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# Bribery of Public Servant

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We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

Sincerely,

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# Bribery of Public Servant

Reference Number: CTAS-636

It is a criminal offense for an elected official to accept a bribe. T.C.A. § 39-16-102. See *State v. Frost*, 2003 WL 21339225 (Tenn.Crim.App. 2003) (constable convicted of soliciting a bribe).

The statute provides:

A person commits an offense who:

(1) Offers, confers, or agrees to confer any pecuniary benefit upon a public servant with the intent to influence the public servant's vote, opinion, judgment, exercise of discretion or other action in the public servant's official capacity; or

(2) While a public servant, solicits, accepts or agrees to accept any pecuniary benefit upon an agreement or understanding that the public servant's vote, opinion, judgment, exercise of discretion or other action as a public servant will thereby be influenced.

T.C.A. § 39-16-102(a)(1) & (2).

It is no defense to a prosecution for bribery that the person sought to be influenced was not qualified to act in the desired way because the person had not yet assumed office, lacked jurisdiction, or for any other reason. T.C.A. § 39-16-102(b).

Bribery is a Class B felony. T.C.A. § 39-16-102(c). A county official convicted under this statute may be punished by imprisonment of not less than eight (8) years nor more than thirty (30) years. In addition, the jury may assess a fine not to exceed twenty-five thousand dollars (\$25,000). T.C.A. § 40-35-111. Persons convicted of bribing a public official are subject to the same punishment. An elected official who is convicted of bribery under state or federal law is forever afterwards disqualified from holding any office under the laws or constitution of this state. T.C.A. § 39-16-103. The same is true even if citizenship status is later restored. T.C.A. § 40-20-114(b).

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