Stat. § 14-27.21, that, "proof of the element of infliction of 'serious personal injury' ... may be met by the showing of mental injury as well as bodily injury," but that, "in order to support a jury finding of serious personal injury because of injury to the mind or nervous system, the state must ordinarily offer proof that such injury was not only caused by the defendant but that the injury extended for some appreciable time beyond the incidents surrounding the crime itself." If the state relies on such a theory of personal injury, the judge should instruct the jury in accordance with the rule set forth in *Boone*, above.

4. See note 1, *supra*.

207.10B FIRST DEGREE FORCIBLE RAPE (WEAPON, SERIOUS INJURY OR MULTIPLE ASSAILANTS) AND LESSER INCLUDED OFFENSES. (OFFENSES ON OR AFTER DECEMBER 1, 2017). FELONY, MISDEMEANOR.¹

NOTE WELL: This instruction is valid for offenses committed on or after December 1, 2017. For offenses committed between December 1, 2015 – December 1, 2017, use N.C.P.I.–Crim. 207.10A. For offenses committed on or before December 1, 2015, use N.C.P.I.–Crim. 207.10.

NOTE WELL: Marriage is not a defense to this offense. N.C. Gen. Stat. § 14-27.34 (2015).

NOTE WELL: For offenses committed on or after December 1, 2019, N.C.G.S. § 14-27.20 defines "against the will of the other person" as either: (1) without the consent of the other person or (2) after consent is revoked by the other person, in a manner that would cause a reasonable person to believe consent is revoked. For the period between December 1, 2017 and December 1, 2019, the consent element of these offenses would use the following language: "that the alleged victim did not consent, and it was against the alleged victim's will."

The defendant has been charged with first degree forcible rape.

Under the law and the evidence in this case, it is your duty to return one of the following verdicts:

- (1) guilty of first degree forcible rape;
- (2) guilty of attempted first degree forcible rape;
- (3) guilty of second degree forcible rape;
- (4) guilty of attempted second degree forcible rape; or
- (5) not guilty.

For you to find the defendant guilty of first degree forcible rape, the State must prove four things beyond a reasonable doubt:

First, that the defendant engaged in vaginal intercourse with the alleged victim. Vaginal intercourse is penetration, however slight, of the female sex organ by the male sex organ. (The actual emission of semen is not necessary.)

Second, that the defendant used or threatened to use force sufficient to overcome any resistance the alleged victim might make. (The force necessary to constitute rape need not be actual physical force. Fear or coercion may take the place of physical force.)

NOTE WELL: With regard to the Third element below, for offenses committed on or after December 1, 2017 and before December 1, 2019, delete the italicized language.

Third, that the alleged victim did not consent, and it was against the alleged victim's will, *that is, the intercourse was [without consent of the alleged victim] [after consent was revoked by the alleged victim, in a manner that would cause a reasonable person to believe consent was revoked]]*) (Consent induced by fear is not consent at law.)

And Fourth that the defendant

(A) [[used] [threatened to use] [displayed]

(1) [a dangerous or deadly weapon. [(Name weapon) is a dangerous or deadly weapon.] [A dangerous or deadly weapon is a weapon which is likely to cause death or serious bodily injury. (In determining whether a particular object is a dangerous or deadly weapon, you should consider its nature,

the manner in which it was used, and the size and strength of the defendant as compared to the alleged victim.)]]

(2) [an object that the alleged victim reasonably believed was a dangerous or deadly weapon.²³ A dangerous or deadly weapon is a weapon which is likely to cause death or serious bodily injury. (In determining whether a particular object is a dangerous or deadly weapon you should consider its nature, the manner in which it was used, and the size and strength of the defendant as compared with the victim).]]

(B) [inflicted serious personal⁴ injury upon the alleged victim or any other person injured.]

(C) [was aided and abetted by one or more other persons. A defendant would be aided and abetted by another person if that person [was present at the time the rape was committed and knowingly [advised] [encouraged] [instigated] [aided] the defendant to commit the crime] [though not physically present at the time the rape was committed, shared the defendant's criminal purpose and to the defendant's knowledge was aiding or was in a position to aid the defendant at the time the rape was committed.]

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant engaged in vaginal intercourse with the alleged victim and that the defendant did so by force or threat of force and that this was sufficient to overcome any resistance which the alleged victim

might make, and that the alleged victim did not consent, and it was against the alleged victim's will, and that the defendant

(A) [[used] [threatened to use] [displayed] a [weapon] [object] (and that [this was] [the alleged victim reasonably believed that this was] a dangerous or deadly weapon).]

(B) [inflicted serious personal injury upon [the alleged victim] [another person].]

(C) [was aided and abetted by another person(s).]

it would be your duty to return a verdict of guilty of first degree forcible rape. If you do not so find or if you have a reasonable doubt as to one or more of these things you would not return a verdict of guilty of first degree forcible rape but would determine whether the defendant is guilty of attempted first degree forcible rape.

For you to find the defendant guilty of attempted first degree forcible rape, the State must prove three things beyond a reasonable doubt:

NOTE WELL: With regard to the First element below, for offenses committed on or after December 1, 2017 and before December 1, 2019, delete the italicized language.

First, that the defendant intended to engage in vaginal intercourse with the alleged victim by force and against the alleged victim's will, *that is, the intercourse was [without consent of the alleged victim] [after consent was revoked by the alleged victim, in a manner that would cause a reasonable person to believe consent was revoked].*

Second, that at the time the defendant had this intent, the defendant performed an act which was calculated and designed to bring about vaginal intercourse by force and against the will of the alleged victim and which came so close to bringing it about that in the ordinary and likely course of things the defendant would have completed such intercourse had the defendant not been stopped or prevented from completing the defendant's apparent course of action.

(Mere preparation or planning is not enough to constitute such an act. But the act need not necessarily be the last act required to complete the offense.)

And Third, that the defendant

(A) [[used] [threatened to use] [displayed] a

(1) [dangerous or deadly weapon. [(Name weapon) is a dangerous or deadly weapon.] [A dangerous or deadly weapon is a weapon which is likely to cause death or serious bodily injury. (In determining whether a particular object is a deadly weapon, you should consider the nature of the object, the manner in which it was used, and the size and strength of the defendant as compared to the alleged victim.)]]

(2) [an object that the alleged victim reasonably believed was a dangerous or deadly weapon.]]

(B) [inflicted serious personal⁵ injury upon the alleged victim or another person.]

(C) [was aided and abetted by one or more other persons.]

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant intended to have vaginal intercourse with the alleged victim by force and against the alleged victim's will and that the defendant performed [an act] [acts] which [was] [were] calculated and designed to bring about vaginal intercourse by force and against the alleged victim's will and would have resulted in such intercourse had the defendant not been [stopped] [prevented] from completing the defendant's apparent course of action, and that

- (A) [the defendant [used] [threatened to use] [displayed] a [weapon] [object] (and that [this was] [the alleged victim reasonably believed that this was] a dangerous or deadly weapon).]
- (B) [inflicted serious personal injury upon the alleged victim] [another person.]
- (C) [was aided and abetted by another person(s).]

it would be your duty to return a verdict of guilty of attempted first degree forcible rape. If you do not so find or if you have a reasonable doubt as to one or more of these things you would not return a verdict of guilty of attempted first degree forcible rape but would determine whether the defendant is guilty of second degree forcible rape which differs from first degree forcible rape only in that it is not necessary for the State to prove beyond a reasonable doubt that the defendant

- (A) [[used] [threatened to use] [displayed] [a dangerous or deadly weapon] [an object which the alleged victim reasonably believed was a dangerous or deadly weapon].]

(B) [inflicted serious personal injury upon [the alleged victim] [another person].]

(C) [was aided and abetted by [another person] [other persons].]

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant engaged in vaginal intercourse with the alleged victim and that the defendant did so by [force] [threat of force] and that this was sufficient to overcome any resistance which the alleged victim might make, and that the alleged victim did not consent and it was against the alleged victim's will it would be your duty to return a verdict of guilty of second degree forcible rape. If you do not so find or have a reasonable doubt as to one or more of these things, you would not return a verdict of guilty of second degree rape but would determine whether the defendant is guilty of attempted second degree forcible rape.

Attempted second degree forcible rape differs from attempted first degree rape only in that it is not necessary for the State to prove beyond a reasonable doubt that the defendant

(A) [[used] [threatened to use] [displayed] [a dangerous or deadly weapon] [an object which the alleged victim reasonably believed was a dangerous or deadly weapon]]

(B) [inflicted serious personal injury upon [the alleged victim] [another person]]

(C) [was aided and abetted by another person(s)].

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant intended to have vaginal intercourse

with the alleged victim by force and against the alleged victim's will and that the defendant performed [an act] [acts] which [was] [were] calculated and designed to bring about vaginal intercourse by force and against the alleged victim's will and would have resulted in such intercourse had the defendant not been [stopped] [prevented] from completing the defendant's apparent course of action it would be your duty to return a verdict of guilty of attempted second degree forcible rape. 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.

1. N.C. Gen. Stat. § 15-144.1 provides that an indictment for rape in the first degree will support a verdict of guilty of rape in the first degree, rape in the second degree, attempted rape or assault on a female.

But see, *State v. Wortham*, 318 N.C. 669 (1987), where the defendant was indicted for attempted second degree rape, the North Carolina Supreme Court held that assault on a female is not a lesser included offense of attempted rape, because:

- (1) An assault on a female is not legally the same as the overt act required in attempted rape; and
- (2) The defendant in the crime of assault on a female must be first, a male, and second, at least 18 years old. Neither of these is an element of attempted rape.

Simple Assault may still be an appropriate lesser included offense. If so, use N.C.P.I.—Crim. 208.40.

2. See *State v. Williams*, 335 N.C. 518 (1994), regarding a mandatory presumption of dangerous or deadly weapon in certain factual situations

3. Note the term "serious personal injury" includes serious mental injury, as well as physical or bodily injury. *State v. Boone*, 307 N.C. 198 (1982), held in relation to N.C. Gen. Stat. § 14-27.2, the predecessor to N.C. Gen. Stat. § 14-27.21, that, "proof of the element of infliction of 'serious personal injury' ... may be met by the showing of mental injury as well as bodily injury," but that, "in order to support a jury finding of serious personal injury because of injury to the mind or nervous system, the state must ordinarily offer proof that such injury was not only caused by the defendant but that the injury extended for some appreciable time beyond the incidents surrounding the crime itself." If the state relies on such a theory of personal injury, the judge should instruct the jury in accordance with the rule set forth in *Boone*, above.

4. See note 1, *supra*.

ATTEMPTED FIRST DEGREE RAPE (WEAPON, SERIOUS INJURY OR MULTIPLE ASSAILANTS) COVERING ATTEMPTED SECOND DEGREE RAPE AS A LESSER INCLUDED OFFENSE. (OFFENSES PRIOR TO DEC 1, 2015) FELONY.

GENERAL CRIMINAL VOLUME

REPLACEMENT JUNE 2020

N.C. Gen. Stat. §§ 14-27.2(2), 14-27.3(1), 14-27.8.

207.11 ATTEMPTED FIRST DEGREE RAPE (WEAPON, SERIOUS INJURY OR MULTIPLE ASSAILANTS) COVERING ATTEMPTED SECOND DEGREE RAPE AS A LESSER INCLUDED OFFENSE. (OFFENSES PRIOR TO DEC 1, 2015) FELONY.

NOTE WELL: This instruction is valid for offenses committed before December 1, 2015. For offenses committed on or after December 1, 2015, use N.C.P.I.—Crim. 207.11A.

Marriage is no longer a defense where the alleged crime was committed after July 5, 1993. N.C. Gen. Stat. § 14-27.8 (1993).

The defendant has been charged with attempted first degree rape.

Under the law and the evidence in this case, it is your duty to return one of the following verdicts:

- (1) guilty of attempted first degree rape;
- (2) guilty of attempted second degree rape; or
- (3) not guilty.

For you to find the defendant guilty of attempted first degree rape, the State must prove three things beyond a reasonable doubt:

First, that the defendant intended to engage in vaginal intercourse with the alleged victim by force without the alleged victim's consent and against the alleged victim's will. (Consent induced by fear is not consent at law). Vaginal intercourse is penetration, however slight, of the female sex organ by the male sex organ. (The actual emission of semen is not necessary.)

Second, that at the time the defendant had this intent, the defendant performed an act which was calculated and designed to bring about vaginal intercourse by force and against the will of the alleged victim and which came

so close to bringing it about that in the ordinary and likely course of things the defendant would have completed such intercourse had the defendant not been stopped or prevented from completing his apparent course of action.

(Mere preparation or planning is not enough to constitute such an act, but the act need not necessarily be the last act required to complete the offense.)

And Third, that the defendant

(A) [[employed] [displayed]

(1) [a dangerous or deadly weapon. (*Name weapon*) is a dangerous or deadly weapon.] [A dangerous or deadly weapon is a weapon which is likely to cause death or serious bodily injury. (In determining whether a particular object is a dangerous or deadly weapon, you should consider the nature of the object, the manner in which it was used and the size and strength of the defendant as compared to the alleged victim.)]]

(2) [an object that the alleged victim reasonably believed was a dangerous or deadly weapon.¹ A dangerous or deadly weapon is a weapon which is likely to cause death or serious bodily injury. (In determining whether a particular object is a dangerous or deadly weapon you should consider its nature, the manner in which it was used, and the size and strength of the defendant as compared with the alleged victim).]]

-
- (B) [inflicted serious personal² injury upon the alleged victim or any other person injured.]
 - (C) [was aided or abetted by one or more other persons. A defendant would be aided or abetted by another person if that person [was present at the time the rape was attempted and knowingly [advised] [encouraged] [instigated] [aided] him to commit the crime] (or) [though not physically present at the time the rape was attempted, shared the defendant's criminal purpose and to the defendant's knowledge was aiding or was in a position to aid him at the time the rape was attempted.]

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant intended to have vaginal intercourse with the alleged victim by force and against the alleged victim's will and that the defendant performed [an act] [acts] which [was] [were] calculated and designed to bring about vaginal intercourse by force and against the alleged victim's will and would have resulted in such intercourse had the defendant not been [stopped] [prevented] from completing his apparent course of action, and that the defendant

- (A) [employed] [displayed] a [weapon] [object] (and that [this was] [the alleged victim reasonably believed that this was] a dangerous or deadly weapon).]
- (B) [inflicted serious personal injury upon the alleged victim] [another person].
- (C) [was aided and abetted by another person(s).]

ATTEMPTED FIRST DEGREE RAPE (WEAPON, SERIOUS INJURY OR MULTIPLE ASSAILANTS) COVERING ATTEMPTED SECOND DEGREE RAPE AS A LESSER INCLUDED OFFENSE. (OFFENSES PRIOR TO DEC 1, 2015) FELONY.

GENERAL CRIMINAL VOLUME

REPLACEMENT JUNE 2020

N.C. Gen. Stat. §§ 14-27.2(2), 14-27.3(1), 14-27.8.

it would be your duty to return a verdict of guilty of attempted first degree rape. If you do not so find or have a reasonable doubt as to one or more of these things you would not return a verdict of guilty of attempted first degree rape but would determine whether the defendant is guilty of attempted second degree rape. Attempted second degree rape differs from attempted first degree rape only in that it is not necessary for the State to prove beyond a reasonable doubt that the defendant

- (A) [[employed] [displayed] [a dangerous or deadly weapon] [an object which the alleged victim reasonably believed was a dangerous or deadly weapon]]
- (B) [inflicted serious personal injury upon [the alleged victim] [another person]]
- (C) [was aided and abetted by another person(s)].

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant intended to have vaginal intercourse with the alleged victim by force and against the alleged victim's will and that the defendant performed [an act] [acts] which [was] [were] calculated and designed to bring about vaginal intercourse by force and against the alleged victim's will and would have resulted in such intercourse had the defendant not been [stopped] [prevented] from completing his apparent course of action it would be your duty to return a verdict of guilty of attempted second degree rape. 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.³

ATTEMPTED FIRST DEGREE RAPE (WEAPON, SERIOUS INJURY OR MULTIPLE ASSAILANTS) COVERING ATTEMPTED SECOND DEGREE RAPE AS A LESSER INCLUDED OFFENSE. (OFFENSES PRIOR TO DEC 1, 2015) FELONY.

GENERAL CRIMINAL VOLUME

REPLACEMENT JUNE 2020

N.C. Gen. Stat. §§ 14-27.2(2), 14-27.3(1), 14-27.8.

1. See *State v. Williams*, 335 N.C. 518 (1994), regarding a mandatory presumption of dangerous or deadly weapon in certain factual situations.

2. Note that N.C. Gen. Stat. § 14-27.2 includes serious mental injury, as well as physical or bodily injury. *State v. Boone*, 307 N.C. 198 (1982), held that, "proof of the element of infliction of 'serious personal injury' . . . may be met by the showing of mental injury as well as bodily injury," but that, "in order to support a jury finding of serious personal injury because of injury to the mind or nervous system, the State must ordinarily offer proof that such injury was not only caused by the defendant but that the injury extended for some appreciable time beyond the incidents surrounding the crime itself." If the state relies on such a theory of personal injury, the judge should instruct the jury in accordance with the rule set forth in *Boone*, above.

3. N.C. Gen. Stat. § 15-144.1 provides that an indictment for rape in the first degree will support a verdict of guilty of rape in the first degree, rape in the second degree, attempted rape or assault on a female.

But see, *S. v. Wortham*, 318 N.C. 669 (1987), where the defendant was indicted for attempted second degree rape, the North Carolina Supreme Court held that assault on a female is not a lesser included offense of attempted rape, because:

- (1) An assault on a female is not legally the same as the overt act required in attempted rape; and
- (2) The defendant in the crime of assault on a female must be first, a male, and second, at least 18 years old. Neither of these is an element of attempted rape.

Simple Assault may still be an appropriate lesser included offense. If so, use N.C.P.I.—Crim. 208.40.

207.11A ATTEMPTED FIRST DEGREE FORCIBLE RAPE (WEAPON, SERIOUS INJURY OR MULTIPLE ASSAILANTS) COVERING ATTEMPTED SECOND DEGREE FORCIBLE RAPE AS A LESSER INCLUDED OFFENSE. (OFFENSES ON OR AFTER DEC 1, 2015) FELONIES.

NOTE WELL: This instruction is valid for offenses committed on or after December 1, 2015. For offenses occurring before December 1, 2015, use N.C.P.I.—Crim. 207.11.

Marriage is not a defense to this offense. N.C. Gen. Stat. § 14-27.34 (2015).

The defendant has been charged with attempted first degree forcible rape.

Under the law and the evidence in this case, it is your duty to return one of the following verdicts:

- (1) guilty of attempted first degree forcible rape;
- (2) guilty of attempted second degree forcible rape; or
- (3) not guilty.

For you to find the defendant guilty of attempted first degree forcible rape, the State must prove three things beyond a reasonable doubt:

First, that the defendant intended to engage in vaginal intercourse with the alleged victim by force without the alleged victim's consent and against the alleged victim's will. (Consent induced by fear is not consent at law). Vaginal intercourse is penetration, however slight, of the female sex organ by the male sex organ. (The actual emission of semen is not necessary.)

Second, that at the time the defendant had this intent, the defendant performed an act which was calculated and designed to bring about vaginal intercourse by force and against the will of the alleged victim and which came so close to bringing it about that in the ordinary and likely course of things the defendant would have completed such intercourse had the defendant not been stopped or prevented from completing his apparent course of action.

(Mere preparation or planning is not enough to constitute such an act, but the act need not necessarily be the last act required to complete the offense.)

And Third, that the defendant

(A) [[employed] [displayed]

- (1) [a dangerous or deadly weapon. (*Name weapon*) is a dangerous or deadly weapon.] [A dangerous or deadly weapon is a weapon which is likely to cause death or serious bodily injury. (In determining whether a particular object is a dangerous or deadly weapon, you should consider the nature of the object, the manner in which it was used and the size and strength of the defendant as compared to the alleged victim.)]]
- (2) [an object that the alleged victim reasonably believed was a dangerous or deadly weapon.¹ A dangerous or deadly weapon is a weapon which is likely to cause death or serious bodily injury. (In determining whether a particular object is a dangerous or deadly weapon you should consider its nature,

the manner in which it was used, and the size and strength of the defendant as compared with the alleged victim).]]

- (B) [inflicted serious personal² injury upon the alleged victim or any other person injured.]
- (C) [was aided or abetted by one or more other persons. A defendant would be aided or abetted by another person if that person [was present at the time the rape was attempted and knowingly [advised] [encouraged] [instigated] [aided] him to commit the crime] (or) [though not physically present at the time the rape was attempted, shared the defendant's criminal purpose and to the defendant's knowledge was aiding or was in a position to aid him at the time the rape was attempted.]

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant intended to have vaginal intercourse with the alleged victim by force and against the alleged victim's will and that the defendant performed [an act] [acts] which [was] [were] calculated and designed to bring about vaginal intercourse by force and against the victim's will and would have resulted in such intercourse had the defendant not been [stopped] [prevented] from completing his apparent course of action, and that the defendant

- (A) [employed] [displayed] a [weapon] [object] (and that [this was] [the alleged victim reasonably believed that this was] a dangerous or deadly weapon).]

(B) [inflicted serious personal injury upon the alleged victim] [another person].

(C) [was aided and abetted by another person(s).]

it would be your duty to return a verdict of guilty of attempted first degree forcible rape. If you do not so find or have a reasonable doubt as to one or more of these things you would not return a verdict of guilty of attempted first degree forcible rape but would determine whether the defendant is guilty of attempted second degree forcible rape which differs from attempted first degree forcible rape only in that it is not necessary for the State to prove beyond a reasonable doubt that the defendant

(A) [[employed] [displayed] [a dangerous or deadly weapon] [an object which the alleged victim reasonably believed was a dangerous or deadly weapon]]

(B) [inflicted serious personal injury upon [the alleged victim] [another person]]

(C) [was aided and abetted by another person(s)].

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant intended to have vaginal intercourse with the alleged victim by force and against the alleged victim's will and that the defendant performed [an act] [acts] which [was] [were] calculated and designed to bring about vaginal intercourse by force and against the victim's will and would have resulted in such intercourse had the defendant not been [stopped] [prevented] from completing his apparent course of action it would

be your duty to return a verdict of guilty of attempted second degree forcible rape. 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.³

1. See *State v. Williams*, 335 N.C. 518 (1994), regarding a mandatory presumption of dangerous or deadly weapon in certain factual situations.

2. Note that N.C. Gen. Stat. § 14-27.2 includes serious mental injury, as well as physical or bodily injury. *State v. Boone*, 307 N.C. 198 (1982), held that, "proof of the element of infliction of 'serious personal injury' . . . may be met by the showing of mental injury as well as bodily injury," but that, "in order to support a jury finding of serious personal injury because of injury to the mind or nervous system, the State must ordinarily offer proof that such injury was not only caused by the defendant but that the injury extended for some appreciable time beyond the incidents surrounding the crime itself." If the state relies on such a theory of personal injury, the judge should instruct the jury in accordance with the rule set forth in *Boone*, above.

3. N.C. Gen. Stat. § 15-144.1 provides that an indictment for rape in the first degree will support a verdict of guilty of rape in the first degree, rape in the second degree, attempted rape or assault on a female.

But see, *S. v. Wortham*, 318 N.C. 669 (1987), where the defendant was indicted for attempted second degree rape, the North Carolina Supreme Court held that assault on a female is not a lesser included offense of attempted rape, because:

- (1) An assault on a female is not legally the same as the overt act required in attempted rape; and
- (2) The defendant in the crime of assault on a female must be first, a male, and second, at least 18 years old. Neither of these is an element of attempted rape.

Simple Assault may still be an appropriate lesser included offense. If so, use N.C.P.I.—Crim. 208.40.

ATTEMPTED FIRST DEGREE FORCIBLE RAPE (WEAPON, SERIOUS INJURY OR MULTIPLE ASSAILANTS) COVERING ATTEMPTED SECOND DEGREE FORCIBLE RAPE AS A LESSER INCLUDED OFFENSE. (OFFENSES ON OR AFTER DEC 1, 2017) FELONIES.

JUNE 2020

N.C. Gen. Stat. §§ 14-27.21, 14-27.22, 14-27.34

207.11B ATTEMPTED FIRST DEGREE FORCIBLE RAPE (WEAPON, SERIOUS INJURY OR MULTIPLE ASSAILANTS) COVERING ATTEMPTED SECOND DEGREE FORCIBLE RAPE AS A LESSER INCLUDED OFFENSE. (OFFENSES ON OR AFTER DEC 1, 2017) FELONIES.

NOTE WELL: This instruction is valid for offenses committed on or after December 1, 2017. For offenses occurring before December 1, 2015, use N.C.P.I.—Crim. 207.11. For offenses occurring between December 1, 2015 and December 1, 2017, use N.C.P.I.—Crim. 207.11A.

NOTE WELL: Marriage is not a defense to this offense. N.C.G.S. § 14-27.34 (2015).

NOTE WELL: For offenses committed on or after December 1, 2019, N.C.G.S. § 14-27.20 defines "against the will of the other person" as either: (1) without the consent of the other person or (2) after consent is revoked by the other person, in a manner that would cause a reasonable person to believe consent is revoked. For the period between December 1, 2017 and December 1, 2019, the consent element of these offenses would use the following language: "that the defendant intended to engage in vaginal intercourse with the alleged victim by force and against the alleged victim's will."

The defendant has been charged with attempted first degree forcible rape.

Under the law and the evidence in this case, it is your duty to return one of the following verdicts:

- (1) guilty of attempted first degree forcible rape;
- (2) guilty of attempted second degree forcible rape; or
- (3) not guilty.

For you to find the defendant guilty of attempted first degree forcible rape, the State must prove three things beyond a reasonable doubt:

NOTE WELL: With regard to the First element below, for offenses committed on or after December 1, 2017 and before December 1, 2019, delete the italicized language.

First, that the defendant intended to engage in vaginal intercourse with the alleged victim by force without the alleged victim's consent and against the alleged victim's will, *that is, the intercourse was [without consent of the alleged victim] [after consent was revoked by the alleged victim, in a manner that would cause a reasonable person to believe consent was revoked]* (Consent induced by fear is not consent at law). Vaginal intercourse is penetration, however slight, of the female sex organ by the male sex organ. (The actual emission of semen is not necessary.)

Second, that at the time the defendant had this intent, the defendant performed an act which was calculated and designed to bring about vaginal intercourse by force and against the will of the alleged victim and which came so close to bringing it about that in the ordinary and likely course of things the defendant would have completed such intercourse had the defendant not been stopped or prevented from completing his apparent course of action.

(Mere preparation or planning is not enough to constitute such an act, but the act need not necessarily be the last act required to complete the offense.)

And Third, that the defendant

(A) [used] [threatened to use] [displayed]

(1) [a dangerous or deadly weapon. (*Name weapon*) is a dangerous or deadly weapon.] [A dangerous or deadly weapon is a weapon which is likely to cause death or serious

bodily injury. (In determining whether a particular object is a dangerous or deadly weapon, you should consider the nature of the object, the manner in which it was used and the size and strength of the defendant as compared to the alleged victim.))]

(2) [an object that the alleged victim reasonably believed was a dangerous or deadly weapon.¹ A dangerous or deadly weapon is a weapon which is likely to cause death or serious bodily injury. (In determining whether a particular object is a dangerous or deadly weapon you should consider its nature, the manner in which it was used, and the size and strength of the defendant as compared with the alleged victim).]]

(B) [inflicted serious personal² injury upon the alleged victim or any other person injured.]

(C) [was aided or abetted by one or more other persons. A defendant would be aided or abetted by another person if that person [was present at the time the rape was attempted and knowingly [advised] [encouraged] [instigated] [aided] the defendant to commit the crime] (or) [though not physically present at the time the rape was attempted, shared the defendant's criminal purpose and to the defendant's knowledge was aiding or was in a position to aid the defendant at the time the rape was attempted.]

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant intended to have vaginal intercourse with the alleged victim by force and against the alleged victim's will and that

the defendant performed [an act] [acts] which [was] [were] calculated and designed to bring about vaginal intercourse by force and against the alleged victim's will and would have resulted in such intercourse had the defendant not been [stopped] [prevented] from completing his apparent course of action, and that the defendant

- (A) [used] [threatened to use] [displayed] a [weapon] [object] (and that [this was] [the alleged victim reasonably believed that this was] a dangerous or deadly weapon).]
- (B) [inflicted serious personal injury upon the alleged victim] [another person].
- (C) [was aided and abetted by another person(s).]

it would be your duty to return a verdict of guilty of attempted first degree forcible rape. If you do not so find or have a reasonable doubt as to one or more of these things you would not return a verdict of guilty of attempted first degree forcible rape but would determine whether the defendant is guilty of attempted second degree forcible rape. Attempted second degree forcible rape differs from attempted first degree forcible rape only in that it is not necessary for the State to prove beyond a reasonable doubt that the defendant

- (A) [used] [threatened to use] [displayed] [an object which the alleged victim reasonably believed was a dangerous or deadly weapon]]
- (B) [inflicted serious personal injury upon [the alleged victim] [another person]]
- (C) [was aided and abetted by another person(s)].

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant intended to have vaginal intercourse with the alleged victim by force and against the alleged victim's will and that the defendant performed [an act] [acts] which [was] [were] calculated and designed to bring about vaginal intercourse by force and against the alleged victim's will and would have resulted in such intercourse had the defendant not been [stopped] [prevented] from completing the defendant's apparent course of action it would be your duty to return a verdict of guilty of attempted second degree forcible rape. 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.³

1. See *State v. Williams*, 335 N.C. 518 (1994), regarding a mandatory presumption of dangerous or deadly weapon in certain factual situations.

2. Note that N.C. Gen. Stat. § 14-27.2 includes serious mental injury, as well as physical or bodily injury. *State v. Boone*, 307 N.C. 198 (1982), held that, "proof of the element of infliction of 'serious personal injury' . . . may be met by the showing of mental injury as well as bodily injury," but that, "in order to support a jury finding of serious personal injury because of injury to the mind or nervous system, the State must ordinarily offer proof that such injury was not only caused by the defendant but that the injury extended for some appreciable time beyond the incidents surrounding the crime itself." If the state relies on such a theory of personal injury, the judge should instruct the jury in accordance with the rule set forth in *Boone*, above.

3. N.C. Gen. Stat. § 15-144.1 provides that an indictment for rape in the first degree will support a verdict of guilty of rape in the first degree, rape in the second degree, attempted rape or assault on a female.

But see, *S. v. Wortham*, 318 N.C. 669 (1987), where the defendant was indicted for attempted second degree rape, the North Carolina Supreme Court held that assault on a female is not a lesser included offense of attempted rape, because:

- (1) An assault on a female is not legally the same as the overt act required in attempted rape; and
- (2) The defendant in the crime of assault on a female must be first, a male, and second, at least 18 years old. Neither of these is an element of attempted rape. Simple Assault may still be an appropriate lesser included offense. If so, use N.C.P.I.—Crim. 208.40.

207.20 SECOND DEGREE RAPE—FORCE. (OFFENSES PRIOR TO DEC. 1, 2015) FELONY.

NOTE WELL: Where there are facts supporting the conclusion that the alleged victim was asleep or similarly incapacitated, force can be implied. In such cases, use N.C.P.I.—Crim. 207.20A.

This instruction is valid for offenses committed before December 1, 2015. For offenses committed on or after December 1, 2015, use N.C.P.I.—Crim. 207.20B.

The defendant has been charged with second degree rape.

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

First, that the defendant engaged in vaginal intercourse with the alleged victim. Vaginal intercourse is penetration, however slight, of the female sex organ by the male sex organ. (The actual emission of semen is not necessary.)

Second, that the defendant used or threatened to use force sufficient to overcome any resistance the alleged victim might make. (The force necessary to constitute rape need not be actual physical force. Fear or coercion may take the place of physical force.)

(And) Third, that the alleged victim did not consent and it was against the alleged victim's will. (Consent induced by fear is not consent in law.)¹

NOTE WELL: Marriage is no longer a defense where the alleged crime was committed after July 5, 1993. N.C. Gen. Stat. § 14-27.8 (1993). Do not give the fourth element for offenses occurring after July 5, 1993.

(And Fourth, that the defendant and the alleged victim were married but were living separate and apart.)

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant engaged in vaginal intercourse with the alleged victim and that the defendant did so by force or threat of force and that this was sufficient to overcome any resistance which the alleged victim might make, and that the alleged victim did not consent and it was against the alleged victim's will, (and that the defendant and the alleged victim were married but were living separate and apart), 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.²

NOTE WELL: In an appropriate case the judge should use N.C.P.I.—Crim. 201.10 to charge on an attempted second degree rape as lesser included offense under this charge. See N.C.P.I.—Crim. 207.10 for guidance.

NOTE WELL: N.C. Gen. Stat. § 15-144.1 provides that an indictment for rape in the first degree will support a verdict of guilty of rape in the first degree, rape in the second degree, attempted rape or assault on a female.

But see, *S. v. Wortham*, 318 N.C. 669 (1987), where the defendant was indicted for attempted second degree rape, the North Carolina Supreme Court held that assault on a female is not a lesser included offense of attempted rape, because:

- (1) *An assault on a female is not legally the same as the overt act required in attempted rape; and*
- (2) *The defendant in the crime of assault on a female must be first, a male, and second, at least 18 years old. Neither of these is an element of attempted rape.*

Simple Assault may still be an appropriate lesser included offense. If so, use N.C.P.I.—Crim. 208.40.

1. See *State v. Moorman*, 320 N.C. 387, 358 S.E.2d 502 (1987); *State v. Smith*, 360 N.C. 341, 626 S.E.2d 258 (2006).

2. If there are lesser included offenses, the last phrase should be ". . . you would not return a verdict of second degree forcible rape, but would consider whether the defendant is guilty of"

207.20A SECOND DEGREE RAPE—FORCE (ALLEGED VICTIM ASLEEP OR SIMILARLY INCAPACITATED). (OFFENSES PRIOR TO DEC. 1, 2015) FELONY.

NOTE WELL: This instruction is intended for use where there is some evidence that the alleged victim was asleep or similarly incapacitated. Where there are no facts supporting the conclusion that the alleged victim was asleep or otherwise incapacitated, use N.C.P.I.—Crim. 207.20.

This instruction is valid for offenses committed before December 1, 2015. For offenses committed on or after December 1, 2015, use N.C.P.I.—Crim. 207.20A.1.

The defendant has been charged with second degree rape.

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

First, that the defendant engaged in vaginal intercourse with the alleged victim. Vaginal intercourse is penetration, however slight, of the female sex organ by the male sex organ. (The actual emission of semen is not necessary.)

Second, that at this time, the alleged victim was asleep or similarly incapacitated.

(And) Third, that the alleged victim did not consent and it was against the alleged victim's will. (Consent induced by fear is not consent in law.)¹

NOTE WELL: Marriage is no longer a defense where the alleged crime was committed after July 5, 1993. N.C. Gen. Stat. § 14-27.8 (1993). Do not give the fourth element for offenses occurring after July 5, 1993.

(And Fourth, that the defendant and the alleged victim were married but were living separate and apart.)

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant engaged in vaginal intercourse with the

alleged victim, that at that time the alleged victim was asleep or similarly incapacitated, and that the alleged victim did not consent and it was against the alleged victim's will, (and that the defendant and the alleged victim were married but were living separate and apart), 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.²

NOTE WELL: In an appropriate case the judge should use N.C.P.I.—Crim. 201.10 to charge on an attempted second degree rape as lesser included offense under this charge. See N.C.P.I.—Crim. 207.10 for guidance.

NOTE WELL: N.C. Gen. Stat. § 15-144.1 provides that an indictment for rape in the first degree will support a verdict of guilty of rape in the first degree, rape in the second degree, attempted rape or assault on a female.

But see, *S. v. Wortham*, 318 N.C. 669 (1987), where the defendant was indicted for attempted second degree rape, the North Carolina Supreme Court held that assault on a female is not a lesser included offense of attempted rape, because:

- (1) An assault on a female is not legally the same as the overt act required in attempted rape; and*
- (2) The defendant in the crime of assault on a female must be first, a male, and second, at least 18 years old. Neither of these is an element of attempted rape.*

Simple Assault may still be an appropriate lesser included offense. If so, use N.C.P.I.—Crim. 208.40.

1. See *State v. Moorman*, 320 N.C. 387, 358 S.E.2d 502 (1987); *State v. Smith*, 360 N.C. 341, 626 S.E.2d 258 (2006).

2. If there are lesser included offenses, the last phrase should be ". . . you would not return a verdict of second degree rape, but would consider whether the defendant is guilty of"

207.20A.1 SECOND DEGREE FORCIBLE RAPE (ALLEGED VICTIM ASLEEP OR
SIMILARLY INCAPACITATED). (OFFENSES ON OR AFTER DEC. 1, 2015)
FELONY.

NOTE WELL: This instruction is intended for use where there is some evidence that the alleged victim was asleep or similarly incapacitated. Where there are no facts supporting the conclusion that the alleged victim was asleep or otherwise incapacitated, use N.C.P.I.—Crim. 207.20.

This instruction is valid for offenses committed on or after December 1, 2015. For offenses committed before December 1, 2015, see N.C.P.I.-Crim. 207.20A.

NOTE WELL: For offenses committed on or after December 1, 2019, N.C.G.S. § 14-27.20 defines "against the will of the other person" as either: (1) without the consent of the other person or (2) after consent is revoked by the other person, in a manner that would cause a reasonable person to believe consent is revoked. For the period between December 1, 2015 and December 1, 2019, the consent element of these offenses would use the following language: "that the alleged victim did not consent, and it was against the alleged victim's will."

The defendant has been charged with second degree forcible rape.

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

First, that the defendant engaged in vaginal intercourse with the alleged victim. Vaginal intercourse is penetration, however slight, of the female sex organ by the male sex organ. (The actual emission of semen is not necessary.)

Second, that at this time, the alleged victim was asleep or similarly incapacitated.

NOTE WELL: With regard to the Third element below, for offenses committed before December 1, 2019, delete the italicized language.

And Third, that the alleged victim did not consent and it was against the alleged victim's will, *that is, that the intercourse was [without consent of the alleged victim] [after consent was revoked by the alleged victim, in a manner that would cause a reasonable person to believe consent was revoked]* (Consent induced by fear is not consent in law.) ¹

NOTE WELL: Marriage is not a defense to this offense. N.C. Gen. Stat. § 14-27.34 (2015).

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant engaged in vaginal intercourse with the alleged victim, that at that time the alleged victim was asleep or similarly incapacitated, and that the alleged victim did not consent and it was against the alleged victim's will, 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.²

NOTE WELL: In an appropriate case the judge should use N.C.P.I.-Crim. 201.10 to charge on an attempted second degree rape as lesser included offense under this charge. See N.C.P.I.—Crim. 207.10 for guidance.

NOTE WELL: N.C. Gen. Stat. § 15-144.1 provides that an indictment for rape in the first degree will support a verdict of guilty of rape in the first degree, rape in the second degree, attempted rape or assault on a female.

But see, *S. v. Wortham*, 318 N.C. 669 (1987), where the defendant was indicted for attempted second degree rape, the North Carolina Supreme Court held that assault on a female is not a lesser included offense of attempted rape, because:

- (1) *An assault on a female is not legally the same as the overt act required in attempted rape; and*
- (2) *The defendant in the crime of assault on a female must be first, a male, and second, at least 18 years old. Neither of these is an element of attempted rape.*

*Simple Assault may still be an appropriate lesser included offense.
If so, use N.C.P.I.—Crim. 208.40.*

1. See *State v. Moorman*, 320 N.C. 387, 358 S.E.2d 502 (1987); *State v. Smith*, 360 N.C. 341, 626 S.E.2d 258 (2006).

2. If there are lesser included offenses, the last phrase should be ". . . you would not return a verdict of second degree rape, but would consider whether the defendant is guilty of"

207.20B SECOND DEGREE FORCIBLE RAPE. (OFFENSES ON OR AFTER DEC. 1, 2015) FELONY.

NOTE WELL: Where there are facts supporting the conclusion that the alleged victim was asleep or similarly incapacitated, force can be implied. In such cases, use N.C.P.I.—Crim. 207.20A.

This instruction is valid for offenses committed on or after December 1, 2015. For offenses committed before December 1, 2015, use N.C.P.I.—Crim. 207.20.

NOTE WELL: For offenses committed on or after December 1, 2019, N.C.G.S. § 14-27.20 defines "against the will of the other person" as either: (1) without the consent of the other person or (2) after consent is revoked by the other person, in a manner that would cause a reasonable person to believe consent is revoked. For the period between December 1, 2015 and December 1, 2019, the consent element of these offenses would use the following language: "that the alleged victim did not consent, and it was against the alleged victim's will."

The defendant has been charged with second degree forcible rape.

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

First, that the defendant engaged in vaginal intercourse with the victim. Vaginal intercourse is penetration, however slight, of the female sex organ by the male sex organ. (The actual emission of semen is not necessary.)

Second, that the defendant used or threatened to use force sufficient to overcome any resistance the alleged victim might make. (The force necessary to constitute rape need not be actual physical force. Fear or coercion may take the place of physical force.)

NOTE WELL: With regard to the Third element below, for offenses committed before December 1, 2019, delete the italicized language.

And Third, that the alleged victim did not consent and it was against the alleged victim's will , *that is, that the intercourse was [without consent of the alleged victim] [after consent was revoked by the alleged victim, in a manner that would cause a reasonable person to believe consent was revoked]* (Consent induced by fear is not consent in law.)¹

NOTE WELL: Marriage is not a defense to this offense. N.C. Gen. Stat. § 14-27.34 (2015).

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant engaged in vaginal intercourse with the alleged victim and that *the defendant* did so by force or threat of force and that this was sufficient to overcome any resistance which the alleged victim might make, and that the alleged victim did not consent and it was against the alleged victim's will, 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.²

NOTE WELL: In an appropriate case the judge should use N.C.P.I.—Crim. 201.10 to charge on an attempted second degree rape as lesser included offense under this charge. See N.C.P.I.—Crim. 207.10A for guidance.

NOTE WELL: N.C. Gen. Stat. § 15-144.1 provides that an indictment for rape in the first degree will support a verdict of guilty of rape in the first degree, rape in the second degree, attempted rape or assault on a female.

But see, *S. v. Wortham*, 318 N.C. 669 (1987), where the defendant was indicted for attempted second degree rape, the North Carolina Supreme Court held that assault on a female is not a lesser included offense of attempted rape, because:

(1) *An assault on a female is not legally the same as the overt act required in attempted rape; and*

(2) The defendant in the crime of assault on a female must be first, a male, and second, at least 18 years old. Neither of these is an element of attempted rape.

Simple Assault may still be an appropriate lesser included offense. If so, use N.C.P.I.—Crim. 208.40.

1. See *State v. Moorman*, 320 N.C. 387, 358 S.E.2d 502 (1987); *State v. Smith*, 360 N.C. 341, 626 S.E.2d 258 (2006).

2. If there are lesser included offenses, the last phrase should be ". . . you would not return a verdict of second degree rape, but would consider whether the defendant is guilty of"

207.25 SECOND DEGREE FORCIBLE RAPE—ALLEGED VICTIM MENTALLY DISABLED, MENTALLY INCAPACITATED OR PHYSICALLY HELPLESS. (OFFENSES PRIOR TO DEC. 1, 2015) FELONY.

NOTE WELL: This instruction is valid for offenses committed before December 1, 2015. For offenses committed on or after December 1, 2015, use N.C.P.I.—Crim. 207.25A.

The defendant has been charged with second degree rape.

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

First, that the defendant engaged in vaginal intercourse with the alleged victim. [Vaginal intercourse is penetration, however slight, of the female sex organ by the male sex organ. The actual emission of semen is not necessary.]

Second, that the alleged victim was

- (A) [mentally disabled. A person is mentally disabled if the person suffers from [mental retardation] [mental disorder] and this [mental retardation] [mental disorder] temporarily or permanently renders the person substantially incapable of [appraising the nature of the person's conduct] [resisting the act of vaginal intercourse] [communicating unwillingness to submit to the act of vaginal intercourse] [resisting a sexual act].]^{1,2}
- (B) [mentally incapacitated. A person is mentally incapacitated when, due to any act committed upon the person, the person is rendered substantially incapable of [appraising the nature of the person's conduct] [resisting the act of vaginal intercourse] [resisting a sexual act].]³

(C) [physically helpless. A person is physically helpless if the person is [unconscious] [physically unable to resist an act of vaginal intercourse] [physically unable to communicate unwillingness to submit to an act of vaginal intercourse] [physically unable to resist a sexual act].]⁴

And Third, that the defendant knew or should reasonably have known that the alleged victim was [mentally disabled] [mentally incapacitated] [physically helpless.]

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant engaged in vaginal intercourse with the alleged victim and at that time

- A) [the alleged victim suffered from [mental retardation] [mental disorder] and as a result was [temporarily] [permanently] rendered so substantially incapable of [appraising the nature of the alleged victim's conduct] [resisting an act of vaginal intercourse] [communicating unwillingness to submit to an act of vaginal intercourse] [resisting a sexual act] as to be mentally disabled,]
- B) [the alleged victim was so substantially incapable of [appraising the nature of her conduct] [resisting an act of vaginal intercourse] [resisting a sexual act] as to be mentally incapacitated,]
- C) [the alleged victim was so physically unable to [resist an act of vaginal intercourse] [communicate unwillingness to submit to an act of vaginal intercourse] [resist a sexual act] as to be physically helpless]

and that the defendant knew or should reasonably have known that the alleged victim was [mentally disabled] [mentally incapacitated] [physically helpless], 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.⁵

NOTE WELL: In an appropriate case the judge should use N.C.P.I.—Crim. 201.10 to charge on attempted second degree rape as a lesser included offense under this charge, and the judge should similarly use N.C.P.I.—Crim. 208.70 (Assault on a Female) where appropriate.

NOTE WELL: N.C. Gen. Stat. § 15-144.1 provides that an indictment for rape in the first degree will support a verdict of guilty of rape in the first degree, rape in the second degree, attempted rape or assault on a female.

But see, S. v. Wortham, 318 N.C. 669 (1987), where the defendant was indicted for attempted second degree rape, the North Carolina Supreme Court held that assault on a female is not a lesser included offense of attempted rape, because:

- (1) An assault on a female is not legally the same as the overt act required in attempted rape; and*
- (2) The defendant in the crime of assault on a female must be first, a male, and second, at least 18 years old. Neither of these is an element of attempted rape.*

Simple Assault may still be an appropriate lesser included offense. If so, use N.C.P.I.—Crim. 208.40.

1. N.C. Gen. Stat. § 14-27.1(4).

2. N.C. Gen. Stat. § 14-27.1(1).

3. N.C. Gen. Stat. § 14-27.1(2).

4. N.C. Gen. Stat. § 14-27.1(3).

5. If there are lesser included offenses, the last phrase should be, “. . . you would not return a verdict of second degree rape, but would consider whether the defendant is guilty of”

207.25A SECOND-DEGREE FORCIBLE RAPE—ALLEGED VICTIM HAS A
MENTAL DISABILITY, IS MENTALLY INCAPACITATED OR PHYSICALLY
HELPLESS. (OFFENSES ON OR AFTER DEC. 1, 2015) FELONY.

*NOTE WELL: This instruction is valid for offenses committed on or
after December 1, 2015. For offenses committed before
December 1, 2015, use N.C.P.I.—Crim. 207.25.*

*NOTE WELL: For offenses committed on or after December 1,
2019, N.C.G.S. § 14-27.20(2) defines "mentally incapacitated" as
a victim who due to **any act** is rendered substantially incapable
of either appraising the nature of his or her conduct, or resisting
the act of vaginal intercourse or a sexual act. For the period
between December 1, 2018 and December 1, 2019, "mentally
incapacitated" is defined as a victim who due **to (i) any act
committed upon the victim or (ii) a poisonous or controlled
substance provided to the victim without the knowledge or
consent of the victim** is rendered substantially incapable of
either appraising the nature of his or her conduct, or resisting the
act of vaginal intercourse or sexual act.*

The defendant has been charged with second degree forcible rape.

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

First, that the defendant engaged in vaginal intercourse with the alleged
victim. [Vaginal intercourse is penetration, however slight, of the female sex
organ by the male sex organ. The actual emission of semen is not necessary.]

Second, that the alleged victim

- (A) had a mental disability. A person has a mental disability if the person
suffers from [an intellectual disability] [a mental disorder] and this
[intellectual disability] [mental disorder] temporarily or permanently

renders the person substantially incapable of [appraising the nature
of the person's conduct] [resisting the act of vaginal intercourse]
[communicating unwillingness to submit to the act of vaginal
intercourse] [resisting a sexual act]^{1.}²

*NOTE WELL: With regard to element (b) below, for offenses
committed on or after December 1, 2018 and before December
1, 2019, delete "any act" and substitute the following
language: [any act committed upon the person] [a
poisonous³ or controlled substance provided to the person
without their knowledge or consent].*

- (B) [was mentally incapacitated. A person is mentally incapacitated
when, due to any act, the person is rendered substantially incapable
of [appraising the nature of the person's conduct] [resisting the act
of vaginal intercourse] [resisting a sexual act].]⁴
- (C) [was physically helpless. A person is physically helpless if the person
is [unconscious] [physically unable to resist an act of vaginal
intercourse] [physically unable to communicate unwillingness to
submit to an act of vaginal intercourse] [physically unable to resist a
sexual act].]⁵

And Third, that the defendant knew or should reasonably have known
that the alleged victim [had a mental disability] [was mentally incapacitated]
[was physically helpless.]

If you find from the evidence beyond a reasonable doubt that on or
about the alleged date, the defendant engaged in vaginal intercourse with the
alleged victim and at that time

- (A) [the alleged victim suffered from [an intellectual disability] [a mental disorder] and as a result was [temporarily] [permanently] rendered so substantially incapable of [appraising the nature of the alleged victim's conduct] [resisting an act of vaginal intercourse] [communicating unwillingness to submit to an act of vaginal intercourse] [resisting a sexual act] as to be mentally disabled,]
- (B) [the alleged victim was so substantially incapable of [appraising the nature of the alleged victim's conduct] [resisting an act of vaginal intercourse] [resisting a sexual act] as to be mentally incapacitated,]
- (C) [the alleged victim was so physically unable to [resist an act of vaginal intercourse] [communicate unwillingness to submit to an act of vaginal intercourse] [resist a sexual act] as to be physically helpless]

and that the defendant knew or should reasonably have known that the alleged victim [had a mental disability] [was mentally incapacitated] [was physically helpless], it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt about one or more of these things, it would be your duty to return a verdict of not guilty.⁶

NOTE WELL: In an appropriate case the judge should use N.C.P.I.—Crim. 201.10 to charge on attempted second degree rape as a lesser included offense under this charge, and the judge should similarly use N.C.P.I.—Crim. 208.70 (Assault on a Female) where appropriate.

NOTE WELL: N.C. Gen. Stat. § 15-144.1 provides that an indictment for rape in the first degree will support a verdict of guilty of rape in the first degree, rape in the second degree, attempted rape or assault on a female.

But see, S. v. Wortham, 318 N.C. 669 (1987), where the defendant was indicted for attempted second degree rape, the North Carolina Supreme Court held that assault on a female is not a lesser included offense of attempted rape, because:

- (1) An assault on a female is not legally the same as the overt act required in attempted rape; and*
- (2) The defendant in the crime of assault on a female must be first, a male, and second, at least 18 years old. Neither of these is an element of attempted rape.*

Simple Assault may still be an appropriate lesser included offense. If so, use N.C.P.I.—Crim. 208.40.

1. N.C. Gen. Stat. § 14-27.20(4).

2. N.C. Gen. Stat. § 14-27.20(2a).

3. If the substance used to cause incapacitation of the alleged victim was unusual or not commonly known or thought to be poisonous, use the following statement: "It is not necessary that a substance be widely known as a poison for the purposes of this crime; just as arsenic and cyanide are poisonous substances which will cause death to a human being, so also is sugar to the acute diabetic, or dust to the acute asthmatic. In determining the poisonous nature of a substance, you must look to the peculiar weakness or sensibility of the victim to that particular substance." See N.C.P.I.—Crim. 206.12.

4. N.C. Gen. Stat. § 14-27.20(2).

5. N.C. Gen. Stat. § 14-27.20(3).

6. If there are lesser included offenses, the last phrase should be, ". . . you would not return a verdict of second degree rape."

207.40 FIRST DEGREE SEXUAL OFFENSE—WEAPON, SERIOUS INJURY OR MULTIPLE ASSAILANTS, COVERING SECOND DEGREE SEX OFFENSE AS A LESSER INCLUDED OFFENSE. (OFFENSES PRIOR TO DEC. 1, 2015) FELONY.

NOTE WELL: This instruction is valid for offenses committed before December 1, 2015. For offenses committed on or after December 1, 2015, use N.C.P.I.—Crim. 207.40B.

The defendant has been charged with first degree sexual offense.

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

First, that the defendant engaged in a sexual act with the victim. A sexual act means

- (A) [cunnilingus, which is any touching, however slight, by the lips or tongue of one person to any part of the female sex organ of another.]¹
- (B) [fellatio, which is any touching by the lips or tongue of one person and the male sex organ of another.]
- (C) [analingus, which is any touching by the lips or tongue of one person and the anus of another.]
- (D) [anal intercourse, which is any penetration, however slight, of the anus of any person by the male sexual organ of another.]²
- (E) [any penetration, however slight, by an object into the [genital] [anal] opening of a person's body.]³

NOTE WELL: N.C. Gen. Stat. § 14-27.1(4) provides that it shall be an affirmative defense to the fifth type of sexual act in (E) above that the penetration was for an accepted medical purpose. If there is evidence of such a purpose, instruct accordingly at the end of the charge and in

the mandate. See N.C.P.I. Crim. 306.10 for an instruction on Accepted Medical Purpose.

Second, that the defendant used or threatened to use force sufficient to overcome any resistance the alleged victim might make. (The force necessary to constitute sexual offense need not be actual physical force. Fear or coercion may take the place of physical force.)

Third, that the alleged victim did not consent and it was against the alleged victim's will. (Consent induced by fear is not consent at law).⁴

And Fourth, that the defendant

(A) [[employed] [displayed]

(1) [a dangerous or deadly weapon.] [(Name weapon) is a dangerous or deadly weapon.] [A dangerous or deadly weapon is a weapon which is likely to cause death or serious bodily injury. (In determining whether the particular object is a dangerous or deadly weapon, you should consider the nature of the object, the manner in which it was used, and the size and strength of the defendant as compared to the alleged victim.)]]

(2) [an object that the alleged victim reasonably believed was a dangerous or deadly weapon.³ A dangerous or deadly weapon is a weapon which is likely to cause death or serious bodily injury. (In determining whether the particular object is a dangerous or deadly weapon, you should consider the nature of the object, the manner in which it was used, and

the size and strength of the defendant as compared to the alleged victim.)]]

- (B) [inflicted serious personal injury⁴ upon the [the alleged victim] [another person.]
- (C) [was aided or abetted by one or more other persons. A defendant would be aided or abetted by another person if that person [was present at the time the sexual offense was committed and knowingly [advised] [encouraged] [instigated] [aided] *the defendant* to commit the crime] (or) [though not physically present at the time the sexual offense was committed, shared the defendant's criminal purpose and, to the defendant's knowledge, was aiding or was in a position to aid *the defendant* at the time the sexual offense was committed.]

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant engaged in a sexual act with the alleged victim and that the defendant did so by [force] [threat of force] and that this was sufficient to overcome any resistance which the alleged victim might make, that the alleged victim did not consent and it was against the alleged victim's will, and that the defendant

- (A) [employed] [displayed] a [weapon] [an object] (and that [this was] [the alleged victim reasonably believed that this was] a dangerous or deadly weapon).]
- (B) [inflicted serious personal injury upon [the alleged victim] [another person]].

(C) [was aided and abetted by [another person] [other persons].]

it would be your duty to return a verdict of guilty of first degree sexual offense. If you do not so find or have a reasonable doubt as to one or more of these things, you would not return a verdict of guilty of first degree sexual offense but would consider whether the defendant is guilty of second degree sexual offense. Second degree sexual offense differs from first degree sexual offense only in that it is not necessary for the State to prove beyond a reasonable doubt that the defendant

(A) [[employed] [displayed] a [dangerous or deadly weapon] [an object which the alleged victim reasonably believed was a dangerous or deadly weapon]]

(B) [inflicted serious personal injury upon [the alleged victim] [another person]

(C) [was aided and abetted by [another person] [other persons].]

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant engaged in a sexual act with the alleged victim and that the defendant did so by force or threat of force and that this was sufficient to overcome any resistance which the alleged victim might make, and that the alleged victim did not consent and it was against the alleged victim's will, it would be your duty to return a verdict of guilty of second degree sexual offense. 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.⁵

NOTE WELL: In an appropriate case the judge should use N.C.P.I.—Crim. 207.40A to charge on attempted first and second degree sexual offense as lesser included offenses under this charge.

NOTE WELL: If a party requests an instruction on Assault on a Female, see State v. Martin, 222 N.C. App. 213 (2012), where the defendant was convicted of two counts of first-degree sexual offense, and the North Carolina Court of Appeals held that assault on a female is not a lesser included offense of first-degree sexual offense, because to convict for first-degree sexual offense, it need not be shown that the victim is a female, that the defendant is a male, or that the defendant is at least 18 years of age.

Simple Assault may still be an appropriate lesser included offense. If so, use N.C.P.I.—Crim. 208.40.

1. *S v. Ludlum*, 303 N.C. 666 (1981), held that penetration of the female sex organ is not required to complete the act of cunnilingus under Sexual Offense Statutes, N.C. Gen. Stat. § 14-27.4 *et seq.* However, the Court did specifically adhere to the rule of earlier cases that penetration is required to complete the offense of Crime Against Nature (N.C. Gen. Stat. § 14-177; N.C.P.I.-Crim. 226.10).

2. *S v. Warren*, 309 N.C. 224 (1983) held that Crime Against Nature is not a lesser included offense of first or second degree sexual offense, but when the bill charges anal intercourse *Warren* infers that Crime Against Nature is a lesser included offense.

3. See *State v. Williams*, 335 N.C. 518, regarding a mandatory presumption of dangerous or deadly weapon in certain factual situations.

4. Note that N.C. Gen. Stat. § 14-27.4 includes serious mental injury, as well as physical or bodily injury. *State v. Boone*, 307 N.C. 198 (1982), held that, "proof of the element of infliction of 'serious personal injury' . . . may be met by the showing of mental injury as well as bodily injury," but that, "in order to support a jury finding of serious personal injury because of injury to the mind or nervous system, the State must ordinarily offer proof that such injury was not only caused by the defendant but that the injury extended for some appreciable time beyond the incidents surrounding the crime itself." If the state relies on such a theory of personal injury, the judge should instruct the jury in accordance with the rule set forth in *Boone*, above.

5. If there are other lesser included offenses, the last phrase should be, "You would not return a verdict of guilty of second degree sexual offense, but would consider whether the defendant is guilty of"

ATTEMPTED FIRST DEGREE SEXUAL OFFENSE (WEAPON, SERIOUS INJURY OR MULTIPLE ASSAILANTS) COVERING ATTEMPTED SECOND DEGREE SEX OFFENSE AS A LESSER INCLUDED OFFENSE. (OFFENSES PRIOR TO DEC. 1, 2015) FELONY.

REPLACEMENT JUNE 2020

N.C. Gen. Stat. §§ 14-27.4(2), 14-27.5(2), 14-27.8

207.40A ATTEMPTED FIRST DEGREE SEXUAL OFFENSE (WEAPON, SERIOUS INJURY OR MULTIPLE ASSAILANTS) COVERING ATTEMPTED SECOND DEGREE SEX OFFENSE AS A LESSER INCLUDED OFFENSE. (OFFENSES PRIOR TO DEC. 1, 2015) FELONY.

NOTE WELL: This instruction is valid for offenses committed before December 1, 2015. For offenses committed on or after December 1, 2015, use 207.40A.1.

The defendant has been charged with attempted first degree sexual offense.

Under the law and the evidence in this case, it is your duty to return one of the following verdicts:

- (1) guilty of attempted first degree sexual offense;
- (2) guilty of attempted second degree sexual offense; or
- (3) not guilty.

For you to find the defendant guilty of attempted first degree sexual offense, the State must prove three things beyond a reasonable doubt:

First, that the defendant intended to engage in a sexual act with the alleged victim by force without the alleged victim's consent and against the alleged victim's will (Consent induced by fear is not consent at law). A sexual act means

- (A) [cunnilingus, which is any touching, however slight, by the lips or tongue of one person to any part of the female sex organ of another.]
- (B) [fellatio, which is any touching by the lips or tongue of one person and the male sex organ of another.]

ATTEMPTED FIRST DEGREE SEXUAL OFFENSE (WEAPON, SERIOUS INJURY OR MULTIPLE ASSAILANTS) COVERING ATTEMPTED SECOND DEGREE SEX OFFENSE AS A LESSER INCLUDED OFFENSE. (OFFENSES PRIOR TO DEC. 1, 2015) FELONY.

REPLACEMENT JUNE 2020

N.C. Gen. Stat. §§ 14-27.4(2), 14-27.5(2), 14-27.8

- (C) [analingus, which is any touching by the lips or tongue of one person and the anus of another.]
- (D) [anal intercourse, which is any penetration, however slight, of the anus of any person by the male sexual organ of another.]
- (E) [any penetration, however slight, by an object into the [genital] [anal] opening of a person's body.]

NOTE WELL: N.C. Gen. Stat. § 14-27.1(4) provides that it shall be an affirmative defense to the fifth type of sexual act in (E) above that the penetration was for an accepted medical purpose. If there is evidence of such a purpose, instruct accordingly at the end of the charge and in the mandate. See N.C.P.I. Crim. 306.10 for an instruction on Accepted Medical Purpose.

Second, that at the time the defendant had this intent, the defendant performed an act which was calculated and designed to bring about a sexual act by force and against the victim's will, and which came so close to bringing it about that in the ordinary and likely course of things the defendant would have completed the sexual act had the defendant not been stopped or prevented from completing the defendant's apparent course of action.

(Mere preparation or mere planning is not enough to constitute such an act. But the act need not necessarily be the last act required to complete the offense.)

And Third, that the defendant

(A) [[employed] [displayed]

- (1) [a dangerous or deadly weapon.] [(Name weapon) is a dangerous or deadly weapon.] [A dangerous or deadly

weapon is a weapon which is likely to cause death or serious bodily injury. (In determining whether the particular object is a dangerous or deadly weapon, you should consider the nature of the object, the manner in which it was used, and the size and strength of the defendant as compared to the alleged victim.))]

(2) [an object that the alleged victim reasonably believed was a dangerous or deadly weapon.¹ A dangerous or deadly weapon is a weapon which is likely to cause death or serious bodily injury. (In determining whether the particular object is a dangerous or deadly weapon, you should consider the nature of the object, the manner in which it was used, and the size and strength of the defendant as compared to the alleged victim.))]

(B) [inflicted serious personal injury² upon [the alleged victim] [another person.]]

(C) [was aided or abetted by one or more other persons. A defendant would be aided or abetted by another person if that person [was present at the time the sexual offense was committed and knowingly [advised] [encouraged] [instigated] [aided] the defendant to commit the crime] (or) [though not physically present at the time the sexual offense was committed, shared the defendant's criminal purpose and, to the defendant's knowledge, was aiding or was in a position to aid the defendant at the time the sexual offense was committed.]]

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant intended to engage in a sexual act with the alleged victim by force and against the alleged victim's will and that the defendant performed [an act] [acts] which [was] [were] calculated and designed to bring about a sexual act by force and against the alleged victim's will and would have resulted in such an act had the defendant not been [stopped] [prevented] from completing the defendant's apparent course of action, and that the defendant

- (A) [employed] [displayed] a [weapon] [an object] (and that [this was] [the alleged victim reasonably believed that this was] a dangerous or deadly weapon).]
- (B) [inflicted serious personal injury upon [the alleged victim] [another person]].
- (C) [was aided and abetted by [another person] [other persons].]

it would be your duty to return a verdict of guilty of attempted first degree sexual offense. If you do not so find or have a reasonable doubt as to one or more of these things you would not return a verdict of guilty of attempted first degree sexual offense but would consider whether the defendant is guilty of attempted second degree sexual offense. Attempted second degree sexual offense differs from attempted first degree sexual offense in that it is not necessary for the State to prove beyond a reasonable doubt that the defendant

ATTEMPTED FIRST DEGREE SEXUAL OFFENSE (WEAPON, SERIOUS INJURY OR MULTIPLE ASSAILANTS) COVERING ATTEMPTED SECOND DEGREE SEX OFFENSE AS A LESSER INCLUDED OFFENSE. (OFFENSES PRIOR TO DEC. 1, 2015) FELONY.

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N.C. Gen. Stat. §§ 14-27.4(2), 14-27.5(2), 14-27.8

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- (A) [[employed] [displayed] a [dangerous or deadly weapon] [an object which the alleged victim reasonably believed was a dangerous or deadly weapon]]
 - (B) [inflicted serious personal injury upon [the alleged victim] [another person]
 - (C) [was aided and abetted by [another person] [other persons].]

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant intended to engage in a sexual act with the alleged victim by force and against the alleged victim's will and that the defendant performed [an act] [acts] which [was] [were] calculated and designed to bring about a sexual act by force and against the alleged victim's will and would have resulted in such an act had the defendant not been [stopped] [prevented] from completing the defendant's apparent course of action, it would be your duty to return a verdict of guilty of attempted second degree sexual offense. 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.

NOTE WELL: If a party requests an instruction on Assault on a Female, see State v. Martin, 222 N.C. App. 213 (2012), where the defendant was convicted of two counts of first-degree sexual offense, the North Carolina Court of Appeals held that assault on a female is not a lesser included offense of first-degree sexual offense, because to convict for first-degree sexual offense, it need not be shown that the victim is a female, that the defendant is a male, or that the defendant is at least 18 years of age.

Simple Assault may still be an appropriate lesser included offense. If so, use N.C.P.I.—Crim. 208.40.

ATTEMPTED FIRST DEGREE SEXUAL OFFENSE (WEAPON, SERIOUS INJURY OR MULTIPLE ASSAILANTS) COVERING ATTEMPTED SECOND DEGREE SEX OFFENSE AS A LESSER INCLUDED OFFENSE. (OFFENSES PRIOR TO DEC. 1, 2015) FELONY.

REPLACEMENT JUNE 2020

N.C. Gen. Stat. §§ 14-27.4(2), 14-27.5(2), 14-27.8

1. See *State v. Williams*, 335 N.C. 518, regarding a mandatory presumption of dangerous or deadly weapon in certain factual situations.

2. Note that N.C. Gen. Stat. § 14-27.4 includes serious mental injury, as well as physical or bodily injury. *State v. Boone*, 307 N.C. 198 (1982), held that, "proof of the element of infliction of 'serious personal injury' . . . may be met by the showing of mental injury as well as bodily injury," but that, "in order to support a jury finding of serious personal injury because of injury to the mind or nervous system, the State must ordinarily offer proof that such injury was not only caused by the defendant but that the injury extended for some appreciable time beyond the incidents surrounding the crime itself." If the state relies on such a theory of personal injury, the judge should instruct the jury in accordance with the rule set forth in *Boone*, above.

207.40A.1 ATTEMPTED FIRST DEGREE FORCIBLE SEXUAL OFFENSE
(WEAPON, SERIOUS INJURY OR MULTIPLE ASSAILANTS) COVERING
ATTEMPTED SECOND DEGREE SEXUAL OFFENSE AS A LESSER INCLUDED
OFFENSE. (OFFENSES ON OR AFTER DEC. 1, 2015) FELONY.

NOTE WELL: This instruction is valid for offenses committed on or after December 1, 2015. For offenses committed before December 1, 2015, see N.C.P.I.—Crim. 207.40A.

NOTE WELL: For offenses committed on or after December 1, 2019, N.C.G.S. § 14-27.20 defines "against the will of the other person" as either: (1) without the consent of the other person or (2) after consent is revoked by the other person, in a manner that would cause a reasonable person to believe consent is revoked. For the period between December 1, 2015 and December 1, 2019, the consent element of these offenses would use the following language: "that the alleged victim did not consent, and it was against the alleged victim's will."

The defendant has been charged with attempted first degree forcible sexual offense.

Under the law and the evidence in this case, it is your duty to return one of the following verdicts:

- (1) guilty of attempted first degree forcible sexual offense;
- (2) guilty of attempted second degree forcible sexual offense; or
- (3) not guilty.

For you to find the defendant guilty of attempted first degree forcible sexual offense, the State must prove three things beyond a reasonable doubt:

NOTE WELL: With regard to the First element below, for offenses committed on or after December 1, 2015 and before December 1, 2019, delete the italicized language.

First, that the defendant intended to engage in a sexual act with the alleged victim by force without the alleged victim's consent and against the alleged victim's will, *that is, the intercourse was [without consent of the alleged victim] [after consent was revoked by the alleged victim, in a manner that would cause a reasonable person to believe consent was revoked]* (Consent induced by fear is not consent at law). A sexual act means

- (A) [cunnilingus, which is any touching, however slight, by the lips or tongue of one person to any part of the female sex organ of another.]
- (B) [fellatio, which is any touching by the lips or tongue of one person and the male sex organ of another.]
- (C) [analingus, which is any touching by the lips or tongue of one person and the anus of another.]
- (D) [anal intercourse, which is any penetration, however slight, of the anus of any person by the male sexual organ of another.]
- (E) [any penetration, however slight, by an object into the [genital] [anal] opening of a person's body.]

NOTE WELL: N.C. Gen. Stat. § 14-27.1(4) provides that it shall be an affirmative defense to the fifth type of sexual act in (E) above that the penetration was for an accepted medical purpose. If there is evidence of such a purpose, instruct accordingly at the end of the charge and in the mandate. See N.C.P.I. Crim. 306.10 for an instruction on Accepted Medical Purpose.

Second, that at the time the defendant had this intent, the defendant performed an act which was calculated and designed to bring about a sexual act by force and against the victim's will, and which came so close to bringing

it about that in the ordinary and likely course of things the defendant would have completed the sexual act had the defendant not been stopped or prevented from completing the defendant's apparent course of action.

(Mere preparation or mere planning is not enough to constitute such an act. But the act need not necessarily be the last act required to complete the offense.)

And Third, that the defendant

(A) [[employed] [displayed]

(1) [a dangerous or deadly weapon.] [(*Name weapon*) is a dangerous or deadly weapon.] [A dangerous or deadly weapon is a weapon which is likely to cause death or serious bodily injury. (In determining whether the particular object is a dangerous or deadly weapon, you should consider the nature of the object, the manner in which it was used, and the size and strength of the defendant as compared to the victim.)]]

