**20.5A Aggravated Sexual Abuse of Child – Under Twelve Years of Age Within Federal Jurisdiction (18 U.S.C. § 2241(c))**

The defendant is charged in [Count \_\_\_\_\_\_\_ of] the indictment with aggravated sexual abuse of a child in violation of Section 2241(c) 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 under the age of twelve years; and

Third, the offense was committed at [*specify place of federal jurisdiction*].

The government need not prove that the defendant knew that [*name of victim*] was under the age of twelve years.

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

**Comment**

For a definition of “knowingly,” *see* Instruction 4.8 (Knowingly).

Whether the crime alleged occurred at a particular location is a question of fact. Whether the location is within the special maritime and territorial jurisdiction of the United States, a federal prison, or a facility where federal detainees are held pursuant to a contract is a question of law. See *United States v. Mujahid*, 799 F.3d 1228, 1236-38 (9th Cir. 2015); see also *United States v. Gipe*, 672 F.2d 777, 779 (9th Cir. 1982) (per curiam).

*See* 18 U.S.C. § 2241(d) as to the penultimate paragraph of the instruction.  *See* 18 U.S.C. § 2246(2) for the definition of sexual act referred to in the last paragraph of the instruction.

An alleged mistake as to the victim’s age is not a defense to a charge of aggravated sexual abuse under a statute prohibiting anyone from knowingly engaging in sexual contact with another person who has not attained the age of twelve years. *United States v. Juv. Male*, 211 F.3d 1169, 1171-72 (9th Cir. 2000).