

N.C.P.I.—CRIM 226.93

PATRONIZING A PROSTITUTE WHO IS [SEVERELY] [PROFOUNDLY] MENTALLY DISABLED. FELONY.

GENERAL CRIMINAL VOLUME

JUNE 2014

N.C. Gen. Stat. § 14-205.2

226.93 PATRONIZING A PROSTITUTE WHO IS [SEVERELY] [PROFOUNDLY] MENTALLY DISABLED. FELONY.

The defendant has been charged with patronizing a prostitute who is [severely] [profoundly] mentally disabled.

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

First, that the defendant willfully:

(a) [Engaged in [vaginal intercourse] [(describe) sexual act] [(describe) sexual contact] for the purpose of sexual [arousal] [gratification] with a prostitute. A prostitute is a person who engages in the [[performance of] [offer of] [agreement to perform]] [vaginal intercourse] [a sexual act] [sexual contact] for the purpose of [sexual arousal] [gratification] for [money] [other consideration]. A sexual act is cunnilingus, fellatio, anilingus, or anal intercourse, but does not include vaginal intercourse. Sexual act also means the penetration, however slight, by any object into the genital or anal opening of another person's body. Sexual contact is (i) touching of the sexual organ, anus, breast, groin, or buttocks of any person, (ii) touching of another person with a sexual organ, anus, breast, groin, or buttocks, or (iii) ejaculation, emission, or placing semen, urine, or feces upon any part of another person.]

(b) [[Entered] [remained] in a place of prostitution with the intent to engage in [vaginal intercourse] [a sexual act] [sexual contact] for the purposes of sexual [arousal] [gratification].]

Second, that the defendant performed the act with a person who was not the defendant's spouse.

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And Third, that the prostitute was a [severely] [profoundly] mentally disabled person¹.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant [willfully engaged in [vaginal intercourse] [a sexual act] [sexual contact] for the purpose of sexual [arousal] [gratification] with a prostitute] [willfully [entered] [remained] in a place of prostitution with the intent to engage in [vaginal intercourse] [a sexual act] [sexual contact] for the purposes of sexual [arousal] [gratification]], the act was performed with a person not the defendant's spouse, and the prostitute was a [severely] [profoundly] mentally disabled person, it would be your duty to return a verdict of guilty. If you do not so find or if you have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.

¹ The legislature has not defined what constitutes a severely or profoundly mentally disabled person.