

Ala. Code 1975, § 13A-10-61(a)(1)

Bribery
(Of Public Servant)

The defendant is charged with bribery.

A person commits the crime of bribery if he/she offers, confers or agrees to confer any thing of value upon a public servant with the intent that the public servant's vote, opinion, judgment, exercise of discretion, or other action in his/her official capacity will thereby be corruptly influenced.

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

- (1) The Defendant offered, conferred or agreed to confer a thing of value, **[insert description]**, upon a public servant; **(AND)**
- (2) The Defendant did so with the intent that the public servant's:
 - (a) Vote;
 - (b) Opinion;
 - (c) Judgment;
 - (d) Exercise of discretion; **(OR)**
 - (e) Other action in his/her official capacity;

would thereby be corruptly influenced.

A *public servant* is any officer or employee of government, including legislators and judges and any person or agency participating as an adviser, consultant, or otherwise in performing a governmental function. This includes persons who presently occupy the position of a public servant, or have been elected, appointed or designated to become a public servant although not yet occupying that position. [13A-10-60(b)(3)]

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)]

[Read as appropriate]: It is not a defense that the person sought to be influenced was not qualified to act in the desired way, whether because he/she had not yet assumed office, lacked jurisdiction or for any other reason. [13A-10-61(b)]

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

If you find that the State has failed to prove any one or more of the elements of bribery, then you cannot find the defendant guilty of bribery.

[Approved 8-20-15.]