(2) [an object that the alleged victim reasonably believed was a dangerous or deadly weapon.¹ A dangerous or deadly weapon is a weapon which is likely to cause death or serious bodily injury. (In determining whether the particular object is a dangerous or deadly weapon, you should consider the nature of the object, the manner in which it was used, and the size and strength of the defendant as compared to the alleged victim.)]]

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- (B) [inflicted serious personal injury² upon [the victim] [another person.]]
 - (C) [was aided or abetted by one or more other persons. A defendant would be aided or abetted by another person if that person [was present at the time the sexual offense was committed and knowingly [advised] [encouraged] [instigated] [aided] the defendant to commit the crime] (or) [though not physically present at the time the sexual offense was committed, shared the defendant's criminal purpose and, to the defendant's knowledge, was aiding or was in a position to aid the defendant at the time the sexual offense was committed.]

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant intended to engage in a sexual act with the alleged victim by force and against the alleged victim's will and that the defendant performed [an act] [acts] which [was] [were] calculated and designed to bring about a sexual act by force and against the victim's will and would have resulted in such an act had the defendant not been [stopped] [prevented] from completing *the defendant's* apparent course of action, and that the defendant

- (A) [employed] [displayed] a [weapon] [an object] (and that [this was] [the alleged victim reasonably believed that this was] a dangerous or deadly weapon).]
- (B) [inflicted serious personal injury upon [the alleged victim] [another person]].

(C) [was aided and abetted by [another person] [other persons].]

it would be your duty to return a verdict of guilty of attempted first degree forcible sexual offense. If you do not so find or have a reasonable doubt as to one or more of these things you would not return a verdict of guilty of attempted first degree forcible sexual offense but would consider whether the defendant is guilty of attempted second degree forcible sexual offense. Attempted second degree forcible sexual offense differs from attempted first degree forcible sexual offense in that it is not necessary for the State to prove beyond a reasonable doubt that the defendant

(A) [[employed] [displayed] a [dangerous or deadly weapon] [an object which the alleged victim reasonably believed was a dangerous or deadly weapon]]

(B) [inflicted serious personal injury upon [the alleged victim] [another person]

(C) [was aided and abetted by [another person] [other persons].]

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant intended to engage in a sexual act with the alleged victim by force and against the alleged victim's will and that the defendant performed [an act] [acts] which [was] [were] calculated and designed to bring about a sexual act by force and against the alleged victim's will and would have resulted in such an act had the defendant not been [stopped] [prevented] from completing the defendant's apparent course of action, it would be your duty to return a verdict of guilty of attempted second degree forcible sexual offense. 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.

NOTE WELL: If a party requests an instruction on Assault on a Female, see State v. Martin, 222 N.C. App. 213 (2012), where the defendant was convicted of two counts of first-degree sexual offense, and the North Carolina Court of Appeals held that assault on a female is not a lesser included offense of first-degree sexual offense, because to convict for first-degree sexual offense, it need not be shown that the victim is a female, that the defendant is a male, or that the defendant is at least 18 years of age.

Simple Assault may still be an appropriate lesser included offense. If so, use N.C.P.I.—Crim. 208.40.

1. See *State v. Williams*, 335 N.C. 518, regarding a mandatory presumption of dangerous or deadly weapon in certain factual situations.

2. Note the term "serious personal injury" includes serious mental injury, as well as physical or bodily injury. *State v. Boone*, 307 N.C. 198 (1982), held in relation to N.C. Gen. Stat. § 14-27.2, the predecessor to N.C. Gen. Stat. § 14-27.21, that, "proof of the element of infliction of 'serious personal injury' . . . may be met by the showing of mental injury as well as bodily injury," but that, "in order to support a jury finding of serious personal injury because of injury to the mind or nervous system, the State must ordinarily offer proof that such injury was not only caused by the defendant but that the injury extended for some appreciable time beyond the incidents surrounding the crime itself." If the state relies on such a theory of personal injury, the judge should instruct the jury in accordance with the rule set forth in *Boone*, above.

FIRST DEGREE FORCIBLE SEXUAL OFFENSE—WEAPON, SERIOUS INJURY OR MULTIPLE ASSAILANTS, COVERING SECOND DEGREE SEX OFFENSE AS A LESSER INCLUDED OFFENSE. (OFFENSES ON OR AFTER DEC. 1, 2015) FELONY.

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207.40B FIRST DEGREE FORCIBLE SEXUAL OFFENSE—(WEAPON, SERIOUS INJURY, OR MULTIPLE ASSAILANTS) COVERING SECOND DEGREE SEX OFFENSE AS A LESSER INCLUDED OFFENSE. (OFFENSES ON OR AFTER DEC. 1, 2015) FELONY.

NOTE WELL: This instruction is valid for offenses committed on or after December 1, 2015. For offenses committed before December 1, 2015, use N.C.P.I.—Crim. 207.40. For offenses occurring on or after December 1, 2017, use N.C.P.I.—Crim. 207.40C.

The defendant has been charged with first degree forcible sexual offense.

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

First, that the defendant engaged in a sexual act with the alleged victim.

A sexual act means

- (a) [cunnilingus, which is any touching, however slight, by the lips or tongue of one person to any part of the female sex organ of another.]¹
- (b) [fellatio, which is any touching by the lips or tongue of one person and the male sex organ of another.]²
- (c) [analingus, which is any touching by the lips or tongue of one person and the anus of another.]
- (d) [anal intercourse, which is any penetration, however slight, of the anus of any person by the male sexual organ of another.]

(e) [any penetration, however slight, by an object into the [genital] [anal] opening of a person's body.]

NOTE WELL: N.C. Gen. Stat. § 14-27.1(4) provides that it shall be an affirmative defense to the fifth type of sexual act in (E) above that the penetration was for an accepted medical purpose. If there is evidence of such a purpose, instruct accordingly at the end of the charge and in the mandate. See N.C.P.I.—Crim. 306.10 for an instruction on Accepted Medical Purpose.

Second, that the defendant used or threatened to use force sufficient to overcome any resistance the alleged victim might make. (The force necessary to constitute sexual offense need not be actual physical force. Fear or coercion may take the place of physical force.)

Third, that the alleged victim did not consent and it was against the alleged victim's will. (Consent induced by fear is not consent at law).

And Fourth, that the defendant

(a) [[employed] [displayed]

(1) [a dangerous or deadly weapon.] [(Name weapon) is a dangerous or deadly weapon.] [A dangerous or deadly weapon is a weapon which is likely to cause death or serious bodily injury. (In determining whether the particular object is a dangerous or deadly weapon, you should consider the nature of the object, the manner in which it was used, and the size and strength of the defendant as compared to the alleged victim.)]]

- (2) [an object that the alleged victim reasonably believed was a dangerous or deadly weapon.³ A dangerous or deadly weapon is a weapon which is likely to cause death or serious bodily injury. (In determining whether the particular object is a dangerous or deadly weapon, you should consider the nature of the object, the manner in which it was used, and the size and strength of the defendant as compared to the alleged victim.)]]
- (b) [inflicted serious personal injury⁴ upon the [the alleged victim] [another person.]
- (c) [was aided or abetted by one or more other persons. A defendant would be aided or abetted by another person if that person [was present at the time the sexual offense was committed and knowingly [advised] [encouraged] [instigated] [aided] the defendant to commit the crime] (or) [though not physically present at the time the sexual offense was committed, shared the defendant's criminal purpose and, to the defendant's knowledge, was aiding or was in a position to aid the defendant at the time the sexual offense was committed.]

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant engaged in a sexual act with the alleged victim and that the defendant did so by [force] [threat of force] and that this was sufficient to overcome any resistance which the alleged victim might

make, that the alleged victim did not consent, and it was against the alleged victim's will, and that the defendant

- (a) [employed] [displayed] a [weapon] [an object] (and that [this was] [the alleged victim reasonably believed that this was] a dangerous or deadly weapon).]
- (b) [inflicted serious personal injury upon [the alleged victim] [another person]].
- (c) [was aided and abetted by [another person] [other persons].]

it would be your duty to return a verdict of guilty of first degree forcible sexual offense. If you do not so find or have a reasonable doubt as to one or more of these things, you would not return a verdict of guilty of first degree forcible sexual offense but would consider whether the defendant is guilty of second degree forcible sexual offense. Second degree forcible sexual offense differs from first degree sexual offense only in that it is not necessary for the state to prove beyond a reasonable doubt that the defendant

- (a) [[employed] [displayed] a [dangerous or deadly weapon] [an object which the alleged victim reasonably believed was a dangerous or deadly weapon]]
- (b) [inflicted serious personal injury upon [the alleged victim] [another person]
- (c) [was aided and abetted by [another person] [other persons].]

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant engaged in a sexual act with the alleged

victim and that the defendant did so by force or threat of force and that this was sufficient to overcome any resistance which the alleged victim might make, and that the alleged victim did not consent and it was against the alleged victim's will, it would be your duty to return a verdict of guilty of second degree forcible sexual offense. 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.⁵

NOTE WELL: In an appropriate case the judge should use N.C.P.I.—Crim. 207.40A to charge on attempted first and second degree sexual offense as lesser included offenses under this charge.

NOTE WELL: If a party requests an instruction on Assault on a Female, see State v. Martin, 222 N.C. App. 213 (2012), where the defendant was convicted of two counts of first-degree sexual offense, and the North Carolina Court of Appeals held that assault on a female is not a lesser included offense of first-degree sexual offense, because to convict for first-degree sexual offense, it need not be shown that the victim is a female, that the defendant is a male, or that the defendant is at least 18 years of age.

Simple Assault may still be an appropriate lesser included offense. If so, use N.C.P.I.—Crim. 208.40.

1. *State v. Ludlum*, 303 N.C. 666 (1981), held that penetration of the female sex organ is not required to complete the act of cunnilingus under Sexual Offense Statutes, N.C. Gen. Stat. § 14.27.4 *et seq.* However, the Court did specifically adhere to the rule of earlier cases that penetration is required to complete the offense of Crime Against Nature (N.C. Gen. Stat. § 14-177; N.C.P.I.-Crim. 226.10).

2. *State v. Warren*, 309 N.C. 224 (1983) held that Crime Against Nature is not a lesser included offense of first or second degree sexual offense, but when the bill charges anal intercourse *Warren* infers that Crime Against Nature is a lesser included offense.

3. *See State v. Williams*, 335 N.C. 518, regarding a mandatory presumption of dangerous or deadly weapon in certain factual situations.

FIRST DEGREE FORCIBLE SEXUAL OFFENSE—WEAPON, SERIOUS INJURY OR MULTIPLE ASSAILANTS, COVERING SECOND DEGREE SEX OFFENSE AS A LESSER INCLUDED OFFENSE. (OFFENSES ON OR AFTER DEC. 1, 2015) FELONY.

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4. Note the term “serious personal injury” includes serious mental injury, as well as physical or bodily injury. *State v. Boone*, 307 N.C. 198 (1982), held in relation to N.C. Gen. Stat. § 14-27.2, the predecessor to N.C. Gen. Stat. § 14-27.21, that, “proof of the element of infliction of ‘serious personal injury’ ... may be met by the showing of mental injury as well as bodily injury,” but that, “in order to support a jury finding of serious personal injury because of injury to the mind or nervous system, the State must ordinarily offer proof that such injury was not only caused by the defendant but that the injury extended for some appreciable time beyond the incidents surrounding the crime itself.” If the state relies on such a theory of personal injury, the judge should instruct the jury in accordance with the rule set forth in *Boone*, above.

5. If there are other lesser included offenses, the last phrase should be, “You would not return a verdict of guilty of second degree forcible sexual offense, but would consider whether the defendant is guilty of ...

FIRST DEGREE FORCIBLE SEXUAL OFFENSE-WEAPON, SERIOUS INJURY, OR MULTIPLE ASSAILANTS, COVERING SECOND DEGREE SEX OFFENSE AS A LESSER INCLUDED OFFENSE. (OFFENSES ON OR AFTER DECEMBER 1, 2017). FELONY.

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N.C. Gen. Stat. §§ 14-27.26, 14-27.27

207.40C FIRST DEGREE FORCIBLE SEXUAL OFFENSE-(WEAPON, SERIOUS INJURY, OR MULTIPLE ASSAILANTS) COVERING SECOND DEGREE SEX OFFENSE AS A LESSER INCLUDED OFFENSE. (OFFENSES ON OR AFTER DECEMBER 1, 2017). FELONY.

NOTE WELL: This instruction is valid for offenses committed on or after December 1, 2017. For offenses committed between December 1, 2015 - December 1, 2017, use N.C.P.I.—Crim 207.40B. For offenses committed before December 1, 2015, use N.C.P.I.—Crim. 207.40.

NOTE WELL: For offenses committed on or after December 1, 2019, N.C.G.S. § 14-27.20 defines "against the will of the other person" as either: (1) without the consent of the other person or (2) after consent is revoked by the other person, in a manner that would cause a reasonable person to believe consent is revoked. For the period between December 1, 2017 and December 1, 2019, the consent element of these offenses would use the following language: "that the alleged victim did not consent, and it was against the alleged victim's will."

The defendant has been charged with first degree forcible sexual offense.

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

First, that the defendant engaged in a sexual act with the alleged victim.

A sexual act means

- (a) [cunnilingus, which is any touching, however slight, by the lips or tongue of one person to any part of the female sex organ of another.]¹
- (b) [fellatio, which is any touching by the lips or tongue of one person and the male sex organ of another.]²

- (c) [analingus, which is any touching by the lips or tongue of one person and the anus of another.]
- (d) [anal intercourse, which is any penetration, however slight, of the anus of any person by the male sexual organ of another.]
- (e) [any penetration, however slight, by an object into the [genital] [anal] opening of a person's body.]

NOTE WELL: N.C. Gen. Stat. § 14-27.1(4) provides that it shall be an affirmative defense to the fifth type of sexual act in (E) above that the penetration was for an accepted medical purpose. If there is evidence of such a purpose, instruct accordingly at the end of the charge and in the mandate. See N.C.P.I.—Crim. 306.10 for an instruction on Accepted Medical Purpose.

Second, that the defendant used or threatened to use force sufficient to overcome any resistance the alleged victim might make. (The force necessary to constitute sexual offense need not be actual physical force. Fear or coercion may take the place of physical force.)

NOTE WELL: With regard to the Third element below, for offenses committed on or after December 1, 2017 and before December 1, 2019, delete the italicized language.

Third, that the alleged victim did not consent, and it was against the alleged victim's will, *that is, the intercourse was [without consent of the alleged victim] [after consent was revoked by the alleged victim, in a manner that would cause a reasonable person to believe consent was revoked]* (Consent induced by fear is not consent at law).

And Fourth, that the defendant

- (a) [[used] [threatened to use] [displayed]

- (1) [a dangerous or deadly weapon.] [(Name weapon) is a dangerous or deadly weapon.] [A dangerous or deadly weapon is a weapon which is likely to cause death or serious bodily injury. (In determining whether the particular object is a dangerous or deadly weapon, you should consider the nature of the object, the manner in which it was used, and the size and strength of the defendant as compared to the alleged victim.)]]
- (2) [an object that the alleged victim reasonably believed was a dangerous or deadly weapon.³ A dangerous or deadly weapon is a weapon which is likely to cause death or serious bodily injury. (In determining whether the particular object is a dangerous or deadly weapon, you should consider the nature of the object, the manner in which it was used, and the size and strength of the defendant as compared to the alleged victim.)]]
- (b) [inflicted serious personal injury⁴ upon the [the alleged victim] [another person.]
- (c) [[was aided or abetted by one or more other persons. A defendant would be aided or abetted by another person if that person [was present at the time the sexual offense was committed and knowingly [advised] [encouraged] [instigated] [aided] the defendant to commit the crime]] [[though not physically present at the time the sexual offense was committed, shared the defendant's criminal purpose and, to the defendant's knowledge, was aiding or

was in a position to aid the defendant at the time the sexual offense was committed.]]

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant engaged in a sexual act with the alleged victim and that the defendant did so by [force] [threat of force] and that this was sufficient to overcome any resistance which the alleged victim might make, that the alleged victim did not consent, and it was against the alleged victim's will, and that the defendant

- (a) [used] [threatened to use] [displayed] a [weapon] [an object] (and that [this was] [the alleged victim reasonably believed that this was] a dangerous or deadly weapon).]
- (b) [inflicted serious personal injury upon [the alleged victim] [another person]].
- (c) [was aided and abetted by [another person] [other persons].]

it would be your duty to return a verdict of guilty of first degree forcible sexual offense. If you do not so find or have a reasonable doubt as to one or more of these things, you would not return a verdict of guilty of first degree forcible sexual offense but would consider whether the defendant is guilty of second degree forcible sexual offense. Second degree forcible sexual offense differs from first degree sexual offense only in that it is not necessary for the state to prove beyond a reasonable doubt that the defendant

- (a) [[used] [threatened to use] [displayed] a [dangerous or deadly weapon] [an object which the alleged victim reasonably believed was a dangerous or deadly weapon]]

(b) [inflicted serious personal injury upon [the alleged victim] [another person]

(c) [was aided and abetted by [another person] [other persons].]

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant engaged in a sexual act with the alleged victim and that the defendant did so by force or threat of force and that this was sufficient to overcome any resistance which the alleged victim might make, and that the alleged victim did not consent and it was against the alleged victim's will, it would be your duty to return a verdict of guilty of second degree forcible sexual offense. 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.⁵

NOTE WELL: In an appropriate case the judge should use N.C.P.I.—Crim. 207.40A to charge on attempted first and second degree sexual offense as lesser included offenses under this charge.

NOTE WELL: If a party requests an instruction on Assault on a Female, see State v. Martin, 222 N.C. App. 213 (2012), where the defendant was convicted of two counts of first-degree sexual offense, the North Carolina Court of Appeals held that assault on a female is not a lesser included offense of first-degree sexual offense, because to convict for first-degree sexual offense, it need not be shown that the victim is a female, that the defendant is a male, or that the defendant is at least 18 years of age.

Simple Assault may still be an appropriate lesser included offense. If so, use N.C.P.I.—Crim. 208.40.

FIRST DEGREE FORCIBLE SEXUAL OFFENSE-WEAPON, SERIOUS INJURY, OR MULTIPLE ASSAILANTS, COVERING SECOND DEGREE SEX OFFENSE AS A LESSER INCLUDED OFFENSE. (OFFENSES ON OR AFTER DECEMBER 1, 2017). FELONY.

GENERAL CRIMINAL VOLUME

REPLACEMENT JUNE 2020

N.C. Gen. Stat. §§ 14-27.26, 14-27.27

1. *State v. Ludlum*, 303 N.C. 666 (1981), held that penetration of the female sex organ is not required to complete the act of cunnilingus under Sexual Offense Statutes, N.C. Gen. Stat. § 14-27.4 et seq. However, the Court did specifically adhere to the rule of earlier cases that penetration is required to complete the offense of Crime Against Nature (N.C. Gen. Stat. § 14-177; N.C.P.I.—Crim. 226.10).

2. *State v. Warren*, 309 N.C. 224 (1983) held that Crime Against Nature is not a lesser included offense of first or second degree sexual offense, but when the bill charges anal intercourse Warren infers that Crime Against Nature is a lesser included offense.

3. See *State v. Williams*, 335 N.C. 518, regarding a mandatory presumption of dangerous or deadly weapon in certain factual situations.

4. Note the term "serious personal injury" includes serious mental injury, as well as physical or bodily injury. *State v. Boone*, 307 N.C. 198 (1982), held in relation to N.C. Gen. Stat. § 14-27.2, the predecessor to N.C. Gen. Stat. § 14-27.21, that, "proof of the element of infliction of 'serious personal injury' ... may be met by the showing of mental injury as well as bodily injury," but that, "in order to support a jury finding of serious personal injury because of injury to the mind or nervous system, the State must ordinarily offer proof that such injury was not only caused by the defendant but that the injury extended for some appreciable time beyond the incidents surrounding the crime itself." If the state relies on such a theory of personal injury, the judge should instruct the jury in accordance with the rule set forth in Boone, above.

5. If there are other lesser included offenses, the last phrase should be, "You would not return a verdict of guilty of second degree forcible sexual offense, but would consider whether the defendant is guilty..."

207.60 SECOND DEGREE SEXUAL OFFENSE—FORCE. (OFFENSES PRIOR TO
DEC. 1, 2015). FELONY.

NOTE WELL: The crime of sexual offense covers sexual acts other than vaginal intercourse and applies regardless of the gender of the defendant or the alleged victim.

This instruction is valid for offenses committed before December 1, 2015. For offenses committed on or after December 1, 2015, use N.C.P.I.—Crim. 207.60A.

The defendant has been charged with second degree sexual offense.

For you to find the defendant guilty of second degree sexual offense, the state must prove three things beyond a reasonable doubt:

First, that the defendant engaged in a sexual act with the alleged victim. A sexual act means

- (a) [cunnilingus, which is any touching, however slight, by the lips or the tongue of one person to any part of the female sex organ of another.]¹
- (b) [fellatio, which is any touching by the lips or tongue of one person and the male sex organ of another.]²
- (c) [analingus, which is any touching by the lips or tongue of one person and the anus of another.]
- (d) [anal intercourse, which is any penetration, however slight, of the anus of any person by the male sexual organ of another.]
- (e) [any penetration, however slight, by an object into the [genital] [anal] opening of a person's body.]

NOTE WELL: N.C. Gen. Stat. § 14-27.1(4) provides that it shall be an affirmative defense to the fifth type of sexual act in (E) above

that the penetration was for an accepted medical purpose. If there is evidence of such a purpose, instruct accordingly at the end of the charge and in the mandate. See N.C.P.I.—Crim. 306.10 for an instruction on Accepted Medical Purpose.

Second, that the defendant used or threatened to use force sufficient to overcome any resistance the alleged victim might make.

And Third, that the alleged victim did not consent and it was against the alleged victim's will. (Consent induced by fear is not consent at law).

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant engaged in a sexual act with the alleged victim and that the defendant did so by force or threat of force and that this was sufficient to overcome any resistance which the alleged victim might make and that the alleged victim did not consent and it was against the alleged victim's will, it would be your duty to return a verdict of guilty of second degree sexual offense. 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.³

NOTE WELL. In an appropriate case the judge should use N.C.P.I.—Crim. 201.10 to charge on attempted second degree sexual offense as a lesser included offense.

NOTE WELL: If a party requests an instruction on Assault on a Female, see State v. Martin, 222 N.C. App. 213 (2012), where the defendant was convicted of two counts of first-degree sexual offense, the North Carolina Court of Appeals held that assault on a female is not a lesser included offense of first-degree sexual offense, because to convict for first-degree sexual offense, it need not be shown that the victim is a female, that the defendant is a male, or that the defendant is at least 18 years of age.

Simple Assault may still be an appropriate lesser included offense. If so, use N.C.P.I.—Crim. 208.40.

1. In *S v. Ludlum*, 303 N.C. 666 (1981), the North Carolina Supreme Court held that penetration of the female sex organ is not required to complete the act of cunnilingus under the Sexual Offense Statutes set out in N.C. Gen. Stat. § 14-27.4 et seq. However, the Court did specifically adhere to the rule of earlier cases that penetration is required to complete the offense of Crime Against Nature. (N.C. Gen. Stat. § 14-177; N.C.P.I.—Crim. 226.10).

2. *S v. Warren*, 309 N.C. 224 (1983), held that Crime Against Nature is not a lesser included offense of first or second degree sexual offense, but when the bill charges anal intercourse Warren infers that Crime Against Nature is a lesser included offense.

3. If there are other lesser included offenses, the last phrase should be "you would not return a verdict of guilty of second degree sexual offense, but would consider whether the defendant is guilty of"

207.60A SECOND DEGREE FORCIBLE SEXUAL OFFENSE. (OFFENSES ON OR AFTER DEC 1, 2015). FELONY.

NOTE WELL: The crime of sexual offense covers sexual acts other than vaginal intercourse and applies regardless of the gender of the defendant or the alleged victim.

This instruction is valid for offenses committed on or after December 1, 2015. For offenses committed before December 1, 2015, use N.C.P.I.—Crim. 207.60.

NOTE WELL: For offenses committed on or after December 1, 2019, N.C.G.S. § 14-27.20 defines "against the will of the other person" as either: (1) without the consent of the other person or (2) after consent is revoked by the other person, in a manner that would cause a reasonable person to believe consent is revoked. For the period between December 1, 2015 and December 1, 2019, the consent element of these offenses would use the following language: "that the alleged victim did not consent, and it was against the alleged victim's will."

The defendant has been charged with second degree forcible sexual offense.

For you to find the defendant guilty of second degree forcible sexual offense, the state must prove three things beyond a reasonable doubt:

First, that the defendant engaged in a sexual act with the alleged victim. A sexual act means

- (a) [cunnilingus, which is any touching, however slight, by the lips or the tongue of one person to any part of the female sex organ of another.]¹
- (b) [fellatio, which is any touching by the lips or tongue of one person and the male sex organ of another.]²

- (c) [analingus, which is any touching by the lips or tongue of one person and the anus of another.]
- (d) [anal intercourse, which is any penetration, however slight, of the anus of any person by the male sexual organ of another.]
- (e) [any penetration, however slight, by an object into the [genital] [anal] opening of a person's body.]

NOTE WELL: N.C. Gen. Stat. § 14-27.1(4) provides that it shall be an affirmative defense to the fifth type of sexual act in (E) above that the penetration was for an accepted medical purpose. If there is evidence of such a purpose, instruct accordingly at the end of the charge and in the mandate. See N.C.P.I.—Crim. 306.10 for an instruction on Accepted Medical Purpose.

Second, that the defendant used or threatened to use force sufficient to overcome any resistance the alleged victim might make.

NOTE WELL: With regard to the Third element below, for offenses committed on or after December 1, 2015 and before December 1, 2019, delete the italicized language.

And Third, that the alleged victim did not consent and it was against the alleged victim's will, *that is, the intercourse was [without consent of the alleged victim] [after consent was revoked by the alleged victim, in a manner that would cause a reasonable person to believe consent was revoked].* (Consent induced by fear is not consent at law).

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant engaged in a sexual act with the alleged victim and that the defendant did so by force or threat of force and that this was sufficient to overcome any resistance which the alleged victim might make and that the alleged victim did not consent and it was against the alleged

victim's will, it would be your duty to return a verdict of guilty of second degree forcible sexual offense. 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.³

NOTE WELL. In an appropriate case the judge should use N.C.P.I.—Crim. 201.10 to charge on attempted second degree sexual offense as a lesser included offense.

NOTE WELL: If a party requests an instruction on Assault on a Female, see State v. Martin, 222 N.C. App. 213 (2012), where the defendant was convicted of two counts of first-degree sexual offense, the North Carolina Court of Appeals held that assault on a female is not a lesser included offense of first-degree sexual offense, because to convict for first-degree sexual offense, it need not be shown that the victim is a female, that the defendant is a male, or that the defendant is at least 18 years of age.

Simple Assault may still be an appropriate lesser included offense. If so, use N.C.P.I.—Crim. 208.40.

1. In *S v. Ludlum*, 303 N.C. 666 (1981), the North Carolina Supreme Court held that penetration of the female sex organ is not required to complete the act of cunnilingus under the Sexual Offense Statutes set out in N.C. Gen. Stat. § 14-27.4 et seq. However, the Court did specifically adhere to the rule of earlier cases that penetration is required to complete the offense of Crime Against Nature. (N.C. Gen. Stat. § 14-177; N.C.P.I.—Crim. 226.10).

2. *S v. Warren*, 309 N.C. 224 (1983), held that Crime Against Nature is not a lesser included offense of first or second degree sexual offense, but when the bill charges anal intercourse Warren infers that Crime Against Nature is a lesser included offense.

3. If there are other lesser included offenses, the last phrase should be "you would not return a verdict of guilty of second degree forcible sexual offense, but would consider whether the defendant is guilty of"

207.65 SECOND-DEGREE SEXUAL OFFENSE—ALLEGED VICTIM MENTALLY
DISABLED, MENTALLY INCAPACITATED OR PHYSICALLY HELPLESS.
(OFFENSES PRIOR TO DEC. 1, 2015) FELONY.

*NOTE WELL: The crime of Sexual Offense covers sexual acts other
than vaginal intercourse and applies regardless of the gender of
the defendant or the alleged victim.*

*This instruction is valid for offenses committed before December
1, 2015. For offenses committed on or after December 1, 2015,
use N.C.P.I.—Crim. 207.65A.*

The defendant has been charged with second-degree sexual offense.

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

First, that the defendant engaged in a sexual act with the alleged
victim. A sexual act means

- (a) [cunnilingus, which is any touching, however slight, by the lips or
the tongue of one person to any part of the female sex organ of
another.]¹
- (b) [fellatio, which is any touching by the lips or tongue of one person
and the male sex organ of another.]²
- (c) [analingus, which is any contact between the mouth or lips of one
person and the anus of another.]
- (d) [anal intercourse, which is any penetration, however slight, of the
anus of any person by the male sexual organ of another.]
- (e) [any penetration, however slight, by an object into the [genital]
[anal] opening of a person's body.]

NOTE WELL: N.C. Gen. Stat. § 14-27.1(4) provides that it shall be an affirmative defense to the fifth type of sexual act in (E) above that the penetration was for an accepted medical purpose. If there is evidence of such a purpose, instruct accordingly at the end of the charge and in the mandate. See N.C.P.I.—Crim. 306.10 for an instruction on Accepted Medical Purpose.

Second, that the alleged victim

- (a) [had a mental disability. A person has a mental disability if the person suffers from [intellectual disability] [mental disorder] and this [an intellectual disability] [a mental disorder] temporarily or permanently renders the person substantially incapable of
 - (1) [appraising the nature of the person's conduct]
 - (2) [resisting a sexual act]
 - (3) [communicating unwillingness to submit to a sexual act].]
- (b) [was mentally incapacitated. A person is mentally incapacitated when, due to any act committed upon the person, the person is rendered substantially incapable of [appraising the nature of the person's conduct] [resisting the act of vaginal intercourse] [resisting a sexual act].]
- (c) [physically helpless. A person is physically helpless if that person is
 - (1) [unconscious]
 - (2) [physically unable to resist a sexual act]
 - (3) [physically unable to communicate unwillingness to submit to a sexual act].]

And Third, that the defendant knew or should reasonably have known
that the alleged victim [had a mental disability] [was mentally incapacitated]
[was physically helpless.]

If you find from the evidence beyond a reasonable doubt that on or
about the alleged date, the defendant engaged in a sexual act with the alleged
victim and that at that time the alleged victim [had a mental disability] [was
mentally incapacitated] [was physically helpless] and that the defendant knew
or should reasonably have known that the alleged victim [had a mental
disability] [was mentally incapacitated] [was physically helpless], it would be
your duty to return a verdict of guilty. If you do not so find or have a
reasonable doubt about one or more of these things, it would be your duty to
return a verdict of not guilty.

*NOTE WELL: In an appropriate case the judge should use
N.C.P.I.—Crim. 201.10 to charge on attempted second degree
sexual offense as a lesser included offense under this charge.*

*NOTE WELL: If a party requests an instruction on Assault on a
Female, see State v. Martin, 222 N.C. App. 213 (2012), where the
defendant was convicted of two counts of first-degree sexual
offense, the North Carolina Court of Appeals held that assault on
a female is not a lesser included offense of first-degree sexual
offense, because to convict for first-degree sexual offense, it need
not be shown that the victim is a female, that the defendant is a
male, or that the defendant is at least 18 years of age.*

*Simple Assault may still be an appropriate lesser included offense.
If so, use N.C.P.I.-Crim. 208.40.*

1. In *S v. Ludlum*, 303 N.C. 666 (1981), the North Carolina Supreme Court held that penetration of the female sex organ is not required to complete the act of cunnilingus under the Sexual Offense Statutes set out in N.C. Gen. Stat. § 14-27.4 et seq. However, the Court

did specifically adhere to the rule of earlier cases that penetration is required to complete the offense of Crime Against Nature. (N.C. Gen. Stat. § 14-177; N.C.P.I.—Crim. 226.10.)

2. *S v. Warren*, 309 N.C. 224 (1983), held that Crime Against Nature is not a lesser included offense of first- or second-degree sexual offense, but when the bill of indictment charges anal intercourse Warren infers that Crime Against Nature is a lesser included offense.

207.65A SECOND-DEGREE FORCIBLE SEXUAL OFFENSE—ALLEGED VICTIM HAS A MENTAL DISABILITY, IS MENTALLY INCAPACITATED OR PHYSICALLY HELPLESS. (OFFENSES ON OR AFTER DEC. 1, 2015) FELONY.

NOTE WELL: The crime of Sexual Offense covers sexual acts other than vaginal intercourse and applies regardless of the gender of the defendant or the alleged victim.

This instruction is valid for offenses committed on or after December 1, 2015. For offenses committed before December 1, 2015, use N.C.P.I.—Crim. 207.65.

*NOTE WELL: For offenses committed on or after December 1, 2019, N.C.G.S. § 14-27.20(2) defines "mentally incapacitated" as a victim who due to **any act** is rendered substantially incapable of either appraising the nature of his or her conduct, or resisting the act of vaginal intercourse or a sexual act. For the period between December 1, 2018 and December 1, 2019, "mentally incapacitated" is defined as a victim who due to **(i) any act committed upon the victim or (ii) a poisonous or controlled substance provided to the victim without the knowledge or consent of the victim** is rendered substantially incapable of either appraising the nature of his or her conduct, or resisting the act of vaginal intercourse or sexual act.*

The defendant has been charged with second-degree forcible sexual offense.

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

First, that the defendant engaged in a sexual act with the alleged victim. A sexual act means

- (a) [cunnilingus, which is any touching, however slight, by the lips or the tongue of one person to any part of the female sex organ of another.]¹

- (b) [fellatio, which is any touching by the lips or tongue of one person and the male sex organ of another.]²
- (c) [analingus, which is any contact between the mouth or lips of one person and the anus of another.]
- (d) [anal intercourse, which is any penetration, however slight, of the anus of any person by the male sexual organ of another.]
- (e) [any penetration, however slight, by an object into the [genital] [anal] opening of a person's body.]

NOTE WELL: N.C. Gen. Stat. § 14-27.1(4) provides that it shall be an affirmative defense to the fifth type of sexual act in (E) above that the penetration was for an accepted medical purpose. If there is evidence of such a purpose, instruct accordingly at the end of the charge and in the mandate. See N.C.P.I.—Crim. 306.10 for an instruction on Accepted Medical Purpose.

Second, that the alleged victim

- (a) [had a mental disability. A person has a mental disability if the person suffers from [an intellectual disability] [a mental disorder] and this [intellectual disability] [mental disorder] temporarily or permanently renders the person substantially incapable of
 - (1) [appraising the nature of the person's conduct]
 - (2) [resisting a sexual act]
 - (3) [communicating unwillingness to submit to a sexual act.]]

NOTE WELL: With regard to element (b) below, for offenses committed on or after December 1, 2018 and before December 1, 2019, delete "any act" and substitute the following language: [any act committed upon the person] [a poisonous³ or controlled substance provided to the person without their knowledge or consent].

- (b) [was mentally incapacitated. A person is mentally incapacitated when, due to any act, the person is rendered substantially incapable of [appraising the nature of the person’s conduct] [resisting the act of vaginal intercourse] [resisting a sexual act]].
- (c) [was physically helpless. A person is physically helpless if that person is
- (1) [unconscious]
 - (2) [physically unable to resist a sexual act]
 - (3) [physically unable to communicate unwillingness to submit to a sexual act].]

And Third, that the defendant knew or should reasonably have known that the alleged victim [had a mental disability] [was mentally incapacitated] [was physically helpless.]

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant engaged in a sexual act with the alleged victim and that at that time the alleged victim [had a mental disability] [was mentally incapacitated] [was physically helpless] and that the defendant knew or should reasonably have known that the alleged victim [had a mental disability] [was mentally incapacitated] [was physically helpless], it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt about one or more of these things, it would be your duty to return a verdict of not guilty.

NOTE WELL: In an appropriate case the judge should use N.C.P.I.—Crim. 201.10 to charge on attempted second degree sexual offense as a lesser included offense under this charge

NOTE WELL: If a party requests an instruction on Assault on a Female, see State v. Martin, 222 N.C. App. 213 (2012), where the

defendant was convicted of two counts of first-degree sexual offense, the North Carolina Court of Appeals held that assault on a female is not a lesser included offense of first-degree sexual offense, because to convict for first-degree sexual offense, it need not be shown that the victim is a female, that the defendant is a male, or that the defendant is at least 18 years of age.

Simple Assault may still be an appropriate lesser included offense. If so, use N.C.P.I.—Crim. 208.40.

1. In *S v. Ludlum*, 303 N.C. 666 (1981), the North Carolina Supreme Court held that penetration of the female sex organ is not required to complete the act of cunnilingus under the Sexual Offense Statutes set out in N.C. Gen. Stat. § 14-27.4 *et seq.* However, the Court did specifically adhere to the rule of earlier cases that penetration is required to complete the offense of Crime Against Nature. (N.C. Gen. Stat. § 14-177; N.C.P.I.—Crim. 226.10.)

2. *S v. Warren*, 309 N.C. 224 (1983), held that Crime Against Nature is not a lesser included offense of first- or second-degree sexual offense, but when the bill of indictment charges anal intercourse *Warren* infers that Crime Against Nature is a lesser included offense.

3. If the substance used to cause incapacitation of the alleged victim was unusual or not commonly known or thought to be poisonous, use the following statement: "It is not necessary that a substance be widely known as a poison for the purposes of this crime; just as arsenic and cyanide are poisonous substances which will cause death to a human being, so also is sugar to the acute diabetic, or dust to the acute asthmatic. In determining the poisonous nature of a substance, you must look to the peculiar weakness or sensibility of the victim to that particular substance." See N.C.P.I.—Crim. 206.12.

207.71A UNLAWFUL ONLINE CONDUCT BY A HIGH-RISK SEX OFFENDER
THAT ENDANGERS CHILDREN. FELONY.

The defendant has been charged with unlawful online conduct by a high-risk sex offender.

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

First, that the defendant:

- (a) [Communicated online with a person that the defendant believed to be under 16 years of age];
- (b) [Contacted online a person that the defendant believed to be under 16 years of age];
- (c) [Used a web site to gather information about a person that the defendant believed to be under 16 years of age];
- (d) [Used a commercial social networking web site¹ in violation of a policy of the web site which prohibited convicted sex offenders from using the site and which was posted in a manner reasonably likely to come to the attention of users].

Second, that the defendant was a person required to register as a sex offender under North Carolina law;²

And Third, that:

- (a) [On (name date) the defendant in (name court) [was convicted of] [pled guilty to] the aggravated offense³ of (name offense, e.g. first degree forcible rape) against a person under 18 years of age in violation of the law of the State of North Carolina]

- (b) [The defendant was a recidivist⁴, that is, that [on (name date) the defendant in (name court) [was convicted of] [pled guilty to] the offense of (name offense from G.S. 14-208.6(4), (e.g. first degree forcible rape) which was against a person under 18 years of age]
- (c) [On (name date) the defendant in (name court) [was convicted of] [pled guilty to] the offense against a minor⁵ of (name offense, e.g. kidnapping) in violation of the law of the State of North Carolina]
- (d) [On (name date) the defendant in (name court) [was convicted of] [pled guilty to] the sexually violent offense⁶ of (name offense, e.g. first degree forcible rape) against a person under 18 years of age]
- (e) [On (name date) the defendant in (name court) was found to be a sexually violent predator⁷, based on a conviction of a sexually violent offense committed against a minor.]

If you find from the evidence beyond a reasonable doubt that or about the alleged date the defendant:

- (a) [communicated with a person that the defendant believed to be under 16 years of age];
- (b) [contacted a person that the defendant believed to be under 16 years of age];
- (c) [used a web site to gather information about a person that the defendant believed to be under 16 years of age];
- (d) [Used a commercial social networking web site⁸ in violation of a policy of the web site which prohibited convicted sex offenders from using the site and which was posted in a manner reasonably likely to come to the attention of users].

And that,

- (a) [On (name date) the defendant in (name court) [was convicted of]
[pled guilty to] the aggravated offense of (name offense) against a
person under 18 years of age]
- (b) [The defendant was a recidivist and at least one offense was against
a person under 18 years of age]
- (c) [On (name date) the defendant in (name court) [was convicted of]
[pled guilty to] the offense against a minor of (name offense)]
- (d) [On (name date) the defendant in (name court) [was convicted of]
[pled guilty to] the—sexually violent offense of (name offense)
against a person under 18 years of age]
- (e) [On (name date) the defendant in (name court) was found to be a
sexually violent predator, based on a conviction of a sexually violent
offense committed against a minor.]

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.

1. N.C.G.S. § 14-202.5(b) defines “**commercial social networking web site**” as
any web site, application, portal, or other means of accessing the internet that meets all of
the following requirements:

- (1) Is operated by a person who derives revenue from membership fees, advertising,
or other sources related to the operation of the web site.
- (2) Allows users to create personal web pages or profiles that contain the user’s name
or nickname, photographs of the user, and other personal information.
- (3) Provides users or visitors a mechanism to communicate with others, such as a
message board, chat room, or instant messenger.

A commercial social networking web site **does not** include a web site that meets either
of the following requirements:

- (1) Has as its primary purpose the facilitation of commercial transactions, the
dissemination of news, the discussion of political or social issues, or professional
networking.

Is a website owned or operated by a local, State, or federal governmental entity.

2. N.C.G.S. § 14-202.5(c1) defines “**high-risk sex offender**” as any person registered in accordance with Article 27A of Chapter 14 of the General Statutes that meets any of the following requirements:

- (1) Was convicted of an aggravated offense, as that term is defined in G.S. 14-208.6, against a person under 18 years of age.
- (2) Is a recidivist, as that term is defined in G.S. 14-208.6, and one offense is against a person under 18 years of age.
- (3) Was convicted of an offense against a minor, as that term is defined in G.S. 14-208.6.
- (4) Was convicted of a sexually violent offense, as that term is defined in G.S. 14-208.6, against a person under 18 years of age.
- (5) Was found by a court to be a sexually violent predator, as that term is defined in G.S. 14-208.6, based on a conviction of a sexually violent offense committed against a minor.

3. N.C.G.S. § 14-208.6(1a) defines “**aggravated offense**” as any criminal offense that includes either of the following: (i) engaging in a sexual act involving vaginal, anal, or oral penetration with a victim of any age through the use of force or the threat of serious violence; or (ii) engaging in a sexual act involving vaginal, anal, or oral penetration with a victim who is less than 12 years old.

4. N.C.G.S. 208.6(2b) defines “**recidivist**” as a person who has a prior conviction for an offense that is described in G.S. 14-208.6(4) as provided below:

Reportable conviction—any of the following:

- A) A final conviction for an offense against a minor, a sexually violent offense, or an attempt to commit any of those offenses unless the conviction is for aiding and abetting. A final conviction for aiding and abetting is a reportable conviction only if the court sentencing the individual finds that the registration of that individual under this Article furthers the purposes of this Article as stated in G.S. 14-208.5.
- B) A final conviction in another state of an offense, which if committed in this State, is substantially similar to an offense against a minor or a sexually violent offense as defined by this section, or a final conviction in another state of an offense that requires registration under the sex offender registration statutes of that state.
- C) A final conviction in a federal jurisdiction (including a court martial) of an offense, which is substantially similar to an offense against a minor or a sexually violent offense as defined by this section.
- D) A final conviction for a violation of G.S. 14-202(d), (e), (f), (g), or (h), or a second or subsequent conviction for a violation of G.S. 14-202(a), (a1), or (c), only if the court sentencing the individual issues an order pursuant to G.S. 14-202 (I) requiring the individual to register.
- E) A final conviction for a violation of G.S. 14-43.14, only if the court sentencing the individual issues an order pursuant to G.S. 14-43.14(e) requiring the individual to register.

5. N.C.G.S. § 14-208.6(1m) defines “**offense against a minor**” as any of the following offenses if the offense is committed against a minor, and the person committing the offense is not the minor’s parent: G.S. 14-39 (kidnapping), G.S. 14-41 (abduction of

children), and G.S. 14-43.3 (felonious restraint). The term also includes the following if the person convicted of the following is not the minor's parent: a solicitation or conspiracy to commit any of these offenses; aiding and abetting any of these offenses.

6. N.C.G.S. § 14-208.6(5) defines "sexually violent offense" as a violation of former G.S. 14-27.6 (attempted rape or sexual offense), G.S. 14-27.21 (first-degree forcible rape), G.S. 14-27.22 (second-degree forcible rape), G.S. 14-27.23 (statutory rape of a child by an adult), G.S. 14-27.24 (first-degree statutory rape), G.S. 14-27.25(a) (statutory rape of a person who is 15 years of age or younger and where the defendant is at least six years older), G.S. 14-27.26 (first-degree forcible sexual offense), G.S. 14-27.27 (second-degree forcible sexual offense), G.S. 14-27.28 (statutory sexual offense with a child by an adult), G.S. 14-27.29 (first-degree statutory sexual offense), G.S. 14-27.30(a) (statutory sexual offense with a person who is 15 years of age or younger and where the defendant is at least six years older), G.S. 14-27.31 (sexual activity by a substitute parent or custodian), G.S. 14-27.32 (sexual activity with a student), G.S. 14-27.33 (sexual battery), G.S. 14-43.11 (human trafficking) if (i) the offense is committed against a minor who is less than 18 years of age or (ii) the offense is committed against any person with the intent that they be held in sexual servitude, G.S. 14-43.13 (subjecting or maintaining a person for sexual servitude), G.S. 14-178 (incest between near relatives), G.S. 14-190.6 (employing or permitting minor to assist in offenses against public morality and decency), G.S. 14-190.9(a1) (felonious indecent exposure), G.S. 14-190.16 (first degree sexual exploitation of a minor), G.S. 14-190.17 (second degree sexual exploitation of a minor), G.S. 14-190.17A (third degree sexual exploitation of a minor), G.S. 14-202.1 (taking indecent liberties with children), G.S. 14-202.3 (Solicitation of child by computer or certain other electronic devices to commit an unlawful sex act), G.S. 14-202.4(a) (taking indecent liberties with a student), G.S. 14-205.2(c) or (d) (patronizing a prostitute who is a minor or has a mental disability), G.S. 14-205.3(b) (promoting prostitution of a minor or a person who has a mental disability), G.S. 14-318.4(a1) (parent or caretaker commit or permit act of prostitution with or by a juvenile), or G.S. 14-318.4(a2) (commission or allowing of sexual act upon a juvenile by parent or guardian). The term also includes the following: a solicitation or conspiracy to commit any of these offenses; aiding and abetting any of these offenses.

7. N.C.G.S. § 14-208.6(5) defines "sexually violent predator" as a person who has been convicted of a sexually violent offense and who suffers from a mental abnormality or personality disorder that makes the person likely to engage in sexually violent offenses directed at strangers or at a person with whom a relationship has been established or promoted for the primary purpose of victimization.

8. N.C.G.S. § 14-202.5(b) defines "**commercial social networking web site**" as any web site, application, portal, or other means of accessing the internet that meets all of the following requirements:

- (1) Is operated by a person who derives revenue from membership fees, advertising, or other sources related to the operation of the web site.
- (2) Allows users to create personal web pages or profiles that contain the user's name or nickname, photographs of the user, and other personal information.
- (3) Provides users or visitors a mechanism to communicate with others, such as a message board, chat room, or instant messenger.

A commercial social networking web site **does not** include a web site that meets either of the following requirements:

- (1) Has as its primary purpose the facilitation of commercial transactions, the dissemination of news, the discussion of political or social issues, or professional networking.
- (2) Is a website owned or operated by a local, State, or federal governmental entity.

207.90 SEXUAL BATTERY. (OFFENSES OCCURRING PRIOR TO DEC. 1, 2015)
MISDEMEANOR.

NOTE WELL: Use this instruction for offenses committed prior to December 1, 2015. For offenses committed on or after December 1, 2015 use N.C.P.I. Crim.—207.90A.

The defendant has been charged with sexual battery. For you to find the defendant guilty of this offense, the State must prove three things beyond a reasonable doubt.

First, that the defendant engaged in sexual contact with another person. Sexual contact means

- (a) [touching the [sexual organ] [anus] [breast] [groin] [buttocks] of any person]
- (b) [a person touching another person with their own [sexual organ] [anus] [breast] [groin] [buttocks]]
- (c) [a person [[ejaculating] [emitting] [placing]] [semen] [urine] [feces] upon any part of another person]

Second, that

- (a) [the contact was by force without the other person's consent and against the will of the other person (Consent induced by fear is not consent at law).]]
- (b) [the other person was [mentally disabled] [mentally incapacitated] [physically helpless] and the defendant [knew] [should reasonably have known] that the victim was [mentally disabled] [mentally incapacitated] [physically helpless],

And Third, that the defendant acted for the purpose of [sexual arousal]
[sexual gratification] [sexual abuse].

If you find from the evidence beyond a reasonable doubt that on or
about the alleged date the defendant engaged in sexual contact with another
person, that

- (a) [the contact was by force without the other person's consent and it
was against the will of the other person (Consent induced by fear is
not consent at law).]
- (b) [the other person was [mentally disabled] [mentally incapacitated]
[physically helpless]] and the defendant [knew] [should reasonably
have known] that the other person was [mentally disabled]
[mentally incapacitated] [physically helpless], and

the defendant acted for the purpose of [sexual arousal] [sexual gratification]
[sexual abuse], 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.

*NOTE WELL: If a party requests an instruction on Assault on a
Female, see State v. Martin, 222 N.C. App. 213 (2012), where the
defendant was convicted of two counts of first-degree sexual
offense, and the North Carolina Court of Appeals held that assault
on a female is not a lesser included offense of first-degree sexual
offense, because to convict for first-degree sexual offense, it need
not be shown that the victim is a female, that the defendant is a
male, or that the defendant is at least 18 years of age.*

*See also State v. Corbett, 196 N.C. App. 508 (2009),
holding the crime of assault is not a lesser included offense of
sexual battery because all the essential elements of assault are
not essential elements of sexual battery.*

207.90A SEXUAL BATTERY. (OFFENSES ON OR AFTER DEC. 1, 2015)
MISDEMEANOR.

NOTE WELL: Use this instruction for offenses committed on or after December 1, 2015. For offenses committed before December 1, 2015, use N.C.P.I.—Crim. 207.90.

NOTE WELL: For offenses committed on or after December 1, 2019, N.C.G.S. § 14-27.20 defines "against the will of the other person" as either: (1) without the consent of the other person or (2) after consent is revoked by the other person, in a manner that would cause a reasonable person to believe consent is revoked. For the period between December 1, 2015 and December 1, 2019, the consent element of these offenses would use the following language: "the contact was by force without the other person's consent and against the will of the other person."

The defendant has been charged with sexual battery.

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

First, that the defendant engaged in sexual contact with another person. Sexual contact means

- (a) [touching the [sexual organ] [anus] [breast] [groin] [buttocks] of any person]
- (b) [a person touching another person with their own [sexual organ] [anus] [breast] [groin] [buttocks]]
- (c) [a person [[ejaculating] [emitting] [placing]] [semen] [urine] [feces] upon any part of another person]

Second, that

NOTE WELL: With regard to element (a) below, for offenses committed before December 1, 2019, delete the italicized language.

(a) [the contact was by force without the alleged victim's consent and against the will of the other person, *that is, the intercourse was [without consent of the other person] [after consent was revoked by the other person's, in a manner that would cause a reasonable person to believe consent was revoked]* (Consent induced by fear is not consent at law).]

(b) [the other person had a [mental disability] [was mentally incapacitated] [was physically helpless] and the defendant [knew] [should reasonably have known] that the alleged victim [had a mental disability] [was mentally incapacitated] [was physically helpless],

And Third, that the defendant acted for the purpose of [sexual arousal] [sexual gratification] [sexual abuse].

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant engaged in sexual contact with another person, that the defendant acted for the purpose of [sexual arousal] [sexual gratification] [sexual abuse] and that

NOTE WELL: With regard to element (a) below, for offenses committed before December 1, 2019, delete the italicized language.

(a) [the contact was by force without the other person's consent and against the will of the other person *that is, the intercourse was [without consent of the other person] [after consent was revoked by the alleged victim, in a manner that would cause a reasonable person to believe consent was revoked]* (Consent induced by fear is not consent at law).]

(b) [the other person had a [mental disability] [was mentally incapacitated] [was physically helpless]] and the defendant [knew] [should reasonably have known] that the other person [had a mental disability] [was mentally incapacitated] [was physically helpless], and

the defendant acted for the purpose of [sexual arousal] [sexual gratification] [sexual abuse], 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.

NOTE WELL: If a party requests an instruction on Assault on a Female, see State v. Martin, 222 N.C. App. 213 (2012), where the defendant was convicted of two counts of first-degree sexual offense, and the North Carolina Court of Appeals held that assault on a female is not a lesser included offense of first-degree sexual offense, because to convict for first-degree sexual offense, it need not be shown that the victim is a female, that the defendant is a male, or that the defendant is at least 18 years of age.

See also State v. Corbett, 196 N.C. App. 508 (2009), holding the crime of assault is not a lesser included offense of sexual battery because all the essential elements of assault are not essential elements of sexual battery.

207.97 SEXUAL [CONTACT] [PENETRATION] UNDER PRETEXT OF MEDICAL
TREATMENT. FELONY.

The defendant has been charged with sexual [contact] [penetration] under pretext of medical treatment.

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

First, that the defendant undertook medical treatment of a patient. Medical treatment includes an examination or procedure. A patient is a person who has undergone or is seeking to undergo medical treatment.

Second, that, in the course of that medical treatment, the defendant represented to the patient that sexual [contact] [penetration] between the defendant and the patient [was necessary] [would be beneficial to the patient's health].

[Sexual contact is the intentional touching of a person's intimate parts or the intentional touching of the clothing covering the immediate area of the person's intimate parts, if that intentional touching can reasonably be construed as being for the purpose of sexual arousal or gratification, done for a sexual purpose, or done in a sexual manner.]

[Sexual penetration is [sexual intercourse] [cunnilingus] [fellatio] [anal intercourse] [any intrusion, however slight, of any part of a person's body or of any object into the genital or anal openings of another person's body, regardless of whether semen is emitted, if that intrusion can reasonably be construed as being for the purpose of sexual arousal or gratification, done for a sexual purpose, or done in a sexual manner.]

And Third, that the defendant induced the patient to engage in sexual [contact] [penetration] with the defendant by means of the representation.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant undertook medical treatment of a patient, that in the course of that medical treatment the defendant represented to the patient that sexual [contact] [penetration] between the defendant and the patient [was necessary] [would be beneficial to the patient's health], and that the defendant induced the patient to engage in sexual [contact] [penetration] with the defendant by means of the representation, 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.

207.98 ENGAGING IN SEXUAL [CONTACT] [PENETRATION] UNDER PRETEXT
OF MEDICAL TREATMENT—INCAPACITATED PATIENT. FELONY.

The defendant has been charged with engaging in sexual [contact]
[penetration] with an incapacitated patient.

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

First, that the defendant undertook medical treatment of a patient.
Medical treatment includes an examination or procedure. A patient is a person
who has undergone or is seeking to undergo medical treatment.

Second, that, in the course of that medical treatment, the defendant
engaged in sexual [contact] [penetration] with the patient.

[Sexual contact is the intentional touching of a person's intimate parts
or the intentional touching of the clothing covering the immediate area of the
person's intimate parts, if that intentional touching can reasonably be
construed as being for the purpose of sexual arousal or gratification, done for
a sexual purpose, or done in a sexual manner.]

[Sexual penetration is [sexual intercourse] [cunnilingus] [fellatio] [anal
intercourse] [any intrusion, however slight, of any part of a person's body or
of any object into the genital or anal openings of another person's body,
regardless of whether semen is emitted, if that intrusion can reasonably be
construed as being for the purpose of sexual arousal or gratification, done for
a sexual purpose, or done in a sexual manner.]

And Third, that the defendant engaged in this sexual [contact]
[penetration] with the patient while the patient was incapacitated. A patient
is incapacitated if the patient is incapable of appraising the nature of a medical

treatment, either because the patient is unconscious or under the influence of an impairing substance.¹

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant undertook medical treatment of a patient, that in the course of that medical treatment the defendant engaged in sexual [contact] [penetration] with the patient, and that the defendant engaged in this sexual [contact] [penetration] with the patient while the patient was incapacitated, 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.

1. Impairing substances include, but are not limited to, alcohol, anesthetics, controlled substances listed under Chapter 90 of the General Statutes, or any other drug or psychoactive substance capable of impairing a person's physical or mental faculties.

208.04 THREATENING TO KILL OR INFLICT SERIOUS BODILY INJURY UPON
A(N) [LEGISLATIVE] [EXECUTIVE] [COURT] OFFICER. FELONY.

The defendant has been charged with threatening to [kill] (or) [inflict serious bodily injury upon] a(n) [legislative] [executive] [court] officer.

For you to find the defendant guilty of this offense, the State must prove three things beyond a reasonable doubt:¹

First, that the defendant knowingly and willfully² made a threat³ to [inflict serious bodily injury upon] [kill] the victim. (In cases where the defendant contends that the alleged threat was not a “true threat” and was rather protected First Amendment political speech, the jury should be instructed as follows: “Such a threat must be a ‘true threat,’ that is, it must be a threat that is unequivocal, that would lead a reasonable person to believe that it will likely be followed by unlawful acts, and that instills in the recipient a fear of serious personal violence from the speaker.”)³

Second, that the alleged victim was a(n) [legislative]⁴ [executive]⁵ [court]⁶ officer.⁷ [(Name victim's title) is a(n) [legislative] [executive] [court] officer.]

And Third, that the defendant knew or had reasonable grounds to know that the alleged victim was a(n) [legislative] [executive] [court] officer.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant knowingly and willfully made a (true) threat to [inflict serious bodily injury upon] [kill], the victim, that the victim was a(n) [legislative] [executive] [court] officer, and that the defendant knew or had reasonable grounds to know that the victim was a(n) [legislative] [executive] [court] officer, 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.⁸

1. It is not necessary to prove that the legislative, executive, or court officer actually received or believed the threat. N.C. Gen. Stat. § 14-16.8.

2. A person acts "knowingly" when the person is aware or conscious of what he or she is doing. A person acts "willfully" when the act was done intentionally and without an honest belief that there is an excuse or justification for it. *North Carolina Crimes: A Guidebook on the Elements of Crime*, Thornburg, 4th edition, 1995, *Institute of Government, The University of North Carolina at Chapel Hill*.

3. The North Carolina Court of Appeals has explained that "establishing that an alleged threat was a 'true threat' must be treated as an essential element of the offense to be proved by the state." *State v. Taylor*, 841 S.E. 2d 776 (N.C. Ct. App.) (explaining that a true threat occurs when, based on the context, the speaker means to communicate a serious expression of an intent to commit an act of unlawful violence to a particular individual or group of individuals), temp. stay allowed, 374 N.C. 428, 839 S.E. 2d 856 (2020). See also *United States v. White*, 670 F.3d 498, 507 (4th Cir. 2012) ("*White I*").

4. N.C. Gen. Stat. § 147-2 The legislative officers are: the fifty Senators; One hundred and twenty members of the House of Representatives; a Speaker of the House of Representatives; a clerk and assistants in each house; a Sergeant-at-arms and assistants in each house; and as many subordinates in each house as may be deemed necessary.

5. N.C. Gen. Stat. § 147-3(c) The general civil executive officers of this State are as follows: a Governor; a Lieutenant Governor; Private secretary for the Governor; a Secretary of State; an Auditor; a Treasurer; an Attorney General; a Superintendent of Public Instruction; the members of the Governor's Council; a Commissioner of Agriculture; a Commissioner of Labor; a Commissioner of Insurance.

6. N.C. Gen. Stat. § 14-16.10(1) defines a court officer as Magistrate, clerk of superior court, acting clerk, assistant or deputy clerk, judge, or justice of the General court of Justice; district attorney, assistant district attorney, or any other attorney designated by the district attorney to act for the State or on behalf of the district attorney; public defender or assistant defender; court reporter; juvenile court counselor as defined in N.C. Gen. Stat. § 7B-1501(5). Effective December 1, 2003, the term "court officer" includes any attorney or other individual employed by or acting on behalf of the department of social services in proceedings pursuant to Subchapter I of Chapter 7B of the General Statutes; any attorney or other individual appointed pursuant to N.C. Gen. Stat. § 7B-601 or N.C. Gen. Stat. § 7B-1108 or employed by the Guardian *ad Litem* Services Division of the Administrative Office of the Courts.

7. N.C. Gen. Stat. § 14-16.9 provides that any person who has been elected to any of the above-mentioned offices, but has not yet taken the oath of office, shall be considered to hold the office for the purpose of this offense.

8. In a proper case, a further instruction as to any lesser included offense may be necessary.

208.60 ASSAULT INFLICTING SERIOUS INJURY. MISDEMEANOR.

NOTE WELL: Use N.C.P.I. 208.72 if the defendant, during the course of the assault, inflicts serious bodily injury or uses a deadly weapon on a person with whom the defendant has a personal relationship, in the presence of a minor.

The defendant has been charged with assault inflicting serious injury.

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

First, that the defendant assaulted the alleged victim by intentionally¹ (and without justification or excuse)² (*describe assault*).

And Second, that the defendant inflicted serious injury upon the alleged victim. Serious injury is such physical injury as causes great pain and suffering.³

NOTE WELL: If self-defense is an issue, use N.C.P.I.—Crim. 308.40 or 308.45, as appropriate.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant intentionally assaulted the alleged victim inflicting serious injury by (*describe assault*) (nothing else appearing) 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.⁴

*NOTE WELL: If self-defense is an issue, use mandate from N.C.P.I.—Crim. 308.40 or 308.45, as appropriate.*⁵

1. If a definition of intent is required, see N.C.P.I.—Crim. 120.10.

2. The parenthetical phrase should be used only where there is some evidence of justification or excuse, such as self-defense.

3. See *S. v. Jones*, 258 N.C. 89 (1962), and *S. v. Ferguson*, 261 N.C. 558 (1964).

If there is evidence as to injuries which could not conceivably be considered anything but serious, the trial judge may instruct the jury as follows: "*Describe injury*) would be a serious injury." *S. v. Johnson*, 320 N.C. 746, 751 (1987).

4. If there is to be instruction on lesser included offenses, the last phrase should be: ". . . you will not return a verdict of guilty of assault inflicting serious injury."

5. Including self-defense in the mandate is required by *S. v. Dooley*, 285 N.C. 158 (1974).

208.90 DISCHARGING A FIREARM INTO OCCUPIED PROPERTY. FELONY.

NOTE WELL: For offenses involving discharge of a barreled weapon which is not a firearm, use N.C.P.I.—Crim. 208.90A.

The defendant has been charged with discharging a firearm into occupied property.¹

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

First, that the defendant willfully or wantonly discharged a firearm into a(n) [building] [structure] [vehicle] [aircraft] [watercraft] [(describe other conveyance)] [device] [equipment] [erection] [enclosure]² (without justification or excuse).³ An act is willful or wanton when it is done intentionally with knowledge or a reasonable ground to believe that the act would endanger the rights or safety or others.

Second, that the [building] [structure] [vehicle] [aircraft] [watercraft] [(describe other conveyance)] [device] [equipment] [erection] [enclosure] was occupied by one or more persons at the time that the firearm was discharged.

And Third, that the defendant knew that the [building] [structure] [vehicle] [aircraft] [watercraft] [(describe other conveyance)] [device] [equipment] [erection] [enclosure] was occupied by one or more persons, (or that the defendant had reasonable grounds to believe that the [building] [structure] [vehicle] [aircraft] [watercraft] [(describe other conveyance)] [device] [equipment] [erection] [enclosure] was occupied by one or more persons).

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant willfully or wantonly discharged a

firearm into the [building] [structure] [vehicle] [aircraft] [watercraft]
[(*describe other conveyance*)] [device] [equipment] [erection] [enclosure]
(without justification or excuse),⁴ while it was occupied by one or more
persons, and that defendant knew it was occupied by one or more persons (or
had reasonable grounds to believe that it was occupied by one or more
persons), 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.

1. For purposes of this statute, property is described as any building, structure, vehicle, aircraft, watercraft, or other conveyance, device, equipment, erection, or enclosure.

2. N.C. Gen. Stat. § 14-34.1 forbids attempting to discharge a firearm into occupied property as well as the actual discharge.

If only an "attempt" is charged and the judge believes that it is a type covered by the statute, the instruction may be modified accordingly. If an instruction explaining "attempt" is required, see N.C.P.I.—Crim. 201.10.

3. The parenthetical phrase should be used only where there is evidence of justification or excuse, such as self-defense.

4. The parenthetical phrase should be used only where there is evidence of justification or excuse, such as self-defense. Where there is evidence sufficient to instruct on self-defense, provide the self-defense instruction and include a mandate that self-defense applies to each charge. See *State v. McKoy*, 834 S.E.2d 192 (2019) (holding that the trial court erred in failing to give a self-defense instruction in its final mandate on the charge of discharging a firearm into occupied property).

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PART II. SUBSTANTIVE OFFENSES

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* On or after 12/1/97, Voluntary Manslaughter is a Class D felony.

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206.10A	First Degree Murder—Special Instruction for Accessory before the Fact. G.S. 14-5.2. (12/2001)		
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206.30A	Second Degree Murder Where a Deadly Weapon Is Used, Not Including Self-Defense, Covering All Lesser Included Homicide Offenses. G.S. 14-17, 14-18. (6/2014)	C, F, H	B2, E, F*
206.31	Second Degree Murder Where No Deadly Weapon Is Used, Covering All Lesser Included Homicide Offenses and Self-Defense. G.S. 14-17, 14-18. (6/2014)	C, F, H	B2, E, F*
206.31A	Second Degree Murder Where No Deadly Weapon Is Used, Not Involving Self-Defense, Covering All Lesser Included Homicide Offenses. G.S. 14-17, 14-18. (6/2014)	C, F, H	B2, E, F*
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206.32	Second Degree Murder by Vehicle, Including Involuntary Manslaughter and Misdemeanor Death by Vehicle. (Impaired Driving). G.S. 14-17, 14-18, 20-139.1, 20-141.4. (6/2014)	C, H, Misd	B2, F, Misd 1
206.32A	Second Degree Murder by Vehicle, Including Involuntary Manslaughter and Misdemeanor Death by Vehicle. (Not Involving Impaired Driving). G.S. 14-17, 14-18, 20-139.1, 20-141.4. (6/2019)	C, H, Misd	B2, F, Misd 1
206.35	Second Degree Murder (Child Beating) Covering Involuntary Manslaughter as a Lesser Included Offense. G.S. 14-17, 14-18, 14-318.2, -318.4. (6/2014)	C, H	B2, F
206.40	Voluntary Manslaughter Including Self-Defense (In the Heat of Passion or Imperfect Self-Defense), Also Including Involuntary Manslaughter. G.S. 14-18. (6/2019)	F, H	E, F*
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206.55	Involuntary Manslaughter—(Including Misdemeanor Death by Vehicle). G.S. 14-18, 20-141.4. (6/2014)	H, Misd	F, Misd 1
206.55A	Involuntary Manslaughter—(Impaired Driving). (Offenses after Dec. 1, 2006). G.S. 20-141.4. (6/2014)	H	F

* On or after 12/1/97, Voluntary Manslaughter is a Class D felony.

