

18.10 Racketeering Activity—Defined (18 U.S.C. § 1959)

With respect to the second element in Instruction _____ [insert cross reference to pertinent instruction, e.g. Instruction 18.8], the government must prove that the enterprise was engaged in racketeering activity. “Racketeering activity” means the commission of certain crimes. These include [insert applicable statutory definitions of state or federal crimes at issue as listed in 18 U.S.C. § 1961].

The government must prove beyond a reasonable doubt that the enterprise was engaged in [at least one of] the crime[s] named [above] [previously].

Comment

Use this instruction in conjunction with Instructions 18.8 (Violent Crime or Attempted Violent Crime in Aid of Racketeering Enterprise), 18.9 (Racketeering Enterprise—Enterprise Affecting Interstate Commerce—Defined), and 18.11 (Racketeering Enterprise—Proof of Purpose).

For a definition of “racketeering activity,” see 18 U.S.C. § 1959(b)(1), which states that term has the meaning set forth in 18 U.S.C. § 1961(1). See also *United States v. Banks*, 514 F.3d 959, 968 (9th Cir. 2008).