



**FROM THE COMMITTEE
ON MODEL CRIMINAL
JURY INSTRUCTIONS**

The Committee on Model Criminal Jury Instructions solicits comment on the following proposal by August 1, 2026. Comments may be sent in writing to Christopher M. Smith, Reporter, Committee on Model Criminal Jury Instructions, Michigan Hall of Justice, P.O. Box 30052, Lansing, MI 48909-7604, or electronically to MCrimJI@courts.mi.gov.

PROPOSED

The Committee proposes amending seven instructions to include the term “human trafficking” when describing the offenses to the jury: M Crim JI 36.1 (Obtaining a Person for Forced Labor or Services), M Crim JI 36.2 (Holding a Person in Debt Bondage), M Crim JI 36.3 (Knowingly Subjecting a Person to Forced Labor or Debt Bondage), M Crim JI 36.4 (Participating in a Forced Labor, Debt Bondage, or Commercial Sex Enterprise for Financial Gain), M Crim JI 36.4a (Participating in a Forced Labor or Commercial Sex Enterprise for Financial Gain or for Anything of Value with a Minor), M Crim JI 36.5 (Aggravating Factors), and M Crim JI 36.6 (Using Minors for Commercial Sexual Activity or for Forced Labor or Services). The proposed amendments would also adjust some phrasing to ensure greater consistency with the statutes defining these offenses. Deletions are in ~~strikethrough~~, and new language is underlined.

[AMENDED] M Crim JI 36.1 Human Trafficking: Obtaining a Person for Forced Labor or Services

(1) The defendant is charged with the crime of engaging in human trafficking by obtaining a person for forced labor or services. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First, that the defendant recruited, enticed, harbored, transported, provided, or obtained [*name complainant*] to perform forced labor or services.

(3) Second, that when the defendant recruited, enticed, harbored, transported, provided, or obtained [*name complainant*], the defendant knew that it

was for the purpose of having [*name complainant*] perform forced labor or services, whether or not such labor or service was actually provided.

(4) “Forced labor or services” are labor or services obtained or maintained by force, fraud, or coercion.

[*Provide any or all of the following definitions, according to the evidence:*]

(a) Force includes physical violence, restraint, or confinement, or threats of physical violence, restraint, or confinement. It does not matter if injury to [*name complainant*] occurred.

(b) Fraud includes false or deceptive offers of employment or marriage.

(c) Coercion includes [*select any that apply*]:

(i) threats of harm or restraint to any person.

(ii) using a [*scheme / plan / pattern*] intended to cause someone to think that [*psychological harm / physical harm / harm to the person’s reputation*] would result from failing to perform an act.

(iii) abusing or threatening to abuse the legal system by threatening to have the person [*arrested / deported*], regardless of whether the person could be [*arrested / deported*].

(iv) [*destroying / concealing / removing / confiscating / taking possession of*] a any actual or purported [*passport / immigration document / government identification document*] from any person, even if the document was fraudulently obtained.

(v) facilitating or controlling access to [*identify controlled substance(s) per MCL 333.7104*] without a legitimate medical purpose.

These are examples of [*force / fraud / coercion*] and not an exhaustive list.

[*This crime is a 10-year offense that may be increased by aggravating factors. If the prosecution has charged one of those factors, the jury must be instructed under M Crim JI 36.5.*]

[AMENDED] M Crim JI 36.2

Human Trafficking: Holding a Person in Debt Bondage

(1) The defendant is charged with the crime of engaging in human trafficking by holding a person in debt bondage. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First, that the defendant recruited, enticed, harbored, transported, provided, or obtained [*name complainant*] to hold [him / her] in debt bondage.

(3) Second, that when the defendant recruited, enticed, harbored, transported, provided, or obtained [*name complainant*], the defendant knew that it was for the purpose of holding [*name complainant*] in debt bondage.

