

**THE MICHIGAN PENAL CODE (EXCERPT)**  
**Act 328 of 1931**

**750.335a Indecent exposure; violation; penalty.**

Sec. 335a.

(1) A person shall not knowingly make any open or indecent exposure of his or her person or of the person of another.

(2) A person who violates subsection (1) is guilty of a crime, as follows:

(a) Except as provided in subdivision (b) or (c), the person is guilty of a misdemeanor punishable by imprisonment for not more than 1 year, or a fine of not more than \$1,000.00, or both.

(b) If the person was fondling his or her genitals, pubic area, buttocks, or, if the person is female, breasts, while violating subsection (1), the person is guilty of a misdemeanor punishable by imprisonment for not more than 2 years or a fine of not more than \$2,000.00, or both.

(c) If the person was at the time of the violation a sexually delinquent person, the violation is punishable by imprisonment for an indeterminate term, the minimum of which is 1 day and the maximum of which is life.

**History:** Add. 1952, Act 73, Eff. Sept. 18, 1952 ;-- Am. 2002, Act 672, Eff. Mar. 31, 2003 ;-- Am. 2005, Act 300, Eff. Feb. 1, 2006

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(1) The defendant is charged with the crime of indecent exposure. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First, that the defendant exposed [his / her] [state part of body].

(3) Second, that the defendant knew that [he / she] was exposing [his / her] [state part of body].

[Use the following paragraph only if a violation of MCL 750.335a(2)(b) is charged.]

(4) Third, that the defendant was fondling [his / her] [genitals / pubic area / buttocks / breasts[\*]].

(5) [Third / Fourth], that the defendant did this in a place under circumstances in which another person might reasonably have been expected to observe it and which created a substantial risk that someone might be offended or in a place where such exposure is likely to be an offense against your community's generally accepted standards of decency and morality. In determining this, you must think about the nature of the act and all of the circumstances surrounding the act. [State any other relevant factors, e.g., the age and experience of the persons who observed the act, the purpose of the act, etc.]