

226.91 PATRONIZING A PROSTITUTE. MISDEMEANOR.

The defendant has been charged with the crime of patronizing a prostitute.

For you to find the defendant guilty of this offense, the State must prove two 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 defined in N.C. Gen. Stat. § 14-27.1 as 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: provided, that it shall be an affirmative defense that the penetration was for accepted medical purposes. Sexual contact is defined in N.C. Gen. Stat. § 14-27.1 as (i) touching the sexual organ, anus, breast, groin, or buttocks of any person, (ii) a person touching another person with their own sexual organ, anus, breast, groin, or buttocks, or (iii) a person ejaculating, emitting 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].]

And Second, that the defendant performed the act with a person not [the defendant's] spouse.

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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]] and the act was performed with a person not the defendant's wife, 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 both of these things, it would be your duty to return a verdict of not guilty.