206.56	Involuntary Manslaughter—(Impaired Driving). (Offenses prior to Dec. 1, 2006). G.S. 20-141.4. (6/2014)	H	F
206.57	Felony Death by Vehicle (offenses prior to Dec. 1, 2006). G.S. 20-141.4(a1). (6/2014)	I	G
206.57A	Felony Death by Vehicle (offenses after Dec. 1, 2006). G.S. 20-141.4(a1). (6/2014)	I	G
206.57B	Aggravated Felony Death by Vehicle. G.S. 20-141.4(a5). (6/2014)		D
206.57C	Felony Serious Injury by Vehicle. G.S. 20-141.4(a3). (6/2014)		F
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206.58	Misdemeanor Death by Vehicle. G.S. 20-141.4(a2). (6/2014)	Misd	Misd 1
206.60	Murder of Unborn Child—Willful and Malicious Act (6/2012)		A
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206.62	Murder of Unborn Child—[Murder] [Voluntary Manslaughter] [Involuntary Manslaughter] of Mother (6/2012)		B2, D, F
206.63	Murder of Unborn Child—Willful and Malicious Act. G.S. 14-23.2(a)(1). (6/2014)		A
206.70	Death By Distribution of Certain Controlled Substances. (6/2020)		C
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207.10A	First Degree Forcible Rape (Weapon, Serious Injury, or Multiple Assailants) and Lesser Included Offenses. G.S. 14-27.21, 14-27.22, 14-27.34. (Offenses on or After Dec. 1, 2015). (6/2020)		B1, B2, C, D, Misd
207.10B	First Degree Forcible Rape (Weapon, Serious Injury, or Multiple Assailants) and Lesser Included Offenses. G.S. 14-27.21, 14-27.22, 14-27.34. (Offenses on or After Dec. 1, 2017). (6/2020)		B1, B2, C, D, Misd
207.11	Attempted First Degree Rape (Weapon, Serious Injury, or Multiple Assailants) Covering Attempted Second Degree Rape as a Lesser Included Offense. G.S. 14-27.2(2), 14-27.3(1), 14-27.6. (6/2020)	F, H	F, H
207.11A	Attempted First Degree Rape (Weapon, Serious Injury, or Multiple Assailants) Covering Attempted Second Degree Rape as a Lesser Included Offense. G.S. 14-27.21, 14-27.22, 14-27.34. (6/2020)		
207.11B	Attempted First Degree Forcible Rape (Weapon, Serious Injury or Multiple Assailants) Covering Attempted Second-Degree Rape as a Lesser Included Offense. (Offenses on or after Dec. 1, 2017). (6/2020)		B1, C
207.15	Rape of a Child. G.S. 14-27.2A. (6/2016)		B1
207.15A	Statutory Rape of a Child by an Adult G.S. 14-27.23. (6/2016)		

207.15A.1	Attempted First Degree Rape—Alleged Victim Under the Age of Thirteen Years. G.S. 14-27.2(a)(1), 14-27.8 (6/2016).	F	F
207.15A.1A	Attempted First Degree Statutory Rape—Alleged Victim Under the Age of Thirteen Years. G.S. 14-27.24(a)(1), 14-27.34. (6/2016)		
207.15.1	First Degree Rape—Female under the Age of Thirteen Years. G.S. 14-27.2(1). (6/2016)	B	B1
207.15.1A	First Degree Statutory Rape—Alleged Victim Under the Age of Thirteen Years. (6/2016)		
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207.15.2A	Statutory Rape Against an Alleged Victim Who Was Fifteen Years of Age or Younger. G.S. 14-27.25. (6/2016)		
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207.15.3A	Statutory Sexual Offense of an Alleged Victim Who Was Fifteen Years of Age or Younger. G.S. 14-27.30. (6/2016)		B1, C
207.20	Second Degree Rape—Force. G.S. 14-27.3. (6/2020)	D	C
207.20A	Second Degree Rape—Force (Victim Asleep or Similarly Incapacitated). G.S. 14-27.3. (6/2020)		
207.20A.1	Second Degree Rape—Forcible (Alleged Victim Asleep or Similarly Incapacitated). G.S. 14-27.3 (6/2020)		
207.20B	Second Degree Forcible Rape. G.S. 14-27.22 (6/2020)		
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207.25A	Second Degree Rape—Victim Mentally Disabled, Mentally Incapacitated or Physically Helpless. G.S. 14-27.3. (6/2020)		
207.40	First Degree Sexual Offense—Weapon, Serious Injury, or Multiple Assailants, Covering Second Degree Sex Offense as a Lesser Included Offense. G.S. 14-27.4, 14-27.5. (5/2020)	B, D	B1, C
207.40A	Attempted First Degree Sexual Offense (Weapon, Serious Injury, or Multiple Assailants) Covering Attempted Second Degree Sex Offense as a Lesser Included Offense. G.S. 14-27.4(2), 14-27.5(2), 14-27.6. (5/2020)	F, H	F, H
207.40A.1	Attempted First Degree Forcible Sexual Offense—(Weapon, Serious Injury, or Multiple Assailants) Covering Attempted Second Degree Forcible Sex Offense as a Lessor Included Offense. G.S. 14-27.26, 14-27.27, 14-27.34. (6/2020)		
207.40B	First Degree Forcible Sexual Offense—(Weapon, Serious Injury, or Multiple Assailants) Covering Second Degree Sex Offense as a Lessor Included Offense. G.S. 14-27.26, 14-27.27. (Offenses on or After Dec. 1, 2015). (6/2020)		
207.40C	First Degree Forcible Sexual Offense—(Weapon, Serious Injury, or Multiple Assailants) Covering Second Degree Sex Offense as a Lessor Included Offense. G.S. 14-27.26, 14-27.27. (Offenses on or After Dec. 1, 2017). (6/2020)		
207.45	Sexual Offense with a Child. G.S. 14-27.4A. (6/2016)		B1
207.45.1	First Degree Sexual Offense—Child under the Age of Thirteen Years. G.S. 14-27.4. (6/2016)	B	B1
207.45.1A	First Degree Statutory Sexual Offense—Child under the Age of Thirteen Years. G.S. 14-27.29. (6/2016)		

207.45A	Statutory Sexual Offense with a Child by an Adult. G.S. 14-27.28 (6/2016)		
207.45A.1	Attempted First Degree Sexual Offense—Child under the Age of Thirteen Years. G.S. 14-27.4, 14-27.8. (6/2016)	F	F
207.45A.1A	Attempted First Degree Statutory Sexual Offense—Child Under the Age of Thirteen Years. G.S. 14-27.29, 14-27.34. (6/2016)		
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207.60A	Second Degree Forcible Sexual Offense. G.S. 14-27.27. (6/2020)		
207.65	Second Degree Sexual Offense—Victim Mentally Disabled, Mentally Incapacitated or Physically Helpless. G.S. 14-27.5. (Offenses Prior to Dec. 1, 2015). (6/2020)	D	C
207.65A	Second Degree Forcible Sexual Offense—Alleged Victim Mentally Disabled, Mentally Incapacitated or Physically Helpless. G.S. 14-27.27. (Offenses On or After to Dec. 1, 2015). (6/2020)	D	C
207.70	Felonious Sexual Activity with Person in Defendant’s Custody. G.S. 14-27.7. (6/2016)	G	E
207.70A	Felonious Sexual Activity with Person in Defendant’s Custody. G.S. 14-27.7. (6/2016)		
207.71	DELETE SHEET. Unlawfully Accessing a Commercial Social Networking Website by a Sex Offender. G.S. 14-202.5A. (6/2018)		I
207.71A	Unlawful Online Conduct By A High-Risk Sex Offender That Endangers Children. (6/2020)		I
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207.73	Failure to Enroll in a Satellite-Based Monitoring Program. G.S. 14-208.44(a). (6/2008)		F
207.74	Failing to [Provide Necessary Information to] [Cooperate with Guidelines and Regulations of] the Department of Corrections While Required to Enroll in a Satellite-Based Monitoring Program. G.S. 14-208.44(c). (6/2008)		Misd 1
207.75	Willfully Failing to Comply with Sex Offender Registration Law. G.S. 14-208.11. (6/2016)	-	F
207.76	Failure to Comply with Sex Offender Residential Restrictions. G.S. 14-208.16. (6/2015)	-	F
207.77	Failure to Comply with Sex Offender Limitations on Residential Use—Minor in Residence. G.S. 14-208.17(b). (6/2007)	-	F
207.78	Intentionally [Tampering with] [Removing] [Vandalizing] [Interfering with Proper Functioning of] a Satellite-Based Monitoring Device. G.S. 14-208.44(a). (6/2008)	-	F
207.79	Failure to Comply with Sex Offender Prohibition on Working or Volunteering for Child-Involved Activities. G.S. 14-208.17(a). (6/2007)	-	F
207.80A	Felonious Sexual Activity Involving Students (by teacher, school administrator, student teacher, school safety officer, coach). G.S. 14-27.7(b). (6/2016)	-	G

207.80A.1	Felonious Sexual Activity With a Student (by Teacher, School Administrator, Student Teacher, School Safety Officer, Coach). G.S. 14-27.32. (6/2016)		G
207.80B	Felonious Sexual Activity Involving Students (by member of school personnel other Than teacher, school administrator, student teacher, school safety officer, coach). G.S. 14-27.7(b). (6/2016)	-	G, Misd A1
207.80B.1	Felonious Sexual Activity With a Student (by member of school personnel other than teacher, School Administrator, Student Teacher, School Safety Officer, Coach). G.S. 14-27.32. (6/2016)		G, I
207.90	Sexual Battery. G.S. 14-27.5A. (Offenses Prior to Dec. 1, 2015) (6/2020)		Misd A1
207.90A	Sexual Battery. G.S. 14-27.33 (Offenses Occuring on or After Dec. 1, 2015) (6/2020)		Misd A1
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207.97	Sexual [Contact] [Penetration] Under Pretext of Medical Treatment—Representations. (6/2020)		C
207.98	Engaging In Sexual [Contact] [Penetration] Under Pretext of Medical Treatment – Incapacitated Patient. (6/2020)		C
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208.01A	Making a Violent Attack upon the [Residence] [Office] [Temporary Accommodation] [Means of Transport] of a(n) [Legislative] [Executive] [Court] Officer. G.S. 14-16.6(a). (4/2004)	H	I
208.02	Assault on a(n) [Legislative] [Executive] [Court] Officer with a Deadly Weapon. G.S. 14-16.6(a), (b). (4/2004)	G	F
208.02A	Making a Violent Attack with a Deadly Weapon upon the [Residence] [Office] [Temporary Accommodation] [Means of Transport] of a(n) [Legislative] [Executive] [Court] Officer. G.S. 14-16.6(a), (b). (4/2004)	G	F
208.03	Assault on a(n) [Legislative] [Executive] [Court] Officer Inflicting Serious Injury. G.S. 14-16.6(c). (4/2004)	F	F
208.03A	Making a Violent Attack upon the [Residence] [Office] [Temporary Accommodation] [Means of Transport] of a(n) [Legislative] [Executive] [Court] Officer Inflicting Serious Injury to a(n) [Legislative] [Executive] [Court] Officer. G.S. 14-16.6(c). (4/2004)	F	F
208.04	Threatening to Kill or Inflict Serious Bodily Injury upon a [Legislative] [Executive] [Court] Officer. G.S. 14-16.7(a), 14-16.8. (6/2020)	J	I
208.04A	Mailing a Threat to Kill or Inflict Serious Bodily Injury upon a(n) [Legislative] [Executive] [Court] Officer. G.S. 14-16.7(b), 14-16.8. (4/2004)	J	I
208.04B	Threatening to Kill or Inflict Serious Bodily Injury Upon a Person as Retaliation Against a [Legislative] [Executive] [Court] Officer. Felony. G.S. 14-16.7(a) (6/2019)		I

208.04C	Mailing a Threat to Kill or Inflict Serious Bodily Injury Upon a Person as Retaliation Against a [Legislative] [Executive] [Copurt] Officer. Felony. G.S. 14-16.7(b) (6/2019)		I
208.05	Malicious Castration. G.S. 14-28, -29. (3/2002)	D, H	C, E
208.06	Castration or Other Maiming without Malice Aforethought. G.S. 14-29. (3/2002)	H	E
208.07	Malicious Maiming. G.S. 14-30. (3/2002)	H	C
208.08	Malicious Throwing of Corrosive Acid or Alkali. G.S. 14-30.1. (3/2002)	H	E
208.09	Malicious Assault and Battery in a Secret Manner with a Deadly Weapon with Intent to Kill. G.S. 14-31. (3/2002)	F	E
208.10	Assault with a Deadly Weapon with Intent to Kill Inflicting Serious Injury. G.S. 14-32(a). (3/2002)	F	C
208.13	Hazing. G.S. 14-35. (4/2004)		Misd 2
208.14	Assault upon a Sports Official. G.S. 14-33(b)(9). (6/2011)	Misd	Misd 1
208.15	Assault with a Deadly Weapon Inflicting Serious Injury. G.S. 14-32(b). (6/2008)	H	E
208.16	Felonious Assault Inflicting Serious Bodily Injury. G.S. 14-32.4. (3/2002)		F
208.25	Assault with a Deadly Weapon with Intent to Kill. G.S. 14-32(c). (3/2002)	H	E
208.30	Assault Offense Classification Chart. (12/1995)		
208.40	Simple Assault—(Not Involving Physical Contact) G.S. 14-33(a). (6/2011)	Misd	Misd 2
208.40A	Simple Assault on an Individual with a Disability. G.S. 14-32.1(f). (6/2019)	Misd	Misd 1
208.41	Simple Assault—(Involving Physical Contact) G.S. 14-33(a). (6/2010)	Misd	Misd 2
208.43	Simple Affray. G.S. 14-33. (6/2017)		Misd 2
208.45	Habitual Misdemeanor Assault. G.S. 14-33.2. (6/2011)		H
208.45A	Habitual Misdemeanor Assault. G.S. 14-33.2. (6/2017)		H
208.45A.1	Habitual Misdemeanor Assault. G.S. 14-33.2. (6/2017)		H
208.50	Assault with a Deadly Weapon. G.S. 14-33(c)(1). (3/2002)	Misd	Misd 1
208.50A	Aggravated Assault on an Individual with a Disability. G.S. 14-32.1(e). (6/2019)	I	F
208.55	Assault Attempting to Inflict Serious Injury. G.S. 14-33(c)(1). (3/2002)	Misd	Misd 1
208.60	Assault Inflicting Serious Injury. G.S. 14-33(c)(1). (6/2020)	Misd	Misd A1
208.61	Assault Inflicting Physical Injury by Strangulation. G.S. 14-32.4. (2/2005)		H
208.65	Assault by a Prisoner with a Deadly Weapon Inflicting Bodily Injury. G.S. 14-258.2. (3/2002)	H	F
208.67	Malicious Conduct by a Prisoner—Throwing of [Bodily Fluids] [Excrement] [Unknown Substance] by a Prisoner at a [State] [Local Government] Employee in the Performance of Employee's Duties. G.S. 14-258.4. (6/2019)		F
208.68	Malicious Conduct by a Prisoner—Exposing Genitalia by a Prisoner to an Employee of [State] [Local Government] in the Performance of Employee's Duties. G.S. 14-258.4 (6/2019)		I
208.70	Assault on a Female by a Male Person. G.S. 14-33(c)(2). (6/2015)	Misd	Misd A1

208.72	Assault by [Inflicting Serious Injury] [Using a Deadly Weapon] in the Presence of a Minor G.S. 14-33(d). (6/2017)		Misd A1
208.75	Assault on a Child under the Age of Twelve Years. G.S. 14-33(c)(3). (6/2011)	Misd	Misd A1
208.76	Assault on an Unborn Child (6/2012)		Misd A1
208.77	Assault Inflicting Serious Bodily Injury—Unborn Child 6/2012)		F
208.80 Series—Notes to 208.80, 208.80A, 208.80B, 208.80C			
208.80	Index to Instructions in 208.81 Series. Assault on an Officer—Arrest Situations. G.S. 14-33(c)(4); 15A-401. (6/2015)		
208.81	Model Instruction—Assault on an Officer—Arrest Situations. G.S. 14-33(c)(4); 15A-401. (6/2015)		
208.81A	Assault on an Officer—Arrest Situations (Only Officer's and Defendant's Force in Dispute). G.S. 14-33(c)(4). (6/2015)	Misd	Misd A1
208.81B	Assault on an Officer and Simple Assault—Arrest Situations (Issues as to Lawfulness of Arrest and Defendant's Force). G.S. 14-33(c)(4); 15A-401, 15A-402. (6/2015)	Misd	Misd A1
208.81C	Assault on an Officer and Simple Assault—Arrest Situations (Issues as to Lawfulness of Arrest without a Warrant, and as to Force Used by Officer and Defendant). G.S.14-33(c)(4). (6/2015)	Misd	Misd A1
208.81D	Simple Assault—Arrest Situations (Issue as to Force Used by Defendant to Resist Unlawful Arrest). G.S. 14-33(c)(4). (6/2015)	Misd	Misd A1
208.81E	Assault on an Officer—Arrest Situations (Issues as to Officer Status of Victim, Fact of Arrest, and Lawfulness of Arrest—Neither Officer's Nor Defendant's Force in Dispute). G.S. 14-33(c)(4). (6/2015)	Misd	Misd A1
208.81F	Assault on an Officer and Simple Assault—Arrest Situations (All Issues in Dispute). G.S. 14-33(c)(4). (6/2015)	Misd	Misd A1
208.81G	Assault on [[Law Enforcement] [Probation] [Parole] Officer] [Person Employed at a [State] [Local] Detention Facility]. G.S. 14-34.7. (6/2013)		F
208.82	Assault upon an Officer or Employee of the State or of Any Political Subdivision of the State or Public Transit Operator. G.S. 14-33(c)(4). (6/2011)	Misd	Misd A1
208.83	Assault upon a School Employee or Volunteer. G.S. 14-33(c)(6). (6/2011)	-	Misd A1
208.84	Ethnic Intimidation. G.S. 14-401.14. (4/2002)	Misd	Misd 1
208.85	Assault by Pointing a Gun. G.S. 14-34. (4/2002)	Misd	Misd A1
208.90	Discharging a Firearm into Occupied Property. G.S. 14-34.1. (6/2020)	H	E
208.90A	Discharging Barreled Weapon into Occupied Property. G.S. 14-34.1. (6/2011)	H	E
208.90B	[Discharging] [Attempting to Discharge] a Firearm Within an Occupied Building or Other Enclosure With Intent to Incite Fear. G.S. 14-34.10. (6/2018)		F
208.90C	Discharging a Barreled Weapon into Occupied Dwelling. G.S. 14-34.1. (6/2016)		D

208.90D	Discharging a Firearm into Occupied Vehicle in Operation. G.S. 14-34.1(b). (6/2011)		D
208.90E	Discharging a Barreled Weapon into Occupied Vehicle in Operation. G.S. 14-34.1(b). (6/2011)		D
208.90F	Discharging a Firearm into Occupied Property Inflicting Serious Bodily Injury. G.S. 14-34.1(c). (6/2011)		C
208.90G	Discharging a Barreled Weapon into Occupied Property Inflicting Serious Bodily Injury. G.S. 14-34.1(c). 6/2011)		C
208.90H	Discharging a Firearm into Occupied Dwelling Inflicting Serious Bodily Injury. G.S. 14-34.1(c). (6/2011)		C
208.90I	Discharging a Barreled Weapon into Occupied Dwelling Inflicting Serious Bodily Injury. G.S. 14-34.1(c). (6/2011)		C
208.90J	Discharging a Firearm into Occupied Vehicle in Operation Inflicting Serious Bodily Injury. G.S. 14-34.(c). (6/2011)		C
208.90K	Discharging a Barreled Weapon into Occupied Vehicle in Operation Inflicting Serious Bodily Injury. G.S. 14-34.1(c). (6/2011)		C
208.94	Assault Inflicting [Serious Bodily] [Serious] Injury on a [[Law Enforcement] [Probation] [Parole] Officer] [Member of the North Carolina National Guard] [Person Employed at a [State] [Local] Detention Facility]. G.S. 14-34.7. (6/2017)		F
208.95	Assault with a Firearm on a Law Enforcement, Probation, or Parole Officer or on a Person Employed at a State or Local Detention Facility. G.S. 14-34.5. (11/1998)	I	E, G
208.95A	Assault with a Firearm or Other Deadly Weapon upon Emergency Medical Services Personnel. G.S. 14-34.6. (2/1999)	I	I, F
208.95B	Assault with a Firearm or Other Deadly Weapon upon an Officer or Employee of the State or of any Political Subdivision of the State, Company Police Officer, or Campus Police Officer. G.S. 14-34.2. (3/1999)	I	F
208.95C	Assault on [[Law Enforcement] [Probation] [Parole] Officer] [Member of the North Carolina National Guard] [Person Employed at a [State] [Local] Detention Facility]—Physical Injury. G.S. 14-34.7(c) (6/2017)		I
208.95D	Assault on [Firefighter] [Emergency Medical Technician] [Emergency Health Care Provider] [Medical Responder] [Emergency Department Personnel] [Licensed Health Provider]. (6/2018)		I
208.95E	[Serious Bodily Injury Inflicted] [Deadly Weapon Used Other Than a Firearm] in Assault on [Firefighter] [Emergency Medical Technician] [Emergency Health Care Provider] [Medical Responder] [Emergency Department Personnel] (6/2012)		H
208.95F	Assault on Emergency Personnel—Dangerous [Weapon] [Substance] (6/2012)		I, F
208.95G	Assault on Emergency Personnel—Physical Injury (6/2012)		
208.96A	Adulteration or Misbranding of Food, Drugs or Cosmetics with Intent to Inflict Serious Injury or Death. G.S. 14-34.4(a). (4/2002)	C	C
208.96B	Extortion by Adulteration or Misbranding of Food, Drugs, or Cosmetics. G.S. 14-34.4(b). (4/2002)	C	C

	Kidnapping.		
210.15	False Imprisonment. (4/2002)	Misd	Misd 1
210.20	First Degree Kidnapping (Hostage, Ransom, Shield, or Terror) Covering Second Degree Kidnapping as a Lesser Included Offense. G.S. 14-39. (6/2011)	D, E	C, E
210.25	First Degree Kidnapping to Commit [Felony] [Serious Injury] Covering Second Degree Kidnapping as a Lesser Included Offense. G.S. 14-39. (6/2016)	D, E	C, E
210.26	First Degree Kidnapping (Involuntary Servitude) Covering Second Degree Kidnapping as a Lesser Included Offense. G.S. 14-39; 14-43.2. (3/2005)	D, E	C, E
210.30	Second Degree Kidnapping (Hostage, Ransom, Shield, or Terror). G.S. 14-39. (6/2017)	E	E
210.35	Second Degree Kidnapping (to Commit Felony or Serious Injury). G.S. 14-39. (6/2017)	E	E
210.36	Second Degree Kidnapping (Involuntary Servitude). G.S. 14-39; 14-43.2. (4/2002)	E	E
210.40	Felonious Restraint. G.S. 14-43.3. (6/2011)	J	F
210.50	Involuntary Servitude (offenses prior to Dec. 1, 2006). G.S. 14-43.2. (6/2011)	I	F
210.50A	Involuntary Servitude. G.S. 14-43.12. (6/2019)	I	F
210.52	Involuntary Servitude of a Minor. G.S. 14-43.12. (6/2019)		C
210.60	Child Abduction. G.S. 14-41. (6/2011)	G	F
210.70	Sexual Servitude. G.S. 14-43.13. (6/2020)		F
210.72	Sexual Servitude of a Minor. G.S. 14-43.13. (6/2020)		C
210.80	Human Trafficking Involving Involuntary Servitude. G.S. 14-43.11. (6/2019)		F
210.82	Human Trafficking Involving Sexual Servitude. G.S. 14-43.11. (6/2020)		F
210.84	Human Trafficking of a Minor Involving Involuntary Servitude. G.S. 14-43.11. (6/2019)		C
210.86	Human Trafficking of a Minor Involving Sexual Servitude. G.S. 14-43.11. (6/2020)		C
210.88	Unlawful [Sale] [Surrender] [Purchase] of a Minor. G.S. 14-43.14. (6/2019)		F
210.89	Promoting Travel For Unlawful Sexual Conduct. (6/2020)		G
210.90	Unlawful Transfer of Custody of a Minor Child by a Parent. G.S. 14-321.2(a)(1). (6/2017)		Misd 2
210.91	Unlawful Transfer of Custody of a Minor Child by a Parent Resulting in Serious Physical Injury to the Child. G.S. 14-321.2(a)(1). (6/2017)		G
210.92	Unlawful Acceptance of Custody of a Minor Child from a Parent. G.S. 14-321.2(a)(2). (6/2017)		Misd 2
210.93	Unlawful Acceptance of Custody of a Minor Child from a Parent Resulting in Serious Physical Injury to the Child. G.S. 14-321.2(a)(2). (6/2017)		G
210.94	Unlawful [Advertising] [Recruiting] [Soliciting] [Aiding] [Abetting] [Conspiring] or [Assisting] in the Unlawful Transfer of Custody of a Minor Child. G.S. 14-321.2(a)(3). (6/2017)		Misd 2

210.95	Unlawful [Advertising] [Recruiting] [Soliciting] [Aiding] [Abetting] [Conspiring] [Assisting] in the Unlawful Transfer of Custody of a Minor Child Resulting in Serious Physical Injury to the Child. G.S. 14-321.2(a)(3). (6/2017)		G
210.96	Knowingly Mutilating The Female Genitals of a Child Less Than 18 Years of Age. (6/2020)		C
210.97	[Consenting to] [Permitting] the Mutilation of the Female Genitals of a Child Less Than 18 Years of Age. (6/2020)		C
210.98	Knowingly [Removing] [Permitting the Removal of] a Child Less Than 18 Years of Age From The State For The Purpose of Mutilating The Child's Female Genitals. (6/2020)		C
Abortion and Similar Offenses.			
211.50	Concealing Birth of a Child. G.S. 14-46. (5/2002)	H	H
211.60	Unlawful Sale of the Remains of an Unborn Child from [Abortion] [Miscarriage]. G.S. 14-46.1 (6/2016)		
Libel and Slander.			
212.10	Communicating Libelous Matter to Newspapers. G.S. 14-47. (5/2002)	Misd	Misd 2
Use of Explosives or Incendiary Devices.			
213.10	Malicious Use of Explosive or Incendiary Device—Personal Injury. G.S. 14-49(a). (5/2002)	E	D
213.15	Malicious Use of Explosive or Incendiary Device—Property Damage. G.S. 14-49(b). (5/2002)	E	G
213.20	Malicious Damage of Occupied Property by Use of Explosive or Incendiary [Device] [Material]. G.S. 14-49.1. (11/2003)	C	D
213.25	Maliciously Damaging Church or Other Building of Worship by Use of an Explosive or Incendiary Device. G.S. 14-49(b1). (1/2004)		E
213.30	Maliciously Damaging State or Local Government Buildings by Use of an Explosive or Incendiary Device. G.S. 14/49(b2). (1/2004)		E
Burglary and Breaking and Entering.			
214.10	First Degree Burglary Covering Second Degree Burglary, Felonious Breaking or Entering and Nonfelonious Breaking or Entering as Lesser Included Offenses. G.S. 14-51, -52, -54. (6/2011)	C, D, H, Misd	D, G, H, Misd 1
214.11	Second Degree Burglary. G.S. 14-51, -52. (6/2011)	D	G
214.20	Habitual Breaking or Entering (6/2018)		E
214.30	Felonious Breaking or Entering. G.S. 14-54. (5/2002)	H, Misd	H, Misd 1
214.31	First-Degree Trespass. G.S. 14-159.12. (5/2019)	Misd	Misd 2
214.31A	Second-Degree Trespass. G.S. 14-159.13. (5/2002)	Misd	Misd 3
214.31B	First-Degree Trespass. G.S. 14-159.12(f). (6/2017)		I
214.32	Felonious Breaking or Entering. G.S. 14-54. Felonious Larceny—Pursuant to a Breaking or Entering Where the Property Is Worth More Than \$1,000. G.S. 14-70, 14-72(a), (b)(2). (6/2012)	H, Misd	H, Misd 1

214.34	Misdemeanor Breaking or Entering. G.S. 14-54. (5/2002)	Misd	Misd 1
214.35	Possession without Lawful Excuse of an Implement of Housebreaking. G.S. 14-55. (6/2011)	E	I
214.40	Breaking or Entering into Motor Vehicle. G.S. 14-56. (6/2016)	I	I
214.41	Preparation to Commit Breaking or Entering into Motor Vehicles—Possession of a Motor Vehicle [Master Key] [Manipulative Key] [Lock-Picking Device] [Hot Wiring Device]. G.S. 14-56.4(b). (6/2006)		Misd 1
214.42	Preparation to Commit Breaking or Entering into Motor Vehicles—Possession of a Motor Vehicle [Master Key] [Manipulative Key] [Lock-Picking Device] [Hot Wiring Device]. G.S. 14-56.4(b). (6/2006)		I, Misd 1
214.43	Preparation to Commit Breaking or Entering into Motor Vehicles—[Buying] [Selling] [Transferring] a Motor Vehicle [Master Key] [Manipulative Key] [Key Cutting Device] [Lock-Picking Device] [Hot Wiring Device]. G.S. 14-56.4(c). (6/2006)		Misd 1
214.44	Preparation to Commit Breaking or Entering into Motor Vehicles—[Buying] [Selling] [Transferring] a Motor Vehicle [Master Key] [Manipulative Key] [Key Cutting Device] [Lock-Picking Device] [Hot Wiring Device]. G.S. 14-56.4(c). (6/2006)		I, Misd 1
214.45	Felonious Breaking or Entering—Place of Religious Worship. G.S. 14-54.1. (6/2006)		G
214.47	Felonious Breaking or Entering—Intent to [Injure] [Terrorize] Occupant. G.S. 14-54. (6/2014)		H
214.50	(Misdemeanor) Opening Coin- or Currency-Operated Machines by Unauthorized Use of [a Key] [an Instrument]. G.S. 14-56.1. (5/2002)	Misd	Misd 1
214.51	Opening Coin- or Currency-Operated Machines by Unauthorized Use of [a Key] [an Instrument]. G.S. 14-56.1. (5/2002)	H, Misd	H, Misd 1
214.55	(Misdemeanor) Breaking into Coin- or Currency-Operated Machines. G.S. 14-56.1, -56.3. (5/2002)	Misd	Misd 1
214.56	Breaking into Coin- or Currency-Operated Machines. G.S. 14-56.1, -56.3. (5/2002)	H, Misd	H, Misd 1
214.60	Destroying or Damaging Coin- or Currency-Operated Machines. G.S. 14-56.2. (5/2002)	Misd	Misd 1
214.65	Burglary with Explosives or Acetylene Torch. G.S. 14-57. (5/2002)	E, H, Misd	D, H, Misd 1
214.70	Breaking or Entering of a Pharmacy With The Intent To Commit Larceny of a Controlled Substance. (6/2020)		E
Arson and Other Burnings.			
215.11	First Degree Arson (Including Second Degree Arson, Burning an Uninhabited House). G.S. 14-58, -62. (5/2002)	C, D, E	D, G, F
215.11A	First Degree Arson, Burning a Structure within the Curtilage of the Dwelling House (Including Second Degree Arson, Burning an Uninhabited House). G.S. 14-58, -62. (3/2005)	C, D, E	D, G, F
215.12	Second Degree Arson. G.S. 14-58. (5/2002)	D	G
215.25	Wanton and Willful Burning—Property. G.S. 14-58 through 14-67.1. (5/2002)	E	D-H

215.30	Wanton and Willful Burning of a [Boat] [Barge] [Ferry] [Float]. G.S. 14-63. (5/2002)	H	H
215.35	Wanton and Willful Burning of a [Ginhouse] [Tobacco House] [Miscellaneous Structure]. G.S. 14-64, -67.1. (5/2002)	H	H
215.40	Wanton and Willful or Fraudulent Burning of a Dwelling House by the Owner or Occupant. G.S. 14-65. (5/2002)	H	H
215.45	Burning Personal Property with Intent to Injure or Prejudice. G.S. 14-66. (5/2002)	H	H
215.50	Arson or Other Unlawful Burning Resulting in Serious Bodily Injury to a Firefighter, Law Enforcement Officer, or Emergency Medical Technician. G.S. 14-69.3. (6/2019)		E
215.60	Burning Caused During Commission of Another Felony. G.S. 14-67.2 (6/2019)		D
215.85	Making a False Report concerning a Destructive Device. (Other Than Public Building). G.S. 14-69.1(a). (6/2006)	-	H
215.85B	Making a False Report concerning a Destructive Device—(Public Building). G.S. 14-69.1(c). (6/2006)	-	H, G
215.86	Perpetrating Hoax by Use of a False Bomb or Other Device—(Other Than Public Building). G.S. 14-69.2(a). (2/2000)	-	H
215.86B	Perpetrating Hoax by Use of a False Bomb or Other Device—(Public Building). G.S. 14-69.2(c). (2/2000)	-	H, G
215.87	Making a False Report Concerning a Threat of Mass Violence on Educational Property. G.S. 14-277.5(b). (6/2008)	H	
215.90	Communicating a Threat of Mass Violence on Educational Property. G.S. 14-277.6 (6/2019)		H
215.91	Communicating a Threat of Mass Violence at a Place of Religious Worship. G.S. 14-277.7 (6/2019)		H
	Larceny.		
216.05	Misdemeanor Larceny. G.S. 14-72(a). (6/2013)	Misd	Misd 1
216.07	Larceny of Motor Fuel Valued at Less Than \$1,000. G.S. 14-72.5(a). (6/2010)		Misd 1
216.08	Felonious Larceny—Habitual Misdemeanor Larceny. G.S. 14-72(b)(6). (6/2013).		H
216.10	Felonious Larceny—Goods Worth More Than \$1,000. G.S. 14-70, -72(a). (6/2010)	H, Misd	H, Misd 1
216.11	Felonious Larceny—[Explosive Device] [Incendiary Device]. G.S. 14-70, -72(b)(3). (2/2000)	H, Misd	H, Misd 1
216.11A	Felonious Larceny—Firearm. G.S. 14-70, -72(b)(4). (12/1999)	H, Misd	H, Misd 1
216.13	Larceny of Chose in Action. G.S. 14-75. (6/2017)		H
216.15	Felonious Larceny—by Trick. G.S. 14-70, -72. (5/2002)	H, Misd	H, Misd 1
216.20	Felonious Larceny—From the Person. G.S. 14-70, -72(b)(1). (6/2011)	H, Misd	H, Misd 1
216.30	Felonious Larceny—Pursuant to Breaking/Entering Offense. G.S. 14-70, -72(b)(2). (5/2002)	H	H
216.35	Felonious Larceny—Pursuant to Breaking/Entering Offense Where the Property Is Worth More Than \$1,000. G.S. 14-70, -72(a), (b)(2). (5/2002)	H, Misd	H, Misd 1
216.36	Larceny from a Permitted Construction Site—Goods Worth More Than \$300 but Less Than \$1,000. G.S. 14-72.6. (6/2006)		

216.37	Felonious Larceny—Motor Vehicle Parts Worth More Than \$1,000. G.S. 14-72.8 (6/2010)		I
216.40	Feloniously Receiving Stolen Goods—Goods Worth More Than \$1,000. G.S. 14-71, -72. (5/2002)	H, Misd	H, Misd 1
216.41	Feloniously Receiving Stolen Goods from a Permitted Construction Site—Goods Valued in Excess of \$300 and Less Than \$1,000. G.S. 14-72.6. (6/2006)		I
216.42	Felonious [Receiving] [Possessing] Property in the Custody of a Law Enforcement Agency. G.S. 14-71(b). (6/2009)		H
216.43	Receiving Stolen Controlled Substances – Pursuant to a Breaking or Entering of a Pharmacy. (6/2020)		F
216.45	Felonious Receiving Stolen Goods—Pursuant to a Breaking or Entering. G.S. 14-71, -72. (5/2002)	H, Misd	H, Misd 1
216.46	Misdemeanor Possession of Stolen Goods. G.S. 14-70, -72(a). (5/2002)	Misd	Misd 1
216.47	Felonious Possession of Stolen Goods—Goods Worth More Than \$1,000. G.S. 14-70, -71.1, -72(a). (5/2002)	H, Misd	H, Misd 1
216.48	Possession of Property Stolen Pursuant to a Breaking or Entering. G.S. 14-71.1, -72(b)(1) and (2). (5/2002)	H	H
216.48A	Felonious Possession of Stolen Goods—Stolen Pursuant to a Breaking or Entering or Worth More Than \$1,000 (Including Non-Felonious Possession). G.S. 14-71.1, -72(b)(1) and (2). (6/2008)	H, Misd	H, Misd 1
216.48B	Possession of Controlled Substances—Pursuant to a Breaking or Entering of a Pharmacy. (6/2020)		F
216.49	Possession of Stolen Explosives, Public Records. G.S. 14-71.1, -72(b)(3), (4), and (5). (5/2002)	H	H
216.49A	Possession of Feloniously Taken Property Other Than by Larceny (e.g., Embezzlement). G.S. 14-70, -71.1, -72(a). (5/2002)	H, Misd	H, Misd 1
216.49B	Possession of Stolen Firearm. G.S. 14-71.1 and -72(b)(4). (5/2002)	H	H
216.49C	Felonious Possession of Stolen Goods from Permitted Construction Site—Goods Valued in Excess of \$300 but Less Than \$1,000. G.S. 14-72.6. (6/2006)		
216.50	Willfully Concealing the Merchandise of a Store—Shoplifting. G.S. 14-72.1(a). (3/2003)	Misd	Misd 3
216.52	Larceny by Price Tag Change. G.S. 14-72.1(d). (5/2002)	Misd	Misd 3
216.55	Willfully Concealing the Merchandise of a Store—Using Lead- or Aluminum-Lined Bag or Article of Clothing to Prevent Activation of Anti-Shoplifting Device or Inventory Control Device. G.S. 14-72.1(a), (d1). (5/2004)		H
216.56	Larceny from a Merchant. G.S. 14-72.11. (6/2018)		H
216.57	Organized Retail Theft. Retail Property with Value Exceeding \$1,500, Aggregated Over 90-Day Period. G.S. 14-86.6(a)(1). (6/2018)		H
216.57A	Organized Retail Theft Conspiracy — Retail Property with Value Exceeding \$20,000, Aggregated Over 90-Day Period. (6/2018)		
216.58	[Receiving] [Possessing] Retail Property Obtained by Organized Retail Theft. G.S. 14-86.6(a)(2). (6/2009)		H
216.59	Organized Retail Theft — Acting as Leader. (6/2018)		

216.60	Larceny by an Employee. G.S. 14-74. (3/1998)	H	H
216.60A	Larceny by an Employee. G.S. 14-74, -75. (4/1998)		C, H (12/97)
216.61	Appropriation of Partnership Funds by Partner to Personal Use. G.S. 14-97. (5/1998)		C, H
216.62	Embezzlement by Insurance [Agents] [Brokers] [Administrators]. G.S. 58-2-162. (6/2010)		C, H
216.70	Felonious [Altering] [Destroying] [Disassembling] [Dismantling] [Reassembling] [Storing] of Any [Motor Vehicle] [Motor Vehicle Part] Illegally Obtained by [Theft] [Fraud] [Other Illegal Means]. G.S. 14-72.7(a)(1). (6/2014)		
216.71	Felonious Permitting of Chop Shop Activity on Property. G.S. 14-72.7(a)(2). (6/2014)		H
216.72	Felonious [Purchasing] [Disposing] [Selling] [Transferring] [Receiving] [Possessing] of [Motor Vehicles] [Motor Vehicle Parts] with an Altered [Vehicle Identification Number] [Vehicle Part Identification Number]. G.S. 14-72.7(a)(3). (6/2014)		H
216.73	Felonious [Purchasing] [Disposing of] [Selling] [Transferring] [Receiving] [Possessing] a [Motor Vehicle] [Motor Vehicle Part] from a Person Engaged in a Chop Shop Activity. G.S. 14-72.7(a)(4). (6/2014)		H
216.77	Purchasing of Vehicles for the Purpose of Scrap Parts Only and Failing to Comply with Certain Requirements Mandated by Law. G.S. 20-62.1 (6/2019)		I
216.80	Purchase of Regulated Metals by Secondary Metals Recyclers from Other Than a Fixed Location. G.S. 66-11(d)(1). (6/2008)		Misd 1
216.81	[Purchasing] [Receiving] of Regulated Metals by Secondary Metals Recyclers from (a) Minor(s). G.S. 66-11(d)(1). (6/2008)		Misd 1
216.82	[Cutting] [Mutilating] [Defacing] [Otherwise Injuring] Property to Obtain Nonferrous Metals—Property [Injury] [Loss in Value] [Repairs] [Loss Including Fixtures or Improvements] Less than \$1,000. G.S. 14-159.4(c)(1) (6/2013)		Misd 1
216.83	[Cutting] [Mutilating] [Defacing] [Otherwise Injuring] Property to Obtain Nonferrous Metals—Property [Injury] [Loss in Value] [Repairs] [Loss Including Fixtures or Improvements] \$1,000 or More (But Less than \$10,000). G.S. 14-159.4(c)(1) (6/2013)		H
216.84	[Cutting] [Mutilating] [Defacing] [Otherwise Injuring] Property to Obtain Nonferrous Metals—Property [Injury] [Loss in Value] [Repairs] [Loss Including Fixtures or Improvements] \$10,000 or More. G.S. 14-159.4(c)(1) (6/2013)		F
216.85	[Cutting] [Mutilating] [Defacing] [Otherwise Injuring] Property to Obtain Nonferrous Metals—Serious Injury. G.S. 14-159.4(c)(2) (6/2013)		Misd A1
216.86	[Cutting] [Mutilating] [Defacing] [Otherwise Injuring] Property to Obtain Nonferrous Metals—Serious Bodily Injury. G.S. 14-159.4(c)(3). (6/2013)		F
216.87	[Cutting] [Mutilating] [Defacing] [Otherwise Injuring] Property to Obtain Nonferrous Metals—Death. G.S. 14-159.4(c)(4) (6/2013)		D

216.88	[Cutting] [Mutilating] [Defacing] [Otherwise Injuring] Property to Obtain Nonferrous Metals—Critical Infrastructure. G.S. 14-159.4 (c)(5) (6/2013)		Misd 1
216.90	Unauthorized Use of a Conveyance. G.S. 14-72.2. (5/2002)	I, Misd	I, Misd 7
216.93	Larceny of Pinestraw. G.S. 14-79.1. (11/1998)		H
216.95	Felonious Larceny of Ungathered Crops. G.S. 14-78. (5/2002)	H, Misd	H, Misd 1
216.96	Felonious Larceny of Horses, Mules, Swine, Cattle, or Dogs. G.S. 14-81. (2/2003)	H, J	H, I
216.97	Unlawful Taking and Carrying Away of Any [Horse] [Mare] [Gelding] [Mule] [Dog] with the Intent to Deprive the Owner of the [Special] [Temporary] Use of Such Property. G.S. 14-82. (2/2003)	Misd	Misd 2
216.98	Unlawful Taking and Carrying Away of Any [Horse] [Mare] [Gelding] [Mule] [Dog] with the Intent to Use Such Property for a [Special] [Temporary] Purpose. G.S. 14-82. (2/2003)	Misd	Misd 2
	Robbery.		
217.10	Common Law Robbery. G.S. 4-1, 14-2, 14-87.1. (6/2016)	H	G
217.20	Robbery with a Firearm. G.S. 14-87. (6/2020)	D	D
217.25	Attempted Robbery with a Firearm. G.S. 14-87. (5/2003)	D	D
217.30	Robbery with a Dangerous Weapon—Other Than a Firearm Covering Common Law Robbery as a Lesser Included Offense. G.S. 14-87, 14-87.1, 14.1, 14.2. (6/2018)	D, H	D, G
217.50	Safecracking—By Explosives, Drills, or Tools. G.S. 14-89.1(a)(1). (6/2017)	H	I
217.51	Safecracking—By Stolen Combination, Key, Electronic Device or Fraudulently Acquired Implement or Means. G.S. 14-89.1(a)(2). (6/2017)	H	I
217.52	Safecracking—By Use of [[Master Key] [Duplicate Key] [Device] [[Made] [Obtained]] in an Unauthorized Manner] [Stethoscope] [Listening Device] [Surreptitious Means]. G.S. 14-89.1(a)(3). (6/2017)	H	I
217.53	Safecracking—All Other Means. G.S. 14-89.1(a)(3) and (4). (6/2017)	H	I
217.54	Safecracking—Removing Safe or Vault from Premises. G.S. 14-89.1(b). (5/2003)	H	I
	Embezzlement.		
218.10	Embezzlement of Property by Virtue of Office or Employment. G.S. 14-90, 58-2-162. (6/2010)	H	H
218.10A	Embezzlement of Property Valued at \$100,000 or More by Virtue of Office or Employment. G.S. 14-90; 58-2-162. (6/2010)		C, H (12/97)
218.15	Embezzlement of Property by Virtue of Office or Employment. G.S. 14-90, 58-2-162, 45A-3. (6/2010)		H
218.15A	Embezzlement of Property Valued at \$100,000 or More by Virtue of Office or Employment. G.S. 14-90, 58-2-162, 45A-3. (6/2010)		C
218.20	Willful Misapplication of Corporate Money, Funds or Credits. G.S. 14-254. (5/2003)	G	H

218.21	Unauthorized Issuance of Corporate Instruments. G.S. 14-254. (5/2003)	G	H
218.22	False Entries by Corporate Officers or Agents. G.S. 14-254. (5/2003)	G	H
218.25	Embezzlement of State Property by Public Officers and Employees. G.S. 14-91. (6/2010)		F
218.25A	Embezzlement of State Property Valued at \$100,000 or More by Public Officers and Employees. G.S. 14-91. (6/2010)		C
218.30	[Misapplication] [Embezzlement] of Bank Funds (6/2013)		C, H
	False Pretenses and Cheats.		
219.10	Obtaining Property by False Pretenses. G.S. 14-100. (6/2020)	H	H
219.10A	Obtaining Property by False Pretenses (Value of Property \$100,000 or More). G.S. 14-100. (6/2020)		C, H (12/97)
219.11	Fraudulent Misrepresentation Involving Child Care Subsidies. G.S. 110-107. (4/2000)	-	Class 1; I
219.20	Obtaining Advances under Promise to Work. G.S. 14-104. (10/1998)	-	Misd 2
219.40	Obtaining Property in Return for Worthless Check, with Intent to Cheat and Defraud. G.S. 14-106. (3/2003)	Misd	Misd 2
219.50A	Worthless Check—Insufficient Funds (Less Than \$2,000). G.S. 14-107(a), (d)(1). (6/2014)	-	Misd 2
219.51A	Worthless Check—Insufficient Funds (More Than \$2,000). G.S. 14-107(a), (d). (6/2014)	J	I
219.52	Worthless Check—Drawn on Non-Existent Account. G.S. 14-107(d)(3). (5/2000)	Misd	Misd 1
219.53	Worthless Check—Drawn on Closed Account. G.S. 14-107(d)(4). (5/2000)	Misd	Misd 1
	Credit Card Crime Act.		
219B.10	Credit Card (Financial Transaction Card) Theft. G.S. 14-113.9(a)(1). (4/2003)	J	I
219B.11	Credit Card (Financial Transaction Card) Theft—Receiving Stolen Card. G.S. 14-113.9(a)(1). (4/2003)	J	I
219B.20	Credit Card (Financial Transaction Card) Theft—Use of Lost, Misaid, or Mistakenly Delivered Card. G.S. 14-113.9(a)(2). (4/2003)	J	I
219B.25	Credit Card (Financial Transaction Card) Theft—Buying a Credit Card. G.S. 14-113.9(a)(3). (5/2003)	J	I
219B.26	Credit Card (Financial Transaction Card) Theft—Selling a Credit Card. G.S. 14-113.9(a)(3). (5/2003)	J	I
219B.30	Forgery of a Credit Card (Financial Transaction Card)—Making or Embossing Credit Card. G.S. 14-113.11(a)(1). (4/2003)	J	I
219B.31	Forgery or Uttering of a Forged Credit Card (Financial Transaction Card)—Falsely Encoded, Duplicated, Altered, or Uttered. G.S. 14-113.11(a)(2). (4/2003)	J	I
219B.35	Forgery of a Credit Card (Financial Transaction Card)— Unauthorized Signing of a Credit Card. G.S. 14-113.11(a)(3). (4/2003)	J	I

219B.40	Credit Card (Financial Transaction Card) Fraud—Credit Card Stolen, Forged, Falsely Represented, Expired, or Revoked. G.S. 14-113.13(a)(1)(2); (b). (4/2003)	J, Misd	I, Misd 2
219B.41	Credit Card Fraud—False Representation as to Holding or Issuance of Card. G.S. 14-113.13(a)(2). (5/2003)	J, Misd	I, Misd 2
219B.42	Credit Card Fraud—Where Defendant Held or Controlled Card as Security for Debt. G.S. 14-113.13(a)(3). (5/2003)	J, Misd	I, Misd 2
219B.43	Credit Card Fraud—By Furnisher of Goods and Services. G.S. 14-113.13(b)(1). (4/2003)	J, Misd	I, Misd 2
219B.44	Credit Card (Financial Transaction Card)—Fraud by Misrepresentation to Issuer. G.S. 14-113.13(b)(2). (4/2003)	J, Misd	I, Misd 2
219B.50	Criminal Possession of Incomplete Credit Cards (Financial Transaction Card). G.S. 14-113.14(a)(1). (4/2003)	J	I
219B.55	Criminal Possession of Credit Card (Financial Transaction Card)—Reproduction Device. G.S. 14-113.14(a)(2). (4/2003)	J	I
219B.60	Credit Card Fraud—Criminal Factoring of Transaction Card Records of Sale. G.S. 14-113.15A. (4/2003)	I	I
219B.80	Identity Theft. G.S. 14-113.20, 14-113.22. (6/2020)		F, G
219B.80A	Identity Theft—Financial Fraud Resulting in Another Person's [Arrest] [Detention] [Conviction of a Criminal Offense]. G.S. 14-113.20, -113.22. (6/2010)	-	F, G
219B.80B	Identity Theft—Possession of Identifying Information Pertaining to Three or More Persons. G.S. 14-113.20, -113.22. (6/2010)		F, G
219B.85	Identity Theft—Trafficking in Stolen Identities. G.S. 14-113.20A. (6/2010)		E
219C.05	Willfully Failing to Make North Carolina Income Tax Returns. G.S. 105-236(9). Deleted. (6/2013).	Misd	Misd 1
219D.10	Fraudulent Misrepresentation Involving a [License Application] [Other Document] Filed Pursuant to the North Carolina Money Transmitters Act. G.S. 53-208.58(b). (6/2017)		Misd 1
219D.15	Engaging in the Business of Money Transmission Without a License. G.S. 53-208.58(c). (6/2017)		Misd 1
219D.20	Unlawfully Engaging in the Business of Money Transmission—Any Reason. G.S. 53-208.58(a). (6/2017)		Misd 1
	Frauds.		
220.10	Fraudulent Disposal of Personal Property on Which There Is a Security Interest. G.S. 14-114. (5/2003)	Misd	Misd 2
220.20	Secreting Property to Hinder Enforcement of Lien or Security Interest. G.S. 14-115. (5/2003)	Misd	Misd 2
220.22	Filing False Security Agreements (6/2013)		I
220.24	Improper Filing of Lien on [Real Property] [Other Document]. G.S. 44A-12.1(c). (6/2013)		I
220.26	Filing [False Lien] [Encumbrance]. G.S. 14-118.6. (6/2020)		I
220.28	Simulation of Court Process in Connection with Collection of [a Claim] [a Demand] [an Account]. G.S. 14-118.1 (6/2013)		I
220.30	Residential Mortgage Fraud. G.S. 14-118.12(a)(1)–(2). (6/2013)		H
220.31	[Receiving] [Attempting to Receive] Proceeds from Residential Mortgage Fraud. G.S. 14-118.12(a)(3). (6/2008)		H

220.32	Conspiracy to Commit Residential Mortgage Fraud. G.S. 14-118.12(a)(4). (6/2008)		H
220.33	Solicitation of Residential Mortgage Fraud. G.S. 14-118.12(a)(4). (6/2008)		H
220.34	Pattern of Residential Mortgage Fraud. G.S. 14-118.15. (6/2008)		H, E
220.35	False Statement of Sums Due for [Labor] [Materials] Furnished at Site of Improvements to Real Property (6/2013)		Misd 1
220.40	Fraudulent and Deceptive Advertising. G.S. 14-117. (5/2003)	Misd	Misd 2
220.50	[Improper] [Fraudulent] Receipt of Decedent's [Retirement Allowance] [Disability Benefit]. G.S. 135-18.11. (6/2013)		Misd 1
220.53	Improper Receipt of a Decedent's Disability Income Plan Allowance from the State of North Carolina. G.S. 135.111.1. (6/2014)		Misd 1
220.55	Fraudulently [Obtaining] [Increasing] Benefit Under Unemployment Insurance. G.S. 96-18.A. (6/2013)		I, Misd 1
220.60	Blackmail—Other Than by Accusation of Crime. G.S. 14-118. (5/2003)	Misd	Misd 1
220.65	Blackmail—By Accusation of Crime. G.S. 14-118. (5/2003)	Misd	Misd 1
220.70	Obtaining Academic Credit by Fraudulent Means. G.S. 14-118.2. (5/2003)	Misd	Misd 2
220.80	Extortion. G.S. 14-118.4. (5/2003)	H	F
220.85	Exploitation of [Disabled] [Older] Adult by a Person in a [Position of Trust] [Business Relationship with the Adult]. G.S. 14-112.2(b), (d). (6/2014)		F, G, H
220.90	Fraud in Connection with Rental of Motor Vehicle. G.S. 20-106.1. (3/2003)	J	I
220.91	Failing to Return Rented Property on Which There Is a Purchase Option (Rent to Own). G.S. 14-168.4. (5/2003)	Misd	Misd 2
220.95	Interfering with Gas, Electric, and Steam [Appliances] [Meters]. G.S. 14-151. (6/2014)		Misd 1
220.97	[Possession] [Transfer] [Use] of Automated Sale Suppression Device. G.S. 14-118.7. (6/2014)		H
221.10	Forgery. Forgery of Notes, Checks, and Other Securities. G.S. 14-119(a). (6/2008)	I	I
221.12	Possession of Counterfeit Instrument(s). G.S. 14-119(a). (6/2008)		I
221.14	Possession of Five or More Counterfeit Instruments. G.S. 14-119(b). (6/2008)		G
221.16	Transporting Five or More Counterfeit Instruments. G.S. 14-119(b). (6/2008)		G
221.20	Uttering Forged Instrument or Instrument Containing a Forged Endorsement. G.S. 14-120. (4/2003)	I	I
221.40	Forgery of Deeds, Wills and Certain Other Instruments. G.S. 14-122. (5/2003)	I	H
221.41	Showing Forth in Evidence Forged Deeds, Wills, and Certain Other Instruments. G.S. 14-122. (5/2003)	I	H
221.80	Forgery of Writings (Common Law Misdemeanor). (5/2003)	Misd	Misd 1; H
	Trespasses to Land and Fixtures.		

222.15	Willful and Wanton Injury to Real Property. G.S. 14-127. (5/2003)	Misd	Misd 1
222.16	Felonious Injury to Houses or Other Buildings Including Lesser Offense (6/2009)		I
222.17	Misdemeanor Injury to Houses or Other Buildings. G.S. 14-144. (6/2009)		Misd 2
222.18	Felonious Injury to Fences or Walls Including Lesser Offense. G.S. 14-144. (6/2009)		I
222.19	Misdemeanor Injury to Fences or Walls. G.S. 14-144. (6/2009)		Misd 2
222.20	Forcible Trespass to Real Property (Common Law Misdemeanor). (5/2003)	Misd	Misd 1
222.22	Unlawfully [Stopping] [Impeding] [Delaying] [Detaining] a Public School Bus or Public School Activity Bus. G.S. 14-132.2. (5/2002)		Misd 1
222.23	Refusing to Leave a Public School Bus or Public School Activity Bus. G.S. 14-132.2. (5/2002)		Misd 1
222.24	Trespassing on Public School Bus or Public School Activity Bus. G.S. 14-132.2. (5/2002)		Misd 1
222.26	Trespass—Electric Power Supplier—Basic Offense. G.S. 14-159.12(c). (6/2013)		Misd A1
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]. G.S. 14-159.12(d). (6/2013)		H Misd 1
222.30	Domestic Criminal Trespass. G.S. 14-134.3(a). (5/2003)		G
222.31	Aggravated Domestic Criminal Trespass. G.S. 14-134.3(b). (5/2003)		Misd A1
222.32	Interfering with Emergency Communications. G.S. 14-286.2. (5/2002)		H
222.33	Trespassing by Person Subject to Valid Protective Order onto Property Operated as a Safe House or Haven for Victims of Domestic Violence. (6/2011)		H
222.40	Setting Fire to [Grassland] [Brushland] [Woodland] Property of Another. G.S. 14-136. (4/2003)	Misd	Misd 2
222.40A	Setting Fire to [Grassland] [Brushland] [Woodland] (Defendant's Property). G.S. 14-136. (4/2003)	Misd	Misd 2
222.41	Setting Fire to [Grassland] [Brushland] [Woodland] with Intent to Damage Property of Another. G.S. 14-136. (3/2003)	I	I
222.42	[Cutting] [Injuring] [Removing] Another's Timber. G.S. 14-135, 14-72.		Misd 1, H
222.45	Toxic Substances, Dumping. G.S. 14-284.2. (5/2003)		F
222.50	Desecration of a Gravesite. G.S. 14-148(a). (6/2008)		Misd 1
222.51	Desecration of Human Remains. G.S. 14-149. (6/2008)		H
222.52	Felonious Desecration of a Gravesite. G.S. 14-148(a). (6/2008)		I
222.60	Injuring Telecommunication Wires. G.S. 14-154. (6/2008)		I
222.65	Trespassing for the Purpose of [Hunting] [Fishing] [Trapping] (6/2012)		Misd 1
222.66	Trespassing for the Purpose of [Raking] [Removing] Pine Straw (6/2012)		Misd 1
222.68	Improper Taking of [Menhaden] [Atlantic Thread] Herring. G.S. 113-187. (6/2013)		Misd A1

222.69	Unlawful Dealings with [Ginseng] [Galax] [Venus Flytrap]. G.S. 106-202.19(a). (6/2013)		Misd 2
222.70	Trespass to Land on a Motorized All Terrain Vehicle. G.S. 14-159.3. (6/2015)		Misd 2
222.75	Collection of [Seismic] [Geophysical] Data on Another's Property Without Written Consent. G.S. 113-395.4. (6/2015)		Misd 1
222.80	Graffiti Vandalism. G.S. 14-127.1. (6/2016)		Misd
222.85	Graffiti Vandalism. G.S. 14-127.1. (6/2016)		
Trespasses to Personal Property.			
223.15	Willful and Wanton Injury to Personal Property Causing Damage of More Than \$200. G.S. 14-160. (5/2003)	Misd	Misd 1, 2
223.20	[Alteration] [Destruction] [Removal] of Permanent Identification Marks from Personal Property. G.S. 14-160.1(a). (3/2003)	Misd	Misd 1
223.21	[Buying] [Selling] [Possessing] Item of Personal Property on Which the Permanent Identification Mark Has Been [Altered] [Destroyed] [Defaced] [Removed]. G.S. 14-160.1(b). (3/2003)	Misd	Misd 1
223.25	Felonious Computer Trespass. G.S. 14-453, -458. (4/2000)		Misd 1
223.30	Willfully Damaging [Computers] [Computer Programs] [Computer Systems] [Computer Networks]. G.S. 14-455. (6/2009)		Misd 1
223.31	Willfully Damaging Government [Computers] [Computer Programs] [Computer Systems] [Computer Networks]. G.S. 14-455(b). (6/2009)		F
223.40	Unlawful Operation of an Audiovisual Recording Device. G.S. 14-440.1. (6/2006)		Misd 1
223.45	Unlawful Operation of an Audiovisual Recording Device. G.S. 14-440.1. (6/2006)		I, Misd 1
223.70	Injuring, Destroying, Removing, Vandalizing, or Tampering with Firefighting or Emergency Medical Services Machinery or Equipment. (6/2018)		
223.71	Interfering with a [Fire-Alarm] [Fire-Detection] [Fire- Extinguishing] System. (6/2020)		Misd 2
223.72	Interfering with a [Fire-Alarm] [Fire-Detection] [Fire- Extinguishing] System in a [Prison] [Local Confinement Facility]. (6/2020)		H
223.73	Giving False Alarms. (6/2020)		Misd 2
223.74	Willfully [Misusing] [Damaging] a Portable Fire Extinguisher. (6/2020)		Misd 2
Vehicles and Draft Animals—Protection of Bailor against Acts of Bailee.			
224.10	[Willful] [Malicious] Injury to [Rented] [Hired] Personal Property. G.S. 14-165. (3/2003)	Misd	Misd 2
224.20	Failure to Return [Rented] [Hired] Property. G.S. 14-167. (3/2003)	Misd	Misd 2
224.25	Failure to Return [Rented] [Hired] [Leased] Motor Vehicle Valued in Excess of \$4,000. G.S. 14-167. (6/2006)		
224.30	Felonious Conversion by Bailee. G.S. 14-168.1 (4/2003)	H, Misd	H, Misd 1

Offenses against Public Morality and Decency.

225.10	[Knowingly] [Willingly] [Abusing] [Mutilating] a Dead Human Body in a Person's Custody. 90-210.25(5)(2) (6/2019)		Misd 2
225.15	Unauthorized Practice of [Embalming] [Funeral Directing] [Funeral Service] [Operating Funeral Establishment]—Practicing Without a License (Including While Representing Oneself as Being Licensed. G.S. 90-210.25(f)(1) (6/2019)		Misd 2
226.10	Crime against Nature—Animals. G.S. 14-177. (6/2006)	H	I
226.10A	Crime against Nature—Persons. G.S. 14-177. (6/2019)		
226.20	Incest. G.S. 14-178. (3/2003)	G	F
226.20A	Incest with a Person under the Age of Thirteen Years. G.S. 14-178. (3/2003)	G	B1
226.20B	Incest with a Person [Thirteen] [Fourteen] [Fifteen] Years of Age. G.S. 14-178. (3/2003)		B1, C
226.45	Bigamy. G.S. 14-183. (3/2003)	H	I
226.46	Bigamous Cohabitation. G.S. 14-183. (4/2003)	H	I
226.50	Fornication and Adultery. G.S. 14-184. (1/2004)	Misd	Misd 2
226.55	Using Profane or Indecent Language over a Telephone. G.S. 14-196(a)(1). (3/2001)	Misd	Misd 2
226.56	Using Threatening Language by Way of Telephone. G.S. 14-196(a)(2). (3/2001)	Misd	Misd 2
226.57	Harassing by Repeated Telephone Calls. G.S. 14-196(a)(3). (3/2001)	Misd	Misd 2
226.58	Disrupting Telephone Service of Another. G.S. 14-196(a)(4). (3/2001)	Misd	Misd 2
226.59	Harassing by Imparting False Information by Telephone. G.S. 14-196(a)(5). (3/2001)	Misd	Misd 2
226.60	Cyberstalking—Threatening Language. G.S. 14-196.3(b)(1). (3/2001)		Misd 2
226.60A	Cyberstalking—Harassment. G.S. 14-196.3(b)(2). (1/2001)		Misd 2
226.60B	Cyberstalking—False Statement. G.S. 14-196.3(b)(3). (3/2001)		Misd 2
226.60C	Cyberstalking—Permitting Communication. G.S. 14-196.3(b)(4). (3/2001)		Misd 2
226.62	Cyberstalking Through Use of An Electronic Tracking Device. G.S. 14-196.3 (6/2016)		
226.65	Cyber-bullying with Intent to [Intimidate] [Torment] a Minor. G.S. 14-458.1(a)(1). (6/2017)		Misd 1, Misd 2
226.66	Cyber-bullying with Intent to [Intimidate] [Torment] [a Minor] [a Minor's [Parent] or [Guardian]]. G.S. 14-458.1(a)(2). (6/2010)		Misd 1, Misd 2
226.67	Cyber-bullying—Using a [Computer] [Computer Network] to Plant any Statement to Provoke a Third Party to [Stalk] [Harass] a Minor. G.S. 14-458.1(a)(3). (6/2010)		Misd 1, Misd 2
226.68	Cyber-bullying—Using a [Computer] [Computer Network] to [Copy and Disseminate] [Cause to be Made] an Unauthorized Copy of Data Pertaining to a Minor for the Purpose of [Intimidating] [Tormenting] that Minor. G.S. 14-458.1(a)(4). (6/2010)		Misd 1, Misd 2
226.69	Cyber-bullying—Signing up a Minor for a Pornographic Internet Site. G.S. 14-458.1(a)(5). (6/2010)		Misd 1, Misd 2

226.70	Cyber-bullying—Using a [Computer] [Computer Network] to Sign up a Minor for [Electronic Mailing List] [Electronic Messages] Without Consent of the [Minor] [Minor's [Parent] [Guardian]] Resulting in [Intimidation] [Torment] of the Minor. G.S. 14-458.1(a)(6). (6/2010)		Misd 1, Misd 2
226.71A	Cyber-bullying of School Employee by Student—[Computer] [Internet] Interference with Employee. G.S. 14-458.2(b)(1). (6/2013)		Misd 2
226.72B	Cyber-bullying of School Employee by Student—Statements Likely to Provoke Action. G.S. 14-458.2(b)(2). (6/2013)		Misd 2
226.72C	Cyber-bullying of School Employee by Student—Unauthorized Copying of Data. G.S. 14-458.2(b)(3). (6/2013)		Misd 2
226.72D	Cyber-bullying of School Employee by Student—Pornographic Internet Site. G.S. 14-458.2(b)(4). (6/2013)		Misd 2
226.72E	Cyber-bullying of School Employee by Student—Electronic Mailing Lists. G.S. 14-458.2(b)(5). (6/2013)		Misd 2
226.75	Secretly Peeping into Room Occupied by Another Person. G.S. 14-202(a). (12/2003)	Misd	Misd 1
226.75A	Secretly Peeping through the Use of a Mirror or Other Device. G.S. 14-202(a1). (2/2005)		Misd 1
226.76	Secretly Peeping into Room While in Possession of a Device Used to Create a Photographic Image. G.S. 14-202(c). (4/2004)		Misd A1
226.77	Felonious Secretly Peeping into Room Occupied by Another Person and Using a Device to Create a Photographic Image of a Person in That Room for the Purpose of Sexual Arousal or Gratification. G.S. 14-202(d). (4/2004)		I
226.78	Secretly or Surreptitiously Using a Device to Create a Photographic Image of Another Person Underneath or through the Clothing. G.S. 14-202(e). (4/2004)		I
226.79	Secretly or Surreptitiously Installing a Device Used to Create a Photographic Image. G.S. 14-202(f). (4/2004)		I
226.80	Knowingly Possessing a Photographic Image Obtained by Secretly Peeping. G.S. 14-202(g). (5/2004)		I
226.81	Knowingly Disseminating a Photographic Image Obtained by Secretly Peeping. G.S. 14-202(h). (5/2004)		H
226.85	Taking an Indecent Liberty with a Child. G.S. 14-202.1. (4/2003)	H	F
226.86A	Taking Indecent Liberties with a Student (by Teacher, School Administrator, Student Teacher, School Safety Officer, Coach). G.S. 14-202.4. (6/2016)	-	I
226.86B	Taking Indecent Liberties with a Student (by Member of School Personnel Other Than Teacher, School Administrator, Student Teacher, School Safety Officer, Coach). G.S. 14-202.4. (6/2016)	-	Misd A1
226.90	Promoting Prostitution. G.S. 14-205.3. (6/2014)		E, F
226.91	Patronizing a Prostitute. G.S. 14-205.2. (6/2014)		E, F
226.92	Patronizing a Prostitute G.S. 14-205.2. (6/2014)		E, F
226.93	Patronizing a Prostitute who Had a [Severe] [Profound] Mental Disability. G.S. 14-205.2. (6/2019)		D
226.94	Promoting Prostitution of a Person Who Had a [Severe] [Profound] Mental Disability. G.S. 14-205/3(b) (6/2019)		Misd A1, G

226.96	Solicitation for Prostitution with a Person who Has a [Severe] [Profound] Mental Disability. G.S. 14-204(5), 14-205.1. (6/2019)		E
226.97	Solicitation for Prostitution. G.S. 14-204(5), 14-205.1. (6/2014)		G, H
226.98	Solicitation for Prostitution. G.S. 14-204(5), 14-205.1. (6/2014)	Misd	Misd 1
227.10	Massage and Bodywork Therapy Licensing Violation. (6/2018)		
227.15	[Sexual Activity] [Solicitation of Sexual Activity] in a Message and Bodywork Therapy Establishment. (6/2018)		
227.20	Owner of Massage and Bodywork Therapy Establishment Permitting or Engaging in Sexual Activity. (6/2018)		
	Perjury.		
228.10	Perjury. G.S. 14-209. (1/2001)	H	F
228.20	Subornation of Perjury. G.S. 14-210. (1/2001)	H	I
228.30	Presenting a False Statement to Procure Benefit of Insurance Policy. G.S. 58-2-161(b)(1). (2/1999)	I	I
228.30A	Presenting a False Statement to Deny Benefit of Insurance Policy. G.S. 58-2-161(b)(1). (2/1999)	I	I
228.35	Making (or Participating in) a False Statement to Procure Benefit of an Insurance Policy. G.S. 58-2-161(b)(2). (2/1999)	I	I
228.35A	Making (or Participating in) a False Statement to Deny Benefit of Insurance Policy. G.S. 58-2-161(b)(2). (2/1999)	I	I
	Bribery.		
229.05	Bribery of Officials. G.S. 14-217. (5/2005)	I	F
229.10	Offering a Bribe to Public Officials. G.S. 14-218. (4/2003)	I	F
229.15	[Buying] [Selling] Public Offices. G.S. 14-228. (6/2016)		
229.20	Commercial Bribery. G.S. 14-353. (6/2014)	Misd	Misd 2
229.21	Commercial Bribery (Making Bribe). G.S. 14-353. (6/2014)	Misd	Misd 2
	Obstructing Justice.		
230.20	Breaking or Entering with the Intent of Altering, Destroying, or Stealing Evidence. G.S. 14-221.1. (1/1999)	I	I
230.21	[Altering] [Destroying] [Stealing] Evidence of Criminal Conduct. G.S. 14-221.1. (6/2010)	I	I
230.25	[Destroying] [Altering] [Concealing] [Tampering With] Biological Evidence of Criminal Conduct. G.S. 15A-268. (6/2010)		H, I
230.26	Felonious Misrepresentation of Evidence (6/2012)		H
230.27	Non-Felonious Misrepresentation of Evidence (6/2012)		Misd 1
230.30	Resisting, Delaying, or Obstructing a Public Officer—All Situations Other Than Arrest. G.S. 14-223. (1/1999)	Misd	Misd 2
230.31	Resisting Arrest—Lawfulness of Arrest. G.S. 14-223. (1/1999)	Misd	Misd 2
230.32	Resisting, Delaying or Obstructing an Officer—Excessive Force by the Officer. G.S. 14-223. (1/1999)	Misd	Misd 2
230.40	Obstructing the Administration of Justice by [Picketing] [Parading] [Use of a Sound Truck or Similar Device]. G.S. 14-225.1. (12/1998)	Misd	Misd 1

230.60	Harassment or Intimidation of or Communication with Juror. G.S. 14-225.2. (12/1998)	I	H, I
230.60A	Harassment or Intimidation of or Communication with Juror's Spouse. G.S. 14-225.2. (1/1999)	I	H, I
230.61A	Intimidating Witnesses by Threatening the Assertion or Denial of Parental Rights. G.S. 14-226. (2/2005)		H
230.62	Obstruction of Justice. Common Law Misdemeanor. (3/2003)	Misd	Misd 1, H
230.65	[Intimidating] [Interfering] With a Witness. G.S. 14-226(a). (6/2018)		G
230.70	Impersonation of Law-Enforcement Officer by [Verbally Informing Another] [Displaying any Badge or Identification] [Unlawfully Operating a Vehicle with an Operating Red Light]. Misdemeanor. G.S. 14-277(a). (6/2011)	Misd	Misd 1
230.70A	Impersonating of Law-Enforcement Officer by Operating a Vehicle with an Operating Blue Light. Felony. (6/2011)		H, I
230.71	Impersonating a Law Enforcement Officer by Operating a Vehicle with an Operating Blue Light Causing a Person to [Stop] [Yield] (Blue Light Bandit). G.S. 14-277(a)(4), (b)(5). (12/1997)		H, I
230.73	Impersonation of [a Firefighter] [an Emergency Medical Services Personnel]. G.S. 14-276.1 (6/2016)		
230.75	Impersonation of Law-Enforcement Officer (Carrying Out an Act in Accordance with the Authority Granted to a Law-Enforcement Officer). Misdemeanor. G.S. 14-277(b). (6/2011)	Misd	Misd 1
230.75A	Impersonation of Law-Enforcement Officer (Carrying Out an Act in Accordance with the Authority Granted to a Law-Enforcement Officer). Felony. G.S. 14-277(b). (6/2011)		H, I
230.77	Driving with a Light Bar. (6/2018)		
230.80	Concealment of Death. G.S. 14-401.22. (6/2006)		Felony
230.81	Harassment of a Participant in a Neighborhood Crime Watch Program. G.S. 14-226.2. (6/2007)		Misd 1
230.91	Concealment of Death—Intent to Conceal Death by Dismembering or Destroying Human Remains (6/2012)		H
230.92	Concealment of Death—Intent to Conceal Unnatural Death by Dismembering or Destroying Human Remains (6/2012)		D
230.93	Concealment of Death—Aiding, Counseling, and Abetting (6/2012)		Misd 1
230.94	Disturbing Human Remains—Physical Alteration or Manipulation (6/2012)		I
230.95	Disturbing Human Remains—Acts of Sexual Penetration (6/2012)		I
233.45	Prison Breach and Prisoners. Prison Breach and Escape from [County] [Municipal] Confinement [Facilities] [Officers]. G.S. 14-256. (6/2014)		Misd 1, H
233.47	Possession of Tools for Escape by a Prisoner G.S. 14-258(c) (6/2019)		H
233.50	Feloniously Harboring or Aiding an Escaped Prisoner. G.S. 14-259. (12/1998)	I	I
233.60	Injury to Prisoner by Jailer. G.S. 162-55. (12/1998)	Misd	Misd 1
233.70	Harboring a Fugitive. G.S. 14-267. (2/1999)	Misd	Misd 1

233.80	Furnishing a Controlled Substance to an Inmate. G.S. 14-258.1(a). (6/2010)	H	H
233.81	Furnishing a Deadly Weapon, Cartridge or Ammunition to an Inmate. G.S. 14-258.1(a). (6/2010)	H	H
233.82	Furnishing an Alcoholic Beverage to an Inmate. G.S. 14-258.1(b). (6/2010)	Misd	Misd 1
233.83	Furnishing a Tobacco Product (Including Vapor Products) to an Inmate. G.S. 14-258.1(c). (6/2015)	Misd	Misd 1
233.84	Furnishing a [Mobile Telephone] [Wireless Communication Device] [Component of a [Mobile Telephone] [Wireless Communication Device]] to an Inmate. G.S. 14-258.1(d). (6/2016)	Misd	Misd 1
233.85	Providing [Forbidden Articles] [Tools to Escape] to a Prisoner. G.S. 14-258(a) (6/2019)		H
233.90	Possession of Tobacco Product (Including Vapor Products) by an Inmate. G.S. 14-258.1(e). (6/2015)	Misd	Misd 1
233.95	Possession of a [Mobile Telephone] [Wireless Communication Device] [Component of a [Mobile Telephone] [Wireless Communication Device]]. G.S. 14-258.1(d). (6/2016)	Misd	Misd 1
Offenses against the Public Peace.			
235.10	Carrying a Concealed Weapon Other Than a Pistol or Handgun. G.S. 14-269(a). (6/2014)	Misd	Misd 2
235.12	Carrying a Concealed [Pistol] [Handgun]. G.S. 14-269(a1). (6/2015)		Misd 2, H
235.15	Carrying Weapons into Assemblies. G.S. 14-269.3. (6/2014)	Misd	Misd 1
235.16	Carrying Weapons into Establishments Where Alcoholic Beverages Are Sold and Consumed. G.S. 14-269.3. (6/2014)	Misd	Misd 1
235.17	[Carrying] [Possessing] Weapons [on Educational Property] [at School Sponsored Activity]. G.S. 14-269.2(b) and (b1). (6/2016)	I, Misd	I, Misd 1
235.17A	[Causing] [Encouraging] [Aiding] a Minor to [Carry] [Possess] Weapons on Educational Property. G.S. 14-269.2(c) and (c1). (6/2014)	I, Misd	I, Misd 1
235.17B	Willfully Discharging a Firearm on Educational Property or at School Sponsored Activity. G.S. 14-269.2(b) and (b1). (6/2014)		F
235.18	Communicating Threats. G.S. 14-277.1. (2/2000)	Misd	Misd 1
235.19	Stalking. G.S. 14-277.3A(c)(d). (6/2009)	I, Misd	F, H, Misd A1
235.19A	Stalking (Court Order in Effect). G.S. 14-277.3A(c)(d). (6/2009)		H
235.19B	Stalking (Previously Convicted). G.S. 14-277.3A(c)(d). (6/2009)		F
235.20	Going about Armed with Unusual and Dangerous Weapons to the Terror of the People (Common Law Misdemeanor). (4/1999)	Misd	Misd 1
235.30	Pointing a Laser Device towards an Aircraft. G.S. 14-280.2. (6/2006)		H
235.35	Interference with Manned Aircraft by Unmanned Aircraft Systems. G.S. 14-280.3. (6/2015)		H

235.37	Use of Unmanned Aircraft System Near a [Confinement] [Correctional] Facility. (6/2018)		
235.38	Use of an Unmanned Aircraft System Near a [Confinement] [Correctional] Facility to [[Deliver] [Attempt to Deliver]] [[a Weapon] [Contraband]]. (6/2018)		
235.50	Terrorism (Basic Offense). G.S. 14-10.1. (6/2013)		B1*
235.51	Terrorism—Continuing Criminal Enterprise. G.S. 14-7.20. (6/2013)		D
235.61	Unlawful Distribution Of Images Taken by Unmanned Aircraft. G.S. 14-401.25. (6/2015)		Misd A1
235.65	Disclosure of Private Images by Offender Under the Age of 18. G.S. 14-190.5A(c)(2). (6/2018)		Misd 1
235.65A	Disclosure of Private Images by Offender Under 18 Years of Age. G.S. 14-190.5A(b), (c)(2). (6/2018)		Misd
235.67	Disclosure of Private Images by Offender 18 Years of Age Or Older. G.S. 14-190.5A(c)(1). (6/2018)		H
235.67A	Disclosure of Private Images by Offender 18 Years of Age Or Older. G.S. 14-190.5A(b), (c)(1). (6/2018)		F
235.69	Felonious Disclosure of Private Images by Offender Under the Age of 18 G.S. 14-190.5A(c)(3). (6/2018)		H
	Riots and Civil Disorders.		
235.69A	Felonious Disclosure of Private Images by Offender Under 18 Years of Age. G.S. 14-190.5A(b), (c)(3). (6/2018)		
236A.10	Feloniously Engaging in a Riot Where the Defendant Has Actually Participated in the Violence—More Than \$1,500 Property Damage or Serious Injury. G.S. 14-288.2(c)(1). (5/1999)	I, Misd	H, Misd 1
236A.15	Feloniously Engaging in a Riot Where the Defendant Has Actually Participated in the Violence—Dangerous Weapon or Substance. G.S. 14-288.2(c)(2). (5/1999)	I, Misd	H, Misd 1
236A.20	Inciting to Riot—\$1,500 or Less in Damage—Misdemeanor. G.S. 14-288.2(d). (5/1999)	Misd	Misd 1
236A.25	Felonious Inciting to Riot—Damage in Excess of \$1,500 or Serious Bodily Injury (with Misdemeanor Inciting as a Lesser Included Offense). G.S. 14-288.2(e). (5/1999)	H, Misd	F, Misd 1 Misd 2
236A.27	Failure to Disperse. G.S. 14-288.5. (6/2013)		Misd 2
236A.28	[Standing] [Sitting] [Lying] Upon [Highways] [Streets]. G.S. 20-174.1. (6/2015)		Misd 2
236A.30	Disorderly Conduct (Fighting or Other Violent Conduct). G.S. 14-288.4(a)(1). (5/1999)	Misd	Misd 2
236A.31	Disorderly Conduct (Abusive Language or Gestures). G.S. 14-288.4(a)(2). (5/1999)	Misd	Misd 2
236A.33	Disorderly Conduct at a Funeral. G.S. 14-288.4 (a)(8). (6/2014)		Misd 1, H, I
236A.35	Disorderly Conduct at a Funeral. G.S. 14-288.4 (a)(8) (6/2014)		Misd 1, H, I
236A.40	Disorderly Conduct [In] [Near] a Public [Building] [Facility]. G.S. 14-132(a)(1). (6/2016)		

* If the underlying act of violence is a Class A or B1 felony offense. Otherwise, it is one class higher than felony for underlying act of violence.

