**24.12 Harboring or Concealing Person from Arrest**

**(18 U.S.C. § 1071)**

 The defendant is charged in [Count \_\_\_\_\_\_\_ of] the indictment with [harboring] [concealing] a person from arrest in violation of Section 1071 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, a federal warrant had been issued for the arrest of [*name of person*];

 Second, the defendant knowingly [[harbored] [concealed]] [*name of* *person*];

 Third, at the time the defendant [[harbored] [concealed]] [*name of person*], the defendant knew that a warrant had been issued for the arrest of [*name of person*].

 Fourth, the defendant intended to prevent the discovery or arrest of [*name of* *person*].

**Comment**

 A violation of 18 U.S.C. § 1071 requires proof of four elements. *United States v. Hill*, 279 F.3d 731, 737-38 (9th Cir. 2002) (setting forth four elements listed in instruction). “[A]ny physical act of providing assistance, including food, shelter, and other assistance to aid the [fugitive] in avoiding detection and apprehension will make out a violation of section 1071.”  *Id.* at 738 ((alterations in original) (quoting *United States v. Yarbrough*, 852 F.2d 1522, 1543 (9th Cir. 1988)) (holding that giving money to fugitive to shelter, feed, or hide himself is not harboring, while directly providing shelter, food, or aid is harboring).

 A wife may be convicted of harboring her fugitive husband even if the harboring occurs outside the United States (*i.e*., Mexico). *Hill*, 279 F.3d at 733.

 Failure to disclose a fugitive’s location to law enforcement and making false statements to law enforcement are not crimes under the statute. *Yarbrough*, 852 F.2d at 1543.

*Revised June 2019*