

**BRIBING A JUROR**  
**Penal Law § 215.19**  
**(Committed on or after Nov. 1, 1985)**

The (*specify*) count is Bribing a Juror.

Under our law, a person is guilty of Bribing a Juror when he or she confers, or offers or agrees to confer, any benefit upon a juror upon an agreement or understanding that such juror's vote, opinion, judgment, decision or other action as a juror will thereby be influenced.

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>

**JUROR** means any person who is a member of any jury, including a grand jury, impaneled by any court in this state or by any public servant authorized by law to empanel a jury. [The term juror also includes a person who has been drawn or summoned to attend as a prospective juror.]<sup>2</sup>

**AGREEMENT** means a mutual agreement between a juror and a person who confers, or offers or agrees to confer, any benefit upon such juror, that such juror's vote, opinion, judgment, decision or other action as a juror will thereby be influenced.<sup>3</sup>

**UNDERSTANDING** means at least a unilateral perception or belief by a person who confers, or offers or agrees to confer, any benefit upon a juror that the juror's vote, opinion, judgment,

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<sup>1</sup> Penal Law § 10.00(17).

<sup>2</sup> Penal Law § 10.00(16).

<sup>3</sup> *Cf. People v. Tran*, 80 N.Y.2d 170 (1992) (discussing "agreement or understanding" in context of bribing a public servant).

decision or other action as a juror will thereby be influenced by the conferring of, the offering of, or the agreeing to confer any benefit upon that juror.<sup>4</sup>

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 juror;
2. That on 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 upon an agreement or understanding that (specify's) vote, opinion, judgment, decision or other action as a juror would thereby be influenced.

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.

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<sup>4</sup> *Id.*