

CHAPTER 13-800. OFFENSES AGAINST GOVERNMENT.

PART 13-810. CORRUPT PRACTICES.

13-811. DEFINITIONS. For purposes of this chapter:

- A. "Public servant" means any officer or employee of the municipality, including judges, consultants, jurors, and persons otherwise performing a government function. A person is considered a public servant upon his election, appointment, or other designation as such, although he may not yet officially occupy that position.
- B. "Party official" means any person holding any post in a political party whether by election, appointment, or otherwise.
- C. "Pecuniary benefit" means any advantage in the form of money, property, commercial interest, or anything else, the primary significance of which is economic gain; it does not include economic advantage applicable to the public generally, such as tax reduction or increase prosperity generally.
- D. A person is a candidate for electoral office upon his filing or being nominated as a candidate for any municipal office.

13-812. CAMPAIGN CONTRIBUTIONS NOT PROHIBITED. Nothing in this chapter shall be construed to prohibit the giving or receiving of campaign contributions made for the purpose of defraying the costs of a political campaign. No person shall be convicted of any offense solely on the evidence that a campaign contribution was made and that an appointment or nomination was subsequently made by the person to whose campaign or political party the contribution was made.

13-813. BRIBERY TO INFLUENCE OFFICIAL OR POLITICAL ACTIONS. A person is guilty of a class B misdemeanor if:

- A. He promises, offers, or gives any pecuniary benefit to another with the purpose of influencing the other's action, decision, opinion, recommendation, vote, nomination, or other exercise of discretion as a public servant, party official, or voter; or
- B. Being a public servant, party official, candidate for electoral office, or voter, he solicits, accepts, or agrees to accept any pecuniary benefit from another, knowing the other person's purpose is as described above in paragraph A of this section.

13-819. FAILURE OF MEMBER OF GOVERNING BODY TO DISCLOSE INTEREST IN ORDINANCE OR RESOLUTION. Every member of the governing body who has a personal or private interest in any measure, ordinance or resolution proposed or pending before the governing body and does not disclose the fact to the governing body and votes thereon is guilty of a class B misdemeanor.

PART

13-820. ABUSE OF OFFICE.

13-821. OFFICIAL MISCONDUCT — UNAUTHORIZED ACTS OR FAILURE OF DUTY. A public servant is guilty of a class B misdemeanor if, with an intent to benefit himself or another or to harm another, he knowingly commits an unauthorized act which purports to be an act of his office, or knowingly refrains from performing a duty imposed on him by law or clearly inherent in the nature of his office.

13-882. OFFICIAL MISCONDUCT — UNLAWFUL ACTS BASED ON “INSIDE” INFORMATION. A public servant is guilty of a class B misdemeanor if, knowing that official action is contemplated or in reliance on information which he has acquired by virtue of his office or from another public servant which information has not been made public, he:

- A. Acquires or divests himself of a pecuniary interest in any property, transaction, or enterprise which may be affected by such action or information; or
- B. Speculates or waters on the basis of such action or information; or
- C. Knowingly aids another to do any of the foregoing.

13-823. UNOFFICIAL MISCONDUCT.

- A. A person is guilty of unofficial misconduct if he exercises or attempts to exercise any of the functions of a public office when:
 - 1. He has not taken and filed the required oath of office; or
 - 2. He has failed to execute and file the required bond; or
 - 3. He has not been elected or appointed to office; or
 - 4. He exercises any of the functions of his office after his term has expired and the successor has been elected or appointed and has qualified, or after his office has been legally removed.
 - 5. He knowingly withholds or retains from his successor in office or other person entitled to the official seal or any records, papers, documents, or other writings appertaining or belonging to his office or mutilates or destroys or takes away the same.
- B. Unofficial misconduct is a class B misdemeanor.