

California, Laws, statutes, etc.

THE

CODES OF CALIFORNIA

AS AMENDED AND IN FORCE AT THE CLOSE OF THE
THIRTY-EIGHTH SESSION OF THE LEGISLATURE,

1909

IN FOUR VOLUMES

POCKET EDITION

ANNOTATED BY

JAMES M. KERR

VOLUME FOUR
PENAL CODE

SAN FRANCISCO

BENDER-MOSS COMPANY

LAW PUBLISHERS AND BOOKSELLERS

1909

TITLE VII.

OF CRIMES AGAINST PUBLIC JUSTICE.

- Chapter I. Bribery and Corruption, §§ 92-100.
 II. Rescues, §§ 101, 102.
 III. Escapes, and Aiding Therein, §§ 105-111.
 IV. Forging, Stealing, Mutilating, and Falsifying Judicial and Public Records and Documents, §§ 113-117.
 V. Perjury and Subornation of Perjury, §§ 118-129.
 VI. Falsifying Evidence, §§ 132-138.
 VII. Other Offenses against Public Justice, §§ 142-181.
 VIII. Conspiracy, §§ 182-185.

CHAPTER I.

BRIBERY AND CORRUPTION.

- § 92. Giving bribes to judges, jurors, referees, etc.
 § 93. Receiving bribes by judicial officers, jurors, etc.
 § 94. Extortion. Misconduct of judicial officers. Stenographers.
 § 95. Improper attempts to influence jurors, referees, etc.
 § 96. Misconduct of jurors, referees, etc.
 § 97. Justice or constable purchasing judgment.
 § 98. Officers to forfeit and be disqualified from holding office.
 § 99. Superintendent of state printing not to be interested in any contract connected with his office. Penalty.
 § 100. Superintendent of state printing, penalty for collusion.

§ 92. **GIVING BRIBES TO JUDGES, JURORS, REFEREES, ETC.** Every person who gives or offers to give a bribe to any judicial officer, juror, referee, arbitrator, or umpire, or to any person who may be authorized by law to hear or determine any question or controversy, with intent to influence his vote, opinion, or decision upon any matter or question which is or may be brought before him for decision, is punishable by imprisonment in the state prison not less than one nor more than ten years.

History: Enacted February 14, 1872, founded on § 106 Criminal Practice Act (Stats. 1850, p. 242), as amended by Act April 19, 1856, Stats. 1856, p. 220, and §§ 84, 85, 86 Criminal Practice Act, as amended by Act April 27, 1863, Stats. 1863, pp. 645, 646.

- See Kerr's Cyc. Pen. C. for 9 pars. annotation.
 As to admission of written statement of party charged with bribery as evidence, see Kerr's Cyc. Pen. C. § 926 and note.
 As to attempts to bribe, see 97 A. D. 713.
 As to bribing boards of supervisors, etc., see Kerr's Cyc. Pen. C. § 165 and note.
 As to bribing witness, see Kerr's Cyc. Pen. C. § 137 and note.
 As to construction of penal statute under code, see Kerr's Cyc. Pen. C. § 4 and note.
 As to defenses to charge of bribery, see 70 A. D. 717, 718.
 As to gist of offense of bribery, see 70 A. D. 713, 715.
 As to giving or offering bribes to executive officers, see Kerr's Cyc. Pen. C. §§ 67 et seq. and notes.
 As to meaning of word "bribe," see Kerr's Cyc. Pen. C. § 7 subd. 6.
 As to police officer receiving bribe, see Kerr's Cyc. Pen. C. § 68 and note.
 As to procuring illegal votes, etc., see Kerr's Cyc. Pen. C. § 47 and note.

§ 93. **RECEIVING BRIBES BY JUDICIAL OFFICERS, JURORS, ETC.** Every judicial officer, juror, referee, arbitrator, or umpire, and every person authorized by law to hear or determine any question or controversy, who asks, receives, or agrees to receive, any bribe, upon any agreement or understanding that his vote, opinion, or decision upon any matters or question which is or may be brought before him for decision, shall be influenced thereby, is punishable by imprisonment in the state prison not less than one nor more than ten years.

History: Enacted February 14, 1872, founded upon §§ 84, 85, 86, 106 Criminal Practice Act (Stats. 1850, p. 239), as amended by Act April 27, 1863, Stats. 1863, pp. 645, 646.

See Kerr's Cyc. Pen. C. for 4 pars. annotation.
 64 C. 434, 436, 1 P. 884, 886 (construed and applied with other sections); 99 C. 327, 328, 330, 33 P. 1092 (construed and applied).

Threat to injure business unless money is paid as crime of extortion.—See 15 L. N. S. 717; also Kerr's Cyc. Pen. C. § 519, note pars. 5-19.

§ 95. IMPROPER ATTEMPTS TO INFLUENCE JURORS, REFEREES, ETC. Every person who corruptly attempts to influence a juror, or any person summoned or drawn as a juror, or chosen as an arbitrator, or umpire, or appointed a referee, in respect to his verdict in, or decision of any cause, or proceeding, pending, or about to be brought before him, either:

1. **By means of any communication**, oral or written, had with him except in the regular course of proceedings;

2. **By means of any book, paper, or instrument** exhibited, otherwise than in the regular course of proceedings;

3. **By means of any threat**, intimidation, persuasion, or entreaty; or,

4. **By means of any promise**, or assurance of any pecuniary or other advantage;

is punishable by fine not exceeding five thousand dollars, or by imprisonment in the state prison not exceeding five years.

History: Enacted February 14, 1872, founded upon § 106 Criminal Practice Act (Stats. 1850, p. 242), and amended by Act April 19, 1856, Stats. 1856, p. 220; amended March 30, 1874, Stats. and Amdts. 1873-4, p. 424.

See Kerr's Cyc. Pen. C. for 5 pars. annotation.

61 C. 134, 135 (cited erroneously § 954 as it read prior to amendment); 64 C. 434, 436, 1 P. 884 (construed and applied with other sections); 121 C. 385, 389, 53 P. 899 (construed as not applying).

As to bribing witness, see Kerr's Cyc. Pen. C. § 137 and note.

As to conduct of jury after cause is submitted, see Kerr's Cyc. Pen. C. §§ 35 et seq. and notes.

As to disbarment of attorneys, grounds of, etc., see Kerr's Cyc. C. C. P. §§ 287 et seq. and notes.

As to receiving evidence out of court, etc., as ground for new trial, see Kerr's Cyc. Pen. C. § 1811 and note.

As to separation of jury after retiring to deliberate on verdict, improper influences presumed, see Kerr's Cyc. Pen. C. § 1811 and note.