

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 428

BY ZITO

AN ACT

1 RELATING TO PUBLIC SERVANTS; AMENDING SECTION 18-1356, IDAHO CODE, TO REVISE
2 PROVISIONS REGARDING PECUNIARY BENEFITS TO PUBLIC SERVANTS, TO REVISE
3 AN EXCEPTION, TO REMOVE A CERTAIN EXCEPTION AND TO MAKE TECHNICAL COR-
4 RECTIONS.
5

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

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

9 18-1356. GIFTS TO PUBLIC SERVANTS BY PERSONS SUBJECT TO THEIR JURIS-
10 DICTION. (1) Regulatory and law enforcement officials. No public servant in
11 any department or agency exercising regulatory functions, or conducting in-
12 spections or investigations, or carrying on civil or criminal litigation on
13 behalf of the government, or having custody of prisoners, shall solicit, ac-
14 cept or agree to accept any pecuniary benefit from a person known to be sub-
15 ject to such regulation, inspection, investigation or custody, or against
16 whom such litigation is known to be pending or contemplated.

17 ~~Officials concerned with government contracts and pecuniary trans-~~
18 ~~actions~~ Public servants. No public servant ~~having any discretionary func-~~
19 ~~tion to perform in connection with contracts, purchases, payments, claims~~
20 ~~or other pecuniary transactions of the government~~ shall solicit, accept or
21 agree to accept any pecuniary benefit from any person known to be interested
22 in or likely to become interested in any ~~such~~ government contract, purchase,
23 payment, claim or transaction.

24 (3) Judicial and administrative officials. No public servant having
25 judicial or administrative authority and no public servant employed by or in
26 a court or other tribunal having such authority, or participating in the en-
27 forcement of its decisions, shall solicit, accept or agree to accept any pe-
28 cuniary benefit from a person known to be interested in or likely to become
29 interested in any matter before such public servant or a tribunal with which
30 he is associated.

31 (4) Legislative and executive officials. No legislator or public ser-
32 vant shall solicit, accept or agree to accept any pecuniary benefit ~~in return~~
33 ~~for action on a bill, legislation, proceeding or official transaction~~ from
34 any person known to be interested in a bill, legislation, official transac-
35 tion or proceeding.

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

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

40 (b) ~~G~~ifts or other benefits conferred on account of kinship or other
41 personal, professional or business relationship independent of the of-
42 ficial status of the receiver; or

1 (c) ~~Trivial benefits not to exceed a value of fifty dollars (\$50.00)~~
2 ~~as prescribed in section 67-6619(2) (e), Idaho Code, incidental to per-~~
3 ~~sonal, professional, lobbying or business contacts and involving no~~
4 ~~substantial risk of undermining official impartiality; or~~
5 ~~(d) benefits received as a result of lobbying activities that are dis-~~
6 ~~closed in reports required by chapter 66, title 67, Idaho Code. This ex-~~
7 ~~ception shall not apply to any activities prohibited by subsections (1)~~
8 ~~through (4) of this section.~~

9 (6) Offering benefits prohibited. No person shall knowingly confer,
10 or offer or agree to confer, any benefit prohibited by the foregoing subsec-
11 tions.

12 (7) Grade of offense. An offense under this section is a misdemeanor
13 and shall be punished as provided in this chapter.