

227.20 OWNER OF MASSAGE AND BODYWORK THERAPY ESTABLISHMENT
PERMITTING OR ENGAGING IN SEXUAL ACTIVITY

The defendant has been charged with [[engaging in] [permitting any person(s) to engage in] sexual activity in the defendant’s massage and bodywork therapy establishment] [[engaging in using] [permitting any person(s) to use] the defendant’s massage and bodywork therapy establishment to make arrangement to engage in sexual activity in any other place.

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

First, that the defendant is the owner¹ of the massage and bodywork therapy establishment.²

Second, that the defendant knowingly [[engaged in] [permitted any person(s) to engage in] sexual activity in the defendant’s massage and bodywork therapy establishment] [[used] [permitted any person(s) to use] the defendant’s massage and bodywork therapy establishment to make arrangements to engage in sexual activity in another place.] Sexual activity is [masturbation, whether done alone or with another human or an animal] [vaginal, anal, or oral intercourse³ whether done with another human or with an animal] [touching, in an act of apparent sexual stimulation or sexual abuse, of the clothed or unclothed genitals, pubic area, or buttocks of another person or the clothed or unclothed breasts of a human female] [an act or condition that depicts torture, physical restraint by being fettered or bound, or flagellation of or by a person clad in undergarments or in revealing or bizarre costume] [excretory functions] [the insertion of any part of a person’s body, other than the male sexual organ, or any object into another person’s anus or

vagina, except when done as part of a recognized medical procedure] [the lascivious exhibition of the genitals or pubic area of any person].

If you find from the evidence beyond a reasonable doubt that on or about the alleged date that the defendant was the owner of the massage and bodywork therapy establishment and that the defendant [[engaged in] [permitted any person(s) to engage in] sexual activity in the defendant's massage and bodywork therapy establishment] [[engaged in using] [permitted any person(s) to use] the defendant's massage and bodywork therapy establishment to make arrangements to engage in sexual activity in another place then it would be your duty to return a verdict of guilty. If you do not so find or 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 N.C. Gen. Stat. § 90-622(4a) defines an owner as "the person, sole proprietor, partnership, limited partnership, or corporation that operates the massage and bodywork therapy establishment."

2 N.C. Gen. Stat. § 90-622(3a) defines massage and bodywork therapy establishment.

3 Oral intercourse can be any of the following acts: (1) cunnilingus, which is any touching, however slight, by the lips or the tongue of one person to any part of the female sex organ or another; (2) fellatio, which is any touching by the lips or tongue of another and the male sex organ of another; (3) anilingus, which is any touching by the lips of tongue of one person and the anus of another.