

238.218 FIRST DEGREE SEXUAL EXPLOITATION OF A MINOR BY
TRANSPORTING A MINOR. FELONY.

NOTE WELL: For offenses occurring on or after December 1, 1995 this offense is a Class D felony.

G.S. 14-190.16(c) provides that a mistake of age is not a defense to prosecution.

The defendant has been charged with first degree sexual exploitation of a minor by transporting a minor.¹

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

First, that the defendant [transported] (or) [financed the transportation of] a person [through] (or) [across] North Carolina.

Second, and that person was a minor.

Third, that the transportation of the minor was with the intent² that the minor engage in sexual activity³ for [a live performance] (or) [the purpose of producing material⁴ that contains a visual representation depicting sexual activity]. (*Define sexual activity, i.e., masturbation*) is a sexual activity.

And Fourth, that the defendant knew the [character] (or) [content] of the [performance] (or) [material].

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant [transported] (or) [financed the transportation of] a minor [through] (or) [across] this State with the intent that the minor engage in sexual activity for [a live performance] (or) [the purpose of producing material that contains a visual representation depicting sexual activity], and that the defendant knew the [character] [content] of the [performance] (or) [material], 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.

NOTE WELL: G.S. 14-19.016(b)states that "[i]n a prosecution under this section, the trier of fact may infer that a participant in sexual activity whom material through its title, text, visual representations, or otherwise represents or depicts as a minor is a minor."

-
1. G.S. 14- 190.13(3) defines "minor" as "an individual who is less than eighteen (18) years old and is not married or judicially emancipated."
 2. See N.C.P.I.—Crim. 120.10 for definition of intent.
 3. G.S. 14-190.13(5) defines sexual activity.
 4. G.S. 14-190.13(2) defines "material" as "pictures, drawings, video recordings, films or other visual depictions or representations but not material consisting entirely of written words."