

21.00
BRIBERY

21.01 Definition Of Offering A Bribe--Athletic Contest

A person commits the offense of offering a bribe when he, with the intent to influence any person [(participating in) (officiating at) (connected with)] a [(professional) (amateur)] [(athletic contest) (sporting event) (sporting exhibition)], [(gives) (offers) (promises)] any [(money) (bribe) (thing of value) (advantage)] to induce that person not to use his best efforts in connection with the [(contest) (event) (exhibition)].

Committee Note

720 ILCS 5/29-1(a) (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §29-1(a) (1991)), as amended by P.A. 85-665, effective January 1, 1988.

Give Instruction 21.02.

Note that the recipient of the alleged bribe need not be the person participating in, officiating at, or connected with the event at issue. The recipient may be a third person the defendant intended to use to influence the participant, official, or person otherwise connected with the event at issue.

Use applicable bracketed material.

21.02 Issues In Offering A Bribe--Athletic Contest

To sustain the charge of offering a bribe, the State must prove the following propositions:

First Proposition: That the defendant [(gave) (offered) (promised)] [(money) (a bribe) (a thing of value) (an advantage)]; and

Second Proposition: That the defendant did so with the intent to induce ____ not to use his best efforts in connection with [(an athletic contest) (a sporting event) (a sporting exhibition)]; and

Third Proposition: That ____ was [(participating in) (officiating at) (connected with)] the [(contest) (event) (exhibition)].

If you find from your considerations of all the evidence that each one of these propositions has been proved beyond a reasonable doubt, you should find the defendant guilty.

If you find from your consideration of all the evidence that any one of these propositions has not been proved beyond a reasonable doubt, you should find the defendant not guilty.

Committee Note

720 ILCS 5/29-1(a) (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §29-1(a) (1991)), as amended by P.A. 85-665, effective January 1, 1988.

Give Instruction 21.01.

Note that the recipient of the alleged bribe need not be the person participating in, officiating at, or connected to the event at issue. The recipient may be a third person the defendant intended to use to influence the participant, official, or person otherwise connected with the event at issue.

Insert in the blanks the name of the participant, official, or person connected with the event at issue.

Use applicable bracketed material.

When accountability is an issue, ordinarily insert the phrase “or one for whose conduct he is legally responsible” after the word “defendant” in each proposition. See Instruction 5.03.

21.03 Definition Of Accepting A Bribe--Athletic Contest

A person [(participating in) (officiating at) (connected with)] a [(professional) (amateur)] [(athletic contest) (sporting event or exhibition)] commits the offense of accepting a bribe when he [(accepts) (agrees to accept)] any [(money) (bribe) (thing of value) (advantage)] with the [(intent) (understanding) (agreement)] that he will not use his best efforts in connection with the [(contest) (event) (exhibition)].

Committee Note

720 ILCS 5/29-2 (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §29-2 (1991)).

Give Instruction 21.04.

Use applicable bracketed material.

21.04 Issues In Accepting A Bribe--Athletic Contest

To sustain the charge of accepting a bribe, the State must prove the following propositions:

First Proposition: That the defendant was [(participating in) (officiating at) (connected with)] [(an athletic contest) (a sporting event or exhibition)]; and

Second Proposition: That the defendant [(accepted) (agreed to accept)] [(money) (a bribe) (a thing of value) (an advantage)]; and

Third Proposition: That the defendant did so with the [(intent) (understanding) (agreement)] that he would not use his best efforts in connection with the [(contest) (event) (exhibition)].

If you find from your consideration of all the evidence that each one of these propositions has been proved beyond a reasonable doubt, you should find the defendant guilty.

If you find from your consideration of all the evidence that any one of these propositions has not been proved beyond a reasonable doubt, you should find the defendant not guilty.

Committee Note

720 ILCS 5/29-2 (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §29-2 (1991)).

Give Instruction 21.03.

Use applicable bracketed material.

When accountability is an issue, ordinarily insert the phrase “or one for whose conduct he is legally responsible” after the word “defendant” in each proposition. See Instruction 5.03.

21.05 Definition Of Failure To Report Offer Of Bribe--Athletic Contest

A person [(participating in) (officiating at) (connected with)] [(a professional) (an amateur)] [(athletic contest) (sporting event or exhibition)] commits the offense of failure to report the offer of a bribe when he fails to report forthwith to his employer, the promoter of the [(contest) (event) (exhibition)], the State's Attorney, or a peace officer any offer or promise of a bribe made to him.