(4) “Debt bondage” includes, but is not limited to, a promise by [*name complainant or person who had control over complainant*] that [*name complainant*] would perform services to pay back a debt where the value of the services, or the nature of the services and the time that they are to be performed, is not spelled out or defined, or the value of the services is not applied to reduction of the debt. This is not an exhaustive list of the types of debt bondage.¹

[This crime is a 10-year offense that may be increased by aggravating factors. If the prosecution has charged one of those factors, the jury must be instructed under M Crim JI 36.5.]

Use Note

1. *Debt bondage* is defined in MCL 750.462a(d).

[AMENDED] M Crim JI 36.3

Human Trafficking: Knowingly Subjecting a Person to Forced Labor or Debt Bondage

(1) The defendant is charged with the crime of engaging in human trafficking by knowingly subjecting a person to [forced labor or services / debt bondage]. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First, that the defendant purposefully recruited, enticed, harbored, transported, provided, or obtained [*name complainant*] by any means.

(3) Second, that when the defendant recruited, enticed, harbored, transported, provided, or obtained [*name complainant*], the defendant knew that [*name complainant*] would be subjected to [perform forced labor or services / debt bondage].

[*Provide appropriate definitions:*]

(4) “Forced labor or services” are labor or services obtained or maintained by force, fraud, or coercion.

[*Provide any or all of the following definitions, according to the evidence:*]

(a) Force includes physical violence, restraint, or confinement, or threats of physical violence, restraint, or confinement. It does not matter if injury to [*name complainant*] occurred.

(b) Fraud includes false or deceptive offers of employment or marriage.

(c) Coercion includes [*select any that apply*]:

(i) threats of harm or restraint to any person.

(ii) using a [*scheme / plan / pattern*] intended to cause someone to think that [*psychological harm / physical harm / harm to the person’s reputation*] would result from failing to perform an act.

(iii) abusing or threatening to abuse the legal system by threatening to have the person [*arrested / deported*], regardless of whether the person could be [*arrested / deported*].

(iv) [*destroying / concealing / removing / confiscating / taking possession of*] ~~a~~ any actual or purported [*passport / immigration document / government identification document*] from any person, even if the document was fraudulently obtained.

(v) facilitating or controlling access to [*identify controlled substance(s) per MCL 333.7104*] without a legitimate medical purpose.

These are examples of [force / fraud / coercion] and not an exhaustive list.

(5) “Debt bondage” includes, but is not limited to, a promise by [*name complainant or person who had control over complainant*] that [*name complainant*] would perform services to pay back a debt where the value of the services, or the nature of the services and the time that they are to be performed, is not spelled out or defined, or the value of the services is not applied to reduction of the debt. This is not an exhaustive list of the types of debt bondage.¹

[*This crime is a 10-year offense that may be increased by aggravating factors. If the prosecution has charged one of those factors, the jury must be instructed under M Crim JI 36.5.*]

Use Note

1. *Debt bondage* is defined in MCL 750.462a(d).

[AMENDED] M Crim JI 36.4

Human Trafficking: Participating in a Forced Labor, Debt Bondage, or Commercial Sex Enterprise for Financial Gain

(1) The defendant is charged with the crime of participating in an human-trafficking enterprise involving forced labor, debt bondage, or commercial sex for financial gain. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First, that the defendant participated in an enterprise that engaged in forced labor or services, debt bondage, or commercial sexual activity.

(3) Second, that the defendant knew that the enterprise was engaged in forced labor or services, debt bondage, or commercial sexual activity.

(4) Third, that the defendant benefited financially or received anything of value from [his / her] participation in the enterprise.

(5) I will now define some of the legal terminology that was used in this instruction.

[*Provide appropriate definitions:*]

(a) An “enterprise”¹ is an organization for conducting business and can be an individual person, a sole proprietorship, a partnership, a corporation,

a limited liability company, a trust, a union, an association, a governmental unit, any other legal entity, or any legal or illegal association of persons.

(b) “Forced labor or services”² are labor or services obtained or maintained by force, fraud, or coercion.

[Provide any or all of the following definitions, according to the evidence:]

(i) Force includes physical violence, restraint, or confinement, or threats of physical violence, restraint, or confinement. It does not matter if injury to [name complainant] occurred.

(ii) Fraud includes false or deceptive offers of employment or marriage.

