

210.50 INVOLUNTARY SERVITUDE. FELONY.

*NOTE WELL: This instruction applies to offenses occurring before December 1, 2006, the effective date of N.C. Gen. Stat. § 14-43.12.*

The defendant has been charged with involuntary servitude,<sup>1</sup> which is the unlawful holding of a person against that person's will by coercion or intimidation for the performance of labor.

For you to find the defendant guilty of this offense, the State must prove two things beyond a reasonable doubt:

First, that the defendant knowingly, willfully and unlawfully

(a) [held a person against that person's will by [coercion] (or) [intimidation.]]<sup>2</sup>

(b) [[enticed] [persuaded] [induced] a person to go to another place with the intent that the person be held against that person's will.]

And Second, that the purpose of such [holding] [enticing] [persuading] [inducing] the person was for the performance of labor.<sup>3</sup>

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant knowingly, willfully, and unlawfully

(a) [held a person against that person's will by [coercion] (or) [intimidation],]

(b) [[enticed] [persuaded] [induced] a person to go to another place with the intent that the person be held against that person's will],

and that the purpose of such [holding] [enticing] [persuading] [inducing] was for the performance of labor, it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.<sup>4</sup>

*NOTE WELL: When there is evidence of restraint which may have been without the purpose required to constitute involuntary servitude, give N.C.P.I.-Crim. 210.40, Felonious Restraint (effective Oct. 1, 1985) and/or N.C.P.I.-Crim. 210.15 (False Imprisonment) as a lesser included offense instruction.*

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1. N.C. Gen. Stat. § 14-43.12(c) provides that "Nothing in this section shall be construed to affect the laws governing the relationship between an unemancipated minor and his parents or legal guardian."

2. N.C. Gen. Stat. § 14-43.12(a)(2) provides that "coercion or intimidation may be achieved by using violence or the threat of violence, or by any other means of coercion or intimidation."

3. N.C. Gen. Stat. § 14-43.12(a)(1) provides that if the purpose for the holding is for the performance of labor, it does not matter whether or not the labor is to be performed for compensation or for the satisfaction of a debt.

4. If there are lesser included offenses, the last phrase should be ". . . you would not return a verdict of guilty of involuntary servitude."