

## Issues in Involuntary Sexual Servitude Of A Minor

To sustain the charge of involuntary sexual servitude of a minor, the State must prove the following propositions:

*First Proposition:* That the defendant [(recruited) (enticed) (harbored) (transported) (provided) (obtained by any means)] [or] [attempted to (recruit) (entice) (harbor) (provide) (obtain by any means)] a person under 18 years of age, knowing that the minor will engage in [(commercial sexual activity) (a sexually-explicit performance) (the production of pornography)]; and

[or]

*First Proposition:* That the defendant [(caused) (attempted to cause)] \_\_\_\_\_ to engage in [(commercial sexual activity) (a sexually-explicit performance) (the production of pornography)]; and

*Second Proposition:* That there was no overt [(force) (threat)] and \_\_\_\_\_ was between the ages of 17 and 18 years.

[or]

*Second Proposition:* That there was no overt [(force) (threat)] and \_\_\_\_\_ was under the age of 17.

[or]

*Second Proposition:* That there was overt [(force) (threat)].

If you find from your consideration of all the evidence that each one of these propositions has been proved beyond a reasonable doubt, you should find the defendant guilty.

If you find from your consideration of all the evidence that any one of these propositions has not been proved beyond a reasonable doubt, you should find the defendant not guilty.

### Committee Note

720 ILCS 5/10-9(c) (West 2020).

Give Instruction 8.29.

Use applicable bracketed material.

Insert in the blanks the name of the minor.

A defendant may be sentenced to an extended term sentence under 730 ILCS 5/5-8-2 if the victim suffers bodily injury. The Committee believes this raises issues of *Apprendi v. New Jersey*, 530 U.S. 466 (2000), for which the jury would need to be instructed and an extended term sentence could be imposed. See IPI Criminal Instructions 28.00 *et seq.*