

ORIGINAL HOUSE  
BILL NO. HB0016

ENROLLED ACT NO. 52, HOUSE OF REPRESENTATIVES

SIXTY-THIRD LEGISLATURE OF THE STATE OF WYOMING  
2015 GENERAL SESSION

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

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

**Section 1.** W.S. 6-5-101(a)(iv)(intro) and (vi), 6-5-105(d), 6-5-107(a)(intro) and (i), 6-5-110 by creating a new subsection (c), 6-5-116, 6-5-117 and 6-5-118(a)(intro) are amended to read:

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

(a) As used in this article:

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

(vi) "Public servant" means any public officer, ~~or~~ employee of government, ~~including legislators and judges, and~~ or any person participating, as juror, witness, advisor, consultant or otherwise, in performing a governmental function;

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

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

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

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

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

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

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

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

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

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

A public officer who requires a deputy appointed by him to divide or pay back to the officer a part of the ~~legal fees~~

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~~of the deputy~~ deputy's salary or requires any type of compensation of any form in return for the deputy's continued employment is guilty of a felony punishable by imprisonment for not more than three (3) years, a fine of not more than five thousand dollars (\$5,000.00), or both.

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

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

**Section 2.** W.S. 6-5-101(a)(iv)(A) through (C) is repealed.

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**Section 3.** This act is effective July 1, 2015.

(END)

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Governor

TIME APPROVED: \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

I hereby certify that this act originated in the House.

\_\_\_\_\_  
Chief Clerk