

**1560 PROSTITUTION: NONMARITAL SEXUAL INTERCOURSE — § 944.30(1)****Statutory Definition of the Crime**

Prostitution, as defined in § 944.30(1) of the Criminal Code of Wisconsin, is committed by a person who intentionally has, offers to have, or requests to have nonmarital sexual intercourse for anything of value.

**State's Burden of Proof**

Before you may find the defendant guilty of this offense, the State must prove by evidence which satisfies you beyond a reasonable doubt that the following two elements were present.

**Elements of the Crime That the State Must Prove**

1. The defendant (had) (offered to have) (requested to have) nonmarital sexual intercourse<sup>1</sup> for anything of value.
2. The defendant acted intentionally.

"Intentionally" means that the defendant acted with the purpose to have nonmarital sexual intercourse for anything of value.<sup>2</sup>

**Jury's Decision**

If you are satisfied beyond a reasonable doubt that both elements of this offense have been proved, you should find the defendant guilty.

If you are not so satisfied, you must find the defendant not guilty.

**COMMENT**

Wis JI Criminal 1560 was originally published in 1986 and revised in 1995 and 2006. This revision was approved by the Committee in July 2015; it involved adoption of a new footnote 1.

Wis JI Criminal 1560 is drafted for a violation of subsec. (1) of § 944.30, an offense involving sexual intercourse. Other subsections prohibit acts of sexual gratification (subsec. (2)), being an inmate of a place of prostitution (subsec. (3)), acts of masturbation (subsec (4)), and acts of sexual contact (subsec. (5)). Uniform instructions have not been prepared for violations of subsecs. (2) (5); it is assumed that Wis JI Criminal 1560 can easily be modified for those cases.

1. If a definition of sexual intercourse is necessary, the following definition provided in § 939.22(36) is suggested:

Sexual intercourse requires only vulvar penetration and does not require emission.

The definition of "sexual intercourse" in § 940.225(5)(c) applies only to sexual assaults under § 940.225; it does not apply to crimes defined in Chapter 944. Likewise, the definition of "sexual intercourse" in § 948.01(6) applies only to offenses in Chapter 948.

2. The statute as originally enacted used the term "money." It was amended to refer to "anything of value" by Chapter 252, Laws of 1969, along with other changes intended to address the "suppression of organized crime."