

**BRIBING A LABOR OFFICIAL**  
**(D Felony)**  
**Penal Law 180.15**  
**(Committed on or after Sept. 1, 1967)**

The \_\_\_\_\_ count is Bribing a Labor Official.

Under our law, a person is guilty of Bribing a Labor Official when, with intent to influence a labor official in respect to any of his or her acts, decisions or duties as such labor official, he or she confers, or offers or agrees to confer, any benefit upon that labor official.

Some of the terms used in this definition have their own special meaning in our law. I will now give you the meaning of the following terms: "labor official," "intent," and "benefit."

LABOR OFFICIAL means any duly appointed representative of a labor organization or any duly appointed trustee or representative of an employee welfare trust fund.<sup>1</sup>

INTENT means conscious objective or purpose. Thus, a person acts with intent to influence a labor official in respect to any of his or her acts, decisions or duties as such labor official when that person's conscious objective or purpose is to do so.<sup>2</sup>

BENEFIT means any gain or advantage to the beneficiary and includes any gain or advantage to a third person pursuant to the desire or consent of the beneficiary.<sup>3</sup>

*[Note: Where appropriate, add the following:*

In any prosecution for bribing a labor official, it is a defense

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<sup>1</sup> Penal Law §180.10.

<sup>2</sup> See Penal Law §15.05(1).

<sup>3</sup> Penal Law §10.00(17). See *People v Feerick*, 93 N.Y.2d 433, 446-447 (1999).

that the defendant conferred or agreed to confer the benefit involved upon the labor official as a result of conduct of that labor official constituting:

*Select appropriate crime(s):*

larceny committed by means of extortion.

an attempt to commit larceny by means of extortion.

coercion.

an attempt to commit coercion.<sup>4</sup>

*Read the appropriate definition of the crime[s] selected.]*

In order for you to find the defendant guilty of this crime, the People are required to prove, from all the evidence in the case, beyond a reasonable doubt, each of the following three [four] elements:

1. That on or about (date), (specify) was a labor official;
2. That on or about that date, in the county of (county), the defendant (defendant's name), conferred, or offered, or agreed to confer, a benefit upon him/her [and],
3. That the defendant did so with intent to influence him/her in respect to any of his/her acts, decisions or duties as such labor official; [and]

*[Add where the defense is raised:*

4. The defendant did not confer or agree to confer

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<sup>4</sup>Penal Law §180.20

the benefit involved upon him/her as a result of his/her conduct which constituted:

*Select appropriate crime(s):*

larceny committed by means of extortion.

an attempt to commit larceny by means of extortion.

coercion.

an attempt to commit coercion.]

Therefore, if you find that the People have proven beyond a reasonable doubt each of those elements, you must find the defendant guilty of the crime of Bribing a Labor Official as charged in the \_\_\_\_\_ count.

On the other hand, if you find that the People have not proven beyond a reasonable doubt any one or more of those elements, you must find the defendant not guilty of the crime of Bribing a Labor Official as charged in the \_\_\_\_\_ count.