(iii) Coercion includes [select any that apply]:

(A) threats of harm or restraint to any person.

(B) using a [scheme / plan / pattern] intended to cause someone to think that [psychological harm / physical harm / harm to the person’s reputation] would result from failing to perform an act.

(C) abusing or threatening to abuse the legal system by threatening to have the person [arrested / deported], regardless of whether the person could be [arrested / deported].

(D) [destroying / concealing / removing / confiscating / taking possession of] ~~a~~ any actual or purported [passport / immigration document / government identification document] from any person, even if the document was fraudulently obtained.

(E) facilitating or controlling access to [identify controlled substance(s) per MCL 333.7104] without a legitimate medical purpose.

These are examples of [force / fraud / coercion] and not an exhaustive list.

(c) “Debt bondage” includes, but is not limited to, a promise by [name complainant or person who had control over complainant] that [name complainant] would perform services to pay back a debt where the value of the services, or the nature of the services and the time that they are to be performed, is not spelled out or defined, or the value of the services is not applied to reduction of the debt. This is not an exhaustive list of the types of debt bondage.

(d) “Commercial sexual activity”³ means performing acts of sexual penetration or contact,⁴ child sexually abusive activity,⁵ or a sexually explicit performance.⁶

[This crime is a 10-year offense that may be increased by aggravating factors. If the prosecution has charged one of those factors, the jury must be instructed under M Crim JI 36.5.]

Use Notes

1. *Enterprise* is defined in MCL 750.159f(a).
2. *Debt bondage* is defined in MCL 750.462a(d).
3. ~~Definitions of e~~Commercial sexual activity ~~are found~~is defined in MCL 750.462a(c).
4. Definitions of *sexual penetration* and *sexual contact* are found in MCL 750.520a.
5. *Child sexually abusive activity* is defined in MCL 750.145c(1)(n) as a child engaging in a “listed sexual act.” *Listed sexual act* is defined in MCL 750.145c(1)(i) as “sexual intercourse, erotic fondling, sadomasochistic abuse, masturbation, passive sexual involvement, sexual excitement, or erotic nudity.” Those terms, in turn, are each defined in MCL 750.145c(1), and the court may provide definitions where appropriate.
6. *Sexually explicit performance* is defined in MCL 722.673(g) as “a motion picture, video game, exhibition, show, representation, or other presentation that, in whole or in part, depicts nudity, sexual excitement, erotic fondling, sexual intercourse, or sadomasochistic abuse.”

[AMENDED] M Crim JI 36.4a

**Human Trafficking: Participating
in a Forced Labor or Commercial
Sex Enterprise for Financial Gain
or for Anything of Value with
a Minor**

(1) The defendant is charged with the crime of participating in an human-trafficking enterprise involving forced labor or services or commercial sexual activity with a minor for financial gain or for anything of value. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First, that the defendant participated in an enterprise that engaged in forced labor or services or commercial sexual activity involving a person or persons less than 18 years old. It does not matter whether defendant knew the age of the person or persons.

(3) Second, that the defendant knew that the enterprise was engaged in forced labor or services or commercial sexual activity with this person or persons.

(4) Third, that the defendant benefited financially or received anything of value from [his / her] participation in the enterprise.

(5) I will now define some of the legal terminology that was used in this instruction.

[Provide appropriate definitions:]

(a) An “enterprise”¹ is an organization for conducting business and can be an individual person, a sole proprietorship, a partnership, a corporation, a limited liability company, a trust, a union, an association, a governmental unit, any other legal entity, or any legal or illegal association of persons.

(b) “Forced labor or services”² are labor or services obtained or maintained by force, fraud, or coercion.

[Provide any or all of the following definitions, according to the evidence:]

(i) Force includes physical violence, restraint, or confinement, or threats of physical violence, restraint, or confinement. It does not matter if injury to [name complainant] occurred.

(ii) Fraud includes false or deceptive offers of employment or marriage.

(iii) Coercion includes [*select any that apply*]:

(A) threats of harm or restraint to any person.

