

CRIMINAL RESTRAINT

(N.J.S.A. 2C:13-2b)

The defendant _____, is charged with the crime of criminal restraint, in that (he/she) allegedly _____ (**Read Indictment**).

(He/she) is accused of violation of our law, particularly 2C:13-2b. That section reads in pertinent part as follows:

A person is guilty of the crime of criminal restraint if he knowingly holds another in a condition of involuntary servitude.

In order for you to find the defendant _____, guilty of this offense, the State must prove the essential elements of the offense beyond a reasonable doubt; they are:

1. That the defendant, _____ knowingly held _____.
2. That the holding of _____, was in a condition of involuntary servitude.

A person acts knowingly with respect to the nature of (his/her) conduct or the attendant is of that nature, or that such circumstances exist, or the person is aware of a high probability of their existence. A person acts knowingly with respect to a result of (his/her) conduct if (he/she) is aware that it is practically certain that (his/her) conduct will cause such a result. "Knowing," "with knowledge" or equivalent terms have the same meaning.¹

I have used the term involuntary servitude. Involuntary servitude is a condition of one who is compelled by force, coercion, or imprisonment, and against (his/her) will, to labor for another. The question of whether (he/she) is paid or not may be a factor.²

The creation by defendant _____, of circumstances resulting in a belief by _____, that (he/she) must remain in a particular location, means holding in a condition of involuntary servitude.

If after consideration of all of the evidence you are convinced beyond a reasonable doubt that the defendant _____ knowingly held _____, and that said holding of _____, was in a condition of involuntary servitude, then your verdict should be guilty.

¹ See 2C:2-2.

² Black's Law Dictionary (4th Edition, rev.) p. 961.

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If after a consideration of all of the evidence you find that the state has failed to prove any element of the offense beyond a reasonable doubt, then your verdict must be not guilty.

NOTE: If affirmative defense is applicable, see 2C:1-13b(1) and 2C:13-2.