

210.82 HUMAN TRAFFICKING INVOLVING SEXUAL SERVITUDE. FELONY.

NOTE WELL: For human trafficking involving sexual servitude of a minor use N.C.P.I.—Crim. 210.86.

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 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 [[knowingly] [in reckless disregard of the consequences of the action]] [recruited] [enticed] [harbored] [transported] [provided] [obtained by any means] another person in sexual servitude.

And Second, that in doing so the defendant intentionally, by [coercion] [deceit], [subjected] [maintained] [obtained] that person [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 activity¹ 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.² 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 human trafficking involving sexual servitude if:

First, the defendant was a victim of [human trafficking]³ [involuntary servitude]⁴ (or) [sexual servitude]⁵ 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]] [recruited] [enticed] [harbored] [transported] [provided] [obtained by any means] another person with the intent to, by [coercion] [deceit], [subject] [maintain][obtain] that person [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 human trafficking 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. Sexual activity is defined in N.C. Gen. Stat. § 14-43.10 by reference to N.C. Gen. Stat. § 14-190.13.

2. N.C. Gen. Stat. § 14-43.16

3. See N.C. Gen. Stat. § 14-43.11 for a definition of human trafficking.
4. See N.C. Gen. Stat. § 14-43.12 for a definition of involuntary servitude.
5. See N.C. Gen. Stat. § 14-43.13 for a definition of sexual servitude.

