

# **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. § 2421    TRANSPORTATION FOR  
PROSTITUTION/SEXUAL ACTIVITY – ELEMENTS**

[The indictment charges the defendant[s] with; Count[s] \_\_ of the indictment charge[s] the defendant[s] with] transportation for [prostitution][sexual activity]. In order for you to find [a; the] defendant guilty of this charge, the government must prove both of the following elements beyond a reasonable doubt:

1. The defendant knowingly [transported ][attempted to transport][the person identified in the indictment] in interstate commerce; and

2. At the time of [transportation][the attempted transportation], the defendant intended that [the person identified in the indictment] would engage in [prostitution][sexual activity for which [the defendant][any other person identified in the indictment] could have been charged with a criminal offense [as charged in the indictment]].

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**

“Sexual activity” is not fully defined by the statute. See 18 U.S.C. §2427. There is no current authority addressing whether “sexual activity” includes conduct other than conduct included within “sexually explicit conduct” (see 18 U.S.C. §2256(2)(A)), “illicit sexual conduct” (see 18 U.S.C. §2423(f)), and “sexual act” (see 18 U.S.C. §2246(2)), such as misdemeanor offenses involving flashing or masturbation.

In appropriate cases, “prostitution” may need to be defined. “Prostitution” means knowingly engaging in or offering to engage in a sexual act in exchange for money or other valuable consideration.

If the charged offense is an attempt, the court should also give the instruction defining attempt. See the Pattern Instruction 4.09.

For a definition of “interstate or foreign commerce” see the Pattern Instruction related to 18 U.S.C. § 2315.