Article 120 ¶60.a.(a)(2)

(personal jurisdiction data), (at/on

period while the accused was on temporary duty outside commuting distance might constitute culpable negligence.

(6) Duty required. The duty of care is determined by the totality of the circumstances and may be established by statute, regulation, legal parent-child relationship, mutual agreement, or assumption of control or custody by affirmative act. When there is no duty of care of a child, there is no offense under this paragraph. Thus, there is no offense when a stranger makes no effort to feed a starving child or an individual not charged with the care of a child does not prevent the child from running and playing in the street.

d. Maximum punishment.

- (1) Endangerment by design resulting in grievous bodily harm. Dishonorable discharge, forfeiture of all pay and allowances, and confinement for 8 years.
- (2) Endangerment by design resulting in harm. Dishonorable discharge, forfeiture of all pay and allowances, and confinement for 5 years.
- (3) Other cases by design. Dishonorable discharge, forfeiture of all pay and allowances and confinement for 4 years.
- (4) Endangerment by culpable negligence resulting in grievous bodily harm. Dishonorable discharge, forfeiture of all pay and allowances, and confinement for 3 years.
- (5) Endangerment by culpable negligence resulting in harm. Bad-conduct discharge, forfeiture of all pay and allowances, and confinement for 2 years.
- (6) Other cases by culpable negligence. Bad-conduct discharge, forfeiture of all pay and allowances, and confinement for 1 year.
- e. Sample specifications.
 - (1) Resulting in grievous bodily harm.

In that(pe	ersonal jurisdiction data),
(at/on board—location) (s	subject-matter jurisdiction
data, if required) on or abo	out 20 , had a duty
for the care of, a	
years and did endanger the	
health) (safety) (welfare) of	
(leaving the said	
quarters for over	
adult present in the home) (l	
care for the said	
(), and that such	n conduct (was by design)
(constituted culpable negli	gence) (which resulted in
grievous bodily harm, to	- / .
(broken leg) (deep cut) (frac	

((2)	Resul	lting	in	harm.
٠,		1100000			

In that

board—location) (subject-matter jurisdiction data, if
required) on or about 20, had a duty for
the care of, a child under the age of 16
years, and did endanger the (mental health) (physical
health) (safety) (welfare) of said, by
(leaving the said unattended in (his) (her)
quarters for over (hours) (days) with no
adult present in the home) (by failing to obtain medical
care for the said's diabetic condition)
(), and that such conduct (was by
design) (constituted culpable negligence) (which
resulted in (harm, to wit:) (a black eye)
(bloody nose) (minor cut)).
(3) Other cases.
In that(personal jurisdiction data),
(at/on board—location) (subject-matter jurisdiction
data, if required) on or about 20, was
responsible for the care of, a child under
the age of 16 years, and did endanger the (mental
health) (physical health) (safety) (welfare) of
said, by (leaving the said
unattended in (his) (her) quarters for over

60. Article 120 (10 U.S.C. 920)—Rape and sexual assault generally

(hours) (days) with no adult present in the home) (by

failing to obtain medical care for the said

's diabetic condition) (

and that such conduct (was by design) (constituted

[Note: This statute applies to offenses committed on or after 1 January 2019. Previous versions of Article 120 are located as follows: for offenses committed on or before 30 September 2007, see Appendix 20; for offenses committed during the period 1 October 2007 through 27 June 2012, see Appendix 21; for offenses committed during the period 28 June 2012 through 31 December 2018, see Appendix 22.]

a. Text of statute.

culpable negligence).

- (a) RAPE.—Any person subject to this chapter who commits a sexual act upon another person by—
- (1) using unlawful force against that other person;
- (2) using force causing or likely to cause death or grievous bodily harm to any person;

¶60.a.(a)(3) Article 120

- (3) threatening or placing that other person in fear that any person will be subjected to death, grievous bodily harm, or kidnapping;
- (4) first rendering that other person unconscious; or
- (5) administering to that other person by force or threat of force, or without the knowledge or consent of that person, a drug, intoxicant, or other similar substance and thereby substantially impairing the ability of that other person to appraise or control conduct;

is guilty of rape and shall be punished as a courtmartial may direct.

- (b) SEXUAL ASSAULT.—Any person subject to this chapter who—
- (1) commits a sexual act upon another person by—
- (A) threatening or placing that other person in fear;
- (B) making a fraudulent representation that the sexual act serves a professional purpose; or
- (C) inducing a belief by any artifice, pretense, or concealment that the person is another person;
 - (2) commits a sexual act upon another person—
- (A) without the consent of the other person; or
- (B) when the person knows or reasonably should know that the other person is asleep, unconscious, or otherwise unaware that the sexual act is occurring;
- (3) commits a sexual act upon another person when the other person is incapable of consenting to the sexual act due to—
- (A) impairment by any drug, intoxicant, or other similar substance, and that condition is known or reasonably should be known by the person; or
- (B) a mental disease or defect, or physical disability, and that condition is known or reasonably should be known by the person;

is guilty of sexual assault and shall be punished as a court-martial may direct.

(c) AGGRAVATED SEXUAL CONTACT.— Any person subject to this chapter who commits or causes sexual contact upon or by another person, if to do so would violate subsection (a) (rape) had the sexual contact been a sexual act, is guilty of aggravated sexual contact and shall be punished as a court-martial may direct.

- (d) ABUSIVE SEXUAL CONTACT.—Any person subject to this chapter who commits or causes sexual contact upon or by another person, if to do so would violate subsection (b) (sexual assault) had the sexual contact been a sexual act, is guilty of abusive sexual contact and shall be punished as a court-martial may direct.
- (e) PROOF OF THREAT.—In a prosecution under this section, in proving that a person made a threat, it need not be proven that the person actually intended to carry out the threat or had the ability to carry out the threat.
- (f) DEFENSES.—An accused may raise any applicable defenses available under this chapter or the Rules for Court-Martial. Marriage is not a defense for any conduct in issue in any prosecution under this section.
 - (g) DEFINITIONS.—In this section:
- (1) SEXUAL ACT.—The term "sexual act" means—
- (A) the penetration, however slight, of the penis into the vulva or anus or mouth;
- (B) contact between the mouth and the penis, vulva, scrotum, or anus; or
- (C) the penetration, however slight, of the vulva or penis or anus of another by any part of the body or any object, with an intent to abuse, humiliate, harass, or degrade any person or to arouse or gratify the sexual desire of any person.
- (2) SEXUAL CONTACT.—The term "sexual contact" means touching, or causing another person to touch, either directly or through the clothing, the vulva, penis, scrotum, anus, groin, breast, inner thigh, or buttocks of any person, with an intent to abuse, humiliate, harass, or degrade any person or to arouse or gratify the sexual desire of any person. Touching may be accomplished by any part of the body or an object.
- (3) GRIEVOUS BODILY HARM.—The term "grievous bodily harm" means serious bodily injury. It includes fractured or dislocated bones, deep cuts, torn members of the body, serious damage to internal organs, and other severe bodily injuries. It does not include minor injuries such as a black eye or a bloody nose.
 - (4) FORCE.—The term "force" means—

Article 120 ¶60.b.(2)(b)

- (A) the use of a weapon;
- (B) the use of such physical strength or violence as is sufficient to overcome, restrain, or injure a person; or
- (C) inflicting physical harm sufficient to coerce or compel submission by the victim.
- (5) UNLAWFUL FORCE.—The term "unlawful force" means an act of force done without legal justification or excuse.
- (6) THREATENING OR PLACING THAT OTHER PERSON IN FEAR.—The term "threatening or placing that other person in fear" means a communication or action that is of sufficient consequence to cause a reasonable fear that non-compliance will result in the victim or another person being subjected to the wrongful action contemplated by the communication or action.

