**T.P.I. -- CRIM. 10.12(a)**

**Aggravated Rape of a Child**

Any person who commits the offense of aggravated rape of a child 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 had unlawful sexual penetration of the alleged victim or the alleged victim had unlawful sexual penetration of the defendant;

and

(2) (a) **[for offenses committed on or after 7/1/06 but prior to 7/1/20]** that the alleged victim was three (3) years of age or less;

or

(b) **[for offenses committed on or after 7/1/20]** that the alleged victim was eight (8) years of age or less;

and

(3) that the defendant acted either intentionally, knowingly or recklessly.

["Cunnilingus" means a sex act accomplished by placing the mouth or tongue on or in the vagina of another.]

["Fellatio" means a sex act accomplished with the male sex organ and the mouth or lips of another. Intrusion into the alleged victim’s mouth is not required.]

"Sexual penetration" means sexual intercourse, cunnilingus, fellatio, anal intercourse, or any other intrusion, however slight, of any part of a person's body or of any object into the genital or anal openings of the alleged victim's, the defendant's, or any other person's body, but emission of semen is not required.

"Victim" means the person alleged to have been subjected to criminal sexual conduct.

"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.

"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.

"Recklessly" means that a person acts recklessly with respect to circumstances surrounding the conduct or the result of the conduct when the person is aware of, but consciously disregards, a substantial and unjustifiable risk that the circumstances exist or the result will occur. The risk must be of such a nature and degree that its disregard constitutes a gross deviation from the standard of care that an ordinary person would exercise under all the circumstances as viewed from the accused person's standpoint.