

**14-925. Criminal sexual contact of a minor in the [third] [second] degree; child under thirteen (13); essential elements.**

For you to find the defendant guilty of criminal sexual contact of a child under the age of thirteen (13) [as charged in Count \_\_\_\_\_]<sup>1</sup>, the state must prove to your satisfaction beyond a reasonable doubt each of the following elements of the crime:

1. The defendant  
[touched or applied force to the [unclothed] \_\_\_\_\_<sup>2</sup> of  
\_\_\_\_\_ (*name of victim*);]<sup>3</sup>

[OR]  
[caused \_\_\_\_\_ (*name of victim*) to touch the \_\_\_\_\_<sup>2</sup>  
of the defendant;]

2. \_\_\_\_\_ (*name of victim*) was a child under the age of thirteen  
(13);

[3. The defendant's act was unlawful;]<sup>4</sup>

4. This happened in New Mexico on or about the \_\_\_\_\_ day of

\_\_\_\_\_, \_\_\_\_\_.

**USE NOTES**

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

2. Name one or more of the following parts of the anatomy touched: "buttocks," "breast," "groin," "anus," "mons pubis," "penis," "testicles," "mons veneris," or "vulva." When definitions are provided in UJI 14-981 NMRA, they must be given after the instruction; otherwise, no definition need be given unless the jury requests one.

3. Use only the applicable alternative or alternatives.

4. Use the bracketed element if the evidence raises a genuine issue of the unlawfulness of the defendant's actions. If this element is given, UJI 14-132 NMRA, "unlawful defined," must be given after this instruction.

[As amended, effective October 1, 1992; January 20, 2005; as amended by Supreme Court Order No. 10-8300-039, effective December 31, 2010; as amended by Supreme Court Order No. 18-8300-012, effective for all cases pending or filed on or after December 31, 2018.]