

intent to [(abuse) (humiliate) (harass) (degrade) _____] [(arouse) (gratify) the sexual desire of _____], by inducing a belief by (artifice) (pretense) (concealment) that the said accused was another person.

(d) *Without consent.*

In that _____ (personal jurisdiction data), did (at/on board—location) (subject-matter jurisdiction data, if required), on or about _____ 20____, [(touch) (cause ____ to touch)] [(directly) (through the clothing)] the (vulva) (penis) (scrotum) (anus) (groin) (breast) (inner thigh) (buttocks) of _____, with [(_____'s body part) (an object), to wit: _____] with an intent to [(abuse) (humiliate) (harass) (degrade) _____] [(arouse) (gratify) the sexual desire of _____] without the consent of _____.

(e) *Of a person who is asleep, unconscious, or otherwise unaware the act is occurring.*

In that _____ (personal jurisdiction data), did (at/on board—location) (subject-matter jurisdiction data, if required), on or about _____ 20____, [(touch) (cause ____ to touch)] [(directly) (through the clothing)] the (vulva) (penis) (scrotum) (anus) (groin) (breast) (inner thigh) (buttocks) of _____, with [(_____'s body part) (an object), to wit: _____] with an intent to [(abuse) (humiliate) (harass) (degrade) _____] [(arouse) (gratify) the sexual desire of _____], when (he) (she) (knew) (reasonably should have known) that _____ was (asleep) (unconscious) (unaware the sexual contact was occurring due to _____).

(f) *When that person is incapable of consenting.*

In that _____ (personal jurisdiction data), did (at/on board—location) (subject-matter jurisdiction data, if required), on or about _____ 20____, [(touch) (cause ____ to touch)] [(directly) (through the clothing)] the (vulva) (penis) (scrotum) (anus) (groin) (breast) (inner

thigh) (buttocks) of _____, with [(_____'s body part) (an object), to wit: _____] with an intent to [(abuse) (humiliate) (harass) (degrade) _____] [(arouse) (gratify) the sexual desire of _____], when _____ was incapable of consenting to the sexual contact because (he) (she) [was impaired by (a drug, to wit: _____) (an intoxicant, to wit: _____) (_____)] [had a (mental disease, to wit: _____) (mental defect, to wit: _____) (physical disability, to wit: _____)] and the accused (knew) (reasonably should have known) of that condition.”

(k) Paragraph 63.b. is amended to read as follows:

“b. *Elements.*

(1) *Indecent viewing.*

- (a) That the accused, without legal justification or lawful authorization, knowingly and wrongfully viewed the private area of another person;
- (b) That said viewing was without the other person's consent; and
- (c) That said viewing took place under circumstances in which the other person had a reasonable expectation of privacy.

(2) *Indecent recording.*

- (a) That the accused, without legal justification or lawful authorization, knowingly recorded (photographed, videotaped, filmed, or recorded by any means) the private area of another person;
- (b) That said recording was without the other person's consent; and
- (c) That said recording was made under circumstances in which the other person had a reasonable expectation of privacy.

(3) *Broadcasting of an indecent recording.*