

LABOR TRAFFICKING
(D Felony)
PENAL LAW 135.35 (1)
(Committed on or after Nov. 1, 2007)

The _____ count is Labor Trafficking.

Under our law, a person is guilty of labor trafficking when he or she

Select appropriate alternative(s):

compels or induces another person to engage in labor [or]

recruits, entices, harbors or transports another person *to engage in labor*¹

by means of intentionally and unlawfully providing a controlled substance to that person with the intent to impair his or her judgment.

Some of the terms used in this definition have their own special meaning in our law. I will now give you the meaning of the following terms: “controlled substance,” “unlawfully,” “intent” and “intentionally.”

CONTROLLED SUBSTANCE includes (specify).²

A person UNLAWFULLY provides (specify controlled substance) when that person has no legal right to provide that

¹ The italicized words are not in the statutory definition. They are in the statutory definition of an accomplice [Penal Law § 135.36 (“In a prosecution for labor trafficking, a person who has been compelled or induced or recruited, enticed, harbored or transported to *engage in labor*...”)(emphasis added)]. Accordingly, in accord with Legislative intent and for clarity’s sake they are here included in the definition of the crime.

² See Penal Law § 220.00 (5).

substance.³ Under our law, with certain exceptions not applicable here, a person has no legal right to provide (specify controlled substance).

INTENT means conscious objective or purpose. Thus, a person INTENTIONALLY provides a controlled substance to another person when his or her conscious objective or purpose is to do so. And, a person provides such controlled substance with the intent to impair another's judgment when that person's conscious objective or purpose is to do so.⁴

In order for you to find the defendant guilty of this crime, the People are required to prove, from all of the evidence in the case, beyond a reasonable doubt, both of the following two elements:

1. That on or about (date), in the county of (county), the defendant, (defendant's name),

Select appropriate alternative(s):

compelled or induced (specify person) to engage in labor; [or]

recruited, enticed, harbored or transported (specify person) to engage in labor; and

2. That the defendant did so by means of intentionally and unlawfully providing (specify controlled substance) to him/her, with the intent to impair his/her judgment.

Therefore, if you find that the People have proven beyond

³ See Penal Law § 220.00 (2) and Public Health Law § 3396 (1).

⁴ See Penal Law § 15.05(1). An expanded definition of "intent" is available in the General Charges section under Culpable Mental States.

a reasonable doubt both of those elements, you must find the defendant guilty of the crime of Labor Trafficking as charged in the _____ count.

On the other hand, if you find that the People have not proven beyond a reasonable doubt either one or both of those elements, you must find the defendant not guilty of the crime of Labor Trafficking as charged in the _____ count.