

**Ala. Code 1975, §13A-6-241\***

**Sexual Extortion**

**\*[These instructions apply only to offenses committed prior to 09/01/2019]**

The defendant is charged with sexual extortion.

A person commits the crime of sexual extortion if he/she knowingly causes another person to engage in sexual intercourse, deviate sexual intercourse, sexual contact, or in a sexual act or to produce any photograph, digital image, video, film, or other recording of any person, whether recognizable or not, engaged in any act of sadomasochistic abuse, sexual intercourse, deviate sexual intercourse, sexual excitement, masturbation, breast nudity, genital nudity, or other sexual conduct by transmitting any communication containing any threat to injure the body, property, or reputation of any person.

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

(1) The defendant caused another person, **[insert name of person]**, to: **[Read as appropriate]**:

A. Engage in **[Read as appropriate]**:

1. Sexual intercourse;
2. Deviate sexual intercourse;
3. Sexual contact; **(OR)**
4. Sexual act;

**(OR)**

B. Produce any **[Read as appropriate]**:

1. Photograph;
2. Digital image;
3. Video;
4. Film; **(OR)**
5. Other recording;

of any person, whether recognizable or not, engaged in any act of **[Read as appropriate]**:

1. Sadomasochistic abuse;
2. Sexual intercourse;
3. Deviate sexual intercourse,
4. Sexual excitement;
5. Masturbation;
6. Breast nudity;
7. Genital nudity; **(OR)**
8. Other sexual conduct;

(2) The defendant did by transmitting a communication containing a threat to injure the body, property, or reputation of a person; **(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 sexual extortion, then you shall find the defendant guilty of sexual extortion.

If you find that the State has failed to prove any one or more of the elements of the offense of sexual extortion, then you cannot find the defendant guilty of sexual extortion.

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

#### **Use Notes**

This code section uses a variety of terms which are not expressly defined therein. Many are defined in 13A-12-190 which is referenced in 13A-6-240. Note that some of the terms are defined differently in 13A-6-60. While the definitions found there do not expressly apply to this code section, their definitions would arguably be appropriate for use here. Similarly, harass, threaten and other terms are used throughout the criminal code, but are not statutorily defined under this code section.

[Approved 05/09/19]