(7) CONSENT.—

- (A) The term "consent" means a freely given agreement to the conduct at issue by a competent person. An expression of lack of consent through words or conduct means there is no consent. Lack of verbal or physical resistance does not constitute consent. Submission resulting from the use of force, threat of force, or placing another person in fear also does not constitute consent. A current or previous dating or social or sexual relationship by itself or the manner of dress of the person involved with the accused in the conduct at issue does not constitute consent.
- (B) A sleeping, unconscious, or incompetent person cannot consent. A person cannot consent to force causing or likely to cause death or grievous bodily harm or to being rendered unconscious. A person cannot consent while under threat or in fear or under the circumstances described in subparagraph (B) or (C) of subsection (b)(1).
- (C) All the surrounding circumstances are to be considered in determining whether a person gave consent.
- (8) INCAPABLE OF CONSENTING.—The term "incapable of consenting" means the person is—
- (A) incapable of appraising the nature of the conduct at issue; or
- (B) physically incapable of declining participation in, or communicating unwillingness to engage in, the sexual act at issue.

b. Elements.

- (1) *Rape*.
 - (a) By unlawful force.
- (i) That the accused committed a sexual act upon another person; and
 - (ii) That the accused did so with unlawful force.
- (b) By force causing or likely to cause death or grievous bodily harm.
- (i) That the accused committed a sexual act upon another person; and
- (ii) That the accused did so by using force causing or likely to cause death or grievous bodily harm to any person.
- (c) By threatening or placing that other person in fear that any person would be subjected to death, grievous bodily harm, or kidnapping.
- (i) That the accused committed a sexual act upon another person; and
- (ii) That the accused did so by threatening or placing that other person in fear that any person would be subjected to death, grievous bodily harm, or kidnapping.
- (d) By first rendering that other person unconscious.
- (i) That the accused committed a sexual act upon another person; and
- (ii) That the accused did so by first rendering that other person unconscious.
- (e) By administering a drug, intoxicant, or other similar substance.
- (i) That the accused committed a sexual act upon another person; and
- (ii) That the accused did so by administering to that other person by force or threat of force, or without the knowledge or consent of that person, a drug, intoxicant, or other similar substance and thereby substantially impairing the ability of that other person to appraise or control conduct.
 - (2) Sexual assault.
- (a) By threatening or placing that other person in fear.
- (i) That the accused committed a sexual act upon another person; and
- (ii) That the accused did so by threatening or placing that other person in fear.
 - (b) By fraudulent representation.

- (i) That the accused committed a sexual act upon another person; and
- (ii) That the accused did so by making a fraudulent representation that the sexual act served a professional purpose.
 - (c) By artifice, pretense, or concealment.
- (i) That the accused committed a sexual act upon another person; and
- (ii) That the accused did so by inducing a belief by any artifice, pretense, or concealment that the accused was another person.
 - (d) Without consent.
- (i) That the accused committed a sexual act upon another person; and
- (ii) That the accused did so without the consent of the other person.
- (e) Of a person who is asleep, unconscious, or otherwise unaware the act is occurring.
- (i) That the accused committed a sexual act upon another person;
- (ii) That the other person was asleep, unconscious, or otherwise unaware that the sexual act was occurring; and
- (iii) That the accused knew or reasonably should have known that the other person was asleep, unconscious, or otherwise unaware that the sexual act was occurring.
- (f) When the other person is incapable of consenting.
- (i) That the accused committed a sexual act upon another person;
- (ii) That the other person was incapable of consenting to the sexual act due to:
- (A) Impairment by any drug, intoxicant or other similar substance; or
- (B) A mental disease or defect, or physical disability; and
- (iii) That the accused knew or reasonably should have known of that condition.
 - (3) Aggravated sexual contact.
 - (a) By force.
- (i) That the accused committed sexual contact upon or by another person; and
 - (ii) That the accused did so with unlawful force.
- (b) By force causing or likely to cause death or grievous bodily harm.

- (i) That the accused committed sexual contact upon another person; and
- (ii) That the accused did so by using force causing or likely to cause death or grievous bodily harm to any person.
- (c) By threatening or placing that other person in fear that any person would be subjected to death, grievous bodily harm, or kidnapping.
- (i) That the accused committed sexual contact upon another person; and
- (ii) That the accused did so by threatening or placing that other person in fear that any person would be subjected to death, grievous bodily harm, or kidnapping.
- (d) By first rendering that other person unconscious.
- (i) That the accused committed sexual contact upon another person; and
- (ii) That the accused did so by first rendering that other person unconscious.
- (e) By administering a drug, intoxicant, or other similar substance.
- (i) That the accused committed sexual contact upon another person; and
- (ii) That the accused did so by administering to that other person by force or threat of force, or without the knowledge or consent of that person, a drug, intoxicant, or other similar substance and thereby substantially impairing the ability of that other person to appraise or control conduct.
 - (4) Abusive sexual contact.
- (a) By threatening or placing that other person in fear.
- (i) That the accused committed sexual contact upon or by another person; and
- (ii) That the accused did so by threatening or placing that other person in fear.
 - (b) By fraudulent representation.
- (i) That the accused committed sexual contact upon another person; and
- (ii) That the accused did so by making a fraudulent representation that the sexual act served a professional purpose.
 - (c) By artifice, pretense, or concealment.
- (i) That the accused committed sexual contact upon another person; and

Article 120 ¶60.e.(1)(b)

- (ii) That the accused did so by inducing a belief by any artifice, pretense, or concealment that the accused was another person.
 - (d) Without consent.
- (i) That the accused committed sexual contact upon another person; and
- (ii) That the accused did so without the consent of the other person.
- (e) Of a person who is asleep, unconscious, or otherwise unaware the contact is occurring.
- (i) That the accused committed sexual contact upon another person;
- (ii) That the other person was asleep, unconscious, or otherwise unaware that the sexual contact was occurring; and
- (iii) That the accused knew or reasonably should have known that the other person was asleep, unconscious, or otherwise unaware that the sexual contact was occurring.
- (f) When the other person is incapable of consenting.
- (i) That the accused committed sexual contact upon another person;
- (ii) That the other person was incapable of consenting to the sexual contact due to:
- (A) Impairment by any drug, intoxicant or other similar substance; or
- (B) A mental disease or defect, or physical disability; and
- (iii) That the accused knew or reasonably should have known of that condition.

c. Explanation.

