

SPORTS BRIBE RECEIVING
(Sports Participant)
Penal Law § 180.45(2)
(Committed on or after Aug. 27, 1982)

The (specify) count is Sports Bribe Receiving.

Under our law a person is guilty of Sports Bribe Receiving when, being a sports official, he or she solicits, accepts or agrees to accept any benefit from another person upon an agreement or understanding that such sports official will perform his or her duties improperly.

The following terms used in that definition have a special meaning:

SPORTS OFFICIAL means any person who participates or expects to participate in a sports contest as an umpire, referee, judge or otherwise to officiate at a sports contest.¹ Sports contest means any professional or amateur sport or athletic game or contest viewed by the public.²

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.³

AGREEMENT means mutual agreement between a sports official and a person from whom he or she solicits, accepts or agrees to accept any benefit, that such sports official will perform

¹Penal Law §180.35(3).

²Penal Law §180.35(1).

³Penal Law §10.00(17). See *People v Feerick*, 93 N.Y.2d 433, 446-447 (1999).

his or her duties improperly.⁴

UNDERSTANDING means at least a unilateral perception or belief by a sports official who solicits, accepts or agrees to accept any benefit from another person, that such benefit will influence the sports official to perform his or her duties improperly.⁵

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), the defendant (defendant's name), was a sports official;
2. That on or about that date, in the county of (county), the defendant solicited, accepted or agreed to accept a benefit from (specify); and
3. That the defendant did so upon an agreement or understanding that he/she would perform his/her duties improperly.

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.

⁴The definition has been drawn from *People v Tran*, 80 N.Y.2d 170 (1992), which defined the term “understanding” in the context of a bribe giving rather than a bribe receiving case. The Court of Appeals has not specifically adopted a definition of the term “understanding” in the context of a bribe receiving case.

⁵*Id.*

