**T.P.I. CRIM. 39.03**

**AGGRAVATED UNLAWFUL PHOTOGRAPHING OF A MINOR**

Any person who commits the offense of aggravated unlawful photographing of a minor is guilty of a crime. For you to find the defendant guilty of this offense, the state must have proven beyond a reasonable doubt the existence of the following essential

elements:

(1) that the defendant *[photographed a minor] [caused a minor to be*

*photographed]* when the minor had a reasonable expectation of

privacy;

and

(2) that the photograph depicted the minor in a state of nudity;

and

(3) that the photograph was taken for the purpose of sexual arousal or

gratification of the defendant;

and

(4) that the defendant acted knowingly.

“Nudity” means the showing of the human male or female genitals, pubic

area, or buttocks with less than a fully opaque covering or the showing of the female breast with less than a fully opaque covering of any portion below the top of the nipple, or the depiction of covered male genitals in a discernibly turgid state.

“Photograph” means any photograph or photographic reproduction, whether taken using digital media or conventional film, still or moving, or any videotape, live television transmission, or social media broadcast of any individual.

"Knowingly" means that a person acts knowingly with respect to the conduct or to circumstances surrounding the conduct when the person is aware of the nature of the conduct or that the circumstances exist. A person acts knowingly with respect to a result of the person's conduct when the person is aware that the conduct is reasonably certain to cause the result.

The requirement of "knowingly" is also established if it is shown that the defendant acted intentionally.

"Intentionally" means that a person acts intentionally with respect to the nature of the conduct or to a result of the conduct when it is the person's conscious objective or desire to engage in the conduct or cause the result.