- (1) In general. Sexual offenses have been separated into three statutes: offenses against adults (Art. 120), offenses against children (Art. 120b), and other offenses (Art. 120c).
- (2) *Definitions*. The terms are defined in subparagraph 60.a.(g).
- (3) Victim sexual behavior or predisposition and privilege. See Mil. R. Evid. 412 concerning rules of evidence relating to the sexual behavior or predisposition of the victim of an alleged sexual offense. See Mil. R. Evid. 514 concerning rules of evidence relating to privileged communications between the victim and victim advocate.
- (4) Scope of "threatening or placing that other person in fear." For purposes of this offense, the phrase

"wrongful action" within Article 120(g)(6) (defining "threatening or placing that other person in fear") includes an abuse of military rank, position, or authority in order to engage in a sexual act or sexual contact with a victim. This includes, but is not limited to, threats to initiate an adverse personnel action unless the victim submits to the accused's requested sexual act or contact; and threats to withhold a favorable personnel action unless the victim submits to the accused's requested sexual act or sexual contact. Superiority in rank is a factor in, but not dispositive of, whether a reasonable person in the position of the victim would fear that his or her noncompliance with the accused's desired sexual act or sexual contact would result in the threatened wrongful action contemplated by the communication or action.

d. Maximum punishment.

- (1) Rape. Forfeiture of all pay and allowances and confinement for life without eligibility for parole. Mandatory minimum Dismissal or dishonorable discharge.
- (2) Sexual assault. Forfeiture of all pay and allowances, and confinement for 30 years. Mandatory minimum Dismissal or dishonorable discharge.
- (3) Aggravated sexual contact. Dishonorable discharge, forfeiture of all pay and allowances, and confinement for 20 years.
- (4) Abusive sexual contact. Dishonorable discharge, forfeiture of all pay and allowances, and confinement for 7 years.
- e. Sample specifications.
 - (1) *Rape*.
 - (a) By force.

in that (personal jurisdiction	on data), did
(at/on board—location) (subject-matter	jurisdiction
data, if required), on or about2	0, commit
a sexual act upon by	[penetrating
's (vulva) (anus) (mo	
's penis] [causing contact	et between
's mouth and's (pe	enis) (vulva)
(scrotum) (anus)] [penetrating	_'s (vulva)
(penis) (anus) with ('s body part) (
wit:, with an intent to [(abuse]) (humiliate)
(harass) (degrade)] [(arouse) ((gratify) the
sexual desire of]], by using unl	lawful force.
(b) By force causing or likely to car	ise death or

grievous bodily harm.

In that _____ (personal jurisdiction data), did

In that _____ (personal jurisdiction data), did (at/on board—location) (subject-matter jurisdiction

¶60.e.(1)(c) Article 120

data, if required), on or about 20,	commit a sexual act upon by
commit a sexual act upon by [penetrating	[nenetrating 's (vulva) (anus) (mouth)
's (vulva) (anus) (mouth) with	with''s penis] [causing contact between
's penis] [causing contact between	's mouth and 's (penis) (vulva)
's mouth and 's (penis) (vulva)	(scrotum) (anus)] [penetrating's (vulva) (penis) (anus) with ('s body part) (an object) to wit:, with an intent to [(abuse)
(scrotum) (anus)] [penetrating''s (vulva) (penis) (anus) with (''s body part) (an	(penis) (anus) with ('s body part) (an
(penis) (anus) with ('s body part) (an	object) to wit:, with an intent to [(abuse)
object) to wit:, with an intent to [(abuse)	(humiliate) (harass) (degrade)] [(arouse)
(humiliate) (harass) (degrade) [(arouse)	(gratify) the sexual desire of]], by
(gratify) the sexual desire of]], by using	administering to (by force) (by threat of
force likely to cause death or grievous bodily harm to	force) (without the knowledge or permission of
, to wit:	a (drug) (intoxicant) (list other similar
(c) By threatening or placing that other person in	substance), to wit:, thereby substantially impairing the ability of to appraise or
fear that any person would be subjected to death,	impairing the ability ofto appraise or
grievous bodily harm, or kidnapping.	control (his) (her) conduct.
In that (personal jurisdiction data), did	(2) Sexual assault.
(at/on board—location) (subject-matter jurisdiction	(a) By threatening or placing that other person in
data, if required), on or about 20, commit a sexual act upon by [penetrating	fear.
commit a sexual act upon by [penetrating	In that (personal jurisdiction data), did
's (vulva) (anus) (mouth) with [causing contact between	(at/on board—location) (subject-matter jurisdiction
s penis Leausing contact betweens mouth and's (penis) (vulva)	data, if required), on or about20, commit
(scrotum) (anus) [nenetrating 's (vulva)	a sexual act upon, by [penetrating
(scrotum) (anus)] [penetrating's (vulva) (penis) (anus) with ('s body part) (an	's vulva) (anus) (mouth) with 's penis] [causing contact between
object) to wit:, with an intent to [(abuse)	's penis] [causing contact between
(humiliate) (harass) (degrade) [(arouse)	's penis] [causing contact between's mouth and's (penis) (vulva) (scrotum) (anus)] [penetrating 's (vulva)
(gratify) the sexual desire of], by	(scrotum) (anus)] [penetrating's (vulva) (penis) (anus) with ('s body part) (an
(threatening) (placing in fear) that	object) to wit:, with an intent to [(abuse)
would be subjected to (death) (grievous	(humiliate) (harass) (degrade)] [(arouse)
bodily harm) (kidnapping).	(gratify) the sexual desire of], by
(d) By first rendering that other person	(threatening) (placing in fear).
unconscious.	(b) By fraudulent representation.
In that (personal jurisdiction data), did	
(at/on board—location) (subject-matter jurisdiction	In that (personal jurisdiction data), did (at/on board—location) (subject-matter jurisdiction
data, if required), on or about 20,	data, if required), on or about20, commit
commit a sexual act upon by [penetrating	a sexual act upon, by [penetrating
's (vulva) (anus) (mouth) with	's (vulva) (anus) (mouth) with
's penis causing contact between	's penis] [causing contact between
's mouth and's (penis)	's mouth and's (penis) (vulva)
(vulva) (scrotum) (anus)] [penetrating's	(scrotum) (anus)] [penetrating''s (vulva)
(vulva) (penis) (anus) with ('s body part) (an	(penis) (anus) with ('s body part) (an object) to
object) to wit:, with an intent to [(abuse)	wit:, with an intent to [(abuse) (humiliate)
(humiliate) (harass) (degrade)] [(arouse)	(harass) (degrade)] [(arouse) (gratify) the
(gratify) the sexual desire of]], by first	sexual desire of]], by making a fraudulent
rendering unconscious by	representation that the sexual act served a professional
(e) By administering a drug, intoxicant, or other	purpose, to wit:
similar substance.	(c) By false pretense.
In that (personal jurisdiction data), did	In that (personal jurisdiction data), did
(at/on board—location) (subject-matter jurisdiction	(at/on board—location) (subject-matter jurisdiction
data, if required), on or about 20,	data if required) on or about 20 commit

