

ENGROSSED HOUSE  
BILL NO. 2205

By: Settle of the House

and

Dickerson of the Senate

An Act relating to crimes and punishments; amending 21 O.S. 1991, Sections 380 and 381, which relate to bribery; prohibiting bribery of sports officials or participants; defining terms; prohibiting bribery of public servants; prohibiting public servant from accepting bribes; providing exception; repealing 21 O.S. 1991, Sections 97, 265, 266, 308, 309, 318, 382, 383 and 384, which relate to bribery; repealing 21 O.S. 1991, Sections 386 and 387, which relate to accepting gifts; repealing 21 O.S. 1991, Sections 399 and 400, which relate to bribery of participants and officials of athletic contests; repealing 21 O.S. 1991, Section 456, which relates to bribing witnesses; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 21 O.S. 1991, Section 380, is amended to read as follows:

Section 380. A. Any fiduciary, sports official or sports participant who, with a corrupt intent and without the consent of ~~his~~ the beneficiary, intentionally or knowingly solicits, accepts,

or agrees to accept any bribe from another person with the agreement or understanding that the bribe as defined by law will influence the conduct of the fiduciary, sports official or sports participant in relation to the affairs of ~~his~~ the beneficiary, upon conviction, is guilty of a felony punishable by imprisonment in a state correctional institution for a term not more than ten (10) years, or by a fine not to exceed Five Thousand Dollars (\$5,000.00) or an amount fixed by the court not to exceed twice the value of the benefit gained from the bribe, or by both said imprisonment and fine.

B. Any person who offers, confers, or agrees to confer any bribe the acceptance of which is an offense pursuant to the provisions of subsection A of this section, upon conviction, is guilty of a felony punishable by imprisonment in a state correctional institution for a term not more than ten (10) years, or by a fine not to exceed Five Thousand Dollars (\$5,000.00), or both.

C. As used in subsection A of this section:

1. "Beneficiary" means any person for whom a fiduciary is acting;i

2. "Fiduciary" means:

a. an agent or employee;~~or~~i

b. a trustee, guardian, custodian, administrator, executor, conservator, receiver, or similar fiduciary;~~or~~i

c. a lawyer, physician, accountant, appraiser, or other professional advisor;~~or~~i

d. an officer, director, partner, manager, or other participant in the direction of the affairs of a corporation or association;i

3. "Sports official" means any person who acts in sports contests as an umpire, referee, judge or otherwise officiates at sports contests. It also means any person having duties in relation

to any horse race or racehorse, including any trainer, jockey, starter, assistant starter, gatekeeper or agent, or any other person having charge of, or access to, any racehorse;

4. "Sports participant" means any person who participates or expects to participate in a sports contest as a player, contestant or team member, coach, manager, trainer or any other person directly associated with a player, contestant, team or team member in connection with a sports contest; and

5. "Sports contest" means any professional or amateur sport or athletic game or contest between individual contestants or teams of contestants, the occurrence of which public notice is given before the event.

SECTION 2. AMENDATORY 21 O.S. 1991, Section 381, is amended to read as follows:

Section 381. A. ~~Whoever corruptly gives, offers, or promises to any executive, legislative, county, municipal, judicial, or other public officer, or any employee of the State of Oklahoma or any political subdivision thereof, including peace officers and any other law enforcement officer, or any person assuming to act as such officer, after his election or appointment, either before or after he has qualified or has taken his seat,~~ public servant any gift or gratuity whatever, with intent to influence ~~his~~ the act, vote, opinion, decision, or judgment of the public servant on any matter, question, cause, or proceeding which then may be pending, or may by law come or be brought before ~~him~~ the public servant in ~~his~~ an official capacity, ~~or as a consideration for any speech, work, or service in connection therewith,~~ is guilty of bribery and shall be punished by imprisonment in the State Penitentiary not exceeding five (5) years, or by a fine not exceeding Three Thousand Dollars (\$3,000.00) and imprisonment in jail not exceeding one (1) year.

B. Any public servant who corruptly accepts or requests a gift or gratuity or a promise to make a gift or a promise to do an act

beneficial to that public servant, or that judgment shall be given in any particular manner, or upon a particular side of any question, cause or proceeding, which is or may be by law brought before that public servant in an official capacity or that in such capacity the public servant make any particular nomination or appointment, shall forfeit the office, be forever disqualified to hold any public office, trust or appointment under the laws of this state and be punished by imprisonment in the State Penitentiary not exceeding ten (10) years or by a fine not exceeding Five Thousand Dollars (\$5,000.00) and imprisonment in jail for not exceeding one (1) year. The public servant shall further be disqualified from serving in that office.

C. As used in this section, "public servant" means any executive, legislative, county, municipal, judicial or other public officer, or any employee of the State of Oklahoma or any political subdivision thereof, including peace officers and any other law enforcement officer or any person assuming to act as such officer, after election or appointment, either before or after the person has qualified or has taken the seat, including a judicial officer, juror, referee, arbitrator, umpire or assessor or any person who may be authorized by law or agreement of parties interested to hear or determine any question or controversy.

D. The word "gift", as used in this section, shall not include property received by inheritance, by will or by gift in view of death.

SECTION 3. REPEALER 21 O.S. 1991, Sections 97, 265, 266, 308, 309, 318, 382, 383, 384, 386, 387, 399, 400 and 456, are hereby repealed.

SECTION 4. This act shall become effective November 1, 1996.

Passed the House of Representatives the 6th day of March, 1996.

Speaker

of the House of  
Representatives

Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 1996.

President

of the Senate