236A.60	Looting (Lesser Included Offense of Trespass during Emergency). G.S. 14-288.6. (5/1999)	I, Misd	H, Misd 1
237.20	Lotteries and Gaming. Possession of Lottery Tickets Used in the Operation of a Lottery. G.S. 14-290. (6/2006)	Misd	Misd 2
237.25	Sale of Lottery Tickets. G.S. 14-291. (6/2006)	Misd	Misd 2
237.26	Sale of Tickets Used in a Numbers Lottery. G.S. 14-291.1. (6/2006)	Misd	Misd 2
237.30	Gambling. G.S. 14-292. (1/2000)	Misd	Misd 2
237.40	Unlicensed Operation of a Beach Bingo Game. G.S. 14-309.14(5). (6/2017)		Misd 2
237.45	Providing False Information in Order to Obtain a License to Operate a Beach Bingo Game. G.S. 14-309.14(5)(c). (6/2017)		Misd 2
237.60	Possession of Illegal Slot Machine. G.S. 14-301. (8/1999)	Misd	Misd 2
237.70	Unlawful [Operation] [Possession] of Video Gaming Machines. G.S. 14-306.1, -306.1A. (6/2007).		Misd 1, H, G
237.75	Operating Electronic Sweepstakes. G.S. 14-306.4(b). (6/2013)		Misd 1, H, G
237.80	Unlawful [Promotion] [Operation] [Conducting] of a Server-Based Electronic Game Promotion. G.S. 14-306.3(a). (6/2009)		Misd 1, H, G
237.90	Unlawful Possession of Game Terminal for the Purpose of [Promoting] [Operating] [Conducting] a Server-Based Electronic Game Promotion. G.S. 14-306.3(b). (6/2009)		Misd 1
237.91	Felonious Possession of Game Terminals for the Purpose of [Promoting] [Operating] [Conducting] a Server-Based Electronic Game Promotion. G.S. 14-306.3; 14-309(c). (6/2009)		G
238.10	Obscenity. Disseminating Obscenity Intentionally (Physical Transfers). G.S. 14-190.1(a)(1), (3). (11/1999)	J	I
238.10A	Disseminating Obscenity Intentionally (Live Performance). G.S. 14-190.1(a)(2). (12/1999)	J	I
238.10B	Disseminating Obscenity Intentionally (Transmissions or Deliveries of Actual Images—Not Drawings). G.S. 14-190.1(a)(4). (12/1999)	J	I
238.11	Creating, Buying, Procuring, or Possessing Obscene Material with the Intent to Disseminate. G.S. 14-190.1(e). (12/1999)	J	I
238.12	Advertising or Promoting Sale of Material as Obscene. G.S. 14-190.1(f). (12/1999)	J	I
238.13	Preparing Obscene [Films] [Photographs] [Slides] [Negatives] [Motion Pictures] of Himself or Another for the Purpose of Dissemination. G.S. 14-190.5(1). (12/1999)	Misd	Misd 1
238.13A	Preparing Obscene [Films] [Photographs] [Slides] [Negatives] [Motion Pictures] for the Purpose of Dissemination (Modeling or Assisting the Photographer). G.S. 14-190.5(2). (12/1999)	Misd	Misd 1
238.14	Intentionally [Employing] [Permitting] Minor to Assist in Obscenity Offense. G.S. 14-190.6. (12/1999)	I	I

238.15	Disseminating Obscene Material to Minors under the Age of Sixteen. G.S. 14-190.7. (12/1999)	I	I
238.16	Disseminating Obscene Material to Minors under the Age of Thirteen. G.S. 14-190.8. (12/1999)	H	I
238.17	Indecent Exposure. G.S. 14-190.9. (6/2006)	Misd	Misd 2
238.17A	Indecent Exposure to Minor for Purpose of Arousing or Gratifying Sexual Desire. G.S. 14-190.9. (6/2020)		
238.18	Displaying Material Harmful to Minors. G.S. 14-190.14. (12/1999)	Misd	Misd 2
238.19	Disseminating Harmful Material to Minors (Distribution). G.S. 14-190.15(a)(1). (12/1999)	Misd	Misd 1
238.19A	Disseminating Harmful Material to Minors (Allowing Minor to Review). G.S. 14-190.15(a)(2). (12/1999)	Misd	Misd 1
238.20	Exhibiting a Harmful Performance to Minors. G.S. 14-190.15(b). (12/1999)	Misd	Misd 1
238.21	First Degree Sexual Exploitation of a Minor (Using or Employing a Minor to Engage in or Assist Others in Engaging in Sexual Activity). G.S. 14-190.16(a)(1). (1/2000)	G	D
238.21A	First Degree Sexual Exploitation of a Minor (Permitting a Minor to Engage in Sexual Activity for Live Performance, etc.) G.S. 14-190.16(a)(2). (1/2000)	G	D
238.21B	First Degree Sexual Exploitation of a Minor by Transporting a Minor. G.S. 14-190.16(a)(3). (1/2000)	G	D
238.21C	First Degree Sexual Exploitation of a Minor by Photographing, etc. G.S. 14-190.16(a)(4). (1/2000)	G	D
238.22	Second Degree Sexual Exploitation of a Minor (Producing Material). G.S. 14-190.17(a)(1). (1/2000)	H	F
238.22A	Second Degree Sexual Exploitation of a Minor (Circulating Material). G.S. 14-190.17(a)(2). (1/2000)	H	F
238.22B	Third Degree Sexual Exploitation of a Minor. G.S. 14-190.17A. (6/2015)	J	I
238.23	Promoting Prostitution of a Minor (Enticing Prostitution). G.S. 14-190.18(a)(1). (6/2014)	G	D
238.23A	Promoting Prostitution of a Minor (Supervising Prostitution). G.S. 14-190.18(a)(2). (6/2014)	G	D
238.23C	Patronizing a Prostitute, a Minor. G.S. 14-205.2. (6/2014)		Misd 1, D, F, G
238.24	Participating in Prostitution of a Minor. G.S. 14-190.19(a). (6/2014)	H	F
238.26A	Solicitation for Prostitution with a Minor. G.S. 14-204(5), 14-205.1 (6/2014)		Misd 1, E, G, H
238.30	Solicitation of a [Child] [Person Defendant Believed to Be a Child] by [Computer] [a Device Capable of Electronic Data [Storage] [Transmission] to Commit a Sex Act. G.S. 14-202.3. (6/2017)		H
238.35	Solicitation of a [Child] [Person Defendant Believed to Be a Child] by [Computer] [a Device Capable of Electronic Data [Storage] [Transmission] to Commit a Sex Act and Appearing at Location. G.S. 14-202.3(c)(2). (6/2017)		G
238.40	DELETE SHEET. Soliciting a Child by [Computer] [Electronic Device] to Commit an Unlawful Sex Act. (Offenses after December 1, 2009). G.S. 14-202.3 (6/2017)		H, G

239.10	Protection of Minors. [Selling] [Giving] a Weapon to a Minor. G.S. 14-315. (11/1999)	-	H, Misd 1
239.11	Improper Storage of Firearms to Protect Minors. G.S. 14-315.1. (8/1999)	Misd	Misd 1
239.20	Permitting a Young Child Under the Age of Twelve to Use a Dangerous Firearm. G.S. 14-316. (6/2014)	Misd	Misd 2
239.21	Furnishing a Young Child a Dangerous Firearm—Nonparent. G.S. 14-316. (Delete Sheet) (6/2014)	Misd	Misd 2
239.23	Possession of Handguns by Minors (6/2012)		Misd 1
239.25	Contributing to the Delinquency and Neglect by Parents and Others. G.S. 14-316.1; 7B-101(1), (15); 7B-1501(7), (27). (6/2019)	Misd	Misd 1
239.30	Child Care Facility Report of Missing Child. G.S. 110-102.1(a). (6/2014)		
239.31	Concealment of Death—Failure to Notify Law Enforcement of Death of Child or Secretly Burying Child. G.S. 14-401.22(a1). (6/2014)		H
239.32	Failure to Report the Disappearance of a Child to Law Enforcement. G.S. 14-318.5. (6/2014)		I
239.33	False Reports to Law Enforcement [Agency] [Officer] Related to the Disappearance of a Child. G.S. 14-225(b). (6/2014)		Misd 2, H
239.34	False Reports to Law Enforcement [Agency] [Officer]. G.S. 14-225(a). (6/2014)		Misd 2
239.35	Failure to Report [Abuse] [Neglect] [Dependency] [Death] Due to Maltreatment of a Juvenile. G.S. 7B-301(a), (b). (6/2019)		Misd 1
239.36	Failure of Department of Social Services Director to Notify the State Bureau of Investigations of a Report of Sexual Abuse of a Juvenile in a Child Care Facility. G.S. 7B-301(a), (c) (6/2014)		Misd 1
239.37	Failure to Report Crimes Against Juveniles. Misdemeanor. (6/2020)		Misd 1
239.55	Felonious Child Abuse. G.S. 14-318.4(a); 14-318.2. (6/2009)	H, Misd	E, Misd 1
239.55A	Felonious Child Abuse by Prostitution. G.S. 14-318.4(a1). (5/2000)	H	E
239.55B	Felonious Child Abuse by a Sexual Act by a [Parent] [Legal Guardian]. G.S. 14-318.4(a2). (5/2020)	H	H
239.55C	Felonious Child Abuse (Reckless Disregard—Serious Bodily Injury). G.S. 14-318.4(a4); 2414-318.2. (6/2014)		E
239.55D	Felonious Child Abuse (Reckless Disregard—Serious Physical Injury). G.S. 14-318.4(a5); 14-318.2 (6/2014)		H
239.57	Felonious Child Abuse [Inflicting Serious Bodily Injury] [Resulting in Permanent or Protracted Loss or Impairment of any Mental or Emotional Function]. G.S. 14-318.4(a3). (6/2009)		C
239.60	Child Abuse. G.S. 14-318.2. (6/2009)	Misd	Misd 1
239.65	Permitting a Child under 16 Years of Age to [Operate] [Be a Passenger on] a Bicycle without a Protective Bicycle Helmet. G.S. 20-171.9. (2/2002)		Infraction

239.70	Failure to Secure a Child in a Restraint System. G.S. 20-137.1. (2/2005)		Infraction
239.80	[Transporting] [Keeping] Child Outside the State with Intent to Violate Custody Order. G.S. 14-320.1. (5/2000)	J	I
239.90	Felonious Unauthorized Administration of Medication to a Child. G.S. 110-102.1A. (4/2004)		F, Misd A1
239.91	Unauthorized Administration of Medication to a Child. G.S. 110-102.1A. (4/2004)		Misd A1
239.95	Distribution of Certain Food at Halloween and All Other Times Prohibited—Controlled Substance. G.S. 14-401.11. (6/2020)		F
239.96	Distribution of Certain Food at Halloween and All Other Times Prohibited—Noxious Substances; Greater Than Mild Physical Discomfort. G.S. 14-401.11. (6/2020)		H
239.97	Distribution of Certain Food at Halloween and All Other Times Prohibited—Noxious Substances; Mild Physical Discomfort. G.S. 14-401.11. (6/2020)		I
239.98	Distribution of Certain Food at Halloween and All Other Times Prohibited—Poisonous Chemical, Compound, or Foreign Substance. G.S. 14-401.11. (6/2020)		C
Protection of Family.			
240.05	Abandonment by Supporting Spouse. G.S. 14-322(b). (5/2000)	Misd	Misd 2
240.06	Failure to Support Child. G.S. 14-322(d). (5/2000)	Misd	Misd 2
240.07	Felonious Abandonment and Lesser Included Offense of Failure to Support by Parent. G.S. 14-322.1, -322(d). (6/2014)	I, Misd	I, Misd 2
240.10	Failure of Supporting Spouse to Provide Adequate Support for Dependent Spouse. G.S. 14-322(c). (5/2000)	Misd	Misd 2
240.40	Willful Neglect or Refusal to Adequately Support and Maintain a Born Out of Wedlock Child. G.S. 49-2. (6/2014)	Misd	Misd 2
240.50	Violation of Valid Protective Order. G.S. 50B.4.1(a). (6/2016)		Misd A1
240.51	Violation of a Protective Order While in Possession of a Deadly Weapon. G.S. 50B-4.1(g). (6/2016)		H
240.55	Felonious Violation of Valid Protective Order. G.S. 50B.4.1(f). (6/2009)		H
240.60	Violation of Permanent Civil No-Contact Order. G.S. 50D-10. (6/2016)		
240.70	Domestic Abuse of a [Disabled] [Elder] Adult Inflicting [Mental] [Physical] Injury. G.S. 14-32.3. (6/2015)		II, H
240.71	Domestic Neglect of a [Disabled] [Elder] Adult Inflicting [Mental] [Physical] Injury. G.S. 14-32.3 (6/2015)		I, H
240.75	Domestic Abuse of a [Disabled] [Elder] Adult Inflicting Serious [Mental] [Physical] Injury. G.S. 14-32.3. (6/2015)		F
240.76	Domestic Neglect of a [Disabled] [Elder] Adult Inflicting Serious [Mental] [Physical] Injury. G.S. 14-32.3 (6/2015)		F

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. G.S. 122C-66(a). (6/2016)		Misd A1
240.82	[Employee] [Volunteer] at a Facility Who [Borrows] [Takes] Personal Property From a Client. G.S. 122C-66(a1). (6/2016)		Misd 1
240.84	[Employee] [Volunteer] at a Facility Failed to Report Violations of Client Abuse. G.S. 122C-66(b). (6/2016)		Misd 1
240.86	[Employee] [Volunteer] at a Facility Failed to Report Violations of [Borrowing] [Taking] Client Property. G.S. 122C-66(a1)-(b). (6/2016)		Misd 1
240.88	[Employee] [Volunteer] at a Facility Failed to Report Accidental Injury to a Client. G.S. 122C-66(b). (6/2016)		Misd A1
Intoxicating Liquors.			
241.05	Manufacturing Poisonous Spirituous Liquor for Use as a Beverage. G.S. 14-329(a). (8/2000)	H	H
241.10	Selling Spirituous Liquor for Use as a Beverage Knowing It to Be Poisonous. G.S. 14-329(b). (8/2000)	H	F
241.11	[Transporting for Other Than Personal Use] [Possessing for Purpose of Sale] of Spirituous Liquor for Use as a Beverage Knowing It to Be Poisonous. G.S. 14-329(b). (8/2000)	H	F
241.15	Selling Poisonous Spirituous Liquor for Use as a Beverage. G.S. 14-329(c). (8/2000)	Misd	Misd 2
241.16	[Transporting for Other Than Personal Use] [Possessing for Purpose of Sale] Poisonous Spirituous Liquor. G.S. 14-329(c). (8/2000)	Misd	Misd 2
241.20	[Transportation] [Possession] of Poisonous Spirituous Liquor for Use as a Beverage. G.S. 14-329(d). (8/2000)	Misd	Misd 1
242.10	Intentional Patient Abuse Resulting in Death. G.S. 14-32.2(a)-(b)(1). (6/2008)		C
242.15	Culpably Negligent Patient Abuse Resulting in Death. G.S. 14-32.2(a)-(b)(2). (6/2008)		E
242.20	Patient Abuse Resulting in Serious Bodily Injury. G.S. 14-32.2(a)-(b)(3). (6/2008)		F
242.25	Pattern of Patient Abuse Resulting in Bodily Injury. G.S. 14-32.2(a)-(b)(4). (6/2008)		H
Cruelty to Animals.			
247.10	Non-Felonious Cruelty to (an) Animal(s). G.S. 14-360(a). (6/2017)	Misd	Misd 1
247.10A	Felonious Cruelty to (an) Animal(s). G.S. 14-360(b). (6/2017)		H
247.10B	Misdemeanor Cruelty to Animals by Depriving of Necessary Sustenance. G.S. 14-360(a1). (6/2008)		Misd 1
247.15	Willful Killing of [Law Enforcement Agency] [Assistance] [Search and Rescue] Animal. G.S. 14-163.1. (6/2010)		H
247.15A	[Causing] [Attempting to Cause] Serious Harm to a [Law Enforcement Agency] [Assistance] [Search and Rescue] Animal. G.S. 14-163.1. (6/2010)		I

247.15B	Willfully [Taunting] [Teasing] [Harassing] [Delaying] [Obstructing] [Attempting to [Delay] [Obstruct]] a [Law Enforcement Agency] [Assistance] [Search and Rescue] Animal in the Performance of its Duties. G.S. 14-163.1. (6/2010)		Misd 2
247.20	Instigating or Promoting Cruelty to an Animal(s). G.S. 14-361. (6/2017)	Misd	Misd 1
247.30	Cockfighting. G.S. 14-362. (1/2001)	Misd	Misd 2
247.31	Dog Fighting and Baiting. G.S. 14-362.2. (6/2008)		H
247.40	Interference with Animal Research Involving Release of an Animal Having an Infectious Disease. G.S. 14-159.2(a)(1), (b), (c). (12/2000)	J, Misd	I, Misd 1
247.50	Interference with Animal Research—Willfully Damaging an Animal Research Facility. G.S. 14-159.2(a)(2). (8/2000)	Misd	Misd 1
247.60	Interference with Animal Research—Willful, Unauthorized Release of an Animal from an Enclosure or Restraining Device. G.S. 14-159.2(a)(3). (12/2000)	Misd	Misd 1
247.70	Interference with Animal Research—Willful Interference with the Care of an Animal Kept within an Animal Research Facility. G.S. 14-159.2(a)(4). (12/2000)	Misd	Misd 1
247.80	[Owning] [Possessing] [Using] [Transporting] [Trafficking] of Venomous Reptile not Housed in a Sturdy and Secure Enclosure. G.S. 14-417. (6/2020)		Misd 2, Misd A1
247.80A	[Owning] [Possessing] [Using] [Transporting] [Trafficking] of Crocodilian not Housed in a Sturdy and Secure Enclosure. G.S. 14-417.2. (6/2020)		Misd 2, Misd A1
247.80B	[Owning] [Possessing] [Using] [Transporting] [Trafficking] of Constricting Snake not Housed in a Sturdy and Secure Enclosure. G.S. 14-417.1. (6/2020)		Misd 2, Misd A1
247.81	Failure to Immediately Notify Local Law Enforcement of Escape of [Venomous Reptile] [Large Constricting Snake] [Crocodilian]. G.S. 14-417. (6/2010)		Misd 2, Misd A1
247.82	Handling a [Venomous Reptile] [Large Constricting Snake] [Crocodilian] in a Manner That [Intentionally] [Negligently] Exposes Another to Unsafe Contact with the [Venomous Reptile] [Large Constricting Snake] [Crocodilian]. G.S. 14-418. (6/2010)		Misd 2, Misd A1
247.83	Intentionally Releasing into the Wild a Nonnative [Venomous Reptile] [Large Constricting Snake] [Crocodilian]. G.S. 14-422. (6/2010)		Misd A1
247.84	[Intentionally] [Negligently] [[Suggesting] [Enticing] [Inviting] [Challenging] [Intimidating] [Exhorting] [Inducing] [Aiding]] Any Person to [Handle] [Be Exposed] in an Unsafe Manner to a [Venomous Reptile] [Large Constricting Snake] [Crocodilian]. G.S. 14-418. (6/2010)		Misd 2, Misd A1
252.65	Miscellaneous Police Regulations. Tattooing a Minor. G.S. 14-400. (8/2000)	Misd	Misd 2
254A.11	Felony Firearms. Possession of a Firearm or Weapon of Mass Death and Destruction by a Felon. G.S. 14-415.1. (6/2020)		G

254A.15	[Altering] [Defacing] [Destroying] [Removing] the Serial Number of a Firearm. G.S. 14-160.2 (6/2010)		H
254A.17	[Selling] [Buying] [Possessing] Firearm with Serial Number [Altered] [Defaced] [Destroyed] [Removed]. G.S. 14-160.2 (6/2010)		H
	Miscellaneous.		
255.01	Felonious Willful Failure to Appear. G.S. 15A-543. (12/2000)		I
255.02	Misdemeanor Willful Failure to Appear. G.S. 15A-543. (12/2000)	Misd	Misd 2
255.03	Failure to Appear (Alcohol-Related Offenses). G.S. 20-28(a2). (6/2007)		Misd 1
256.10	Intoxicated and Disruptive in Public. G.S. 14-444. (12/2000)	Misd	Misd 3
257.10	Willfully Violating Occupational Safety and Health Act of North Carolina Resulting in Death of an Employee. G.S. 95-139. (6/2010)		Misd 2
257.11	Knowingly Making a False [Statement] [Representation] [Certification] in a(n) [Application] [Record] [Report] [Plan] [Document] Required to be [Filed] [Maintained] Pursuant to the Occupational Safety and Health Act of North Carolina. G.S. 95-139. (6/2010)		Misd 2
257.12	Giving Advance Notice of OSHA Inspection Without Authorization. G.S. 95-139. (6/2010)		Misd 2
258.10	Failure of Secondary Metals Recycler to Issue Receipt for Purchase of Regulated Metals Property. G.S. 66-11(a1) (6/2010)		Misd 1, I
258.12	Failure of Secondary Metals Recycler to Maintain Records of Purchases of Regulated Metals. G.S. 66-11(b) (6/2010)		Misd 1, I
258.14	Failure to Hold and Retain Regulated Metals for Seven Days Before [Selling] [Dismantling] [Defacing] [Altering] [Disposing of] Regulated Metals. G.S. 66-11(d1) (6/2010)		Misd 1, I
258.16	Purchase of [Air Conditioning [Coils] [Condensers]] [Catalytic Converter] by Secondary Metals Recycler. G.S. 66-11(d)(3) (6/2010)		Misd 1, I
258.18	Purchase of Nonferrous Metal by Secondary Metals Recycler. G.S. 66-11(d)(4) (6/2010)		Misd 1, I
258.20	Purchase of Prohibited Material by Secondary Metals Recycler. G.S. 66-11(d)(5). G.S. 136-32(a). (6/2010)		Misd 1, I
258.30	Erecting or Maintaining Signs on Highways (6/2012)		Misd 3
258.31	Erecting or Maintaining Political Advertising Signs in Highway Rights of Way. G.S. 136-32(a), (b), (c), (d). (6/2012)		Misd 1, 3
258.32	Erecting or Maintaining Commercial Advertising Signs in Highway Rights of Way. G.S. 136-32(a), (d). (6/2012)		Misd 1
258.33	[Stealing] [Defacing] [Vandalizing] [Unlawfully Removing] Political Signs That Are Lawfully Placed. G.S. 136-32(a), (b), (c), (d), (e). (6/2012)		Misd 3
258.35	Removal or Destruction of Warning Signs—Water Quality in Coastal Recreation Waters. G.S. 113-221.3(b), (c), (d). (6/2012)		Misd 2

258.36	Possession of Signs Posted by Department of Environment and Natural Resources—Water Quality in Coastal Recreation Waters. G.S. 113-221.3(b), (c), (d). (6/2012)	Misd 2
259.10	Unauthorized Practice of Medicine—Practicing Without a License. G.S. 90-18. (6/2012)	Misd 1
259.11	Unauthorized Practice of Medicine—Practicing Without a License While Representing Oneself as Being Licensed. G.S. 90-18. (6/2012)	I
259.12	Unauthorized Practice of Medicine—Practicing Without a License in North Carolina By an Out-of-State Practitioner. (G.S. 90-18). (6/2012)	I
259.13	Unauthorized Practice of Medicine—Practicing Without a License Due to Failure to Complete Timely Annual Registration or Practice While Licensed Under Another Article. G.S. 90-18. (6/2012)	Misd 1
259.20	Unauthorized Practice of Law—Non-Members of the State Bar. G.S. 84-4. (6/2017)	Misd 1
259.21	Unauthorized Practice of Law—Corporations. G.S. 84.5. (6/2012)	Misd 1
259.22	Unauthorized Practice of Law—Foreclosure Fees. G.S. 84.6. (6/2012)	Misd 1
259.23	Unauthorized Practice of Law—Appearing for Creditors in [Insolvency] [Bankruptcy] and Other Proceedings. G.S. 84.9. (6/2012)	Misd 1
259.30	Practice as a Clinical Addiction Specialist Without a License. G.S. 90-113.43(a)(1). (6/2020)	Misd 1
259.31	Practice as a Clinical Addiction Specialist Without a License—Using [Letters] [Words] [Numerical Codes] [Insignia]. G.S. 90-113.43(a)(2). (6/2020)	Misd 1
259.32	[Practice] [Attempt to Practice] as a Clinical Addiction Specialist With a [Revoked] [Lapsed] [Suspended] Certification or License. G.S. 90-113.43(a)(3). (6/2020)	Misd 1
259.33	[Aiding] [Abetting] [Assisting] the Practice of a Clinical Addiction Specialist Without a License. G.S. 90-113.43(a)(4). (6/2020)	Misd 1
259.34	Knowingly Serving in a Position Required by Law to be Filled by a Clinical Addiction Specialist. G.S. 90-113.43(a)(5). (6/2020)	Misd 1
259.40	Bank Examiner Making False Report. G.S. 53C-8-7. (6/2013)	H
259.41	[Bank Examiner] [Other Employee] Disclosing Confidential Information. G.S. 53C-8-8. (6/2013)	Misd 1
259.42	Willfully and Maliciously Making [False] [Derogatory] Reports about the Financial Condition of a Bank. G.S. 53C-8-10. (6/2013)	Misd 1
259.43	[Bank] [Officer] [Director] [Employee] Making Extension of Credit to a Disqualified Individual. G.S. 53C-8-9. (6/2013)	Misd 1
259.50	Attempt to [Evade] [Defeat] Tax. G.S. 105-236(a)(7). (6/2016)	H
259.51	Willful Failure to [Collect] [Withhold] [Pay Over] Tax. G.S. 105-236(a)(8). (6/2016)	Misd 1
259.52	Willful Failure to [File Return] [Supply Information] [Pay Tax]. G.S. 105-236(a)(9). (6/2016)	Misd 1
259.53	[Aiding] [Assisting] [Procuring] [Counseling] [Advising] in the [Preparation] [Presentation] [Filing] of a [Fraudulent] [False]	

	Tax Document by a Tax Return Preparer. G.S. 105-236(a)(9a). (6/2016)		C, F, H
259.53A	[Aiding] [Assisting] [Procuring] [Counseling] [Advising] in the [Preparation] [Presentation] [Filing] of a [Fraudulent] [False] Tax Document by Any Person Other Than a Tax Return Preparer. G.S. 105-236(a)(9a). (6/2016)		C, F, H
259.55	Identity Theft – Submission to the Department of Revenue. G.S. 105-236(a)(9b). (6/2018)		
259.57	Identity Theft – Submission to the Department of Revenue Resulting in Adverse Financial Impact. G.S. 105-236(a)(9b). (6/2018)		
259.60	Unlawful Handling of Waste Kitchen Grease. G.S. 14-79.2. (6/2013)		H, Misd 1
259.70	Medicaid Subrogation – Withholding Information. G.S. 108A-57(b). (6/2014)		Misd 1
259.80	Misuse of 911 System. G.S. 14-111.4. (6/2014)		Misd 1
259.85	Subsurface Injection of Waste. G.S. 113-395.2, 143-214.2 (6/2015)		Misd 1
259.90	Member of a [County] [City] Inspection Department Who Willfully [Fails to Perform Duties] [Improperly [Issues Permit] [Gives Certificate of Compliance]] [Improperly Gives a Certificate of Compliance Without First Making the Required Inspections by Law] [Improperly Gives a Certificate of Compliance]. G.S. 153A-356; 160A-416. (6/2016)		Misd 1
259.95	Illegal Operation of Amusement Devices Causing [Death] [Serious Injury]. G.S. 95-111.13. (6/2016)		E
259.97	[Counterfeiting] [Selling] [Lending] [Permitting Use of] Photo Identification for Voting. G.S. 163A-1389(19) (6/2019)		I
259.98	Voting More Than One Time in an Election—Verdict Form. G.S. 163-275(7). (6/2017)		I
	Dangerous Drugs.		
	260 Series—Directory of Dangerous Drug Charges. (6/1996)		
260.10	Possession of a Controlled Substance. G.S. 90-95(a)(3)(d). (6/2014)	I, Misd	I, Misd 1, Misd 2, 3
260.11	Aggravated Possession of a Controlled Substance—Including Lesser Offenses. G.S. 90-95. (6/2014)	I, Misd	I, Misd 1, Misd 2, 3
260.12	Possession of a Controlled Substance on Premises of a [Penal Institution] [Local Confinement Facility]. G.S. 90-95(a)(3), (e)(9). (6/2014)	I	I*
260.15	Possession of a Controlled Substance with Intent to [Manufacture] [Sell] [Deliver]—Lesser Included Offense. G.S. 90-95(a)(1), (3), (b), (d). (6/2014)	H, I, Misd	H, I, Misd 1, Misd 2, 3
260.15A	Possession of a Counterfeit Controlled Substance with Intent to [Sell] [Deliver]. G.S. 90-87(6) and 90-95(a)(2), (c). (6/2014)	I	I
260.15B	Possession of an Immediate Precursor Chemical. G.S. 90-95(d1), (d2). (12/2004)	H	H

* On or after 12/1/97, Voluntary Manslaughter is a Class D felony.

260.16	Aggravated Possession of a Controlled Substance with Intent to [Manufacture] [Sell] [Deliver]—Lesser Included Offenses. G.S. 90-95(a)(1), (b)(2), (e)(1-4). (6/2014)	E, H, I, Misd	E, H, I, Misd 1,2,3
260.17	Drug Trafficking—Possession (Marijuana, Methaqualone, Cocaine, Amphetamine, Methamphetamine, Opium, Opiate, Opioid or Heroin, Lysergic Acid Diethylamide, Methylenedioxyamphetamine, Methylenedioxymethamphetamine, Substituted Cathinones, or Synthetic Cannabinoid). G.S. 90-95(h). (6/2019)	C, D, E F, G, H	D, D, E F, G, H
260.18	Forged Prescription—Acquiring or Obtaining Possession of a Controlled Substance by [Misrepresentation] [Fraud] [Forgery] [Deception] [Subterfuge]. G.S. 90-108(a)(10). (6/2014)	I	I
260.19	Manufacturing a Controlled Substance. G.S. 90-95(a)(1). (1/2001)	H, I	H, I
260.19A	Creating a Counterfeit Controlled Substance. G.S. 90-95(a)(2) and 90-87(b). (1/2001)	I	I
260.20	Aggravated Manufacture of Controlled Substance—Lesser Included Offense. G.S. 90-95(a)(1), (e)(1-4). (1/2001)	Misd	Misd 1, 2
260.20A	Drug Trafficking—Manufacturing (Marijuana, Methaqualone, Cocaine, Amphetamine, Methamphetamine, Opium, Opiate, Opioid or Heroin, Lysergic Acid Diethylamide, Methylenedioxyamphetamine, Methylenedioxymethamphetamine, Substituted Cathinones, or Synthetic Cannabinoid). G.S. 90-95(h). (6/2016)	C, D, E, F, G, H	C, D, E, F, G, H
260.21	[Selling] [Delivering] a Controlled Substance. G.S. 90-95(a)(1). (1/2001)	H, I	H, I*
260.21A	[Selling] [Delivering] a Counterfeit Controlled Substance. G.S. 90-95(a)(2) and 90-87(6). (1/2001)	I	I
260.22	Sale or Delivery of a Controlled Substance to a Minor or Pregnant Woman—Lesser Included Offense. G.S. 90-95(a)(1), (e)(5). (1/2001)	E, H, I	E, H
260.22A	Sale or Delivery of a Controlled Substance on or within 1,000 Feet of School Property. G.S. 90-95(e)(8). (6/2012)		E
260.22B	Sale or Delivery of a Controlled Substance on or within 1,000 Feet of a Public Park G.S. 90-95(e)(10). (6/2008)		E
260.22C	Sale or Delivery of a Controlled Substance on Property Used for a Child Care Center. G.S. 90-95(e)(8). (6/2008)		E
260.23	Drug Trafficking—[Selling] [Delivering] (Marijuana, Methaqualone, Cocaine, Amphetamine, Methamphetamine, Opium, Opiate, Opioid or Heroin, Lysergic Acid Diethylamide, Methylenedioxyamphetamine, Methylenedioxymethamphetamine, Substituted Cathinones or Synthetic Cannabinoid) G.S. 90-95(h). (6/2019)	C, D, E, F, G, H	C, D, E, F, G, H
260.30	Drug Trafficking—Transportation (Marijuana, Methaqualone, Cocaine, Amphetamine, Methamphetamine, Opium, Opiate, Opioid or Heroin, Lysergic Acid Diethylamide, Methylenedioxyamphetamine, Methylenedioxymethamphetamine, Substituted Cathinones, or Synthetic Cannabinoid). G.S. 90-95(h). (6/2019)	C, D, E, F, G, H	C, D, E, F, G, H

* On or after 12/1/97, Voluntary Manslaughter is a Class D felony.

260.40	Employing a Minor to Commit a Drug Law Violation. G.S. 90-95.4. (1/2001)		
260.41	Promoting Drug Sales by a Minor. G.S. 90-95.6. (1/2001)		D
260.42	Participating in a Drug Violation by a Minor. G.S. 90-95.7. (3/2001)		G
260.45	General Aggravating Conditions Applicable to Drug Charges. G.S. 90-95(d), (e)(1-5). (12/2003)		
260.70	Continuing Criminal Enterprise—The Controlled Substances Act. G.S. 90-95.1. (3/2001)	C	C
260.80	Feloniously Dispensing a Controlled Substance (Practitioner or Registrant)—Lesser Included Offense. G.S. 90-108(a)(2) and (b); 90-106. (3/2001)	I, Misd	I, Misd 1
260.81	Feloniously [Diverting] [Embezzling] a Controlled Substance (Practitioner, Registrant, or Employee). G.S. 90-108(b) and 90-108(a)(14) (6/2019)		E
260.82	Feloniously [Diverting] [Embezzling] a Controlled Substance by [Dilution] (or) [Substitution] (Practitioner, Registrant, or Employee). G.S. 90-108(b)(3) and 90-108(a)(14) (6/2019)		E
260.83	Feloniously [Diverting] [Embezzling] a Controlled Substance (by Virtue of Occupation). G.S. 90-108(b)(2) and 90-108(a)(15) (6/2019)		E
260.84	Feloniously [Diverting] [Embezzling] a Controlled Substance by [Dilution] (or) [Substitution] (by Virtue of Occupation). G.S. 90-108(b)(3) and 90-108(a)(15) (6/2019)		E
260.85	Felonious Use of Controlled Substances Reporting System—Unauthorized [Disclosure] [Dissemination] G.S. 90-113.74(k)(2) (6/2019)		I
280.86	Felonious Use of Controlled Substances Reporting System—[Commercial Advantage] [Personal Gain] [Maliciously Harm] G.S. 90-113.74(k)(3) (6/2019)		H
260.87	Felonious Use of Controlled Substances Reporting System for an Unauthorized Purpose. G.S. 90-113.74(k)(1) (6/2019)		I
260.90	[Intentionally] [Knowingly] [Keeping] [Maintaining] a Building or Vehicle for the [Use] [Keeping] [Selling] of Controlled Substances. G.S. 90-108(a)(7). (6/2009)	I, Misd	I, Misd 1
260.95	[Possession] [Use] of Drug Paraphernalia. G.S. 90-113.22. (6/2014)	Misd	Misd 1
260.96A	Willfully and Knowingly Offering a [Glass Tube] [Splitter] for Retail Sale by Self-Service. G.S. 90-113.82(a) (6/2010)		Misd 2
260.96B	Failure to Comply with Restrictions on Sales of [Glass Tubes] [Splitters]. G.S. 90-113.82(b) (6/2010)		Misd 1
260.96C	Failure to Maintain Records of Purchasers of [Glass Tubes] [Splitters]. G.S. 90-113.82(c) (6/2010)		Misd 2
260.96D	Failure to Train Agents and Employees on Requirements of Sales of [Glass Tubes] [Splitters]. G.S. 90-113.82(e) (6/2010)		Misd 2
261.10	Adulterating a [Urine] [Bodily Fluid] Sample with the Intent to Defraud a [Drug] [Alcohol] Test. G.S. 14-401.20(b). (4/2003)		Misd 1, I

261.20	Attempt to [Foil] [Defeat] a [Drug] [Alcohol] Screening Test by the [[Substitution] [Spiking] of a Urine Sample] [Advertisement of a [Sample Substitution] [Spiking Device or Measure]]. G.S. 14-401.20(a)(2). (4/2003)		Misd 1, I
261.30	Distributing or Transporting Urine to Defraud a [Drug] [Alcohol] Test. G.S. 14-401.20. (4/2003)		Misd 1, I
261.40	[Possessing] [Selling] Adulterants Intended to Be Used to Adulterate a [Urine] [Bodily Fluid] Sample for the Purpose of Defrauding a [Drug] [Alcohol] Screening Test. G.S. 14-401.20(b)(2), (3). (4/2003)		Misd 1, I
261.50	Pseudoephedrine Sales—Retailer. G.S. 90-113.56. (6/2013)		Misd A1, I
261.51	Pseudoephedrine Sales—Purchaser. G.S. 90-113.56. (6/2013)		Misd 1, A1, I
261.52	Pseudoephedrine Sales—[Employee of Retailer] [Other Person]. G.S. 90-113.56. (6/2013)		Misd 1, A1, I
261.53	Pseudoephedrine Sales—Retailer Who Fails to Train Employees. G.S. 90-113.56. (6/2012)		Misd A1, I
261.55	Possession of a Pseudoephedrine Product with Prior Conviction for the [Possession] With Intent to [Sell] [Deliver]] [Trafficking] [Manufacture of] a [Methamphetamine] [Immediate Precursor Chemical]. G.S. 90-95(d1)(1)(c). (6/2016)		H
261.60	[Manufacturing] [Distributing] [Dispensing] [Delivering] [Purchasing] Marijuana on Property Lawfully Used for Industrial Hemp Production. G.S. 106-568.57(a). (6/2017)		I
261.65	Providing [False] [Misleading] Information to the Industrial Hemp Commission Related to a License [Application] [Renewal] [Inspection] [Investigation]. G.S. 106-568.57(b). (6/2017)		Misd 1
261.70	[Tampering With] [Adulterating] a Lawfully Planted Industrial Hemp Crop. G.S. 106-568.57(c). (6/2017)		Misd 1
Traffic Offenses.			
270.00	Model Jury Instruction. (6/2011)		
270.05	Punishment Levels For Impaired Driving. (1/1995)		
270.05A	Punishment Levels For Impaired Driving. (1/1999)		
270.15	Aggravating Factors for Impaired Driving. G.S. 20-179. (6/2016)		
270.15A	Verdict Form—Aggravating Factors for Impaired Driving. G.S. 20-179. (6/2016)		
270.20	Impaired Driving. G.S. 20-138.1. (6/2010)	Misd	Misd
270.20A	Impaired Driving. G.S. 20-138.1. (6/2016)		
270.21	Impaired Driving of a Commercial Vehicle. G.S. 20-138.2 and -138.2A. (6/2010)		Misd 1
270.21A	Impaired Driving in a Commercial Vehicle. G.S. 20-138.2 and -138.2A. (6/2014)		Misd 3
270.23	Operating a [School Bus] [School Activity Bus] [Child Care Vehicle] [Ambulance] [EMS Vehicle] [Firefighting Vehicle] [Law Enforcement Vehicle] After Consuming Alcohol. G.S. 20-138.2B(a). (6/2014)		Misd 3

270.25	Habitual Impaired Driving—Including Chemical Test.). G.S. 20-138.5. (6/2015)	J	F
270.25A	Habitual Impaired Driving—Including Chemical Test. G.S. 20-138.2A. (6/2018)	J	F
270.30	Driving by a person Less Than 21 Years Old [While] [After] Consuming Alcohol or Drugs. G.S. 20-138.3. (5/1999)	Misd	Misd 2
270.35	Possession of an Open Container of Alcoholic Beverage. G.S. 20-138.7(a1). (6/2014)		Infraction
270.40	Transporting an Open Container of Alcoholic Beverage. G.S. 20-138.7(a). (6/2010)		Misd 2, Misd 3
270.50	Speeding in Excess of [15 mph More Than Speed Limit] [80 mph]. G.S. 20-141(j1). (5/2001)	Misd, Infraction	Misd 2, Infraction
270.51	Driving Too Fast for Conditions. G.S. 20-141(a). (4/2001)	Infraction	Infraction
270.52	Speeding Inside Municipal Corporate Limits—No Limit Posted. G.S. 20-141(b). (3/2001)	Infraction	Infraction
270.53	Exceeding the Posted Speed Limit. G.S. 20-141(d), (e), (f). (4/2001)	Infraction	Infraction
270.54	Operating a Motor Vehicle to Elude Arrest. G.S. 20-141.5(a). (4/2001)	Misd	Misd 1
270.54A	Operating a Motor Vehicle to Elude Arrest. G.S. 20-141.5(a) and (b). (4/2001)		H, Misd 1
270.54B	Operating a Motor Vehicle to Elude Arrest Resulting in Death. G.S. 20-141.5(b1). (6/2006)		H
270.54C	Operating a Motor Vehicle to Elude Arrest Accompanied by Aggravating Factors Resulting in Death. G.S. 20-141.5(b1). (6/2006)		E
270.55	Willfully Engaging in a Speed Competition on a Street or Highway. G.S. 20-141.3(b). (3/2001)	Misd	Misd 1
270.56	Willfully Engaging in a Prearranged Speed Competition on a Street or Highway. G.S. 20-141.3(a). (3/2001)	Misd	Misd 2
270.57	Failure to Slow Down. G.S. 20-141(m). (3/2020)		Infraction
270.58	Turning at Intersections. G.S. 20-153. (4/2001)	Infraction	Infraction
270.59	Turning at Intersections—Local Ordinance. G.S. 20-153(c). (4/2001)		
270.60	Unsafe Movement (Starting, Stopping, or Turning). G.S. 20-154. (6/2014)	Infraction	Infraction
270.60A	Unsafe Movement Causing [Property Damage] [Personal Injury] to Motorcycle Operator. G.S. 20-154(a1). (6/2014)		Infraction
270.60B	Unsafe Movement Causing [Property Damage in Excess of Five Thousand (\$5,000) Dollars] [Serious Bodily Injury] to Motorcycle [Operator] [Passenger]. G.S. 20-154(a1), (a2). (6/2014)		Infraction
270.61	Unsafe Movement (Backing). G.S. 20-154. (6/2012)	Infraction	Infraction
270.61A	Unsafe Movement (Backing) Causing [Property Damage] [Personal Injury] to Motorcycle [Operator] [Passenger]. G.S. 20-154(a1). (6/2014)		Infraction
270.61B	Unsafe Backing Causing [Property Damage in Excess of Five Thousand Dollars (\$5,000)] [Serious Bodily Injury] to a Motorcycle [Operator] [Passenger]. G.S. 20-154(a1), (a2). (6/2014)		Infraction

270.62	Willfully Covering Registration Plate. G.S. 20-63(g). (2/2005)		Misd 2
270.65	Failure to Stop for Blue Light and Siren (Approaching Law Enforcement Vehicle). G.S. 20-157(a); 20-125. (6/2013)	Misd	Misd 2
270.66	Failure to Stop for Blue Light and Siren (Approaching Law Enforcement Vehicle) Causing Serious Injury or Death to a Law Enforcement Officer, Firefighter, or Other Rescue Worker. G.S. 20-157(a), (i); 20-125. (6/2006)		I
270.67	Failure to Stop for Blue Light and Siren (Approaching Law Enforcement Vehicle) Causing Injury to a Law Enforcement Officer, Firefighter, or Other Rescue Worker. G.S. 20-157(a), (h); 20-125. (6/2006)		Misd 1
270.68	Failure to Stop for Blue Light and Siren (Approaching Law Enforcement Vehicle) Causing Damage to Property in Excess of \$500. G.S. 20-157(a), (h); 20-125. (6/2006)		Misd 1
270.70	Failure to Stop for a Traffic Control Signal. G.S. 20-158(b)(2). (12/2004)	Infraction	Infraction
270.71	Failure to Stop for Flashing Red Light. G.S. 20-158(b)(3). (4/2004)	Infraction	Infraction
270.72	Failure to Stop for Stop Sign. G.S. 20-158(b)(1). (4/2004)	Infraction	Infraction
270.73	Failure to Yield to a Pedestrian. G.S. 20-158(b). (3/2005)		
270.75	Passing Stopped School Bus. G.S. 20-217. (6/2006)	Misd	Misd 2
270.76	Passing Stopped School Bus—Striking a Person Causing Serious Bodily Injury. G.S. 20-217. (6/2010)		I
270.76A	Passing Stopped School Bus—Striking a Person Causing Death. G.S. 20-217. (6/2010)		H
270.77	Unlawful Use of Mobile Phone to [Manually Enter Multiple Letters or Text As a Means of Communicating with Another Person] [Read Any [Electronic Mail] [Text Message] [Transmitted to] [Stored Within] the Device] While Operating a School Bus. (Texting While Operating a School Bus) G.S. 20-137.4(b). (6/2010)		Misd 2
270.80	Reckless Driving—Carelessly and Heedlessly. G.S. 20-140(a). (5/2001)	Misd	Misd 2
270.81	Reckless Driving—Driving to Endanger. G.S. 20-140(b). (5/2001)	Misd	Misd 2
270.90	Failure to Maintain Lane Control. G.S. 20-146(d)(1) (6/2019)		Infraction
270A.10	Infliction of Serious Bodily Injury by Operation of Aircraft While Impaired (Flying High). G.S. 63-28. (5/2001)	H	F
270A.15	Operation of Aircraft While Impaired (Flying High). G.S. 63-27. (5/2001)	Misd	Misd 1
270A.20	Operating Vessel in Reckless Manner. G.S. 75A-10(a). (6/2008)		Misd 2
270A.25	Operating Vessel While under the Influence of an Impairing Substance. G.S. 75A-10(b1). (6/2017)		Misd 2
270A.27	[Recklessly] [Negligently] [Operating a [Motorboat] [Vessel]] [Manipulating [Water Skis] [A Surfboard.]]. G.S. 75A-10(a). (6/2017)		Misd 2
270A.27A	Manipulating [Water Skis] [A Surfboard] [Nonmotorized Vessel] [Similar Device] While Under the Influence of an Impairing Substance. G.S. 75A-10(b). (6/2017)		Misd 2

270A.27B	[Death] [Serious Injury] by Impaired Boating. G.S. 75A-10.3(a),(b),(f). (6/2017)		D, F
270A.27C	Aggravated [Death] [Serious Injury] by Impaired Boating. G.S. 75A-10.3(c),(d),(f). (6/2017)		D
270A.27D	Repeat Death by Impaired Boating. G.S. 75A-10.3(e),(f). (6/2017)		B2
270A.30	Improper Vessel Registration. G.S. 75A-4. (6/2009)		Misd 3
Non-Traffic Automobile Offenses.			
271.10	Driving a Motor Vehicle on a Highway While License Has Been Suspended or Revoked. G.S. 20-28. (5/2001)	Misd	Misd 1
271.12	Driving a Motor Vehicle on a Highway while License Has Been Revoked for Impaired Driving. G.S. 20-28(a1). (6/2018)		
271.15	Operating a Motor Vehicle in Violation of License Limitation. G.S. 20-7(e). (5/2001)	Misd	Misd 1
271.16	Operating a Motor Vehicle in Violation of a Limited Driving Privilege. G.S. 20-179.3(j). (5/2001)	Misd	Misd 1
271.21	Knowingly Permitting Motor Vehicle to Be Driven by a Person Having No Legal Right to Do So. G.S. 20-34; 20-35. (5/2001)	Misd	Misd 2
271.22	[Driving] Knowingly Permitting Another to Drive] a Vehicle that [was Not Registered with the Division of Motor Vehicles] [Did Not Display a Current Registration Plate]. Misdemeanor. G.S. 20-111(1) (6/2011)		Misd 2
271.23	Sex Offender Driving [Commercial Passenger Vehicle] [School Bus]. G.S. 20-27.1. (6/2010)		F
271.25	[Receiving] [Transferring] a Stolen Vehicle with Intent to [Procure] [Pass] Title to That Vehicle. G.S. 20-106. (5/2001)	I	H
271.26	Possession of a Stolen Vehicle. G.S. 20-106. (6/2016)	I	H
271.28	Forging an Inspection [Sticker] [Receipt]. G.S. 20-183.8(c)(1). (6/2017)		I
271.28A	[Buying] [Selling] [Issuing] [Possessing] a Forged [Inspection Sticker] [An Electronic Inspection Authorization]. G.S. 20-183.8(c)(2). (6/2017)		I
271.28B	Unlawfully [Buying] [Selling] [Issuing] [Possessing] an [Inspection Sticker] [Electronic Inspection Authorization]. G.S. 20-183.8(c)(3). (6/2017)		I
271.28C	Failing the [Safety] [Emissions] Inspection of a Vehicle for an Unlawful Reason. G.S. 20-183.8(c)(5). (6/2017)		I
271.28D	[Soliciting] [Accepting] Something of Value in Order to Pass a Vehicle That Fails [Safety] [Emissions] Inspection. G.S. 20-183.8(c)(4). (6/2017)		I
271.30	Willfully Injuring or Tampering with or Removing Parts from a Vehicle without the Consent of the Owner. G.S. 20-107(a). (5/2001)	Misd	Misd 2
271.31	[Climbing Into] [Attempting to or Setting in Motion] a Vehicle with Intent to Steal, Commit Malicious Injury, etc. G.S. 20-107(b). (5/2001)	Misd	Misd 2

271.34	[Failure] [Refusing] to Surrender to the Division of Motor Vehicles, Upon Demand, Any [Title Certificate] [Registration Card] [Registration Number Plate] Which Has Been [Suspended] [Cancelled] [Revoked]. Misdemeanor. G.S. 20-111(4). (6/2011)		Misd. 2
271.35	Alteration or Change of Engine or Other Number on a Vehicle. G.S. 20-109(a)(1). (5/2001)	Misd	I
271.36	Permitting the Alteration or Change of Engine or Other Numbers on a Vehicle. G.S. 20-109(a)(2). (5/2001)	Misd	I
271.37	Unlawful Placing or Stamping of a Serial or Other Number upon a Vehicle, Where Such Number Has Not Been Assigned to the Vehicle by the Division of Motor Vehicles. G.S. 20-109(a)(3). (5/2001)	Misd	I
271.38	Knowingly Permitting the Placing or Stamping of a Serial or Motor Number upon a Motor Vehicle by Its Owner, Where the Number Has Not Been Assigned to Such Vehicle by the Division of Motor Vehicles. G.S. 20-109(a)(4). (5/2001)	Misd	I
271.39	Alteration of a Serial or Motor Number Assigned to a Vehicle by the Division of Motor Vehicles with the Intent to Conceal or Misrepresent Its True Identity. G.S. 20-109(b)(1). (5/2001)	I	I
271.40	Permitting by Owner of a Vehicle the Alteration or Use of a Serial or Motor Number Assigned to That Vehicle by the Division of Motor Vehicles with the Intent to Conceal or Misrepresent Its True Identity. G.S. 20-109(b)(2). (5/2001)	I	I
271.41	Unlawful Use of a [Driver's License] [Learner's Permit] [Special Identification Card] Issued by the Division of Motor Vehicles. G.S. 20-30(a); 20-37.8(b). (2/2000)	-	I
271.42	Possession or Manufacture of Certain Fraudulent Forms of Identification. G.S. 14-100.1. (5/2002)		Misd 1
271.43	Willfully Displaying an Expired [License] [Registration Plate] on a Vehicle Knowing the Same to be Expired. G.S. 20-111(2). Misdemeanor. (6/2011)		Misd 2
271.44	[Displaying] [Causing to be Displayed] [Permitting to be Displayed] [Possessing] a [Registration Card] [Certificate of Title] [Registration Number Plate] That Is [Fictitious] [Has Been [Cancelled] [Revoked] [Suspended] [Altered]] Misdemeanor. G.S. 20-111(2). (6/2011)		Misd 2
271.45	Performing [Safety] [Emissions] Inspection on a Motor Vehicle Without a License. G.S. 20-183.8(b)(1). (6/2017)		Misd 3
271.46	[Giving] [Lending] [Borrowing] of a License Plate for the Purpose of Using Same on a Motor Vehicle Other Than That for Which It Was Issued. Misdemeanor. G.S. 20-111(3). (6/2011)		Misd 3
271.47	Knowingly [Making a False Statement] [Concealing a Material Fact] [Committing Fraud] in any Application for [the Registration of Any Vehicle] [Certificate of Title] [Renewal of Registration] [Duplicate [Registration] [Title]]. G.S. 20-111(5). Misdemeanor. (6/2011)		Misd 1
271.48	Using a [Name] [Address] That Is [False] [Fictitious] in Any Application for [the Registration of Any Vehicle] [Certificate of Title] [Renewal of Registration] [Duplicate [Registration] [Title]]. G.S. 20-111(5). (6/2011)		Misd 1

271.49	[Giving] [Lending] [Selling] [Obtaining] a Certificate of Title for the Purpose of Using the Certificate of Title for Any Purpose Other Than the [[Registration] [Sale] of a Vehicle] [Use in Connection with the Vehicle for which the Certificate was Issued]. G.S. 20-111(6). (6/2011)		Misd 2
271.50 Series—	Introduction to Hit and Run Instructions. (1/1997)		
271.50	Felonious Hit and Run with Serious Bodily Injury or Death (Failure to Stop), Including Lesser Offense. G.S. 20-166(a), (c)(2). (6/2018)		F, Misd 1
271.51	Hit and Run with Personal Injury or Death (Failure to Stop or Give Required Information). G.S. 20-166(c), (c1). (6/2009)		Misd 1
271.52	Hit and Run with Serious Bodily Injury or Death (Defendant Stopped but Failed to Give Required Information or Render Assistance). G.S. 20-166(b). (6/2009)		Misd 1
271.53	Hit and Run with Property Damage. G.S. 20-166(c), (c1). (6/2009)	Misd	Misd 1
271.54	Felonious Hit and Run with Injury (Failure to Stop) Including Lesser Offense. G.S. 20-166(a1), (c)(2). (6/2009)		H
271.61	Removal of Vehicle from Scene after Accident Resulting in [Injury] [Death] to Any Person—Driver. G.S. 20-166(a). (6/2006)		F
271.62	Removal of Vehicle from Scene after Accident Resulting in [Damage to Property] [[Injury] [Death] to Any Person of Which the Driver Was Unaware]—Driver. G.S. 20-166(c). (6/2006)		Misd 1
271.66	Failure to Return with the Vehicle after Being Permitted to Remove It from the Scene after an Accident Resulting in [Injury] [Death] to Any Person—Driver. G.S. 20-166(a). (6/2006)		F
271.67	Failure to Return with the Vehicle after Being Permitted to Remove It from the Scene after an Accident Resulting in [Damage to Property] [[Injury] [Death] to Person of Which the Driver Was Unaware]—Driver. G.S. 20-166(c). (6/2006)		Misd 1
271.70	Leaving Scene after Accident Resulting in [Injury] [Death] to Any Person—Passenger. G.S. 20-166.2(a). (6/2006)		H
271.71	Leaving Scene after Accident Resulting in [Damage to Property] [Injury or Death to Person of Which the Passenger was Unaware]—Passenger. G.S. 20-166.2(a). (6/2006)		Misd 1
271.72	Failure to Render Assistance—Passenger. G.S. 20-166.2(b) (6/2006)		Misd 1
271.73	Failure to Stop or Give Required Information after Accident—Passenger. G.S. 20-166.2(b). (6/2006)		Misd 1
271.74	Removal of Vehicle from Scene after Accident Resulting in [Injury] [Death] to Any Person—Passenger. G.S. 20-166.2(a). (6/2006)		H
271.75	Removal of Vehicle from Scene after Accident Resulting in [Damage to Property] [Injury or Death to Person of Which the Passenger Was Unaware]—Passenger. G.S. 20-166.2(a). (6/2006)		Misd 1

271.76	Failure to Return with the Vehicle after Being Permitted to Remove It from the Scene after an Accident Resulting in [Injury] [Death] to Any Person—Passenger. G.S. 20-166.2(a). (6/2006)		H
271.77	Failure to Return with the Vehicle after Being Permitted to Remove It from the Scene after an Accident Resulting in [Damage to Property] [Injury or Death to Person of Which the Passenger was Unaware]—Passenger. G.S. 20-166.2(a). (6/2006)		Misd 1
271.80	Tampering with Ignition Interlock Device—Avoiding or Altering Testing in Operation of a Vehicle. G.S. 20-178A. (6/2012)		Misd 1
271.81	Tampering with Ignition Interlock Device—Altering Testing Results on Ignition Interlock Device. G.S. 20-178A. (6/2012)		Misd 1
271.91	Liability Insurance for Motor Vehicles. G.S. 20-279.21, 20-308, 20-309.—Deleted. See G.S. 20-311. (6/2019)		Misd 1
271.92	Operation of Motor Vehicles Without Financial Responsibility G.S. 20-309(b), 20-313 (6/2019)		Misd 1
271.94	Impersonation of a Transportation Network Company Driver. (6/2020)		Misd 2
271.95	Impersonation of a Transportation Network Company Driver While [Committing] [Attempting to Commit] a Felony. (6/2020)		H
271.97	[Import] [Manufacture] [Sale] [Offer of Sale] [Installation] [Reinstallation] of [Counterfeit Supplemental Restraint System] [Nonfunctional Airbag]. (6/2020)		Misd 1
271.98	Contributing to a Person's [Physical Injury] [Death] By [Importing] [Manufacturing] [Selling] [Offering to Sale] [Installing] [Reinstalling] A [Counterfeit Supplemental Restraint System] [Nonfunctional Airbag]. (6/2020)		H
272.10	Intoxicating Liquors. Possession of Nontaxpaid Alcoholic Beverages. G.S. 18B-101(4), -102. (5/2001)	Misd	Misd 1
272.11	Transporting of Nontaxpaid Alcoholic Beverages. G.S. 18B-101(4), -102. (5/2001)	Misd	Misd 1
272.13	Possession of Nontaxpaid Alcoholic Beverages with the Intent to Sell. G.S. 18B-304(b)(3). (5/2002)		Misd 1
272.14	Knowingly Selling or Giving Cigarettes, Cut Tobacco, Cigarette Wrapping Papers, or Smokeless Tobacco, or Tobacco Product to a Person under the Age of 18 Years. G.S. 14-313. (6/2014)	Misd	Misd 2
272.15A	Selling or Giving Fortified Wine, Spirituous Liquor, or Mixed Beverages to a Person Less Than Twenty-One Years. G.S. 18B-302(a)(2). (5/2001)	Misd	Misd 1
272.18	Purchase or Possession of Fortified Wine, Spirituous Liquor or Mixed Beverages by a Person Less Than Twenty-One. G.S. 18B-302(b)(2). (6/2014)	Misd	Misd 1
272.18A	Attempt to Purchase Fortified Wine, Spirituous Liquor, or Mixed Beverages by a Person Less Than Twenty-One Years. G.S. 18B-302(b)(2). (5/2001)	Misd	Misd 2

272.19	Aiding and Abetting an Underage Person to Purchase or Possess Malt Beverages, Unfortified Wine, Fortified Wine, Spirituous Liquor or Mixed Beverages. G.S. 18B-302(c). (5/2001)	Misd	Misd 1,2
272.20	Transportation within Passenger Area of Motor Vehicle of Fortified Wine or Spirituous Liquor in Other Than Manufacturer's Unopened Original Container. G.S. 18B-401(a). (5/2001)	Misd	Misd 3
272.21	Consuming Malt Beverage or Unfortified Wine by the Driver of Motor Vehicle. G.S. 18B-401(a). (5/2001)	Misd	Misd 3
272.21A	Possession of Malt Beverages with the Intent to Sell without Obtaining Permit or License. G.S. 18B-304(a). (5/2002)		Misd 1
272.22	Fraudulent Use of Identification by an Underage Person in Obtaining or Attempting to Obtain Alcoholic Beverage. G.S. 18B-302(e); (b). (5/2001)	Misd	Misd 1 or Infraction
272.25	Consumption of Alcohol by a Person Less Than 19 Years of Age. G.S. 18B-302(b)(3). (6/2014)		Misd 1
272.26	Consumption of Alcohol by Person Greater Than 19 Years of Age but Less Than 21 Years of Age. G.S. 18B-302 (6/2014)		Misd 3
272.40	[Manufacturer] [Sale] [Transportation] [Importation] [Furnishing] [Consumption] [Possession] of Powdered Alcohol. G.S. 18B-102 (6/2016)		Misd 1
272.60	[Sale] [Offer for Sale] [Introduce Into Commerce in North Carolina] of an E-liquid Container without Child-Resistant Packaging. G.S. 14-401.18A. (6/2016)		Misd A1
272.65	[Sale] [Offer for Sale] [Introduce Into Commerce in North Carolina] of an E-liquid Container for E-liquid Product Containing Nicotine without Labeling Nicotine Contents on Packaging. G.S. 14-401.18A (6/2016)		Misd A1
272.80	Knowingly Making a False Statement in an Application for Reissuance of a Special Occasion Permit. G.S. 18B-903.1(e) (6/2019)		Misd 1
Game Laws.			
273.10	Firelighting or Spotlighting (Taking Deer by Artificial Light). G.S. 113-291.1(b)(2), -130(7), -294(e). (5/2001)	Misd	Misd 1
273.20	Taking a Deer from a Boat. G.S. 113-109(e). (9/2001)	Misd	Misd 1
273.30	Hunting, etc., While License Is Revoked. G.S. 113-300.8. (6/2009)		Misd 1
273.40	[Purchasing] [Possessing] License to Hunt, etc., While License Is Revoked. G.S. 113-300.8. (6/2009)		Misd 1
273.50	Unlawful Hunting with a Firearm on Sunday. G.S. 103-2(a), (a1). (6/2018)		
273.55	Unlawful Hunting of Migratory Birds on Sunday. (6/2018)		
Welfare Fraud.			
274.10	Misdemeanor Misrepresentation in Obtaining Public Assistance. G.S. 108A-39(a). (9/2001)	Misd	Misd 1

274.15	Felonious Misrepresentation in Obtaining Public Assistance— More Than \$400. G.S. 108A-39(b). (9/2001)	I,Misd	I,Misd 1
274.20	Misdemeanor Obtaining Food Stamps by Misrepresentation. G.S. 108A-53(a). (10/2001)	Misd	Misd 1
274.21	Feloniously Obtaining Food Stamps by Misrepresentation— More Than \$400 G.S. 108A-53(a). (10/2001)	I,Misd	I,Misd 1
274.22	Misdemeanor Obtaining Food Stamps by Misrepresentation— Aiding and Abetting. G.S. 108A-53(a). (10/2001)	Misd	Misd 1
274.23	Feloniously Obtaining Food Stamps by Misrepresentation— Aiding and Abetting. G.S. 108A-53(a). (10/2001)	I,Misd	I,Misd 1
275.10	Unsupervised Use of Fully Autonomous Vehicle by a Person Under the Age of 12. G.S. 103-2(a2).(6/2018)		
280.20	Escape. Felonious Escape. G.S. 148-45(a), (b); 14-256(1), (2). *(On or after 12/97, Voluntary Manslaughter Is a Class D felony.) (6/2014)	J	I*
280.21	Escape from Private Correction Facility. G.S. 14-256.1. (5/2001)		H
280.40	Escape from Imprisonment by Use of a Dangerous Weapon. G.S. 14-258.2. (5/2001)	H	F
280.41	Assault with a Deadly Weapon Inflicting Bodily Injury While Assisting a Prisoner to Escape or Attempt to Escape. G.S. 14-258.2(b). (12/2001)	H	H
280.42	Using a Deadly Weapon in Assisting a Prisoner to Effect His Escape. G.S. 14-258.2. (5/2001)	H	H
280.43	Unauthorized Possession or Fabrication of Dangerous Weapon by Prisoner. G.S. 14-258.2(a). (11/2000)	Misd	H
280.44	Misdemeanor Jailbreak or Escape from Confinement Facility Officer. G.S. 14-256. (5/2001)	J, Misd	Misd 1
280.45	Escape of a Working Prisoner. G.S. 14-255. (5/2001)		Misd 1

PART III. DEFENSES

301.10	Alibi. (3/2003)		
302.10	Automatism. Automatism or Unconsciousness. (6/2009)		
304.10	Insanity. Insanity Defense. (6/2009)		
305.10	Intoxication. Voluntary Intoxication, Liquor or Drugs—In General. (6/2020)		
305.11	Voluntary Intoxication, Lack of Mental Capacity—Premeditated and Deliberate First-Degree Murder. (6/2009)		

* On or after 12/1/97, Voluntary Manslaughter is a Class D felony.

