

N.C.P.I.—Crim. 238.21B
FIRST DEGREE SEXUAL EXPLOITATION OF A MINOR BY TRANSPORTING A
MINOR. FELONY.
GENERAL CRIMINAL VOLUME
REPLACEMENT JANUARY 2025
N.C. Gen. Stat. § 14-190.16(a)(3)

238.21B. FIRST DEGREE SEXUAL EXPLOITATION OF A MINOR BY
TRANSPORTING A MINOR. FELONY.

*NOTE WELL: N.C. Gen. Stat. § 14-190.16(c) provides that a
mistake of age is not a defense to prosecution.*

The defendant has been charged with first degree sexual exploitation of
a minor by transporting a minor.

For you to find the defendant guilty of this offense, the State must prove
four things beyond a reasonable doubt:

First, that the defendant [transported] [financed the transportation of]
a person [through] [across] North Carolina.

Second, and that person was a minor.¹

Third, that the transportation of the minor was with the intent² that the
minor engage in sexual activity³ for [a live performance] [the purpose of
producing material⁴ that contains a visual representation depicting this
activity]. (*Define sexual activity, i.e., masturbation*) is sexual activity.

And Fourth, that the defendant knew the [character] [content] of the
[performance] [material].

If you find from the evidence beyond a reasonable doubt that on or
about the alleged date, the defendant [transported] [financed the
transportation of] a minor [through] [across] this State with the intent that
the minor engage in sexual activity for [a live performance] [the purpose of
producing material that contains a visual representation depicting sexual
activity], and that the defendant knew the [character] [content] of the
[performance] [material], it would be your duty to return a verdict of guilty.
If you do not so find or have a reasonable doubt as to one or more of these
things, it would be your duty to return a verdict of not guilty.

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NOTE WELL: N.C. Gen. Stat. § 14-190.16(b) states that "[i]n a prosecution under this section, the trier of fact may infer that a participant in sexual activity whom material through its title, text, visual representations, or otherwise represents or depicts as a minor is a minor."

1. N.C. Gen. Stat. § 14-190.13(3) defines "minor" as "an individual who is less than eighteen (18) years old and is not married or judicially emancipated."

2. "Intent" is a mental attitude seldom provable by direct evidence. It must ordinarily be proved by circumstances from which it may be inferred. You arrive at the intent of a person by such just and reasonable deductions from the circumstances proven as a reasonably prudent person would ordinarily draw therefrom. See N.C.P.I.—Crim 120.10.

3. N.C. Gen. Stat. § 14-190.13(5) defines sexual activity.

4. N.C. Gen. Stat. § 14-190.13(2) defines "material" as "pictures, drawings, video recordings, films or other visual or physical depictions or representations, including digital or computer-generated visual depictions or representations created, adapted, or modified by technological means, such as algorithms or artificial intelligence, but not material consisting entirely of written words."