**T.P.I.─CRIM. 8.10**

***[Aggravated]* Human Smuggling**

Any person who commits the offense of *[Aggravated]* Human Smuggling is guilty of a crime.

For you to find the defendant guilty of this offense, the state must have proven beyond a reasonable doubt the existence of the following essential elements:

[Part A:

(1) that the defendant knowingly transported an individual while knowing the individual had illegally entered or remained in the United States, as determined by the bureau of immigration and customs enforcement of the United States department of homeland security,

and

(2) that the defendant did so with the intent to conceal the individual from a law enforcement officer or a federal immigration officer,

and

(3) that the defendant did so for the purpose of *[commercial advantage] [financial gain]*.

[and

(4) that the victim of the offense was less than thirteen (13) years of age at any time during the defendant’s course of conduct.]

or

[Part B:

(1)(a) that the defendant intentionally *[concealed] [harbored] [shielded from detection]* an individual that the defendant knew had illegally entered or remained in the United States, as determined by the bureau of immigration and customs enforcement of the United States department of homeland security,

or

(1)(b) that the defendant intentionally *[encouraged] [induced*] another person to *[conceal] [harbor] [shield from detection]* an individual that the defendant knew had illegally entered or remained in the United States, as determined by the bureau of immigration and customs enforcement of the United States department of homeland security,

and

(2) that the defendant did so with the intent to conceal the individual from a law enforcement officer or a federal immigration officer.

and

(3) that the defendant did so for the purpose of *[commercial advantage] [financial gain]*.

[and

(4) that the victim of the offense was less than thirteen (13) years of age at any time during the defendant’s course of conduct.]

"Harbor" means to provide shelter to or conceal the whereabouts of an individual whom the person knows has illegally entered or remained in the United States, as determined by the bureau of immigration and customs enforcement of the United States department of homeland security.

"Intentionally" and “intent” means that a person acts intentionally with respect to the nature of the conduct or to a result of the conduct when it is the person's conscious objective or desire to engage in the conduct or cause the result.

"Knowingly" means that a person acts knowingly with respect to the conduct or to circumstances surrounding the conduct when the person is aware of the nature of the conduct or that the circumstances exist. A person acts knowingly with respect to a result of the person's conduct when the person is aware that the conduct is reasonably certain to cause the result.

[It is an exception to this offense that [the defendant was an attorney licensed and admitted to the practice of law in this state to provide bonafide legal advice to an individual] [that the defendant was a person who provided healthcare services or assistance to an individual presenting at a healthcare facility licensed under Title 68 or Title 33, or the office or other practice site of a healthcare provider licensed, registered, certified or otherwise permitted to deliver healthcare services under Title 63 or Title 68, chapter 24.]]