**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.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 empanel 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 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.3

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,

1 Penal Law § 10.00(17).

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).

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*), (*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.

4 *Id.*

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