

Ala. Code 1975, § 13A-10-126

Bribe Receiving by a Juror

The defendant is charged with bribe receiving by a juror.

A person commits the crime of bribe receiving by a juror if he/she solicits, accepts or agrees to accept any pecuniary benefit upon an agreement or understanding that his/her vote, opinion, decision or other action as a juror will thereby be corruptly influenced.

To convict, the State must prove beyond a reasonable doubt each of the following elements:

- (1) The defendant was a juror;
- (2) The defendant solicited, accepted or agreed to accept a pecuniary benefit **[describe]**, upon an agreement or understanding that his/her vote, opinion, decision or other action as a juror would thereby be corruptly influenced **[describe]; (AND)**
- (3) The defendant acted **[insert appropriate mens rea element - See Use Notes]**.

A *juror* is a person who is a member of any jury, including a grand jury, impaneled by any court of this state or by any public servant authorized by law to impanel a jury. The term juror also includes any person who has been summoned or whose name has been drawn to attend as a prospective juror. [13A-10-120(b)(1)]

A *pecuniary benefit* is a benefit in the form of money, property, commercial interests or anything else the primary significance of which is economic gain. Expenses associated with social occasions afforded public servants and party officers shall not be deemed a pecuniary benefit. [13A-10-60(b)(2)]

A *benefit* is any gain or advantage to the beneficiary, including any gain or advantage to a third person pursuant to the desire or consent of the beneficiary. [13A-10-60(b)(1)]

If you find from the evidence that the State has proved beyond a reasonable doubt each of the above elements of bribe receiving by a juror, then you shall find the defendant guilty of bribe receiving by a juror.

If you find that the State has failed to prove any one or more of the elements of bribe receiving by a juror, then you cannot find the defendant guilty of bribe receiving by a juror.

[If lesser-included offenses are included, the Court should instruct on those offenses at this point.]

Use Notes

The statute does not state a specific mens rea element.

Insert the appropriate mens rea element considering the indictment and the evidence before the court. There are few, if any, strict liability offenses in the Code. See Commentary for 13A-2-3 and 13A-2-4(b). There are four mens rea elements in the Alabama Code: intentionally, knowingly, recklessly and with criminal negligence. See 13A-2-2.

- (1) A person acts *intentionally* with respect to a result or to conduct described by a statute defining an offense when his/her purpose is to cause that result or to engage in that conduct. [13A-2-2(1)]
- (2) A person acts *knowingly* with respect to conduct or to a circumstance described by a statute defining an offense when he/she is aware that his/her conduct is of that nature or that the circumstance exists. [13A-2-2(2)]
- (3) A person acts *recklessly* with respect to a result or to a circumstance when he/she is aware of and consciously disregards a substantial and unjustifiable risk that the risk will occur or that the circumstance exists. The risk must be of such nature and degree that disregard thereof constitutes a gross deviation from the standard of conduct that a reasonable person would observe in the situation. [13A-2-2(3)]
- (4) A person acts with *criminal negligence* with respect to a result or to a circumstance when he/she fails to perceive a substantial and unjustifiable risk that the result will occur or that the circumstance exists. The risk must be of such nature and degree that the failure to perceive it constitutes a gross deviation from the standard of care that a reasonable person would observe in the situation. A court or jury may consider statutes or ordinances regulating the defendant's conduct as bearing upon the question of criminal negligence. [13A-2-2(4)]

[Approved 6-17-16.]