

Ala. Code 1975, § 13A-12-121.1(d)

Engaging in Prostitution with Minor
(Catch-All)

The Defendant is charged with engaging in an act of prostitution with a minor.

A person commits the crime of engaging in an act of prostitution with a minor if he/she knowingly does any of the following: **[Read as appropriate]:**

- (1) Causes or aids a minor to commit or engage in prostitution;
- (2) Procures or solicits a minor for prostitution;
- (3) Provides premises for the prostitution of a minor;
- (4) Receives or accepts money or other thing of value pursuant to a prior agreement with a minor where the minor participates or is to participate in the proceeds of any prostitution activity;
- (5) Operates or assists in the operation of a house of prostitution or a prostitution enterprise where minors participate in prostitution; **(OR)**
- (6) Sells or offers to sell travel services that include or facilitate travel for the purpose of engaging in sexual intercourse, sexual acts, deviate sexual intercourse, or any other sexual contact with a minor.

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

- (1) The defendant (name of defendant) **[Read as appropriate]:**

- (a) Caused or aided a minor to commit or engage in prostitution;
 - (b) Procured or solicited a minor for prostitution;
 - (c) Provided premises for the prostitution of a minor;
 - (d) Received or accepted money or other thing of value pursuant to a prior agreement with a minor where the minor participated or is to participate in the proceeds of any prostitution activity;
 - (e) Operated or assisted in the operation of a house of prostitution or a prostitution enterprise where minors participated in prostitution;
- (OR)**

(f) Sold or offered to sell travel services that include or facilitate travel for the purpose of engaging in sexual intercourse, sexual acts,
(AND) deviate sexual intercourse, or any other sexual contact with a minor;

- (2) The defendant did so knowingly.

Prostitution means the commission by a person of a natural or unnatural sexual 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)]

Deviate Sexual Intercourse is any sexual act involving the genitals of one person and the mouth or anus of another person. [See 13A-6-60(5) & Use Note]

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 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 engaging in an act of prostitution with a minor, then you shall find the defendant guilty of engaging in an act of prostitution with a minor

If you find that the State has failed to prove beyond a reasonable doubt one or more of the above elements of engaging in an act of prostitution with a minor, then you cannot find the defendant guilty of engaging in an act of prostitution with a minor.

Use Notes

This statute was not amended to replace “deviate sexual intercourse” with “sodomy.” The definition of “sodomy” as found in 13A-6-60(5) is used here to account for the 2019 amendment that otherwise substituted “sodomy” for “deviate sexual intercourse.”

A minor is not defined in this article. The age varies in Alabama criminal statutes. Some examples are 13A-12-200.1(16) (A minor is an unmarried person under the age of 18 years for obscenity purposes.); 13A-6-151(5) (A minor is a person under the age of 19 for human trafficking purposes.); 12-15-102(18) (A minor is an individual under the age of 19 years and who is not a child within the meaning of this chapter for juvenile purposes.)

Evidence of any of the following facts or conditions does not constitute a defense in a prosecution under Section 13A-12-121.1, nor shall the evidence preclude a finding of a violation:

- (1) A minor victim's sexual history or history of commercial sexual activity.
- (2) A minor victim's connection by blood or marriage to a defendant in the case or to anyone involved in the minor victim's prostitution.
- (3) Consent of or permission by a minor victim or anyone else on the minor victim's behalf to any commercial sex act or sexually explicit performance.
- (4) Age of consent to engage in sexual activity.
- (5) Mistake as to the minor victim's age, even if the mistake is reasonable. [13A-12-124(b)]

[Approved 04/24/26]