

ICJI 991 SEXUAL EXPLOITATION OF A VULNERABLE ADULT

INSTRUCTION NO.

In order for the defendant to be guilty of Sexual Exploitation of a Vulnerable Adult, the State must prove each of the following:

1. On or about [date]

2. in the state of Idaho

[3. [the defendant [name] knowingly caused, induced or permitted [name or initials of victim] to engage in or be used in any explicit sexual conduct]

[or]

[3. the defendant [name] knowingly [prepared,] [arranged for,] [published,] [produced,] [promoted], [made,] [sold,] [financed,] [offered,] [exhibited,] [advertised,] [dealt in,] [possessed] [or] [distributed] sexually exploitative material]

4. for any commercial purpose, and

5. [name or initials of victim] was a vulnerable adult.

If any of the above has not been proven beyond a reasonable doubt, you must find the defendant not guilty. If each of the above has been proven beyond a reasonable doubt, then you must find the defendant guilty.

“Vulnerable adult” means a person 18 years of age or older who is unable to protect himself or herself from abuse, neglect or exploitation due to physical or mental impairment which affects the person’s judgment or behavior to the extent he or she lacks sufficient understanding or capacity to make or communicate or implement decisions regarding his or her person, funds, property or resources.

“Commercial purpose” means the intention, objective, anticipation or expectation of monetary gain or other material consideration, compensation, remuneration or profit.

“Explicit sexual conduct” means sexual intercourse, erotic fondling, erotic nudity, masturbation, sadomasochism, sexual excitement, or bestiality.

“Sexually exploitative material” means any image, photograph, motion picture, video, print, negative, slide, or other mechanically, electronically, digitally or chemically produced or reproduced visual material which shows a vulnerable adult engaged in, participating in, observing, or being used for explicit sexual conduct, or showing a vulnerable adult engaging in, participating in, observing or being used for explicit sexual conduct, in actual time, including, but not limited to, video chat, webcam sessions or video calling.

Comment

I.C. § 18-1505B. The jury should be instructed on the appropriate definition of additional terms contained in I.C. § 18-1507.