**20.13 Sexual Abuse of Person in Official Detention**

**(18 U.S.C. § 2243(b))**

The defendant is charged in [Count \_\_\_\_\_\_\_ of] the indictment with sexual abuse of a person in official detention in violation of Section 2243(b) of Title 18 of the United States Code. For the defendant to be found guilty of that charge, the government must prove each of the following elements beyond a reasonable doubt:

First, the defendant knowingly engaged in a sexual act with [*name of victim*];

Second, at the time, [*name of victim*] was in official detention at [*specify place of federal jurisdiction*]; and

Third, at the time [*name of victim*] was under the custodial, supervisory or disciplinary authority of the defendant.

In this case, “sexual act” means [*specify statutory definition*].

In this case, “official detention” means [*official detention definition*].

**Comment**

*See* Comment to Instruction 20.1 (Aggravated Sexual Abuse (18 U.S.C. § 2241(a))).

“Official detention” is defined in 18 U.S.C. § 2246(5). “Official detention” includes a minor who is being held in a facility, who has been served with a Notice to Appear in Immigration Court, and who has been placed into removal proceedings that created the possibility of deportation. *United States v. Pacheco*, 977 F.3d 764, 766 (9th Cir. 2020).

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