

Part 2 Abuse of Office

76-8-201 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.

Enacted by Chapter 196, 1973 General Session

76-8-202 Official misconduct -- Unlawful acts based on "inside" information.

A public servant is guilty of a class A 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:

- (1) acquires or divests himself of a pecuniary interest in any property, transaction, or enterprise which may be affected by such action or information;
- (2) speculates or wagers on the basis of such action or information; or
- (3) knowingly aids another to do any of the foregoing.

Amended by Chapter 241, 1991 General Session

76-8-203 Unofficial misconduct.

- (1) A person is guilty of unofficial misconduct if the person exercises or attempts to exercise any of the functions of a public office when the person:
 - (a) has not taken and filed the required oath of office;
 - (b) has failed to execute and file a required bond;
 - (c) has not been elected or appointed to office;
 - (d) 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; or
 - (e) 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.
- (2) Unofficial misconduct is a class B misdemeanor.

Amended by Chapter 336, 2011 General Session