

# **PATTERN CRIMINAL JURY INSTRUCTIONS OF THE SEVENTH CIRCUIT**

**(2012 Ed.)**

**(plus 2015-2019 changes)**

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Prepared by the Committee on Federal Criminal Jury  
Instructions of the Seventh Circuit

**18 U.S.C. § 1591 SEX TRAFFICKING OF A MINOR  
– ELEMENTS**

[The indictment charges the defendant[s] with; Count[s] \_\_ of the indictment charge[s] the defendant[s] with] sex trafficking of a minor. In order for you to find [a; the] defendant guilty of this charge, the government must prove each of the [three] following elements beyond a reasonable doubt:

1. The defendant knowingly [recruited] [enticed] [harbored] [transported] [provided][obtained][maintained] [the person identified in the indictment]; and
2. the defendant [knew][recklessly disregarded the fact]:
  - (a) [force][threats of force][fraud][coercion] would be used to cause [the person identified in the indictment] to engage in a commercial sex act; or
  - (b) [the person identified in the indictment] was under eighteen years of age and would be caused to engage in a commercial sex act; and
3. the offense was in or affecting interstate commerce.

If you find from your consideration of all the evidence that the government has proved each of these elements beyond a reasonable doubt [as to the charge you are considering], then you should find the defendant guilty [of that charge].

If, on the other hand, you find from your consideration of all the evidence that the government has failed to prove any one of these elements beyond a reasonable doubt [as to the charge you are considering], then you should find the defendant not guilty [of that charge].

**Committee Comment**

Acts that fall within the meaning of “commercial sex act” are listed in 18 U.S.C. §1591(e)(3).

A person “recklessly disregards” a fact within the meaning of this offense when he is aware of, but consciously or carelessly ignores facts and circumstances that would reveal the fact that [force][threats of force][fraud][coercion] would be used to cause, or the minor status of the person identified in the indictment being caused to engage in a commercial sex act. See *United States v. Pina-Suarez*, 2008 WL 2212047, at \*\*3 (11th Cir. May 29, 2008); *United States v. Wilson*, 2010 WL 2991561 (S.D. Fl. 2010).

The definitions of “interstate commerce” and “foreign commerce” are found at 18 U.S.C. §10 and are modified in the Pattern Instruction on Interstate/Foreign Commerce-Definition, above, which consolidates and harmonizes various definitions of those terms.