

Ala. Code 1975, §13A-6-152(c)

**Human Trafficking First Degree
(Corporation or Other Legal Entity)**

The defendant is charged with human trafficking in the first degree as a corporation or other legal entity.

A person commits the crime of human trafficking in the first degree as a corporation or other legal entity if it commits the crime of human trafficking in the first degree and is a corporation or any other legal entity other than an individual.

To convict, the State must prove beyond a reasonable doubt each of the following elements:

1. The defendant was a corporation or any other legal entity other than an individual, **[Insert name]**;
2. The defendant committed human trafficking in the first degree by an act or an omission, **[Insert act or omission]**;
3. An agent of the corporation or entity, **[Insert name of agent]**, performed the conduct which was an element of the crime while acting within the scope of his/her employment and on behalf of the corporation or entity;
4. The commission of the crime was either authorized, requested, commanded, performed, or within the scope of the person's employment on behalf of the corporation or entity or constituted a pattern of conduct that an agent of the corporation or entity knew or should have known was occurring; **(AND)**
5. The defendant acted knowingly.

As I just instructed you, one of the elements that the State must prove is that the defendant committed human trafficking in the first degree by an act or an omission, **[Insert act or omission]**. Therefore, I will now instruct you what the State must prove as to human trafficking in the first degree. **[Insert instructions for Human Trafficking First Degree 13A-6-152(a)(1), (2) and/or (3), as appropriate under the facts]**

A person acts *knowingly* with respect to conduct or to a circumstance described by a statute defining an offense when he is aware that his conduct is of that nature or that the circumstance exists. [13A-2-2(2)]

If you find from the evidence that the State has proved beyond a reasonable doubt each of the above elements of human trafficking in the first degree, then you

shall find the defendant guilty of the offense of human trafficking in the first degree.

If you find that the State has failed to prove beyond a reasonable doubt any one or more of the elements of human trafficking in the first degree, then you cannot find the defendant guilty of human trafficking in the first degree.

[If lesser-included offenses are included, the Court should instruct on those offenses at this point.]

Use Notes

Evidence of the following facts or conditions shall not constitute a defense in a prosecution for human trafficking in the first degree, nor shall the evidence preclude a finding of a violation:

- (1) A human trafficking victim's sexual history or history of commercial sexual activity.
- (2) A human trafficking victim's connection by blood or marriage to a defendant in the case or to anyone involved in the victim's trafficking.
- (3) Consent of or permission by a victim of human trafficking or anyone else on the victim's behalf to any commercial sex act or sexually explicit performance.
- (4) Age of consent to sex, an act defined by paragraph b. of subdivision (7) of Section 1 [i.e. Section 13A-6-151] of the definition for sexual servitude, legal age of marriage, or other discretionary age.
- (5) Mistake as to the human trafficking victim's age, even if the mistake is reasonable.

If any apply, a charge should be given setting out the prohibited defense or defenses followed by the phrase: "is no defense to a prosecution for this offense."
[13A-6-154]

[Approved April 26, 2024]