

N.C.P.I.—CRIM 226.98
 SOLICITATION FOR PROSTITUTION. MISDEMEANOR
 GENERAL CRIMINAL VOLUME
 JUNE 2014
 N.C. Gen. Stat. § 14-204(5), 14-205.1

 226.98 SOLICITATION FOR PROSTITUTION. N.C. Gen. Stat. § 14-204(5),¹
 14-205.1 MISDEMEANOR.

The defendant has been charged with solicitation for prostitution. Prostitution is the [[performance of] [offer of] [agreement] to perform] [vaginal intercourse]] [(*describe*) sexual act] [(*describe*) sexual contact] for the purpose of sexual arousal or gratification for any money or 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. Solicitation for prostitution may be defined as any course of action by which a person [advertises] [communicates] to another person [that person's] [some other person's] availability for and willingness to commit an act of prostitution, and [explicitly] [implicitly] invites that person to engage in acts of prostitution with [that person] [some other person].

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

First, that the defendant (*describe act, e.g. stood under a street lamp late at night making comments to passersby inviting them to participate in acts of prostitution.*)

And Second, that the acts of the defendant were calculated and intended to advertise and communicate the availability of [the defendant]

¹ See N.C. Gen. Stat. § 14-205.1 for degrees of guilt and punishment. See *also* N.C. Gen. Stat. § 15A-928.

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[some other person] for acts of prostitution, and were calculated and intended to attract and invite other persons to commit acts of prostitution with [the defendant] [some other person].

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant (*describe act*) with the intent of advertising and communicating [the defendant's] [some other person's] availability for acts of prostitution and with the intent to induce another person to engage in acts of prostitution with [the defendant] [some other 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.