

1 **14-949. Criminal sexual penetration in the second degree; force or coercion; personal injury;**
2 **essential elements.¹**

3 For you to find the defendant guilty of criminal sexual penetration causing personal injury
4 [as charged in Count _____]², the state must prove to your satisfaction beyond a reasonable
5 doubt each of the following elements of the crime:

6 1. The defendant³
7 [caused _____ (*name of victim*) to engage in _____⁴];
8 [OR]
9 [caused the insertion, to any extent, of a _____⁵ into the _____⁶ of
10 _____ (*name of victim*);]

11 2. [The defendant used physical force or physical violence;]³
12 [OR]
13 [The defendant (used threats of physical force or physical violence against
14 _____ (*name of victim or other person*))³ (OR) (threatened to
15 _____⁷); AND _____ (*name of victim*) believed that the
16 defendant would carry out the threat;]

17 [OR]
18 [_____ (*name of victim*) was (unconscious)³ (asleep) (physically
19 helpless) (suffering from a mental condition so as to be incapable of understanding the nature or
20 consequences of what the defendant was doing); AND the defendant knew or had reason to know
21 of the condition of _____ (*name of victim*);]

22 3. The defendant's acts resulted in _____⁸;

23 [4. The defendant's act was unlawful;]⁹

- 1 [As amended, effective January 20, 2005; as amended by Supreme Court Order No. S-1-RCR-
- 2 2025-00126, effective for all cases pending or filed on or after December 31, 2025.]
- 3 **Committee commentary.** — *See* committee commentary under UJI 14-946 NMRA.