

CRIMINAL RESTRAINT¹
(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.²

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.³

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.

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.

¹ **NOTE:** If affirmative defense is applicable, see N.J.S.A. 2C:1-13b(1) and 2C:13-2.

² See 2C:2-2.

³ Black's Law Dictionary (4th Edition, rev.) p. 961.