

N.C.P.I.—Crim. 238.17B
INDECENT EXPOSURE TO A MINOR IN A PRIVATE RESIDENCE OF WHICH
THE DEFENDANT IS NOT A RESIDENT. MISDEMEANOR.
GENERAL CRIMINAL VOLUME
MARCH 2024
N.C. Gen. Stat. § 14-190.9(a4)

238.17B INDECENT EXPOSURE TO A MINOR IN A PRIVATE RESIDENCE OF
WHICH THE DEFENDANT IS NOT A RESIDENT. MISDEMEANOR.

The defendant has been charged with indecent exposure to a minor in a private residence of which the defendant is not a resident.¹

For you to find the defendant guilty of this offense, the State must prove four things beyond a reasonable doubt.

First, that the defendant willfully exposed [his] [her] private parts.²

Second, that the exposure occurred in a private residence of which the defendant was not a resident.

Third, that the exposure was in the presence of a minor.³ A minor is an individual who is less than 18 years old and is not married or judicially emancipated.⁴

Fourth, that at the time of the exposure the defendant was at least 18 years old.

And Fifth, that the alleged victim was a resident of that private residence.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant willfully exposed [his] [her] private parts in a private residence of which the defendant was not a resident, the exposure was in the presence of a minor, that at the time of the exposure the defendant was at least 18 years old, and the alleged victim was a resident of that private residence, 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.

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1. The statute also punishes aiding, abetting or procuring such an act, as well as the owner, etc. of any premises in which such an act is knowingly hired.

2. The term “private parts” refers to the genital or excretory organs. A female breast is not a private part. *State v. Jones*, 7 N.C. App. 166 (1970). Where there is a dispute as to what was exposed, and one of the things is not a private part, the jury should be instructed as to what is or is not a private part.

3. The victim need not actually see what is being exposed. *State v. Fly*, 348 N.C. 356 (1998); *State v. Fusco*, 136 N.C. App. 268, 523 S.E.2d 741 (1999).

4. See N.C. Gen. Stat. § 14-190.13.