

EXPOSURE

Sexual Offences (NI) Order 2008

70. - (1) A person commits an offence if—
 (a) he intentionally exposes his genitals, and
 (b) he intends that someone will see them and be caused alarm or distress.

Maximum Sentence:

Sexual Offences (NI) Order 2008, Art.70(2)

Indictment: 2 years imprisonment

Summary: 6 months imprisonment and/or a fine not exceeding the statutory maximum (£5,000)

Assessment of Offence

(Starting points and ranges based on 1st time offender convicted following contest)

<u>Nature of Offence</u>	<u>Starting Point</u>	<u>Sentencing Range</u>
Basic offence as defined in the SOA 2003, with no aggravating factors	Community Order	Fine to Community Order
Offence with an aggravating factor(s)	Community Order	Community Order to 6 months Custody

Examples of Possible Aggravating Factors of Offence

1. Abuse of trust / special relationship
2. Proximity of offence to school, hospital, etc.
3. Intimidating behaviour / threats of violence
4. Threats to prevent the victim from reporting an offence
5. Vulnerable victim

Examples of Possible Mitigating Factor of Offence

Relevant Cases:

NI Cases:

N/A

English Cases:

R v Bell [2008] EWCA Crim 55
R v Whitton [2006] EWCA Crim 3229
R v Rakib [2011] EWCA Crim 870
R v Stark [1998] EWCA Crim 1106

Notes:

1. Notification requirements under Part 2 of the Sexual Offences Act 2003 apply –
 (a) where the offender was under 18, he is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months;
 (b) in any other case—
 (i) the victim was under 18, or
 (ii) the offender, in respect of the offence or finding, is or has been—
 (aa) sentenced to a term of imprisonment;
 (bb) detained in a hospital, or
 (cc) made the subject of a community sentence of at least 12 months.
2. ‘Children Barred List’ and ‘Vulnerable Adults Barred List’ under the Safeguarding Vulnerable Groups (NI) Order 2007 apply where offence was committed against a child under the age of 16.