

BRIBE RECEIVING BY A LABOR OFFICIAL
Penal Law § 180.25
(Committed on or after Sept. 1, 1967)

The (specify) count is Bribe Receiving By a Labor Official.

Under our law, a labor official is guilty of Bribe Receiving By a Labor Official when he or she solicits, accepts or agrees to accept any benefit from another person upon an agreement or understanding that such benefit will influence him or her in respect to any of his or her acts, decisions, or duties as such labor official.

The following terms used in that definition have a special meaning:

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

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.²

AGREEMENT means a mutual agreement between a labor official and a person from whom he or she solicits, accepts or agrees to accept any benefit, that such labor official's acts, decisions, or duties as a labor official will thereby be influenced.³

UNDERSTANDING means at least a unilateral perception

¹Penal Law §180.10.

²Penal Law §10.00(17).

³The definition provided has been drawn from *People v Tran*, 80 N.Y.2d 170 (1992), which defined the term "understanding" in the context of a bribe giving rather than a bribe receiving case. The Court of Appeals has not specifically adopted a definition of the term "understanding" in the context of a bribe receiving case.

or belief by a labor official who solicits, accepts or agrees to accept any benefit, from another person that such labor officials acts, decisions or duties as such labor official will thereby be influenced.⁴

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 elements:

1. That on or about (date), the defendant (defendant's name), was a labor official;
2. That on or about that date, in the county of (county), the defendant solicited, accepted, or agreed to accept a benefit from (specify); [and],
3. That the defendant did so upon an agreement or understanding that such benefit would influence him/her in respect to any of his/her acts, decisions, or duties as such labor official.⁵

If you find the People have proven beyond a reasonable doubt each of those elements, you must find the defendant guilty of this crime.

If you find the People have not proven beyond a reasonable doubt any one or more of those elements, you must find the defendant not guilty of this crime.
count.

⁴ See note 3.

⁵Penal Law §180.30 provides that: "The crimes of (a) bribe receiving by a labor official, and (b) larceny committed by means of extortion, attempt to commit the same, coercion or attempt to commit coercion, are not mutually exclusive, and it is no defense to a prosecution for bribe receiving by a labor official that, by reason of the same conduct, the defendant also committed one of such other specified crimes."