- 306.10 Accepted Medical Purpose (Defense to First and Second-Degree Sexual Offenses Involving Penetration). (6/2020)

- 307.10 Accident.
Accident (Defense to Homicide Charge, Except Homicide Committed during Perpetration of a Felony). (5/2003)
- 307.11 Accident (Defense in Cases Other Than Homicide). (5/2020)

- 308.10 Self-Defense.
Self-Defense, Retreat—Including Homicide (to Be Used Following Self-Defense Instructions Where Retreat Is in Issue). G.S. 14-51.2(1), .3(a). (6/2019)
- 308.40 Self-Defense—Assaults Not Involving Deadly Force.
G.S. 14.15.2, .3, .4. (6/2020)
- 308.41 Detention of Offenders by Private Persons. G.S. 15A-404. (6/2009)
- 308.45 Self-Defense—All Assaults Involving Deadly Force.
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- 308.45A Self-Defense Example with 208.10—All Assaults Involving Deadly Force. G.S. 14.51.2, .3, .4. (6/2019)
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G.S. 14.51.2, .3, .4. (6/2019)
- 308.50 Assault in Lawful Defense of a [Family Member] [Third Person]—(Defense to All Assaults Involving Deadly Force).
G.S. 14.51.2, .3, .4. (6/2019)
- 308.60 Killing in Lawful Defense of a [Family Member] [Third Person]—(Defense to Homicide). G.S. 14.51.2, .3, .4. (6/2019)
- 308.70 Self-Defense to Sexual Assault—Homicide.
G.S. 14.51.2, .3. (6/2019)
- 308.80 Defense of [Habitation] [Workplace] [Motor Vehicle]—Homicide and Assault. G.S. 14-51.1, .2, .3, .4. (6/2020)

- 309.10 Entrapment.
Entrapment. (5/2003)

- 310.10 Coercion.
Compulsion, Duress, or Coercion. (6/2019)
- 310.11 Duress or Necessity Defense to Escape from Department of Correction. (5/2003)
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APPENDICES:

A. TABLE OF SECTIONS OF GENERAL STATUTES INVOLVED IN CRIMINAL INSTRUCTIONS.

B. CRIMINAL VOLUME INDEX.

210.70 SEXUAL SERVITUDE. FELONY.

NOTE WELL: For offenses involving sexual servitude of a minor use N.C.P.I.—Crim. 210.72.

NOTE WELL: Each violation of this section constitutes a separate offense and shall not merge with any other offense. Evidence of failure to deliver benefits or perform services standing alone shall not be sufficient to support a conviction under this section.

The defendant has been charged with sexual servitude.

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

First, that the defendant, by [coercion] [deceit], [subjected] [maintained][obtained] another person for the purpose(s) of any sexual activity¹ for which anything of value is directly or indirectly [given] [promised to] (or) [received by] any person [for the purpose(s) of any sexual activity that is performed or provided].

And Second, that the defendant did so [knowingly] [in reckless disregard of the consequences of the defendant's action].

NOTE WELL: For offenses occurring on or after December 1, 2018, if the defendant claims the defendant was a victim, and there is evidence to support this affirmative defense, the following language should be used:

(There is evidence in this case tending to show that the defendant was [coerced] [deceived] into committing this offense as a direct result of the defendant's status as a victim.² The burden of proving [coercion] [deceit] as a defense is on the defendant. It need not be proved beyond a reasonable doubt, but only to your satisfaction. The defendant would not be guilty of sexual servitude if:

First, the defendant was a victim of [human trafficking]³ [involuntary servitude]⁴ (or) [sexual servitude]⁵ at the time of the offense.

And Second, that the defendant was [coerced] [deceived] into committing the offense as a direct result of the defendant's status as a victim.

The defendant's assertion of [coercion] [deceit] is a denial that the defendant has committed any crime. The burden remains on the State to prove the defendant's guilt beyond a reasonable doubt.)

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant [[knowingly] [in reckless disregard of the consequences of the action]], by [coercion] [deceit], [subjected] [maintained] [obtained] another person [for the purpose(s) of any sexual activity for which anything of value is directly or indirectly [given] [promised to] (or) [received by] any person [for the purpose(s) of any sexual activity that is performed or provided], (and that the defendant was not a victim who was [coerced] [deceived] into committing the offense of sexual servitude), 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.

1. Sexual activity is defined in N.C. Gen. Stat. § 14-43.10 by reference to N.C. Gen. Stat. § 14-190.13.

2. N.C. Gen. Stat. § 14-43.16.

3. See N.C. Gen. Stat. § 14-43.11 for a definition of human trafficking.

4. See N.C. Gen. Stat. § 14-43.12 for a definition of involuntary servitude.

5. See N.C. Gen. Stat. § 14-43.13 for a definition of sexual servitude.

210.72 SEXUAL SERVITUDE OF A MINOR. FELONY.

NOTE WELL: Each violation of this section constitutes a separate offense and shall not merge with any other offense. Evidence of failure to deliver benefits or perform services standing alone shall not be sufficient to support a conviction under this section.

The defendant has been charged with sexual servitude of a minor.

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

First, that the defendant, by [coercion] [deceit], [subjected] [maintained] [obtained] another person who was less than 18 years of age¹ [for the purpose(s) of any sexual activity² for which anything of value is directly or indirectly [given by] [promised to] (or) [received by] any person] [for the purpose(s) of any sexual activity that is performed or provided].

And Second, that the defendant did so [knowingly] [in reckless disregard of the consequences of the defendant's actions].

NOTE WELL: For offenses occurring on or after December 1, 2018, if the defendant claims the defendant was a victim, and there is evidence to support this affirmative defense, the following language should be used:

(There is evidence in this case tending to show that the defendant was [coerced] [deceived] into committing this offense as a direct result of the defendant's status as a victim.³ The burden of proving [coercion] [deceit] as a defense is on the defendant. It need not be proved beyond a reasonable doubt, but only to your satisfaction. The defendant would not be guilty of sexual servitude of a minor if:

First, the defendant was a victim of [human trafficking]⁴ [involuntary servitude]⁵ (or) [sexual servitude]⁶ at the time of the offense.

And Second, that the defendant was [coerced] [deceived] into committing the offense as a direct result of the defendant's status as a victim.

The defendant's assertion of [coercion] [deceit] is a denial that the defendant has committed any crime. The burden remains on the State to prove the defendant's guilt beyond a reasonable doubt.)

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant [[knowingly] [in reckless disregard of the consequences of the action]], by [coercion] [deceit], [subjected] [maintained][obtained] another person who was less than 18 years of age [for the purpose(s) of any sexual activity for which anything of value is directly or indirectly [given by] [promised to] or [received by] any person [for the purpose(s) of any sexual activity that is performed or provided], (and that the defendant was not a victim who was [coerced] [deceived] into committing the offense of sexual servitude of a minor), 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.

1. Mistake of age is not a defense to prosecution under this section. Consent of a minor is not a defense to prosecution under this section.

2. Sexual activity is defined in N.C. Gen. Stat. § 14-43.10 by reference to N.C. Gen. Stat. § 14-190.13.

3. N.C. Gen. Stat. § 14-43.16.

4. See N.C. Gen. Stat. § 14-43.11 for a definition of human trafficking.

5. See N.C. Gen. Stat. § 14-43.12 for a definition of involuntary servitude.

6. See N.C. Gen. Stat. § 14-43.13 for a definition of sexual servitude.

210.82 HUMAN TRAFFICKING INVOLVING SEXUAL SERVITUDE. FELONY.

NOTE WELL: For human trafficking involving sexual servitude of a minor use N.C.P.I.—Crim. 210.86.

NOTE WELL: Each violation of this section constitutes a separate offense and shall not merge with any other offense. Evidence of failure to deliver benefits or perform services standing alone shall not be sufficient to support a conviction under this section.

The defendant has been charged with human trafficking involving sexual servitude.

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

First, that the defendant [[knowingly] [in reckless disregard of the consequences of the action]] [recruited] [enticed] [harbored] [transported] [provided] [obtained by any means] another person in sexual servitude.

And Second, that in doing so the defendant intentionally, by [coercion] [deceit], [subjected] [maintained] [obtained] that person [for the purpose(s) of any sexual activity for which anything of value is directly or indirectly [given by] [promised to] (or) [received by] any person] [for the purpose(s) of any sexual activity¹ that is performed or provided].

NOTE WELL: For offenses occurring on or after December 1, 2018, if the defendant claims the defendant was a victim, and there is evidence to support this affirmative defense, the following language should be used:

(There is evidence in this case tending to show that the defendant was [coerced] [deceived] into committing this offense as a direct result of the defendant's status as a victim.² The burden of proving [coercion] [deceit] as a defense is on the defendant. It need not be proved beyond a reasonable

doubt, but only to your satisfaction. The defendant would not be guilty of human trafficking involving sexual servitude if:

First, the defendant was a victim of [human trafficking]³ [involuntary servitude]⁴ (or) [sexual servitude]⁵ at the time of the offense.

And Second, that the defendant was [coerced] [deceived] into committing the offense as a direct result of the defendant's status as a victim.

The defendant's assertion of [coercion] [deceit] is a denial that the defendant has committed any crime. The burden remains on the State to prove the defendant's guilt beyond a reasonable doubt.)

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant [[knowingly] [in reckless disregard of the consequences of the action]] [recruited] [enticed] [harbored] [transported] [provided] [obtained by any means] another person with the intent to, by [coercion] [deceit], [subject] [maintain][obtain] that person [for the purpose(s) of any sexual activity for which anything of value is directly or indirectly [given by], [promised to] (or) [received by] any person] [for the purpose(s) of any sexual activity that is performed or provided], (and that the defendant was not a victim who was [coerced] [deceived] into committing the offense of human trafficking involving sexual servitude), 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.

1. Sexual activity is defined in N.C. Gen. Stat. § 14-43.10 by reference to N.C. Gen. Stat. § 14-190.13.

2. N.C. Gen. Stat. § 14-43.16

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3. See N.C. Gen. Stat. § 14-43.11 for a definition of human trafficking.
 4. See N.C. Gen. Stat. § 14-43.12 for a definition of involuntary servitude.
 5. See N.C. Gen. Stat. § 14-43.13 for a definition of sexual servitude.

210.86 HUMAN TRAFFICKING OF A MINOR INVOLVING SEXUAL SERVITUDE.
FELONY.

NOTE WELL: Each violation of this section constitutes a separate offense and shall not merge with any other offense. Evidence of failure to deliver benefits or perform services standing alone shall not be sufficient to support a conviction under this section.

The defendant has been charged with human trafficking of a minor involving sexual servitude.

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

First, that the defendant [willfully] [in reckless disregard of the consequences of the action] held a minor, a person less than 18 years of age¹ in sexual servitude.

And Second, in doing so, the defendant intentionally, by [coercion] [deceit], [subjected] [maintained] [obtained] that person [for the purpose(s) of any sexual activity² for which anything of value is directly or indirectly [given by] [promised to] (or) [received by] any person] [for the purpose(s) of any sexual activity that is performed or provided].

NOTE WELL: For offenses occurring on or after December 1, 2018, if the defendant claims the defendant was a victim, and there is evidence to support this affirmative defense, the following language should be used:

(There is evidence in this case tending to show that the defendant was [coerced] [deceived] into committing this offense as a direct result of the defendant's status as a victim.³ The burden of proving [coercion] [deceit] as a defense is upon the defendant. It need not be proved beyond a reasonable

doubt, but only to your satisfaction. The defendant would not be guilty of human trafficking of a minor involving sexual servitude if:

First, the defendant was a victim of [human trafficking]⁴ [involuntary servitude]⁵ (or) [sexual servitude]⁶ at the time of the offense.

And Second, that the defendant was [coerced] [deceived] into committing the offense as a direct result of the defendant's status as a victim.

The defendant's assertion of [coercion] [deceit] is a denial that the defendant has committed any crime. The burden remains on the State to prove the defendant's guilt beyond a reasonable doubt.)

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant [willfully] [in reckless disregard of the consequences of the action] held a minor, and that in so doing, the defendant intentionally, by [coercion] [deceit], [subjected] [maintained] [obtained] the minor [for the purpose(s) of any sexual activity for which anything of value is directly or indirectly [given by] [promised to] (or) [received by] any person] [for the purpose(s) of any sexual activity that is performed or provided], (and that the defendant was not a victim [coerced] [deceived] into committing the offense of human trafficking of a minor involving sexual servitude), 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.

1. Mistake of age is not a defense to prosecution under this section. Consent of a minor is not a defense to prosecution under this section.

2. Sexual activity is defined in N.C. Gen. Stat. § 14-43.10 by reference to N.C. Gen. Stat. § 14-190.13.

3. N.C. Gen. Stat. § 14-43.16

4. See N.C. Gen. Stat. § 14-43.11 for a definition of human trafficking.

5. See N.C. Gen. Stat. § 14-43.12 for a definition of involuntary servitude.

6. See N.C. Gen. Stat. § 14-43.13 for a definition of sexual servitude.

210.89 PROMOTING TRAVEL FOR UNLAWFUL SEXUAL CONDUCT. FELONY.

The defendant has been charged with promoting travel for unlawful sexual conduct.

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

First, that the defendant [sold] [offered to sell] travel services¹

And Second, that the defendant knew that the travel services included travel [for the purpose(s) of committing (name and define the offense and enumerate its elements using the Pattern Jury Instruction for that offense)² in this State] (or) [for the purpose of engaging in conduct that would constitute (name and define the offense and enumerate its elements using the Pattern Jury Instruction for that offense) if occurring within this State].

If you find from the evidence beyond a reasonable doubt that on or about the alleged date that the defendant [sold] [offered to sell] travel services and that the defendant knew that the travel services included travel [for the purpose(s) of committing (name offense, e.g. prostitution) in this State] (or) [for the purpose of engaging in conduct that would constitute (name offense) if occurring within this State], 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.

1. N.C. Gen. Stat. § 14-208.1(a) defines “travel services” as transportation by air, sea, or ground; hotel or other lodging accommodations; package tours, or the provision of vouchers or coupons to be redeemed for future travel; or accommodations for a fee, commission, or other valuable consideration.

2. N.C. Gen. Stat. § 14-208.1(b). provides offenses applicable to this section. Applicable offenses include: an offense under Article 7B of Chapter 14 of the General

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PROMOTING TRAVEL FOR UNLAWFUL SEXUAL CONDUCT. FELONY.

GENERAL CRIMINAL VOLUME

JUNE 2020

N.C. Gen. Stat. § 14-208.1(b)

Statutes, G.S. 14-190.16, G.S. 14-190.17, G.S. 14-190.17A, G.S. 14-202.1, G.S. 14-202.4, G.S. 14-204, G.S. 14-205.1, G.S. 14-205.2, and G.S. 14-205.3.

210.96 KNOWINGLY MUTILATING THE FEMALE GENITALS OF A CHILD LESS THAN 18 YEARS OF AGE. FELONY.

NOTE WELL: Pursuant to N.C. Gen. Stat. § 14-28.1(e), a surgical operation is not a violation of this section if the operation either: (1) is necessary to the health of the person on whom it is performed and it is performed by a person licensed in the State as a medical practitioner; or (2) is performed on a person in labor who has just given birth and is performed for medical purposes connected with that labor or birth by a person licensed in the state as a medical practitioner or certified nurse midwife, or a person in training to become licensed as a medical practitioner or certified nurse midwife.

NOTE WELL: N.C. Gen. Stat. § 14-28.1(f) provides that it is not a defense to prosecution under this section that the person on whom the circumcision, excision, or infibulation is performed, or any other person, believes that the circumcision, excision, or infibulation is required as a matter of custom or ritual, or that the person on whom the circumcision, excision, or infibulation is performed consented to the circumcision, excision, or infibulation.

The defendant has been charged with knowingly mutilating [the whole] (or) [any part] of the [labia majora] [labia minora] (or) [clitoris] of a child less than 18 years of age.

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

First, that the defendant [circumcised] [excised] [infibulated] [the whole] (or) [any part of the] [labia majora] [labia minora] (or) [clitoris] of a child less than 18 years of age;

And Second, that the defendant did so knowingly.¹

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant knowingly [circumcised] [excised] [infibulated] [the whole] (or) [any part of the] [labia majora] [labia minora] (or) [clitoris] of a child less than 18 years of age, 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.

1. The word “knowingly” means that the defendant knew what he was about to do, and, with such knowledge, proceeded to do the act charged. *State v. Stephenson*, 218 N.C. 258, 10 S.E.2d 819 (1940).

210.97 [CONSENTING TO] [PERMITTING] THE MUTILATION OF THE FEMALE
GENITALS OF A CHILD LESS THAN 18 YEARS OF AGE. FELONY.

NOTE WELL: Pursuant to N.C. Gen. Stat. § 14-28.1(e), a surgical operation is not a violation of this section if the operation either: (1) is necessary to the health of the person on whom it is performed and it is performed by a person licensed in the State as a medical practitioner; or (2) is performed on a person in labor who has just given birth and is performed for medical purposes connected with that labor or birth by a person licensed in the state as a medical practitioner or certified nurse midwife, or a person in training to become licensed as a medical practitioner or certified nurse midwife.

NOTE WELL: N.C. Gen. Stat. § 14-28.1(f) provides that it is not a defense to prosecution under this section that the person on whom the circumcision, excision, or infibulation is performed, or any other person, believes that the circumcision, excision, or infibulation is required as a matter of custom or ritual, or that the person on whom the circumcision, excision, or infibulation is performed consented to the circumcision, excision, or infibulation.

The defendant has been charged with [consenting to] [permitting] the mutilation of [the whole] (or) [any part] of the [labia majora] [labia minora] (or) [clitoris] of a child less than 18 years of age.

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

First, that the defendant was a [parent of] [person providing care to] [person providing supervision to] a child less than 18 years of age;

And Second, that the defendant [consented to] [permitted] the [circumcision] [excision] [infibulation] of [the whole] (or) [any part of the] [labia majora] [labia minora] [clitoris] of that child.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant was a [parent of] [person providing care to] [person providing supervision to] a child less than 18 years of age, and [consented to] [permitted] the [circumcision] [excision] [infibulation] of the [labia majora] [labia minora] [clitoris] of that child 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.

KNOWINGLY [REMOVING] [PERMITTING THE REMOVAL OF] A CHILD LESS THAN 18 YEARS OF AGE FROM THE STATE FOR THE PURPOSE OF MUTILATING THE CHILD'S FEMALE GENITALS. FELONY.

GENERAL CRIMINAL VOLUME

JUNE 2020

N.C. Gen. Stat. § 14-28.1

210.98 KNOWINGLY [REMOVING] [PERMITTING THE REMOVAL OF] A CHILD LESS THAN 18 YEARS OF AGE FROM THE STATE FOR THE PURPOSE OF MUTILATING THE CHILD'S FEMALE GENITALS. FELONY.

NOTE WELL: Pursuant to N.C. Gen. Stat. § 14-28.1(e), a surgical operation is not a violation of this section if the operation either: (1) is necessary to the health of the person on whom it is performed and it is performed by a person licensed in the State as a medical practitioner; or (2) is performed on a person in labor who has just given birth and is performed for medical purposes connected with that labor or birth by a person licensed in the state as a medical practitioner or certified nurse midwife, or a person in training to become licensed as a medical practitioner or certified nurse midwife.

NOTE WELL: N.C. Gen. Stat. § 14-28.1(f) provides that it is not a defense to prosecution under this section that the person on whom the circumcision, excision, or infibulation is performed, or any other person, believes that the circumcision, excision, or infibulation is required as a matter of custom or ritual, or that the person on whom the circumcision, excision, or infibulation is performed consented to the circumcision, excision, or infibulation.

The defendant has been charged with knowingly [removing] [permitting the removal of] a child less than 18 years of age from the State for the purpose of mutilating the child's female genitals.

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 [parent of] [person providing care to] [person providing supervision to] to a child less than 18 years of age;

Second, that the defendant [removed] [permitted the removal of] that child from the state for the purpose of having the child's [labia majora] [labia minora] (or) [clitoris] removed [in whole] (or) [in any part];

And Third, that the defendant did so knowingly.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant was a [parent of] [person providing care to] [person providing supervision to] a child less than 18 years of age; that the defendant [removed] [permitted the removal of] that child from the state for the purpose of having the child's [labia majora] [labia minora] (or) [clitoris] removed [in whole] (or) [in any part] and that the defendant did so knowingly, 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.

214.70 BREAKING OR ENTERING OF A PHARMACY WITH THE INTENT TO
COMMIT LARCENY OF A CONTROLLED SUBSTANCE. FELONY.

The defendant has been charged with breaking or entering a pharmacy with the intent to commit larceny¹ of a controlled substance.

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

First, that there was

[a breaking² by the defendant.]

[an entry by the defendant.]

[either a breaking or an entry by the defendant.]

Second, that it was a pharmacy³ that was [broken into] [entered] [broken into or entered].

Third, that the [owner] [tenant] did not consent to the [breaking] [entering] [breaking or entering].

And Fourth, that at that time, the defendant intended to commit larceny of a controlled substance.⁴ Larceny is the taking and carrying away of the personal property of another without [his] [her] consent with the intent to deprive [him] [her] of possession permanently.⁵ (*Name substance*) is a controlled substance.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant [broke into] [entered] [broke into or entered] a pharmacy without the consent of the [owner] [tenant], intending at that time to commit larceny of a controlled substance, it would be your duty

to return a verdict of guilty. If you do not so find or if you have a reasonable doubt as to one or more of these things, then you would return a verdict of not guilty.⁶

1. For an example of an instruction that combines breaking and entering and larceny, see N.C.P.I. Crim 214.32, which combines N.C.P.I. Crim 214.30 and 216.35, for the situation where defendant is accused of both crimes.

2. If the breaking is not actual, but falls into the category of a "constructive" breaking, the trial judge should use an additional explanation, such as:

"A breaking need not be actual; that is, the person breaking need not physically remove the barrier himself. He may, by a threat of force (such as threatening to burn down the structure into which entry is sought), inspire such fear as to induce the occupant to allow him to enter. He may, by some trick or fraudulent representation (such as pretending to be a repairman), cause someone in the structure to open an entry to him. In any of these situations, the defendant would have constructively broken, and such constructive breaking is as sufficient a breaking for the purposes of this offense as any physical removal by the defendant of a barrier to entry."

As to what would or would not constitute a breaking see *State v. McAfee*, 247 N.C. 98 at 101-02 (1957).

3. A pharmacy is a business that has a pharmacy permit under G.S. 90-85.21.

4. Controlled substances are defined in G.S. 90-87(5).

5. Failure to define the crime of larceny may constitute reversible error. *State v. Elliot*, 21 N.C. app. 555 (1974).

6. If there are lesser included offenses, the last phrase should be ". . . you would not return a verdict of guilty of breaking or entering a pharmacy with the intent to commit larceny of a controlled substance, but would consider whether the defendant is guilty of . . ."

216.43 RECEIVING CONTROLLED SUBSTANCES—PURSUANT TO A
BREAKING OR ENTERING OF A PHARMACY. FELONY.

The defendant has been charged with receiving controlled substances stolen from a pharmacy.

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

First, that the controlled substance¹ was stolen by someone other than the defendant. Property is stolen when it is taken and carried away without the owner's consent by someone who intends at the time to deprive the owner of its use permanently and knows that *he* is not entitled to take it. (*Name substance*) is a controlled substance.)

Second, that this controlled substance was stolen following a breaking or entering of a pharmacy.² Breaking or entering is the breaking into or entering into another's building, including a pharmacy, without the [owner's] [tenant's] consent.

Third, that the defendant [received] [concealed] the controlled substance.³

NOTE WELL: When constructive possession is at issue or when a fuller definition of actual possession is desired, incorporate the relevant portions of N.C.P.I.—Crim. 104.41 at this point.

Fourth, that the defendant [received] [concealed] this controlled substance with a dishonest purpose. (*State what purpose was, e.g., permanently depriving the owner of his property*) is a dishonest purpose.

And Fifth, that the defendant, at the time the defendant [received] [concealed] this controlled substance, knew⁴ or had reasonable grounds to believe that it was stolen.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant, with a dishonest purpose, [received] (or) [concealed] a controlled substance which was stolen by someone other than the defendant following a breaking or entering of a pharmacy and, at the time the defendant [received][concealed] the controlled substance, the defendant knew or had reasonable grounds to believe someone else had stolen it following the breaking and entering of a pharmacy, 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 you would return a verdict of not guilty.⁵

1. Controlled substances are defined in G.S. 90-87(5).

2. A pharmacy is a business that has a pharmacy permit under G.S. 90-85.21.

3. In the event that there is some dispute as to "receiving," the jury should be told what will constitute receiving or concealing goods.

4. This knowledge may be actual, or it may be implied when the circumstances are sufficient to lead the party charged to believe the property was stolen. *S. v. Parker*, 316 N.C. 295, 303 (1986).

5. If there are lesser included offenses, the last phrase should be ". . . you would not return a verdict of guilty of receiving stolen controlled substances pursuant to a breaking and entering of a pharmacy, but would consider whether the defendant is guilty of"

216.48B POSSESSION OF CONTROLLED SUBSTANCES—PURSUANT TO A
BREAKING OR ENTERING OF A PHARMACY. FELONY.

The defendant has been charged with possession of controlled substances stolen pursuant to a breaking or entering of a pharmacy, which is possessing property which the defendant knew or had reasonable grounds to believe had been stolen pursuant to a breaking or entering.

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

First, that the controlled substance¹ was stolen from a pharmacy.² Property is stolen when it is taken and carried away without the owner's consent by someone who intends at the time to deprive the owner of its use permanently and knows that *he* is not entitled to take it. (*Name substance*) is a controlled substance.)

Second, that this controlled substance was stolen pursuant to a breaking or entering of a pharmacy.³ Breaking or entering is the breaking into or entering into another's building, including a pharmacy, without the [owner's] [tenant's] consent.

Third, that the defendant possessed the property. One has possession of property when one has both the power and intent to control its disposition or use.

NOTE WELL: When constructive possession is at issue or when a fuller definition of actual possession is desired, incorporate the relevant portions of N.C.P.I.—Crim. 104.41 at this point.

Fourth, that the defendant knew or had reasonable grounds to believe that the controlled substance had been stolen.

And Fifth, that the defendant possessed it with a dishonest purpose. (*Describe purpose, e.g., "Converting it to his own use"*) would be a dishonest purpose.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date a controlled substance was stolen from a pharmacy, that it was stolen pursuant to a breaking or entering of a pharmacy, that the defendant possessed this controlled substance for a dishonest purpose, and that the defendant knew or had reasonable grounds to believe that this controlled substance was stolen, it would be your duty to return a verdict of guilty. If you do not so find or if you have a reasonable doubt as to any of these things, it would be your duty to return a verdict of not guilty.⁴

1. Controlled substances are defined in G.S. 90-87(5).

2. When the charge is possession, as opposed to receiving, it is not necessary for the State to prove that someone other than the defendant stole the property, as it is under a receiving charge.

3. A pharmacy is a business that has a pharmacy permit under G.S. 90-85.21.

4. If there are lesser included offenses, the last phrase should be ". . . you would not return a verdict of guilty of possession of stolen controlled substances pursuant to a breaking and entering of a pharmacy, but would consider whether the defendant is guilty of"

217.20 ROBBERY WITH A FIREARM.¹ FELONY.

The defendant has been charged with robbery with a firearm, which is taking and carrying away the personal property of another from his/her person or in his/her presence without his/her consent by endangering or threatening a person's life with a firearm, the taker knowing that he/she was not entitled to take the property and intending to deprive another of its use permanently.

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

First, that the defendant took property from the person of another or in the person's presence.²

Second, that the defendant carried away the property.³

Third, that the person did not voluntarily consent to the taking and carrying away of the property.

Fourth, that the defendant knew that defendant was not entitled to take the property.

Fifth, that at the time of taking the defendant intended to deprive that person of its use permanently.⁴

Sixth, that the defendant had a firearm in defendant's possession at the time defendant obtained the property (or that it reasonably appeared to the victim that a firearm was being used, in which case you may infer that the said instrument was what the defendant's conduct represented it to be).⁵

And Seventh, that the defendant obtained the property by endangering or threatening the life of [that person] [another person] with the firearm.⁶

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant had in defendant's possession a firearm and took and carried away property from the person or presence of a person without that person's voluntary consent by endangering or threatening [that person] [another person's] life with the use or threatened use of a firearm, the defendant knowing that defendant was not entitled to take the property and intending to deprive that person of its use permanently, 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.⁷

1. This instruction is to be used when the robbery was completed. If there may have been only an attempt, which is also punishable under N.C. Gen. Stat. § 14-87, N.C.P.I.-Crim. 217.25 should be used. If there is conflicting evidence on this point, both instructions may be appropriate.

2. If there is evidence of conduct which would constitute "taking" but there is also evidence that the defendant's conduct fell short of what would constitute "taking," add the following to this element: "To constitute a taking the defendant must have the property in his possession or under his control, if only for an instant. There must be a severance of the property from the owner's possession." See *State v. Carswell*, 296 N.C. 101 (1978) and *State v. Barnes*, 345 N.C. 146, 478 S.E.2d 188 (1996).

3. If there is some dispute as to asportation, the jury should be told that the slightest movement is sufficient.

4. In the event there is some dispute as to permanent deprivation, the jury should be told that temporary deprivation will not suffice. *But, cf. S. v. Smith*, 268 N.C. 167 (1966).

5. See *State v. Williams*, 335 N.C. 518 (1994), regarding a mandatory presumption of dangerous or deadly weapon in certain factual situations.

If there is any evidence that a firearm was not involved (e.g. a BB gun), you must also instruct on Common Law Robbery (N.C.P.I. Crim. 217.10). See *State v. Wise*, 837 S.E.2d 193 (2019).

6. Where use of the firearm is in issue, give the following charge:
"Mere possession of the firearm does not, by itself, constitute endangering or threatening the life of the victim." *State v. Gibbons*, 303 N.C. 484 (1981).

Where this fact is in issue, an instruction on the lesser included offense of common law robbery should also be given.

7. If there is to be instruction on lesser included offenses, the last phrase should be: "...you will not return a verdict of guilty of robbery with a firearm." *In State v. White*, 322 N.C. 506, 369 S.E.2d 813 (1988), the North Carolina Supreme Court *overruling State v. Hurst*, 320 N.C. 589 (1987), held that larceny and common law robbery are lesser-included offense of armed robbery. N.C. Gen. Stat. § 14-87(a1) provides that attempted armed robbery with a dangerous weapon is a lesser-included offense of armed robbery. Accordingly, instructions on these and other lesser-included offenses should be given when raised by the evidence.

219.10 OBTAINING PROPERTY BY FALSE PRETENSES. FELONY.¹

NOTE WELL: For offenses occurring on or after December 1, 1997, if the value of the property obtained is \$100,000 or more, use N.C.P.I.—Crim. 219.10A.

The defendant has been charged with obtaining property by false pretenses. For you to find the defendant guilty of this offense, the State must prove five things beyond a reasonable doubt:

First, that the defendant made a representation to another.

Second, that this representation was false.

Third, that this representation was calculated and intended to deceive.²

Fourth, that the victim was in fact deceived by this representation.

And Fifth, that the defendant thereby [obtained] [attempted to obtain] property from the victim.³

NOTE WELL: In appropriate cases, instruct the jury as follows: "The State is not required to establish that all of the acts constituting the crime occurred in this State or within a single city, county, or local jurisdiction of this State, and it is no defense that not all of the acts constituting the crime occurred in this State or within a single city, county, or local jurisdiction of this State." N.C.G.S.14-100 (b1).

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant made a representation and that this representation was false, that this representation was calculated and intended to deceive, that the victim was in fact deceived by it, and that the defendant thereby [obtained] [attempted to obtain] property from the victim, 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.

1. This instruction has been modified to conform with elements of the offense as set out in *S. v. Cronin*, 299 N.C. 229, 242 (1980).

The presentation of a worthless check in exchange for property, standing alone, is sufficient to uphold conviction for obtaining property under false pretenses. *S. v. Rogers*, 346 N.C. 262 (1997).

2. See *State v. Holanek*, 776 S.E.2d 225 (N.C. Ct. App. 2015), holding that the trial court did not commit plain error by failing to instruct the jury that under G.S. 14-100(b) “evidence of nonfulfillment of a contract obligation standing alone shall not establish the essential element of intent to defraud.”

3. Normally it will be necessary for the defendant to obtain title to the property. However, under the terms of the statute, if the defendant obtains the property in a manner which would constitute larceny or embezzlement, he is subject to conviction.

219.10A OBTAINING PROPERTY BY FALSE PRETENSES (VALUE OF PROPERTY
\$100,000 OR MORE). FELONY.

*NOTE WELL: For offenses occurring before December 1, 1997, or
if the value is less than one hundred thousand dollars (\$100,000),
use N.C.P.I.—Crim. 219.10.*

The defendant has been charged with obtaining property worth
\$100,000 or more by false pretenses.

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

First, that the defendant made a representation to another.

Second, that this representation was false.

Third, that this representation was calculated and intended to deceive.¹

Fourth, that the victim was in fact deceived by this representation.

Fifth, that the defendant thereby [obtained] [attempted to obtain]
property from the victim.²

And Sixth, that the property was worth \$100,000 or more.

*NOTE WELL: In appropriate cases, instruct the jury as follows:
"The State is not required to establish that all of the acts
constituting the crime occurred in this State or within a single city,
county, or local jurisdiction of this State, and it is no defense that
not all of the acts constituting the crime occurred in this State or
within a single city, county, or local jurisdiction of this State."
N.C.G.S.14-100 (b1).*

If you find from the evidence beyond a reasonable doubt that on or
about the alleged date, the defendant made a representation and that this
representation was false, that this representation was calculated and intended

to deceive, that the victim was in fact deceived by it, that the defendant thereby [obtained] [attempted to obtain] property from the victim, and that the property was worth \$100,000 or more, it would be your duty to return a verdict of guilty of obtaining property worth \$100,000 or more by false pretenses. If you do not so find or have a reasonable doubt as to one or more of these things, you will not return a verdict of guilty of obtaining property worth \$100,000 or more by false pretenses, but you must determine whether *the defendant* is guilty of obtaining property by false pretenses. Obtaining property by false pretenses differs from obtaining property worth \$100,000 or more by false pretenses in that the value of the property need not be worth \$100,000 or more.³

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant made a representation and that this representation was false, that this representation was calculated and intended to deceive, that the victim was in fact deceived by it, and that the defendant thereby [obtained] [attempted to obtain] property from the victim, 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.

1. See *State v. Holanek*, 776 S.E.2d 225 (N.C. Ct. App. 2015), holding that the trial court did not commit plain error by failing to instruct the jury that under G.S. 14-100(b) “evidence of nonfulfillment of a contract obligation standing alone shall not establish the essential element of intent to defraud.”

2. Normally it will be necessary for the defendant to obtain title to the property. However, under the terms of the statute, if the defendant obtains the property in a manner which would constitute larceny or embezzlement, he is subject to conviction. In a single transaction resulting in obtaining certain items, but not others, the defendant cannot be

convicted of both obtaining property by false pretenses and attempting to obtain property by false pretenses. See *State v. Buchanan*, 257 N.C. App. 732, 810 S.E.2d 366 (2017).

3. If there is to be no instruction on lesser included offense, the last phrase should be ... it would be your duty to return a verdict of not guilty."

219B.80 IDENTITY THEFT. FELONY.

NOTE WELL: If the defendant's actions caused the victim to be arrested, detained, or convicted of a criminal offense, then use N.C.P.I.—Crim 219B.80A.

The defendant has been charged with identity theft.

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

First, that the defendant [obtained] [possessed] [used] personal identifying information¹ of another person. (*Name type of identifying information, e.g., social security number*) would be personal identifying information.

And Second, that the defendant acted knowingly and with the intent² to fraudulently represent that the defendant was that other person for the purpose of [making [financial] [credit] transactions in the other person's name] [obtaining anything of [value] [benefit] [advantage]] [avoiding legal consequences].

NOTE WELL: Until December of 2002, lack of consent of the victim was an element of the offense.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant [obtained] [possessed] [used] personal identifying information of another person and that the defendant did so knowingly, with the intent to fraudulently represent that the defendant was that other person for the purpose of [making [financial] [credit] transactions in that other person's name] [obtaining anything of [value] [benefit] [advantage]] [avoiding legal consequences], 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.

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1. The term “identifying information” includes the following:
 - a. Social security or employer taxpayer identification numbers.
 - b. Drivers license, State identification card, or passport numbers.
 - c. Checking account numbers.
 - d. Savings account numbers.
 - e. Credit card numbers.
 - f. Debit card numbers.
 - g. Personal Identification (PIN) Code as defined in N.C. Gen. Stat. §14-113.8(6).
 - h. Electronic identification numbers, electronic mail names or addresses, Internet account numbers, or Internet identification names.
 - i. Digital signatures.
 - j. Any other numbers or information that can be used to access a person's financial resources.
 - k. Biometric data.
 - l. Fingerprints.
 - m. Passwords.
 - n. Parent's legal surname prior to marriage.

See State v. Miles, 833, S.E.2d 27 (2019).

2. If a definition of intent is needed, see N.C.P.I.—Crim. 120.10.

220.26 FILING A FALSE [LIEN] [ENCUMBRANCE]. FELONY.

The defendant has been charged with [filing] [recording] a false [lien] [encumbrance].¹

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

First, that defendant presented for [filing] [recording] in a [public record] [private record generally available to the public] a false² [lien] [encumbrance].³

Second, that the defendant [filed] [recorded] this false [lien] [encumbrance] against the [real] [personal] property of an owner or beneficial interest holder.

And Third, that the defendant [knew] [had reason to know] that the [lien] [encumbrance] [was false] [contained a materially [false] [fictitious] [fraudulent] statement or representation].

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant presented for [filing] [recording] in a [public record] [private record generally available to the public] a [lien] [encumbrance], that the defendant filed this false [lien] [encumbrance] against the [real] [personal] property of an owner or beneficial interest holder, and that the defendant [knew] [had reason to know] that the [lien] [encumbrance] [was false] [contained a materially [false] [fictitious] [fraudulent] statement or representation], 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.

1. N.C. Gen. Stat. § 14-118.6 (b) states, “In the case of a lien or encumbrance presented to the register of deeds for filing, if the register of deeds has a reasonable suspicion that the lien or encumbrance is false, the register of deeds may refuse to file the lien or encumbrance.”

2. False is one not legally enforceable.

3. An encumbrance is defined as a claim or liability that is attached to property or some other right and that may lessen its value. *County of Jackson v. Nichols*, 175 N.C. App. 196, 200 (2005). An encumbrance within the meaning of a covenant is any burden or charge on the land and includes any right existing in another whereby the use of the land by the owner is restricted. *Juhan v. Cozart*, 102 N.C. App. 666, 669 (1991).

223.71 INTERFERING WITH A [FIRE-ALARM] [FIRE-DETECTION] [FIRE-EXTINGUISHING] SYSTEM. MISDEMEANOR.

The defendant has been charged with willfully [interfering with] [defacing] [molesting] [injuring] any part or portion of a [fire-alarm] [fire-detection] [smoke-detection] [fire-extinguishing] system.

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

First, that the defendant [interfered with] [defaced] [molested] [injured] any part or portion of a [fire-alarm] [fire-detection] [smoke-detection] [fire-extinguishing] system.

And Second, that the defendant acted willfully, that is intentionally and without justification or excuse.

If you find from the evidence beyond a reasonable doubt that, on or about the alleged date, the defendant willfully [interfered with] [defaced] [molested] [injured] any part or portion of a [fire-alarm] [fire-detection] [smoke-detection] [fire-extinguishing] system, 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.

223.72 INTERFERING WITH A [FIRE-ALARM] [FIRE-DETECTION] [FIRE-EXTINGUISHING] SYSTEM IN A [PRISON] [LOCAL CONFINEMENT FACILITY].
FELONY.

The defendant has been charged with willfully [interfering with] [defacing] [molesting] [injuring] any part or portion of a [fire-alarm] [fire-detection] [smoke-detection] [fire-extinguishing] system in a [prison] [local confinement facility].

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

First, that the defendant [interfered with] [defaced] [molested] [injured] any part or portion of a [fire-alarm] [fire-detection] [smoke-detection] [fire-extinguishing] system.

Second, that the system was in a [prison] [local confinement facility].¹

And Third, that the defendant acted willfully, that is intentionally and without justification or excuse.

If you find from the evidence beyond a reasonable doubt that, on or about the alleged date, the defendant willfully [interfered with] [defaced] [molested] [injured] any part or portion of a [fire-alarm] [fire-detection] [smoke-detection] [fire-extinguishing] system in a [prison] [local confinement facility], 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.

1. For purposes of this subsection, the term "local confinement facility" means a county or city jail, a local lockup, or a detention facility for adults operated by a local government.

223.73 GIVING FALSE FIRE ALARMS. MISDEMEANOR.

The defendant has been charged with wantonly and willfully [[giving] [causing to be given] [[advising] [counseling] [aiding and abetting] another person to give] a false alarm of fire [[breaking] [causing to be broken] [[advising] [counseling] [aiding and abetting] another person to break] the glass key protector of any station or signal box of any fire-alarm system [[pulling] [causing to be pulled] [[advising] [counseling] [aiding and abetting] another person to pull] [the slide, arm or lever of any station or signal box of any fire-alarm system when there was no fire.

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

First, that the defendant

- (a) [[gave] [caused to be given] [[advised] [counseled] [aided and abetted] another person to give] a false alarm of fire.
- (b) [[broke] [caused to be broken] [[advised] [counseled] [aided and abetted] another person to break] the glass key protector of any station or signal box of any fire-alarm system.
- (c) [[pulled] [caused to be pulled] [[advised] [counseled] [aided and abetted] another person to pull] [the slide, arm or lever of any station or signal box of any fire-alarm system]].

Second, that there was no fire.

And Third, that the defendant acted willfully and wantonly, that is intentionally and without justification or excuse and without regard for the consequences or rights of others.

If you find from the evidence beyond a reasonable doubt that, on or about the alleged date, the defendant, even though there was no fire, willfully and wantonly

- (a) [[gave] [caused to be given] [[advised] [counseled] [aided and abetted] another person to give] a false alarm of fire,
- (b) [[broke] [caused to be broken] [[advised] [counseled] [aided and abetted] another person to break] the glass key protector of any station or signal box of any fire-alarm system,
- (c) [[pulled] [caused to be pulled] [[advised] [counseled] [aided and abetted] another person to pull] [the slide, arm or lever of any station or signal box of any fire-alarm system,

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.

223.74 WILLFULLY [MISUSING] [DAMAGING] A PORTABLE FIRE
EXTINGUISHER. MISDEMEANOR.

The defendant has been charged with willfully [misusing] [damaging] a portable fire extinguisher.

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

First, that the defendant [misused] [damaged] a portable fire extinguisher.

And Second, that the defendant acted willfully, that is intentionally and without justification or excuse

If you find from the evidence beyond a reasonable doubt that, on or about the alleged date, the defendant willfully [misused] [damaged] a portable fire extinguisher, 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.

238.17A INDECENT EXPOSURE TO MINOR FOR PURPOSE OF AROUSING OR
GRATIFYING SEXUAL DESIRE. FELONY.

The defendant has been charged with indecent exposure to a minor for the purpose of arousing or gratifying sexual desire.¹

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

First, that the defendant willfully exposed [his] [her] private parts.²

Second, that the exposure occurred in a public place,³ that is a place to which the public has access and is visited by many persons.

Third, that the exposure was in the presence of at least one other person.⁴

Fourth, that at the time of the exposure the defendant was at least 18 years old and the alleged victim was less than 16 years of age.

And Fifth, that the defendant acted for the purpose of arousing or gratifying sexual desire.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant willfully exposed [his] [her] private parts in a public place in the presence of at least one other person, that at the time of the exposure the defendant was at least 18 years old and the alleged victim was less than 16 years of age, and that the defendant acted for the purpose of arousing or gratifying sexual desire, 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.⁵

1. The statute also punishes aiding, abetting or procuring such an act, as well as the owner, etc. of any premises in which such an act is knowingly hired.

2. The term "private parts" refers to the genital or excretory organs. A female breast is not a private part. *State v. Jones*, 7 N.C. App. 166 (1970). Where there is a dispute as to what was exposed, and one of the things is not a private part, the jury should be instructed as to what is or is not a private part.

3. For a further definition of "public place," see *State v. King*, 268 N.C. 711 (1966) (automobile in public parking lot). See also *State v. Fusco*, 136 N.C. App. 268, 523 S.E.2d 741 (1999).

4. The victim need not actually see what is being exposed. *State v. Fly*, 348 N.C. 356 (1998); *State v. Fusco*, 136 N.C. App. 268, 523 S.E.2d 741 (1999). It is not necessary that the exposure be directed at or even seen by another person. *State v. Hoyle*, 373 N.C. 454, 838 S.E. 2d 435 (2020).

5. If there is evidence to support the submission of a lesser included offense, this last phrase would be amended as follows "If you do not so find or have a reasonable doubt as to one or more of these things, then you would not return a verdict of guilty of indecent exposure to a minor but would consider whether the defendant is guilty of"

239.37 FAILURE TO REPORT CRIMES AGAINST JUVENILES. MISDEMEANOR.

NOTE WELL: The identity of a person making a report pursuant to this section must be protected and only revealed as provided in N.C.G.S. § 132-1.4(c)(4).

NOTE WELL: N.C.G.S. § 14-318.6(f) provides a good faith immunity clause. A person who makes a report in good faith, cooperates with law enforcement in an investigation, or testifies in any judicial proceeding resulting from a law enforcement report or investigation is immune from any civil or criminal liability that might otherwise be incurred or imposed for that action, provided that person was acting in good faith.

NOTE WELL: N.C.G.S. § 14-318.6(h) provides that nothing in this section shall be construed as to require a person with a privilege under G.S. 8-53.3, 8-53.7, 8-53.8, or 8-53.12 or with attorney-client privilege to report pursuant to this section if that privilege would prevent that person from doing so.

The defendant has been charged with failure to report (a) crime(s) against a juvenile.

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

First, that (*name juvenile*) was a juvenile.¹ A juvenile is an individual under the age of eighteen.

Second, that the defendant was 18 years of age or older.

Third, that the defendant knew or should have known that (*name juvenile*) was the victim of [a violent offense] [a sexual offense] [misdemeanor child abuse].

And Fourth, that the defendant [knowingly] [willfully] [[failed to report]² [prevented another person from making a report of]] such [violent offense]³

[sexual offense] [misdemeanor child abuse]⁴ to the appropriate law enforcement agency in (name county where the juvenile resides or is found).

If you find from the evidence beyond a reasonable doubt that on or about the alleged date (name juvenile) was a juvenile, that the defendant was 18 years of age or older, that the defendant knew or should have known that (name juvenile) was the victim of [a violent offense] [a sexual offense] [misdemeanor child abuse], and that the defendant [knowingly] [willfully] [[failed to report] [prevented another person from making a report of]] such [violent offense] [sexual offense] [misdemeanor child abuse] to the appropriate law enforcement agency in (name county where the juvenile resides or is found), it would be your duty to return a verdict of guilty. If you do not so find or if you have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.

1. A **juvenile** is a person who has not yet reached the person's eighteenth birthday and is not married, emancipated, or a member of the Armed Forces of the United States. N.C. Gen. Stat. § 7B-101. If there is evidence that the juvenile was emancipated or was a member of the Armed Forces, then adjust the instruction accordingly. A "child" is defined to be under the age of sixteen. N.C. Gen. Stat. 7B-101.

2. The report may be made orally or by telephone. The report shall include information as is known to the person making it, including the name, address, and age of the juvenile; the name and address of the juvenile's parent, guardian, custodian, or caretaker; the name, address, and age of the person who committed the offense against the juvenile; the location where the offense was committed; the names and ages of other juveniles present or in danger; the present whereabouts of the juvenile, if not at the home address; the nature and extent of any injury or condition resulting from the offense or abuse; and another other information which the person making the report believes might be helpful in establishing the need for law enforcement involvement. The person making the report shall give his or her name, address, and telephone number.

3. N.C.G.S. § 14-318.6(a)(5) defines "**violent offense**" as any offense that inflicts upon the juvenile serious bodily injury or serious physical injury by other than accidental means. This term also includes: an attempt, solicitation, or conspiracy to commit any of these offenses; aiding and abetting any of these offenses.

“Serious Bodily Injury” is defined in N.C.G.S. § 14-318.4(d) as 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.

“Serious Physical Injury” is defined in N.C.G.S. § 14-318.4(d) as physical injury that causes great pain and suffering. This term includes serious mental injury.

4. See N.C.P.I.—Crim. 239.60 for an instruction on misdemeanor child abuse.

239.55B FELONIOUS CHILD ABUSE BY A SEXUAL ACT BY A [PARENT] [LEGAL GUARDIAN]. FELONY.

The defendant has been charged with felonious child abuse by a sexual act by a [parent] [legal guardian].

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 the [parent] [legal guardian] of the child.¹

Second, that at the time that child had not yet reached the child's *sixteenth* birthday.

And Third, that the defendant [committed] [allowed the commission of] a sexual act upon that child. A sexual act² includes

- a. [cunnilingus, which is any touching, however slight, by the lips or tongue of one person to any part of the female sex organ of another.]³
- b. [fellatio, which is any touching by the lips or tongue of one person and the male sex organ of another.]
- c. [analingus, which is any touching by the lips or tongue of one person and the anus of another.]
- d. [anal intercourse, which is any penetration, however slight, of the anus of any person by the male sexual organ of another.]
- e. [vaginal intercourse, which is penetration, however slight, of the female sex organ by the male sex organ. (The actual emission of semen is not necessary.)]

f. [any penetration, however slight, by an object into the [genital] [anal] opening of a person's body.]

Further, a sexual act is an [immoral, improper or indecent [touching] [act] by the defendant upon the child] (or) [inducement by the defendant of an immoral or indecent touching by the child for the purpose of arousing or gratifying sexual desire].

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant was [the parent] [the legal guardian] of the child, that child had not reached the child's sixteenth birthday, and that the defendant [committed] [allowed the commission of] a sexual act upon the child, 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.

1. Where a legal guardian is involved, the State must prove legal guardianship, that is defendant was a legally appointed guardian. See N.C. Gen. Stat. § 35A.

2. N.C.G.S. § 14-318.4(a2) does not define the term "sexual act" for purposes of felonious child abuse. In *State v. Alonzo*, 373 N.C. 437, 838 S.E.2d 354(2020), the defendant challenged the trial court's instruction to the jury, taken from this instruction, which defined "sexual act" as "an [immoral, improper or indecent [touching] [act] by the defendant upon the child] (or) [inducement by the defendant of an immoral or indecent touching by the child for the purpose of arousing or gratifying sexual desire]." The defendant argued that the appropriate definition of "sexual act" was the one in N.C.G.S. § 14-27.1(4), which explains that the term "sexual act" includes "cunnilingus, fellatio, anilingus, or anal intercourse, but does not include vaginal intercourse". The Supreme Court affirmed the trial court and refused to hold that the trial court's challenged instruction was improper. For that reason, this instruction retains the language challenged by the defendant in *Alonzo* and quoted in the first sentence of this footnote.

In rejecting the defendant's argument in *Alonzo*, the Supreme Court explained that the definition of "sexual act" in N.C.G.S. § 14-27.1(4), which is contained in Article 7A, is not applicable to offenses under N.C.G.S. § 14-318.4(a2), which is contained in a separate article, Article 39. The Court in *Alonzo*, while explaining that the definition of "sexual act" in

N.C.G.S. § 14-27.1(4) did not apply and refusing to overturn the trial court's instruction, did not set out a definition of the term for purposes of felonious child abuse. While the Supreme Court in *Alonzo* did not specifically define "sexual act," the Pattern Jury Committee reads that decision, as well as prior decisions from the Court of Appeals, to mean that the definition of "sexual act" for purposes of felonious child abuse would include all of the sexual conduct described in N.C.G.S. § 14-27.1(4), as well as vaginal intercourse. See *State v. McLamb*, 234 N.C. App. 753, 760 S.E.2d 337 (2014) (holding that the "the General Assembly intended the term 'sexual act,' as it is used in section 14-318.4(a2) of Article 39, to include vaginal intercourse"). Accordingly, this instruction's definition of "sexual act" now includes the general description challenged by the defendant in *Alonzo*, as well as the specifically delineated conduct included in N.C.G.S. § 14-27.1(4), plus vaginal intercourse.

239.95 DISTRIBUTION OF CERTAIN [FOOD][BEVERAGE]—CONTROLLED
SUBSTANCE. FELONY.

The defendant has been charged with distribution of a [food] [beverage] (or other) [eatable] [drinkable] substance which that person knows to contain a controlled substance.

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

First, that the defendant knowingly [distributed] [sold] [gave away] [caused to be placed in a position of human [accessibility][ingestion]] any [food] [beverage] (or other) [[eatable] [drinkable] substance].

And Second, that at the time that the [food] [beverage] (or other) [[eatable] [drinkable] substance] was [distributed] [sold] [given away] [caused to be placed in a position of human [accessibility][ingestion]] the defendant knew the [food] [beverage] (or other) [eatable] [drinkable] substance contained (*name substance*), a controlled substance.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant knowingly [distributed] [sold] [gave away] [caused to be placed in a position of human [accessibility][ingestion]] any [food] [beverage] (or other) [[eatable] [drinkable] substance], knowing the [food] [beverage] (or other) [[eatable] [drinkable] substance] contained a controlled substance, 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 both of these things, it would be your duty to return a verdict of not guilty.

239.96 DISTRIBUTION OF CERTAIN [FOOD] [BEVERAGE] PROHIBITED—
NOXIOUS SUBSTANCES; GREATER THAN MILD PHYSICAL
DISCOMFORT. FELONY.

The defendant has been charged with distribution of a [food] [beverage]
(or other) [[eatable] [drinkable] substance] which that person knows to
contain noxious or deleterious substance.

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

First, that the defendant knowingly [distributed] [sold] [gave away]
[caused to be placed in a position of human [accessibility] [ingestion]] any
[food] [beverage] (or other) [eatable] [drinkable] substance].

Second, that at the time the [food] [beverage] (or other) [[eatable]
[drinkable] substance] was [distributed] [sold] [given away] [caused to be
placed in a position of human [accessibility][ingestion]] the defendant knew
the [food][beverage] (or other) [[eatable] [drinkable] substance] contained
any noxious or deleterious substance, material or article that might be
injurious to a person's health or might cause a person any physical discomfort.

And Third, that the [actual effect on a person eating the [food]
[beverage] (or other) [[eatable] [drinkable] substance] was greater than mild
physical discomfort without any lasting effect] [the possible effect on a person
eating the [food] [beverage] (or other) [[eatable] [drinkable] substance]
would be greater than mild physical discomfort without any lasting effect].

If you find from the evidence beyond a reasonable doubt that on or
about the alleged date the defendant knowingly [distributed] [sold] [gave
away] [caused to be placed in a position of human [accessibility][ingestion]]
any [food] [beverage] (or other) [[eatable] [drinkable] substance], knowing

the [food] [beverage] (or other) [[eatable] [drinkable] substance] contained any noxious or deleterious substance, material or article that might be injurious to a person's health or might cause a person any physical discomfort, and the [actual effect on a person eating the [food][beverage] (or other) [[eatable] [drinkable] substance] was greater than mild physical discomfort without any lasting effect] [the possible effect on a person eating the [food] [beverage] (or other) [[eatable] [drinkable] substance] would be greater than mild physical discomfort without any lasting effect], it would be your duty to return a verdict of guilty. If you do not so find or if you have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.

239.97 DISTRIBUTION OF CERTAIN [FOOD] [BEVERAGE] PROHIBITED—
NOXIOUS SUBSTANCES; MILD PHYSICAL DISCOMFORT. FELONY.

The defendant has been charged with distribution of any [food] [beverage] (or other) [[eatable] [drinkable] substance] which that person knows to contain a noxious or deleterious substance.

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

First, that the defendant knowingly [distributed] [sold] [gave away] [caused to be placed in a position of human [accessibility][ingestion]] any [food] [beverage] (or other) [[eatable] [drinkable] substance].

Second, at the time that the [food] [beverage] (or other) [[eatable] [drinkable] substance] was [distributed] [sold] [given away] [caused to be placed in a position of human [accessibility][ingestion]] that the defendant knew the food contained any noxious or deleterious substance, material or article that might be injurious to a person's health or might cause a person any physical discomfort.

And Third, the [actual effect on a person eating the [food] [beverage] (or other) [[eatable] [drinkable] substance] was limited to mild physical discomfort without any lasting effect] [the possible effect on a person eating the [food] [beverage] (or other) [[eatable] [drinkable] substance] would be limited to mild physical discomfort without any lasting effect].

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant knowingly [distributed] [sold] [gave away] [caused to be placed in a position of human [accessibility][ingestion]] any [food][beverage] (or other) [[eatable] [drinkable] substance], knowing

the [food] [beverage] (or other) [[eatable] [drinkable] substance] contained any noxious or deleterious substance, material or article that might be injurious to a person's health or might cause a person any physical discomfort, and the [actual effect on a person eating the [food] [beverage] (or other) [[eatable] [drinkable] substance] was limited to mild physical discomfort without any lasting effect] [the possible effect on a person eating the [food] [beverage] (or other) [[eatable] [drinkable] substance] would be limited to mild physical discomfort without any lasting effect], 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.

239.98 DISTRIBUTION OF CERTAIN [FOOD][BEVERAGE] PROHIBITED—
POISONOUS CHEMICAL, COMPOUND, OR FOREIGN SUBSTANCE. FELONY.

The defendant has been charged with distribution of any [food] [beverage] (or other) [[eatable] [drinkable] substance] containing a [poisonous chemical] [poisonous compound] [foreign substance which might cause [death] [serious physical injury] [serious physical pain and discomfort]].

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

First, that the defendant knowingly [distributed] [sold] [gave away] [caused to be placed in a position of human [accessibility][ingestion] any [food] [beverage] (or other) [[eatable] [drinkable] substance].

And Second, at the time that the food was [distributed] [sold] [given away] [caused to be placed in a position of human [accessibility][ingestion], the defendant knew the [food] [beverage] (or other) [[eatable] [drinkable] substance] contained any [poisonous chemical] [poisonous compound] [foreign substance which might cause [death] [serious physical injury] [serious physical pain and discomfort]]. [(*Name substance*) is a [poisonous chemical] [poisonous compound] [foreign substance which might cause [death] [serious physical injury] [serious physical pain and discomfort]]. [In determining whether (*name substance*) was a [poisonous chemical] [poisonous compound] [foreign substance which might cause [death] [serious physical injury] [serious physical pain and discomfort]], you should consider the nature of (*name foreign substance*) and its propensity to cause death, serious physical injury or serious physical pain and discomfort when ingested.]¹

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant knowingly [distributed] [sold] [gave away] [caused to be placed in a position of human [accessibility][ingestion]] any [food] [beverage] (or other) [[eatable] [drinkable] substance], knowing the [food] [beverage] (or other) [[eatable] [drinkable] substance] contained any [poisonous chemical] [poisonous compound] [foreign substance which might cause [death] [serious physical injury] [serious physical pain and discomfort]], it would be your duty to return a verdict of guilty. If you do not so find or if you have a reasonable doubt as to one or both of these things, it would be your duty to return a verdict of not guilty.

1. The statute gives by way of example items such as razor blades, pins, or ground glass. The definition is not limited to these items.

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PART II. SUBSTANTIVE OFFENSES

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202.80	Felonious Conspiracy. G.S. 14-2.4. (6/2008)	H, J	
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203.11	Violent Habitual Felon. G.S. 14-7.7. (5/2019)		Life w/o parole
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204A.15	Pattern of Criminal Street Gang Activity. G.S. 14-50.16. (6/2018)		H
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* On or after 12/1/97, Voluntary Manslaughter is a Class D felony.

204A.20A	Solicitation of Participation in Criminal Gang Activity. (6/2018)		
204A.25	Solicitation of Participation by a Minor in Criminal Street Gang Activity. G.S. 14-50.18. (6/2018)		F
204A.25A	Solicitation of Participation by a Minor in Criminal Gang Activity. (6/2018)		
204A.30	Threats to Deter from Gang Withdrawal. G.S. 14-50.19. (6/2018)		H
204A.30A	Intimidation to Deter from Gang Withdrawal. (6/2018)		
204A.32	Injury to Deter Assisting Another in Criminal Gang Withdrawal. (6/2018)		
204A.35	Threats of Punishment or Retaliation for Criminal Street Gang Withdrawal. G.S. 14-50.20. (6/2018)		H
204A.35A	Threats of Punishment or Retaliation for Criminal Gang Withdrawal. (6/2018)		H
204A.38	Injury as Punishment or Retaliation for Criminal Gang Withdrawal. (6/2018)		
Prohibited Secret Societies and Activities.			
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204A.75	Placing Burning Cross on Property of Another or on a Public Street or Highway with the Intent to Intimidate. G.S. 14-12.12(b). (6/2009)	I	I
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206 Series	Homicide Punishment Chart. G.S. 14-17, 14-18, 20-141.4. (4/1998)		
206.00	First Degree Murder, Premeditation and Deliberation—Second Degree Murder as Lesser Included Offense. (12/2001)		
206.10	First Degree Murder Where a Deadly Weapon Is Used, Covering All Lesser Included Homicide Offenses and Self-Defense. G.S. 14-17, 14-18. (6/2020)	A, C, F, H	A, B2, E, F*
206.10A	First Degree Murder—Special Instruction for Accessory before the Fact. G.S. 14-5.2. (12/2001)		
206.11	First Degree Murder Where No Deadly Weapon Is Used, Covering All Lesser Included Homicide Offenses and Self-Defense. G.S. 14-17, 14-18. (6/2019)	A, C, F, H	A, B2, E, F*
206.12	First Degree Murder by Means of Poison (Including All Lesser Included Offenses). G.S. 14-17. (6/2014)	A, H	A, F
206.13	First Degree Murder Where a Deadly Weapon Is Used, Not Involving Self-Defense, Covering All Lesser Included Homicide Offenses. G.S. 14-17, 14-18. (6/2018)	A, C, F, H	A, B2, E, F*
206.14	First Degree Murder—Murder Committed in Perpetration of a Felony or Murder with Premeditation and Deliberation Where a Deadly Weapon Is Used & Verdict Sheet. G.S. 14-17, 14-18. (6/2018)	A, C	A, B2
206.15	First Degree Murder in Perpetration of a Felony. G.S. 14-17. (6/2014)	A	A

206.16	First Degree Murder by Lying in Wait. G.S. 14-17. (6/2014)	A	A
206.17	Solicitation to Commit Murder. G.S. 14-2.6. (1/2002)	E	E
206.17A	Attempted First Degree Murder (Where a Deadly Weapon Is Used). (3/2003)		B1
206.18	Conspiracy to Commit Murder. G.S. 14-2.4(a).		
206.20	First Degree Murder by Torture. G.S. 14-17. (6/2014)	A	A
206.22	First Degree Murder Involving Domestic Violence, Covering All Lesser Included Homicide Offenses and Self Defense. (6/2019)		
206.24	First Degree Murder Involving Domestic Violence, Covering Lesser Included Homicide Offenses Not Involving Self Defense. (6/2018)		
206.30	Second Degree Murder Where a Deadly Weapon Is Used, Covering All Lesser Included Homicide Offenses and Self-Defense. G.S. 14-17, 14-18. (6/2019)	C, F, H	B2, E, F*
206.30A	Second Degree Murder Where a Deadly Weapon Is Used, Not Including Self-Defense, Covering All Lesser Included Homicide Offenses. G.S. 14-17, 14-18. (6/2014)	C, F, H	B2, E, F*
206.31	Second Degree Murder Where No Deadly Weapon Is Used, Covering All Lesser Included Homicide Offenses and Self-Defense. G.S. 14-17, 14-18. (6/2014)	C, F, H	B2, E, F*
206.31A	Second Degree Murder Where No Deadly Weapon Is Used, Not Involving Self-Defense, Covering All Lesser Included Homicide Offenses. G.S. 14-17, 14-18. (6/2014)	C, F, H	B2, E, F*
206.31B	Second Degree Murder, Caused by Controlled Substance. G.S. 14-17. (6/2018)	C	B2
206.32	Second Degree Murder by Vehicle, Including Involuntary Manslaughter and Misdemeanor Death by Vehicle. (Impaired Driving). G.S. 14-17, 14-18, 20-139.1, 20-141.4. (6/2014)	C, H, Misd	B2, F, Misd 1
206.32A	Second Degree Murder by Vehicle, Including Involuntary Manslaughter and Misdemeanor Death by Vehicle. (Not Involving Impaired Driving). G.S. 14-17, 14-18, 20-139.1, 20-141.4. (6/2019)	C, H, Misd	B2, F, Misd 1
206.35	Second Degree Murder (Child Beating) Covering Involuntary Manslaughter as a Lesser Included Offense. G.S. 14-17, 14-18, 14-318.2, -318.4. (6/2014)	C, H	B2, F
206.40	Voluntary Manslaughter Including Self-Defense (In the Heat of Passion or Imperfect Self-Defense), Also Including Involuntary Manslaughter. G.S. 14-18. (6/2019)	F, H	E, F*
206.41	Voluntary Manslaughter Not Involving Self-Defense, also including Involuntary Manslaughter. G.S. 14-18. (6/2014)	F, H	E, F*
206.50	Involuntary Manslaughter—Other Than by Automobile. G.S. 14-18. (6/2014)	H	F
206.55	Involuntary Manslaughter—(Including Misdemeanor Death by Vehicle). G.S. 14-18, 20-141.4. (6/2014)	H, Misd	F, Misd 1
206.55A	Involuntary Manslaughter—(Impaired Driving). (Offenses after Dec. 1, 2006). G.S. 20-141.4. (6/2014)	H	F

* On or after 12/1/97, Voluntary Manslaughter is a Class D felony.

