**20.25 Sex Trafficking of Children (18 U.S.C. § 1591(a)(1))**

The defendant is charged in [Count \_\_\_\_\_\_ of] the indictment with engaging in sex trafficking of children in violation of Section 1591 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 [recruited] [enticed] [harbored] [transported] [provided] [obtained] [advertised] [maintained] [patronized] [or] [solicited] a person;

Second, the person had not attained the age of 18 years;

Third, the defendant [knew] [was in reckless disregard of the fact] that the person had not attained the age of 18 years;

Fourth, the defendant [knew] [was in reckless disregard of the fact] that the person would be caused to engage in a commercial sex act; and

Fifth, the defendant’s acts were [in or affecting interstate or foreign commerce] [within the special maritime and territorial jurisdiction of the United States].

[The government is not required to prove the third element – that the defendant knew, or recklessly disregarded the fact, that the person was under 18 years of age – if the defendant had a reasonable opportunity to observe the person.]

**Comment**

“Commercial sex act” is defined in 18 U.S.C. § 1591(e)(3).

The “force, fraud, or coercion” elements may be applied for victims who are not minors.

The “reckless disregard” standard does not apply if the act is advertising. If the government charges “advertising,” the mens rea element is knowing. 18 U.S.C. § 1591(a).

*Revised Dec. 2023*