

9.9 Hobbs Act—Affecting Interstate Commerce

Comment

To convict the defendant of [*specify crime*], the government must prove that the defendant’s conduct affected or could have affected interstate commerce. Conduct affects interstate commerce if it in any way involves, interferes with, changes, or alters the movement or transportation or flow of goods, merchandise, money, or other property in commerce between or among the states or between the United States and a foreign country. The effect can be minimal.

It is not necessary for the government to prove that the defendant knew or intended that [his] [her] conduct would affect commerce; it must prove only that the natural consequences of [his] [her] conduct affected commerce in some way. Also, you do not have to find that there was an actual effect on commerce. The government must show only that the natural result of the offense would be to cause an effect on interstate commerce to any degree, however minimal or slight.

See United States v. Woodberry, 987 F.3d 1231, 1235 (9th Cir. 2021); *see generally United States v. Tuan Ngoc Luong*, 965 F.3d 973, 986 (9th Cir. 2020) (holding that district court did not err by instruction that “[a]n effect on interstate commerce is established by proof of an actual impact, however small, or in the absence of an actual impact, proof of a probable or potential impact. This impact can be slight, but not speculative.”).

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