

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 378

BY WAYS AND MEANS COMMITTEE

AN ACT

RELATING TO CRIMES; AMENDING SECTION 18-1356, IDAHO CODE, TO PROHIBIT OFFERING PECUNIARY BENEFITS TO PUBLIC SERVANTS UNDER CERTAIN CIRCUMSTANCES AND TO MAKE TECHNICAL CORRECTIONS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 18-1356, Idaho Code, be, and the same is hereby amended to read as follows:

18-1356. GIFTS TO PUBLIC SERVANTS BY PERSONS SUBJECT TO THEIR JURISDICTION. (1) Regulatory and law enforcement officials. No public servant in any department or agency exercising regulatory functions, or conducting inspections or investigations, or carrying on civil or criminal litigation on behalf of the government, or having custody of prisoners, shall solicit, accept or agree to accept any pecuniary benefit from a person known to be subject to such regulation, inspection, investigation or custody, or against whom such litigation is known to be pending or contemplated.

(2) Officials concerned with government contracts and pecuniary transactions. No public servant having any discretionary function to perform in connection with contracts, purchases, payments, claims or other pecuniary transactions of the government shall solicit, accept or agree to accept any pecuniary benefit from any person known to be interested in or likely to become interested in any such contract, purchase, payment, claim or transaction. No person or entity shall offer any pecuniary benefit to, including any consulting arrangement with, any public servant employed by any public agency where that person or entity is interested in or likely to become interested in any contract, purchase, payment, claim or transaction.

(3) Judicial and administrative officials. No public servant having judicial or administrative authority and no public servant employed by or in a court or other tribunal having such authority, or participating in the enforcement of its decisions, shall solicit, accept or agree to accept any pecuniary benefit from a person known to be interested in or likely to become interested in any matter before such public servant or a tribunal with which he is associated.

(4) Legislative and executive officials. No legislator or public servant shall solicit, accept or agree to accept any pecuniary benefit in return for action on a bill, legislation, proceeding or official transaction from any person known to be interested in a bill, legislation, official transaction or proceeding.

(5) Exceptions. This section shall not apply to:

(a) ~~F~~ees prescribed by law to be received by a public servant, or any other benefit for which the recipient gives legitimate consideration or to which he is otherwise legally entitled; or

- 1 (b) ~~g~~Gifts or other benefits conferred on account of kinship or other  
2 personal, professional or business relationship independent of the of-  
3 ficial status of the receiver; or
- 4 (c) ~~t~~Trivial benefits not to exceed a value of fifty dollars (\$50.00)  
5 incidental to personal, professional or business contacts and involv-  
6 ing no substantial risk of undermining official impartiality; or
- 7 (d) ~~b~~Benefits received as a result of lobbying activities that are dis-  
8 closed in reports required by chapter 66, title 67, Idaho Code. This ex-  
9 ception shall not apply to any activities prohibited by subsections (1)  
10 through (4) of this section.
- 11 (6) Offering benefits prohibited. No person shall knowingly confer,  
12 or offer or agree to confer, any benefit prohibited by the foregoing subsec-  
13 tions.
- 14 (7) Grade of offense. An offense under this section is a misdemeanor  
15 and shall be punished as provided in this chapter.