

**SPORTS BRIBING**  
**(Sports Official)**  
**Penal Law § 180.40(2)**  
**(Committed on or after Aug. 27, 1982)**

The (specify) count is Sports Bribing.

Under our law a person is guilty of Sports Bribing when that person confers, or offers or agrees to confer, any benefit upon a sports official with intent to influence him or her to perform his or her duties improperly.

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

**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>1</sup>

**SPORTS OFFICIAL** means any person who acts or expects to act in a sports contest as an umpire, referee, judge or otherwise to officiate at a sports contest.<sup>2</sup> Sports contest means any professional or amateur sport or athletic game or contest viewed by the public.<sup>3</sup>

**INTENT** means conscious objective or purpose. Thus, a person acts with intent to influence a sports official to perform his or her duties improperly when that person's conscious objective or purpose is to do so.<sup>4</sup>

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<sup>1</sup>Penal Law §10.00(17). See *People v Feerick*, 93 N.Y.2d 433, 446-447 (1999).

<sup>2</sup>Penal Law §180.35(3).

<sup>3</sup>Penal Law §180.35(1).

<sup>4</sup>See Penal Law §15.05(1)

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*), (*specify*) was a sports 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 the intent to influence him/her to perform his/her duties improperly.

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.