

BRIBE RECEIVING BY A JUROR
Penal Law § 215.20
(Committed on or after Sept. 1, 1967)

The (specify) count is Bribe Receiving by a Juror.

Under our law, a juror is guilty of Bribe Receiving by a Juror when he or she solicits, accepts or agrees to accept any benefit from another person upon an agreement or understanding that his or her 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.¹

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 impanel a jury. [The term juror also includes a person who has been drawn or summoned to attend as a prospective juror.]²

AGREEMENT means a mutual agreement between a juror who solicits, accepts or agrees to accept any benefit and another person, that such juror's vote, opinion, judgment, decision or other action as a juror will thereby be influenced.³

UNDERSTANDING means at least a unilateral perception or belief by a juror who solicits, accepts or agrees to accept any benefit from another person that the juror's vote, opinion,

¹ Penal Law § 10.00(17). See *People v Feerick*, 93 NY2d 433, 448-49 (1999).

² Penal Law § 10.00(16).

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

judgment, 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.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), the defendant, (defendant's name), was a juror;
2. That on 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 his/her 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.

⁴ *Id.*