

**1561 PROSTITUTION: ACT OF SEXUAL GRATIFICATION — § 944.30(2)****Statutory Definition of the Crime**

Prostitution, as defined in § 944.30(2) of the Criminal Code of Wisconsin, is committed by a person who intentionally commits, offers to commit, or requests to commit an act of sexual gratification, in public or in private, involving the sex organ of one person and the mouth or anus of another 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 (committed) (offered to commit) (requested to commit) an act of sexual gratification involving the sex organ of one person and the mouth or anus of another for anything of value.
2. The defendant acted intentionally.

"Intentionally" means that the defendant acted with the purpose to commit the act of sexual gratification for anything of value.

**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 1561 was approved by the Committee in August 2005.

Wis JI Criminal 1561 is drafted for a violation of subsec. (2) of § 944.30, an offense involving an act of sexual gratification. Other subsections prohibit acts of sexual intercourse (subsec. (1) – see Wis JI Criminal 1560), 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. (3) (5); it is assumed that Wis JI Criminal 1560 or 1561 can easily be modified for those cases.