

## BRIBERY AND CORRUPTION

### Footnotes

Chapter applicable to primary elections, § 43.5

#### **722.1 Bribery.**

A person who offers, promises, or gives anything of value or any benefit to a person who is serving or has been elected, selected, appointed, employed, or otherwise engaged to serve in a public capacity, including a public officer or employee, a referee, juror, or jury panel member, or a witness in a judicial or arbitration hearing or any official inquiry, or a member of a board of arbitration, pursuant to an agreement or arrangement or with the understanding that the promise or thing of value or benefit will influence the act, vote, opinion, judgment, decision, or exercise of discretion of the person with respect to the person's services in that capacity commits a class "D" felony. In addition, a person convicted under this section is disqualified from holding public office under the laws of this state.

[C51, § 2647, 2649, 2650, 2652; R60, § 4274, 4276, 4277, 4279; C73, § 3939, 3941, 3942, 3944; C97, § 4875, 4877, 4878, 4880, 4886; C24, 27, 31, 35, 39, § **13292, 13294, 13295, 13297, 13302**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, § 739.1, 739.3, 739.4, 739.6, 739.11; C79, 81, § 722.1]

87 Acts, ch 213, §9

#### **722.2 Accepting bribe.**

A person who is serving or has been elected, selected, appointed, employed, or otherwise engaged to serve in a public capacity, including a public officer or employee, a referee, juror, or jury panel member, or a witness in a judicial or arbitration hearing or any official inquiry, or a member of a board of arbitration who solicits or knowingly accepts or receives a promise or anything of value or a benefit given pursuant to an understanding or arrangement that the promise or thing of value or benefit will influence the act, vote, opinion, judgment, decision, or exercise of discretion of the person with respect to the person's services in that capacity commits a class "C" felony. In addition, a person convicted under this section is disqualified from holding public office under the laws of this state.

[C51, § 2648, 2649, 2651, 2653, 2655, 2656; R60, § 4275, 4276, 4278, 4280, 4282, 4283; C73, § 3940, 3941, 3943, 3945, 3947, 3948; C97, § 4876, 4877, 4879, 4881, 4883, 4885; C24, 27, 31, 35, 39, § **13293, 13294, 13296, 13298, 13301**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, § 739.2, 739.3, 739.5, 739.7, 739.10; C79, 81, § 722.2]

87 Acts, ch 213, §10

#### **722.3 Bribery in sports.**

A person who offers, solicits, gives or receives anything of value or any benefit or promise of anything of value or any benefit, with the intent that the recipient thereof do any of the following, commits an aggravated misdemeanor:

1. If the person is a participant or prospective participant in any professional or amateur sport, match, or contest as a contestant or player, lose or in some way affect the outcome of such sport, match, or contest.
2. If the person is an umpire, referee, judge, or other official in any professional or amateur sport, match, or contest, or an owner, manager, coach, trainer or relative of any participant, use the person's position or influence to affect the outcome of any such sport, match, or contest or the score thereof.

[C54, 58, 62, 66, 71, 73, 75, 77, § 739.12; C79, 81, § 722.3]

**722.4 Bribery of elector or election officials.** Repealed by 2002 Acts, ch 1071, §15. See § 39A.2.

**722.5 Improper voting.** Repealed by 2002 Acts, ch 1071, § 15. See § 39A.2.

**722.6 Bribery of election officials.** Repealed by 2000 Acts, ch 1201, § 18. See § 39A.2.

**722.7 Misconduct by election official.** Repealed by 2002 Acts, ch 1071, § 16. See § 39A.3 and 39A.4.

**722.8 Duress to prevent or procure voting.** Repealed by 2002 Acts, ch 1071, § 15. See § 39A.3.

**722.9 Duress to procure voting.** Repealed by 2000 Acts, ch 1201, § 18. See § 39A.2.

**722.10 Commercial bribery.**

1. As used in subsection 2, the following definitions shall apply unless the context otherwise requires:

*a. "Employer"* means any sole proprietor, partnership, corporation, association, or other entity or organization.

*b. "Employee"* includes every officer, employee, agent or representative.

*c. "Gratuity"* means consideration in any form, including but not limited to a gift, commission, discount and bonus.

2. It is unlawful for a person to offer or deliver directly or indirectly for the personal benefit of an employee acting on behalf of the employee's employer in a business transaction or course of transactions with the person a gratuity in consideration of an act or omission which the person has reason to know is in conflict with the employment relation and duties of the employee to the employer. It is unlawful for an employee acting on behalf of the employee's employer in a business transaction or course of transactions with a person to solicit or receive from the person a gratuity directly or indirectly for the personal benefit of the employee in consideration of an act or omission which the employee has reason to know is in conflict with the employment relation and duties of the employee to the employer.

3. A violation of subsection 2 is a class "D" felony.

[C79, 81, § 722.10]

**722.11 Student athlete prohibitions.**

1. *Definitions.* As used in this section:

*a. "Immediate family member"* means a spouse, child, stepchild, parent, stepparent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, first cousin, or guardian of a person named in this paragraph.

*b. "Institution of higher education"* means an institution of higher education under the control of the state board of regents, a community college, or a private college or university located in this state.

*c. "Student athlete"* means a person who engages in, is eligible to engage in, or may be eligible to engage in any intercollegiate sporting event, contest, exhibition, or program. The term includes a person who has

applied, is eligible to apply, or who may be eligible to apply in the future to an institution of higher education.

## 2. *Prohibitions.*

a. Except as provided in paragraphs "c" and "d", a person shall not give, offer, promise, or attempt to give any money or other thing of value to a student athlete or immediate family member of a student athlete for either of the following purposes:

(1) To induce, encourage, or reward the student athlete's application, enrollment, or attendance at an institution of higher education in order to have the student athlete participate in intercollegiate sporting events, contests, exhibitions, or programs at that institution.

(2) To induce, encourage, or reward the student athlete's participation in an intercollegiate sporting event, contest, exhibition, or program.

b. A person shall not aid or abet an act described in paragraph "a".

c. As used in this subsection, "*person*" does not include any of the following:

(1) An institution of higher education or any of its officers or employees if the institution, officer, or employee is acting in accordance with an official written policy of the institution.

(2) An immediate family member of the student athlete.

d. An intercollegiate athletic award approved or administered by the institution of higher education that the student athlete attends is not an inducement, encouragement or reward under paragraph "a".

e. A person who engages in conduct knowing or having reason to know that the conduct violates this subsection commits an aggravated misdemeanor.

## 3. *Prohibitions for student athletes.*

a. Except as provided in paragraph "b", a student athlete or immediate family member of the student athlete, shall not solicit or accept money or anything of value for any of the purposes described in subsection 2, paragraph "a". A person shall not aid or abet an act described in this paragraph.

b. This subsection does not apply to money or other things of value that a student athlete receives from any of the following:

(1) An institution of higher education, its officers, or employees if the institution, officer, or employee offered money or other thing of value in accordance with an official written policy of the institution or if the thing of value is an intercollegiate athletic award approved or administered by that institution.

(2) An immediate family member of the student athlete.

c. A person who engages in conduct knowing or having reason to know that the conduct violates this subsection commits a serious misdemeanor.