(B) using a [scheme / plan / pattern] intended to cause someone to think that [psychological harm / physical harm / harm to the person's reputation] would result from failing to perform an act.

(C) abusing or threatening to abuse the legal system by threatening to have the person [arrested / deported], regardless of whether the person could be [arrested / deported].

(D) [destroying / concealing / removing / confiscating / taking possession of] ~~–a–~~ any actual or purported [passport / immigration document / government identification document] from any person, even if the document was fraudulently obtained.

(E) facilitating or controlling access to [*identify controlled substance(s) per MCL 333.7104*] without a legitimate medical purpose.

These are examples of [force / fraud / coercion] and not an exhaustive list.

(d) “Commercial sexual activity”³ means performing acts of sexual penetration or contact,⁴ child sexually abusive activity,⁵ or a sexually explicit performance.⁶

[*This crime is a 20-year offense, and is not increased by other aggravating factors.*]

Use Notes

1. *Enterprise* is defined in MCL 750.159f(a).
2. *Debt bondage* is defined in MCL 750.462a(d).

3. ~~Definitions of *Commercial sexual activity* are found~~ is defined in MCL 750.462a(c).

4. Definitions of *sexual penetration* and *sexual contact* are found in MCL 750.520a.

5. *Child sexually abusive activity* is defined in MCL 750.145c(1)(n) as a child engaging in a “listed sexual act.” *Listed sexual act* is defined in MCL 750.145c(1)(i) as “sexual intercourse, erotic fondling, sadomasochistic abuse, masturbation, passive sexual involvement, sexual excitement, or erotic nudity.” Those terms, in turn, are each defined in MCL 750.145c(1), and the court may provide definitions where appropriate.

6. *Sexually explicit performance* is defined in MCL 722.673(g) as “a motion picture, video game, exhibition, show, representation, or other presentation that, in whole or in part, depicts nudity, sexual excitement, erotic fondling, sexual intercourse, or sadomasochistic abuse.”

[AMENDED] M Crim JI 36.5 Human Trafficking: Aggravating Factors

(1) If you find that the defendant is guilty of engaging in human trafficking by [obtaining a person for forced labor or services / holding a person in debt bondage / knowingly subjecting a person to forced labor or services or debt bondage / participating in an enterprise involving forced labor, debt bondage, or commercial sex for financial gain], then you must decide whether the prosecutor has proved the following aggravating element[s] beyond a reasonable doubt:

[*Select from the following. Proving a bodily injury under (5) below may be a lesser offense where serious bodily injury has been charged under (3).*]

(2) That the violation involved

[*Select one or more as warranted by the evidence:*]

(a) kidnapping or attempted kidnapping of [name complainant]. “Kidnapping” means restraining someone for ransom, to use as a shield, to engage in criminal sexual conduct, to take out of the state, ~~or~~ to hold in involuntary servitude, or to engage in child sexually abusive activity when [name complainant] was less than 18 years old.¹

(b) first-degree criminal sexual conduct or attempted first-degree criminal sexual conduct of [*name complainant*]. First-degree criminal sexual conduct is sexual penetration of a person [*provide particular elements that may apply from M Crim JI 20.3 through 20.11*].

(c) an attempt to kill [*name complainant*].

(d) the death of [*name complainant*].

(3) That the violation resulted in serious bodily injury to [*name complainant*]. A serious bodily injury is any physical injury that requires medical treatment. It does not matter whether [*name complainant*] tried to get medical treatment.

(4) That the violation resulted in [*name complainant*] being engaged in commercial sexual activity. “Commercial sexual activity”¹² means performing acts of sexual penetration or contact,²³ child sexually abusive activity,³⁴ or a sexually explicit performance.⁴⁵

(5) [That the violation / You may also consider the less serious offense that the violation⁵⁶] resulted in bodily injury to [*name complainant*]. Bodily injury is any physical injury.

Use Notes

1. For an expanded definition of *kidnapping*, see M Crim JI 19.1.

12. ~~Definitions of *Commercial sexual activity* are found~~ is defined in MCL 750.462a(c).

