

Ala. Code 1975, §15-23-18(b)

Soliciting Bribe by Alabama Crime Victims Compensation Commission

The defendant is charged with the crime of soliciting a bribe by the Alabama Crime Victims Compensation Commission.

A person commits the crime of soliciting a bribe by the Alabama Crime Victims Compensation Commission if he/she is a member, agent or employee of the Alabama Crime Victims Compensation Commission and he/she solicits, accepts, or agrees to solicit or accept anything of value upon an agreement or understanding that such member's or agent's or employee's vote, opinion, judgment or exercise of discretion or other action as such member, agent, or employee will thereby be influenced.

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

- (1) The defendant was a member, agent, or employee of the Alabama Crime Victim's Compensation Commission;
- (2) The defendant solicited, accepted, or agreed to solicit or accept anything of value, **[insert the name or a description of the thing of value]**;
- (3) The defendant did so upon an agreement or understanding that such member's or agent's or employee's vote, opinion, judgment or exercise of discretion or other action as such member, agent, or employee would thereby be influenced;
(AND)
- (4) The Defendant acted **[insert appropriate mens rea element - See Use Notes]**.

[Read as appropriate]: It is not a defense that the member, agent or employee sought to be influenced was not qualified to act in the desired way because of a lack of jurisdiction or any other reason. [15-23-18(c)]

If you find from the evidence that the State has proved beyond a reasonable doubt each of the above elements of soliciting a bribe by the Alabama Crime Victims Compensation Commission, then you shall find the defendant guilty of soliciting a bribe by the Alabama Crime Victims Compensation Commission.

If you find that the State has failed to prove any one or more of the elements of the offense of soliciting a bribe by the Alabama Crime Victims Compensation Commission, then you cannot find the defendant guilty of soliciting a bribe by the Alabama Crime Victims Compensation Commission.

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

Use Notes

It is noted that no mens rea is listed in this offense; however, an agreement would imply either an intentional or knowing act. It would be advisable to consider charging the jury to that effect.

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 05/09/19]