**T.P.I. – CRIM. 10.29**

**INDECENT EXPOSURE**

Any person who commits the offense of indecent exposure is guilty of a crime.

For you to find the defendant guilty of this offense, the state must have proven beyond a reasonable doubt the existence of the following essential elements:

[Part A:

1. That the defendant was *[in a public place] [on the private premises of another, or so near thereto as to be seen from the private premises]*;

**and**

1. That the defendant intentionally exposed [his] [her] *[genitals] [buttocks]* to another;

**or**

1. That the defendant intentionally engaged in *[sexual contact] [sexual penetration]*;

**and**

1. That the defendant reasonably expected that the acts will be viewed by another;

**and**

1. The acts will offend an ordinary viewer:

**or**

1. The acts are for the purpose of sexual arousal and gratification of the defendant.

[Part B:

1. That the Defendant was eighteen years of age or older;

**and**

1. That the Defendant knowingly *[invited] [enticed] [fraudulently induced]* the child of another into the defendant's residence;

**and**

1. That the child was less than thirteen years of age;

**and**

1. That the defendant intentionally exposed [his] [her] *[genitals] [buttocks] [female breasts]* in the presence of the child;

**or**

1. That the defendant intentionally masturbated in the presence of the child;

**and**

1. That the defendant performed said act for the purpose of attaining sexual arousal or gratification.

[Part C:

1. That the Defendant was eighteen years of age or older;

**and**

1. That the defendant, in [his] [her] own residence, intentionally exposed [his] [her] *[genitals] [buttocks] [female breasts]* in the intended presence of a child;

**or**

1. That the defendant, in [his] [her] own residence, intentionally masturbated in the intended presence of a child;

**and**

1. That the defendant performed said act for the purpose of attaining sexual arousal or gratification;

**and**

1. That the child was less than thirteen years of age.

[Part D:

(a) That the defendant was eighteen years of age or older;

**and**

(b) That the defendant knowingly *[invited] [enticed] [fraudulently induced]* a minor into the defendant's residence;

**and**

(c)That the minor was less thirteen years of age but no more than seventeen years of age;

**and**

1. That the defendant intentionally exposed [his] [her] *[genitals] [buttocks] [female breasts]* in the presence of the minor;

**or**

1. That the defendant intentionally masturbated in the presence of the minor;

**and**

1. That the defendant performed said act for the purpose of attaining sexual arousal or gratification;

**and**

1. That the defendant performed said act without the consent of the minor.

[Part E:

1. That the Defendant was eighteen years of age or older;

**and**

1. That the defendant, in [his] [her]own residence, intentionally exposed [his] [her] *[genitals] [buttocks] [female breasts]* in the intended presence of a minor;

**or**

1. That the defendant, in [his] [her]own residence, intentionally masturbated in the intended presence of a minor;

**and**

1. That the defendant performed said act for the purpose of attaining sexual arousal or gratification;

**and**

1. That the defendant performed said act without the consent of the minor;

**and**

1. That the minor was less thirteen years of age but no more than seventeen years of age.

[Part F:

1. That the defendant is confined in a penal institution;

**and**

1. That the defendant, acting with the intent to *[abuse] [torment] [harass] [embarrass]* a *[guard] [staff member]*;

**and**

1. intentionally exposes [his] [her]genitals or buttocks to a *[guard] [staff member]*

**or**

1. engages in sexual contact.

[“Public place” means a place to which the public or a group of persons has access and includes, but is not limited to, highways, transportation facilities, schools, places of amusement, parks, places of business, playgrounds and hallways, lobbies, and other portions of apartment houses and hotels not constituting rooms or apartments designed for actual residence, and a restroom, locker room, dressing room, or shower, designated for multi-person, single-sex use. An act is deemed to occur in a public place if it produces its offensive or proscribed consequences in a public place.]

[“Sexual contact” includes the intentional touching of the victim's, the defendant's, or any other person's intimate parts, or the intentional touching of the clothing covering the immediate area of the victim's, the defendant's, or any other person's intimate parts, if that intentional touching can be reasonably construed as being for the purpose of sexual arousal or gratification.]

[“Sexual penetration” means sexual intercourse, cunnilingus, fellatio, anal intercourse, or any other intrusion, however slight, of any part of a person's body or of any object into the genital or anal openings of the victim's, the defendant's, or any other person's body, but emission of semen is not required.]

[“Consent” means \_\_\_\_\_\_\_\_\_\_\_\_.]

[“Penal institution” includes any institution or facility used to house or detain a person: (A) Convicted of a crime; (B) Adjudicated delinquent by a juvenile court; (C) Who is in direct or indirect custody after a lawful arrest; or (D) When such institution or facility is a court-operated long-term residential substance abuse facility.]

[“Guard” means any sheriff, jailer, guard, correctional officer, or other authorized personnel charged with the custody of the person.]

[“Staff member” means any other person employed by a penal institution or who performs ongoing services in a penal institution, including, but not limited to, clergy, educators, and medical professionals.]

“Knowingly” means that a person acts knowingly with respect to the conduct or to circumstances surrounding the conduct when the person is aware of the nature of the conduct or that the circumstances exist. A person acts knowingly with respect to a result of the person's conduct when the person is aware that the conduct is reasonably certain to cause the result.

The requirement of “knowingly” is also established if it is shown that the defendant acted intentionally.

“Intentionally” means that a person acts intentionally with respect to the nature of the conduct or to a result of the conduct when it is the person's conscious objective or desire to engage in the conduct or cause the result.