

**76-8-105 Receiving or soliciting bribe or bribery by public servant.**

- (1) A person is guilty of receiving or soliciting a bribe if that person asks for, solicits, accepts, or receives, directly or indirectly, any benefit with the understanding or agreement that the purpose or intent is 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 asked for, 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) Receiving or soliciting a bribe is:
  - (a) a third degree felony when the value of the benefit asked for, solicited, accepted, or conferred is \$1,000 or less; and
  - (b) a second degree felony when the value of the benefit asked for, solicited, accepted, or conferred exceeds \$1,000.

Repealed and Re-enacted by Chapter 92, 1998 General Session