

GIVING UNLAWFUL GRATUITIES
Penal Law § 200.30
(Committed on or after September 1, 1967)

The (specify) count is Giving Unlawful Gratuities.

Under our law, a person is guilty of giving unlawful gratuities when that person knowingly confers, or offers or agrees to confer, any benefit upon a public servant for having engaged in official conduct which that public servant was required or authorized to perform, and for which he or she was not entitled to any special or additional compensation.

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

PUBLIC SERVANT means any public officer or employee of the state or of any political subdivision thereof or of any governmental instrumentality within the state, or any person exercising the functions of any such public officer or employee. [The term public servant includes a person who has been elected or designated to become a public servant.]²

A person **KNOWINGLY** confers, or offers or agrees to confer, any benefit upon a public servant for having engaged in official conduct which that public servant was required or authorized to perform, and for which he or she was not entitled to any special or additional compensation when that person is aware that he or she is doing so.³

¹ Penal Law § 10.00(17).

² Penal Law § 10.00(15).

³ See Penal Law § 15.05(2).

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, the following three elements:

1. That on or about (date) , (specify) was a public servant;
2. That on or about that date in the county of (specify), the defendant, (defendant's name), conferred, or offered, or agreed to confer, a benefit upon (specify) for having engaged in official conduct which he/she was required or authorized to perform, and for which he/she was not entitled to any special or additional compensation; and
3. That the defendant did so knowingly.

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.