
226.94 PROMOTING PROSTITUTION OF A PERSON WHO HAD A [SEVERE]
[PROFOUND] MENTAL DISABILITY. FELONY.

The defendant has been charged with promoting prostitution of a person who had a [severe] [profound] mental disability.

For you to find the defendant guilty of this offense, the State must prove two things beyond a reasonable doubt.

First, that the defendant:

(a) Advanced prostitution by (*describe conduct*)¹ where a person with a [severe] [profound] mental disability engaged in prostitution;

(b) Profited from prostitution² [by compelling a person to become a prostitute] [by receiving a portion of the earnings from a prostitute for [arranging] [offering to arrange] a situation in which the person may practice prostitution] where the prostitute had a [severe] [profound] mental disability;

(c) Confined the alleged victim against the alleged victim's will by [infliction or threat of great bodily harm, permanent disability, disfigurement] [administering to the alleged victim an alcoholic intoxicant or drug³] and

(1) compelled the alleged victim to engage in prostitution;

(2) arranged a situation in which the alleged victim may practice prostitution; or

(3) profited from prostitution by the alleged victim.

Second, that in doing so the defendant acted willfully.

And Third, that the alleged victim had a [severe] [profound] mental disability.⁴

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant willfully

(a) advanced prostitution by (*describe conduct*) where a person with a [severe] [profound] mental disability engaged in prostitution;

(b) profited from prostitution [by compelling a person to become a prostitute] [by receiving a portion of the earnings from a prostitute for [arranging] [offering to arrange] a situation in which the person may practice prostitution where the prostitute had a [severe] [profound] mental disability;

(c) confined the alleged victim against the alleged victim's will by [infliction or threat of great bodily harm, permanent disability, disfigurement] [administering to the alleged victim an alcoholic intoxicant or drug] and

(1) compelled the alleged victim to engage in prostitution;

(2) arranged a situation in which the alleged victim may practice prostitution; or

(3) profited from prostitution by the alleged victim.

and that the alleged victim had a [severe] [profound] mental disability, it would be your duty to return a verdict of guilty. If you do not so find or have reasonable doubt as to one or both of these things, it would be your duty to return a verdict of not guilty.

1 Advancing prostitution is defined in N.C. Gen. Stat. § 14-203 as (a) soliciting for a prostitute by performing any of the following acts when acting as other than a prostitute or a patron of a prostitute: (1) soliciting another for the purpose of prostitution, (2) arranging or offering to arrange a meeting of persons for the purpose of prostitution, (3) directing another to a place knowing the direction is for the purpose of prostitution, or (4) using the internet, including any social media Web site, to solicit another for the purpose of prostitution; (b) keeping a place of prostitution by controlling or exercising control over the use of any place that could offer seclusion or shelter for the practice of prostitution and performing any of the following acts when acting as other than a prostitute or a patron of a prostitute: (1) knowingly granting or permitting the use of the place for the purpose of prostitution, (2) granting or permitting the use of the place under circumstances from which the person should reasonably know that the place is used or is to be used for purposes of prostitution, or (3) permitting the continued use of the place after becoming aware of facts or circumstances from which the person should know that the place is being used for the purpose of prostitution.

2 Sub-subdivision (c) also states a person can profit from prostitution by any means other than those described in sub-subdivisions (a) and (b) of subdivision (b), including from a person who patronizes a prostitute. This sub-subdivision does not apply to a person engaged in prostitution who is a minor. A person cannot be convicted of promoting prostitution under this sub-subdivision if the practice of prostitution underlying the offense consists exclusively of the accused's own acts of prostitution under N.C. Gen. Stat. § 14-204.

3 As defined in Article 5 of Chapter 90 of the North Carolina General Statues.

4 The legislature has not defined what constitutes a severe or profound mental disability.