206.56	Involuntary Manslaughter—(Impaired Driving). (Offenses prior to Dec. 1, 2006). G.S. 20-141.4. (6/2014)	H	F
206.57	Felony Death by Vehicle (offenses prior to Dec. 1, 2006). G.S. 20-141.4(a1). (6/2014)	I	G
206.57A	Felony Death by Vehicle (offenses after Dec. 1, 2006). G.S. 20-141.4(a1). (6/2014)	I	G
206.57B	Aggravated Felony Death by Vehicle. G.S. 20-141.4(a5). (6/2014)		D
206.57C	Felony Serious Injury by Vehicle. G.S. 20-141.4(a3). (6/2014)		F
206.57D	Aggravated Felony Serious Injury by Vehicle. G.S. 20-141.4(a4). (6/2014)		E
206.58	Misdemeanor Death by Vehicle. G.S. 20-141.4(a2). (6/2014)	Misd	Misd 1
206.60	Murder of Unborn Child—Willful and Malicious Act (6/2012)		A
206.61	Murder of Unborn Child—Inherently Dangerous Act (6/2014)		B2
206.62	Murder of Unborn Child—[Murder] [Voluntary Manslaughter] [Involuntary Manslaughter] of Mother (6/2012)		B2, D, F
206.63	Murder of Unborn Child—Willful and Malicious Act. G.S. 14-23.2(a)(1). (6/2014)		A
206.70	Death By Distribution of Certain Controlled Substances. (6/2020)		C
206.72	Aggravated Death By Distribution of Certain Controlled Substances. (6/2020)		B2
Rape and Sexual Offenses.			
207.10	First Degree Rape (Weapon, Serious Injury, or Multiple Assailants) and Lesser Included Offenses. G.S. 14-27.2, 14-27.3, 14-27.6, 14-33(b)(2). (6/2020)	B, D, F, H, Misd	B1, C, F, H, Misd 1
207.10A	First Degree Forcible Rape (Weapon, Serious Injury, or Multiple Assailants) and Lesser Included Offenses. G.S. 14-27.21, 14-27.22, 14-27.34. (Offenses on or After Dec. 1, 2015). (6/2020)		B1, B2, C, D, Misd
207.10B	First Degree Forcible Rape (Weapon, Serious Injury, or Multiple Assailants) and Lesser Included Offenses. G.S. 14-27.21, 14-27.22, 14-27.34. (Offenses on or After Dec. 1, 2017). (6/2020)		B1, B2, C, D, Misd
207.11	Attempted First Degree Rape (Weapon, Serious Injury, or Multiple Assailants) Covering Attempted Second Degree Rape as a Lesser Included Offense. G.S. 14-27.2(2), 14-27.3(1), 14-27.6. (6/2020)	F, H	F, H
207.11A	Attempted First Degree Rape (Weapon, Serious Injury, or Multiple Assailants) Covering Attempted Second Degree Rape as a Lesser Included Offense. G.S. 14-27.21, 14-27.22, 14-27.34. (6/2020)		
207.11B	Attempted First Degree Forcible Rape (Weapon, Serious Injury or Multiple Assailants) Covering Attempted Second-Degree Rape as a Lesser Included Offense. (Offenses on or after Dec. 1, 2017). (6/2020)		B1, C
207.15	Rape of a Child. G.S. 14-27.2A. (6/2016)		B1
207.15A	Statutory Rape of a Child by an Adult G.S. 14-27.23. (6/2016)		

207.15A.1	Attempted First Degree Rape—Alleged Victim Under the Age of Thirteen Years. G.S. 14-27.2(a)(1), 14-27.8 (6/2016).	F	F
207.15A.1A	Attempted First Degree Statutory Rape—Alleged Victim Under the Age of Thirteen Years. G.S. 14-27.24(a)(1), 14-27.34. (6/2016)		
207.15.1	First Degree Rape—Female under the Age of Thirteen Years. G.S. 14-27.2(1). (6/2016)	B	B1
207.15.1A	First Degree Statutory Rape—Alleged Victim Under the Age of Thirteen Years. (6/2016)		
207.15.2	Statutory Rape Against a Victim Who Was Thirteen, Fourteen, or Fifteen Years Old. G.S. 14-27.7A. (6/2016)		B1, C
207.15.2A	Statutory Rape Against an Alleged Victim Who Was Fifteen Years of Age or Younger. G.S. 14-27.25. (6/2016)		
207.15.3	Statutory Sexual Offense against a Victim Who Was Thirteen, Fourteen, or Fifteen Years Old. G.S. 14-27.7A. (6/2016)		
207.15.3A	Statutory Sexual Offense of an Alleged Victim Who Was Fifteen Years of Age or Younger. G.S. 14-27.30. (6/2016)		B1, C
207.20	Second Degree Rape—Force. G.S. 14-27.3. (6/2020)	D	C
207.20A	Second Degree Rape—Force (Victim Asleep or Similarly Incapacitated). G.S. 14-27.3. (6/2020)		
207.20A.1	Second Degree Rape—Forcible (Alleged Victim Asleep or Similarly Incapacitated). G.S. 14-27.3 (6/2020)		
207.20B	Second Degree Forcible Rape. G.S. 14-27.22 (6/2020)		
207.25	Second Degree Rape—Victim Mentally Disabled, Mentally Incapacitated or Physically Helpless. G.S. 14-27.3. (6/2020)	D	C
207.25A	Second Degree Rape—Victim Mentally Disabled, Mentally Incapacitated or Physically Helpless. G.S. 14-27.3. (6/2020)		
207.40	First Degree Sexual Offense—Weapon, Serious Injury, or Multiple Assailants, Covering Second Degree Sex Offense as a Lesser Included Offense. G.S. 14-27.4, 14-27.5. (5/2020)	B, D	B1, C
207.40A	Attempted First Degree Sexual Offense (Weapon, Serious Injury, or Multiple Assailants) Covering Attempted Second Degree Sex Offense as a Lesser Included Offense. G.S. 14-27.4(2), 14-27.5(2), 14-27.6. (5/2020)	F, H	F, H
207.40A.1	Attempted First Degree Forcible Sexual Offense—(Weapon, Serious Injury, or Multiple Assailants) Covering Attempted Second Degree Forcible Sex Offense as a Lessor Included Offense. G.S. 14-27.26, 14-27.27, 14-27.34. (6/2020)		
207.40B	First Degree Forcible Sexual Offense—(Weapon, Serious Injury, or Multiple Assailants) Covering Second Degree Sex Offense as a Lessor Included Offense. G.S. 14-27.26, 14-27.27. (Offenses on or After Dec. 1, 2015). (6/2020)		
207.40C	First Degree Forcible Sexual Offense—(Weapon, Serious Injury, or Multiple Assailants) Covering Second Degree Sex Offense as a Lessor Included Offense. G.S. 14-27.26, 14-27.27. (Offenses on or After Dec. 1, 2017). (6/2020)		
207.45	Sexual Offense with a Child. G.S. 14-27.4A. (6/2016)		B1
207.45.1	First Degree Sexual Offense—Child under the Age of Thirteen Years. G.S. 14-27.4. (6/2016)	B	B1
207.45.1A	First Degree Statutory Sexual Offense—Child under the Age of Thirteen Years. G.S. 14-27.29. (6/2016)		

207.45A	Statutory Sexual Offense with a Child by an Adult. G.S. 14-27.28 (6/2016)		
207.45A.1	Attempted First Degree Sexual Offense—Child under the Age of Thirteen Years. G.S. 14-27.4, 14-27.8. (6/2016)	F	F
207.45A.1A	Attempted First Degree Statutory Sexual Offense—Child Under the Age of Thirteen Years. G.S. 14-27.29, 14-27.34. (6/2016)		
207.60	Second Degree Sexual Offense—Force. G.S. 14-27.5. (6/2020)	D	C
207.60A	Second Degree Forcible Sexual Offense. G.S. 14-27.27. (6/2020)		
207.65	Second Degree Sexual Offense—Victim Mentally Disabled, Mentally Incapacitated or Physically Helpless. G.S. 14-27.5. (Offenses Prior to Dec. 1, 2015). (6/2020)	D	C
207.65A	Second Degree Forcible Sexual Offense—Alleged Victim Mentally Disabled, Mentally Incapacitated or Physically Helpless. G.S. 14-27.27. (Offenses On or After to Dec. 1, 2015). (6/2020)	D	C
207.70	Felonious Sexual Activity with Person in Defendant’s Custody. G.S. 14-27.7. (6/2016)	G	E
207.70A	Felonious Sexual Activity with Person in Defendant’s Custody. G.S. 14-27.7. (6/2016)		
207.71	DELETE SHEET. Unlawfully Accessing a Commercial Social Networking Website by a Sex Offender. G.S. 14-202.5A. (6/2018)		I
207.71A	Unlawful Online Conduct By A High-Risk Sex Offender That Endangers Children. (6/2020)		I
207.72	Sex Offender Unlawfully on Certain Premises. G.S. 14-208.18. (6/2017)		H
207.73	Failure to Enroll in a Satellite-Based Monitoring Program. G.S. 14-208.44(a). (6/2008)		F
207.74	Failing to [Provide Necessary Information to] [Cooperate with Guidelines and Regulations of] the Department of Corrections While Required to Enroll in a Satellite-Based Monitoring Program. G.S. 14-208.44(c). (6/2008)		Misd 1
207.75	Willfully Failing to Comply with Sex Offender Registration Law. G.S. 14-208.11. (6/2016)	-	F
207.76	Failure to Comply with Sex Offender Residential Restrictions. G.S. 14-208.16. (6/2015)	-	F
207.77	Failure to Comply with Sex Offender Limitations on Residential Use—Minor in Residence. G.S. 14-208.17(b). (6/2007)	-	F
207.78	Intentionally [Tampering with] [Removing] [Vandalizing] [Interfering with Proper Functioning of] a Satellite-Based Monitoring Device. G.S. 14-208.44(a). (6/2008)	-	F
207.79	Failure to Comply with Sex Offender Prohibition on Working or Volunteering for Child-Involved Activities. G.S. 14-208.17(a). (6/2007)	-	F
207.80A	Felonious Sexual Activity Involving Students (by teacher, school administrator, student teacher, school safety officer, coach). G.S. 14-27.7(b). (6/2016)	-	G

207.80A.1	Felonious Sexual Activity With a Student (by Teacher, School Administrator, Student Teacher, School Safety Officer, Coach). G.S. 14-27.32. (6/2016)		G
207.80B	Felonious Sexual Activity Involving Students (by member of school personnel other Than teacher, school administrator, student teacher, school safety officer, coach). G.S. 14-27.7(b). (6/2016)	-	G, Misd A1
207.80B.1	Felonious Sexual Activity With a Student (by member of school personnel other than teacher, School Administrator, Student Teacher, School Safety Officer, Coach). G.S. 14-27.32. (6/2016)		G, I
207.90	Sexual Battery. G.S. 14-27.5A. (Offenses Prior to Dec. 1, 2015) (6/2020)		Misd A1
207.90A	Sexual Battery. G.S. 14-27.33 (Offenses Occuring on or After Dec. 1, 2015) (6/2020)		Misd A1
207.95	Knowingly and Without Authority [Removing] [Destroying] [Circumventing Operation of] an Electronic Monitoring Device. G.S. 14-226.3 (June 2010)		
207.97	Sexual [Contact] [Penetration] Under Pretext of Medical Treatment—Representations. (6/2020)		C
207.98	Engaging In Sexual [Contact] [Penetration] Under Pretext of Medical Treatment – Incapacitated Patient. (6/2020)		C
Assaults.			
208.01	Assault on [Legislative] [Executive] [Court] Officer. G.S. 14-16.6(a). (6/2011)	H	I
208.01A	Making a Violent Attack upon the [Residence] [Office] [Temporary Accommodation] [Means of Transport] of a(n) [Legislative] [Executive] [Court] Officer. G.S. 14-16.6(a). (4/2004)	H	I
208.02	Assault on a(n) [Legislative] [Executive] [Court] Officer with a Deadly Weapon. G.S. 14-16.6(a), (b). (4/2004)	G	F
208.02A	Making a Violent Attack with a Deadly Weapon upon the [Residence] [Office] [Temporary Accommodation] [Means of Transport] of a(n) [Legislative] [Executive] [Court] Officer. G.S. 14-16.6(a), (b). (4/2004)	G	F
208.03	Assault on a(n) [Legislative] [Executive] [Court] Officer Inflicting Serious Injury. G.S. 14-16.6(c). (4/2004)	F	F
208.03A	Making a Violent Attack upon the [Residence] [Office] [Temporary Accommodation] [Means of Transport] of a(n) [Legislative] [Executive] [Court] Officer Inflicting Serious Injury to a(n) [Legislative] [Executive] [Court] Officer. G.S. 14-16.6(c). (4/2004)	F	F
208.04	Threatening to Kill or Inflict Serious Bodily Injury upon a [Legislative] [Executive] [Court] Officer. G.S. 14-16.7(a), 14-16.8. (6/2020)	J	I
208.04A	Mailing a Threat to Kill or Inflict Serious Bodily Injury upon a(n) [Legislative] [Executive] [Court] Officer. G.S. 14-16.7(b), 14-16.8. (4/2004)	J	I
208.04B	Threatening to Kill or Inflict Serious Bodily Injury Upon a Person as Retaliation Against a [Legislative] [Executive] [Court] Officer. Felony. G.S. 14-16.7(a) (6/2019)		I

208.04C	Mailing a Threat to Kill or Inflict Serious Bodily Injury Upon a Person as Retaliation Against a [Legislative] [Executive] [Copurt] Officer. Felony. G.S. 14-16.7(b) (6/2019)		I
208.05	Malicious Castration. G.S. 14-28, -29. (3/2002)	D, H	C, E
208.06	Castration or Other Maiming without Malice Aforethought. G.S. 14-29. (3/2002)	H	E
208.07	Malicious Maiming. G.S. 14-30. (3/2002)	H	C
208.08	Malicious Throwing of Corrosive Acid or Alkali. G.S. 14-30.1. (3/2002)	H	E
208.09	Malicious Assault and Battery in a Secret Manner with a Deadly Weapon with Intent to Kill. G.S. 14-31. (3/2002)	F	E
208.10	Assault with a Deadly Weapon with Intent to Kill Inflicting Serious Injury. G.S. 14-32(a). (3/2002)	F	C
208.13	Hazing. G.S. 14-35. (4/2004)		Misd 2
208.14	Assault upon a Sports Official. G.S. 14-33(b)(9). (6/2011)	Misd	Misd 1
208.15	Assault with a Deadly Weapon Inflicting Serious Injury. G.S. 14-32(b). (6/2008)	H	E
208.16	Felonious Assault Inflicting Serious Bodily Injury. G.S. 14-32.4. (3/2002)		F
208.25	Assault with a Deadly Weapon with Intent to Kill. G.S. 14-32(c). (3/2002)	H	E
208.30	Assault Offense Classification Chart. (12/1995)		
208.40	Simple Assault—(Not Involving Physical Contact) G.S. 14-33(a). (6/2011)	Misd	Misd 2
208.40A	Simple Assault on an Individual with a Disability. G.S. 14-32.1(f). (6/2019)	Misd	Misd 1
208.41	Simple Assault—(Involving Physical Contact) G.S. 14-33(a). (6/2010)	Misd	Misd 2
208.43	Simple Affray. G.S. 14-33. (6/2017)		Misd 2
208.45	Habitual Misdemeanor Assault. G.S. 14-33.2. (6/2011)		H
208.45A	Habitual Misdemeanor Assault. G.S. 14-33.2. (6/2017)		H
208.45A.1	Habitual Misdemeanor Assault. G.S. 14-33.2. (6/2017)		H
208.50	Assault with a Deadly Weapon. G.S. 14-33(c)(1). (3/2002)	Misd	Misd 1
208.50A	Aggravated Assault on an Individual with a Disability. G.S. 14-32.1(e). (6/2019)	I	F
208.55	Assault Attempting to Inflict Serious Injury. G.S. 14-33(c)(1). (3/2002)	Misd	Misd 1
208.60	Assault Inflicting Serious Injury. G.S. 14-33(c)(1). (6/2020)	Misd	Misd A1
208.61	Assault Inflicting Physical Injury by Strangulation. G.S. 14-32.4. (2/2005)		H
208.65	Assault by a Prisoner with a Deadly Weapon Inflicting Bodily Injury. G.S. 14-258.2. (3/2002)	H	F
208.67	Malicious Conduct by a Prisoner—Throwing of [Bodily Fluids] [Excrement] [Unknown Substance] by a Prisoner at a [State] [Local Government] Employee in the Performance of Employee's Duties. G.S. 14-258.4. (6/2019)		F
208.68	Malicious Conduct by a Prisoner—Exposing Genitalia by a Prisoner to an Employee of [State] [Local Government] in the Performance of Employee's Duties. G.S. 14-258.4 (6/2019)		I
208.70	Assault on a Female by a Male Person. G.S. 14-33(c)(2). (6/2015)	Misd	Misd A1

208.72	Assault by [Inflicting Serious Injury] [Using a Deadly Weapon] in the Presence of a Minor G.S. 14-33(d). (6/2017)		Misd A1
208.75	Assault on a Child under the Age of Twelve Years. G.S. 14-33(c)(3). (6/2011)	Misd	Misd A1
208.76	Assault on an Unborn Child (6/2012)		Misd A1
208.77	Assault Inflicting Serious Bodily Injury—Unborn Child 6/2012)		F
208.80 Series—Notes to 208.80, 208.80A, 208.80B, 208.80C			
208.80	Index to Instructions in 208.81 Series. Assault on an Officer—Arrest Situations. G.S. 14-33(c)(4); 15A-401. (6/2015)		
208.81	Model Instruction—Assault on an Officer—Arrest Situations. G.S. 14-33(c)(4); 15A-401. (6/2015)		
208.81A	Assault on an Officer—Arrest Situations (Only Officer's and Defendant's Force in Dispute). G.S. 14-33(c)(4). (6/2015)	Misd	Misd A1
208.81B	Assault on an Officer and Simple Assault—Arrest Situations (Issues as to Lawfulness of Arrest and Defendant's Force). G.S. 14-33(c)(4); 15A-401, 15A-402. (6/2015)	Misd	Misd A1
208.81C	Assault on an Officer and Simple Assault—Arrest Situations (Issues as to Lawfulness of Arrest without a Warrant, and as to Force Used by Officer and Defendant). G.S.14-33(c)(4). (6/2015)	Misd	Misd A1
208.81D	Simple Assault—Arrest Situations (Issue as to Force Used by Defendant to Resist Unlawful Arrest). G.S. 14-33(c)(4). (6/2015)	Misd	Misd A1
208.81E	Assault on an Officer—Arrest Situations (Issues as to Officer Status of Victim, Fact of Arrest, and Lawfulness of Arrest—Neither Officer's Nor Defendant's Force in Dispute). G.S. 14-33(c)(4). (6/2015)	Misd	Misd A1
208.81F	Assault on an Officer and Simple Assault—Arrest Situations (All Issues in Dispute). G.S. 14-33(c)(4). (6/2015)	Misd	Misd A1
208.81G	Assault on [[Law Enforcement] [Probation] [Parole] Officer] [Person Employed at a [State] [Local] Detention Facility]. G.S. 14-34.7. (6/2013)		F
208.82	Assault upon an Officer or Employee of the State or of Any Political Subdivision of the State or Public Transit Operator. G.S. 14-33(c)(4). (6/2011)	Misd	Misd A1
208.83	Assault upon a School Employee or Volunteer. G.S. 14-33(c)(6). (6/2011)	-	Misd A1
208.84	Ethnic Intimidation. G.S. 14-401.14. (4/2002)	Misd	Misd 1
208.85	Assault by Pointing a Gun. G.S. 14-34. (4/2002)	Misd	Misd A1
208.90	Discharging a Firearm into Occupied Property. G.S. 14-34.1. (6/2020)	H	E
208.90A	Discharging Barreled Weapon into Occupied Property. G.S. 14-34.1. (6/2011)	H	E
208.90B	[Discharging] [Attempting to Discharge] a Firearm Within an Occupied Building or Other Enclosure With Intent to Incite Fear. G.S. 14-34.10. (6/2018)		F
208.90C	Discharging a Barreled Weapon into Occupied Dwelling. G.S. 14-34.1. (6/2016)		D

208.90D	Discharging a Firearm into Occupied Vehicle in Operation. G.S. 14-34.1(b). (6/2011)		D
208.90E	Discharging a Barreled Weapon into Occupied Vehicle in Operation. G.S. 14-34.1(b). (6/2011)		D
208.90F	Discharging a Firearm into Occupied Property Inflicting Serious Bodily Injury. G.S. 14-34.1(c). (6/2011)		C
208.90G	Discharging a Barreled Weapon into Occupied Property Inflicting Serious Bodily Injury. G.S. 14-34.1(c). 6/2011)		C
208.90H	Discharging a Firearm into Occupied Dwelling Inflicting Serious Bodily Injury. G.S. 14-34.1(c). (6/2011)		C
208.90I	Discharging a Barreled Weapon into Occupied Dwelling Inflicting Serious Bodily Injury. G.S. 14-34.1(c). (6/2011)		C
208.90J	Discharging a Firearm into Occupied Vehicle in Operation Inflicting Serious Bodily Injury. G.S. 14-34.(c). (6/2011)		C
208.90K	Discharging a Barreled Weapon into Occupied Vehicle in Operation Inflicting Serious Bodily Injury. G.S. 14-34.1(c). (6/2011)		C
208.94	Assault Inflicting [Serious Bodily] [Serious] Injury on a [[Law Enforcement] [Probation] [Parole] Officer] [Member of the North Carolina National Guard] [Person Employed at a [State] [Local] Detention Facility]. G.S. 14-34.7. (6/2017)		F
208.95	Assault with a Firearm on a Law Enforcement, Probation, or Parole Officer or on a Person Employed at a State or Local Detention Facility. G.S. 14-34.5. (11/1998)	I	E, G
208.95A	Assault with a Firearm or Other Deadly Weapon upon Emergency Medical Services Personnel. G.S. 14-34.6. (2/1999)	I	I, F
208.95B	Assault with a Firearm or Other Deadly Weapon upon an Officer or Employee of the State or of any Political Subdivision of the State, Company Police Officer, or Campus Police Officer. G.S. 14-34.2. (3/1999)	I	F
208.95C	Assault on [[Law Enforcement] [Probation] [Parole] Officer] [Member of the North Carolina National Guard] [Person Employed at a [State] [Local] Detention Facility]—Physical Injury. G.S. 14-34.7(c) (6/2017)		I
208.95D	Assault on [Firefighter] [Emergency Medical Technician] [Emergency Health Care Provider] [Medical Responder] [Emergency Department Personnel] [Licensed Health Provider]. (6/2018)		I
208.95E	[Serious Bodily Injury Inflicted] [Deadly Weapon Used Other Than a Firearm] in Assault on [Firefighter] [Emergency Medical Technician] [Emergency Health Care Provider] [Medical Responder] [Emergency Department Personnel] (6/2012)		H
208.95F	Assault on Emergency Personnel—Dangerous [Weapon] [Substance] (6/2012)		I, F
208.95G	Assault on Emergency Personnel—Physical Injury (6/2012)		
208.96A	Adulteration or Misbranding of Food, Drugs or Cosmetics with Intent to Inflict Serious Injury or Death. G.S. 14-34.4(a). (4/2002)	C	C
208.96B	Extortion by Adulteration or Misbranding of Food, Drugs, or Cosmetics. G.S. 14-34.4(b). (4/2002)	C	C

	Kidnapping.		
210.15	False Imprisonment. (4/2002)	Misd	Misd 1
210.20	First Degree Kidnapping (Hostage, Ransom, Shield, or Terror) Covering Second Degree Kidnapping as a Lesser Included Offense. G.S. 14-39. (6/2011)	D, E	C, E
210.25	First Degree Kidnapping to Commit [Felony] [Serious Injury] Covering Second Degree Kidnapping as a Lesser Included Offense. G.S. 14-39. (6/2016)	D, E	C, E
210.26	First Degree Kidnapping (Involuntary Servitude) Covering Second Degree Kidnapping as a Lesser Included Offense. G.S. 14-39; 14-43.2. (3/2005)	D, E	C, E
210.30	Second Degree Kidnapping (Hostage, Ransom, Shield, or Terror). G.S. 14-39. (6/2017)	E	E
210.35	Second Degree Kidnapping (to Commit Felony or Serious Injury). G.S. 14-39. (6/2017)	E	E
210.36	Second Degree Kidnapping (Involuntary Servitude). G.S. 14-39; 14-43.2. (4/2002)	E	E
210.40	Felonious Restraint. G.S. 14-43.3. (6/2011)	J	F
210.50	Involuntary Servitude (offenses prior to Dec. 1, 2006). G.S. 14-43.2. (6/2011)	I	F
210.50A	Involuntary Servitude. G.S. 14-43.12. (6/2019)	I	F
210.52	Involuntary Servitude of a Minor. G.S. 14-43.12. (6/2019)		C
210.60	Child Abduction. G.S. 14-41. (6/2011)	G	F
210.70	Sexual Servitude. G.S. 14-43.13. (6/2020)		F
210.72	Sexual Servitude of a Minor. G.S. 14-43.13. (6/2020)		C
210.80	Human Trafficking Involving Involuntary Servitude. G.S. 14-43.11. (6/2019)		F
210.82	Human Trafficking Involving Sexual Servitude. G.S. 14-43.11. (6/2020)		F
210.84	Human Trafficking of a Minor Involving Involuntary Servitude. G.S. 14-43.11. (6/2019)		C
210.86	Human Trafficking of a Minor Involving Sexual Servitude. G.S. 14-43.11. (6/2020)		C
210.88	Unlawful [Sale] [Surrender] [Purchase] of a Minor. G.S. 14-43.14. (6/2019)		F
210.89	Promoting Travel For Unlawful Sexual Conduct. (6/2020)		G
210.90	Unlawful Transfer of Custody of a Minor Child by a Parent. G.S. 14-321.2(a)(1). (6/2017)		Misd 2
210.91	Unlawful Transfer of Custody of a Minor Child by a Parent Resulting in Serious Physical Injury to the Child. G.S. 14-321.2(a)(1). (6/2017)		G
210.92	Unlawful Acceptance of Custody of a Minor Child from a Parent. G.S. 14-321.2(a)(2). (6/2017)		Misd 2
210.93	Unlawful Acceptance of Custody of a Minor Child from a Parent Resulting in Serious Physical Injury to the Child. G.S. 14-321.2(a)(2). (6/2017)		G
210.94	Unlawful [Advertising] [Recruiting] [Soliciting] [Aiding] [Abetting] [Conspiring] or [Assisting] in the Unlawful Transfer of Custody of a Minor Child. G.S. 14-321.2(a)(3). (6/2017)		Misd 2

210.95	Unlawful [Advertising] [Recruiting] [Soliciting] [Aiding] [Abetting] [Conspiring] [Assisting] in the Unlawful Transfer of Custody of a Minor Child Resulting in Serious Physical Injury to the Child. G.S. 14-321.2(a)(3). (6/2017)		G
210.96	Knowingly Mutilating The Female Genitals of a Child Less Than 18 Years of Age. (6/2020)		C
210.97	[Consenting to] [Permitting] the Mutilation of the Female Genitals of a Child Less Than 18 Years of Age. (6/2020)		C
210.98	Knowingly [Removing] [Permitting the Removal of] a Child Less Than 18 Years of Age From The State For The Purpose of Mutilating The Child's Female Genitals. (6/2020)		C
Abortion and Similar Offenses.			
211.50	Concealing Birth of a Child. G.S. 14-46. (5/2002)	H	H
211.60	Unlawful Sale of the Remains of an Unborn Child from [Abortion] [Miscarriage]. G.S. 14-46.1 (6/2016)		
Libel and Slander.			
212.10	Communicating Libelous Matter to Newspapers. G.S. 14-47. (5/2002)	Misd	Misd 2
Use of Explosives or Incendiary Devices.			
213.10	Malicious Use of Explosive or Incendiary Device—Personal Injury. G.S. 14-49(a). (5/2002)	E	D
213.15	Malicious Use of Explosive or Incendiary Device—Property Damage. G.S. 14-49(b). (5/2002)	E	G
213.20	Malicious Damage of Occupied Property by Use of Explosive or Incendiary [Device] [Material]. G.S. 14-49.1. (11/2003)	C	D
213.25	Maliciously Damaging Church or Other Building of Worship by Use of an Explosive or Incendiary Device. G.S. 14-49(b1). (1/2004)		E
213.30	Maliciously Damaging State or Local Government Buildings by Use of an Explosive or Incendiary Device. G.S. 14/49(b2). (1/2004)		E
Burglary and Breaking and Entering.			
214.10	First Degree Burglary Covering Second Degree Burglary, Felonious Breaking or Entering and Nonfelonious Breaking or Entering as Lesser Included Offenses. G.S. 14-51, -52, -54. (6/2011)	C, D, H, Misd	D, G, H, Misd 1
214.11	Second Degree Burglary. G.S. 14-51, -52. (6/2011)	D	G
214.20	Habitual Breaking or Entering (6/2018)		E
214.30	Felonious Breaking or Entering. G.S. 14-54. (5/2002)	H, Misd	H, Misd 1
214.31	First-Degree Trespass. G.S. 14-159.12. (5/2019)	Misd	Misd 2
214.31A	Second-Degree Trespass. G.S. 14-159.13. (5/2002)	Misd	Misd 3
214.31B	First-Degree Trespass. G.S. 14-159.12(f). (6/2017)		I
214.32	Felonious Breaking or Entering. G.S. 14-54. Felonious Larceny—Pursuant to a Breaking or Entering Where the Property Is Worth More Than \$1,000. G.S. 14-70, 14-72(a), (b)(2). (6/2012)	H, Misd	H, Misd 1

214.34	Misdemeanor Breaking or Entering. G.S. 14-54. (5/2002)	Misd	Misd 1
214.35	Possession without Lawful Excuse of an Implement of Housebreaking. G.S. 14-55. (6/2011)	E	I
214.40	Breaking or Entering into Motor Vehicle. G.S. 14-56. (6/2016)	I	I
214.41	Preparation to Commit Breaking or Entering into Motor Vehicles—Possession of a Motor Vehicle [Master Key] [Manipulative Key] [Lock-Picking Device] [Hot Wiring Device]. G.S. 14-56.4(b). (6/2006)		Misd 1
214.42	Preparation to Commit Breaking or Entering into Motor Vehicles—Possession of a Motor Vehicle [Master Key] [Manipulative Key] [Lock-Picking Device] [Hot Wiring Device]. G.S. 14-56.4(b). (6/2006)		I, Misd 1
214.43	Preparation to Commit Breaking or Entering into Motor Vehicles—[Buying] [Selling] [Transferring] a Motor Vehicle [Master Key] [Manipulative Key] [Key Cutting Device] [Lock-Picking Device] [Hot Wiring Device]. G.S. 14-56.4(c). (6/2006)		Misd 1
214.44	Preparation to Commit Breaking or Entering into Motor Vehicles—[Buying] [Selling] [Transferring] a Motor Vehicle [Master Key] [Manipulative Key] [Key Cutting Device] [Lock-Picking Device] [Hot Wiring Device]. G.S. 14-56.4(c). (6/2006)		I, Misd 1
214.45	Felonious Breaking or Entering—Place of Religious Worship. G.S. 14-54.1. (6/2006)		G
214.47	Felonious Breaking or Entering—Intent to [Injure] [Terrorize] Occupant. G.S. 14-54. (6/2014)		H
214.50	(Misdemeanor) Opening Coin- or Currency-Operated Machines by Unauthorized Use of [a Key] [an Instrument]. G.S. 14-56.1. (5/2002)	Misd	Misd 1
214.51	Opening Coin- or Currency-Operated Machines by Unauthorized Use of [a Key] [an Instrument]. G.S. 14-56.1. (5/2002)	H, Misd	H, Misd 1
214.55	(Misdemeanor) Breaking into Coin- or Currency-Operated Machines. G.S. 14-56.1, -56.3. (5/2002)	Misd	Misd 1
214.56	Breaking into Coin- or Currency-Operated Machines. G.S. 14-56.1, -56.3. (5/2002)	H, Misd	H, Misd 1
214.60	Destroying or Damaging Coin- or Currency-Operated Machines. G.S. 14-56.2. (5/2002)	Misd	Misd 1
214.65	Burglary with Explosives or Acetylene Torch. G.S. 14-57. (5/2002)	E, H, Misd	D, H, Misd 1
214.70	Breaking or Entering of a Pharmacy With The Intent To Commit Larceny of a Controlled Substance. (6/2020)		E
Arson and Other Burnings.			
215.11	First Degree Arson (Including Second Degree Arson, Burning an Uninhabited House). G.S. 14-58, -62. (5/2002)	C, D, E	D, G, F
215.11A	First Degree Arson, Burning a Structure within the Curtilage of the Dwelling House (Including Second Degree Arson, Burning an Uninhabited House). G.S. 14-58, -62. (3/2005)	C, D, E	D, G, F
215.12	Second Degree Arson. G.S. 14-58. (5/2002)	D	G
215.25	Wanton and Willful Burning—Property. G.S. 14-58 through 14-67.1. (5/2002)	E	D-H

215.30	Wanton and Willful Burning of a [Boat] [Barge] [Ferry] [Float]. G.S. 14-63. (5/2002)	H	H
215.35	Wanton and Willful Burning of a [Ginhouse] [Tobacco House] [Miscellaneous Structure]. G.S. 14-64, -67.1. (5/2002)	H	H
215.40	Wanton and Willful or Fraudulent Burning of a Dwelling House by the Owner or Occupant. G.S. 14-65. (5/2002)	H	H
215.45	Burning Personal Property with Intent to Injure or Prejudice. G.S. 14-66. (5/2002)	H	H
215.50	Arson or Other Unlawful Burning Resulting in Serious Bodily Injury to a Firefighter, Law Enforcement Officer, or Emergency Medical Technician. G.S. 14-69.3. (6/2019)		E
215.60	Burning Caused During Commission of Another Felony. G.S. 14-67.2 (6/2019)		D
215.85	Making a False Report concerning a Destructive Device. (Other Than Public Building). G.S. 14-69.1(a). (6/2006)	-	H
215.85B	Making a False Report concerning a Destructive Device—(Public Building). G.S. 14-69.1(c). (6/2006)	-	H, G
215.86	Perpetrating Hoax by Use of a False Bomb or Other Device—(Other Than Public Building). G.S. 14-69.2(a). (2/2000)	-	H
215.86B	Perpetrating Hoax by Use of a False Bomb or Other Device—(Public Building). G.S. 14-69.2(c). (2/2000)	-	H, G
215.87	Making a False Report Concerning a Threat of Mass Violence on Educational Property. G.S. 14-277.5(b). (6/2008)	H	
215.90	Communicating a Threat of Mass Violence on Educational Property. G.S. 14-277.6 (6/2019)		H
215.91	Communicating a Threat of Mass Violence at a Place of Religious Worship. G.S. 14-277.7 (6/2019)		H
Larceny.			
216.05	Misdemeanor Larceny. G.S. 14-72(a). (6/2013)	Misd	Misd 1
216.07	Larceny of Motor Fuel Valued at Less Than \$1,000. G.S. 14-72.5(a). (6/2010)		Misd 1
216.08	Felonious Larceny—Habitual Misdemeanor Larceny. G.S. 14-72(b)(6). (6/2013).		H
216.10	Felonious Larceny—Goods Worth More Than \$1,000. G.S. 14-70, -72(a). (6/2010)	H, Misd	H, Misd 1
216.11	Felonious Larceny—[Explosive Device] [Incendiary Device]. G.S. 14-70, -72(b)(3). (2/2000)	H, Misd	H, Misd 1
216.11A	Felonious Larceny—Firearm. G.S. 14-70, -72(b)(4). (12/1999)	H, Misd	H, Misd 1
216.13	Larceny of Chose in Action. G.S. 14-75. (6/2017)		H
216.15	Felonious Larceny—by Trick. G.S. 14-70, -72. (5/2002)	H, Misd	H, Misd 1
216.20	Felonious Larceny—From the Person. G.S. 14-70, -72(b)(1). (6/2011)	H, Misd	H, Misd 1
216.30	Felonious Larceny—Pursuant to Breaking/Entering Offense. G.S. 14-70, -72(b)(2). (5/2002)	H	H
216.35	Felonious Larceny—Pursuant to Breaking/Entering Offense Where the Property Is Worth More Than \$1,000. G.S. 14-70, -72(a), (b)(2). (5/2002)	H, Misd	H, Misd 1
216.36	Larceny from a Permitted Construction Site—Goods Worth More Than \$300 but Less Than \$1,000. G.S. 14-72.6. (6/2006)		

216.37	Felonious Larceny—Motor Vehicle Parts Worth More Than \$1,000. G.S. 14-72.8 (6/2010)		I
216.40	Feloniously Receiving Stolen Goods—Goods Worth More Than \$1,000. G.S. 14-71, -72. (5/2002)	H, Misd	H, Misd 1
216.41	Feloniously Receiving Stolen Goods from a Permitted Construction Site—Goods Valued in Excess of \$300 and Less Than \$1,000. G.S. 14-72.6. (6/2006)		I
216.42	Felonious [Receiving] [Possessing] Property in the Custody of a Law Enforcement Agency. G.S. 14-71(b). (6/2009)		H
216.43	Receiving Stolen Controlled Substances – Pursuant to a Breaking or Entering of a Pharmacy. (6/2020)		F
216.45	Felonious Receiving Stolen Goods—Pursuant to a Breaking or Entering. G.S. 14-71, -72. (5/2002)	H, Misd	H, Misd 1
216.46	Misdemeanor Possession of Stolen Goods. G.S. 14-70, -72(a). (5/2002)	Misd	Misd 1
216.47	Felonious Possession of Stolen Goods—Goods Worth More Than \$1,000. G.S. 14-70, -71.1, -72(a). (5/2002)	H, Misd	H, Misd 1
216.48	Possession of Property Stolen Pursuant to a Breaking or Entering. G.S. 14-71.1, -72(b)(1) and (2). (5/2002)	H	H
216.48A	Felonious Possession of Stolen Goods—Stolen Pursuant to a Breaking or Entering or Worth More Than \$1,000 (Including Non-Felonious Possession). G.S. 14-71.1, -72(b)(1) and (2). (6/2008)	H, Misd	H, Misd 1
216.48B	Possession of Controlled Substances—Pursuant to a Breaking or Entering of a Pharmacy. (6/2020)		F
216.49	Possession of Stolen Explosives, Public Records. G.S. 14-71.1, -72(b)(3), (4), and (5). (5/2002)	H	H
216.49A	Possession of Feloniously Taken Property Other Than by Larceny (e.g., Embezzlement). G.S. 14-70, -71.1, -72(a). (5/2002)	H, Misd	H, Misd 1
216.49B	Possession of Stolen Firearm. G.S. 14-71.1 and -72(b)(4). (5/2002)	H	H
216.49C	Felonious Possession of Stolen Goods from Permitted Construction Site—Goods Valued in Excess of \$300 but Less Than \$1,000. G.S. 14-72.6. (6/2006)		
216.50	Willfully Concealing the Merchandise of a Store—Shoplifting. G.S. 14-72.1(a). (3/2003)	Misd	Misd 3
216.52	Larceny by Price Tag Change. G.S. 14-72.1(d). (5/2002)	Misd	Misd 3
216.55	Willfully Concealing the Merchandise of a Store—Using Lead- or Aluminum-Lined Bag or Article of Clothing to Prevent Activation of Anti-Shoplifting Device or Inventory Control Device. G.S. 14-72.1(a), (d1). (5/2004)		H
216.56	Larceny from a Merchant. G.S. 14-72.11. (6/2018)		H
216.57	Organized Retail Theft. Retail Property with Value Exceeding \$1,500, Aggregated Over 90-Day Period. G.S. 14-86.6(a)(1). (6/2018)		H
216.57A	Organized Retail Theft Conspiracy — Retail Property with Value Exceeding \$20,000, Aggregated Over 90-Day Period. (6/2018)		
216.58	[Receiving] [Possessing] Retail Property Obtained by Organized Retail Theft. G.S. 14-86.6(a)(2). (6/2009)		H
216.59	Organized Retail Theft — Acting as Leader. (6/2018)		

216.60	Larceny by an Employee. G.S. 14-74. (3/1998)	H	H
216.60A	Larceny by an Employee. G.S. 14-74, -75. (4/1998)		C, H (12/97)
216.61	Appropriation of Partnership Funds by Partner to Personal Use. G.S. 14-97. (5/1998)		C, H
216.62	Embezzlement by Insurance [Agents] [Brokers] [Administrators]. G.S. 58-2-162. (6/2010)		C, H
216.70	Felonious [Altering] [Destroying] [Disassembling] [Dismantling] [Reassembling] [Storing] of Any [Motor Vehicle] [Motor Vehicle Part] Illegally Obtained by [Theft] [Fraud] [Other Illegal Means]. G.S. 14-72.7(a)(1). (6/2014)		
216.71	Felonious Permitting of Chop Shop Activity on Property. G.S. 14-72.7(a)(2). (6/2014)		H
216.72	Felonious [Purchasing] [Disposing] [Selling] [Transferring] [Receiving] [Possessing] of [Motor Vehicles] [Motor Vehicle Parts] with an Altered [Vehicle Identification Number] [Vehicle Part Identification Number]. G.S. 14-72.7(a)(3). (6/2014)		H
216.73	Felonious [Purchasing] [Disposing of] [Selling] [Transferring] [Receiving] [Possessing] a [Motor Vehicle] [Motor Vehicle Part] from a Person Engaged in a Chop Shop Activity. G.S. 14-72.7(a)(4). (6/2014)		H
216.77	Purchasing of Vehicles for the Purpose of Scrap Parts Only and Failing to Comply with Certain Requirements Mandated by Law. G.S. 20-62.1 (6/2019)		I
216.80	Purchase of Regulated Metals by Secondary Metals Recyclers from Other Than a Fixed Location. G.S. 66-11(d)(1). (6/2008)		Misd 1
216.81	[Purchasing] [Receiving] of Regulated Metals by Secondary Metals Recyclers from (a) Minor(s). G.S. 66-11(d)(1). (6/2008)		Misd 1
216.82	[Cutting] [Mutilating] [Defacing] [Otherwise Injuring] Property to Obtain Nonferrous Metals—Property [Injury] [Loss in Value] [Repairs] [Loss Including Fixtures or Improvements] Less than \$1,000. G.S. 14-159.4(c)(1) (6/2013)		Misd 1
216.83	[Cutting] [Mutilating] [Defacing] [Otherwise Injuring] Property to Obtain Nonferrous Metals—Property [Injury] [Loss in Value] [Repairs] [Loss Including Fixtures or Improvements] \$1,000 or More (But Less than \$10,000). G.S. 14-159.4(c)(1) (6/2013)		H
216.84	[Cutting] [Mutilating] [Defacing] [Otherwise Injuring] Property to Obtain Nonferrous Metals—Property [Injury] [Loss in Value] [Repairs] [Loss Including Fixtures or Improvements] \$10,000 or More. G.S. 14-159.4(c)(1) (6/2013)		F
216.85	[Cutting] [Mutilating] [Defacing] [Otherwise Injuring] Property to Obtain Nonferrous Metals—Serious Injury. G.S. 14-159.4(c)(2) (6/2013)		Misd A1
216.86	[Cutting] [Mutilating] [Defacing] [Otherwise Injuring] Property to Obtain Nonferrous Metals—Serious Bodily Injury. G.S. 14-159.4(c)(3). (6/2013)		F
216.87	[Cutting] [Mutilating] [Defacing] [Otherwise Injuring] Property to Obtain Nonferrous Metals—Death. G.S. 14-159.4(c)(4) (6/2013)		D

216.88	[Cutting] [Mutilating] [Defacing] [Otherwise Injuring] Property to Obtain Nonferrous Metals—Critical Infrastructure. G.S. 14-159.4 (c)(5) (6/2013)		Misd 1
216.90	Unauthorized Use of a Conveyance. G.S. 14-72.2. (5/2002)	I, Misd	I, Misd 7
216.93	Larceny of Pinestraw. G.S. 14-79.1. (11/1998)		H
216.95	Felonious Larceny of Ungathered Crops. G.S. 14-78. (5/2002)	H, Misd	H, Misd 1
216.96	Felonious Larceny of Horses, Mules, Swine, Cattle, or Dogs. G.S. 14-81. (2/2003)	H, J	H, I
216.97	Unlawful Taking and Carrying Away of Any [Horse] [Mare] [Gelding] [Mule] [Dog] with the Intent to Deprive the Owner of the [Special] [Temporary] Use of Such Property. G.S. 14-82. (2/2003)	Misd	Misd 2
216.98	Unlawful Taking and Carrying Away of Any [Horse] [Mare] [Gelding] [Mule] [Dog] with the Intent to Use Such Property for a [Special] [Temporary] Purpose. G.S. 14-82. (2/2003)	Misd	Misd 2
	Robbery.		
217.10	Common Law Robbery. G.S. 4-1, 14-2, 14-87.1. (6/2016)	H	G
217.20	Robbery with a Firearm. G.S. 14-87. (6/2020)	D	D
217.25	Attempted Robbery with a Firearm. G.S. 14-87. (5/2003)	D	D
217.30	Robbery with a Dangerous Weapon—Other Than a Firearm Covering Common Law Robbery as a Lesser Included Offense. G.S. 14-87, 14-87.1, 14.1, 14.2. (6/2018)	D, H	D, G
217.50	Safecracking—By Explosives, Drills, or Tools. G.S. 14-89.1(a)(1). (6/2017)	H	I
217.51	Safecracking—By Stolen Combination, Key, Electronic Device or Fraudulently Acquired Implement or Means. G.S. 14-89.1(a)(2). (6/2017)	H	I
217.52	Safecracking—By Use of [[Master Key] [Duplicate Key] [Device] [[Made] [Obtained]] in an Unauthorized Manner] [Stethoscope] [Listening Device] [Surreptitious Means]. G.S. 14-89.1(a)(3). (6/2017)	H	I
217.53	Safecracking—All Other Means. G.S. 14-89.1(a)(3) and (4). (6/2017)	H	I
217.54	Safecracking—Removing Safe or Vault from Premises. G.S. 14-89.1(b). (5/2003)	H	I
	Embezzlement.		
218.10	Embezzlement of Property by Virtue of Office or Employment. G.S. 14-90, 58-2-162. (6/2010)	H	H
218.10A	Embezzlement of Property Valued at \$100,000 or More by Virtue of Office or Employment. G.S. 14-90; 58-2-162. (6/2010)		C, H (12/97)
218.15	Embezzlement of Property by Virtue of Office or Employment. G.S. 14-90, 58-2-162, 45A-3. (6/2010)		H
218.15A	Embezzlement of Property Valued at \$100,000 or More by Virtue of Office or Employment. G.S. 14-90, 58-2-162, 45A-3. (6/2010)		C
218.20	Willful Misapplication of Corporate Money, Funds or Credits. G.S. 14-254. (5/2003)	G	H

218.21	Unauthorized Issuance of Corporate Instruments. G.S. 14-254. (5/2003)	G	H
218.22	False Entries by Corporate Officers or Agents. G.S. 14-254. (5/2003)	G	H
218.25	Embezzlement of State Property by Public Officers and Employees. G.S. 14-91. (6/2010)		F
218.25A	Embezzlement of State Property Valued at \$100,000 or More by Public Officers and Employees. G.S. 14-91. (6/2010)		C
218.30	[Misapplication] [Embezzlement] of Bank Funds (6/2013)		C, H
	False Pretenses and Cheats.		
219.10	Obtaining Property by False Pretenses. G.S. 14-100. (6/2020)	H	H
219.10A	Obtaining Property by False Pretenses (Value of Property \$100,000 or More). G.S. 14-100. (6/2020)		C, H (12/97)
219.11	Fraudulent Misrepresentation Involving Child Care Subsidies. G.S. 110-107. (4/2000)	-	Class 1; I
219.20	Obtaining Advances under Promise to Work. G.S. 14-104. (10/1998)	-	Misd 2
219.40	Obtaining Property in Return for Worthless Check, with Intent to Cheat and Defraud. G.S. 14-106. (3/2003)	Misd	Misd 2
219.50A	Worthless Check—Insufficient Funds (Less Than \$2,000). G.S. 14-107(a), (d)(1). (6/2014)	-	Misd 2
219.51A	Worthless Check—Insufficient Funds (More Than \$2,000). G.S. 14-107(a), (d). (6/2014)	J	I
219.52	Worthless Check—Drawn on Non-Existent Account. G.S. 14-107(d)(3). (5/2000)	Misd	Misd 1
219.53	Worthless Check—Drawn on Closed Account. G.S. 14-107(d)(4). (5/2000)	Misd	Misd 1
	Credit Card Crime Act.		
219B.10	Credit Card (Financial Transaction Card) Theft. G.S. 14-113.9(a)(1). (4/2003)	J	I
219B.11	Credit Card (Financial Transaction Card) Theft—Receiving Stolen Card. G.S. 14-113.9(a)(1). (4/2003)	J	I
219B.20	Credit Card (Financial Transaction Card) Theft—Use of Lost, Mislaid, or Mistakenly Delivered Card. G.S. 14-113.9(a)(2). (4/2003)	J	I
219B.25	Credit Card (Financial Transaction Card) Theft—Buying a Credit Card. G.S. 14-113.9(a)(3). (5/2003)	J	I
219B.26	Credit Card (Financial Transaction Card) Theft—Selling a Credit Card. G.S. 14-113.9(a)(3). (5/2003)	J	I
219B.30	Forgery of a Credit Card (Financial Transaction Card)—Making or Embossing Credit Card. G.S. 14-113.11(a)(1). (4/2003)	J	I
219B.31	Forgery or Uttering of a Forged Credit Card (Financial Transaction Card)—Falsely Encoded, Duplicated, Altered, or Uttered. G.S. 14-113.11(a)(2). (4/2003)	J	I
219B.35	Forgery of a Credit Card (Financial Transaction Card)— Unauthorized Signing of a Credit Card. G.S. 14-113.11(a)(3). (4/2003)	J	I

219B.40	Credit Card (Financial Transaction Card) Fraud—Credit Card Stolen, Forged, Falsely Represented, Expired, or Revoked. G.S. 14-113.13(a)(1)(2); (b). (4/2003)	J, Misd	I, Misd 2
219B.41	Credit Card Fraud—False Representation as to Holding or Issuance of Card. G.S. 14-113.13(a)(2). (5/2003)	J, Misd	I, Misd 2
219B.42	Credit Card Fraud—Where Defendant Held or Controlled Card as Security for Debt. G.S. 14-113.13(a)(3). (5/2003)	J, Misd	I, Misd 2
219B.43	Credit Card Fraud—By Furnisher of Goods and Services. G.S. 14-113.13(b)(1). (4/2003)	J, Misd	I, Misd 2
219B.44	Credit Card (Financial Transaction Card)—Fraud by Misrepresentation to Issuer. G.S. 14-113.13(b)(2). (4/2003)	J, Misd	I, Misd 2
219B.50	Criminal Possession of Incomplete Credit Cards (Financial Transaction Card). G.S. 14-113.14(a)(1). (4/2003)	J	I
219B.55	Criminal Possession of Credit Card (Financial Transaction Card)—Reproduction Device. G.S. 14-113.14(a)(2). (4/2003)	J	I
219B.60	Credit Card Fraud—Criminal Factoring of Transaction Card Records of Sale. G.S. 14-113.15A. (4/2003)	I	I
219B.80	Identity Theft. G.S. 14-113.20, 14-113.22. (6/2020)		F, G
219B.80A	Identity Theft—Financial Fraud Resulting in Another Person's [Arrest] [Detention] [Conviction of a Criminal Offense]. G.S. 14-113.20, -113.22. (6/2010)	-	F, G
219B.80B	Identity Theft—Possession of Identifying Information Pertaining to Three or More Persons. G.S. 14-113.20, -113.22. (6/2010)		F, G
219B.85	Identity Theft—Trafficking in Stolen Identities. G.S. 14-113.20A. (6/2010)		E
219C.05	Willfully Failing to Make North Carolina Income Tax Returns. G.S. 105-236(9). Deleted. (6/2013).	Misd	Misd 1
219D.10	Fraudulent Misrepresentation Involving a [License Application] [Other Document] Filed Pursuant to the North Carolina Money Transmitters Act. G.S. 53-208.58(b). (6/2017)		Misd 1
219D.15	Engaging in the Business of Money Transmission Without a License. G.S. 53-208.58(c). (6/2017)		Misd 1
219D.20	Unlawfully Engaging in the Business of Money Transmission—Any Reason. G.S. 53-208.58(a). (6/2017)		Misd 1
	Frauds.		
220.10	Fraudulent Disposal of Personal Property on Which There Is a Security Interest. G.S. 14-114. (5/2003)	Misd	Misd 2
220.20	Secreting Property to Hinder Enforcement of Lien or Security Interest. G.S. 14-115. (5/2003)	Misd	Misd 2
220.22	Filing False Security Agreements (6/2013)		I
220.24	Improper Filing of Lien on [Real Property] [Other Document]. G.S. 44A-12.1(c). (6/2013)		I
220.26	Filing [False Lien] [Encumbrance]. G.S. 14-118.6. (6/2020)		I
220.28	Simulation of Court Process in Connection with Collection of [a Claim] [a Demand] [an Account]. G.S. 14-118.1 (6/2013)		I
220.30	Residential Mortgage Fraud. G.S. 14-118.12(a)(1)–(2). (6/2013)		H
220.31	[Receiving] [Attempting to Receive] Proceeds from Residential Mortgage Fraud. G.S. 14-118.12(a)(3). (6/2008)		H

220.32	Conspiracy to Commit Residential Mortgage Fraud. G.S. 14-118.12(a)(4). (6/2008)		H
220.33	Solicitation of Residential Mortgage Fraud. G.S. 14-118.12(a)(4). (6/2008)		H
220.34	Pattern of Residential Mortgage Fraud. G.S. 14-118.15. (6/2008)		H, E
220.35	False Statement of Sums Due for [Labor] [Materials] Furnished at Site of Improvements to Real Property (6/2013)		Misd 1
220.40	Fraudulent and Deceptive Advertising. G.S. 14-117. (5/2003)	Misd	Misd 2
220.50	[Improper] [Fraudulent] Receipt of Decedent's [Retirement Allowance] [Disability Benefit]. G.S. 135-18.11. (6/2013)		Misd 1
220.53	Improper Receipt of a Decedent's Disability Income Plan Allowance from the State of North Carolina. G.S. 135.111.1. (6/2014)		Misd 1
220.55	Fraudulently [Obtaining] [Increasing] Benefit Under Unemployment Insurance. G.S. 96-18.A. (6/2013)		I, Misd 1
220.60	Blackmail—Other Than by Accusation of Crime. G.S. 14-118. (5/2003)	Misd	Misd 1
220.65	Blackmail—By Accusation of Crime. G.S. 14-118. (5/2003)	Misd	Misd 1
220.70	Obtaining Academic Credit by Fraudulent Means. G.S. 14-118.2. (5/2003)	Misd	Misd 2
220.80	Extortion. G.S. 14-118.4. (5/2003)	H	F
220.85	Exploitation of [Disabled] [Older] Adult by a Person in a [Position of Trust] [Business Relationship with the Adult]. G.S. 14-112.2(b), (d). (6/2014)		F, G, H
220.90	Fraud in Connection with Rental of Motor Vehicle. G.S. 20-106.1. (3/2003)	J	I
220.91	Failing to Return Rented Property on Which There Is a Purchase Option (Rent to Own). G.S. 14-168.4. (5/2003)	Misd	Misd 2
220.95	Interfering with Gas, Electric, and Steam [Appliances] [Meters]. G.S. 14-151. (6/2014)		Misd 1
220.97	[Possession] [Transfer] [Use] of Automated Sale Suppression Device. G.S. 14-118.7. (6/2014)		H
221.10	Forgery. Forgery of Notes, Checks, and Other Securities. G.S. 14-119(a). (6/2008)	I	I
221.12	Possession of Counterfeit Instrument(s). G.S. 14-119(a). (6/2008)		I
221.14	Possession of Five or More Counterfeit Instruments. G.S. 14-119(b). (6/2008)		G
221.16	Transporting Five or More Counterfeit Instruments. G.S. 14-119(b). (6/2008)		G
221.20	Uttering Forged Instrument or Instrument Containing a Forged Endorsement. G.S. 14-120. (4/2003)	I	I
221.40	Forgery of Deeds, Wills and Certain Other Instruments. G.S. 14-122. (5/2003)	I	H
221.41	Showing Forth in Evidence Forged Deeds, Wills, and Certain Other Instruments. G.S. 14-122. (5/2003)	I	H
221.80	Forgery of Writings (Common Law Misdemeanor). (5/2003)	Misd	Misd 1; H
	Trespasses to Land and Fixtures.		

222.15	Willful and Wanton Injury to Real Property. G.S. 14-127. (5/2003)	Misd	Misd 1
222.16	Felonious Injury to Houses or Other Buildings Including Lesser Offense (6/2009)		I
222.17	Misdemeanor Injury to Houses or Other Buildings. G.S. 14-144. (6/2009)		Misd 2
222.18	Felonious Injury to Fences or Walls Including Lesser Offense. G.S. 14-144. (6/2009)		I
222.19	Misdemeanor Injury to Fences or Walls. G.S. 14-144. (6/2009)		Misd 2
222.20	Forcible Trespass to Real Property (Common Law Misdemeanor). (5/2003)	Misd	Misd 1
222.22	Unlawfully [Stopping] [Impeding] [Delaying] [Detaining] a Public School Bus or Public School Activity Bus. G.S. 14-132.2. (5/2002)		Misd 1
222.23	Refusing to Leave a Public School Bus or Public School Activity Bus. G.S. 14-132.2. (5/2002)		Misd 1
222.24	Trespassing on Public School Bus or Public School Activity Bus. G.S. 14-132.2. (5/2002)		Misd 1
222.26	Trespass—Electric Power Supplier—Basic Offense. G.S. 14-159.12(c). (6/2013)		Misd A1
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]. G.S. 14-159.12(d). (6/2013)		H Misd 1
222.30	Domestic Criminal Trespass. G.S. 14-134.3(a). (5/2003)		G
222.31	Aggravated Domestic Criminal Trespass. G.S. 14-134.3(b). (5/2003)		Misd A1
222.32	Interfering with Emergency Communications. G.S. 14-286.2. (5/2002)		H
222.33	Trespassing by Person Subject to Valid Protective Order onto Property Operated as a Safe House or Haven for Victims of Domestic Violence. (6/2011)		H
222.40	Setting Fire to [Grassland] [Brushland] [Woodland] Property of Another. G.S. 14-136. (4/2003)	Misd	Misd 2
222.40A	Setting Fire to [Grassland] [Brushland] [Woodland] (Defendant's Property). G.S. 14-136. (4/2003)	Misd	Misd 2
222.41	Setting Fire to [Grassland] [Brushland] [Woodland] with Intent to Damage Property of Another. G.S. 14-136. (3/2003)	I	I
222.42	[Cutting] [Injuring] [Removing] Another's Timber. G.S. 14-135, 14-72.		Misd 1, H
222.45	Toxic Substances, Dumping. G.S. 14-284.2. (5/2003)		F
222.50	Desecration of a Gravesite. G.S. 14-148(a). (6/2008)		Misd 1
222.51	Desecration of Human Remains. G.S. 14-149. (6/2008)		H
222.52	Felonious Desecration of a Gravesite. G.S. 14-148(a). (6/2008)		I
222.60	Injuring Telecommunication Wires. G.S. 14-154. (6/2008)		I
222.65	Trespassing for the Purpose of [Hunting] [Fishing] [Trapping] (6/2012)		Misd 1
222.66	Trespassing for the Purpose of [Raking] [Removing] Pine Straw (6/2012)		Misd 1
222.68	Improper Taking of [Menhaden] [Atlantic Thread] Herring. G.S. 113-187. (6/2013)		Misd A1

222.69	Unlawful Dealings with [Ginseng] [Galax] [Venus Flytrap]. G.S. 106-202.19(a). (6/2013)		Misd 2
222.70	Trespass to Land on a Motorized All Terrain Vehicle. G.S. 14-159.3. (6/2015)		Misd 2
222.75	Collection of [Seismic] [Geophysical] Data on Another's Property Without Written Consent. G.S. 113-395.4. (6/2015)		Misd 1
222.80	Graffiti Vandalism. G.S. 14-127.1. (6/2016)		Misd
222.85	Graffiti Vandalism. G.S. 14-127.1. (6/2016)		
Trespasses to Personal Property.			
223.15	Willful and Wanton Injury to Personal Property Causing Damage of More Than \$200. G.S. 14-160. (5/2003)	Misd	Misd 1, 2
223.20	[Alteration] [Destruction] [Removal] of Permanent Identification Marks from Personal Property. G.S. 14-160.1(a). (3/2003)	Misd	Misd 1
223.21	[Buying] [Selling] [Possessing] Item of Personal Property on Which the Permanent Identification Mark Has Been [Altered] [Destroyed] [Defaced] [Removed]. G.S. 14-160.1(b). (3/2003)	Misd	Misd 1
223.25	Felonious Computer Trespass. G.S. 14-453, -458. (4/2000)		Misd 1
223.30	Willfully Damaging [Computers] [Computer Programs] [Computer Systems] [Computer Networks]. G.S. 14-455. (6/2009)		Misd 1
223.31	Willfully Damaging Government [Computers] [Computer Programs] [Computer Systems] [Computer Networks]. G.S. 14-455(b). (6/2009)		F
223.40	Unlawful Operation of an Audiovisual Recording Device. G.S. 14-440.1. (6/2006)		Misd 1
223.45	Unlawful Operation of an Audiovisual Recording Device. G.S. 14-440.1. (6/2006)		I, Misd 1
223.70	Injuring, Destroying, Removing, Vandalizing, or Tampering with Firefighting or Emergency Medical Services Machinery or Equipment. (6/2018)		
223.71	Interfering with a [Fire-Alarm] [Fire-Detection] [Fire- Extinguishing] System. (6/2020)		Misd 2
223.72	Interfering with a [Fire-Alarm] [Fire-Detection] [Fire- Extinguishing] System in a [Prison] [Local Confinement Facility]. (6/2020)		H
223.73	Giving False Alarms. (6/2020)		Misd 2
223.74	Willfully [Misusing] [Damaging] a Portable Fire Extinguisher. (6/2020)		Misd 2
Vehicles and Draft Animals—Protection of Bailor against Acts of Bailee.			
224.10	[Willful] [Malicious] Injury to [Rented] [Hired] Personal Property. G.S. 14-165. (3/2003)	Misd	Misd 2
224.20	Failure to Return [Rented] [Hired] Property. G.S. 14-167. (3/2003)	Misd	Misd 2
224.25	Failure to Return [Rented] [Hired] [Leased] Motor Vehicle Valued in Excess of \$4,000. G.S. 14-167. (6/2006)		
224.30	Felonious Conversion by Bailee. G.S. 14-168.1 (4/2003)	H, Misd	H, Misd 1

Offenses against Public Morality and Decency.

225.10	[Knowingly] [Willingly] [Abusing] [Mutilating] a Dead Human Body in a Person's Custody. 90-210.25(5)(2) (6/2019)		Misd 2
225.15	Unauthorized Practice of [Embalming] [Funeral Directing] [Funeral Service] [Operating Funeral Establishment]—Practicing Without a License (Including While Representing Oneself as Being Licensed. G.S. 90-210.25(f)(1) (6/2019)		Misd 2
226.10	Crime against Nature—Animals. G.S. 14-177. (6/2006)	H	I
226.10A	Crime against Nature—Persons. G.S. 14-177. (6/2019)		
226.20	Incest. G.S. 14-178. (3/2003)	G	F
226.20A	Incest with a Person under the Age of Thirteen Years. G.S. 14-178. (3/2003)	G	B1
226.20B	Incest with a Person [Thirteen] [Fourteen] [Fifteen] Years of Age. G.S. 14-178. (3/2003)		B1, C
226.45	Bigamy. G.S. 14-183. (3/2003)	H	I
226.46	Bigamous Cohabitation. G.S. 14-183. (4/2003)	H	I
226.50	Fornication and Adultery. G.S. 14-184. (1/2004)	Misd	Misd 2
226.55	Using Profane or Indecent Language over a Telephone. G.S. 14-196(a)(1). (3/2001)	Misd	Misd 2
226.56	Using Threatening Language by Way of Telephone. G.S. 14-196(a)(2). (3/2001)	Misd	Misd 2
226.57	Harassing by Repeated Telephone Calls. G.S. 14-196(a)(3). (3/2001)	Misd	Misd 2
226.58	Disrupting Telephone Service of Another. G.S. 14-196(a)(4). (3/2001)	Misd	Misd 2
226.59	Harassing by Imparting False Information by Telephone. G.S. 14-196(a)(5). (3/2001)	Misd	Misd 2
226.60	Cyberstalking—Threatening Language. G.S. 14-196.3(b)(1). (3/2001)		Misd 2
226.60A	Cyberstalking—Harassment. G.S. 14-196.3(b)(2). (1/2001)		Misd 2
226.60B	Cyberstalking—False Statement. G.S. 14-196.3(b)(3). (3/2001)		Misd 2
226.60C	Cyberstalking—Permitting Communication. G.S. 14-196.3(b)(4). (3/2001)		Misd 2
226.62	Cyberstalking Through Use of An Electronic Tracking Device. G.S. 14-196.3 (6/2016)		
226.65	Cyber-bullying with Intent to [Intimidate] [Torment] a Minor. G.S. 14-458.1(a)(1). (6/2017)		Misd 1, Misd 2
226.66	Cyber-bullying with Intent to [Intimidate] [Torment] [a Minor] [a Minor's [Parent] or [Guardian]]. G.S. 14-458.1(a)(2). (6/2010)		Misd 1, Misd 2
226.67	Cyber-bullying—Using a [Computer] [Computer Network] to Plant any Statement to Provoke a Third Party to [Stalk] [Harass] a Minor. G.S. 14-458.1(a)(3). (6/2010)		Misd 1, Misd 2
226.68	Cyber-bullying—Using a [Computer] [Computer Network] to [Copy and Disseminate] [Cause to be Made] an Unauthorized Copy of Data Pertaining to a Minor for the Purpose of [Intimidating] [Tormenting] that Minor. G.S. 14-458.1(a)(4). (6/2010)		Misd 1, Misd 2
226.69	Cyber-bullying—Signing up a Minor for a Pornographic Internet Site. G.S. 14-458.1(a)(5). (6/2010)		Misd 1, Misd 2

226.70	Cyber-bullying—Using a [Computer] [Computer Network] to Sign up a Minor for [Electronic Mailing List] [Electronic Messages] Without Consent of the [Minor] [Minor's [Parent] [Guardian]] Resulting in [Intimidation] [Torment] of the Minor. G.S. 14-458.1(a)(6). (6/2010)		Misd 1, Misd 2
226.71A	Cyber-bullying of School Employee by Student—[Computer] [Internet] Interference with Employee. G.S. 14-458.2(b)(1). (6/2013)		Misd 2
226.72B	Cyber-bullying of School Employee by Student—Statements Likely to Provoke Action. G.S. 14-458.2(b)(2). (6/2013)		Misd 2
226.72C	Cyber-bullying of School Employee by Student—Unauthorized Copying of Data. G.S. 14-458.2(b)(3). (6/2013)		Misd 2
226.72D	Cyber-bullying of School Employee by Student—Pornographic Internet Site. G.S. 14-458.2(b)(4). (6/2013)		Misd 2
226.72E	Cyber-bullying of School Employee by Student—Electronic Mailing Lists. G.S. 14-458.2(b)(5). (6/2013)		Misd 2
226.75	Secretly Peeping into Room Occupied by Another Person. G.S. 14-202(a). (12/2003)	Misd	Misd 1
226.75A	Secretly Peeping through the Use of a Mirror or Other Device. G.S. 14-202(a1). (2/2005)		Misd 1
226.76	Secretly Peeping into Room While in Possession of a Device Used to Create a Photographic Image. G.S. 14-202(c). (4/2004)		Misd A1
226.77	Felonious Secretly Peeping into Room Occupied by Another Person and Using a Device to Create a Photographic Image of a Person in That Room for the Purpose of Sexual Arousal or Gratification. G.S. 14-202(d). (4/2004)		I
226.78	Secretly or Surreptitiously Using a Device to Create a Photographic Image of Another Person Underneath or through the Clothing. G.S. 14-202(e). (4/2004)		I
226.79	Secretly or Surreptitiously Installing a Device Used to Create a Photographic Image. G.S. 14-202(f). (4/2004)		I
226.80	Knowingly Possessing a Photographic Image Obtained by Secretly Peeping. G.S. 14-202(g). (5/2004)		I
226.81	Knowingly Disseminating a Photographic Image Obtained by Secretly Peeping. G.S. 14-202(h). (5/2004)		H
226.85	Taking an Indecent Liberty with a Child. G.S. 14-202.1. (4/2003)	H	F
226.86A	Taking Indecent Liberties with a Student (by Teacher, School Administrator, Student Teacher, School Safety Officer, Coach). G.S. 14-202.4. (6/2016)	-	I
226.86B	Taking Indecent Liberties with a Student (by Member of School Personnel Other Than Teacher, School Administrator, Student Teacher, School Safety Officer, Coach). G.S. 14-202.4. (6/2016)	-	Misd A1
226.90	Promoting Prostitution. G.S. 14-205.3. (6/2014)		E, F
226.91	Patronizing a Prostitute. G.S. 14-205.2. (6/2014)		E, F
226.92	Patronizing a Prostitute G.S. 14-205.2. (6/2014)		E, F
226.93	Patronizing a Prostitute who Had a [Severe] [Profound] Mental Disability. G.S. 14-205.2. (6/2019)		D
226.94	Promoting Prostitution of a Person Who Had a [Severe] [Profound] Mental Disability. G.S. 14-205/3(b) (6/2019)		Misd A1, G

226.96	Solicitation for Prostitution with a Person who Has a [Severe] [Profound] Mental Disability. G.S. 14-204(5), 14-205.1. (6/2019)		E
226.97	Solicitation for Prostitution. G.S. 14-204(5), 14-205.1. (6/2014)		G, H
226.98	Solicitation for Prostitution. G.S. 14-204(5), 14-205.1. (6/2014)	Misd	Misd 1
227.10	Massage and Bodywork Therapy Licensing Violation. (6/2018)		
227.15	[Sexual Activity] [Solicitation of Sexual Activity] in a Message and Bodywork Therapy Establishment. (6/2018)		
227.20	Owner of Massage and Bodywork Therapy Establishment Permitting or Engaging in Sexual Activity. (6/2018)		
	Perjury.		
228.10	Perjury. G.S. 14-209. (1/2001)	H	F
228.20	Subornation of Perjury. G.S. 14-210. (1/2001)	H	I
228.30	Presenting a False Statement to Procure Benefit of Insurance Policy. G.S. 58-2-161(b)(1). (2/1999)	I	I
228.30A	Presenting a False Statement to Deny Benefit of Insurance Policy. G.S. 58-2-161(b)(1). (2/1999)	I	I
228.35	Making (or Participating in) a False Statement to Procure Benefit of an Insurance Policy. G.S. 58-2-161(b)(2). (2/1999)	I	I
228.35A	Making (or Participating in) a False Statement to Deny Benefit of Insurance Policy. G.S. 58-2-161(b)(2). (2/1999)	I	I
	Bribery.		
229.05	Bribery of Officials. G.S. 14-217. (5/2005)	I	F
229.10	Offering a Bribe to Public Officials. G.S. 14-218. (4/2003)	I	F
229.15	[Buying] [Selling] Public Offices. G.S. 14-228. (6/2016)		
229.20	Commercial Bribery. G.S. 14-353. (6/2014)	Misd	Misd 2
229.21	Commercial Bribery (Making Bribe). G.S. 14-353. (6/2014)	Misd	Misd 2
	Obstructing Justice.		
230.20	Breaking or Entering with the Intent of Altering, Destroying, or Stealing Evidence. G.S. 14-221.1. (1/1999)	I	I
230.21	[Altering] [Destroying] [Stealing] Evidence of Criminal Conduct. G.S. 14-221.1. (6/2010)	I	I
230.25	[Destroying] [Altering] [Concealing] [Tampering With] Biological Evidence of Criminal Conduct. G.S. 15A-268. (6/2010)		H, I
230.26	Felonious Misrepresentation of Evidence (6/2012)		H
230.27	Non-Felonious Misrepresentation of Evidence (6/2012)		Misd 1
230.30	Resisting, Delaying, or Obstructing a Public Officer—All Situations Other Than Arrest. G.S. 14-223. (1/1999)	Misd	Misd 2
230.31	Resisting Arrest—Lawfulness of Arrest. G.S. 14-223. (1/1999)	Misd	Misd 2
230.32	Resisting, Delaying or Obstructing an Officer—Excessive Force by the Officer. G.S. 14-223. (1/1999)	Misd	Misd 2
230.40	Obstructing the Administration of Justice by [Picketing] [Parading] [Use of a Sound Truck or Similar Device]. G.S. 14-225.1. (12/1998)	Misd	Misd 1

230.60	Harassment or Intimidation of or Communication with Juror. G.S. 14-225.2. (12/1998)	I	H, I
230.60A	Harassment or Intimidation of or Communication with Juror's Spouse. G.S. 14-225.2. (1/1999)	I	H, I
230.61A	Intimidating Witnesses by Threatening the Assertion or Denial of Parental Rights. G.S. 14-226. (2/2005)		H
230.62	Obstruction of Justice. Common Law Misdemeanor. (3/2003)	Misd	Misd 1, H
230.65	[Intimidating] [Interfering] With a Witness. G.S. 14-226(a). (6/2018)		G
230.70	Impersonation of Law-Enforcement Officer by [Verbally Informing Another] [Displaying any Badge or Identification] [Unlawfully Operating a Vehicle with an Operating Red Light]. Misdemeanor. G.S. 14-277(a). (6/2011)	Misd	Misd 1
230.70A	Impersonating of Law-Enforcement Officer by Operating a Vehicle with an Operating Blue Light. Felony. (6/2011)		H, I
230.71	Impersonating a Law Enforcement Officer by Operating a Vehicle with an Operating Blue Light Causing a Person to [Stop] [Yield] (Blue Light Bandit). G.S. 14-277(a)(4), (b)(5). (12/1997)		H, I
230.73	Impersonation of [a Firefighter] [an Emergency Medical Services Personnel]. G.S. 14-276.1 (6/2016)		
230.75	Impersonation of Law-Enforcement Officer (Carrying Out an Act in Accordance with the Authority Granted to a Law-Enforcement Officer). Misdemeanor. G.S. 14-277(b). (6/2011)	Misd	Misd 1
230.75A	Impersonation of Law-Enforcement Officer (Carrying Out an Act in Accordance with the Authority Granted to a Law-Enforcement Officer). Felony. G.S. 14-277(b). (6/2011)		H, I
230.77	Driving with a Light Bar. (6/2018)		
230.80	Concealment of Death. G.S. 14-401.22. (6/2006)		Felony
230.81	Harassment of a Participant in a Neighborhood Crime Watch Program. G.S. 14-226.2. (6/2007)		Misd 1
230.91	Concealment of Death—Intent to Conceal Death by Dismembering or Destroying Human Remains (6/2012)		H
230.92	Concealment of Death—Intent to Conceal Unnatural Death by Dismembering or Destroying Human Remains (6/2012)		D
230.93	Concealment of Death—Aiding, Counseling, and Abetting (6/2012)		Misd 1
230.94	Disturbing Human Remains—Physical Alteration or Manipulation (6/2012)		I
230.95	Disturbing Human Remains—Acts of Sexual Penetration (6/2012)		I
233.45	Prison Breach and Prisoners. Prison Breach and Escape from [County] [Municipal] Confinement [Facilities] [Officers]. G.S. 14-256. (6/2014)		Misd 1, H
233.47	Possession of Tools for Escape by a Prisoner G.S. 14-258(c) (6/2019)		H
233.50	Feloniously Harboring or Aiding an Escaped Prisoner. G.S. 14-259. (12/1998)	I	I
233.60	Injury to Prisoner by Jailer. G.S. 162-55. (12/1998)	Misd	Misd 1
233.70	Harboring a Fugitive. G.S. 14-267. (2/1999)	Misd	Misd 1

233.80	Furnishing a Controlled Substance to an Inmate. G.S. 14-258.1(a). (6/2010)	H	H
233.81	Furnishing a Deadly Weapon, Cartridge or Ammunition to an Inmate. G.S. 14-258.1(a). (6/2010)	H	H
233.82	Furnishing an Alcoholic Beverage to an Inmate. G.S. 14-258.1(b). (6/2010)	Misd	Misd 1
233.83	Furnishing a Tobacco Product (Including Vapor Products) to an Inmate. G.S. 14-258.1(c). (6/2015)	Misd	Misd 1
233.84	Furnishing a [Mobile Telephone] [Wireless Communication Device] [Component of a [Mobile Telephone] [Wireless Communication Device]] to an Inmate. G.S. 14-258.1(d). (6/2016)	Misd	Misd 1
233.85	Providing [Forbidden Articles] [Tools to Escape] to a Prisoner. G.S. 14-258(a) (6/2019)		H
233.90	Possession of Tobacco Product (Including Vapor Products) by an Inmate. G.S. 14-258.1(e). (6/2015)	Misd	Misd 1
233.95	Possession of a [Mobile Telephone] [Wireless Communication Device] [Component of a [Mobile Telephone] [Wireless Communication Device]]. G.S. 14-258.1(d). (6/2016)	Misd	Misd 1
Offenses against the Public Peace.			
235.10	Carrying a Concealed Weapon Other Than a Pistol or Handgun. G.S. 14-269(a). (6/2014)	Misd	Misd 2
235.12	Carrying a Concealed [Pistol] [Handgun]. G.S. 14-269(a1). (6/2015)		Misd 2, H
235.15	Carrying Weapons into Assemblies. G.S. 14-269.3. (6/2014)	Misd	Misd 1
235.16	Carrying Weapons into Establishments Where Alcoholic Beverages Are Sold and Consumed. G.S. 14-269.3. (6/2014)	Misd	Misd 1
235.17	[Carrying] [Possessing] Weapons [on Educational Property] [at School Sponsored Activity]. G.S. 14-269.2(b) and (b1). (6/2016)	I, Misd	I, Misd 1
235.17A	[Causing] [Encouraging] [Aiding] a Minor to [Carry] [Possess] Weapons on Educational Property. G.S. 14-269.2(c) and (c1). (6/2014)	I, Misd	I, Misd 1
235.17B	Willfully Discharging a Firearm on Educational Property or at School Sponsored Activity. G.S. 14-269.2(b) and (b1). (6/2014)		F
235.18	Communicating Threats. G.S. 14-277.1. (2/2000)	Misd	Misd 1
235.19	Stalking. G.S. 14-277.3A(c)(d). (6/2009)	I, Misd	F, H, Misd A1
235.19A	Stalking (Court Order in Effect). G.S. 14-277.3A(c)(d). (6/2009)		H
235.19B	Stalking (Previously Convicted). G.S. 14-277.3A(c)(d). (6/2009)		F
235.20	Going about Armed with Unusual and Dangerous Weapons to the Terror of the People (Common Law Misdemeanor). (4/1999)	Misd	Misd 1
235.30	Pointing a Laser Device towards an Aircraft. G.S. 14-280.2. (6/2006)		H
235.35	Interference with Manned Aircraft by Unmanned Aircraft Systems. G.S. 14-280.3. (6/2015)		H

235.37	Use of Unmanned Aircraft System Near a [Confinement] [Correctional] Facility. (6/2018)		
235.38	Use of an Unmanned Aircraft System Near a [Confinement] [Correctional] Facility to [[Deliver] [Attempt to Deliver]] [[a Weapon] [Contraband]]. (6/2018)		
235.50	Terrorism (Basic Offense). G.S. 14-10.1. (6/2013)		B1*
235.51	Terrorism—Continuing Criminal Enterprise. G.S. 14-7.20. (6/2013)		D
235.61	Unlawful Distribution Of Images Taken by Unmanned Aircraft. G.S. 14-401.25. (6/2015)		Misd A1
235.65	Disclosure of Private Images by Offender Under the Age of 18. G.S. 14-190.5A(c)(2). (6/2018)		Misd 1
235.65A	Disclosure of Private Images by Offender Under 18 Years of Age. G.S. 14-190.5A(b), (c)(2). (6/2018)		Misd
235.67	Disclosure of Private Images by Offender 18 Years of Age Or Older. G.S. 14-190.5A(c)(1). (6/2018)		H
235.67A	Disclosure of Private Images by Offender 18 Years of Age Or Older. G.S. 14-190.5A(b), (c)(1). (6/2018)		F
235.69	Felonious Disclosure of Private Images by Offender Under the Age of 18 G.S. 14-190.5A(c)(3). (6/2018)		H
	Riots and Civil Disorders.		
235.69A	Felonious Disclosure of Private Images by Offender Under 18 Years of Age. G.S. 14-190.5A(b), (c)(3). (6/2018)		
236A.10	Feloniously Engaging in a Riot Where the Defendant Has Actually Participated in the Violence—More Than \$1,500 Property Damage or Serious Injury. G.S. 14-288.2(c)(1). (5/1999)	I, Misd	H, Misd 1
236A.15	Feloniously Engaging in a Riot Where the Defendant Has Actually Participated in the Violence—Dangerous Weapon or Substance. G.S. 14-288.2(c)(2). (5/1999)	I, Misd	H, Misd 1
236A.20	Inciting to Riot—\$1,500 or Less in Damage—Misdemeanor. G.S. 14-288.2(d). (5/1999)	Misd	Misd 1
236A.25	Felonious Inciting to Riot—Damage in Excess of \$1,500 or Serious Bodily Injury (with Misdemeanor Inciting as a Lesser Included Offense). G.S. 14-288.2(e). (5/1999)	H, Misd	F, Misd 1 Misd 2
236A.27	Failure to Disperse. G.S. 14-288.5. (6/2013)		Misd 2
236A.28	[Standing] [Sitting] [Lying] Upon [Highways] [Streets]. G.S. 20-174.1. (6/2015)		Misd 2
236A.30	Disorderly Conduct (Fighting or Other Violent Conduct). G.S. 14-288.4(a)(1). (5/1999)	Misd	Misd 2
236A.31	Disorderly Conduct (Abusive Language or Gestures). G.S. 14-288.4(a)(2). (5/1999)	Misd	Misd 2
236A.33	Disorderly Conduct at a Funeral. G.S. 14-288.4 (a)(8). (6/2014)		Misd 1, H, I
236A.35	Disorderly Conduct at a Funeral. G.S. 14-288.4 (a)(8) (6/2014)		Misd 1, H, I
236A.40	Disorderly Conduct [In] [Near] a Public [Building] [Facility]. G.S. 14-132(a)(1). (6/2016)		

* If the underlying act of violence is a Class A or B1 felony offense. Otherwise, it is one class higher than felony for underlying act of violence.