23. Definitions of *sexual penetration* and *sexual contact* are found in MCL 750.520a.

34. *Child sexually abusive activity* is defined in MCL 750.145c(1)(n) as a child engaging in a “listed sexual act.” *Listed sexual act* is defined in MCL 750.145c(1)(i) as “sexual intercourse, erotic fondling, sadomasochistic abuse, masturbation, passive sexual involvement, sexual excitement, or erotic nudity.” Those terms, in turn, are each defined in MCL 750.145c(1), and the court may provide definitions where appropriate.

45. *Sexually explicit performance* is defined in MCL 722.673(g) as “a motion picture, video game, exhibition, show, representation, or other presentation

that, in whole or in part, depicts nudity, sexual excitement, erotic fondling, sexual intercourse, or sadomasochistic abuse.”

56. The lesser offense language only applies where “serious bodily injury” is charged and paragraph (3) is read to the jury.

[AMENDED] M Crim JI 36.6 Human Trafficking: Using Minors for Commercial Sexual Activity or for Forced Labor or Services

(1) The defendant is charged with the crime of engaging in human trafficking by using a minor for [commercial sexual activity / forced labor or services]. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

[Select (2) according to the charged conduct:]

(2) First, that the defendant recruited, enticed, harbored, transported, provided, or obtained [*name complainant*] for commercial sexual activity. “Commercial sexual activity”¹ means performing acts of sexual penetration or contact,² child sexually abusive activity,³ or a sexually explicit performance.⁴

(2) First, that the defendant recruited, enticed, harbored, transported, provided, or obtained [*name complainant*] to perform forced labor or services. “Forced labor or services” are labor or services obtained or maintained by force, fraud, or coercion.

[Provide any or all of the following definitions, as applicable:]

(a) Force includes physical violence, restraint, or confinement, or threats of physical violence, restraint, or confinement. It does not matter if injury to [*name complainant*] occurred.

(b) Fraud includes false or deceptive offers of employment or marriage.

(c) Coercion includes [*select any that apply*]:

(i) threats of harm or restraint to any person.

(ii) using a [scheme / plan / pattern] intended to cause someone to think that [psychological harm / physical harm / harm to the person's reputation] would result from failing to perform an act.

(iii) abusing or threatening to abuse the legal system by threatening to have the person [arrested / deported], regardless of whether the person could be [arrested / deported].

(iv) [destroying / concealing / removing / confiscating / taking possession of] ~~a~~any actual or purported [passport / immigration document / government identification document] from any person, even if the document was fraudulently obtained.

(v) facilitating or controlling access to [*identify controlled substance(s) per MCL 333.7104*] without a legitimate medical purpose.

These are examples of [force / fraud / coercion] and not an exhaustive list.

(3) Second, that when the defendant recruited, enticed, harbored, transported, provided, or obtained [*name complainant*] [for commercial sexual purposes / to perform forced labor or services], [*name complainant*] was less than 18 years old, regardless of whether the defendant knew [he / she] was less than 18 years old.

(4) Third, that when the defendant recruited, enticed, harbored, transported, provided, or obtained [*name complainant*], the defendant intended that [*name complainant*] would perform [commercial sexual activity / forced labor or services], whether or not [commercial sexual activity / forced labor or service] was actually provided.

Use Notes

1. ~~Definitions of Commercial sexual activity are found~~ is defined in MCL 750.462a(c).

2. Definitions of *sexual penetration* and *sexual contact* are found in MCL 750.520a.

3. *Child sexually abusive activity* is defined in MCL 750.145c(1)(n) as a child engaging in a "listed sexual act." *Listed sexual act* is defined in MCL 750.145c(1)(i) as "sexual intercourse, erotic fondling, sadomasochistic abuse, masturbation, passive sexual involvement, sexual excitement, or erotic nudity."

Those terms, in turn, are each defined in MCL 750.145c(1), and the court may provide definitions where appropriate.

4. *Sexually explicit performance* is defined in MCL 722.673(g) as “a motion picture, video game, exhibition, show, representation, or other presentation that, in whole or in part, depicts nudity, sexual excitement, erotic fondling, sexual intercourse, or sadomasochistic abuse.”