

210.86 HUMAN TRAFFICKING OF A MINOR INVOLVING SEXUAL SERVITUDE.
FELONY.

NOTE WELL: Each violation of this section constitutes a separate offense and shall not merge with any other offense. Evidence of failure to deliver benefits or perform services standing alone shall not be sufficient to support a conviction under this section.

The defendant has been charged with human trafficking of a minor involving sexual servitude.

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

First, that the defendant [willfully] [in reckless disregard of the consequences of the action] held a minor, a person less than 18 years of age¹ in sexual servitude.

And Second, in doing so, the defendant intentionally, by [coercion] [deceit], [subjected] [maintained] that person [(in) (to) (for) any sexual activity² for which anything of value is directly or indirectly given, promised to or received] [(in) (to) any sexual activity² that is performed or provided].

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 human trafficking of a minor involving sexual servitude 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 [willfully] [in reckless disregard of the consequences of the action] held a minor, and that in so doing, the defendant intentionally, by [coercion] [deceit], [subjected] [maintained] the minor [(in) (to) (for) any sexual activity for which anything of value is directly or indirectly given, promised to or received] [(in) (to) any sexual activity that is performed or provided], (and that the defendant was not a victim [coerced] [deceived] into committing the offense of human trafficking of a minor involving sexual servitude), 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 Sexual activity is defined in N.C. Gen. Stat. § 14-43.10 by reference to N.C. Gen. Stat. § 14-190.13.

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. § 14-43.12 for a definition of involuntary servitude.

6 See N.C. Gen. Stat. § 14-43.13 for a definition of sexual servitude.