

17-16a-4 Prohibited use of official position -- Exception.

- (1) Except as provided in Subsection (3) or (5), it is an offense for an elected or appointed officer to:
 - (a) disclose confidential information acquired by reason of the officer's official position or use that information to secure special privileges or exemptions for himself or others;
 - (b) use or attempt to use the officer's official position to secure special privileges for the officer or for others; or
 - (c) knowingly receive, accept, take, seek or solicit, directly or indirectly, any gift or loan for the officer or for another, if the gift or loan tends to influence the officer in the discharge of the officer's official duties.
- (2) This section is inapplicable to:
 - (a) an occasional nonpecuniary gift having a value of less than \$50;
 - (b) an award publicly presented;
 - (c) any bona fide loan made in the ordinary course of business; or
 - (d) political campaign contributions subject to Section 17-16-6.5.
- (3) A member of a county legislative body who is also a member of the governing board of a provider of mental health or substance abuse services under contract with the county does not commit an offense under Subsection (1)(a) or (b) by discharging, in good faith, the duties and responsibilities of each position, if the county legislative body member does not participate in the process of selecting the mental health or substance abuse service provider.
- (4) Notwithstanding the provisions of this section, a county or county official may encourage support from a public or private individual or institution, whether in financial contributions or by other means, on behalf of an organization or activity that benefits the community.
- (5) This section does not apply to an elected or appointed officer who engages in conduct that constitutes a violation of this section to the extent that the elected or appointed officer is chargeable, for the same conduct, under Section 76-8-105.

Amended by Chapter 142, 2013 General Session

Amended by Chapter 445, 2013 General Session