236A.60	Looting (Lesser Included Offense of Trespass during Emergency). G.S. 14-288.6. (5/1999)	I, Misd	H, Misd 1
237.20	Lotteries and Gaming. Possession of Lottery Tickets Used in the Operation of a Lottery. G.S. 14-290. (6/2006)	Misd	Misd 2
237.25	Sale of Lottery Tickets. G.S. 14-291. (6/2006)	Misd	Misd 2
237.26	Sale of Tickets Used in a Numbers Lottery. G.S. 14-291.1. (6/2006)	Misd	Misd 2
237.30	Gambling. G.S. 14-292. (1/2000)	Misd	Misd 2
237.40	Unlicensed Operation of a Beach Bingo Game. G.S. 14-309.14(5). (6/2017)		Misd 2
237.45	Providing False Information in Order to Obtain a License to Operate a Beach Bingo Game. G.S. 14-309.14(5)(c). (6/2017)		Misd 2
237.60	Possession of Illegal Slot Machine. G.S. 14-301. (8/1999)	Misd	Misd 2
237.70	Unlawful [Operation] [Possession] of Video Gaming Machines. G.S. 14-306.1, -306.1A. (6/2007).		Misd 1, H, G
237.75	Operating Electronic Sweepstakes. G.S. 14-306.4(b). (6/2013)		Misd 1, H, G
237.80	Unlawful [Promotion] [Operation] [Conducting] of a Server-Based Electronic Game Promotion. G.S. 14-306.3(a). (6/2009)		Misd 1, H, G
237.90	Unlawful Possession of Game Terminal for the Purpose of [Promoting] [Operating] [Conducting] a Server-Based Electronic Game Promotion. G.S. 14-306.3(b). (6/2009)		Misd 1
237.91	Felonious Possession of Game Terminals for the Purpose of [Promoting] [Operating] [Conducting] a Server-Based Electronic Game Promotion. G.S. 14-306.3; 14-309(c). (6/2009)		G
238.10	Obscenity. Disseminating Obscenity Intentionally (Physical Transfers). G.S. 14-190.1(a)(1), (3). (11/1999)	J	I
238.10A	Disseminating Obscenity Intentionally (Live Performance). G.S. 14-190.1(a)(2). (12/1999)	J	I
238.10B	Disseminating Obscenity Intentionally (Transmissions or Deliveries of Actual Images—Not Drawings). G.S. 14-190.1(a)(4). (12/1999)	J	I
238.11	Creating, Buying, Procuring, or Possessing Obscene Material with the Intent to Disseminate. G.S. 14-190.1(e). (12/1999)	J	I
238.12	Advertising or Promoting Sale of Material as Obscene. G.S. 14-190.1(f). (12/1999)	J	I
238.13	Preparing Obscene [Films] [Photographs] [Slides] [Negatives] [Motion Pictures] of Himself or Another for the Purpose of Dissemination. G.S. 14-190.5(1). (12/1999)	Misd	Misd 1
238.13A	Preparing Obscene [Films] [Photographs] [Slides] [Negatives] [Motion Pictures] for the Purpose of Dissemination (Modeling or Assisting the Photographer). G.S. 14-190.5(2). (12/1999)	Misd	Misd 1
238.14	Intentionally [Employing] [Permitting] Minor to Assist in Obscenity Offense. G.S. 14-190.6. (12/1999)	I	I

238.15	Disseminating Obscene Material to Minors under the Age of Sixteen. G.S. 14-190.7. (12/1999)	I	I
238.16	Disseminating Obscene Material to Minors under the Age of Thirteen. G.S. 14-190.8. (12/1999)	H	I
238.17	Indecent Exposure. G.S. 14-190.9. (6/2006)	Misd	Misd 2
238.17A	Indecent Exposure to Minor for Purpose of Arousing or Gratifying Sexual Desire. G.S. 14-190.9. (6/2020)		
238.18	Displaying Material Harmful to Minors. G.S. 14-190.14. (12/1999)	Misd	Misd 2
238.19	Disseminating Harmful Material to Minors (Distribution). G.S. 14-190.15(a)(1). (12/1999)	Misd	Misd 1
238.19A	Disseminating Harmful Material to Minors (Allowing Minor to Review). G.S. 14-190.15(a)(2). (12/1999)	Misd	Misd 1
238.20	Exhibiting a Harmful Performance to Minors. G.S. 14-190.15(b). (12/1999)	Misd	Misd 1
238.21	First Degree Sexual Exploitation of a Minor (Using or Employing a Minor to Engage in or Assist Others in Engaging in Sexual Activity). G.S. 14-190.16(a)(1). (1/2000)	G	D
238.21A	First Degree Sexual Exploitation of a Minor (Permitting a Minor to Engage in Sexual Activity for Live Performance, etc.) G.S. 14-190.16(a)(2). (1/2000)	G	D
238.21B	First Degree Sexual Exploitation of a Minor by Transporting a Minor. G.S. 14-190.16(a)(3). (1/2000)	G	D
238.21C	First Degree Sexual Exploitation of a Minor by Photographing, etc. G.S. 14-190.16(a)(4). (1/2000)	G	D
238.22	Second Degree Sexual Exploitation of a Minor (Producing Material). G.S. 14-190.17(a)(1). (1/2000)	H	F
238.22A	Second Degree Sexual Exploitation of a Minor (Circulating Material). G.S. 14-190.17(a)(2). (1/2000)	H	F
238.22B	Third Degree Sexual Exploitation of a Minor. G.S. 14-190.17A. (6/2015)	J	I
238.23	Promoting Prostitution of a Minor (Enticing Prostitution). G.S. 14-190.18(a)(1). (6/2014)	G	D
238.23A	Promoting Prostitution of a Minor (Supervising Prostitution). G.S. 14-190.18(a)(2). (6/2014)	G	D
238.23C	Patronizing a Prostitute, a Minor. G.S. 14-205.2. (6/2014)		Misd 1, D, F, G
238.24	Participating in Prostitution of a Minor. G.S. 14-190.19(a). (6/2014)	H	F
238.26A	Solicitation for Prostitution with a Minor. G.S. 14-204(5), 14-205.1 (6/2014)		Misd 1, E, G, H
238.30	Solicitation of a [Child] [Person Defendant Believed to Be a Child] by [Computer] [a Device Capable of Electronic Data [Storage] [Transmission] to Commit a Sex Act. G.S. 14-202.3. (6/2017)		H
238.35	Solicitation of a [Child] [Person Defendant Believed to Be a Child] by [Computer] [a Device Capable of Electronic Data [Storage] [Transmission] to Commit a Sex Act and Appearing at Location. G.S. 14-202.3(c)(2). (6/2017)		G
238.40	DELETE SHEET. Soliciting a Child by [Computer] [Electronic Device] to Commit an Unlawful Sex Act. (Offenses after December 1, 2009). G.S. 14-202.3 (6/2017)		H, G

239.10	Protection of Minors. [Selling] [Giving] a Weapon to a Minor. G.S. 14-315. (11/1999)	-	H, Misd 1
239.11	Improper Storage of Firearms to Protect Minors. G.S. 14-315.1. (8/1999)	Misd	Misd 1
239.20	Permitting a Young Child Under the Age of Twelve to Use a Dangerous Firearm. G.S. 14-316. (6/2014)	Misd	Misd 2
239.21	Furnishing a Young Child a Dangerous Firearm—Nonparent. G.S. 14-316. (Delete Sheet) (6/2014)	Misd	Misd 2
239.23	Possession of Handguns by Minors (6/2012)		Misd 1
239.25	Contributing to the Delinquency and Neglect by Parents and Others. G.S. 14-316.1; 7B-101(1), (15); 7B-1501(7), (27). (6/2019)	Misd	Misd 1
239.30	Child Care Facility Report of Missing Child. G.S. 110-102.1(a). (6/2014)		
239.31	Concealment of Death—Failure to Notify Law Enforcement of Death of Child or Secretly Burying Child. G.S. 14-401.22(a1). (6/2014)		H
239.32	Failure to Report the Disappearance of a Child to Law Enforcement. G.S. 14-318.5. (6/2014)		I
239.33	False Reports to Law Enforcement [Agency] [Officer] Related to the Disappearance of a Child. G.S. 14-225(b). (6/2014)		Misd 2, H
239.34	False Reports to Law Enforcement [Agency] [Officer]. G.S. 14-225(a). (6/2014)		Misd 2
239.35	Failure to Report [Abuse] [Neglect] [Dependency] [Death] Due to Maltreatment of a Juvenile. G.S. 7B-301(a), (b). (6/2019)		Misd 1
239.36	Failure of Department of Social Services Director to Notify the State Bureau of Investigations of a Report of Sexual Abuse of a Juvenile in a Child Care Facility. G.S. 7B-301(a), (c) (6/2014)		Misd 1
239.37	Failure to Report Crimes Against Juveniles. Misdemeanor. (6/2020)		Misd 1
239.55	Felonious Child Abuse. G.S. 14-318.4(a); 14-318.2. (6/2009)	H, Misd	E, Misd 1
239.55A	Felonious Child Abuse by Prostitution. G.S. 14-318.4(a1). (5/2000)	H	E
239.55B	Felonious Child Abuse by a Sexual Act by a [Parent] [Legal Guardian]. G.S. 14-318.4(a2). (5/2020)	H	H
239.55C	Felonious Child Abuse (Reckless Disregard—Serious Bodily Injury). G.S. 14-318.4(a4); 2414-318.2. (6/2014)		E
239.55D	Felonious Child Abuse (Reckless Disregard—Serious Physical Injury). G.S. 14-318.4(a5); 14-318.2 (6/2014)		H
239.57	Felonious Child Abuse [Inflicting Serious Bodily Injury] [Resulting in Permanent or Protracted Loss or Impairment of any Mental or Emotional Function]. G.S. 14-318.4(a3). (6/2009)		C
239.60	Child Abuse. G.S. 14-318.2. (6/2009)	Misd	Misd 1
239.65	Permitting a Child under 16 Years of Age to [Operate] [Be a Passenger on] a Bicycle without a Protective Bicycle Helmet. G.S. 20-171.9. (2/2002)		Infraction

239.70	Failure to Secure a Child in a Restraint System. G.S. 20-137.1. (2/2005)		Infraction
239.80	[Transporting] [Keeping] Child Outside the State with Intent to Violate Custody Order. G.S. 14-320.1. (5/2000)	J	I
239.90	Felonious Unauthorized Administration of Medication to a Child. G.S. 110-102.1A. (4/2004)		F, Misd A1
239.91	Unauthorized Administration of Medication to a Child. G.S. 110-102.1A. (4/2004)		Misd A1
239.95	Distribution of Certain Food at Halloween and All Other Times Prohibited—Controlled Substance. G.S. 14-401.11. (6/2020)		F
239.96	Distribution of Certain Food at Halloween and All Other Times Prohibited—Noxious Substances; Greater Than Mild Physical Discomfort. G.S. 14-401.11. (6/2020)		H
239.97	Distribution of Certain Food at Halloween and All Other Times Prohibited—Noxious Substances; Mild Physical Discomfort. G.S. 14-401.11. (6/2020)		I
239.98	Distribution of Certain Food at Halloween and All Other Times Prohibited—Poisonous Chemical, Compound, or Foreign Substance. G.S. 14-401.11. (6/2020)		C
Protection of Family.			
240.05	Abandonment by Supporting Spouse. G.S. 14-322(b). (5/2000)	Misd	Misd 2
240.06	Failure to Support Child. G.S. 14-322(d). (5/2000)	Misd	Misd 2
240.07	Felonious Abandonment and Lesser Included Offense of Failure to Support by Parent. G.S. 14-322.1, -322(d). (6/2014)	I, Misd	I, Misd 2
240.10	Failure of Supporting Spouse to Provide Adequate Support for Dependent Spouse. G.S. 14-322(c). (5/2000)	Misd	Misd 2
240.40	Willful Neglect or Refusal to Adequately Support and Maintain a Born Out of Wedlock Child. G.S. 49-2. (6/2014)	Misd	Misd 2
240.50	Violation of Valid Protective Order. G.S. 50B.4.1(a). (6/2016)		Misd A1
240.51	Violation of a Protective Order While in Possession of a Deadly Weapon. G.S. 50B-4.1(g). (6/2016)		H
240.55	Felonious Violation of Valid Protective Order. G.S. 50B.4.1(f). (6/2009)		H
240.60	Violation of Permanent Civil No-Contact Order. G.S. 50D-10. (6/2016)		
240.70	Domestic Abuse of a [Disabled] [Elder] Adult Inflicting [Mental] [Physical] Injury. G.S. 14-32.3. (6/2015)		II, H
240.71	Domestic Neglect of a [Disabled] [Elder] Adult Inflicting [Mental] [Physical] Injury. G.S. 14-32.3 (6/2015)		I, H
240.75	Domestic Abuse of a [Disabled] [Elder] Adult Inflicting Serious [Mental] [Physical] Injury. G.S. 14-32.3. (6/2015)		F
240.76	Domestic Neglect of a [Disabled] [Elder] Adult Inflicting Serious [Mental] [Physical] Injury. G.S. 14-32.3 (6/2015)		F

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. G.S. 122C-66(a). (6/2016)		Misd A1
240.82	[Employee] [Volunteer] at a Facility Who [Borrows] [Takes] Personal Property From a Client. G.S. 122C-66(a1). (6/2016)		Misd 1
240.84	[Employee] [Volunteer] at a Facility Failed to Report Violations of Client Abuse. G.S. 122C-66(b). (6/2016)		Misd 1
240.86	[Employee] [Volunteer] at a Facility Failed to Report Violations of [Borrowing] [Taking] Client Property. G.S. 122C-66(a1)-(b). (6/2016)		Misd 1
240.88	[Employee] [Volunteer] at a Facility Failed to Report Accidental Injury to a Client. G.S. 122C-66(b). (6/2016)		Misd A1
Intoxicating Liquors.			
241.05	Manufacturing Poisonous Spirituous Liquor for Use as a Beverage. G.S. 14-329(a). (8/2000)	H	H
241.10	Selling Spirituous Liquor for Use as a Beverage Knowing It to Be Poisonous. G.S. 14-329(b). (8/2000)	H	F
241.11	[Transporting for Other Than Personal Use] [Possessing for Purpose of Sale] of Spirituous Liquor for Use as a Beverage Knowing It to Be Poisonous. G.S. 14-329(b). (8/2000)	H	F
241.15	Selling Poisonous Spirituous Liquor for Use as a Beverage. G.S. 14-329(c). (8/2000)	Misd	Misd 2
241.16	[Transporting for Other Than Personal Use] [Possessing for Purpose of Sale] Poisonous Spirituous Liquor. G.S. 14-329(c). (8/2000)	Misd	Misd 2
241.20	[Transportation] [Possession] of Poisonous Spirituous Liquor for Use as a Beverage. G.S. 14-329(d). (8/2000)	Misd	Misd 1
242.10	Intentional Patient Abuse Resulting in Death. G.S. 14-32.2(a)-(b)(1). (6/2008)		C
242.15	Culpably Negligent Patient Abuse Resulting in Death. G.S. 14-32.2(a)-(b)(2). (6/2008)		E
242.20	Patient Abuse Resulting in Serious Bodily Injury. G.S. 14-32.2(a)-(b)(3). (6/2008)		F
242.25	Pattern of Patient Abuse Resulting in Bodily Injury. G.S. 14-32.2(a)-(b)(4). (6/2008)		H
Cruelty to Animals.			
247.10	Non-Felonious Cruelty to (an) Animal(s). G.S. 14-360(a). (6/2017)	Misd	Misd 1
247.10A	Felonious Cruelty to (an) Animal(s). G.S. 14-360(b). (6/2017)		H
247.10B	Misdemeanor Cruelty to Animals by Depriving of Necessary Sustenance. G.S. 14-360(a1). (6/2008)		Misd 1
247.15	Willful Killing of [Law Enforcement Agency] [Assistance] [Search and Rescue] Animal. G.S. 14-163.1. (6/2010)		H
247.15A	[Causing] [Attempting to Cause] Serious Harm to a [Law Enforcement Agency] [Assistance] [Search and Rescue] Animal. G.S. 14-163.1. (6/2010)		I

247.15B	Willfully [Taunting] [Teasing] [Harassing] [Delaying] [Obstructing] [Attempting to [Delay] [Obstruct]] a [Law Enforcement Agency] [Assistance] [Search and Rescue] Animal in the Performance of its Duties. G.S. 14-163.1. (6/2010)		Misd 2
247.20	Instigating or Promoting Cruelty to an Animal(s). G.S. 14-361. (6/2017)	Misd	Misd 1
247.30	Cockfighting. G.S. 14-362. (1/2001)	Misd	Misd 2
247.31	Dog Fighting and Baiting. G.S. 14-362.2. (6/2008)		H
247.40	Interference with Animal Research Involving Release of an Animal Having an Infectious Disease. G.S. 14-159.2(a)(1), (b), (c). (12/2000)	J, Misd	I, Misd 1
247.50	Interference with Animal Research—Willfully Damaging an Animal Research Facility. G.S. 14-159.2(a)(2). (8/2000)	Misd	Misd 1
247.60	Interference with Animal Research—Willful, Unauthorized Release of an Animal from an Enclosure or Restraining Device. G.S. 14-159.2(a)(3). (12/2000)	Misd	Misd 1
247.70	Interference with Animal Research—Willful Interference with the Care of an Animal Kept within an Animal Research Facility. G.S. 14-159.2(a)(4). (12/2000)	Misd	Misd 1
247.80	[Owning] [Possessing] [Using] [Transporting] [Trafficking] of Venomous Reptile not Housed in a Sturdy and Secure Enclosure. G.S. 14-417. (6/2020)		Misd 2, Misd A1
247.80A	[Owning] [Possessing] [Using] [Transporting] [Trafficking] of Crocodilian not Housed in a Sturdy and Secure Enclosure. G.S. 14-417.2. (6/2020)		Misd 2, Misd A1
247.80B	[Owning] [Possessing] [Using] [Transporting] [Trafficking] of Constricting Snake not Housed in a Sturdy and Secure Enclosure. G.S. 14-417.1. (6/2020)		Misd 2, Misd A1
247.81	Failure to Immediately Notify Local Law Enforcement of Escape of [Venomous Reptile] [Large Constricting Snake] [Crocodilian]. G.S. 14-417. (6/2010)		Misd 2, Misd A1
247.82	Handling a [Venomous Reptile] [Large Constricting Snake] [Crocodilian] in a Manner That [Intentionally] [Negligently] Exposes Another to Unsafe Contact with the [Venomous Reptile] [Large Constricting Snake] [Crocodilian]. G.S. 14-418. (6/2010)		Misd 2, Misd A1
247.83	Intentionally Releasing into the Wild a Nonnative [Venomous Reptile] [Large Constricting Snake] [Crocodilian]. G.S. 14-422. (6/2010)		Misd A1
247.84	[Intentionally] [Negligently] [[Suggesting] [Enticing] [Inviting] [Challenging] [Intimidating] [Exhorting] [Inducing] [Aiding]] Any Person to [Handle] [Be Exposed] in an Unsafe Manner to a [Venomous Reptile] [Large Constricting Snake] [Crocodilian]. G.S. 14-418. (6/2010)		Misd 2, Misd A1
252.65	Miscellaneous Police Regulations. Tattooing a Minor. G.S. 14-400. (8/2000)	Misd	Misd 2
254A.11	Felony Firearms. Possession of a Firearm or Weapon of Mass Death and Destruction by a Felon. G.S. 14-415.1. (6/2020)		G

254A.15	[Altering] [Defacing] [Destroying] [Removing] the Serial Number of a Firearm. G.S. 14-160.2 (6/2010)		H
254A.17	[Selling] [Buying] [Possessing] Firearm with Serial Number [Altered] [Defaced] [Destroyed] [Removed]. G.S. 14-160.2 (6/2010)		H
	Miscellaneous.		
255.01	Felonious Willful Failure to Appear. G.S. 15A-543. (12/2000)		I
255.02	Misdemeanor Willful Failure to Appear. G.S. 15A-543. (12/2000)	Misd	Misd 2
255.03	Failure to Appear (Alcohol-Related Offenses). G.S. 20-28(a2). (6/2007)		Misd 1
256.10	Intoxicated and Disruptive in Public. G.S. 14-444. (12/2000)	Misd	Misd 3
257.10	Willfully Violating Occupational Safety and Health Act of North Carolina Resulting in Death of an Employee. G.S. 95-139. (6/2010)		Misd 2
257.11	Knowingly Making a False [Statement] [Representation] [Certification] in a(n) [Application] [Record] [Report] [Plan] [Document] Required to be [Filed] [Maintained] Pursuant to the Occupational Safety and Health Act of North Carolina. G.S. 95-139. (6/2010)		Misd 2
257.12	Giving Advance Notice of OSHA Inspection Without Authorization. G.S. 95-139. (6/2010)		Misd 2
258.10	Failure of Secondary Metals Recycler to Issue Receipt for Purchase of Regulated Metals Property. G.S. 66-11(a1) (6/2010)		Misd 1, I
258.12	Failure of Secondary Metals Recycler to Maintain Records of Purchases of Regulated Metals. G.S. 66-11(b) (6/2010)		Misd 1, I
258.14	Failure to Hold and Retain Regulated Metals for Seven Days Before [Selling] [Dismantling] [Defacing] [Altering] [Disposing of] Regulated Metals. G.S. 66-11(d1) (6/2010)		Misd 1, I
258.16	Purchase of [Air Conditioning [Coils] [Condensers]] [Catalytic Converter] by Secondary Metals Recycler. G.S. 66-11(d)(3) (6/2010)		Misd 1, I
258.18	Purchase of Nonferrous Metal by Secondary Metals Recycler. G.S. 66-11(d)(4) (6/2010)		Misd 1, I
258.20	Purchase of Prohibited Material by Secondary Metals Recycler. G.S. 66-11(d)(5). G.S. 136-32(a). (6/2010)		Misd 1, I
258.30	Erecting or Maintaining Signs on Highways (6/2012)		Misd 3
258.31	Erecting or Maintaining Political Advertising Signs in Highway Rights of Way. G.S. 136-32(a), (b), (c), (d). (6/2012)		Misd 1, 3
258.32	Erecting or Maintaining Commercial Advertising Signs in Highway Rights of Way. G.S. 136-32(a), (d). (6/2012)		Misd 1
258.33	[Stealing] [Defacing] [Vandalizing] [Unlawfully Removing] Political Signs That Are Lawfully Placed. G.S. 136-32(a), (b), (c), (d), (e). (6/2012)		Misd 3
258.35	Removal or Destruction of Warning Signs—Water Quality in Coastal Recreation Waters. G.S. 113-221.3(b), (c), (d). (6/2012)		Misd 2

258.36	Possession of Signs Posted by Department of Environment and Natural Resources—Water Quality in Coastal Recreation Waters. G.S. 113-221.3(b), (c), (d). (6/2012)	Misd 2
259.10	Unauthorized Practice of Medicine—Practicing Without a License. G.S. 90-18. (6/2012)	Misd 1
259.11	Unauthorized Practice of Medicine—Practicing Without a License While Representing Oneself as Being Licensed. G.S. 90-18. (6/2012)	I
259.12	Unauthorized Practice of Medicine—Practicing Without a License in North Carolina By an Out-of-State Practitioner. (G.S. 90-18). (6/2012)	I
259.13	Unauthorized Practice of Medicine—Practicing Without a License Due to Failure to Complete Timely Annual Registration or Practice While Licensed Under Another Article. G.S. 90-18. (6/2012)	Misd 1
259.20	Unauthorized Practice of Law—Non-Members of the State Bar. G.S. 84-4. (6/2017)	Misd 1
259.21	Unauthorized Practice of Law—Corporations. G.S. 84.5. (6/2012)	Misd 1
259.22	Unauthorized Practice of Law—Foreclosure Fees. G.S. 84.6. (6/2012)	Misd 1
259.23	Unauthorized Practice of Law—Appearing for Creditors in [Insolvency] [Bankruptcy] and Other Proceedings. G.S. 84.9. (6/2012)	Misd 1
259.30	Practice as a Clinical Addiction Specialist Without a License. G.S. 90-113.43(a)(1). (6/2020)	Misd 1
259.31	Practice as a Clinical Addiction Specialist Without a License—Using [Letters] [Words] [Numerical Codes] [Insignia]. G.S. 90-113.43(a)(2). (6/2020)	Misd 1
259.32	[Practice] [Attempt to Practice] as a Clinical Addiction Specialist With a [Revoked] [Lapsed] [Suspended] Certification or License. G.S. 90-113.43(a)(3). (6/2020)	Misd 1
259.33	[Aiding] [Abetting] [Assisting] the Practice of a Clinical Addiction Specialist Without a License. G.S. 90-113.43(a)(4). (6/2020)	Misd 1
259.34	Knowingly Serving in a Position Required by Law to be Filled by a Clinical Addiction Specialist. G.S. 90-113.43(a)(5). (6/2020)	Misd 1
259.40	Bank Examiner Making False Report. G.S. 53C-8-7. (6/2013)	H
259.41	[Bank Examiner] [Other Employee] Disclosing Confidential Information. G.S. 53C-8-8. (6/2013)	Misd 1
259.42	Willfully and Maliciously Making [False] [Derogatory] Reports about the Financial Condition of a Bank. G.S. 53C-8-10. (6/2013)	Misd 1
259.43	[Bank] [Officer] [Director] [Employee] Making Extension of Credit to a Disqualified Individual. G.S. 53C-8-9. (6/2013)	Misd 1
259.50	Attempt to [Evade] [Defeat] Tax. G.S. 105-236(a)(7). (6/2016)	H
259.51	Willful Failure to [Collect] [Withhold] [Pay Over] Tax. G.S. 105-236(a)(8). (6/2016)	Misd 1
259.52	Willful Failure to [File Return] [Supply Information] [Pay Tax]. G.S. 105-236(a)(9). (6/2016)	Misd 1
259.53	[Aiding] [Assisting] [Procuring] [Counseling] [Advising] in the [Preparation] [Presentation] [Filing] of a [Fraudulent] [False]	

	Tax Document by a Tax Return Preparer. G.S. 105-236(a)(9a). (6/2016)		C, F, H
259.53A	[Aiding] [Assisting] [Procuring] [Counseling] [Advising] in the [Preparation] [Presentation] [Filing] of a [Fraudulent] [False] Tax Document by Any Person Other Than a Tax Return Preparer. G.S. 105-236(a)(9a). (6/2016)		C, F, H
259.55	Identity Theft – Submission to the Department of Revenue. G.S. 105-236(a)(9b). (6/2018)		
259.57	Identity Theft – Submission to the Department of Revenue Resulting in Adverse Financial Impact. G.S. 105-236(a)(9b). (6/2018)		
259.60	Unlawful Handling of Waste Kitchen Grease. G.S. 14-79.2. (6/2013)		H, Misd 1
259.70	Medicaid Subrogation – Withholding Information. G.S. 108A-57(b). (6/2014)		Misd 1
259.80	Misuse of 911 System. G.S. 14-111.4. (6/2014)		Misd 1
259.85	Subsurface Injection of Waste. G.S. 113-395.2, 143-214.2 (6/2015)		Misd 1
259.90	Member of a [County] [City] Inspection Department Who Willfully [Fails to Perform Duties] [Improperly [Issues Permit] [Gives Certificate of Compliance]] [Improperly Gives a Certificate of Compliance Without First Making the Required Inspections by Law] [Improperly Gives a Certificate of Compliance]. G.S. 153A-356; 160A-416. (6/2016)		Misd 1
259.95	Illegal Operation of Amusement Devices Causing [Death] [Serious Injury]. G.S. 95-111.13. (6/2016)		E
259.97	[Counterfeiting] [Selling] [Lending] [Permitting Use of] Photo Identification for Voting. G.S. 163A-1389(19) (6/2019)		I
259.98	Voting More Than One Time in an Election—Verdict Form. G.S. 163-275(7). (6/2017)		I
	Dangerous Drugs.		
	260 Series—Directory of Dangerous Drug Charges. (6/1996)		
260.10	Possession of a Controlled Substance. G.S. 90-95(a)(3)(d). (6/2014)	I, Misd	I, Misd 1, Misd 2, 3
260.11	Aggravated Possession of a Controlled Substance—Including Lesser Offenses. G.S. 90-95. (6/2014)	I, Misd	I, Misd 1, Misd 2, 3
260.12	Possession of a Controlled Substance on Premises of a [Penal Institution] [Local Confinement Facility]. G.S. 90-95(a)(3), (e)(9). (6/2014)	I	I*
260.15	Possession of a Controlled Substance with Intent to [Manufacture] [Sell] [Deliver]—Lesser Included Offense. G.S. 90-95(a)(1), (3), (b), (d). (6/2014)	H, I, Misd	H, I, Misd 1, Misd 2, 3
260.15A	Possession of a Counterfeit Controlled Substance with Intent to [Sell] [Deliver]. G.S. 90-87(6) and 90-95(a)(2), (c). (6/2014)	I	I
260.15B	Possession of an Immediate Precursor Chemical. G.S. 90-95(d1), (d2). (12/2004)	H	H

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260.16	Aggravated Possession of a Controlled Substance with Intent to [Manufacture] [Sell] [Deliver]—Lesser Included Offenses. G.S. 90-95(a)(1), (b)(2), (e)(1-4). (6/2014)	E, H, I, Misd	E, H, I, Misd 1,2,3
260.17	Drug Trafficking—Possession (Marijuana, Methaqualone, Cocaine, Amphetamine, Methamphetamine, Opium, Opiate, Opioid or Heroin, Lysergic Acid Diethylamide, Methylenedioxyamphetamine, Methylenedioxymethamphetamine, Substituted Cathinones, or Synthetic Cannabinoid). G.S. 90-95(h). (6/2019)	C, D, E F, G, H	D, D, E F, G, H
260.18	Forged Prescription—Acquiring or Obtaining Possession of a Controlled Substance by [Misrepresentation] [Fraud] [Forgery] [Deception] [Subterfuge]. G.S. 90-108(a)(10). (6/2014)	I	I
260.19	Manufacturing a Controlled Substance. G.S. 90-95(a)(1). (1/2001)	H, I	H, I
260.19A	Creating a Counterfeit Controlled Substance. G.S. 90-95(a)(2) and 90-87(b). (1/2001)	I	I
260.20	Aggravated Manufacture of Controlled Substance—Lesser Included Offense. G.S. 90-95(a)(1), (e)(1-4). (1/2001)	Misd	Misd 1, 2
260.20A	Drug Trafficking—Manufacturing (Marijuana, Methaqualone, Cocaine, Amphetamine, Methamphetamine, Opium, Opiate, Opioid or Heroin, Lysergic Acid Diethylamide, Methylenedioxyamphetamine, Methylenedioxymethamphetamine, Substituted Cathinones, or Synthetic Cannabinoid). G.S. 90-95(h). (6/2016)	C, D, E, F, G, H	C, D, E, F, G, H
260.21	[Selling] [Delivering] a Controlled Substance. G.S. 90-95(a)(1). (1/2001)	H, I	H, I*
260.21A	[Selling] [Delivering] a Counterfeit Controlled Substance. G.S. 90-95(a)(2) and 90-87(6). (1/2001)	I	I
260.22	Sale or Delivery of a Controlled Substance to a Minor or Pregnant Woman—Lesser Included Offense. G.S. 90-95(a)(1), (e)(5). (1/2001)	E, H, I	E, H
260.22A	Sale or Delivery of a Controlled Substance on or within 1,000 Feet of School Property. G.S. 90-95(e)(8). (6/2012)		E
260.22B	Sale or Delivery of a Controlled Substance on or within 1,000 Feet of a Public Park G.S. 90-95(e)(10). (6/2008)		E
260.22C	Sale or Delivery of a Controlled Substance on Property Used for a Child Care Center. G.S. 90-95(e)(8). (6/2008)		E
260.23	Drug Trafficking—[Selling] [Delivering] (Marijuana, Methaqualone, Cocaine, Amphetamine, Methamphetamine, Opium, Opiate, Opioid or Heroin, Lysergic Acid Diethylamide, Methylenedioxyamphetamine, Methylenedioxymethamphetamine, Substituted Cathinones or Synthetic Cannabinoid) G.S. 90-95(h). (6/2019)	C, D, E, F, G, H	C, D, E, F, G, H
260.30	Drug Trafficking—Transportation (Marijuana, Methaqualone, Cocaine, Amphetamine, Methamphetamine, Opium, Opiate, Opioid or Heroin, Lysergic Acid Diethylamide, Methylenedioxyamphetamine, Methylenedioxymethamphetamine, Substituted Cathinones, or Synthetic Cannabinoid). G.S. 90-95(h). (6/2019)	C, D, E, F, G, H	C, D, E, F, G, H

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260.40	Employing a Minor to Commit a Drug Law Violation. G.S. 90-95.4. (1/2001)		
260.41	Promoting Drug Sales by a Minor. G.S. 90-95.6. (1/2001)		D
260.42	Participating in a Drug Violation by a Minor. G.S. 90-95.7. (3/2001)		G
260.45	General Aggravating Conditions Applicable to Drug Charges. G.S. 90-95(d), (e)(1-5). (12/2003)		
260.70	Continuing Criminal Enterprise—The Controlled Substances Act. G.S. 90-95.1. (3/2001)	C	C
260.80	Feloniously Dispensing a Controlled Substance (Practitioner or Registrant)—Lesser Included Offense. G.S. 90-108(a)(2) and (b); 90-106. (3/2001)	I, Misd	I, Misd 1
260.81	Feloniously [Diverting] [Embezzling] a Controlled Substance (Practitioner, Registrant, or Employee). G.S. 90-108(b) and 90-108(a)(14) (6/2019)		E
260.82	Feloniously [Diverting] [Embezzling] a Controlled Substance by [Dilution] (or) [Substitution] (Practitioner, Registrant, or Employee). G.S. 90-108(b)(3) and 90-108(a)(14) (6/2019)		E
260.83	Feloniously [Diverting] [Embezzling] a Controlled Substance (by Virtue of Occupation). G.S. 90-108(b)(2) and 90-108(a)(15) (6/2019)		E
260.84	Feloniously [Diverting] [Embezzling] a Controlled Substance by [Dilution] (or) [Substitution] (by Virtue of Occupation). G.S. 90-108(b)(3) and 90-108(a)(15) (6/2019)		E
260.85	Felonious Use of Controlled Substances Reporting System—Unauthorized [Disclosure] [Dissemination] G.S. 90-113.74(k)(2) (6/2019)		I
280.86	Felonious Use of Controlled Substances Reporting System—[Commercial Advantage] [Personal Gain] [Maliciously Harm] G.S. 90-113.74(k)(3) (6/2019)		H
260.87	Felonious Use of Controlled Substances Reporting System for an Unauthorized Purpose. G.S. 90-113.74(k)(1) (6/2019)		I
260.90	[Intentionally] [Knowingly] [Keeping] [Maintaining] a Building or Vehicle for the [Use] [Keeping] [Selling] of Controlled Substances. G.S. 90-108(a)(7). (6/2009)	I, Misd	I, Misd 1
260.95	[Possession] [Use] of Drug Paraphernalia. G.S. 90-113.22. (6/2014)	Misd	Misd 1
260.96A	Willfully and Knowingly Offering a [Glass Tube] [Splitter] for Retail Sale by Self-Service. G.S. 90-113.82(a) (6/2010)		Misd 2
260.96B	Failure to Comply with Restrictions on Sales of [Glass Tubes] [Splitters]. G.S. 90-113.82(b) (6/2010)		Misd 1
260.96C	Failure to Maintain Records of Purchasers of [Glass Tubes] [Splitters]. G.S. 90-113.82(c) (6/2010)		Misd 2
260.96D	Failure to Train Agents and Employees on Requirements of Sales of [Glass Tubes] [Splitters]. G.S. 90-113.82(e) (6/2010)		Misd 2
261.10	Adulterating a [Urine] [Bodily Fluid] Sample with the Intent to Defraud a [Drug] [Alcohol] Test. G.S. 14-401.20(b). (4/2003)		Misd 1, I

261.20	Attempt to [Foil] [Defeat] a [Drug] [Alcohol] Screening Test by the [[Substitution] [Spiking] of a Urine Sample] [Advertisement of a [Sample Substitution] [Spiking Device or Measure]]. G.S. 14-401.20(a)(2). (4/2003)		Misd 1, I
261.30	Distributing or Transporting Urine to Defraud a [Drug] [Alcohol] Test. G.S. 14-401.20. (4/2003)		Misd 1, I
261.40	[Possessing] [Selling] Adulterants Intended to Be Used to Adulterate a [Urine] [Bodily Fluid] Sample for the Purpose of Defrauding a [Drug] [Alcohol] Screening Test. G.S. 14-401.20(b)(2), (3). (4/2003)		Misd 1, I
261.50	Pseudoephedrine Sales—Retailer. G.S. 90-113.56. (6/2013)		Misd A1, I
261.51	Pseudoephedrine Sales—Purchaser. G.S. 90-113.56. (6/2013)		Misd 1, A1, I
261.52	Pseudoephedrine Sales—[Employee of Retailer] [Other Person]. G.S. 90-113.56. (6/2013)		Misd 1, A1, I
261.53	Pseudoephedrine Sales—Retailer Who Fails to Train Employees. G.S. 90-113.56. (6/2012)		Misd A1, I
261.55	Possession of a Pseudoephedrine Product with Prior Conviction for the [Possession] With Intent to [Sell] [Deliver]] [Trafficking] [Manufacture of] a [Methamphetamine] [Immediate Precursor Chemical]. G.S. 90-95(d1)(1)(c). (6/2016)		H
261.60	[Manufacturing] [Distributing] [Dispensing] [Delivering] [Purchasing] Marijuana on Property Lawfully Used for Industrial Hemp Production. G.S. 106-568.57(a). (6/2017)		I
261.65	Providing [False] [Misleading] Information to the Industrial Hemp Commission Related to a License [Application] [Renewal] [Inspection] [Investigation]. G.S. 106-568.57(b). (6/2017)		Misd 1
261.70	[Tampering With] [Adulterating] a Lawfully Planted Industrial Hemp Crop. G.S. 106-568.57(c). (6/2017)		Misd 1
Traffic Offenses.			
270.00	Model Jury Instruction. (6/2011)		
270.05	Punishment Levels For Impaired Driving. (1/1995)		
270.05A	Punishment Levels For Impaired Driving. (1/1999)		
270.15	Aggravating Factors for Impaired Driving. G.S. 20-179. (6/2016)		
270.15A	Verdict Form—Aggravating Factors for Impaired Driving. G.S. 20-179. (6/2016)		
270.20	Impaired Driving. G.S. 20-138.1. (6/2010)	Misd	Misd
270.20A	Impaired Driving. G.S. 20-138.1. (6/2016)		
270.21	Impaired Driving of a Commercial Vehicle. G.S. 20-138.2 and -138.2A. (6/2010)		Misd 1
270.21A	Impaired Driving in a Commercial Vehicle. G.S. 20-138.2 and -138.2A. (6/2014)		Misd 3
270.23	Operating a [School Bus] [School Activity Bus] [Child Care Vehicle] [Ambulance] [EMS Vehicle] [Firefighting Vehicle] [Law Enforcement Vehicle] After Consuming Alcohol. G.S. 20-138.2B(a). (6/2014)		Misd 3

270.25	Habitual Impaired Driving—Including Chemical Test.). G.S. 20-138.5. (6/2015)	J	F
270.25A	Habitual Impaired Driving—Including Chemical Test. G.S. 20-138.2A. (6/2018)	J	F
270.30	Driving by a person Less Than 21 Years Old [While] [After] Consuming Alcohol or Drugs. G.S. 20-138.3. (5/1999)	Misd	Misd 2
270.35	Possession of an Open Container of Alcoholic Beverage. G.S. 20-138.7(a1). (6/2014)		Infraction
270.40	Transporting an Open Container of Alcoholic Beverage. G.S. 20-138.7(a). (6/2010)		Misd 2, Misd 3
270.50	Speeding in Excess of [15 mph More Than Speed Limit] [80 mph]. G.S. 20-141(j1). (5/2001)	Misd, Infraction	Misd 2, Infraction
270.51	Driving Too Fast for Conditions. G.S. 20-141(a). (4/2001)	Infraction	Infraction
270.52	Speeding Inside Municipal Corporate Limits—No Limit Posted. G.S. 20-141(b). (3/2001)	Infraction	Infraction
270.53	Exceeding the Posted Speed Limit. G.S. 20-141(d), (e), (f). (4/2001)	Infraction	Infraction
270.54	Operating a Motor Vehicle to Elude Arrest. G.S. 20-141.5(a). (4/2001)	Misd	Misd 1
270.54A	Operating a Motor Vehicle to Elude Arrest. G.S. 20-141.5(a) and (b). (4/2001)		H, Misd 1
270.54B	Operating a Motor Vehicle to Elude Arrest Resulting in Death. G.S. 20-141.5(b1). (6/2006)		H
270.54C	Operating a Motor Vehicle to Elude Arrest Accompanied by Aggravating Factors Resulting in Death. G.S. 20-141.5(b1). (6/2006)		E
270.55	Willfully Engaging in a Speed Competition on a Street or Highway. G.S. 20-141.3(b). (3/2001)	Misd	Misd 1
270.56	Willfully Engaging in a Prearranged Speed Competition on a Street or Highway. G.S. 20-141.3(a). (3/2001)	Misd	Misd 2
270.57	Failure to Slow Down. G.S. 20-141(m). (3/2020)		Infraction
270.58	Turning at Intersections. G.S. 20-153. (4/2001)	Infraction	Infraction
270.59	Turning at Intersections—Local Ordinance. G.S. 20-153(c). (4/2001)		
270.60	Unsafe Movement (Starting, Stopping, or Turning). G.S. 20-154. (6/2014)	Infraction	Infraction
270.60A	Unsafe Movement Causing [Property Damage] [Personal Injury] to Motorcycle Operator. G.S. 20-154(a1). (6/2014)		Infraction
270.60B	Unsafe Movement Causing [Property Damage in Excess of Five Thousand (\$5,000) Dollars] [Serious Bodily Injury] to Motorcycle [Operator] [Passenger]. G.S. 20-154(a1), (a2). (6/2014)		Infraction
270.61	Unsafe Movement (Backing). G.S. 20-154. (6/2012)	Infraction	Infraction
270.61A	Unsafe Movement (Backing) Causing [Property Damage] [Personal Injury] to Motorcycle [Operator] [Passenger]. G.S. 20-154(a1). (6/2014)		Infraction
270.61B	Unsafe Backing Causing [Property Damage in Excess of Five Thousand Dollars (\$5,000)] [Serious Bodily Injury] to a Motorcycle [Operator] [Passenger]. G.S. 20-154(a1), (a2). (6/2014)		Infraction

270.62	Willfully Covering Registration Plate. G.S. 20-63(g). (2/2005)		Misd 2
270.65	Failure to Stop for Blue Light and Siren (Approaching Law Enforcement Vehicle). G.S. 20-157(a); 20-125. (6/2013)	Misd	Misd 2
270.66	Failure to Stop for Blue Light and Siren (Approaching Law Enforcement Vehicle) Causing Serious Injury or Death to a Law Enforcement Officer, Firefighter, or Other Rescue Worker. G.S. 20-157(a), (i); 20-125. (6/2006)		I
270.67	Failure to Stop for Blue Light and Siren (Approaching Law Enforcement Vehicle) Causing Injury to a Law Enforcement Officer, Firefighter, or Other Rescue Worker. G.S. 20-157(a), (h); 20-125. (6/2006)		Misd 1
270.68	Failure to Stop for Blue Light and Siren (Approaching Law Enforcement Vehicle) Causing Damage to Property in Excess of \$500. G.S. 20-157(a), (h); 20-125. (6/2006)		Misd 1
270.70	Failure to Stop for a Traffic Control Signal. G.S. 20-158(b)(2). (12/2004)	Infraction	Infraction
270.71	Failure to Stop for Flashing Red Light. G.S. 20-158(b)(3). (4/2004)	Infraction	Infraction
270.72	Failure to Stop for Stop Sign. G.S. 20-158(b)(1). (4/2004)	Infraction	Infraction
270.73	Failure to Yield to a Pedestrian. G.S. 20-158(b). (3/2005)		
270.75	Passing Stopped School Bus. G.S. 20-217. (6/2006)	Misd	Misd 2
270.76	Passing Stopped School Bus—Striking a Person Causing Serious Bodily Injury. G.S. 20-217. (6/2010)		I
270.76A	Passing Stopped School Bus—Striking a Person Causing Death. G.S. 20-217. (6/2010)		H
270.77	Unlawful Use of Mobile Phone to [Manually Enter Multiple Letters or Text As a Means of Communicating with Another Person] [Read Any [Electronic Mail] [Text Message] [Transmitted to] [Stored Within] the Device] While Operating a School Bus. (Texting While Operating a School Bus) G.S. 20-137.4(b). (6/2010)		Misd 2
270.80	Reckless Driving—Carelessly and Heedlessly. G.S. 20-140(a). (5/2001)	Misd	Misd 2
270.81	Reckless Driving—Driving to Endanger. G.S. 20-140(b). (5/2001)	Misd	Misd 2
270.90	Failure to Maintain Lane Control. G.S. 20-146(d)(1) (6/2019)		Infraction
270A.10	Infliction of Serious Bodily Injury by Operation of Aircraft While Impaired (Flying High). G.S. 63-28. (5/2001)	H	F
270A.15	Operation of Aircraft While Impaired (Flying High). G.S. 63-27. (5/2001)	Misd	Misd 1
270A.20	Operating Vessel in Reckless Manner. G.S. 75A-10(a). (6/2008)		Misd 2
270A.25	Operating Vessel While under the Influence of an Impairing Substance. G.S. 75A-10(b1). (6/2017)		Misd 2
270A.27	[Recklessly] [Negligently] [Operating a [Motorboat] [Vessel]] [Manipulating [Water Skis] [A Surfboard.]]. G.S. 75A-10(a). (6/2017)		Misd 2
270A.27A	Manipulating [Water Skis] [A Surfboard] [Nonmotorized Vessel] [Similar Device] While Under the Influence of an Impairing Substance. G.S. 75A-10(b). (6/2017)		Misd 2

270A.27B	[Death] [Serious Injury] by Impaired Boating. G.S. 75A-10.3(a),(b),(f). (6/2017)		D, F
270A.27C	Aggravated [Death] [Serious Injury] by Impaired Boating. G.S. 75A-10.3(c),(d),(f). (6/2017)		D
270A.27D	Repeat Death by Impaired Boating. G.S. 75A-10.3(e),(f). (6/2017)		B2
270A.30	Improper Vessel Registration. G.S. 75A-4. (6/2009)		Misd 3
Non-Traffic Automobile Offenses.			
271.10	Driving a Motor Vehicle on a Highway While License Has Been Suspended or Revoked. G.S. 20-28. (5/2001)	Misd	Misd 1
271.12	Driving a Motor Vehicle on a Highway while License Has Been Revoked for Impaired Driving. G.S. 20-28(a1). (6/2018)		
271.15	Operating a Motor Vehicle in Violation of License Limitation. G.S. 20-7(e). (5/2001)	Misd	Misd 1
271.16	Operating a Motor Vehicle in Violation of a Limited Driving Privilege. G.S. 20-179.3(j). (5/2001)	Misd	Misd 1
271.21	Knowingly Permitting Motor Vehicle to Be Driven by a Person Having No Legal Right to Do So. G.S. 20-34; 20-35. (5/2001)	Misd	Misd 2
271.22	[Driving] Knowingly Permitting Another to Drive] a Vehicle that [was Not Registered with the Division of Motor Vehicles] [Did Not Display a Current Registration Plate]. Misdemeanor. G.S. 20-111(1) (6/2011)		Misd 2
271.23	Sex Offender Driving [Commercial Passenger Vehicle] [School Bus]. G.S. 20-27.1. (6/2010)		F
271.25	[Receiving] [Transferring] a Stolen Vehicle with Intent to [Procure] [Pass] Title to That Vehicle. G.S. 20-106. (5/2001)	I	H
271.26	Possession of a Stolen Vehicle. G.S. 20-106. (6/2016)	I	H
271.28	Forging an Inspection [Sticker] [Receipt]. G.S. 20-183.8(c)(1). (6/2017)		I
271.28A	[Buying] [Selling] [Issuing] [Possessing] a Forged [Inspection Sticker] [An Electronic Inspection Authorization]. G.S. 20-183.8(c)(2). (6/2017)		I
271.28B	Unlawfully [Buying] [Selling] [Issuing] [Possessing] an [Inspection Sticker] [Electronic Inspection Authorization]. G.S. 20-183.8(c)(3). (6/2017)		I
271.28C	Failing the [Safety] [Emissions] Inspection of a Vehicle for an Unlawful Reason. G.S. 20-183.8(c)(5). (6/2017)		I
271.28D	[Soliciting] [Accepting] Something of Value in Order to Pass a Vehicle That Fails [Safety] [Emissions] Inspection. G.S. 20-183.8(c)(4). (6/2017)		I
271.30	Willfully Injuring or Tampering with or Removing Parts from a Vehicle without the Consent of the Owner. G.S. 20-107(a). (5/2001)	Misd	Misd 2
271.31	[Climbing Into] [Attempting to or Setting in Motion] a Vehicle with Intent to Steal, Commit Malicious Injury, etc. G.S. 20-107(b). (5/2001)	Misd	Misd 2

271.34	[Failure] [Refusing] to Surrender to the Division of Motor Vehicles, Upon Demand, Any [Title Certificate] [Registration Card] [Registration Number Plate] Which Has Been [Suspended] [Cancelled] [Revoked]. Misdemeanor. G.S. 20-111(4). (6/2011)		Misd. 2
271.35	Alteration or Change of Engine or Other Number on a Vehicle. G.S. 20-109(a)(1). (5/2001)	Misd	I
271.36	Permitting the Alteration or Change of Engine or Other Numbers on a Vehicle. G.S. 20-109(a)(2). (5/2001)	Misd	I
271.37	Unlawful Placing or Stamping of a Serial or Other Number upon a Vehicle, Where Such Number Has Not Been Assigned to the Vehicle by the Division of Motor Vehicles. G.S. 20-109(a)(3). (5/2001)	Misd	I
271.38	Knowingly Permitting the Placing or Stamping of a Serial or Motor Number upon a Motor Vehicle by Its Owner, Where the Number Has Not Been Assigned to Such Vehicle by the Division of Motor Vehicles. G.S. 20-109(a)(4). (5/2001)	Misd	I
271.39	Alteration of a Serial or Motor Number Assigned to a Vehicle by the Division of Motor Vehicles with the Intent to Conceal or Misrepresent Its True Identity. G.S. 20-109(b)(1). (5/2001)	I	I
271.40	Permitting by Owner of a Vehicle the Alteration or Use of a Serial or Motor Number Assigned to That Vehicle by the Division of Motor Vehicles with the Intent to Conceal or Misrepresent Its True Identity. G.S. 20-109(b)(2). (5/2001)	I	I
271.41	Unlawful Use of a [Driver's License] [Learner's Permit] [Special Identification Card] Issued by the Division of Motor Vehicles. G.S. 20-30(a); 20-37.8(b). (2/2000)	-	I
271.42	Possession or Manufacture of Certain Fraudulent Forms of Identification. G.S. 14-100.1. (5/2002)		Misd 1
271.43	Willfully Displaying an Expired [License] [Registration Plate] on a Vehicle Knowing the Same to be Expired. G.S. 20-111(2). Misdemeanor. (6/2011)		Misd 2
271.44	[Displaying] [Causing to be Displayed] [Permitting to be Displayed] [Possessing] a [Registration Card] [Certificate of Title] [Registration Number Plate] That Is [Fictitious] [Has Been [Cancelled] [Revoked] [Suspended] [Altered]] Misdemeanor. G.S. 20-111(2). (6/2011)		Misd 2
271.45	Performing [Safety] [Emissions] Inspection on a Motor Vehicle Without a License. G.S. 20-183.8(b)(1). (6/2017)		Misd 3
271.46	[Giving] [Lending] [Borrowing] of a License Plate for the Purpose of Using Same on a Motor Vehicle Other Than That for Which It Was Issued. Misdemeanor. G.S. 20-111(3). (6/2011)		Misd 3
271.47	Knowingly [Making a False Statement] [Concealing a Material Fact] [Committing Fraud] in any Application for [the Registration of Any Vehicle] [Certificate of Title] [Renewal of Registration] [Duplicate [Registration] [Title]]. G.S. 20-111(5). Misdemeanor. (6/2011)		Misd 1
271.48	Using a [Name] [Address] That Is [False] [Fictitious] in Any Application for [the Registration of Any Vehicle] [Certificate of Title] [Renewal of Registration] [Duplicate [Registration] [Title]]. G.S. 20-111(5). (6/2011)		Misd 1

271.49	[Giving] [Lending] [Selling] [Obtaining] a Certificate of Title for the Purpose of Using the Certificate of Title for Any Purpose Other Than the [[Registration] [Sale] of a Vehicle] [Use in Connection with the Vehicle for which the Certificate was Issued]. G.S. 20-111(6). (6/2011)		Misd 2
271.50 Series—	Introduction to Hit and Run Instructions. (1/1997)		
271.50	Felonious Hit and Run with Serious Bodily Injury or Death (Failure to Stop), Including Lesser Offense. G.S. 20-166(a), (c)(2). (6/2018)		F, Misd 1
271.51	Hit and Run with Personal Injury or Death (Failure to Stop or Give Required Information). G.S. 20-166(c), (c1). (6/2009)		Misd 1
271.52	Hit and Run with Serious Bodily Injury or Death (Defendant Stopped but Failed to Give Required Information or Render Assistance). G.S. 20-166(b). (6/2009)		Misd 1
271.53	Hit and Run with Property Damage. G.S. 20-166(c), (c1). (6/2009)	Misd	Misd 1
271.54	Felonious Hit and Run with Injury (Failure to Stop) Including Lesser Offense. G.S. 20-166(a1), (c)(2). (6/2009)		H
271.61	Removal of Vehicle from Scene after Accident Resulting in [Injury] [Death] to Any Person—Driver. G.S. 20-166(a). (6/2006)		F
271.62	Removal of Vehicle from Scene after Accident Resulting in [Damage to Property] [[Injury] [Death] to Any Person of Which the Driver Was Unaware]—Driver. G.S. 20-166(c). (6/2006)		Misd 1
271.66	Failure to Return with the Vehicle after Being Permitted to Remove It from the Scene after an Accident Resulting in [Injury] [Death] to Any Person—Driver. G.S. 20-166(a). (6/2006)		F
271.67	Failure to Return with the Vehicle after Being Permitted to Remove It from the Scene after an Accident Resulting in [Damage to Property] [[Injury] [Death] to Person of Which the Driver Was Unaware]—Driver. G.S. 20-166(c). (6/2006)		Misd 1
271.70	Leaving Scene after Accident Resulting in [Injury] [Death] to Any Person—Passenger. G.S. 20-166.2(a). (6/2006)		H
271.71	Leaving Scene after Accident Resulting in [Damage to Property] [Injury or Death to Person of Which the Passenger was Unaware]—Passenger. G.S. 20-166.2(a). (6/2006)		Misd 1
271.72	Failure to Render Assistance—Passenger. G.S. 20-166.2(b) (6/2006)		Misd 1
271.73	Failure to Stop or Give Required Information after Accident—Passenger. G.S. 20-166.2(b). (6/2006)		Misd 1
271.74	Removal of Vehicle from Scene after Accident Resulting in [Injury] [Death] to Any Person—Passenger. G.S. 20-166.2(a). (6/2006)		H
271.75	Removal of Vehicle from Scene after Accident Resulting in [Damage to Property] [Injury or Death to Person of Which the Passenger Was Unaware]—Passenger. G.S. 20-166.2(a). (6/2006)		Misd 1

271.76	Failure to Return with the Vehicle after Being Permitted to Remove It from the Scene after an Accident Resulting in [Injury] [Death] to Any Person—Passenger. G.S. 20-166.2(a). (6/2006)		H
271.77	Failure to Return with the Vehicle after Being Permitted to Remove It from the Scene after an Accident Resulting in [Damage to Property] [Injury or Death to Person of Which the Passenger was Unaware]—Passenger. G.S. 20-166.2(a). (6/2006)		Misd 1
271.80	Tampering with Ignition Interlock Device—Avoiding or Altering Testing in Operation of a Vehicle. G.S. 20-178A. (6/2012)		Misd 1
271.81	Tampering with Ignition Interlock Device—Altering Testing Results on Ignition Interlock Device. G.S. 20-178A. (6/2012)		Misd 1
271.91	Liability Insurance for Motor Vehicles. G.S. 20-279.21, 20-308, 20-309.—Deleted. See G.S. 20-311. (6/2019)		Misd 1
271.92	Operation of Motor Vehicles Without Financial Responsibility G.S. 20-309(b), 20-313 (6/2019)		Misd 1
271.94	Impersonation of a Transportation Network Company Driver. (6/2020)		Misd 2
271.95	Impersonation of a Transportation Network Company Driver While [Committing] [Attempting to Commit] a Felony. (6/2020)		H
271.97	[Import] [Manufacture] [Sale] [Offer of Sale] [Installation] [Reinstallation] of [Counterfeit Supplemental Restraint System] [Nonfunctional Airbag]. (6/2020)		Misd 1
271.98	Contributing to a Person's [Physical Injury] [Death] By [Importing] [Manufacturing] [Selling] [Offering to Sale] [Installing] [Reinstalling] A [Counterfeit Supplemental Restraint System] [Nonfunctional Airbag]. (6/2020)		H
272.10	Intoxicating Liquors. Possession of Nontaxpaid Alcoholic Beverages. G.S. 18B-101(4), -102. (5/2001)	Misd	Misd 1
272.11	Transporting of Nontaxpaid Alcoholic Beverages. G.S. 18B-101(4), -102. (5/2001)	Misd	Misd 1
272.13	Possession of Nontaxpaid Alcoholic Beverages with the Intent to Sell. G.S. 18B-304(b)(3). (5/2002)		Misd 1
272.14	Knowingly Selling or Giving Cigarettes, Cut Tobacco, Cigarette Wrapping Papers, or Smokeless Tobacco, or Tobacco Product to a Person under the Age of 18 Years. G.S. 14-313. (6/2014)	Misd	Misd 2
272.15A	Selling or Giving Fortified Wine, Spirituous Liquor, or Mixed Beverages to a Person Less Than Twenty-One Years. G.S. 18B-302(a)(2). (5/2001)	Misd	Misd 1
272.18	Purchase or Possession of Fortified Wine, Spirituous Liquor or Mixed Beverages by a Person Less Than Twenty-One. G.S. 18B-302(b)(2). (6/2014)	Misd	Misd 1
272.18A	Attempt to Purchase Fortified Wine, Spirituous Liquor, or Mixed Beverages by a Person Less Than Twenty-One Years. G.S. 18B-302(b)(2). (5/2001)	Misd	Misd 2

272.19	Aiding and Abetting an Underage Person to Purchase or Possess Malt Beverages, Unfortified Wine, Fortified Wine, Spirituous Liquor or Mixed Beverages. G.S. 18B-302(c). (5/2001)	Misd	Misd 1,2
272.20	Transportation within Passenger Area of Motor Vehicle of Fortified Wine or Spirituous Liquor in Other Than Manufacturer's Unopened Original Container. G.S. 18B-401(a). (5/2001)	Misd	Misd 3
272.21	Consuming Malt Beverage or Unfortified Wine by the Driver of Motor Vehicle. G.S. 18B-401(a). (5/2001)	Misd	Misd 3
272.21A	Possession of Malt Beverages with the Intent to Sell without Obtaining Permit or License. G.S. 18B-304(a). (5/2002)		Misd 1
272.22	Fraudulent Use of Identification by an Underage Person in Obtaining or Attempting to Obtain Alcoholic Beverage. G.S. 18B-302(e); (b). (5/2001)	Misd	Misd 1 or Infraction
272.25	Consumption of Alcohol by a Person Less Than 19 Years of Age. G.S. 18B-302(b)(3). (6/2014)		Misd 1
272.26	Consumption of Alcohol by Person Greater Than 19 Years of Age but Less Than 21 Years of Age. G.S. 18B-302 (6/2014)		Misd 3
272.40	[Manufacturer] [Sale] [Transportation] [Importation] [Furnishing] [Consumption] [Possession] of Powdered Alcohol. G.S. 18B-102 (6/2016)		Misd 1
272.60	[Sale] [Offer for Sale] [Introduce Into Commerce in North Carolina] of an E-liquid Container without Child-Resistant Packaging. G.S. 14-401.18A. (6/2016)		Misd A1
272.65	[Sale] [Offer for Sale] [Introduce Into Commerce in North Carolina] of an E-liquid Container for E-liquid Product Containing Nicotine without Labeling Nicotine Contents on Packaging. G.S. 14-401.18A (6/2016)		Misd A1
272.80	Knowingly Making a False Statement in an Application for Reissuance of a Special Occasion Permit. G.S. 18B-903.1(e) (6/2019)		Misd 1
Game Laws.			
273.10	Firelighting or Spotlighting (Taking Deer by Artificial Light). G.S. 113-291.1(b)(2), -130(7), -294(e). (5/2001)	Misd	Misd 1
273.20	Taking a Deer from a Boat. G.S. 113-109(e). (9/2001)	Misd	Misd 1
273.30	Hunting, etc., While License Is Revoked. G.S. 113-300.8. (6/2009)		Misd 1
273.40	[Purchasing] [Possessing] License to Hunt, etc., While License Is Revoked. G.S. 113-300.8. (6/2009)		Misd 1
273.50	Unlawful Hunting with a Firearm on Sunday. G.S. 103-2(a), (a1). (6/2018)		
273.55	Unlawful Hunting of Migratory Birds on Sunday. (6/2018)		
Welfare Fraud.			
274.10	Misdemeanor Misrepresentation in Obtaining Public Assistance. G.S. 108A-39(a). (9/2001)	Misd	Misd 1

274.15	Felonious Misrepresentation in Obtaining Public Assistance— More Than \$400. G.S. 108A-39(b). (9/2001)	I,Misd	I,Misd 1
274.20	Misdemeanor Obtaining Food Stamps by Misrepresentation. G.S. 108A-53(a). (10/2001)	Misd	Misd 1
274.21	Feloniously Obtaining Food Stamps by Misrepresentation— More Than \$400 G.S. 108A-53(a). (10/2001)	I,Misd	I,Misd 1
274.22	Misdemeanor Obtaining Food Stamps by Misrepresentation— Aiding and Abetting. G.S. 108A-53(a). (10/2001)	Misd	Misd 1
274.23	Feloniously Obtaining Food Stamps by Misrepresentation— Aiding and Abetting. G.S. 108A-53(a). (10/2001)	I,Misd	I,Misd 1
275.10	Unsupervised Use of Fully Autonomous Vehicle by a Person Under the Age of 12. G.S. 103-2(a2).(6/2018)		
280.20	Escape. Felonious Escape. G.S. 148-45(a), (b); 14-256(1), (2). *(On or after 12/97, Voluntary Manslaughter Is a Class D felony.) (6/2014)	J	I*
280.21	Escape from Private Correction Facility. G.S. 14-256.1. (5/2001)		H
280.40	Escape from Imprisonment by Use of a Dangerous Weapon. G.S. 14-258.2. (5/2001)	H	F
280.41	Assault with a Deadly Weapon Inflicting Bodily Injury While Assisting a Prisoner to Escape or Attempt to Escape. G.S. 14-258.2(b). (12/2001)	H	H
280.42	Using a Deadly Weapon in Assisting a Prisoner to Effect His Escape. G.S. 14-258.2. (5/2001)	H	H
280.43	Unauthorized Possession or Fabrication of Dangerous Weapon by Prisoner. G.S. 14-258.2(a). (11/2000)	Misd	H
280.44	Misdemeanor Jailbreak or Escape from Confinement Facility Officer. G.S. 14-256. (5/2001)	J, Misd	Misd 1
280.45	Escape of a Working Prisoner. G.S. 14-255. (5/2001)		Misd 1

PART III. DEFENSES

301.10	Alibi. (3/2003)		
302.10	Automatism. Automatism or Unconsciousness. (6/2009)		
304.10	Insanity. Insanity Defense. (6/2009)		
305.10	Intoxication. Voluntary Intoxication, Liquor or Drugs—In General. (6/2020)		
305.11	Voluntary Intoxication, Lack of Mental Capacity—Premeditated and Deliberate First-Degree Murder. (6/2009)		

* On or after 12/1/97, Voluntary Manslaughter is a Class D felony.

