

By Mr. Lewis, a petition (accompanied by bill, Senate, No. 772) of Francis X. Bellotti, Alan D. Sisitsky, Michael F. Flaherty and Arthur Joseph Lewis, Jr., for legislation relative to extortion, bribery and sports bribery. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-nine.

AN ACT RELATING TO EXTORTION, BRIBERY AND SPORTS BRIBERY.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 265 of the General Laws is hereby
2 amended by striking out section twenty-five and inserting in
3 the place thereof the following section: —

4 *Section 25. Extortion*

5 (a) A person is guilty of extortion if he obtains or at-
6 tempts to obtain property of another or compels or attempts
7 to compel any person to do any act against his will (i) by
8 threatening or placing another person in fear that any per-
9 son will be subjected to personal injury or kidnapping or that
10 any property will be damaged or that any person will be ac-
11 cused of a crime; or (ii) under color of official right.

12 (b) A person who commits extortion shall be fined not
13 more than \$20,000 or imprisoned in the state prison for not
14 more than fifteen years or in a jail or house of correction for
15 not more than two and a half years, or by both such fine and
16 imprisonment.

17 (c) In a prosecution for extortion, for the purpose of show-
18 ing that words or other methods of communication employed
19 as a means of obtaining or attempting to obtain the property
20 in fact carried a threat, the court may permit the introduc-
21 tion of evidence concerning the reputation of the defendant
22 in any community of which the victim was a member at the
23 time of the offense charged.

24 (d) As used in this chapter

25 (i) "anything of value" means any direct or indirect gain

26 or advantage, or anything that might reasonably be regarded
27 by the beneficiary as a direct or indirect gain or advantage,
28 including a direct or indirect gain or advantage to any other
29 person; (ii) "property" means anything of value, and in-
30 cludes: real property, including things growing on, affixed to,
31 and found in land; tangible or intangible personal property,
32 including rights, privileges, businesses, interests, and claims;
33 services; (iii) "property of another" means property in which
34 a person has an interest upon which another person is not
35 privileged to infringe without consent, whether or not the
36 other person also has an interest in the property.

1 SECTION 2. Chapter 271 of the General Laws is hereby
2 amended by striking out section thirty-nine A and inserting
3 in place thereof the following section: —

4 *Section 39A. Sports Bribery.*

5 (a) A person is guilty of sports bribery if, with intent to
6 corrupt the outcome or margin of a publicly exhibited sport-
7 ing contest: (i) he offers, gives, or agrees to give anything
8 of value to a participant, official, or other person associated
9 with the contest; or (ii) as a participant, official, or other
10 person associated with the contest, he solicits, demands, ac-
11 cepts, or agrees to accept anything of value.

12 (b) A person who commits sports bribery shall be fined
13 not more than \$5,000 or imprisoned in the state prison for
14 not more than five years or in a jail or house of correction
15 for not more than two and a half years, or by both such fine
16 and imprisonment.

17 (c) As used in this chapter

18 (i) "anything of value" means any direct or indirect gain
19 or advantage, or anything that might reasonably be regarded
20 by the beneficiary as a direct or indirect gain or advantage,
21 including a direct or indirect gain or advantage to any other
22 person; (ii) "publicly exhibited sporting contest" means a
23 contest in any sport involving human beings or animals,
24 whether as individual participants or teams of participants,
25 the occurrence of which is publicly announced in advance of
26 the event.

1 SECTION 3. Chapter 268A, section 2 of the General Laws is
2 hereby amended by striking out subsection (a) (1) and insert-
3 ing in place thereof the following subsection: —

4 (1) to influence any official act or any act within the offi-
5 cial responsibility or influence of such employee or member
6 of the judiciary or person who has been selected to be such
7 employee or member of the judiciary, or

1 SECTION 4. Chapter 268A, section 2 of the General Laws is
2 hereby amended by adding, after subsection (b) (3), the fol-
3 lowing new subsection: —

4 (4) influencing another state, county or municipal employee
5 or a member of the judiciary or a person selected to be such
6 an employee or member of the judiciary, in that other's per-
7 formance of any official act or any act within the other's offi-
8 cial responsibility, or

1 SECTION 5. Chapter 268A, section 2 of the General Laws is
2 hereby amended by striking subsection (d) and inserting in
3 place thereof the following subsection: —

4 (d) Whoever, directly or indirectly, corruptly asks, de-
5 mands, exacts, solicits, seeks, accepts, receives or agrees to
6 receive anything of value for himself or for any other person
7 or entity in return for influence upon the testimony under
8 oath or affirmation of himself or any other person as a wit-
9 ness upon any such trial, hearing or other proceeding in re-
10 turn for the absence of himself or any other person there-
11 from: — shall be punished by a fine of not more than five
12 thousand dollars or by imprisonment in a state prison for not
13 more than five years, or by both; and in the event of final
14 conviction shall be incapable of holding any office of honor,
15 trust or profit under the commonwealth or under any state,
16 county or municipal agency.

17 Clauses (c) and (d) shall not be construed to prohibit the
18 payment or receipt of witness fees provided by law or the
19 payment by the party upon whose behalf a witness is called
20 and receipt by a witness of the reasonable cost of travel and
21 subsistence incurred and the reasonable value of time lost in
22 attendance at any such trial, hearing or proceeding, or, in the

23 case of expert witnesses, involving a technical or professional
24 opinion, a reasonable fee for time spent in the preparation of
25 such opinion, in appearing or testifying.