

1 **14-970. Indecent exposure; essential elements.**

2 For you to find the defendant guilty of indecent exposure [as charged in Count
3 _____]¹, the state must prove to your satisfaction beyond a reasonable doubt each
4 of the following elements of the crime:

5 1. The defendant knowingly and intentionally exposed [~~his~~ ~~her~~] the defendant's
6 _____² to public view;

7 2. This happened in New Mexico on or about the _____ day of
8 _____, _____.

9 USE NOTES

10 1. Insert the count number if more than one count is charged.

11 2. Name the part or parts of the anatomy exposed: i.e., “mons pubis,” “penis,”
12 “testicles,” “mons veneris,” “vulva” or “vagina.” The applicable definition or definitions from UJI
13 14-981 NMRA must be given after this instruction.

14 [As amended, effective September 1, 1994; as amended by Supreme Court Order No. 13-
15 8300-023, effective for all cases pending or filed on or after December 31, 2013; as amended by
16 Supreme Court Order No. S-1-RCR-2025-00126, effective for all cases pending or filed on or after
17 December 31, 2025.]

18 **Committee commentary.** — *See* Section 30-9-14 NMSA 1978; petty misdemeanor or
19 misdemeanor.

20 Indecent exposure was a common-law offense. Some jurisdictions have held that it is a
21 specific intent crime while others have held that a conviction may be based on criminal negligence.
22 *See* Perkins, Criminal Law 395 (2d ed. 1969).

1 For a discussion of the term “indecent,” *see State v. Minns*, 80 N.M. 269, 454 P.2d 355 (Ct.
2 App. 1969).

3 The scope of the term “public” is not defined in the statute. The committee decided that
4 this term meant “any group of persons who would ordinarily expect to be protected against a visual
5 assault.” The ordinary use of a public restroom, for example, is not contemplated as within the
6 purview of the prohibition.

7 [As amended by Supreme Court Order No. 13-8300-023~~], effective for all cases pending or filed~~
8 ~~on or after December 31, 2013~~]; as amended by Supreme Court Order No. S-1-RCR-2025-00126.]