Committee Note

720 ILCS 5/29-3 (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §29-3 (1991)).

Give Instructions 21.01 and 21.06.

Use applicable bracketed material.

21.06 Issues In Failure To Report Offer Of Bribe--Athletic Contest

To sustain the charge of failure to report the offer of a bribe, the State must prove the following propositions:

First Proposition: That the defendant was [(participating in) (officiating at) (connected with)] [(an athletic contest) (a sporting event or exhibition)]; and

Second Proposition: That an offer or promise of a bribe was made to the defendant; and

Third Proposition: That the defendant failed to report the offer or promise of a bribe forthwith to his employer, or the promoter of the [(contest) (event) (exhibition)], or the State's Attorney, or a peace officer.

If you find from your consideration of all the evidence that each one of these propositions has been proved beyond a reasonable doubt, you should find the defendant guilty.

If you find from your consideration of all the evidence that any one of these propositions has not been proved beyond a reasonable doubt, you should find the defendant not guilty.

Committee Note

720 ILCS 5/29-3 (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §29-3 (1991)).

Give Instruction 21.05.

Give Instruction 4.08 when the definition of the term “peace officer” is an issue.

Use applicable bracketed material.

When accountability is an issue, ordinarily insert the phrase “or one for whose conduct he is legally responsible” after the word “defendant” in each proposition. See Instruction 5.03.

21.07 Definition Of Offering A Commercial Bribe

A person commits the offense of commercial bribery when he [(confers) (offers) (agrees to confer)] any benefit upon any [(employee) (agent) (fiduciary)] without the consent of the [(employer) (principal)] of the [(employee) (agent) (fiduciary)], with intent to influence the conduct of the [(employee) (agent) (fiduciary)], in relation to the affairs of his [(employer) (principal)].

Committee Note

720 ILCS 5/29A-1 (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §29A-1 (1991)).

Use applicable bracketed material.

21.08 Issues In Offering A Commercial Bribe

To sustain the charge of commercial bribery, the State must prove the following propositions:

First Proposition: That the defendant [(conferred) (offered) (agreed to confer)] a benefit upon ____, who was a[n] [(employee) (agent) (fiduciary)] of ____, a[n] [(employer) (principal)]; and

Second Proposition: That the defendant did so without the consent of the [(employer) (principal)]; and

Third Proposition: That the defendant did so with the intent to influence the [(employee's) (agent's) (fiduciary's)] conduct in relation to his [(employer's) (principal's)] affairs.

If you find from your considerations of all the evidence that each one of these propositions has been proved beyond a reasonable doubt, you should find the defendant guilty.

If you find from your consideration of all the evidence that any one of these propositions has not been proved beyond a reasonable doubt, you should find the defendant not guilty.

Committee Note

720 ILCS 5/29A-1 (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §29A-1 (1991)).

Give Instruction 21.07.

Insert in the first blank the name of the person to whom the bribe was offered.

Insert in the second blank the name of the employee or principal.

Use applicable bracketed material.

When accountability is an issue, ordinarily insert the phrase “or one for whose conduct he is legally responsible” after the word “defendant” in each proposition. See Instruction 5.03.

21.09 Definition Of Accepting A Commercial Bribe

A[n] [(employee) (agent) (fiduciary)] commits the offense of receiving a commercial bribe when, without the consent of his [(employer) (principal)], he [(solicits) (accepts) (agrees to accept)] any benefit from another person upon an [(agreement) (understanding)] that such benefit will influence the [(employee's) (agent's) (fiduciary's)] conduct in relation to his [(employer's) (principal's)] affairs.

Committee Note

720 ILCS 5/29A-2 (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §29A-2 (1991)).

Give Instruction 21.10.

Use applicable bracketed material.

21.10 Issues In Accepting A Commercial Bribe

To sustain the charge of receiving a commercial bribe, the State must prove the following propositions:

First Proposition: That the defendant was a[n] [(employee) (agent) (fiduciary)] of ____, his [(employer) (principal)]; and

Second Proposition: That the defendant [(solicited) (accepted) (agreed to accept)] a benefit from another person; and

Third Proposition: That the defendant did so upon an [(understanding) (agreement)] that such benefit would influence his conduct in relation to his [(employer's) (principal's)] affairs; and

Fourth Proposition: That the defendant did so without the consent of his [(employer) (principal)].

If you find from your consideration of all the evidence that each one of these propositions has been proved beyond a reasonable doubt, then you should find the defendant guilty.

