

76-8-103 Bribery or offering a bribe.

- (1) A person is guilty of bribery or offering a bribe if that person promises, offers, or agrees to give or gives, directly or indirectly, any benefit to another with the purpose or intent to influence an action, decision, opinion, recommendation, judgment, vote, nomination, or exercise of discretion of a public servant, party official, or voter.
- (2) It is not a defense to a prosecution under this statute that:
 - (a) the person sought to be influenced was not qualified to act in the desired way, whether because the person had not assumed office, lacked jurisdiction, or for any other reason;
 - (b) the person sought to be influenced did not act in the desired way; or
 - (c) the benefit is not conferred, solicited, or accepted until after:
 - (i) the action, decision, opinion, recommendation, judgment, vote, nomination, or exercise of discretion, has occurred; or
 - (ii) the public servant ceases to be a public servant.
- (3) Bribery or offering a bribe is:
 - (a) a third degree felony when the value of the benefit asked for, solicited, accepted, or conferred is less than \$1,000; and
 - (b) a second degree felony when the value of the benefit asked for, solicited, accepted, or conferred is \$1,000 or more.

Amended by Chapter 92, 1998 General Session