

Arizona Peace Officer Standards and Training Basic Curriculum Lesson Plan

LESSON TITLE: SUBSTANTIVE CRIMINAL LAW 2.11

SUBJECT:	Substantive Criminal Law
AZ POST DESIGNATION:	2.11 Chapter 26 Bribery
HOURS:	.5
COURSE CONTENT:	An analysis of the most frequently used statutes in this chapter.
PERFORMANCE OBJECTIVES:	Upon completion of this course of instruction, students using notes, handouts and other support materials as references, within the allotted time, will: 2.11.5 Identify the elements of the crime of bribery per A.R.S. §§13-2602 through 13-2605, including the meanings of the related terms delineated in A.R.S. §13-2601.

DATE FIRST PREPARED: November 2000

PREPARED BY: SME Committee

REVIEWED – REVISED: SME Committee DATE: May 2002
REVIEWED – REVISED: AZ POST (Word) DATE: June 2003
REVIEWED – REVISED: SME Committee (hours changed) DATE: October 2006
REVIEWED – REVISED: SME Committee DATE: January 2009
REVIEWED – REVISED: SME Committee DATE: November 2011
REVIEWED – REVISED: SME Committee DATE: August 2019
REVIEWED – REVISED: SME Committee DATE: March 2021
REVIEWED – REVISED: AZPOST (DocX) DATE: April 2023
REVIEWED – REVISED: DATE:
REVIEWED – REVISED: DATE:
REVIEWED – REVISED: DATE:
AZ POST – APPROVAL: Steve Enteman DATE: August 2019
AZ POST – APPROVAL: Mandy Faust DATE: March 2021
AZ POST – APPROVAL: Lori Wait DATE: April 2023

INSTRUCTOR REFERENCES: A.R.S. Title 13

CLASS LEVEL: Student

TRAINING AIDS: <http://www.azleg.gov/ArizonaRevisedStatutes.asp>

INSTRUCTIONAL STRATEGY: Interactive lecture.

SUCCESS CRITERIA: 70% or higher on a written, multiple-choice examination.

COMPUTER FILE NAME: 2-11 Ch 26 Bribery

DATE RELEASED TO THE SHAREFILE: August 2023

I. INTRODUCTION

- A. Instructor – (self) introduction.
- B. Preview of performance objectives. **INSTRUCTOR NOTE** : Use if taught as a “stand alone” lesson plan.

II. 13-2601 – DEFINITIONS

P. O. 2.11.26.5

- A. Employee – includes a person employed by an enterprise or an agent or fiduciary of a principle.
- B. Employer – includes an enterprise or principle.
- C. Party officer – means a person who holds any position or office in a political party, whether by election, appointment or otherwise.

III. 13-2602 – BRIBERY OF A PUBLIC SERVANT OR PARTY OFFICER

P. O. 2.11.26.5

- A. A person commits this offense if, with corrupt intent:
 - 1. Such person offers, confers or agrees to confer any benefit upon a public servant or party officer with the intent to influence the public servant's or party officer's vote, opinion, judgment, exercise of discretion or other action in his/her official capacity as a public servant or party officer; or
 - 2. While a public servant or party officer, such person solicits, accepts or agrees to accept any benefit upon an agreement or understanding that his/her vote, opinion, judgment, exercise of discretion. or other action as a public servant or party officer may thereby be influenced.
 - 3. It is no defense to a prosecution under this section that a person sought to be influenced was not qualified to act in the desired way because such person had not yet assumed office, lacked jurisdiction or for any other reason.
 - 4. This is a felony.

IV. 13-2603 – TRADING IN PUBLIC OFFICE

P. O. 2.11.26.5

- A. A person commits trading in public office if, with corrupt intent:
 - 1. Such person offers, confers or agrees to confer any benefit upon such public servant or party officer upon an agreement or understanding that he/she will or may be appointed to a public office or, or designated or nominated as a candidate for public office; or
 - 2. While a public servant or party officer, such person solicits, accepts or agrees to accept

any benefit from another upon an agreement or understanding that that person will or may be appointed to a public office or designated or nominated as a candidate for public office.

3. This does not apply to contributions to political campaign funds or other similar political contributions made without corrupt intent.
4. Trading in public office is a felony.

V. 13-2604 – FORFEITURE AND DISQUALIFICATION FROM OFFICE

P. O. 2.11.26.5

- A. Notwithstanding A.R.S. §§13-904 or 13-91207, any person convicted of violating A.R.S. §§13-2602 or 13-2603 shall be forever disqualified from becoming a public servant and, shall forfeit his/her office. if such person is a public servant at the time of his conviction, shall forfeit their office.

VI. 13-2605 – COMMERCIAL BRIBERY

P. O. 2.11.26.5

- A. A person commits commercial bribery if:
 1. Such person confers any benefit on an employee without the consent of such employee's employer, corruptly intending that such benefit will influence the conduct of the employee in relation to the employer's commercial affairs and the conduct of the employee causes economic loss to the employer.
 2. While an employee of an employer such employee accepts any benefit from another person, corruptly intending that such benefit will influence his/her conduct in relation to the employer's commercial affairs and such conduct causes economic loss to the employer or principal.
 3. Commercial bribery is a class 5 felony if the value of the benefit is more than one thousand dollars. Commercial bribery is a class 6 felony if the value of the benefit is not more than one thousand dollars but not less than one hundred dollars. Commercial bribery is a class 1 misdemeanor if the value of the benefit is less than one hundred dollars.
 4. This section shall not be construed to prohibit a person from recruiting an employee of another employer unless, pursuant to an agreement between such person and the employee that such employee engage in conduct which will cause economic loss to his employer, such employee engages in conduct while an employee of his original employer and such conduct causes economic loss to the employer.

VII. CONCLUSION

- A. Review of performance objectives.

- B. Final questions and answers.
- C. Instructor closing comment(s).