

210.72 SEXUAL SERVITUDE OF A MINOR. 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 sexual 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, by [coercion] [deceit], [subjected] [maintained] [obtained] another person who was less than 18 years of age¹ [for the purpose(s) of any sexual activity² for which anything of value is directly or indirectly [given by] [promised to] (or) [received by] any person] [for the purpose(s) of any sexual activity that is performed or provided].

And Second, that the defendant did so [knowingly] [in reckless disregard of the consequences of the defendant's actions].

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 on the defendant. It need not be proved beyond a reasonable doubt, but only to your satisfaction. The defendant would not be guilty of sexual 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] [in reckless disregard of the consequences of the action]], by [coercion] [deceit], [subjected] [maintained][obtained] another person who was less than 18 years of age [for the purpose(s) of any sexual activity for which anything of value is directly or indirectly [given by] [promised to] or [received by] any person [for the purpose(s) of any sexual activity that is performed or provided], (and that the defendant was not a victim who was [coerced] [deceived] into committing the offense of sexual 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. 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.