

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 and against the will of the other person]
- b) [the victim 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].

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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 and against the will of the other person]
- b) [the victim 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 that, 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.