

## HOUSE BILL NO. HB0016

Offenses against public administration.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to crimes and offenses; clarifying,  
2 modifying and reorganizing specified offenses against  
3 public administration; amending definitions; making  
4 conforming amendments; and providing for an effective date.

5

6 *Be It Enacted by the Legislature of the State of Wyoming:*

7

8 **Section 1.** W.S. 34-26-207 is created to read:

9

10 **34-26-207. Notarial officers; issuance of certificate**  
11 **without proper acknowledgment; penalties.**

12

13 A notarial officer commits a misdemeanor punishable by  
14 imprisonment for not more than six (6) months, a fine of  
15 not more than seven hundred fifty dollars (\$750.00), or  
16 both, if he signs and affixes his seal to a certificate of

1 acknowledgment when the party executing the instrument has  
2 not acknowledged the execution of the instrument in the  
3 presence of, as defined in W.S. 34-26-101(b)(xxi), the  
4 notarial officer, if by law the instrument is required to  
5 be recorded or filed and cannot be filed without a  
6 certificate of acknowledgment signed and sealed by a  
7 notarial officer.

8  
9 **Section 2.** W.S. 6-5-101(a)(iv)(intro) and (vi),  
10 6-5-105(d), 6-5-107(a)(intro) and (i), 6-5-110 by creating  
11 a new subsection (c), 6-5-116, 6-5-117 and  
12 6-5-118(a)(intro) are amended to read:

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14 **6-5-101. Definitions.**

15  
16 (a) As used in this article:

17  
18 (iv) "Pecuniary benefit" is benefit in the form  
19 of property ~~;~~ ~~but does not include:~~

20  
21 (vi) "Public servant" means any public officer,  
22 ~~or~~ employee of government, ~~including legislators and~~  
23 ~~judges, and~~ or any person participating, as juror, witness,

1 advisor, consultant or otherwise, in performing a  
2 governmental function;

3  
4 **6-5-105. Unlawful designation of provider of services**  
5 **or goods; penalties; affirmative defense.**

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7 (d) ~~Designating a supplier~~ A violation of this  
8 section is a misdemeanor punishable by imprisonment for not  
9 more than six (6) months, a fine of not more than seven  
10 hundred fifty dollars (\$750.00), or both.

11  
12 **6-5-107. Official misconduct; penalties.**

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14 (a) A public servant ~~or public officer~~ commits a  
15 misdemeanor punishable by a fine of not more than five  
16 thousand dollars (\$5,000.00), if, with intent to obtain a  
17 pecuniary benefit or maliciously to cause harm to another,  
18 he knowingly:

19  
20 (i) Commits an ~~unauthorized~~ act relating to his  
21 official duties that the public servant does not have the  
22 authority to undertake;

1           **6-5-110. Wrongful appropriation of public property;**  
2 **penalties.**

3  
4           (c) This section shall not apply to limited use of  
5 government property or resources for personal purposes if  
6 the use does not interfere with the performance of a  
7 governmental function and either the cost or value related  
8 to the use is de minimis or the public servant reimburses  
9 the government for the cost of the use.

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11           **6-5-116. Public officer acting before qualifying;**  
12 **penalty.**

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14       An elected or appointed public officer or his deputy  
15       commits a misdemeanor punishable by a fine of not more than  
16       one thousand dollars (\$1,000.00) if he performs any duty of  
17       his office without taking and subscribing the oath  
18       prescribed by law or before giving and filing the bond  
19       required by law. This section shall not apply to training  
20 and similar minor preparation for taking office.

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22           **6-5-117. Public officer demanding kickback from**  
23 **deputy; penalties.**

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2 A public officer who requires a deputy appointed by him to  
3 divide or pay back to the officer a part of the ~~legal fees~~  
4 ~~of the deputy~~ deputy's salary or requires any type of  
5 compensation of any form in return for the deputy's  
6 continued employment is guilty of a felony punishable by  
7 imprisonment for not more than three (3) years, a fine of  
8 not more than five thousand dollars (\$5,000.00), or both.

9

10 **6-5-118. Conflict of interest; public investments;**  
11 **disclosure required; penalty; definitions.**

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13 (a) No ~~public officer or~~ public servant who invests  
14 public funds for a unit of government, or who has authority  
15 to decide how public funds are invested, shall transact any  
16 personal business with, receive any pecuniary benefit from  
17 or have any financial interest in any entity, other than a  
18 governmental entity, unless he has disclosed the benefit or  
19 interest in writing to the body of which he is a member or  
20 entity for which he is working. Disclosures shall be made  
21 annually in a public meeting and shall be made part of the  
22 record of proceedings. The ~~public officer or~~ public  
23 servant shall make the written disclosure prior to

1 investing any public funds in any entity, other than a  
2 governmental entity, which:

3

4           **Section 3.** W.S. 6-5-101(a) (iv) (A) through (C) and  
5 6-5-114 are repealed.

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7           **Section 4.** This act is effective July 1, 2015.

8

9 (END)