

**PROVIDING A JUROR WITH A GRATUITY**  
**Penal Law § 215.22**  
**(Committed on or after Nov. 1, 2001)**

The (*specify*) count is Providing a Juror With a Gratuity.

Under our law, a person is guilty of Providing a Juror With a Gratuity when he or she, having been a party in a concluded civil or criminal action or proceeding or having been a person with regard to whom a grand jury has taken action<sup>1</sup> [or acting on behalf of such a party or such a person], directly or indirectly confers, offers to confer or agrees to confer upon a person whom he or she knows has served as a juror in such action or proceeding or on such grand jury any benefit with intent to reward such person for such service.

The following terms used in that definition have a special meaning:<sup>2</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>3</sup>

**BENEFIT** means any gain or advantage to the beneficiary and includes any gain or advantage to a third person pursuant to

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<sup>1</sup> At this point the statute states “pursuant to any subdivision of section 190.60 of the criminal procedure law.” If in issue, define the term “grand jury action” to encompass the action specified in CPL 190.60 that the People contend took place.

<sup>2</sup> If in dispute, definitions for “criminal action” and “criminal proceeding” may be found in CPL §§1.20(16) and 1.20(18), respectively.

<sup>3</sup> See Penal Law §10.00(16).

the desire or consent of the beneficiary.<sup>4</sup>

INTENT means conscious objective or purpose. Thus, a person acts with INTENT to reward a juror for service when his or her conscious objective or purpose is to do so.<sup>5</sup>

In order for you to find the defendant guilty of this crime, the People are required to prove from all of the evidence in the case, beyond a reasonable doubt, each of the following three elements:

1. That on or about (*date*), in the county of (*county*), the defendant (*defendant's name*), having been a party in a concluded civil or criminal action or proceeding [or having been a person with regard to whom a grand jury has taken action] (or acting on behalf of such a party or such a person), directly or indirectly conferred, offered to confer or agreed to confer a benefit upon (*specify*);
2. That the defendant knew that (*specify*) had served as a juror in such action or proceeding [or on such grand jury]; and
3. That the defendant acted with the intent to reward (*specify*) for such service.

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>See Penal Law §10.00(17); People v Feerick, 93 N.Y.2d 433, 448-449 (1999).

<sup>5</sup>See Penal Law §15.05(1).