

FEDCRIM-JI7C 2250(a), Fed. Crim. Jury Instr. 7th Cir. 2250(a) (2012 ed.)

Federal Jury Practice And Instructions
Federal Criminal Jury Instructions of the Seventh Circuit

Committee on Federal Criminal Jury Instructions of the Seventh Circuit

Statutory Instructions

18 U.S.C. § 2250(a) Failure to Register/Update as Sex Offender—Elements

[The indictment charges the defendant[s] with; Count[s]__ of the indictment charge[s] the defendant[s] with] failing to register or update registration as a sex offender. In order for you to find [a; the] defendant guilty of this charge, the government must prove each of the [three] following elements beyond a reasonable doubt:

1. The defendant was required to register under the Sex Offender Registration and Notification Act; and
2. The defendant knowingly failed to *[register][update his registration]* as required by the Sex Offender Registration and Notification Act; and
3. The defendant traveled in interstate or foreign commerce after failing to *[register][update his registration]*.

If you find from your consideration of all the evidence that the government has proved each of these elements beyond a reasonable doubt *[as to the charge you are considering]*, then you should find the defendant guilty *[of that charge]*.

If, on the other hand, you find from your consideration of all the evidence that the government has failed to prove any one of these elements beyond a reasonable doubt *[as to the charge you are considering]*, then you should find the defendant not guilty *[of that charge]*.

Committee Comment

18 U.S.C. § 2250(b) provides an affirmative defense where uncontrollable circumstances prevented the individual from complying, the individual did not contribute to the creation of those circumstances, and the individual complied as soon as the circumstances ceased to exist.

“Interstate/foreign commerce” is defined in a pattern instruction that follows the instructions related to 18 U.S.C. § 1465.

The interstate or foreign commerce travel element is satisfied by proof that the defendant has traveled from one state to another state or to a foreign country after having been convicted of a qualifying “sex offense.” See 42 U.S.C. § 16911(5). The interstate or foreign travel may not precede the registration requirement. See *Carr v. United States*, 130 S.Ct. 2229 (2010).

The court should instruct regarding requirements of the Sex Offender Registration and Notification Act. See 42 U.S.C. § 16901, *et seq.*