

Ala. Code 1975, §13A-6-243(a)

Directing Child to Engage in Sexual Intercourse

The defendant is charged with directing a child to engage in sexual intercourse or deviate sexual intercourse.

A person commits the crime of directing a child to engage in sexual intercourse or deviate sexual intercourse if he/she knowingly entices, allures, persuades, induces, or directs any person under the age of 12 to engage in sexual intercourse or deviate sexual intercourse with another person under the age of 12.

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

- (1) The defendant enticed, allured, persuaded, induced, or directed a person, **[insert name or description of person]**, to engage in sexual intercourse or deviate sexual intercourse with another person, **[insert name or description of that person]**;
- (2) Both the person being enticed, allured, persuaded, induced, or directed by the defendant and the other person were under the age of 12; **(AND)**
- (3) The defendant did so knowingly.

A person acts *knowingly* with respect to conduct or to 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 directing a child to engage in sexual intercourse or deviate sexual intercourse, then you shall find the defendant guilty of directing a child to engage in sexual intercourse or deviate sexual intercourse.

If you find that the State has failed to prove any one or more of the elements of the offense of directing a child to engage in sexual intercourse or deviate sexual intercourse, then you cannot find the defendant guilty of directing a child to engage in sexual intercourse or deviate sexual intercourse.

[If lesser-included offenses are included, the Court should instruct on those offenses at this point.]

Use Notes

“Sexual intercourse” and “deviate sexual intercourse” are not defined in this code section. They are defined in 13A-12-190 which is referenced in 13A-6-240 and/or in 13A-6-60. Note the definitions are not the same.

While the definitions found there do not expressly apply to this code section, their definitions would arguably be appropriate for use here.

[Approved 05/09/19]