

Part 1 Corrupt Practices

76-8-101 Definitions.

As used in this chapter:

- (1) "Party official" means an individual holding any post in a political party whether by election, appointment, or otherwise.
- (2) "Peace officer" means an employee of a police or law enforcement agency that is part of or administered by the state or a political subdivision of the state, and whose duties consist primarily of the prevention and detection of crime and the enforcement of criminal statutes or ordinances of this state or a political subdivision of the state.
- (3)
 - (a) "Pecuniary benefit" means an advantage in the form of money, property, commercial interest, or anything else, the primary significance of which is economic gain.
 - (b) "Pecuniary benefit" does not include economic advantage applicable to the public generally, such as tax reduction or increased prosperity generally.
- (4)
 - (a) "Public property" means real or personal property that is owned, held, or managed by a public entity.
 - (b) "Public property" includes real or personal property that is owned, held, or managed by a public entity after the real or personal property is transferred by the public entity to an independent contractor of the public entity.
 - (c) "Public property" remains public property while in the possession of an independent contractor of a public entity for the purpose of providing a program or service for, or on behalf of, the public entity.

Amended by Chapter 96, 2024 General Session

76-8-102 Campaign contributions not prohibited.

- (1) 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.
- (2) No person shall be convicted of an 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.

Amended by Chapter 96, 2024 General Session

76-8-103 Bribery or offering a bribe.

- (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
- (2) An actor commits bribery or offering a bribe if the actor promises, offers, or agrees to give or gives, directly or indirectly, any benefit to another with the purpose or intent to influence an action, decision, opinion, recommendation, judgment, vote, nomination, or exercise of discretion of a public servant, party official, or voter.
- (3) A violation of Subsection (2) is:
 - (a) a second degree felony if the value of the benefit is \$1,000 or more; or
 - (b) a third degree felony if the value of the benefit is less than \$1,000.
- (4) It is not a defense to a prosecution under this statute that:

- (a) the person sought to be influenced was not qualified to act in the desired way, whether because the person had not assumed office, lacked jurisdiction, or for any other reason;
- (b) the person sought to be influenced did not act in the desired way; or
- (c) the benefit is not conferred, solicited, or accepted until after:
 - (i) the action, decision, opinion, recommendation, judgment, vote, nomination, or exercise of discretion, has occurred; or
 - (ii) the public servant ceases to be a public servant.

Amended by Chapter 96, 2024 General Session

76-8-104 Threat to influence official or political action.

- (1)
 - (a) As used in this section:
 - (i) "Harm" means any disadvantage or injury, pecuniary or otherwise, including disadvantage or injury to any other person or entity in whose welfare the public servant, party official, or voter is interested.
 - (ii) "Public servant" does not include a juror.
 - (b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
- (2) An actor commits threat to influence official or political action if the actor, with a purpose of influencing an action, decision, opinion, recommendation, nomination, vote, or other exercise of discretion of a public servant, party official, or voter, threatens harm to:
 - (a) the public servant, party official, or voter; or
 - (b) a person or entity in whose welfare the public servant, party official, or voter is interested.
- (3) A violation of Subsection (2) is a class A misdemeanor.

Amended by Chapter 96, 2024 General Session

76-8-105 Receiving or soliciting bribe or bribery by public servant.

- (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
- (2) An actor commits receiving or soliciting a bribe if the actor asks for, solicits, accepts, or receives, directly or indirectly, any benefit with the understanding or agreement that the purpose or intent is to influence an action, decision, opinion, recommendation, judgment, vote, nomination, or exercise of discretion, of a public servant, party official, or voter.
- (3) A violation of Subsection (2) is:
 - (a) a second degree felony if the value of the benefit asked for, solicited, accepted, or conferred is more than \$1,000; or
 - (b) a third degree felony if the value of the benefit asked for, solicited, accepted, or conferred is \$1,000 or less.
- (4) It is not a defense to a prosecution under this statute that:
 - (a) the person sought to be influenced was not qualified to act in the desired way, whether because the person had not assumed office, lacked jurisdiction, or for any other reason;
 - (b) the person sought to be influenced did not act in the desired way; or
 - (c) the benefit is not asked for, conferred, solicited, or accepted until after:
 - (i) the action, decision, opinion, recommendation, judgment, vote, nomination, or exercise of discretion, has occurred; or
 - (ii) the public servant ceases to be a public servant.

Amended by Chapter 96, 2024 General Session

76-8-106 Receiving bribe for endorsement of person as a public servant.

- (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
- (2) An actor commits receiving a bribe for endorsement of a person as a public servant if the actor solicits, accepts, agrees to accept for the actor's self, another person, or a political party, money or any other pecuniary benefit as compensation for the actor's endorsement, nomination, appointment, approval, or disapproval of any person for a position as a public servant or for the advancement of any public servant.
- (3) A violation of Subsection (2) is a class B misdemeanor.

Amended by Chapter 96, 2024 General Session

76-8-106.1 Bribery for endorsement of person as public servant.

- (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
- (2) An actor commits bribery for endorsement of a person as a public servant if the actor knowingly gives, offers, or promises money or any other pecuniary benefit to a person or a political party as compensation for the person's or political party's endorsement, nomination, appointment, approval, or disapproval of any person for a position as a public servant or for the advancement of any public servant.
- (3) A violation of Subsection (2) is a class B misdemeanor.

Enacted by Chapter 96, 2024 General Session

76-8-107 Alteration of proposed legislative bill or resolution.

- (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
- (2) An actor commits alteration of proposed legislative bill or resolution if the actor fraudulently alters the draft of a bill or resolution that has been presented to either of the houses composing the Legislature to be passed or adopted, with intent to procure the proposed legislative bill or resolution being passed or adopted by either house, or certified by the presiding officer of either house in language different from that intended by either house.

Amended by Chapter 96, 2024 General Session

76-8-108 Alteration of enrolled legislative bill or resolution.

- (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
- (2) An actor commits alteration of enrolled legislative bill or resolution if the actor fraudulently alters the enrolled copy of a bill or resolution that has been passed or adopted by the Legislature with intent to procure the enrolled bill or resolution to be approved by the governor or certified by the Division of Archives, or printed or published by the printer of statutes, in language different from that in which the enrolled bill or resolution was passed or adopted by the Legislature.
- (3) A violation of Subsection (2) is a third degree felony.

Amended by Chapter 96, 2024 General Session

76-8-110 Prohibited action by peace officer for collection agency or creditor.

- (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

- (2) An actor commits prohibited action by peace officer for collection agency or creditor if the actor:
- (a) is a peace officer; and
 - (b)
 - (i) has an interest in a collection agency; or
 - (ii) acts as a compensated collection agent for a creditor or collection agency.
- (3) A violation of Subsection (2) is a class C misdemeanor.

Amended by Chapter 96, 2024 General Session