Article 120 ¶60.e.(3)(c)

a sexual act upon, by [penetrating', constant with, by [penetrating, by [penetrating, by [penetrating, by [penetrating], by [penetrating, by [penetrating], by [penetrating]	's mouth and's (penis) (vulva) (scrotum) (anus)] [penetrating's (vulva)
's penis] [causing contact between	(penis) (anus) with ('s body part) (an object) to
's mouth and's (penis) (vulva)	wit:, with an intent to [(abuse) (humiliate)
(scrotum) (anus)] [penetrating''s (vulva) (penis) (anus) with ('s body part) (an object) to	(harass) (degrade)] [(arouse) (gratify) the sexual desire of], whenwas
wit: , with an intent to [(abuse) (humiliate)	incapable of consenting to the sexual act because (he)
(harass) (degrade) [(arouse) (gratify) the	(she) [was impaired by (a drug, to wit:
sexual desire of]], by inducing a belief by	(an intoxicant, to wit:) ()] [had a
(artifice) (pretense) (concealment) that the said	(an intoxicant, to wit:) ()] [had a (mental disease, to wit:) (mental defect
accused was another person.	to wit:) (physical disability, to
(d)Without consent.	wit:)], and the accused (knew) (reasonably
In that (personal jurisdiction data), did	should have known) of that condition. (3) Aggravated sexual contact.
(at/on board—location) (subject-matter jurisdiction data, if required), on or about20, commit	(a) By force.
a sexual act upon, by [penetrating	
''s (vulva) (anus) (mouth) with	In that (personal jurisdiction data), did (at/on board—location) (subject-matter jurisdiction
's penis] [causing contact between	data, if required), on or about 20 , (touch)
's mouth and's (penis) (vulva)	(cause to touch) the (vulva) (penis) (scrotum)
(scrotum) (anus),] [penetrating's (vulva)	(anus) (groin) (breast) (inner thigh) (buttocks)
(penis) (anus) with ('s body part) (an object) to	of, with [('s body part) (an object) to
wit:, with an intent to [(abuse) (humiliate)	wit:] with an intent to [(abuse) (humiliate)
(harass) (degrade)] [(arouse) (gratify) the sexual desire of]], without the consent of	(harass) (degrade) [(arouse) (gratify) the
	sexual desire of] by using unlawful force.
(e) Of a person who is asleep, unconscious, or	(b) By force causing or likely to cause death or grievous bodily harm.
otherwise unaware the act is occurring.	•
In that (personal jurisdiction data), did	In that (personal jurisdiction data), did (at/on board—location) (subject-matter jurisdiction data, if
(at/on board—location) (subject-matter jurisdiction	required), on or about 20, (touch) (cause
data, if required), on or about20, commit a	to touch) the (vulva) (penis) (scrotum) (anus)
sexual act upon, by [penetrating	(groin) (breast) (inner thigh) (buttocks) of
's (vulva) (anus) (mouth) with	with [('s body part) (an object) to wit:
's penis] [causing contact between	with an intent to [(abuse) (humiliate) (harass)
's mouth and's (penis) (vulva) (scrotum) (anus)] [penetrating's (vulva)	(degrade)] [(arouse) (gratify) the sexual
(penis) (anus) with ('s body part) (an object) to	desire of], by using force likely to cause
wit:, with an intent to [(abuse) (humiliate)	death or grievous bodily harm to, to wit:
(harass) (degrade) [(arouse) (gratify) the	(c) By threatening or placing that other person in
sexual desire of]], when (he) (she) knew or	fear that any person would be subjected to death,
reasonably should have known that was	grievous bodily harm, or kidnapping.
(asleep) (unconscious) (unaware the sexual act was	In that (personal jurisdiction data), did (at/on
occurring due to).	board—location) (subject-matter jurisdiction data, if
(f) When the other person is incapable of	required), on or about 20, (touch)
consenting.	(cause to touch) the (vulva) (penis) (scrotum)
In that (personal jurisdiction data), did	(anus) (groin) (breast) (inner thigh) (buttocks)
(at/on board—location) (subject-matter jurisdiction	of, with [('s body part) (an object) to
data, if required), on or about 20, commit a sexual act upon, by [penetrating	wit:] with an intent to [(abuse) (humiliate)
's (vulva) (anus) (mouth) with	(harass) (degrade)] [(arouse) (gratify) the
's penis] [causing contact between	sexual desire of], by (threatening) (placingin fear) that
-	, (p) III Tour, that

