

Ala. Code 1975, §13A-12-113
Promoting Prostitution in the Third Degree

The defendant is charged with promoting prostitution in the third degree.

A person commits the crime of promoting prostitution in the third degree if he/she knowingly advances or profits from prostitution.

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

- (1) The defendant advanced or profited from prostitution; **(AND)**
- (2) The defendant did so knowingly.

Prostitution is the commission by a person of any natural or unnatural sex act, sodomy, or sexual contact for monetary consideration or other thing of value. [13A-12-120]

Sexual intercourse has its ordinary meaning and occurs upon any penetration, however slight; emission is not required. [13A-6-60(4)]

Sodomy is any sexual act involving the genitals of one person and the sex organs of one person and the mouth or anus of another person. [13A-6-60(5)]

Sexual contact is any touching of the sexual or other intimate parts of a person done for the purpose of gratifying the sexual desire of either party. The term does not require skin to skin contact. [13A-6-60(3)]

A person *advances prostitution* if, acting other than as a prostitute or a patron of a prostitute, he/she knowingly causes or aids a person to commit or engage in prostitution, procures or solicits patrons for prostitution, provides persons or premises for prostitution purposes, operates or assists

in the operation of a house of prostitution or a prostitution enterprise. [13A-12-110(1)]

A person *profits from prostitution* if, acting other than as a prostitute receiving compensation for personally-rendered prostitution services, he/ she accepts or receives money or other property pursuant to a prior agreement with any person whereby he/she participates or is to participate in the proceeds of prostitution activity. [13A-12-110(2)]

A person acts *knowingly* with respect to conduct or to a circumstance described by a statute defining an offense 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 elements of promoting prostitution in the third degree, then you shall find the defendant guilty of promoting prostitution in the third degree.

If you find that the State has failed to prove beyond a reasonable doubt any one or more of the elements of promoting prostitution in the third degree, then you cannot find the defendant guilty of promoting prostitution in the third degree.

[Approved 09-27-24]