

207.90A SEXUAL BATTERY. (OFFENSES ON OR AFTER DEC. 1, 2015)  
MISDEMEANOR.

*NOTE WELL: Use this instruction for offenses committed on or after December 1, 2015. For offenses committed before December 1, 2015, use N.C.P.I.—Crim. 207.90.*

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]]

Second, that

- a. [the contact was by force and against the will of the other person]
- b. [the alleged victim had a [mental disability] [was mentally incapacitated] [was physically helpless] and the defendant [knew] [should reasonably have known] that the alleged victim [had a mental disability] [was mentally incapacitated] [was physically helpless],

And Third, that the defendant acted for the purpose of [sexual arousal] [sexual gratification] [sexual abuse].

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 the defendant acted for the purpose of [sexual arousal] [sexual gratification] [sexual abuse] and that

- a) [the contact was by force and against the will of the other person]
- b) [the alleged victim had a [mental disability] [was mentally incapacitated] [was physically helpless]] and the defendant [knew] [should reasonably have known] that the alleged victim [had a mental disability] [was mentally incapacitated] [was physically helpless],

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.