¶60.e.(3)(d) Article 120

would be subjected to (death) (grievous	of, with [('s body part) (an object) to
bodily harm) (kidnapping).	wit:] with an intent to [(abuse) (humiliate (harass) (degrade)] [(arouse) (gratify) the
(d) By first rendering that other person unconscious.	sexual desire of], by making a fraudulen
In that (personal jurisdiction data), did	representation that the sexual contact served a
(at/on board—location) (subject-matter jurisdiction	professional purpose, to wit:
data, if required), on or about20,	(c) By false pretense.
(touch) (causeto touch) the (vulva) (penis)	In that (personal jurisdiction data), did
(scrotum) (anus) (groin) (breast) (inner thigh)	(at/on board—location) (subject-matter jurisdiction
(buttocks) of, with [('s body part) (an	data, if required), on or about20, (touch
object) to wit:] with an intent to [(abuse)	(cause to touch) the (vulva) (penis) (scrotum
(humiliate) (harass) (degrade)] [(arouse)	(anus) (groin) (breast) (inner thigh) (buttocks
(gratify) the sexual desire of], by rendering	of, with [('s body part) (an object) to
unconscious by	wit:] with an intent to [(abuse) (humiliate)
(e) By administering a drug, intoxicant, or other	(harass) (degrade)] [(arouse) (gratify) the
similar substance.	sexual desire of], by inducing a belief by
In that (personal jurisdiction data), did	(artifice) (pretense) (concealment) that the said
(at/on board—location) (subject-matter jurisdiction	accused was another person.
data, if required), on or about20,	(d) Without consent.
(touch) (cause to touch) the (vulva) (penis)	In that (person jurisdiction data), did (at/or
(scrotum) (anus) (groin) (breast) (inner thigh)	board—location) (subject-matter jurisdiction data, is
(buttocks) of, with [('s body part) (an	required), on or about 20, (touch) (cause
object) to wit: with an intent to [(abuse)	to touch) the (vulva) (penis) (scrotum) (anus
(humiliate) (harass) (degrade)] [(arouse)	(groin) (breast) (inner thigh) (buttocks) of
(gratify) the sexual desire of], by	with [('s body part) (an object) to wit:
administering to(by force) (by threat of force)	with an intent to [(abuse) (humiliate) (harass)
(without the knowledge or permission of)	(degrade)] [(arouse) (gratify) the sexual desired
a (drug) (intoxicant) () thereby substantially	of] without the consent of
impairing the ability of to appraise or control	(e) Of a person who is asleep, unconscious, or
(his) (her) conduct.	otherwise unaware the act is occurring.
(4) Abusive sexual contact.	In that (personal jurisdiction data), did (at/or
(a) By threatening or placing that other person in	board—location) (subject-matter jurisdiction data, is
fear.	required), on or about20, (touch
In that (personal jurisdiction data), did (at/on	(causeto touch) the (vulva) (penis) (scrotum)
board—location) (subject-matter jurisdiction data, if	(anus) (groin) (breast) (inner thigh) (buttocks)
required), on or about20, (touch) (cause	of, with [('s body part) (an object) to
to touch) the (vulva) (penis) (scrotum) (anus)	wit:] with an intent to [(abuse) (humiliate)
(groin) (breast) (inner thigh) (buttocks) of,	(harass) (degrade)] [(arouse) (gratify) the
with [('s body part) (an object) to wit:]	sexual desire of], when (he) (she) (knew) (reasonably should have known) that was
with an intent to [(abuse) (humiliate) (harass)	(asleep) (unconscious) (unaware the sexual contac
(degrade) [(arouse) (gratify) the sexual desire of desire of by (threatening)	was occurring due to).
desire of, by (threatening)	
(placing in fear).	(f) When that person is incapable of consenting.
(b) By fraudulent representation.	In that (personal jurisdiction data), did (at/on board—location) (subject-matter jurisdiction
In that (personal jurisdiction data), did	data, if required), on or about 20_
(at/on board—location) (subject-matter jurisdiction	(touch) (causeto touch) the (vulva) (penis
data, if required), on or about 20_, (touch)	(scrotum) (anus) (groin) (breast) (inner thigh
(causeto touch) the (vulva) (penis) (scrotum) (anus) (groin) (breast) (inner thigh) (buttocks)	(buttocks) of, with [('s body part

Article 120a ¶62.a.(d)(2)

(an object) to	wit:] v	vith ar	intent to	[(abuse)
(humiliate) (h	ıarass)	(degrad	de) _] [(arouse)
(gratify) the	sexual	desire	of _], when	n
wa	s incapa	able of	conse	nting to th	e sexua	ıl
contact becaus	e (he) (s	she) [wa	as imp	aired by (a	drug, to	0
wit:)	(an		intoxicant,	te	0
wit:	_)()] [hac	d a (mental	disease	٠,
to wit:) (r	nental	defec	t, to	0
wit:)	(phy	sical	disabili	ty, to	0
wit:)]	and	the	accused	(knew)
(reasonably sh	ould hav	ve knov	vn) of	that condi-	tion.	

61. Article 120a (10 U.S.C. 920a)—Mails: deposit of obscene matter

a. Text of statute.

Any person subject to this chapter who, wrongfully and knowingly, deposits obscene matter for mailing and delivery shall be punished as a court-martial may direct.

b. Elements.

- (1) That the accused deposited or caused to be deposited in the mails certain matter for mailing and delivery;
- (2) That the act was done wrongfully and knowingly; and
 - (3) That the matter was obscene.
- c. Explanation. Whether something is obscene is a question of fact. Obscene is synonymous with indecent as the latter is defined in subparagraph 104.c. The matter must violate community standards of decency or obscenity and must go beyond customary limits of expression. "Knowingly" means the accused deposited the material with knowledge of its nature. Knowingly depositing obscene matter in the mails is wrongful if it is done without legal justification or authorization.
- d. *Maximum punishment*. Dishonorable discharge, forfeiture of all pay and allowances, and confinement for 3 years.
- e. Sample specification.

In that	(personal j	urisdiction data).
did, (at/on	board—location)	, .
jurisdiction data.	, if required), on or a	bout 20,
wrongfully and	knowingly (deposi	t) (cause to be
deposited) in the	(United States) () mails, for
mailing and deli	very a (letter) (pictu	re) ()
(containing) (po	rtraying) (suggesting	g) ()
certain obscene i	matters, to wit:	

62. Article 120b (10 U.S.C. 920b)—Rape and sexual assault of a child

[Note: This statute applies to offenses committed on or after 1 January 2019. Previous versions of child sexual offenses are located as follows: for offenses committed on or before 30 September 2007, *see* Appendix 20; for offenses committed during the period 1 October 2007 through 27 June 2012, *see* Appendix 21; for offenses committed during the period 28 June 2012 through 31 December 2018, *see* Appendix 22.]

a. Text of statute.

- (a) RAPE OF A CHILD.—Any person subject to this chapter who—
- (1) commits a sexual act upon a child who has not attained the age of 12 years; or
- (2) commits a sexual act upon a child who has attained the age of 12 years by—
 - (A) using force against any person;
 - (B) threatening or placing that child in fear;
 - (C) rendering that child unconscious; or
- (D) administering to that child a drug, intoxicant, or other similar substance; is guilty of rape of a child and shall be punished as
- (b) SEXUAL ASSAULT OF A CHILD.—Any person subject to this chapter who commits a sexual act upon a child who has attained the age of 12 years is guilty of sexual assault of a child and shall be punished as a court-martial may direct.
- (c) SEXUAL ABUSE OF A CHILD.—Any person subject to this chapter who commits a lewd act upon a child is guilty of sexual abuse of a child and shall be punished as a court-martial may direct.

(d) AGE OF CHILD.—

a court-martial may direct.

- (1) UNDER 12 YEARS.—In a prosecution under this section, it need not be proven that the accused knew the age of the other person engaging in the sexual act or lewd act. It is not a defense that the accused reasonably believed that the child had attained the age of 12 years.
- (2) UNDER 16 YEARS.—In a prosecution under this section, it need not be proven that the accused knew that the other person engaging in the sexual act or lewd act had not attained the age of 16 years, but it is a defense in a prosecution under subsection (b) (sexual assault of a child) or subsection (c) (sexual abuse of a child), which the accused must prove by a preponderance of the

¶62.a.(e) Article 120b

evidence, that the accused reasonably believed that the child had attained the age of 16 years, if the child had in fact attained at least the age of 12 years.

