**SPORTS BRIBING

(Sports Participant)

Penal Law § 180.40(1)

(Committed on or after Aug. 27, 1982)**

The (specify) count is Sports Bribing.

Under our law, a person is guilty of Sports Bribing when he or she confers, or offers or agrees to confer, any benefit upon a sports participant with intent to influence such sports participant not to give his or her best efforts in a sports contest.

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.1

SPORTS PARTICIPANT means any person who participates or expects to participate in a sports contest as a player, contestant or member of a team, or as a coach, manager, trainer or other person directly associated with a player, contestant or team.2

SPORTS CONTEST means any professional or amateur sport or athletic game or contest viewed by the public.3

INTENT means conscious objective or purpose. Thus, a person acts with intent to influence a sports participant not to give his or her best efforts in a sports contest when that person’s

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

2Penal Law §180.35(2).

3Penal Law §180.35(1).

conscious objective or purpose is to do so.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*), (*specify*) was a sports participant;
2. That on that date, in the county of (*county*), the defendant (*defendant’s name*), conferred or offered or agreed to confer, any benefit upon him/her; and
3. That the defendant did so with the intent to influence such sports participant not to give his/her best efforts in a sports contest.

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.

4*See* Penal Law §15.05(1)

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