

Ala. Code 1975, § 13A-6-68

Indecent Exposure

The defendant is charged with indecent exposure.

A person commits the crime of indecent exposure if, with intent to arouse or gratify sexual desire of himself/herself or of any person other than his/her spouse, he/she exposes his/her genitals under circumstances in which he/she knows his/her conduct is likely to cause affront or alarm in any public place or on the private premises of another or so near thereto as to be seen from such private premises.

To convict, the State must prove beyond a reasonable doubt each of the following elements:

- (1) The defendant exposed his/her genitals;
- (2) The defendant did so under circumstances in which he/she knew his/her conduct was likely to cause affront or alarm;
 - (a) In a public place **[Describe]**;
 - (b) On the private premises of another **[Describe]**; **(OR)**
 - (c) So near the private premises of another as to be seen from such private premises **[Describe]**; **(AND)**
- (3) The defendant acted with intent to arouse or gratify sexual desire of himself/herself or of a person other than his/her spouse.

A person acts *intentionally* with respect to a result or to conduct described by a statute defining an offense when his/her purpose is to cause that result or to engage in that conduct. [13A-2-2(1)]

A person acts *knowingly* with respect to conduct or to a circumstance described by a statute defining an offense he/she is aware that his/her conduct is of that nature or that the circumstance exists. [13A-2-2(2)]

If you find from the evidence that the State has proved beyond a reasonable doubt each of the above elements of indecent exposure, then you shall find the defendant guilty of indecent exposure.

If you find that the State has failed to prove any one or more of the elements of the offense of indecent exposure, then you cannot find the defendant guilty of indecent exposure.

[If lesser-included offenses are included, the Court should instruct on those offenses at this point.]

[Approved 9-2-15.]