- (e) PROOF OF THREAT.—In a prosecution under this section, in proving that a person made a threat, it need not be proven that the person actually intended to carry out the threat or had the ability to carry out the threat.
- (f) MARRIAGE.—In a prosecution under subsection (b) (sexual assault of a child) or subsection (c) (sexual abuse of a child), it is a defense, which the accused must prove by a preponderance of the evidence, that the persons engaging in the sexual act or lewd act were at that time married to each other, except where the accused commits a sexual act upon the person when the accused knows or reasonably should know that the other person is asleep, unconscious, or otherwise unaware that the sexual act is occurring or when the other person is incapable of consenting to the sexual act due to impairment by any drug, intoxicant, or other similar substance, and that condition was known or reasonably should have been known by the accused.
- (g) CONSENT.—Lack of consent is not an element and need not be proven in any prosecution under this section. A child not legally married to the person committing the sexual act, lewd act, or use of force cannot consent to any sexual act, lewd act, or use of force.

(h) DEFINITIONS.—In this section:

- (1) SEXUAL ACT AND SEXUAL CONTACT.—The terms "sexual act" and "sexual contact" have the meanings given those terms in section 920(g) of this title (article 120(g)), except that the term "sexual act" also includes the intentional touching, not through the clothing, of the genitalia of another person who has not attained the age of 16 years with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.
 - (2) FORCE.—The term "force" means—
 - (A) the use of a weapon;
- (B) the use of such physical strength or violence as is sufficient to overcome, restrain, or injure a child; or
 - (C) inflicting physical harm.

In the case of a parent-child or similar relationship, the use or abuse of parental or similar authority is sufficient to constitute the use of force.

- (3) THREATENING OR PLACING THAT CHILD IN FEAR.—The term "threatening or placing that child in fear" means a communication or action that is of sufficient consequence to cause the child to fear that non-compliance will result in the child or another person being subjected to the action contemplated by the communication or action.
- (4) CHILD.—The term "child" means any person who has not attained the age of 16 years.
- (5) LEWD ACT.—The term "lewd act" means—
 - (A) any sexual contact with a child;
- (B) intentionally exposing one's genitalia, anus, buttocks, or female areola or nipple to a child by any means, including via any communication technology, with an intent to abuse, humiliate, or degrade any person, or to arouse or gratify the sexual desire of any person;
- (C) intentionally communicating indecent language to a child by any means, including via any communication technology, with an intent to abuse, humiliate, or degrade any person, or to arouse or gratify the sexual desire of any person; or
- (D) any indecent conduct, intentionally done with or in the presence of a child, including via any communication technology, that amounts to a form of immorality relating to sexual impurity which is grossly vulgar, obscene, and repugnant to common propriety, and tends to excite sexual desire or deprave morals with respect to sexual relations.
- b. Elements
 - (1) Rape of a child.
- (a) Rape of a child who has not attained the age of 12.
- (i) That the accused committed a sexual act upon a child; and
- (ii) That at the time of the sexual act the child had not attained the age of 12 years.
- (b) Rape by force of a child who has attained the age of 12.
- (i) That the accused committed a sexual act upon a child;

Article 120b ¶62.e.(1)(b)

- (ii) That at the time of the sexual act the child had attained the age of 12 years but had not attained the age of 16 years; and
- (iii) That the accused did so by using force against that child or any other person.
- (c) Rape by threatening or placing in fear a child who has attained the age of 12.
- (i) That the accused committed a sexual act upon a child;
- (ii) That at the time of the sexual act the child had attained the age of 12 years but had not attained the age of 16 years; and
- (iii) That the accused did so by threatening the child or another person or placing that child in fear.
- (d) Rape by rendering unconscious a child who has attained the age of 12.
- (i) That the accused committed a sexual act upon a child;
- (ii) That at the time of the sexual act the child had attained the age of 12 years but had not attained the age of 16 years; and
- (iii) That the accused did so by rendering that child unconscious.
- (e) Rape by administering a drug, intoxicant, or other similar substance to a child who has attained the age of 12.
- (i) That the accused committed a sexual act upon a child;
- (ii) That at the time of the sexual act the child had attained the age of 12 years but had not attained the age of 16 years; and
- (iii) That the accused did so by administering to that child a drug, intoxicant, or other similar substance.
 - (2) Sexual assault of a child.
- (a) Sexual assault of a child who has attained the age of 12.
- (i) That the accused committed a sexual act upon a child; and
- (ii) That at the time of the sexual act the child had attained the age of 12 years but had not attained the age of 16 years.
- (3) Sexual abuse of a child. That the accused committed a lewd act upon a child.
- c. Explanation.
- (1) In general. Sexual offenses have been separated into three statutes: offenses against adults (120),

offenses against children (120b), and other offenses (120c).

- (2) *Definitions*. Terms not defined in this paragraph are defined in subparagraph 60.a.(g), supra, except that the term "sexual act" also includes the intentional touching, not through the clothing, of the genitalia of another person who has not attained the age of 16 years with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.
- d. Maximum punishment.
- (1) Rape of a child. Forfeiture of all pay and allowances, and confinement for life without eligibility for parole. Mandatory minimum—Dismissal or dishonorable discharge.
- (2) Sexual assault of a child. Forfeiture of all pay and allowances, and confinement for 30 years. Mandatory minimum—Dismissal or dishonorable discharge.
 - (3) Sexual abuse of a child.
- (a) Cases involving sexual contact. Dishonorable discharge, forfeiture of all pay and allowances, and confinement for 20 years.
- (b) *Other cases*. Dishonorable discharge, forfeiture of all pay and allowances, and confinement for 15 years.
- e. Sample specifications.
 - (1) Rape of a child.
- (a) Rape of a child who has not attained the age of 12.

(b) Rape by force of a child who has attained the age of 12 years.

