

Ala. Code 1975, § 13A-6-123

Facilitating the On-Line Solicitation of a Child

The Defendant is charged with facilitating the on-line solicitation of a child.

A person commits the crime of facilitating the on-line solicitation of a child if he/she is an owner or operator of a computer on-line service, weblog, internet service, or internet bulletin board service, and knowingly aids and abets another person, or with the purpose of facilitating or encouraging the on-line solicitation of the child, permits a person to use the service to commit a violation of this law.

To convict, the State must prove beyond a reasonable doubt each of the following elements:

- (1) The Defendant was an owner or operator of a computer on-line service, weblog, Internet service, or Internet bulletin board service;
- (2) (a) The Defendant aided and abetted another person in the on-line solicitation of a child; **(OR)**
(b) The Defendant with the purpose of facilitating or encouraging the on-line solicitation of a child, permitted a person to use the service to engage in the on-line solicitation of a child; **(AND)**
- (3) The Defendant did so knowingly.

[Read as appropriate — Instruction for 13A-2-23 Accountability for Behavior of Another – Accessory]

A *computer* is an electronic, magnetic, optical, electrochemical, or other high speed data processing device or system that performs logical, arithmetic, or memory functions by the manipulations of electronic or magnetic impulses and includes all input, output, processing, storage, or communication facilities that are connected or related to the device. [13A-8-111(2)]

Solicitation means to request, command, seek, plead, entreat, ask, lure or tempt. See *thesaurus.com*.

A person acts *knowingly* with respect to conduct or a circumstance when he/she is aware that his/her conduct is of that nature or that the circumstance exists. [13A-2-2-(2)]

If you find from the evidence that the State has proved beyond a reasonable doubt each of the above elements of the offense of facilitating the on-line solicitation of

a child, then you shall find the Defendant guilty of the offense of facilitating the on-line solicitation of a child.

If you find from the evidence that the State has failed to prove beyond a reasonable doubt any one or more of the elements of the offense of facilitating the on-line solicitation of a child, then you cannot find the Defendant guilty of the offense of facilitating the on-line solicitation of a child.

Use Notes

It shall not be a defense to prosecution under this section:

1. That an undercover operative or law enforcement officer was involved in the detection and investigation of the offense; or
2. That a meeting as described in this section did not occur. [13A-6-127(a)]

[Adopted 4-9-15.]