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

The (*specify*) 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.

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

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 or purpose is to do so.4

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). 4*See* Penal Law §15.05(1)

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.

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.

2