

LABOR TRAFFICKING
(D Felony)
PENAL LAW 135.35 (2)
(Committed on or after Nov. 1, 2007)

The _____ count is Labor Trafficking.

Under our law, a person is guilty of labor trafficking if 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 requiring that the labor be performed to retire, repay, or service a real or purported debt that the actor has caused by a systematic ongoing course of conduct with intent to defraud such person.

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: “intent” and “intentionally.”

INTENT means conscious objective or purpose. Thus, a person INTENTIONALLY requires that the labor be performed to retire, repay, or service a real or purported debt that the actor has caused by a systematic ongoing course of conduct when it is his or her conscious objective to do so. And, a person acts with the intent to defraud another when that person’s conscious objective

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.

or purpose is to do so.²

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, each 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*) to engage in labor;

recruited, enticed, harbored or transported (*specify*);
and

2. That the defendant did so by means of intentionally requiring that the labor be performed to retire, repay or service a real or purported debt that he or she caused by a systematic ongoing course of conduct with intent to defraud (*specify*).

Therefore, if you find that the People have proven beyond 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.

² See Penal Law § 15.05(1). An expanded definition of “intent” is available in the General Charges section under Culpable Mental States.