If you find from your consideration of all the evidence that any one of these propositions has not been proved beyond a reasonable doubt, then you should find the defendant not guilty.

Committee Note

720 ILCS 5/29A-2 (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §29A-2 (1991)).

Give Instruction 21.09.

Use applicable bracketed material.

When accountability is an issue, ordinarily insert the phrase “or one for whose conduct he is legally responsible” after the word “defendant” in each proposition. See Instruction 5.03.

21.11 Definition Of Bribery--Official

A person commits the offense of bribery when he

[1] promises or tenders any [(property) (personal advantage)] to a [(public officer) (public employee) (juror) (witness)] with intent to influence the performance of any act related to the [(officer's) (employee's) (juror's) (witness')] employment or function.

[or]

[2] promises or tenders any [(property) (personal advantage)] to one whom he believes to be a [(public officer) (public employee) (juror) (witness)] with intent to influence the performance of any act related to the employment or function of a [(public officer) (public employee) (juror) (witness)].

[or]

[3] promises or tenders any [(property) (personal advantage)] to another person with intent to cause the other person to influence the performance of any act related to the employment or function of a [(public officer) (public employee) (juror) (witness)].

[or]

[4] [(receives) (retains) (agrees to accept)] any [(property) (personal advantage)] knowing that the [(property) (personal advantage)] [(was tendered) (promised)] with intent to cause him to influence the performance of any act related to the employment or function of a [(public officer) (public employee) (juror) (witness)].

[or]

[5] [(solicits) (receives) (retains) (agrees to accept)] any [(property) (personal advantage)] pursuant to an understanding that he shall [(improperly influence) (attempt to influence)] the performance of any act related to the employment or function of a [(public officer) (public employee) (juror) (witness)].

[The term “public officer” means a person who is elected to office pursuant to statute to discharge a public duty for [any political subdivision of] the State.]

[The term “public officer” means a person who is appointed to an office which is established, and the qualifications and duties of which are prescribed by statute, to discharge a public duty for [any political subdivision of] the State.]

[The term “public employee” is a person who is authorized to perform an official function on behalf of, and is paid by [any political subdivision of] the State.]

Committee Note

720 ILCS 5/33-1, 2-17, and 2-18 (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §§33-1, 2-17, and 2-18 (1991)).

When paragraph [1] is used, give Instruction 21.12. When paragraph [2] is used, give Instruction 21.12A. When paragraph [3] is used, give Instruction 21.12B. When paragraph [4] is used, give Instruction 21.12C. When paragraph [5] is used, give Instruction 21.12D.

Section 2-20, defining the word “solicit,” is not applicable to Section 33-1(e).

In most instances, the provision in the statute that the payment or promise be of property or advantage “which he is not authorized by law to accept” presents a question of law rather than fact. If a fact dispute arises on this issue, give a special instruction including this element.

Use applicable bracketed material.

The bracketed numbers are present solely for the guidance of court and counsel and should not be included in the instruction submitted to the jury.

21.12 Issues In Bribery--Official

To sustain the charge of bribery, the State must prove the following propositions:

First Proposition: That ____ was a [(public officer) (public employee) (juror) (witness)]; and

Second Proposition: That the defendant promised or tendered to ____[(property) (a personal advantage)]; and

Third Proposition: That the defendant did so with the intent to influence the performance of any act related to ____'s [(employment) (function)] as a [(public officer) (public employee) (juror) (witness)].

If you find from your consideration of all the evidence that each one of these propositions has been proved beyond a reasonable doubt, you should find the defendant guilty.

If you find from your consideration of all the evidence that any one of these propositions has not been proved beyond a reasonable doubt, you should find the defendant not guilty.

Committee Note

720 ILCS 5/33-1 (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §33-1 (1991)).

Give Instruction 21.11.

Insert in the blanks the name of the person allegedly bribed.

Use applicable bracketed material.

When accountability is an issue, ordinarily insert the phrase “or one for whose conduct he is legally responsible” after the word “defendant” in each proposition. See Instruction 5.03.

21.12a Issues In Bribery--Belief In Official Status

To sustain the charge of bribery, the State must prove the following propositions:

First Proposition: That the defendant believed ____ to be a [(public officer) (public employee) (juror) (witness)]; and

Second Proposition: That the defendant promised or tendered to ____[(property) (a personal advantage)]; and

Third Proposition: That the defendant did so with the intent to influence the performance of any act related to the [(employment) (function)] of a [(public officer) (public employee) (juror) (witness)].

