

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.