

29.25 HUMAN TRAFFICKING BY A [PARENT] [LEGAL GUARDIAN] [PERSON WITH CUSTODY OR CONTROL] OF A MINOR

§ 787.06(4), Fla. Stat.

To prove the crime of Human Trafficking By a [Parent] [Legal Guardian] [Person With Custody or Control] of a Minor, the State must prove the following four elements beyond a reasonable doubt:

1. (Defendant) **[was a parent] [was a legal guardian] [had custody or control]** of (victim).
2. (Defendant) **[sold or otherwise transferred custody or control of (victim)] [offered to sell or offered to otherwise transfer custody of (victim)]**.
3. (Defendant) **did so [knowing] [or] [in reckless disregard of the fact] that as a consequence of the sale or transfer, (victim) would be subjected to human trafficking.**
4. **At the time, (victim) was under the age of 18 years.**

Definitions.

Give in all cases.

§ 787.06(2)(d), Fla. Stat.

“Human trafficking” means [transporting] [soliciting] [recruiting] [harboring] [providing] [enticing] [maintaining] [purchasing] [patronizing] [procuring] [or] [obtaining] another person for the purpose of exploitation of that person.

§ 787.06(2)(f), Fla. Stat.

“Maintain” means in relation to labor or services, to secure or make possible continued performance thereof, regardless of any initial agreement on the part of a victim to perform such type service.

§ 787.06(2)(g), Fla. Stat.

“Obtain” means, in relation to labor, commercial sexual activity, or services, to receive, take possession of, or take custody of another person or to secure performance thereof.

§ 787.06(2)(b), Fla. Stat.

“Commercial sexual activity” means:

- a. (name of chapter 796 crime). (Name of chapter 796 crime) **is defined as** (*insert definition of Chapter 796 crime*).
- b. **an attempt to commit** (name of chapter 796 crime). **An attempt to commit** (name of chapter 796 crime) **is defined as** (*insert definition of attempt in Instruction 5.1 and then define the Chapter 796 crime*).
- c. **sexually explicit performances. “Sexually explicit performance” means an act or show, whether public or private, that is live, photographed, recorded, or**

videotaped and intended to arouse or satisfy the sexual desires or appeal to the prurient interest.

d. the production of pornography.

Give if requested. § 787.06(11), Fla. Stat.

**(Victim's) lack of chastity or the willingness or consent of (victim) is not a defense if [he]
[she] was under 18 years of age at the time of the offense.**

Lesser Included Offenses

No lesser included offenses have been identified for this offense.

Comment

This instruction was adopted in 2013 [131 So. 3d 692] and amended in 2015 [176 So. 3d 938], 2018 [242 So. 3d 347], and on January 7, 2022.