

**Ala. Code 1975, § 13A-10-61(a)(2)**

**Bribery**  
**(By a Public Servant)**

The defendant is charged with bribery.

A person commits the crime of bribery if, while a public servant, he/she solicits, accepts or agrees to accept any pecuniary benefit upon an agreement or understanding that his/her **[Read all appropriate]**: vote, opinion, judgment, exercise of discretion or other action as a public servant 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 public servant, **[insert description]**;
- (2) The Defendant solicited, accepted or agreed to accept a pecuniary benefit, **[insert description]**, upon an agreement or understanding that his/her **[Read all appropriate]**:
  - (a) Vote;
  - (b) Opinion;
  - (c) Judgment;
  - (d) Exercise of discretion; **(OR)**
  - (e) Other action as a public servant;would thereby be corruptly influenced.
- (3) The Defendant acted intentionally.

*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)]

*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)]

*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)]

**[Read as appropriate]**: *Party officer* is a person who holds any position or office in a political party, whether by election, appointment or otherwise. [13A-10-60(b)(4)]

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.]