**20.26 Sex Trafficking of Children or by Force, Fraud, or Coercion**

**—Benefitting from Participation in Venture (18 U.S.C. § 1591(a)(2))**

The defendant is charged in [Count \_\_\_\_\_\_ of] the indictment with engaging in sex trafficking [of children] [by force, fraud, or coercion] 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 benefitted [financially] [or] [by receiving anything of value] from participation in a venture that [recruited] [enticed] [harbored] [transported] [provided] [obtained] [advertised] [maintained] [patronized] [or] [solicited] a person to engage in a commercial sex act;

Second, the defendant [knew] [was in reckless disregard of the fact] that [force, threats of force, fraud, coercion, or any combination of such means would be used to cause the person to engage in a commercial sex act] [or] [the person had not attained the age of 18 years and would be caused to engage in a commercial sex act]; and

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

**Comment**

“Coercion” is defined in 18 U.S.C. § 1591(e)(2).

The victim need not be a minor when the charge is sex trafficking by “force, fraud, or coercion.”

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 August 2023*