

**9.09**  
**Definition Of Prostitution**

A person commits the offense of prostitution when he knowingly[(performs) (offers to perform) (agrees to perform)] [(any act of sexual penetration) (any touching or fondling of the sex organs of one person by another person for the purpose of sexual arousal or gratification)] for anything of value.

**Committee Note**

720 ILCS 5/11-14 (West 2023).

Give Instruction 9.10.

When sexual penetration is an issue, give Instruction 11.65E.

This instruction has been revised to conform to the interpretation placed upon the prostitution statute by *People v. Pettigrew*, 215 Ill.App.3d 393, 395, 574 N.E.2d 1282, 1283-84 (4th Dist.1991). In *Pettigrew*, the court found that a “purpose of sexual arousal or gratification” is an element of the offense only when an offer, agreement, or act of *touching or fondling* is alleged. The court held that proof of a “purpose of sexual arousal or gratification” is not required where an offer, agreement, or act of *sexual penetration* is alleged.

Use applicable bracketed material.