If you find from your consideration of all the evidence that each one of these propositions has been proved beyond a reasonable doubt, you should find the defendant guilty.

If you find from your consideration of all the evidence that any one of these propositions has not been proved beyond a reasonable doubt, you should find the defendant not guilty.

Committee Note

720 ILCS 5/33-1 (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §33-1 (1991)).

Give Instruction 21.11.

Insert in the blanks the name of the person allegedly bribed.

Use applicable bracketed material.

When accountability is an issue, ordinarily insert the phrase “or one for whose conduct he is legally responsible” after the word “defendant” in each proposition. See Instruction 5.03.

21.12b Issues In Bribery--Official--Through An Intermediary

To sustain the charge of bribery, the State must prove the following propositions:

First Proposition: That the defendant promised or tendered [(property) (a personal advantage)] to ____; and

Second Proposition: That the defendant did so with the intent to cause ____ to influence the performance of any act related to the [(employment) (function)] of a [(public officer) (public employee) (juror) (witness)].

If you find from your consideration of all the evidence that each one of these propositions has been proved beyond a reasonable doubt, you should find the defendant guilty.

If you find from your consideration of all the evidence that any one of these propositions has not been proved beyond a reasonable doubt, you should find the defendant not guilty.

Committee Note

720 ILCS 5/33-1 (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §33-1 (1991)).

Give Instruction 21.11.

Insert in the blanks the name of the intermediary.

Use applicable bracketed material.

When accountability is an issue, ordinarily insert the phrase “or one for whose conduct he is legally responsible” after the word “defendant” in each proposition. See Instruction 5.03.

21.12c Issues In Bribery--Official--Agreement By Intermediary

To sustain the charge of bribery, the State must prove the following propositions:

First Proposition: That the defendant [(received) (retained) (agreed to accept)] [(any property) (a personal advantage)] from ____; and

Second Proposition: That the defendant knew that the [(property) (personal advantage)] was [(tendered) (promised)] by ____ with intent to cause the defendant to influence the performance of any act related to the employment or function of a [(public officer) (public employee) (juror) (witness)].

If you find from your consideration of all the evidence that each one of these propositions has been proved beyond a reasonable doubt, you should find the defendant guilty.

If you find from your consideration of all the evidence that any one of these propositions has not been proved beyond a reasonable doubt, you should find the defendant not guilty.

Committee Note

720 ILCS 5/33-1 (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §33-1 (1991)).

Give Instruction 21.11.

Insert in the blanks the name of the person offering the bribe.

Use applicable bracketed material.

When accountability is an issue, ordinarily insert the phrase “or one for whose conduct he is legally responsible” after the word “defendant” in each proposition. See Instruction 5.03.

21.12d Issues In Bribery--Official--Solicitation By Intermediary

To sustain the charge of bribery, the State must prove the following propositions:

First Proposition: That the defendant [(solicited) (received) (retained) (agreed to accept)] [(property) (a personal advantage)] from ____; and

Second Proposition: That the defendant did so pursuant to an understanding with ____ that the defendant would [(improperly influence) (attempt to influence)] the performance of an act or function of a [(public officer) (public employee) (juror) (witness)].

If you find from your consideration of all the evidence that each one of these propositions has been proved beyond a reasonable doubt, you should find the defendant guilty.

If you find from your consideration of all the evidence that any one of these propositions has not been proved beyond a reasonable doubt, you should find the defendant not guilty.

Committee Note

720 ILCS 5/33-1 (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §33-1 (1991)), as amended by P.A. 84-761, effective January 1, 1986.

Give Instruction 21.11.

Insert in the blanks the name of the person solicited.

Use applicable bracketed material.

When accountability is an issue, ordinarily insert the phrase “or one for whose conduct he is legally responsible” after the word “defendant” in each proposition. See Instruction 5.03.

21.13 Failure To Report A Bribe--Official

A [(public officer) (public employee) (juror)] commits the offense of failure to report a bribe when he fails to report forthwith to the [(State's Attorney) (Department of State Police)] any offer of bribery.

[The term "public officer" means a person who is elected to office pursuant to statute to discharge a public duty for [any political subdivision of] the State.]

[The term "public officer" means a person who is appointed to an office which is established, and the qualifications and duties of which are prescribed by statute, to discharge a public duty for [any political subdivision of] the State.]

[The term "public employee" is a person who is authorized to perform an official function on behalf of, and is paid by [any political subdivision of] the State.]

