

Ala. Code 1975, § 13A-6-69

Enticing

The defendant is charged with enticing a child for immoral purposes.

A person commits the crime of enticing a child for immoral purposes if, with lascivious intent to entice, allure, persuade or invite, or attempt to entice, allure, persuade or invite, any child under 16 years of age to enter any vehicle, room, house, office, or other place for the purpose of proposing to such child the performance of an act of sexual intercourse or an act which constitutes the offense of sodomy or for the purpose of proposing the fondling or feeling of the sexual or genital parts of such child or the breast of such child, or for the purpose of committing an aggravated assault on such child, or for the purpose of proposing that such child fondle or feel the sexual or genital parts of such person.

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

- (1) The defendant **[did or did attempt to]** entice, allure, persuade or invite a child, **[Insert Victim's name]**, to enter a **[vehicle, room, house, office or other place]**;
- (2) The child was under 16 years of age;
- (3) The defendant's purpose was for either:
 - (a) Proposing to the child the performance of an act of sexual intercourse;
 - (b) Proposing to the child the performance of an act which constitutes the offense of sodomy;
 - (c) Proposing the fondling or feeling of the sexual or genital parts of the child or the breast of the child;
 - (d) Committing an aggravated assault on the child; **(OR)**
 - (e) Proposing that the child fondle or feel the sexual or genital parts of the defendant; **(AND)**
- (4) The defendant acted with lascivious intent.

A person acts *intentionally* with respect to a result or to conduct described by a statute defining an offense when his/her purpose is to cause that result or to engage in that conduct. [13A-2-2(1)]

A person acts with *lascivious intent* if the act committed or attempted tends to arouse sexual desire.

Consent is no defense to a prosecution for this offense. [13A-6-70(c)(1)]

If you find from the evidence that the State has proved beyond a reasonable doubt each of the above elements of enticing a child for immoral purposes, then you shall find the defendant guilty of enticing a child for immoral purposes.

If you find that the State has failed to prove any one or more of the elements of the offense of enticing a child for immoral purposes, then you cannot find the defendant guilty of enticing a child for immoral purposes.

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

[Approved 9-2-15.]