**LABOR TRAFFICKING**

**Penal Law § 135.35 (1)1**

**(Committed on or after Nov. 1, 2007)**

The (*specify*) 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 labor2*

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.

The following term used in that definition has a special meaning:

INTENT means conscious objective or purpose. Thus, a

1 Prior to January 19, 2016, the instant crime was subdivision two of Penal Law 135.35. Effective January 19, 2016, the Labor Trafficking statute was amended by repealing subdivision one and reenacting it as the separate crime of Aggravated Labor Trafficking under Penal Law § 135.37, and this subdivision, then subdivision two, was renumbered subdivision one and the remaining subdivisions of the Labor Trafficking statute were also renumbered accordingly. L 2015, ch 368.

2 The italicized words are not in the statutory definition. They are in the statutory definition of an accomplice (*see* 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]). Thus, in accord with legislative intent, and for the sake of clarity, they are here included in the definition of the crime.

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 or purpose is to do so.3

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*) to engage in labor; and

1. 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*).

If you find the People have proven beyond a reasonable doubt both of those elements, you must find the defendant guilty of this crime.

If you find the People have not proven beyond a reasonable doubt either one or both of those elements, you must find the defendant not guilty of this crime.

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

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