

Ala. Code 1975, §13A-6-243(b)

Directing Child to Engage in Sexual Contact

The defendant is charged with directing a child to engage in sexual contact.

A person commits the crime of directing a child to engage in sexual contact if he/she knowingly entices, allures, persuades, induces, or directs any person under the age of 12 to engage in sexual contact 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 contact 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 contact, then you shall find the defendant guilty of directing a child to engage in sexual contact.

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 contact, then you cannot find the defendant guilty of directing a child to engage in sexual contact.

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

Use Notes

“Sexual contact” is not defined in this code section. It is defined in 13A-6-60. While the definition found there does not expressly apply to this code section, it would arguably be appropriate for use here.

[Approved 05/09/19]

