

210.52 INVOLUNTARY SERVITUDE OF A MINOR. FELONY.

NOTE WELL: Each violation of this section constitutes a separate offense. Evidence of failure to deliver benefits or perform services standing alone shall not be sufficient to support a conviction under this section. Nothing in this section shall be construed to affect the laws governing the relationship between an unemancipated minor and his or her parents or legal guardian. N.C. Gen. Stat. § 14-43.12(d).

The defendant has been charged with involuntary servitude of a minor.

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

First, that the defendant used violence or the threat of violence to [deceive] [coerce] [intimidate] another person who was less than 18 years of age¹ to perform labor, whether or not for compensation, and whether or not for satisfaction of a debt.²

And Second, that the defendant did so knowingly and willfully.

NOTE WELL: For offenses occurring on or after December 1, 2018, if the defendant claims the defendant was a victim, and there is evidence to support this affirmative defense, the following language should be used:

(There is evidence in this case tending to show that the defendant was [coerced] [deceived] into committing this offense as a direct result of the defendant's status as a victim.³ The burden of proving [coercion] [deceit] as a defense is upon the defendant. It need not be proved beyond a reasonable doubt, but only to your satisfaction. The defendant would not be guilty of involuntary servitude of a minor if:

First, the defendant was a victim of [human trafficking]⁴ [involuntary servitude]⁵ (or) [sexual servitude]⁶ at the time of the offense.

And Second, that the defendant was [coerced] [deceived] into committing the offense as a direct result of the defendant's status as a victim.

The defendant's assertion of [coercion] [deceit] is a denial that the defendant has committed any crime. The burden remains on the State to prove the defendant's guilt beyond a reasonable doubt.)

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant knowingly and willfully used violence or the threat of violence to [deceive] [coerce] [intimidate] another person who was less than 18 years of age to perform labor, whether or not for compensation, and whether or not for satisfaction of a debt, (and that the defendant was not a victim [coerced] [deceived] into committing the offense of involuntary servitude of a minor), 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.

1 Mistake of age is not a defense to prosecution under this section. Consent of a minor is not a defense to prosecution under this section.

2 See N.C. Gen. Stat. § 14-43.10 for the definition of coercion, deception, and involuntary servitude.

3 N.C. Gen. Stat. § 14-43.16

4 See N.C. Gen. Stat. § 14-43.11 for a definition of human trafficking.

5 See N.C. Gen. Stat. § 14-43.11 for a definition of involuntary servitude.

6 See N.C. Gen. Stat. § 14-43.11 for a definition of sexual servitude.