- 306.10 Accepted Medical Purpose (Defense to First and Second-Degree Sexual Offenses Involving Penetration). (6/2020)

- 307.10 Accident.
Accident (Defense to Homicide Charge, Except Homicide Committed during Perpetration of a Felony). (5/2003)
- 307.11 Accident (Defense in Cases Other Than Homicide). (5/2020)

- 308.10 Self-Defense.
Self-Defense, Retreat—Including Homicide (to Be Used Following Self-Defense Instructions Where Retreat Is in Issue). G.S. 14-51.2(1), .3(a). (6/2019)
- 308.40 Self-Defense—Assaults Not Involving Deadly Force.
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- 308.41 Detention of Offenders by Private Persons. G.S. 15A-404. (6/2009)
- 308.45 Self-Defense—All Assaults Involving Deadly Force.
G.S. 14.51.2, .3, .4. (6/2020)
- 308.45A Self-Defense Example with 208.10—All Assaults Involving Deadly Force. G.S. 14.51.2, .3, .4. (6/2019)
- 308.47 Assault in Lawful Defense of a [Family Member] [Third Person]—(Defense to Assaults Not Involving Deadly Force).
G.S. 14.51.2, .3, .4. (6/2019)
- 308.50 Assault in Lawful Defense of a [Family Member] [Third Person]—(Defense to All Assaults Involving Deadly Force).
G.S. 14.51.2, .3, .4. (6/2019)
- 308.60 Killing in Lawful Defense of a [Family Member] [Third Person]—(Defense to Homicide). G.S. 14.51.2, .3, .4. (6/2019)
- 308.70 Self-Defense to Sexual Assault—Homicide.
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- 308.80 Defense of [Habitation] [Workplace] [Motor Vehicle]—Homicide and Assault. G.S. 14-51.1, .2, .3, .4. (6/2020)

- 309.10 Entrapment.
Entrapment. (5/2003)

- 310.10 Coercion.
Compulsion, Duress, or Coercion. (6/2019)
- 310.11 Duress or Necessity Defense to Escape from Department of Correction. (5/2003)
- 310.12 Necessity. (6/2019)

- 311.10 Jurisdiction.
Lack of Jurisdiction (with Special Verdict Form). (5/2003)

APPENDICES:

A. TABLE OF SECTIONS OF GENERAL STATUTES INVOLVED IN CRIMINAL INSTRUCTIONS.

B. CRIMINAL VOLUME INDEX.

247.80 [OWNING] [POSSESSING] [USING] [TRANSPORTING]
[TRAFFICKING] OF VENOMOUS REPTILE NOT HOUSED IN A STURDY AND
SECURE ENCLOSURE. MISDEMEANOR.

*NOTE WELL: This instruction is applicable for offenses committed
on or after December 1, 2009.*

The defendant has been charged with [owning] [possessing] [using]
[transporting] [trafficking¹] a venomous reptile 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]
[trafficked] a venomous reptile.

(And) Second, that the venomous reptile was not housed in a sturdy
and secure enclosure.²

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

(And Third, that the alleged victim [suffered a life threatening injury]
[was killed].³)

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 venomous reptile (and) that the venomous reptile
was not housed in a sturdy and secure enclosure, (and that the alleged victim
[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.

1. Trafficking means transporting along a route.

2. Enclosures shall be designed to be escape-proof, bite-proof, and have an operable lock. Each enclosure shall be clearly and visibly labeled 'Venomous Reptile Inside' with scientific name, common name, appropriate antivenom, and owner's identifying information noted on the container. A written bite protocol that includes emergency contact information, local animal control office, the name and location of suitable antivenom, first aid procedures, and treatment guidelines, as well as an escape recovery plan must be within sight of permanent housing, and a copy must accompany the transport of any venomous reptile. N.C.G.S. § 14-417(a).

3. The penalty for this offense will be higher if any person, other than the owner of the venomous reptile, 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.

247.80A [OWNING] [POSSESSING] [USING] [TRANSPORTING]
[TRAFFICKING] OF CROCODILIAN NOT HOUSED IN A STURDY AND SECURE
ENCLOSURE. 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 alleged victim was a person other
than the [owner] [owner's agent] [member of the owner's immediately
family].)*

(And Third, that the alleged 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 alleged victim [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.

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1. Trafficking means transporting along a route.
 2. The term "crocodilian" does not include American alligators.
 3. 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 and shall be locked. 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. N.C.G.S § 14-41.2.
 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.

247.80B [OWNING] [POSSESSING] [USING] [TRANSPORTING]
[TRAFFICKING] OF LARGE CONSTRICTING SNAKE NOT HOUSED IN A
STURDY AND SECURE ENCLOSURE. MISDEMEANOR.

*NOTE WELL: This instruction is applicable for offenses committed
on or after December 1, 2009.*

The defendant has been charged with [owning] [possessing] [using]
[transporting] [trafficking] a large constricting snake 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 large constricting snake.² (*Name animal*) is a large constricting
snake.

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

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

(And Third, that the alleged 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 large constricting snake (and) that the large
constricting snake was not housed in a sturdy and secure enclosure, (and that
the alleged victim [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.

1. Trafficking means transporting along a route.

2. The term "large constricting snake" means Reticulated Python, *Python reticulatus*; Burmese Python, *Python molurus*; African Rock Python, *Python sebae*; Amethystine Python, *Morelia amethystina*; and Green Anaconda, *Eunectes murinus*; or any of their subspecies or hybrids.

3. Enclosures shall be designed to be escape-proof and shall have an operable lock. Each enclosure shall be labeled clearly and visibly with the scientific name, common name, number of specimens, and owner's identifying information. A written safety protocol and escape recovery plan shall be within sight of permanent housing, and a copy shall accompany the transport of any of the large constricting snakes. The safety protocol shall include emergency contact information, identification of the local animal control office, and first aid procedures. N.C.G.S. § 14-217.1.

4. The penalty for this offense will be higher if any person, other than the owner of the large constricting snake, 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.

254A.11 POSSESSION¹ OF A FIREARM OR WEAPON OF MASS DEATH AND
DESTRUCTION BY A FELON. FELONY.

NOTE WELL: Prior offenses which cause disentitlement under N.C. Gen. Stat. § 14-415.1(b) include felony convictions in North Carolina and also convictions of substantially similar offenses under the laws of any other state or of the United States which are punishable where committed by imprisonment for a term exceeding one year.

NOTE WELL: Effective February 1, 2011, this section does not apply to a person whose firearms rights have been restored under N.C. Gen. Stat. § 14-415.4 pursuant to the judicial procedure described therein, unless the person is convicted of a subsequent felony after the petition to restore the person's firearms rights is granted. Also effective February 1, 2011, this section does not apply if the felony conviction is a violation under the laws of North Carolina, another state, or the United States that pertains to crimes involving antitrust violations, unfair trade practices, or restraints of trade.

The defendant has been charged with [possessing] [owning] [purchasing] [[having within defendant's [custody] [care] [control]] a [firearm]² [weapon of mass death and destruction]³ after having been convicted⁴ of a felony.

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

First, that on (*name date*) in (*name court*) the defendant [was convicted of] [pled guilty to] the felony of (*name felony*) that was committed on (*name date*) in violation of the laws of the [State of North Carolina] [State of (*name other state*)] [United States].

And Second, that after (*name date* from the first element as alleged in the indictment)⁵, the defendant [possessed]⁶ [owned] [purchased] [[had

within defendant's [custody] [care] [control]] a [firearm] [weapon of mass death and destruction]⁷.

If you find from the evidence beyond a reasonable doubt that the defendant [was convicted of] [pled guilty to] the felony of (*name felony*) that was committed on (*name date*) in violation of the laws of the [State of North Carolina] [State of (*name other state*)] [United States], and that the defendant, after (*name date* from the first element alleged in the indictment), [possessed] [owned] [purchased] [[had within defendant's [custody] [care] [control]] a [firearm] [weapon of mass death and destruction], 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 both of these things, it would be your duty to return a verdict of not guilty.

1. The statute also covers purchasing, owning, or having a firearm or such weapon in his custody, care or control.

2. A firearm is any weapon, including a starter gun, which will or is designed to or may readily be converted to expel a projectile by the action of an explosive, or its frame or receiver, or any firearm muffler or firearm silencer. This statute does not apply to an antique firearm as defined in N.C. Gen. Stat. § 14-409.11.

3. The term "weapon of mass death and destruction" includes:

(1) Any explosive or incendiary:

- a. Bomb; or
- b. Grenade; or
- c. Rocket having a propellant charge of more than four ounces; or
- d. Missile having an explosive or incendiary charge of more than one-quarter ounce; or
- e. Mine; or
- f. Device similar to any of the devices described above; or

(2) Any type of weapon (other than a shotgun or a shotgun shell of a type particularly suitable for sporting purposes) which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter; or

(3) Any firearm capable of fully automatic fire, any shotgun with a barrel or barrels of less than 18 inches in length or an overall length of less than 26 inches, any rifle with a barrel or barrels of less than 16 inches in length or an overall length of less than 26 inches, any muffler or silencer for any firearm, whether or not such firearm is included within this definition. For the purposes of this section,

rifle is defined as a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder; or

- (4) Any combination of parts either designed or intended for use in converting any device into any weapon described above and from which a weapon of mass death and destruction may readily be assembled.

See *State v. Carey*, 373 N.C. 445, (2020), holding that courts are not required to engage in a fact-intensive examination of the extent to which any particular weapon is capable of causing mass death and destruction. In *Carey*, the Court held that any “explosive or incendiary grenade” is a weapon of mass death and destruction for the purposes of prohibition set out in N.C.G.S. § 14-288.8(a). *State v. Carey*, 838 S.E. 2d 367 (2020).

4. The term “conviction” is defined as a final judgment in any case in which felony punishment, or imprisonment for a term exceeding one year, as the case may be, is permissible, without regard to the plea entered or to the sentence imposed. See N.C. Gen. Stat. § 14-415.1(b).

5. See *State v. Howard*, 243 N.C. App. 828, 780 S.E.2d 599 (2015).

6. The meaning of “possession” is explained in N.C.P.I.—Crim 104.41. The trial judge should refer to this instruction for a definition of actual possession, and also when constructive possession is an issue.

7. The North Carolina Supreme Court has recognized that in narrow and extraordinary circumstances, justification may be available as a defense to a charge under N.C.G.S. § 14-415.1. See *State v. Mercer*, 373 N.C. 459, 838 S.E. 2d 359. See also, *United States v. Deleveaux*, 205 F.3d 1292, 1297 (11th Cir. 2000). *Mercer* is not the first decision to apply the *Deleveaux* test, but it is the first decision in which the Court of Appeals has found that every element of the test is satisfied. In addressing whether an instruction on justification is required, the Court of Appeals explained, “[c]onsistent with the precedent from this Court, we assume without deciding, that the *Deleveaux* rationale applies in North Carolina prosecutions for possession of a firearm by felon.” *State v. Edwards*, 239 N.C. App. 391, 394, 768 S.E. 2d 619, 621 (2015) (citing *State v. Monroe*, 233 N.C. App. 563, 568, 756 S.E.2d 376, 380 (2014)).

In *State v. Edwards*, the Court explained, that “the *Deleveaux* rationale applies in North Carolina prosecutions for possession of a firearm by felon.” *State v. Edwards*, 239 N.C.App. 391, 768 S.E. 2d 619 (2015) (citing *State v. Monroe*, 233 N.C.App. 563, 756 S.E.2d 376, 380 (2014)). “The test in *Deleveaux* requires a criminal defendant to produce evidence of the following to be entitled to an instruction on justification as a defense to a charge of possession of a firearm by felon: (1) that the defendant was under unlawful and present, imminent, and impending threat of death or serious bodily injury; (2) that the defendant did not negligently or recklessly place himself in a situation where he would be forced to engage in criminal conduct; (3) that the defendant had no reasonable legal alternative to violating the law; and (4) that there was a direct causal relationship between the criminal action and the avoidance of the threatened harm.” *State v. Edwards*, 239 N.C App. 391, 768 S.E. 2d 619 (2015) (citing *United States v. Deleveaux*, 205 F.3d 1292, 1297 (11th Cir. 2000)). See also *State v. Mercer*, 373 N.C. 459, 838 S.E. 2d 359 (2020).

259.30 PRACTICE AS A CLINICAL ADDICTION SPECIALIST WITHOUT A
LICENSE. MISDEMEANOR.

The defendant has been charged with the crime of practicing as a clinical addiction specialist without a license.

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

First, that the defendant held [himself] [herself] out to be a [certified alcohol and drug counselor]¹ [certified prevention specialist] [certified clinical supervisor] [licensed clinical addiction specialist] [licensed clinical addiction specialist associate] [certified substance abuse residential facility director] [certified criminal justice addiction professional] [clinical supervisor intern] [alcohol and drug counselor intern] [registrant].

Second, that the defendant did so without first having obtained a notification of [registration] [certification] [licensure] from the North Carolina Substance Abuse Professional Practice Board.

And Third, that the defendant [offered substance use disorder professional services] [practiced] [attempted to practice] [supervised].

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant held [himself] [herself] out to be a [certified alcohol and drug counselor] [certified prevention specialist] [certified clinical supervisor] [licensed clinical addiction specialist] [licensed clinical addictions specialist associate] [certified substance abuse residential facility director] [certified criminal justice addiction professional] [clinical supervisor intern] [alcohol and drug counselor intern] [registrant], that the

defendant did so without first having obtained a notification of [registration] [certification] [licensure] from the Board, and that the defendant [offered substance use disorder professional services] [practiced] [attempted to practice] [supervised], 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.

1. N.C. Gen. Stat. § 90-113.31A defines many of the positions listed.

259.31 PRACTICE AS A CLINICAL ADDICTION SPECIALIST WITHOUT A
LICENSE—USING [LETTERS] [WORDS] [NUMERICAL CODES] [INSIGNIA].
MISDEMEANOR.

The defendant has been charged with the crime of practicing as a clinical addiction specialist without a license.

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

First, that the defendant was not [registered] [certified] [licensed] as a clinical addiction specialist.

And Second, that the defendant used in connection with any name any [letters] [words] [numerical codes] [insignia] that [indicated] [implied] that the defendant was a [registrant] [certified alcohol and drug counselor] [certified prevention specialist] [certified clinical supervisor] [licensed clinical addiction specialist] [certified substance abuse residential facility director] [alcohol and drug counselor intern] [certified criminal justice addiction professional] [licensed clinical addiction specialist associate¹].

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant was not [registered] [certified] [licensed] as a clinical addiction specialist and used in connection with any name any [letters] [words] [numerical codes] [insignia] that [indicated] [implied] that the defendant was a [registrant] [certified alcohol and drug counselor] [certified prevention specialist] [certified clinical supervisor] [licensed clinical addiction specialist] [certified substance abuse residential facility director] [alcohol and drug counselor intern] [certified criminal justice addiction professional] [licensed clinical addiction specialist associate], it would be your duty to return a verdict of guilty. If you do not so find or have

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N.C.P.I.—Crim. 259.31

PRACTICE AS A CLINICAL ADDICTION SPECIALIST WITHOUT A LICENSE—
USING [LETTERS] [WORDS] [NUMERICAL CODES] [INSIGNIA].

MISDEMEANOR.

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N.C. Gen. Stat. § 90-113.43(a)(2)

a reasonable doubt as to one or more of these things, then it would be your
duty to return a verdict of not guilty.

1. N.C. Gen. Stat. § 90-113.31A defines many of the positions listed here.

259.32 [PRACTICE] [ATTEMPT TO PRACTICE] AS A CLINICAL ADDICTION
SPECIALIST WITH A [REVOKED] [LAPSED] [SUSPENDED] CERTIFICATION
OR LICENSE. MISDEMEANOR.

The defendant has been charged with the crime of [practicing]
[attempting to practice] as a clinical addiction specialist without a license.

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

First, that the defendant had a [revoked] [lapsed] [suspended]
certification or license as a clinical addiction specialist;

And Second, that the defendant [practiced] [attempted to practice] as
a [certified alcohol and drug counselor] [certified prevention specialist]
[certified clinical supervisor] [licensed clinical addiction specialist] [certified
criminal justice addiction professional] [alcohol and drug counselor intern]
[licensed clinical addiction specialist associate] [clinical supervisor intern]
[certified substance abuse residential facility director] [registrant].¹

If you find from the evidence beyond a reasonable doubt that on or
about the alleged date the defendant had a [revoked] [lapsed] [suspended]
certification or license and that the defendant [practiced] [attempted to
practice] as a [certified alcohol and drug counselor] [certified prevention
specialist] [certified clinical supervisor] [licensed clinical addiction specialist]
[certified criminal justice addiction professional] [alcohol and drug counselor
intern] [licensed clinical addiction specialist associate] [clinical supervisor
intern] [certified substance abuse residential facility director] [registrant], it
would be your duty to return a verdict of guilty. If you do not so find or have

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[PRACTICE] [ATTEMPT TO PRACTICE] AS A CLINICAL ADDICTION
SPECIALIST WITH A [REVOKED] [LAPSED] [SUSPENDED] CERTIFICATION
OR LICENSE. MISDEMEANOR.

GENERAL CRIMINAL VOLUME

REPLACEMENT JUNE 2020

N.C. Gen. Stat. § 90-113.43(a)(3)

a reasonable doubt as to one or more of these things, then it would be your
duty to return a verdict of not guilty.

1. N.C. Gen. Stat. § 90-113.31A defines many of the positions listed.

259.33 [AIDING] [ABETTING] [ASSISTING] THE PRACTICE OF A CLINICAL
ADDICTION SPECIALIST WITHOUT A LICENSE. MISDEMEANOR.

The defendant has been charged with the crime of [aiding] [abetting]
[assisting] the practice of a clinical addiction specialist without a license.¹

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

First, that the defendant [aided] [abetted] [assisted] any person to
practice as a [certified alcohol and drug counselor] [certified prevention
specialist] [certified criminal justice addiction professional] [certified clinical
supervisor] [licensed clinical addiction specialist] [certified substance abuse
residential facility director] [registrant] [alcohol and drug counselor intern]
[licensed clinical addiction specialist associate] [clinical supervisor intern].²

And Second, that the person practiced [without first having obtained a
notification of [registration] [certification] [licensure]] [having a [revoked]
[lapsed] [suspended] certification or license].³

If you find from the evidence beyond a reasonable doubt that on or
about the alleged date the defendant [aided] [abetted] [assisted] any person
to practice as a [certified substance abuse counselor] [certified and drug
prevention specialist] [certified criminal justice addiction professional]
[certified clinical supervisor] [licensed clinical addiction specialist] [certified
substance abuse residential facility director] [registrant] [alcohol and drug
counselor intern] [licensed clinical addiction specialist associate] [clinical
supervisor intern] and that the person practiced [without first having obtained
a notification of [registration] [certification] [licensure]] [having a [revoked]
[lapsed] [suspended] certification or license], 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.

1. If an expanded definition is needed, the jury should be instructed as to the definition of aiding and abetting. See N.C.P.I.—Crim. 202.20.

2. N.C. Gen. Stat. § 90-113.31A defines many of the positions listed.

3. See N.C.P.I.—Crim. 259.30, 259.31 and 259.32.

259.34 KNOWINGLY SERVING IN A POSITION REQUIRED BY LAW TO BE
FILLED BY A CLINICAL ADDICTION SPECIALIST. MISDEMEANOR.

The defendant has been charged with the crime of knowingly serving in a position required by law to be filled by a clinical addiction specialist.

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

First, that the defendant was not [registered] [certified] [licensed] as a clinical addiction specialist;

And Second, that the defendant knowingly served in a position required by [State law] [rule] [federal law] [regulation] to be filled by a [registrant] [certified alcohol and drug counselor] [certified prevention specialist] [certified criminal justice addiction professional] [certified clinical supervisor] [licensed clinical addiction specialist] [certified substance abuse residential facility director] [alcohol and drug counselor intern] [licensed clinical addiction specialist associate] [clinical supervisor intern].¹

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant was not [registered] [certified] [licensed] as a clinical addiction specialist and that the defendant knowingly served in a position required by [State law] [rule] [federal law] [regulation] to be filled by a [registrant] [certified alcohol and drug counselor] [certified prevention specialist] [certified criminal justice addiction professional] [certified clinical supervisor] [licensed clinical addiction specialist] [certified substance abuse residential facility director] [alcohol and drug counselor intern] [licensed clinical addiction specialist associate] [clinical supervisor intern], it would be your duty to return a verdict of guilty. If you do not so

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N.C.P.I.—Crim. 259.34

KNOWINGLY SERVING IN A POSITION REQUIRED BY LAW TO BE FILLED BY
A CLINICAL ADDICTION SPECIALIST. MISDEMEANOR.

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N.C. Gen. Stat. § 90-113.43(a)(5)

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.

1. N.C. Gen. Stat. § 90-113.31A defines many of the positions listed.

270.57 FAILURE TO DECREASE SPEED TO AVOID ACCIDENT (FAILURE TO SLOW DOWN). INFRACTION.

The defendant has been charged with failing to decrease speed as necessary to avoid collision and injury.

For you to find the defendant responsible for this infraction, the state must prove six things beyond a reasonable doubt:

First, that the defendant was operating a vehicle.¹

Second, that the defendant was operating the vehicle on a highway².

Third, that this vehicle collided with a [person] [vehicle] [(*name other conveyance*)] which was on or entering this highway.

Fourth, that [a person] [property] was injured in this collision.

Fifth, that the defendant failed to reduce the speed of the defendant's vehicle as necessary³ to avoid the collision and injury.

And Sixth, that the defendant's failure to do so was a proximate cause of this collision and injury.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant operated a vehicle on a highway and that this vehicle collided with a [person] [another vehicle] [conveyance] that was on or entering that highway at the time of this collision, that [a person] [property] was injured in this collision, and that the defendant failed to reduce the speed of defendant's vehicle as necessary to avoid this collision and injury and that defendant's failure to do so was a proximate cause of the collision and injury, it would be your duty to return a verdict of responsible. 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 responsible.

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N.C.P.I.—Crim. 270.57

FAILURE TO DECREASE SPEED TO AVOID ACCIDENT (FAILURE TO SLOW DOWN). INFRACTION.

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N.C. Gen. Stat. § 20-141(m)

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1. For definition of a “vehicle” see N.C. Gen. Stat. § 20-4.01(49).
 2. For definition of a “highway” see N.C. Gen. Stat. § 20-4.01(13).
 3. For a discussion of “necessary” see *State v. Worthington*, 89 N.C. App. 88 (1988).

271.94 IMPERSONATION OF A TRANSPORTATION NETWORK COMPANY
DRIVER. MISDEMEANOR.

NOTE WELL: If the defendant impersonated a transportation network company driver during the commission of a separate felony offense, then use N.C.P.I.—Crim. 271.95.

The defendant has been charged with impersonation of a transportation network company¹ driver².

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

First, that the defendant made a false representation to another person that the defendant was a transportation network company driver.

And Second, that the defendant made the false representation by

- (a) [Making a false statement]
- (b) [[Falsely displaying [distinctive signage] (or) [emblems], known as a [trade dress] [trademark] [branding] (or) [logo] of the transportation network company]]
- (c) [Falsely representing that the defendant had a current connection with the transportation network company]; or
- (d) [Falsely representing that the defendant was responding to a passenger ride request for a transportation network company].

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant [made a false statement] [[falsely displayed [distinctive signage] (or) [emblems] known as a [trade dress] [trademark] [branding] (or) [logo] of the transportation network company]

[falsely represented that the defendant had a current connection with a transportation network company] [falsely represented that the defendant was responding to a passenger ride request for a transportation network company], 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.

1. N.C. Gen. Stat. § 20-280.1 defines “Transportation Network Company” as any person that uses an online-enabled application or platform to connect passengers with Transportation Network Company drivers who provide prearranged transportation services (e.g., Uber & Lyft).

2. N.C. Gen. Stat. § 20-280.1 defines “Transportation Network Company Driver” as an individual that uses a passenger vehicle in connection with a transportation network company’s online enabled application or platform to connect with passengers in exchange for payment of a fee to the transportation network company.

271.95 IMPERSONATION OF A TRANSPORTATION NETWORK COMPANY
DRIVER WHILE [ATTEMPTING TO COMMIT] [COMMITTING] A FELONY.
FELONY.

NOTE WELL: Use this instruction if the defendant impersonated a transportation network company driver during the commission of a separate felony offense. Use N.C.P.I.—Crim. 271.94 for instruction on the elements of Impersonation of a Transportation Network Company Driver.

The defendant has been charged with impersonation of a transportation network company¹ driver² while [committing] [attempting to commit] (name felony).

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

First, that the defendant made a false representation to another person that the defendant was a transportation network company driver;

Second, that the defendant made the false representation by

- (a) [Making a false statement]
- (b) [[Falsely displaying [distinctive signage] (or) [emblems], known as a [trade dress] [trademark] [branding] (or) [logo] of the transportation network company]]
- (c) [Falsely representing that the defendant had a current connection with the transportation network company]; or
- (d) [Falsely representing that the defendant was responding to a passenger ride request for a transportation network company].

And Third, that the false representation(s) occurred while the defendant was [committing] (or) [attempting to commit] (name felony, e.g. robbery)

(define the felony and enumerate its elements using the Pattern Jury Instruction for that felony).

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant made a false representation to another person, that the defendant was a transportation network company driver, and that the false representations occurred while defendant was [committing] (or) [attempting] to commit (name felony), 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.

1. N.C. Gen. Stat. § 20-280.1 defines “Transportation Network Company” as any person that uses an online-enabled application or platform to connect passengers with Transportation Network Company drivers who provide prearranged transportation services (e.g., Uber & Lyft).

2. N.C. Gen. Stat. § 20-280.1 defines “Transportation Network Company Driver” as an individual that uses a passenger vehicle in connection with a transportation network company’s online enabled application or platform to connect with passengers in exchange for payment of a fee to the transportation network company.

271.97 [IMPORT] [MANUFACTURE] [SALE] [OFFER OF SALE]
[INSTALLATION] [REINSTALLATION] OF A [COUNTERFEIT SUPPLEMENTAL
RESTRAINT SYSTEM] [NONFUNCTIONAL AIRBAG]. MISDEMEANOR.

NOTE WELL: If a violation of this section contributes to a person's physical injury or death, use N.C.P.I.—Crim. 271.98.

NOTE WELL: Pursuant to N.C. Gen. Stat. § 20-136.2(a), violation of this section applies to any person, firm, or corporation.

NOTE WELL: Nothing in this section is intended to prohibit automotive dealers, repair professionals, recyclers, original equipment manufacturers, or contractors from disposing of counterfeit supplemental restraint system components or nonfunctional airbags in accordance with federal and State law. See N.C. Gen. Stat. § 20-136.2(b).

The defendant has been charged with [importing] [manufacturing] [selling] [offering to sell] [installing] [reinstalling] a [counterfeit supplemental restraint system]^{1 2} or [nonfunctional³ airbag⁴].

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

First, that on or about the alleged date, the defendant [imported] [manufactured] [sold] [offered to sell] [installed] [reinstalled] a [counterfeit supplemental restraint system] (or) [nonfunctional airbag].

And Second, that the defendant did so knowingly.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant knowingly [imported] [manufactured] [sold] [offered to sell] [installed] (or) [reinstalled] a [counterfeit supplemental restraint system] [nonfunctional airbag], 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.

1. N.C. Gen. Stat. § 20-4.01(46a) defines “**supplemental restraint system**” as a passive inflatable motor vehicle occupant crash protection system designed for use in conjunction with a seat belt assembly as defined in C.F.R. § 571.209, and includes one or more airbags and all components required to ensure that an airbag works as designed by the vehicle manufacturer, including both of the following: (1) The airbag operates as designed in the event of a crash. (2) The airbag is designed in accordance with federal motor vehicle safety standards for the specific make, model, and year of the motor vehicle in which it is or will be installed.

2. N.C. Gen. Stat. § 20-4.01(4b) defines a “**counterfeit supplemental restraint system component**” as a replacement supplemental restraint system component, including an airbag, that displays a mark identical to, or substantially similar to, the genuine mark of a motor vehicle manufacturer or supplier of parts to the manufacturer of a motor vehicle, without authorization from the manufacturer or supplier.

3. N.C. Gen. Stat. § 20-4.01(23a) defines “**nonfunctional airbag**” as a replacement airbag that meets any of the following criteria: (1) the airbag was previously deployed or damaged; (2) the airbag has an electric fault that is detected by the vehicle’s airbag diagnostic systems when the installation procedure is completed and the vehicle is returned to the customer who requested the work to be performed or when ownership is intended to be transferred; (3) the airbag includes a part or object, including a supplemental restraint system component that is installed in a motor vehicle to mislead the owner or operator of the motor vehicle into believing that a functional airbag has been installed; or (4) the airbag is subject to the prohibitions of 49 U.S.C. § 30120(j).

4. N.C. Gen. Stat. § 20-4.01(1) defines “**airbag**” as a motor vehicle inflatable occupant restraint system device that is part of a supplemental restraint system.

CONTRIBUTING TO A PERSON'S [PHYSICAL INJURY] [DEATH] BY
[IMPORTING] [MANUFACTURING] [SELLING] [OFFERING TO SELL]
[INSTALLING] [REINSTALLING] A [COUNTERFEIT SUPPLEMENTAL
RESTRAINT SYSTEM] [NONFUNCTIONAL AIRBAG]. FELONY.

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N.C. Gen. Stat. § 20-136.2

271.98 CONTRIBUTING TO A PERSON'S [PHYSICAL INJURY] [DEATH] BY
[IMPORTING] [MANUFACTURING] [SELLING] [OFFERING TO SALE] [INSTALLING]
[REINSTALLING] A [COUNTERFEIT SUPPLEMENTAL RESTRAINT SYSTEM]
[NONFUNCTIONAL AIRBAG]. FELONY.

NOTE WELL: If a violation of this section did not contribute to a person's physical injury or death, use N.C.P.I.—Crim. 271.97.

NOTE WELL: Pursuant to N.C. Gen. Stat. § 20-136.2(a), violation of this section applies to any person, firm, or corporation.

NOTE WELL: Nothing in this section is intended to prohibit automotive dealers, repair professionals, recyclers, original equipment manufacturers, or contractors from disposing of counterfeit supplemental restraint system components or nonfunctional airbags in accordance with federal and State law. See N.C. Gen. Stat. § 20-136.2(b).

The defendant has been charged with contributing to a person's [physical injury] [death] by [importing] [manufacturing] [selling] [offering to sell] [installing] (or) [reinstalling] a [counterfeit supplemental restraint system]^{1 2} [nonfunctional³ airbag⁴].

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

First, that on or about the alleged date, the defendant [imported] [manufactured] [sold] [offered to sell] [installed] [reinstalled] a counterfeit [supplemental restraint system] (or) [nonfunctional airbag];

Second, that the defendant did so knowingly;

And Third, by [importing] [manufacturing] [selling] [offering to sell] [installing] (or) [reinstalling] the [counterfeit supplemental restraint system] [nonfunctional airbag], the defendant contributed to a person's [physical injury] [death].

CONTRIBUTING TO A PERSON'S [PHYSICAL INJURY] [DEATH] BY
[IMPORTING] [MANUFACTURING] [SELLING] [OFFERING TO SELL]
[INSTALLING] [REINSTALLING] A [COUNTERFEIT SUPPLEMENTAL
RESTRAINT SYSTEM] [NONFUNCTIONAL AIRBAG]. FELONY.

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N.C. Gen. Stat. § 20-136.2

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant knowingly [imported] [manufactured] [sold] [offered to sell] [installed] (or) [reinstalled] a [counterfeit supplemental restraint system] [nonfunctional airbag] and by [importing] [manufacturing] [selling] [offering to sell] [installing] (or) [reinstalling] a [counterfeit supplemental restraint system][nonfunctional airbag] the defendant contributed to a person's [physical injury] [death], 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.

1. N.C. Gen. Stat. § 20-4.01(46a) defines "**supplemental restraint system**" as a passive inflatable motor vehicle occupant crash protection system designed for use in conjunction with a seat belt assembly as defined in C.F.R. § 571.209, and includes one or more airbags and all components required to ensure that an airbag works as designed by the vehicle manufacturer, including both of the following: (1) The airbag operates as designed in the event of a crash. (2) The airbag is designed in accordance with federal motor vehicle safety standards for the specific make, model, and year of the motor vehicle in which it is or will be installed.

2. N.C. Gen. Stat. § 20-4.01(4b) defines a "**counterfeit supplemental restraint system component**" as a replacement supplemental restraint system component, including an airbag, that displays a mark identical to, or substantially similar to, the genuine mark of a motor vehicle manufacturer or supplier of parts to the manufacturer of a motor vehicle, without authorization from the manufacturer or supplier.

3. N.C. Gen. Stat. § 20-4.01(23a) defines "**nonfunctional airbag**" as a replacement airbag that meets any of the following criteria: (1) the airbag was previously deployed or damaged; (2) the airbag has an electric fault that is detected by the vehicle's airbag diagnostic systems when the installation procedure is completed and the vehicle is returned to the customer who requested the work to be performed or when ownership is intended to be transferred; (3) the airbag includes a part or object, including a supplemental restraint system component that is installed in a motor vehicle to mislead the owner or operator of the motor vehicle into believing that a functional airbag has been installed; or (4) the airbag is subject to the prohibitions of 49 U.S.C. § 30120(j).

4. N.C. Gen. Stat. § 20-4.01(1) defines "**airbag**" as a motor vehicle inflatable occupant restraint system device that is part of a supplemental restraint system.

305.10 VOLUNTARY INTOXICATION, LIQUOR OR DRUGS—IN GENERAL.

You may find there is evidence which tends to show that the defendant was [intoxicated] [drugged] at the time of the acts alleged in this case. Generally, [voluntary intoxication] [a voluntary drugged condition] is not a legal excuse for crime.

However, if you find that the defendant was [intoxicated] [drugged], you should consider whether this condition affected the defendant's ability to formulate the specific intent which is required for conviction of (*name crime*). In order for you to find the defendant guilty of (*name crime*), you must find beyond a reasonable doubt that the defendant had the specific intent required to commit this crime.¹ If, as a result of [intoxication] [a drugged condition], the defendant did not have the required specific intent, you must find the defendant not guilty of (*name crime*).

(The law does not require any specific intent for the defendant to be guilty of the crime(s) of (*name lesser included offense(s) not requiring specific intent*). Thus, the defendant's [intoxication] [drugged condition] can have no bearing upon your determination of the defendant's guilt or innocence of [this] [these] crime(s).)^{2 3}

Therefore, upon considering the evidence with respect to the defendant's [intoxication] [drugged condition], you have a reasonable doubt as to whether the defendant formulated the specific intent required for conviction of (*name crime*), you will not return a verdict of guilty of (*name crime*).

1. For example: "In order for you to find the defendant guilty of the crime of assault with intent to commit rape, you must find, beyond a reasonable doubt, that the defendant had the specific intent to have sexual relations with the victim notwithstanding any resistance she might offer."

2. These parenthetical sentences are to be used only when instructions as to such lesser included offense(s) are given elsewhere.

3. See *State v. Meader*, 838 S.E.2d 643 (N.C. Ct. App. 2020).

306.10 ACCEPTED MEDICAL PURPOSE (DEFENSE TO FIRST AND SECOND-
DEGREE SEXUAL OFFENSES INVOLVING PENETRATION).

Where evidence is offered that tends to show that penetration was for an accepted medical purpose and you find that the penetration of the victim was in fact for an accepted medical purpose, the defendant would not be guilty of any crime, even though the defendant penetrated the victim. An act is for an accepted medical purpose only where the defendant can show the act was clearly [done for a purpose generally approved or accepted by a physician] [done for purposes accepted in the medical field or in the practice of medicine].¹ Such an act does not have to be performed by a medical professional to be for an accepted medical purpose.

When the defendant asserts that the penetration was for an accepted medical purpose, the defendant is, in effect, denying the existence of those facts, which the State must prove beyond a reasonable doubt in order to convict the defendant. The burden is on the State to prove those essential facts and, in so doing, disprove the defendant's assertion of an accepted medical purpose. The State must satisfy you beyond a reasonable doubt that the penetration was not for an accepted medical purpose before you may return a verdict of guilty.

NOTE WELL: Add to final mandate at end:

Now members of the jury, bear in mind that the burden of proof rests upon the State to establish the guilt of the defendant beyond a reasonable doubt. If you find from the evidence that the penetration was for an accepted medical purpose; that is, the defendant has shown that the act was clearly [done for a purpose generally approved or accepted by a physician] [done for purposes accepted in the medical field or in the practice of medicine], then

you would find that the penetration of the victim was for an accepted medical
purpose, and it would be your duty to return a verdict of not guilty.

1. See *State v. Stepp*, 367 N.C. 772, 767 S.E.2d 324 (2015) (adopting the dissent
from *State v. Stepp*, 232 N.C. App. 132, 753 S.E.2d 485 (2014)).

307.11 ACCIDENT (DEFENSE IN CASES OTHER THAN HOMICIDE).

When evidence has been offered that tends to show that the alleged assault was accidental and you find that the injury was in fact accidental, the defendant would not be guilty of any crime even though the defendant's acts were responsible for the alleged victim's injury. An injury is accidental¹ if it is unintentional, occurs during the course of lawful conduct, and does not involve culpable negligence. Culpable negligence is such gross negligence or carelessness as imparts a thoughtless disregard of consequences or a heedless indifference to the safety and rights of others. When the defendant asserts that the alleged victim's injury was the result of an accident the defendant is, in effect, denying the existence of those facts which the state must prove beyond a reasonable doubt in order to convict the defendant. The burden is on the state to prove those essential facts and in so doing disprove the defendant's assertion of accidental injury. The State must satisfy you beyond a reasonable doubt that the alleged victim's injury was not accidental before you may return a verdict of guilty.

NOTE WELL: Add to the final mandate at end:

Or if you fail to find beyond a reasonable doubt that the injury to the alleged victim was not accidental, it would be your duty to return a verdict of not guilty.

1. See *State v. Bediz*, 837 S.E.2d 188 (N.C. Ct. App. 2019).

308.40 SELF-DEFENSE—ASSAULTS NOT INVOLVING DEADLY FORCE.

NOTE WELL: Use only with N.C.P.I.—Crim. 208.40, 208.40A, 208.70, 208.70A, 208.75, and 208.60 when no evidence of deadly force.¹

*NOTE WELL: The trial judge is reminded that this instruction must be combined with the substantive offense instruction in the following manner: (1) the jury should be instructed on the elements of the charged offense; (2) the jury should then be instructed on the definition of self-defense set out in this instruction below; (3) the jury should then be instructed on the mandate of the charged offense; and (4) the jury should be instructed on the mandate for self-defense as set out below in this instruction. **THE FAILURE TO CHARGE ON ALL OF THESE MATTERS CONSTITUTES REVERSIBLE ERROR.***

NOTE WELL: If the assault occurred in defendant's home, place of residence, workplace or motor vehicle, use N.C.P.I.—Crim. 308.80, Defense of Habitation.

If the State has satisfied you beyond a reasonable doubt that the defendant assaulted the victim then you would consider whether the defendant's actions are excused and the defendant is not guilty because the defendant acted in self-defense. The State has the burden of proving from the evidence beyond a reasonable doubt that the defendant's action was not in self-defense.

Even if you find beyond a reasonable doubt that the defendant assaulted the victim, the assault would be justified by self-defense under the following circumstances:

- (1) If the circumstances, at the time the defendant acted, would cause a person of ordinary firmness to reasonably believe that such action was necessary or apparently necessary to protect that person from bodily injury or offensive physical contact, and

- (2) The circumstances created such belief in the defendant's mind. You determine the reasonableness of the defendant's belief from the circumstances appearing to the defendant at the time.²

Furthermore, the defendant has no duty to retreat in a place where the defendant has a lawful right to be.³ (The defendant would have a lawful right to be in the defendant's [home]⁴ [own premises] [place of residence] [workplace]⁵ [motor vehicle]⁶.)

NOTE WELL: The preceding parenthetical should only be given where the place involved was the defendant's [home] [own premises] [place of residence] [workplace] [motor vehicle].⁷

Additionally, even if the defendant believed there was a right to use force, the amount of force would be limited to reasonable force—not excessive force. The right to use force extends only to such force reasonably appearing to the defendant under the circumstances, necessary to protect the defendant from bodily injury or offensive physical contact. In so determining, you should consider the circumstances you find to have existed from the evidence. You should consider (the size, age and strength of the defendant as compared to the victim), (the fierceness of the assault, if any, upon the defendant), (whether the victim possessed a weapon), (the reputation, if any, of the victim for danger and violence) (and) (*describe other circumstances supported by the evidence*). Again, you determine the reasonableness of the defendant's belief from the circumstances appearing to the defendant at the time.

(Furthermore, self-defense is justified only if the defendant was not the aggressor.⁸ Justification for defensive force is not present if the person who used defensive force voluntarily entered into the fight or, in other words, initially provoked the use of force against [himself] [herself]. If one uses abusive language toward one's opponent which, considering all of the

circumstances, is calculated and intended to bring on a fight, one enters a fight voluntarily. However, if the defendant was the aggressor, the defendant would be justified in using defensive force if the defendant thereafter attempted to abandon the fight and gave notice to the defendant's opponent that the defendant was doing so. In other words, a person who uses defensive force is justified if the person withdraws, in good faith, from physical contact with the person who was provoked, and indicates clearly that [he] [she] desires to withdraw and terminate the use of force, but the person who was provoked continues or resumes the use of force.⁹⁾

NOTE WELL: Instructions on aggressors and provocation should only be used if there is some evidence presented that defendant provoked the confrontation. See N.C. Gen. Stat. § 14-51.4(2). If no such evidence is presented, the preceding parenthetical and reference to the aggressor throughout this instruction would not be given. In addition, the remainder of the instruction, including the mandate, would need to be edited accordingly to remove references to the aggressor.

*NOTE WELL: The following self-defense mandate must be given after the mandate on the substantive offense(s). **INCLUDING THE SELF-DEFENSE MANDATE IS REQUIRED BY STATE V. WOODSON**, 31 N.C. APP. 400 (1976). Cf. State v. Dooley, 285 N.C. 158 (1974).*

SELF-DEFENSE MANDATE

Even if you are satisfied beyond a reasonable doubt that the defendant committed (*name offense*) you may return a verdict of guilty only if the State has also satisfied you beyond a reasonable doubt that the defendant did not act in self-defense. Therefore, if the defendant did not reasonably believe that the defendant's action was necessary or appeared to be necessary to protect the defendant from bodily injury or offensive physical contact, or the defendant used excessive force, or the defendant was the aggressor, the defendant's acts would not be excused or justified in defense of the defendant.

If you do not so find or have a reasonable doubt that the State has proved any of these things, then the defendant's action would be justified by self-defense and it would be your duty to return a verdict of not guilty.

1. Deadly force is force likely to cause death or great bodily harm. *S. v. Clay*, 297 N.C. 555, 563 (1979). For any assault involving deadly force, use N.C.P.I.—Crim. 308.45 to charge on self-defense. Such assaults include all felonious assaults, misdemeanor assaults such as assault with a deadly weapon, assault by pointing a gun, and may include assault inflicting serious injury. *See also State v. Pender*, 830 S.E.2d 686 (2019).

2. In self-defense, action need only be apparently necessary, not actually. *See, e.g., State v. Jennings*, 276 N.C. 157 (1970).

3. *See* N.C.P.I.—Crim. 308.10.

4. N.C. Gen. Stat. § 14-51.2 (a) (1) states that a home is a “building or conveyance of any kind, to include its curtilage, whether the building or conveyance is temporary or permanent, mobile or immobile, which has a roof over it, including a tent, and is designed as a temporary or permanent residence.” Curtilage is the area “immediately surrounding and associated with the home,” which may include “the yard around the dwelling house as well as the area occupied by barns, cribs, and other outbuildings.” *State v. Grice*, 367 N.C. 753, 759 (2015) (citations and quotations omitted) (defining curtilage in a Fourth Amendment case).

5. N.C. Gen. Stat. § 14-51.2 (a) (4) states that a workplace is a “building or conveyance of any kind, whether the building or conveyance is temporary or permanent, mobile or immobile, which has a roof over it, including a tent, which is being used for commercial purposes.”

6. N.C. Gen. Stat. § 14-51.2 (a) (3); which incorporates N.C. Gen. Stat. § 20-4.01 (23), defines “motor vehicle” as “Every vehicle which is self-propelled and every vehicle designed to run upon the highways which is pulled by a self-propelled vehicle. This shall not include mopeds as defined in N.C. Gen. Stat. § 20-4.01(27)d1.”

7. **“[W]herever an individual is lawfully located—whether it is his home, motor vehicle, workplace, or any other place where he has the lawful right to be—the individual may stand his ground and defend himself from attack when he reasonably believes such force is necessary to prevent imminent death or great bodily harm to himself or another.” *State v. Bass*, 371 N.C. 456, 541, 819 S.E.2d 322, 326 (2018). “[A] defendant entitled to any self-defense instruction is entitled to a complete self-defense instruction, which includes the relevant stand-your-ground provision.” *Id.***

8. N.C. Gen. Stat. § 14-51.4(2). *See also* N.C. Gen. Stat. § 14-51.3 (b), which provides that a person who uses force as permitted by the statute is justified in using such force and is immune from civil or criminal liability, unless the person against whom force was used is a law enforcement officer or bail bondsman “who was lawfully acting in the performance of his or her official duties and the officer or bail bondsman identified himself or herself in accordance with any applicable law or the person using force knew or reasonably should have known that the person was a law enforcement officer or bail bondsman in the lawful performance of his or her official duties.”

9. Pursuant to N.C. Gen. Stat. § 14-51.4(1), self-defense is also not available to a person who used defensive force and who was [attempting to commit] [committing] [escaping after the commission of] a felony. If evidence is presented on this point, then the instruction should be modified accordingly to add this provision.

308.45 SELF-DEFENSE—ALL ASSAULTS INVOLVING DEADLY FORCE.

NOTE WELL: This charge is intended for use with N.C.P.I.—Crim. 208.09, 208.10, 208.15, 208.16, 208.25, 208.50, 208.55, 208.85, and 208.60 where the evidence shows that the defendant used deadly force.¹

*NOTE WELL: The trial judge is reminded that this instruction must be combined with the substantive offense instruction in the following manner: (1) the jury should be instructed on the elements of the charged offense; (2) the jury should then be instructed on the definition of self-defense set out in this instruction below; (3) the jury should then be instructed on the mandate of the charged offense; and (4) the jury should be instructed on the mandate for self-defense as set out below in this instruction. **THE FAILURE TO CHARGE ON ALL OF THESE MATTERS CONSTITUTES REVERSIBLE ERROR.***

NOTE WELL: If the assault occurred in defendant's home, place of residence, workplace or motor vehicle, use N.C.P.I.—Crim. 308.80, Defense of Habitation.

If the State has satisfied you beyond a reasonable doubt that the defendant assaulted the victim with deadly force (*insert other lesser-included assault offenses*), then you would consider whether the defendant's actions are excused and the defendant is not guilty because the defendant acted in self-defense. The State has the burden of proving from the evidence beyond a reasonable doubt that the defendant's action was not in self-defense.

If the circumstances would have created a reasonable belief in the mind of a person of ordinary firmness that the assault was necessary or appeared to be necessary to protect that person from imminent death or great bodily harm, and the circumstances did create such belief in the defendant's mind at the time the defendant acted, such assault would be justified by self-defense.² You, the jury, determine the reasonableness of the defendant's belief from the circumstances appearing to the defendant at the time. Furthermore, the defendant has no duty to retreat in a place where the

defendant has a lawful right to be.³ (The defendant would have a lawful right to be in the defendant's [home]⁴ [own premises] [place of residence] [workplace]⁵ [motor vehicle]⁶.)

NOTE WELL: The preceding parenthetical should only be given where the place involved was the defendant's [home] [own premises] [place of residence] [workplace] [motor vehicle].

A defendant does not have the right to use excessive force. The defendant had the right to use only such force as reasonably appeared necessary to the defendant under the circumstances to protect the defendant from death or great bodily harm. In making this determination, you should consider the circumstances as you find them to have existed from the evidence, (including the size, age and strength of the defendant as compared to the victim), (the fierceness of the assault, if any, upon the defendant), (whether the victim possessed a weapon), (and the reputation, if any, of the victim for danger and violence) (*describe other circumstances as appropriate from the evidence*). Again, you, the jury, determine the reasonableness of the defendant's belief from the circumstances appearing to the defendant at the time.

(Furthermore, self-defense is justified only if the defendant was not the aggressor.⁷ Justification for defensive force is not present if the person who used defensive force voluntarily entered into the fight or, in other words, initially provoked the use of force against [himself] [herself]. If one uses abusive language toward one's opponent which, considering all of the circumstances, is calculated and intended to bring on a fight, one enters a fight voluntarily. However, if defendant was the aggressor, the defendant would be justified in using defensive force if the defendant thereafter attempted to abandon the fight and gave notice to the defendant's opponent that the defendant was doing so. In other words, a person who uses defensive

force is justified if the person withdraws, in good faith, from physical contact with the person who was provoked, and indicates clearly that [he] [she] desires to withdraw and terminate the use of force, but the person who was provoked continues or resumes the use of force. A person is also justified in using defensive force when the force used by the person who was provoked is so serious that the person using defensive force reasonably believes that [he] [she] was in imminent danger of death or serious bodily harm, the person using defensive force had no reasonable means to retreat, and the use of force likely to cause death or serious bodily harm was the only way to escape the danger.⁸⁾

NOTE WELL: Instructions on aggressors and provocation should only be used if there is some evidence presented that defendant provoked the confrontation. See N.C. Gen. Stat. § 14-51.4(2). If no such evidence is presented, the preceding parenthetical and reference to the aggressor throughout this instruction would not be given. In addition, the remainder of the instruction, including the mandate, would need to be edited accordingly to remove references to the aggressor.

See State v. Holloman, 369 N.C. 615 (2017), reversing, 247 N.C. App. 434, 786 S.E.2d 328 (2016). The Supreme Court in Holloman explained that G.S. 14-51.4(2)(a), allowing an aggressor to regain the right to utilize defensive force under certain circumstances, does not apply where the aggressor initially uses deadly force against the person provoked. Accordingly, the trial court did not err by instructing that a defendant who was the aggressor using deadly force had forfeited the right to use deadly force and that a person who displays a firearm to his opponent with the intent to use deadly force against him or her and provokes the use of deadly force in response is an aggressor. See also State v. Corbett, 839 S.E. 2d 361 (N.C. Ct. App. 2020).

NOTE WELL: If the defendant used a weapon which is a deadly weapon "per se," do not give the following paragraph, or the paragraph on page 5. If the weapon is not a deadly weapon per

se, give the following paragraph and the paragraph on p. 5. State v. Clay, 297 N.C. 555, 566 (1979).

(If you find from the evidence beyond a reasonable doubt that the defendant assaulted the victim, but not with a deadly weapon or other deadly force, that the circumstances would create a reasonable belief in the mind of a person of ordinary firmness that the action was necessary or appeared to be necessary to protect that person from bodily injury or offensive physical contact, and the circumstances did create such belief in the defendant's mind at the time the defendant acted, the assault would be justified by self-defense—even though the defendant was not thereby put in actual danger of death or great bodily harm. However, the force used must not have been excessive. Furthermore, self-defense is an excuse only if the defendant was not the aggressor.)

*NOTE WELL: The following self-defense mandate must be given after the mandate on the substantive offense(s). **INCLUDING THE SELF-DEFENSE MANDATE IS REQUIRED BY STATE V. WOODSON**, 31 N.C. APP. 400 (1976). Cf. State v. Dooley, 285 N.C. 158 (1974).*

SELF-DEFENSE MANDATE

Therefore I instruct you, if you are satisfied beyond a reasonable doubt that the defendant committed (*name offense, including appropriate lesser included offenses*),⁹ you may return a verdict of guilty only if the State has satisfied you beyond a reasonable doubt that the defendant's action was not in self-defense; that is, that the defendant did not reasonably believe that the assault was necessary or appeared to be necessary to protect the defendant from death or serious bodily injury, or that the defendant used excessive force, or that the defendant was the aggressor. If you do not so find or have a reasonable doubt that the State has proved any of these things, then the

defendant's action would be justified by self-defense and it would be your duty to return a verdict of not guilty.

NOTE WELL: Do not give the following paragraph if the defendant used a weapon, which is a deadly weapon "per se."

(Therefore, I instruct you, if you are satisfied beyond a reasonable doubt that the defendant committed (*name offense, including appropriate lesser included offenses*),¹⁰ you may return a verdict of guilty only if the State has satisfied you beyond a reasonable doubt that the defendant did not reasonably believe that the assault was necessary or appeared to be necessary to protect the defendant from bodily injury or offensive physical contact, or that the defendant used excessive force, or was the aggressor. If you do not so find or have a reasonable doubt that the State has proved one or more of these things, then the defendant's action would be justified by self-defense and it would be your duty to return a verdict of not guilty.)

1. Deadly force is any force likely to cause death or great bodily harm. *S. v. Clay*, 297 N.C. 555, 563 (1979). For any assault not involving deadly force, use N.C.P.I.—Crim. 308.40 to charge on self-defense. *See also State v. Pender*, 830 S.E.2d 686 (2019).

2. This instruction is intended to cover the rule of law that action in self-defense need only be apparently, not actually, necessary. *See, e.g., State v. Jennings*, 276 N.C. 157 (1970).

3. *See* N.C.P.I.—Crim. 308.10; “[W]herever an individual is lawfully located—whether it is his home, motor vehicle, workplace, or any other place where he has the lawful right to be—the individual may stand his ground and defend himself from attack when he reasonably believes such force is necessary to prevent imminent death or great bodily harm to himself or another.” *State v. Bass*, 371 N.C. 456, 541, 819 S.E.2d 322, 326 (2018). “[A] defendant entitled to *any* self-defense instruction is entitled to a *complete* self-defense instruction, which includes the relevant stand-your-ground provision.” *Id.*

4. N.C. Gen. Stat. § 14-51.2 (a) (1) states that a home is a “building or conveyance of any kind, to include its curtilage, whether the building or conveyance is temporary or permanent, mobile or immobile, which has a roof over it, including a tent, and is designed as a temporary or permanent residence.” Curtilage is the area “immediately surrounding and associated with the home,” which may include “the yard around the dwelling house as well as the area occupied by barns, cribs, and other outbuildings.” *State v. Grice*, 367 N.C. 753, 759 (2015) (citations and quotations omitted) (defining curtilage in a Fourth Amendment case).

5. N.C. Gen. Stat. § 14-51.2 (a) (4) states that a workplace is a “building or conveyance of any kind, whether the building or conveyance is temporary or permanent, mobile or immobile, which has a roof over it, including a tent, which is being used for commercial purposes.”

6. N.C. Gen. Stat. § 14-51.2 (a) (3); which incorporates N.C. Gen. Stat. § 20-4.01 (23), defines “motor vehicle” as “Every vehicle which is self-propelled and every vehicle designed to run upon the highways which is pulled by a self-propelled vehicle. This shall not include mopeds as defined in N.C. Gen. Stat. § 20-4.01(27)d1.”

7. See *State v. Juarez*, 794 S.E.2d 293,299 (N.C. 2016) (holding when there is no evidence that a defendant was the initial aggressor, it is reversible error for the trial court to instruct on the aggressor doctrine, and concluding that it was unnecessary to decide whether an instruction on the aggressor doctrine was improper because the defendant failed to show that the alleged error was so fundamentally prejudicial as to constitute plain error.)

See also N.C. Gen. Stat. § 14-51.3 (b), which provides that a person who uses force as permitted by the statute is justified in using such force and is immune from civil or criminal liability, unless the person against whom force was used is a law enforcement officer or bail bondsman “who was lawfully acting in the performance of his or her official duties and the officer or bail bondsman identified himself or herself in accordance with any applicable law or the person using force knew or reasonably should have known that the person was a law enforcement officer or bail bondsman in the lawful performance of his or her official duties.”

8. Pursuant to N.C. Gen. Stat. § 14-51.4(1), self-defense is also not available to a person who used defensive force and who was [attempting to commit] [committing] [escaping after the commission of] a felony. If evidence is presented on this point, then the instruction should be modified accordingly to add this provision.

9. Name all offenses that involve the use of deadly force.

10. Name only those lesser included offenses which do not involve the use of a deadly weapon force, e.g., those covered in N.C.P.I.—208.40, 208.60, 208.70, and 208.75.

308.80 DEFENSE OF [HABITATION] [WORKPLACE] [MOTOR VEHICLE]—
HOMICIDE AND ASSAULT.

*NOTE WELL: The use of force, including deadly force, is justified when the defendant is acting to prevent a forcible entry into the defendant's home, other place of residence, workplace, or motor vehicle, or to terminate an intruder's unlawful entry. See G.S. 14-51.1. This instruction is designed to be used instead of, or together with, the self-defense instructions which are incorporated in the murder charges (N.C.P.I.—Crim. 206.10, 206.11, 206.30), and those in N.C.P.I.—Crim. 308.40 or 308.45. See State v. Kuhns, 260 N.C. App. 281, 817 S.E.2d 828, 832 (2018), holding that a **"rebuttable presumption of lawfulness applies if the person against whom defensive force is used 'was in the process of unlawfully and forcefully entering, or had unlawfully and forcibly entered, a home,' and the person using the defensive force knew or had reason to believe that 'an unlawful entry . . . was occurring or had occurred.'"** (quoting N.C. Gen. Stat. § 14-51.2(b)(1)-(2)).*

*NOTE WELL: The trial judge is reminded that this instruction must be combined with the substantive offense instruction in the following manner: (1) the jury should be instructed on the elements of the charged offense; (2) the jury should then be instructed on the definition of defense of habitation set out in this instruction below; (3) the jury should then be instructed on the mandate of the charged offense; and (4) the jury should then be instructed on the mandate for defense of habitation as set out below in this instruction. **THE FAILURE TO CHARGE ON ALL OF THESE MATTERS CONSTITUTES REVERSIBLE ERROR.***

*NOTE WELL: The defense of habitation mandate must be given **after** the mandate on the substantive offense(s). **SEE STATE V. WOODSON**, 31 N.C. APP. 400 (1976). Cf. State v. Dooley, 285 N.C. 158 (1974) (**discussing the requirement of a self-defense mandate**).*

If the defendant [killed] [assaulted] the alleged victim to prevent a forcible entry into the defendant's [home]¹ [place of residence] [workplace]²

[motor vehicle]³, or to terminate the intruder's unlawful entry, the defendant's actions are excused and the defendant is not guilty. The State has the burden of proving from the evidence beyond a reasonable doubt that the defendant did not act in the lawful defense of the defendant's [home] [place of residence] [workplace] [motor vehicle].

The defendant was justified in using (deadly) force⁴ if:

- (1) such force was being used to [prevent a forcible entry] [terminate the intruder's unlawful entry] into the defendant's [home] [place of residence] [workplace] [motor vehicle]; and
- (2) the defendant reasonably believed that the intruder [would kill or inflict serious bodily harm to the defendant or others in the [home] [place of residence] [workplace] [motor vehicle]]⁵ [intended to commit a felony in the [home] [place of residence] [workplace] [motor vehicle]]⁶.

A lawful occupant within a [home] [place of residence] [workplace] [motor vehicle] does not have a duty to retreat from an intruder in these circumstances.⁷ Furthermore, a "person who unlawfully and by force enters or attempts to enter a person's [home] [place of residence] [workplace] [motor vehicle] is presumed to be doing so with the intent to commit an unlawful act involving force or violence."⁸ In addition, (absent evidence to the contrary)⁹, the lawful occupant of a [home] [place of residence] [workplace] [motor vehicle] is presumed to have held a reasonable fear of imminent death or serious bodily harm to [himself] [herself] or another when using defensive force that is intended or likely to cause death or serious bodily harm to another if both of the following apply: (1) The person against whom the defensive force was used was in the process of unlawfully and forcefully entering, or had

unlawfully and forcibly entered, a [home] [place of residence] [workplace]
[motor vehicle], or if that person had removed or was attempting to remove
another person against that person's will from the [home] [place of residence]
[workplace] [motor vehicle]; and (2) The person who uses defensive force
knew or had reason to believe that an unlawful and forcible entry or unlawful
and forcible act was occurring or had occurred.¹⁰

It is for you, the jury, to determine the reasonableness of the
defendant's belief from the circumstances as they appeared to the defendant
at the time.

DEFENSE OF HABITATION MANDATE

If you find from the evidence beyond a reasonable doubt that the
defendant [killed] [assaulted] the alleged victim you may return a verdict of
guilty only if the State has satisfied you beyond a reasonable doubt that the
defendant did not act in the lawful defense of the defendant's [home] [place
of residence] [workplace] [motor vehicle], that is,

- (1) that the defendant did not use such force to [prevent a forcible
entry] [terminate the intruder's unlawful entry] into the defendant's
[home] [place of residence] [workplace] [motor vehicle]; and
- (2) that the defendant did not reasonably believe that the intruder
[would kill or inflict serious bodily harm to the defendant or others
in the [home] [place of residence] [workplace] [motor vehicle]]
[intended to commit a felony in the [home] [place of residence]
[workplace] [motor vehicle]]¹¹.

If you do not so find, or if you have a reasonable doubt that the State
has proved any one or more of these things, then the defendant would be

justified in defending the [home] [place of residence] [workplace] [motor vehicle], and it would be your duty to return a verdict of not guilty.

1. N.C. Gen. Stat. § 14-51.2 (a) (1) states that a home is a “building or conveyance of any kind, to include its curtilage, whether the building or conveyance is temporary or permanent, mobile or immobile, which has a roof over it, including a tent, and is designed as a temporary or permanent residence.” Curtilage is the area “immediately surrounding and associated with the home,” which may include “the yard around the dwelling house as well as the area occupied by barns, cribs, and other outbuildings.” *State v. Grice*, 367 N.C. 753, 759 (2015) (citations and quotations omitted) (defining curtilage in a Fourth Amendment case).

2. N.C. Gen. Stat. § 14-51.2 (a) (4) states that a workplace is a “building or conveyance of any kind, whether the building or conveyance is temporary or permanent, mobile or immobile, which has a roof over it, including a tent, which is being used for commercial purposes.”

3. N.C. Gen. Stat. § 14-51.2 (a) (3); which incorporates N.C. Gen. Stat. § 20-4.01 (23), defines “motor vehicle” as “Every vehicle which is self-propelled and every vehicle designed to run upon the highways which is pulled by a self-propelled vehicle. This shall not include mopeds as defined in N.C. Gen. Stat. § 20-4.01(27)d1.”

4. See N.C. Gen. Stat. § 14-51.4. The justification described in N.C. Gen. Stat. §§ 14-51.2 and 14-51.3 is not available to a person who used defensive force and who: “(1) Was attempting to commit, committing, or escaping after the commission of a felony; or (2) Initially provokes the use of force against himself or herself. However, the person who initially provokes the use of force against himself or herself will be justified in using defensive force if either of the following occur: a. The force used by the person who was provoked is so serious that the person using defensive force reasonably believes that he or she was in imminent danger of death or serious bodily harm, the person using defensive force had no reasonable means to retreat, and the use of force which is likely to cause death or serious bodily harm to the person who was provoked was the only way to escape the danger. b. The person who used defensive force withdraws, in good faith, from physical contact with the person who was provoked, and indicates clearly that he or she desires to withdraw and terminate the use of force, but the person who was provoked continues or resumes the use of force.” If evidence is presented to show the preceding, then this instruction should be modified accordingly.

5. N.C. Gen. Stat. § 14-51.3 (a) (1).

6. N.C. Gen. Stat. § 14-51.2 (e) states that a person is not justified in using (deadly) force where the “person against whom force was used is a law enforcement officer or bail bondsman who was lawfully acting in the performance of his or her official duties and the officer or bail bondsman identified himself or herself in accordance with any applicable law or the person using force knew or reasonably should have known that the person was a law enforcement officer or bail bondsman in the lawful performance of his or her official duties.” N.C. Gen. Stat. § 14-51.2 (a) (2) defines law enforcement officers as “any person employed or appointed as a full-time, part-time, or auxiliary law enforcement officers, correctional officer, probation officer, post-release supervision officer, or parole officer.”

If the defendant instigated or provoked an intrusion, the defendant cannot rely on the defense that the degree of force used by the defendant was reasonably necessary.

7. N.C. Gen. Stat. § 14-51.2 (f) states “a lawful occupant within his or her home, motor vehicle, or workplace does not have a duty to retreat from an intruder in the circumstances described in this section.” The defendant can stand the defendant’s ground and repel force with force regardless of the character of the assault being made upon the defendant. (N.C.P.I.—Crim. 308.10). “[W]herever an individual is lawfully located—whether it is his home, motor vehicle, workplace, or any other place where he has the lawful right to be—the individual may stand his ground and defend himself from attack when he reasonably believes such force is necessary to prevent imminent death or great bodily harm to himself or another.” *State v. Bass*, 371 N.C. 456, 541, 819 S.E.2d 322, 326 (2018). “[A] defendant entitled to *any* self-defense instruction is entitled to a *complete* self-defense instruction, which includes the relevant stand-your-ground provision.” *Id.*

8. N.C. Gen. Stat. § 14-51.2 (d).

9. This parenthetical should be used where there is evidence presented to rebut the presumption.

10. N.C. Gen. Stat. § 14-51.2 (b). Pursuant to N.C. Gen. Stat. § 14-51.2(c), the presumption in (b) does not apply in any of the following circumstances: “(1) The person against whom the defensive force is used has the right to be in or is a lawful resident of the home, motor vehicle, or workplace, such as an owner or lessee, and there is not an injunction for protection from domestic violence or a written pretrial supervision order of no contact against that person. (2) The person sought to be removed from the home, motor vehicle, or workplace is a child or grandchild or is otherwise in the lawful custody or under the lawful guardianship of the person against whom the defensive force is used. (3) The person who uses defensive force is engaged in, attempting to escape from, or using the home, motor vehicle, or workplace to further any criminal offense that involves the use or threat of physical force or violence against any individual. (4) The person against whom the defensive force is used is a law enforcement officer or bail bondsman who enters or attempts to enter a home, motor vehicle, or workplace in the lawful performance of his or her official duties, and the officer or bail bondsman identified himself or herself in accordance with any applicable law or the person using force knew or reasonably should have known that the person entering or attempting to enter was a law enforcement officer or bail bondsman in the lawful performance of his or her official duties. (5) The person against whom the defensive force is used (i) has discontinued all efforts to unlawfully and forcefully enter the home, motor vehicle, or workplace and (ii) has exited the home, motor vehicle, or workplace.” If the State presents evidence to rebut this presumption, then this instruction should be edited accordingly. For instance, language like the following could be added: If you find that the defendant was (*describe rebuttal evidence presented by State*), then this presumption would not apply.

11. See *also* N.C. Gen. Stat. § 14-51.3 (b), which provides that a person who uses force as permitted by the statute is justified in using such force and is immune from civil or criminal liability, unless the person against whom force was used is a law enforcement officer or bail bondsman “who was lawfully acting in the performance of his or her official duties and the officer or bail bondsman identified himself or herself in accordance with any applicable law or the person using force knew or reasonably should have known that the person was a law enforcement officer or bail bondsman in the lawful performance of his or her official duties.”

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