

N.C.P.I.—CRIM 238.24

PARTICIPATING IN PROSTITUTION OF A MINOR. (APPLIES ONLY TO OFFENSES COMMITTED PRIOR TO OCTOBER 1, 2013). FELONY.

GENERAL CRIMINAL VOLUME

JUNE 2014

N.C. Gen. Stat. § 14-190(a)

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238.24 PARTICIPATING IN PROSTITUTION OF A MINOR. FELONY.

*NOTE WELL: This statute has been repealed by Session Laws 2013-368, s.4, effective October 1, 2013. This instruction applies only to offenses committed prior to October 1, 2013.*

The defendant has been charged with participating in prostitution<sup>1</sup> of a minor<sup>2</sup>

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

First, that the defendant patronized a minor prostitute. Patronizing a minor prostitute means:

[soliciting or requesting a minor to participate in prostitution];

[paying or agreeing to pay a minor, either directly or through the minor's agent, to participate in prostitution];

[paying a minor, or the minor's agent, for having participated in prostitution, pursuant to a prior agreement.]

And Second, that the defendant was not a minor.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant patronized a minor prostitute and that the defendant was not a minor, 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.

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1 N.C. Gen. Stat. § 14-203(5) defines "prostitution" as "the [performance of] [offer of] [agreement] to perform [vaginal intercourse] [any sexual act as defined in G.S. 14-27.1] [any sexual contact as defined in G.S. 14-27.1] for the purpose of sexual arousal or gratification for any money or other consideration."

2 N.C. Gen. Stat. § 14-190.13(3) defines "minor" as "an individual who is less than eighteen (18) years and is not married or judicially emancipated."

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*NOTE WELL: N.C. Gen. Stat. § 14-190.19(b) states that mistake of age is not a defense to prosecution.*