Committee Note

720 ILCS 5/33-2, 2-17, and 2-18 (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §33-2, 2-17, and 2-18 (1991)).

Give the appropriate portion of Instruction 21.11, defining the word "bribery."

In the first paragraph, if the defendant was a State employee, use the phrase "Department of State Police." In all other cases, use the term "State's Attorney." See Chapter 720, Section 33-2, as amended by P.A. 84-25, effective July 18, 1985.

Use applicable bracketed material.

21.14 Issues In Failure To Report A Bribe--Official

To sustain the charge of failure to report a bribe, the State must prove the following propositions:

First Proposition: That the defendant was a [(public officer) (public employee) (juror)]; and

Second Proposition: That the defendant was offered a bribe to influence the performance of an act related to his [(employment) (function)] as a [(public officer) (public employee) (juror)]; and

Third Proposition: That the defendant failed to report forthwith to the [(State's Attorney) (Department of State Police)] the offer of the bribe.

If you find from your consideration of all the evidence that each one of these propositions has been proved beyond a reasonable doubt, you should find the defendant guilty.

If you find from your consideration of all the evidence that any one of these propositions has not been proved beyond a reasonable doubt, you should find the defendant not guilty.

Committee Note

720 ILCS 5/33-2 (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §33-2 (1991)).

Give Instruction 21.13.

In the Third Proposition, if the defendant was a State employee, use the phrase “Department of State Police.” In all other cases, use the term “State's Attorney.” See Chapter 720, Section 33-2, as amended by P.A. 84-25, effective July 18, 1985.

Use applicable bracketed material.

When accountability is an issue, ordinarily insert the phrase “or one for whose conduct he is legally responsible” after the word “defendant” in each proposition. See Instruction 5.03.

21.15 Definition Of Official Misconduct

A [(public officer) (public employee)] commits the offense of official misconduct when, in his official capacity, he

[1] [(intentionally) (recklessly)] fails to perform any mandatory duty as required by law.

[or]

[2] knowingly performs an act which he knows he is forbidden by law to perform.

[or]

[3] performs an act in excess of his lawful authority with intent to obtain a personal advantage for [(himself) (another)].

[or]

[4] [(solicits) (knowingly accepts)] a fee or reward which he knows is not authorized by law, for the performance of any act.

[The term “public officer” means a person who is elected to office pursuant to statute to discharge a public duty for [any political subdivision of] the State.]

[The term “public officer” means a person who is appointed to an office which is established, and the qualifications and duties of which are prescribed by statute, to discharge a public duty for [any political subdivision of] the State.]

[The term “public employee” is a person who is authorized to perform an official function on behalf of, and is paid by [any political subdivision of] the State.]

Committee Note

720 ILCS 5/33-3, 2-17, and 2-18 (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §33-3, 2-17, and 2-18 (1991)).

Give Instruction 21.16.

Use applicable bracketed material.

The bracketed numbers are present solely for the guidance of court and counsel and should not be included in the instruction submitted to the jury.

21.16 Issues In Official Misconduct

To sustain the charge of official misconduct, the State must prove the following propositions:

First Proposition: That the defendant was a [(public officer) (public employee)]; and

Second Proposition: That when in his official capacity, the defendant [(intentionally) (recklessly)] failed to perform a mandatory duty required by law.

[or]

Second Proposition: That when in his official capacity, the defendant knowingly performed an act which he knew he was forbidden by law to perform.

[or]

Second Proposition: That when in his official capacity, the defendant performed an act in excess of his lawful authority with intent to obtain a personal advantage for [(himself) (another)].

[or]

Second Proposition: That when in his official capacity, the defendant [(solicited) (knowingly accepted)] for the performance of any act, a fee or reward which he knew was not authorized by law.

If you find from your consideration of all the evidence that each one of these propositions has been proved beyond a reasonable doubt, you should find the defendant guilty.

If you find from your consideration of all the evidence that any one of these propositions has not been proved beyond a reasonable doubt, you should find the defendant not guilty.

Committee Note

720 ILCS 5/33-3 (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §33-3 (1991)).

Give Instruction 21.15.

Use applicable paragraphs and bracketed material.

When accountability is an issue, ordinarily insert the phrase “or one for whose conduct he is legally responsible” after the word “defendant” in each proposition. See Instruction 5.03.

