

IN THE SUPREME COURT OF FLORIDA

IN RE: STANDARD JURY
INSTRUCTIONS IN CRIMINAL CASES –
INSTRUCTION 29.24

CASE NO.: SC16-1440

To the Chief Justice and Justices of the Supreme Court of Florida:

This report, proposing an amended instruction to the Florida Standard Jury Instructions in Criminal Cases, is filed pursuant to Article V, section 2(a), Florida Constitution.

	<u>Instruction #</u>	<u>Topic</u>
Proposal 1	29.24	Human Trafficking

The proposal is in Appendix A. Words and punctuation to be deleted are shown with strike-through marks; words and punctuation to be added are underlined. The proposal was published in *The Florida Bar News* on May 15, 2016. No comments were received.

PROPOSAL #1: INSTRUCTION 29.24

In 2016, the Legislature made two changes to the Human Trafficking statute, section 787.06, Florida Statutes. Both changes are effective October 1, 2016. The first change, in Chapter 2016-24, reclassifies second-degree Human Trafficking to a first-degree felony and first-degree Human Trafficking to a life felony if the defendant causes great bodily harm, permanent disfigurement, or permanent disability to another during the commission of the crime. The second change, in Chapter 2016-199, states that a victim’s lack of chastity or the willingness or consent of a victim is not a defense to prosecution under this section if the victim was under 18 years of age at the time of the offense.

As a result of these two statutory changes, the Committee added a reclassification section and a “lack of chastity is not a defense” section to this instruction. The Committee also updated the statutory cite in the section that discusses the defendant being ignorant of the victim’s age. In that same section, the Committee changed “**the victim**” to “(victim)” so that the judge would not refer to the alleged victim as a victim.

All votes were unanimous. The proposal was published. No comments were received. Upon post-publication review, the Committee made minor technical corrections and voted unanimously to file the proposal with the Court.

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CONCLUSION

The Standard Jury Instructions in Criminal Cases Committee respectfully requests the Court authorize for use the proposal for instruction 29.24 as set forth in Appendix A.

Respectfully submitted this 16th day of
August, 2016.

s/ Judge F. Rand Wallis
The Honorable F. Rand Wallis
Chair, Supreme Court Committee on
Standard Jury Instructions in Criminal Cases
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CERTIFICATE OF FONT COMPLIANCE

I hereby certify that this report has been prepared using Times New Roman 14 point font in compliance with the font requirements of Florida Rule of Appellate Procedure 9.210(a)(2).

s/ Judge F. Rand Wallis
The Honorable F. Rand Wallis
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