

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 548, As Amended

BY COMMERCE AND HUMAN RESOURCES COMMITTEE

AN ACT

RELATING TO BRIBERY AND CORRUPTION; AMENDING SECTION 18-1351, IDAHO CODE, TO
REVISE A DEFINITION.

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

SECTION 1. That Section 18-1351, Idaho Code, be, and the same is hereby
amended to read as follows:

18-1351. BRIBERY AND CORRUPT PRACTICES -- DEFINITIONS. Unless a
different meaning plainly is required in this chapter:

(1) "Benefit" means gain or advantage, or anything regarded by the
beneficiary as gain or advantage, including benefit to any other person
or entity in whose welfare he is interested, but not an advantage promised
generally to a group or class of voters as a consequence of public measures
which a candidate engages to support or oppose. "Benefit" does not include
an award with economic significance of five hundred dollars (\$500) or
less given to a nonelected public servant by a nonprofit organization
whose membership is limited to public servants as part of a public
servant recognition program that is designed to recognize innovation and
achievement in the workplace, provided that the organization discloses in
advance on its website the nature of the program, the amount of the award,
the names of any persons or entities that contributed to the award and the
recipient of the award.

(2) "Confidential information" means knowledge gained through a public
office, official duty or employment by a governmental entity which is
not subject to disclosure to the general public and which, if utilized in
financial transactions would provide the user with an advantage over those
not having such information or result in harm to the governmental entity from
which it was obtained.

(3) "Government" includes any branch, subdivision or agency of the
government of the state or any locality within it and other political
subdivisions including, but not limited to, highway districts, planning
and zoning commissions and cemetery districts, and all other governmental
districts, commissions or governmental bodies not specifically mentioned in
this chapter.

(4) "Harm" means loss, disadvantage or injury, including loss,
disadvantage or injury to any other person or entity in whose welfare he is
interested.

(5) "Official proceeding" means a proceeding heard or which may
be heard before any legislative, judicial, administrative or other
governmental agency or official authorized to take evidence under
oath, including any referee, hearing examiner, commissioner, notary or
other person taking testimony or deposition in connection with any such
proceeding.

1 (6) "Party official" means a person who holds an elective or appointive
2 post in a political party in the United States by virtue of which he directs
3 or conducts, or participates in directing or conducting party affairs at any
4 level of responsibility.

5 (7) "Pecuniary benefit" is any benefit to a public official or member
6 of his household in the form of money, property or commercial interests, the
7 primary significance of which is economic gain.

8 (8) "Public servant" means any officer or employee of government,
9 including legislators and judges, and any person participating as juror,
10 advisor, consultant or otherwise, in performing a governmental function;
11 but the term does not include witnesses.

12 (9) "Administrative proceeding" means any proceeding, other than
13 a judicial proceeding, the outcome of which is required to be based on a
14 record or documentation prescribed by law, or in which law or regulation is
15 particularized in application to individuals.