

Part 1 Corrupt Practices

76-8-101 Definitions.

As used in this chapter:

- (1) "Candidate for electoral office" means a person who files as a candidate for office under the laws of the state.
- (2) "Party official" means a person holding any post in a political party whether by election, appointment, or otherwise.
- (3) "Peace officer" means an employee of a police or law enforcement agency that is part of or administered by the state or any of its political subdivisions, and whose duties consist primarily of the prevention and detection of crime and the enforcement of criminal statutes or ordinances of this state or any of its political subdivisions.
- (4)
 - (a) "Pecuniary benefit" means any 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.
- (5)
 - (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 211, 2019 General Session

76-8-102 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 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.

Enacted by Chapter 196, 1973 General Session

76-8-103 Bribery or offering a bribe.

- (1) A person is guilty of bribery or offering a bribe if that person 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.
- (2) 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.
- (3) Bribery or offering a bribe is:
- (a) a third degree felony when the value of the benefit asked for, solicited, accepted, or conferred is less than \$1,000; and
 - (b) a second degree felony when the value of the benefit asked for, solicited, accepted, or conferred is \$1,000 or more.

Amended by Chapter 92, 1998 General Session

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

- (1) A person is guilty of a class A misdemeanor if he threatens any harm to a public servant, party official, or voter with a purpose of influencing his action, decision, opinion, recommendation, nomination, vote, or other exercise of discretion.
- (2) As used in this section:
 - (a) "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.
 - (b) "Public servant" does not include jurors.

Amended by Chapter 215, 1991 General Session

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

- (1) A person is guilty of receiving or soliciting a bribe if that person 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.
- (2) 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.
- (3) Receiving or soliciting a bribe is:
 - (a) a third degree felony when the value of the benefit asked for, solicited, accepted, or conferred is \$1,000 or less; and
 - (b) a second degree felony when the value of the benefit asked for, solicited, accepted, or conferred exceeds \$1,000.

Repealed and Re-enacted by Chapter 92, 1998 General Session

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

A person is guilty of a class B misdemeanor if:

- (1) He solicits, accepts, agrees to accept for himself, another person, or a political party, money or any other pecuniary benefit as compensation for his endorsement, nomination, appointment, approval, or disapproval of any person for a position as a public servant or for the advancement of any public servant; or
- (2) He knowingly gives, offers, or promises any pecuniary benefit prohibited by paragraph (1).

Enacted by Chapter 196, 1973 General Session

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

Every person who fraudulently alters the draft of any bill or resolution which has been presented to either of the houses composing the Legislature to be passed or adopted, with intent to procure its being passed or adopted by either house, or certified by the presiding officer of either house in language different from that intended by such house, is guilty of a felony of the third degree.

Amended by Chapter 32, 1974 General Session

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

Every person who fraudulently alters the enrolled copy of any bill or resolution which has been passed or adopted by the Legislature with intent to procure it 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 it was passed or adopted by the Legislature, is guilty of a felony of the third degree.

Amended by Chapter 21, 1985 General Session

76-8-110 Peace officer prohibited from acting as compensated collection agent for collection agencies or creditors.

- (1) A peace officer may not have any interest in any collection agency or act as a compensated collection agent for any creditor or collection agency.
- (2) A person that violates this section is guilty of a class C misdemeanor.

Amended by Chapter 128, 1992 General Session