21.17 Definition Of Offering A Bribe--Attendance At A Particular Institution

A person commits the offense of offering a bribe when he [(offers) (promises)] any [(money) (bribe) (thing of value) (advantage)] with the intent to induce any person to [(attend) (refrain from attending) (continue to attend)] a particular institution of [(secondary) (higher)] education for the purpose of [(participating) (not participating)] in interscholastic athletic competition for such institution.

Committee Note

720 ILCS 5/29-1(b) (West 1992) (formerly Ill.Rev.Stat. ch. 38, §29-1(b) (1991)), amended by P.A. 85-665, effective January 1, 1988.

Give Instruction 21.18.

Note that the recipient of the alleged offer need not be the student athlete. The recipient may be a third person the defendant used with the intent to influence the student athlete's decision.

Section 5/29-1(b) excludes the following from subsection (b):

“(1) offering or awarding to an individual any type of scholarship, grant or other bona fide financial aid or employment; (2) offering of any type of financial assistance by such individual's family; or (3) offering of any item of de minimis value by such institution's authorities if such item is of the nature of an item that is commonly provided to any or all students or prospective students.”

Use applicable bracketed material.

21.18 Issues In Offering A Bribe--Attendance At A Particular Institution

To sustain the charge of offering a bribe, the State must prove the following propositions:

First Proposition: That the defendant [(offered) (promised)] [(money) (a bribe) (a thing of value) (an advantage)]; and

Second Proposition: That the defendant did so with the intent to influence ____ to [(attend) (refrain from attending) (continue to attend)] ____ for the purpose of [(participating) (not participating)] in interscholastic athletic competition for ____; and

Third Proposition: That ____ was an institution of [(higher) (secondary)] education.

If you find from your consideration of all the evidence that each one of these propositions has been proved beyond a reasonable doubt, you should find the defendant guilty.

If you find from your consideration of all the evidence that any one of these propositions has not been proved beyond a reasonable doubt, you should find the defendant not guilty.

Committee Note

720 ILCS 5/29-1(b) (West 1992) (formerly Ill.Rev.Stat. ch. 38, §29-1(b) (1991)), amended by P.A. 85-665, effective January 1, 1988.

Give Instruction 21.17.

Note that the recipient of the alleged offer need not be the student athlete. The recipient may be a third person the defendant used with the intent to influence the student athlete's decision.

Insert in the appropriate blanks the name of the person the defendant was allegedly attempting to influence, and the name of the institution of secondary or higher education. The institution named in the second and third blanks of the Second Proposition must be the same.

Use applicable bracketed material.

When accountability is an issue, ordinarily insert the phrase “or one for whose conduct he is legally responsible” after the word “defendant” in each proposition. See Instruction 5.03.

21.19 Definition Of Offering A Bribe--Sports Agents

A person commits the offense of offering a bribe when he gives any [(money) (goods) (thing of value)] to an individual enrolled in an institution of higher education who participates in interscholastic competition and [(represents) (attempts to represent)] that individual in future negotiations for employment with any professional sports team.

Committee Note

720 ILCS 5/29-1(c) (West 1992) (formerly Ill.Rev.Stat. ch. 38, §29-1(c) (1991)), amended by P.A. 85-665, effective January 1, 1988.

Give Instruction 21.20.

Use applicable bracketed material.

21.20 Issues In Offering A Bribe--Sports Agents

To sustain the charge of offering a bribe, the State must prove the following propositions:

First Proposition: That the defendant gave [(money) (goods) (a thing of value)] to ____;
and

Second Proposition: That ____ was enrolled at ____; and

Third Proposition: That ____ was an institution of higher education; and

Fourth Proposition: That ____ participated in interscholastic competition; and

Fifth Proposition: That the defendant [(represented) (attempted to represent)] ____ in future negotiations for employment with any professional sports team.

If you find from your consideration of all the evidence that each one of these propositions has been proved beyond a reasonable doubt, you should find the defendant guilty.

If you find from your consideration of all the evidence that any one of these propositions has not been proved beyond a reasonable doubt, you should find the defendant not guilty.

Committee Note

720 ILCS 5/29-1(c) (West 1992) (formerly Ill.Rev.Stat. ch. 38, §29-1(c) (1991)), amended by P.A. 85-665, effective January 1, 1988.

Give Instruction 21.19.

Insert in the appropriate blanks the name of the student athlete and the name of the institution of higher education.

Use applicable bracketed material.

When accountability is an issue, ordinarily insert the phrase “or one for whose conduct he is legally responsible” after the word “defendant” in each proposition. See Instruction 5.03.