¶62.e.(1)(c) Article 120b

In that (managed inviduation data) did	with an intent to [(abase) (baseiliste)
In that (personal jurisdiction data), did	wit:, with an intent to [(abuse) (humiliate)
(at/on board—location) (subject-matter jurisdiction, if	(harass) (degrade) [(arouse) (gratify) the
required), on or about 20, commit a sexual	sexual desire of]] [intentionally touching,
act upon, a child who had attained the age	not through the clothing, the genitalia of,
of 12 years but had not attained the age of 16 years, by	with an intent to [(abuse) (humiliate) (harass)
[penetrating's (vulva) (anus) (mouth) with's penis] [causing contact between	(degrade)] [(arouse) (gratify) the sexual
with 's penis] [causing contact between	desire of], by rendering
's mouth and's (penis) (vulva)	unconscious by
(scrotum) (anus)] [penetrating''s (vulva)	
(penis) (anus) with ('s body part) (an object) to	(e) Rape by administering a drug, intoxicant, or
wit:, with an intent to [(abuse) (humiliate)	other similar substance to a child who has attained the
	age of 12 years.
(harass) (degrade)] [(arouse) (gratify) the	In that (personal jurisdiction data),
sexual desire of]] [intentionally touching,	did (at/on board—location) (subject-matter
not through the clothing, the genitalia of,	jurisdiction, if required), on or about 20,
with an intent to [(abuse) (humiliate) (harass)	commit a sexual act upon, a child who had
(degrade)] [(arouse) (gratify) the sexual	attained the age of 12 years but had not attained the age
(degrade)	of 16 years by Inpostrating 's (yulya)
, to wit:	of to years, by [penetratings (vulva)
(c) Rape by threatening or placing in fear a child	of 16 years, by [penetrating's (vulva) (anus) (mouth) with's penis] [causing contact between's mouth and's
who has attained the age of 12 years.	contact between s mouth and s
	(penis) (vulva) (scrotum) (anus)] [penetrating
In that (personal jurisdiction data), did	's (vulva) (penis) (anus) with ('s body
(at/on board—location) (subject-matter jurisdiction, if	part) (an object) to wit:, with an intent to
required), on or about 20, commit a sexual	[(abuse) (humiliate) (harass) (degrade)]
act upon, a child who had attained the age	[(arouse) (gratify) the sexual desire of]]
of 12 years but had not attained the age of 16 years, by	[intentionally touching, not through the clothing, the
[penetrating's (vulva) (anus) (mouth) with's penis] [causing contact between	genitalia of, with an intent to [(abuse)
with 's penis [causing contact between	(humiliate) (harass) (degrade) 1 [(arouse)
's mouth and's (penis) (vulva)	(humiliate) (harass) (degrade)] [(arouse) (gratify) the sexual desire of], by
(scrotum) (anus)] [penetrating''s (vulva)	administering to a (drug) (intoxicant)
(penis) (anus) with ('s body part) (an object) to	(
wit:, with an intent to [(abuse) (humiliate)	
(harass) (degrade)] [(arouse) (gratify) the	(2) Sexual assault of a child.
carry decima of [Intertionally tayahing	(a) Sexual assault of a child who has attained the
sexual desire of]] [intentionally touching,	age of 12 years.
not through the clothing, the genitalia of,	In that (personal jurisdiction data),
with an intent to [(abuse) (humiliate) (harass)	did (at/on board—location) (subject-matter
(degrade)] [(arouse) (gratify) the sexual	
desire of], by (threatening)	jurisdiction, if required), on or about 20,
	commit a sexual act upon, a child who had
(placing in fear). (d) Rape by rendering unconscious of a child who	attained the age of 12 years but had not attained the age
has attained the age of 12 years.	of 16 years, by [penetrating's (vulva) (anus) (mouth) with's penis] [causing
~ · ·	(anus) (mouth) with's penis] [causing
In that (personal jurisdiction data), did	contact between's mouth and's
(at/on board—location) (subject-matter jurisdiction, if	(penis) (vulva) (scrotum) (anus)] [penetrating
required), on or about 20, commit a sexual act	's (vulva) (penis) (anus) with ('s body
upon, a child who had attained the age of 12	part) (an object) to wit:, with an intent to
years but had not attained the age of 16 years, by	[(abuse) (humiliate) (harass) (degrade)]
[penetrating's (vulva) (anus) (mouth) with's penis] [causing contact between	[(arouse) (gratify) the sexual desire of]
with 's penis] [causing contact between	[intentionally touching, not through the clothing, the
's mouth and's (penis) (vulva)	genitalia of, with an intent to [(abuse)
(scrotum) (anus)] [penetrating''s (vulva)	(humiliate) (harass) (degrade)] [(arouse)
(penis) (anus) with ('s body part) (an object) to	(gratify) the sexual desire of

Article 120c ¶63.a.(c)

(3) Sexual abuse of a child.

(a) Sexual abuse of a child involving sexual contact.

In that _____ (personal jurisdiction data), did (at/on board—location) (subject-matter jurisdiction if

In that _____ (personal jurisdiction data), did (at/on board—location) (subject-matter jurisdiction, if required), on or about _____ 20__, commit a lewd act upon _____, a child who had not attained the age of 16 years, by (touching) (causing _____ to touch) 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 _____].

(b) Sexual abuse of a child involving indecent exposure.

In that ______ (personal jurisdiction data), did (at/on board—location) (subject-matter jurisdiction, if required), on or about _____ 20__, commit a lewd act upon ______, a child who had not attained the age of 16 years, by intentionally exposing [his (genitalia) (anus) (buttocks)] [her (genitalia) (anus) (buttocks) (areola) (nipple)] to ______, with an intent to [(abuse) (humiliate) (degrade) _____] [(arouse) (gratify) the sexual desire of _____].

(c) Sexual abuse of a child involving indecent communication.

In that _____ (personal jurisdiction data), did (at/on board—location) (subject-matter jurisdiction, if required), on or about _____ 20__, commit a lewd act upon _____, a child who had not attained the age of 16 years, by intentionally communicating to _____ indecent language to wit: _____, with an intent to [(abuse) (humiliate) (degrade)____] [(arouse) (gratify) the sexual desire of _____].

(d) Sexual abuse of a child involving indecent conduct.

In that ______ (personal jurisdiction data), did (at/on board—location) (subject-matter jurisdiction, if required), on or about ______ 20__, commit a lewd act upon _____, a child who had not attained the age of 16 years, by engaging in indecent conduct, to wit: _____, intentionally done (with) (in the presence of) _____, which conduct amounted to a form of immorality relating to sexual impurity which is grossly vulgar, obscene, and repugnant to common propriety, and tends to excite sexual desire or deprave morals with respect to sexual relations.

63. Article 120c (10 U.S.C. 920c)—Other sexual misconduct

[Previous versions of offenses included in Article 120c are located as follows: for the offense of indecent exposure committed on or before 30 September 2007, a previous version of Article 134, indecent exposure, applies and is located at Appendix 20; for the offense of forcible pandering committed on or before 30 September 2007, a previous version of Article 134, pandering and prostitution, applies and is located at Appendix 20; for Article 120c offenses committed during the period 1 October 2007 through 27 June 2012, see Appendix 21; for Article 120c offenses committed during the period 28 June 2012 through 31 December 2018, the previous version of Article 120c applies and is located at Appendix 22.]

a. Text of Statute

- (a) INDECENT VIEWING, VISUAL RECORDING, OR BROADCASTING.—Any person subject to this chapter who, without legal justification or lawful authorization—
- (1) knowingly and wrongfully views the private area of another person, without that other person's consent and under circumstances in which that other person has a reasonable expectation of privacy;
- (2) knowingly photographs, videotapes, films, or records by any means the private area of another person, without that other person's consent and under circumstances in which that other person has a reasonable expectation of privacy; or
- (3) knowingly broadcasts or distributes any such recording that the person knew or reasonably should have known was made under the circumstances proscribed in paragraphs (1) and (2);

is guilty of an offense under this section and shall be punished as a court-martial may direct.

- (b) FORCIBLE PANDERING.—Any person subject to this chapter who compels another person to engage in an act of prostitution with any person is guilty of forcible pandering and shall be punished as a court-martial may direct.
- (c) INDECENT EXPOSURE.—Any person subject to this chapter who intentionally exposes, in an indecent manner, the genitalia, anus, buttocks, or female areola or nipple is guilty of indecent exposure and shall by punished as a court-martial may direct.

