

1276 EXAMPLE HUMAN TRAFFICKING — § 940.302(2)(a)**Statutory Definition of the Crime**

Human trafficking, as defined in § 940.302 of the Criminal Code of Wisconsin, is committed by one who knowingly engages in trafficking for the purpose of a commercial sex act and does so by causing or threatening to cause bodily harm to any individual.

State's Burden of Proof

Before you may find the defendant guilty of this offense, the State must prove by evidence which satisfies you beyond a reasonable doubt that the following three elements were present.

Elements of the Crime That the State Must Prove

1. The defendant knowingly engaged in trafficking.

"Trafficking" means that the defendant recruited (name of victim).

2. The defendant recruited (name of victim) for the purpose of a commercial sex act.

"Commercial sex act" means sexual contact for which anything of value is given to, promised, or received, directly or indirectly, by any person.

3. The defendant engaged in trafficking by causing or threatening to cause bodily harm to any individual.

Deciding About Knowledge and Purpose

You cannot look into a person's mind to find out knowledge and purpose. Knowledge and purpose must be found, if found at all, from the defendant's acts, words, and statements,

if any, and from all the facts and circumstances in this case bearing upon knowledge and purpose.

Jury's Decision

If you are satisfied beyond a reasonable doubt that all three elements of this offense have been proved, you should find the defendant guilty.

If you are not so satisfied, you must find the defendant not guilty.

COMMENT

Wis JI-Criminal 1276 EXAMPLE was originally published in 2011. This revision was approved by the Committee in October 2014.

This instruction provides an example showing how Wis JI-Criminal 1276, which applies to violations of § 940.302, Human trafficking, would read when typical alternatives are selected:

- trafficking by recruiting a person;
- for the purpose of a commercial sex act;
- trafficking by causing or threatening to cause bodily harm.