

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

The _____ 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.

Some of the terms used in this definition have their own special meaning in our law. I will now give you the meaning of the following terms: “benefit,” “intent,” and “sports official.”

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 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.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 official to perform his or her duties improperly when that person’s conscious objective

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

²Penal Law §180.35(3).

³Penal Law §180.35(1).

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 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.

Therefore, if you find that the People have proven beyond a reasonable doubt each of those elements, you must find the defendant guilty of the crime of Sports Bribing as charged in the _____ count.

On the other hand, if you find that the People have not proven beyond a reasonable doubt any one or more of those elements, you must find the defendant not guilty of the crime of Sports Bribing as charged in the _____ count.

⁴See Penal Law §15.05(1)