

**Ala. Code 1975, §13A-6-153(a)(4)**

**Obstruction of Enforcement of Human Trafficking Second Degree**

The defendant is charged with obstruction of enforcement of human trafficking in the second degree.

A person commits the crime of obstruction of enforcement of human trafficking in the second degree if he/she obstructs, or attempts to obstruct, or in any way interferes with or prevents the enforcement of human trafficking in the second degree.

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

1. The defendant obstructed, or attempted to obstruct, or in any way interfered with or prevented the enforcement of human trafficking in the second degree, **[Insert the act obstructing]; (AND)**
2. The defendant acted knowingly.

As I just instructed you, one of the elements that the State must prove is that the defendant obstructed, or attempted to obstruct, or in any way interfered with or prevented the enforcement of human trafficking in the second degree, **[Insert the act obstructing]**.

Therefore, I will now instruct you what the State must prove as to human trafficking in the second degree. **[Insert instructions for Human Trafficking Second Degree 13A-6-153(a)(1), (2) and/or (3), whichever is 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 obstruction of enforcement of human trafficking in the second degree, then you shall find the defendant guilty of the offense of obstruction of enforcement of human trafficking in the second degree.

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