

ICJI 939 PROVIDING COMMERCIAL SEXUAL ACTIVITY- DEFINITIONS

INSTRUCTION NO.

In these instructions, the following words have the meanings stated.

"Providing commercial sexual activity" means: (a) engaging in, or offering or agreeing to engage in, sexual contact with another person in return for a fee; or (b) loitering in or within view of a public place for the purpose of being hired to engage in sexual contact.

"Sexual contact" means any touching of the intimate body parts of another person for the purpose of arousing or gratifying the sexual desire of either party, including but not limited to sexual intercourse, oral-genital contact, manual-genital contact, genital-anal contact, oral-anal contact, and other physical-genital contact.

"Benefits of such proceeds" includes but is not limited to any real or personal property obtained with or by use of proceeds as defined in this chapter; any debt, rent, or other financial obligation paid with proceeds as defined in this chapter; and any service obtained in exchange for proceeds as defined in this chapter.

"Child" means a person under eighteen (18) years of age.

"Commercial sexual activity" means the exchange, or the attempted exchange, of sexual contact for a fee.

"Fee" means any money, service, item of real or personal property, contraband, or thing of value.

"Intimate body parts" includes human genitals, pubic area, buttocks, or breasts.

"Proceeds" means any money, services, item of real or personal property, contraband, or thing of value paid or exchanged for sexual contact.

Comment

I.C. §§ 18-5613(1), 18-5601.

Only the definitions related to the charged offense should be included in the instruction.