¶63.a.(d) Article 120c

(d) DEFINITIONS.—In this section:

- (1) ACT OF PROSTITUTION.—The term "act of prostitution" means a sexual act or sexual contact (as defined in section 920(g) of this title (article 120(g))) on account of which anything of value is given to, or received by, any person.
- (2) PRIVATE AREA.—The term "private area" means the naked or underwear-clad genitalia, anus, buttocks, or female areola or nipple.
- (3) REASONABLE EXPECTATION OF PRIVACY.—The term "under circumstances in which that other person has a reasonable expectation of privacy" means—
- (A) circumstances in which a reasonable person would believe that he or she could disrobe in privacy, without being concerned that an image of a private area of the person was being captured; or
- (B) circumstances in which a reasonable person would believe that a private area of the person would not be visible to the public.
- (4) BROADCAST.—The term "broadcast" means to electronically transmit a visual image with the intent that it be viewed by a person or persons.
- (5) DISTRIBUTE.—The term "distribute" means delivering to the actual or constructive possession of another, including transmission by electronic means.
- (6) INDECENT MANNER.—The term "indecent manner" means conduct that amounts to a form of immorality relating to sexual impurity which is grossly vulgar, obscene, and repugnant to common propriety, and tends to excite sexual desire or deprave morals with respect to sexual relations.

b. Elements.

- (1) Indecent viewing.
- (a) That the accused 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 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.
- (a) That the accused knowingly broadcast a certain recording of another person's private area;
- (b) That said recording was made without the other person's consent;
- (c) That the accused knew or reasonably should have known that the recording was made without the other person's consent;
- (d) That said recording was made under circumstances in which the other person had a reasonable expectation of privacy; and
- (e) That the accused knew or reasonably should have known that said recording was made under circumstances in which the other person had a reasonable expectation of privacy.
 - (4) Distribution of an indecent recording.
- (a) That the accused knowingly distributed a certain recording of another person's private area;
- (b) That said recording was made without the other person's consent;
- (c) That the accused knew or reasonably should have known that said recording was made without the other person's consent;
- (d) That said recording was made under circumstances in which the other person had a reasonable expectation of privacy; and
- (e) That the accused knew or reasonably should have known that said recording was made under circumstances in which the other person had a reasonable expectation of privacy.
 - (5) Forcible pandering.

That the accused compelled another person to engage in an act of prostitution with any person.

- (6) Indecent exposure.
- (a) That the accused exposed his or her genitalia, anus, buttocks, or female areola or nipple;
- (b) That the exposure was in an indecent manner; and
- (c) That the exposure was intentional. c. *Explanation*.

Article 121 ¶64.b.(1)

(1)) In	gen	ıeral.	Sexual	l of	fense	s ł	nave	been
separa	ted in	to tl	hree sta	atutes:	offe	nses	aga	inst	adults
(120),	offen	ises	agains	t child	lren	(120	b),	and	other
offense	es (12	0c).							

- (2) Definitions.
- (a) *Recording*. A recording is a still or moving visual image captured or recorded by any means.
- (b) Other terms are defined in subparagraph 60.a.(g), supra.
- d. Maximum punishment.
- (1) Indecent viewing. Dishonorable discharge, forfeiture of all pay and allowances, and confinement for 1 year.
- (2) Indecent recording. Dishonorable discharge, forfeiture of all pay and allowances, and confinement for 5 years.
- (3) Broadcasting or distribution of an indecent recording. Dishonorable discharge, forfeiture of all pay and allowances, and confinement for 7 years.
- (4) Forcible pandering. Dishonorable discharge, forfeiture of all pay and allowances, and confinement for 20 years.
- (5) Indecent exposure. Dishonorable discharge, forfeiture of all pay and allowances, and confinement for 1 year.
- e. Sample specifications.
 - (1) Indecent viewing, recording, or broadcasting.
 - (a) Indecent viewing.

In that	(person	al juri:	sdiction data), did
(at/on board—loca	ation) (subje	ct-mat	ter jurisdiction	on, if
required), on or al	bout	_ 20_	_, knowingly	y and
wrongfully view	the private	area	of	,
without (his) (her)	consent and	under	circumstanc	es in
which (he) (she)	had a reas	sonabl	e expectatio	n of
privacy.				

(b) *Indecent recording*.

In that	(personal ju	risdiction	n data), did
(at/on board—locati	ion) (subject-m	natter jur	isdiction, if
required), on or a	about	_ 20,	knowingly
(photograph) (video	otape) (film) (n	nake a re	cording of)
the private area of	·	without	(his) (her)
consent and under	circumstances	in which	(he) (she)
had a reasonable exi	nectation of pr	ivacv.	

(c)	Broadcasting	or	distributing	an	indecent
recordin	ıg.				

In that	(personal jurisdiction data), did
(at/on board—loca	ation) (subject-matter jurisdiction, if

raquirad) an	or about	20	lenouvinalu
required), on	or about	20,	Kilowiligiy
(broadcast) (dis	stribute) a reco	ording of the	private area
of	, when the	said accuse	d knew or
reasonably sho	uld have know	n that the sa	id recording
was made with	out the consen	t of	and
under circums			
reasonable exp	ectation of priv	acy.	
(2) Forcible	pandering.		
In that	(persona	al jurisdiction	n data), did
(at/on board		•	/ *

In that _____ (personal jurisdiction data), did (at/on board—location) (subject-matter jurisdiction, if required), on or about _____ 20__, wrongfully compel _____ to engage in (a sexual act) (sexual contact) with _____, to wit: _____, for the purpose of receiving (money) (other compensation) (_____).

(3) Indecent exposure.

In that	(pers	onal juri	sdicti	on data	ı), did
(at/on board-	-location) (su	bject-ma	tter j	urisdict	ion, if
required), on	or about	2	0,	intenti	onally
expose [his					
(genitalia) (ar	ıus) (buttock	s) (areol	a) (n	ipple)]	in an
indecent mann	er, to wit:		·		

64. Article 121 (10 U.S.C. 921)—Larceny and wrongful appropriation

- a. Text of statute.
- (a) Any person subject to this chapter who wrongfully takes, obtains, or withholds, by any means, from the possession of the owner or of any other person any money, personal property, or article of value of any kind—
- (1) with intent permanently to deprive or defraud another person of the use and benefit of property or to appropriate it to his own use or the use of any person other than the owner, steals that property and is guilty of larceny; or
- (2) with intent temporarily to deprive or defraud another person of the use and benefit of property or to appropriate it to his own use or the use of any person other than the owner, is guilty of wrongful appropriation.
- (b) Any person found guilty of larceny or wrongful appropriation shall be punished as a court-martial may direct.
- b. *Elements*.
 - (1) Larceny.