

SENATE BILL 2788

By Kelsey

AN ACT to amend Tennessee Code Annotated, Section 39-16-402, relative to public officials receiving a benefit not otherwise authorized by law.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-16-402, is amended by adding the following language as a new subsection (c) and redesignating subsequent subsections accordingly:

(c)

(1) For purposes of subdivision (a)(5), a public servant receives a benefit not otherwise authorized by law if the public servant:

(A) Purchases real property or otherwise obtains an option to purchase real property if the public servant knows that such real property may be purchased by a governmental entity and such information is not public knowledge; or

(B) Under color of office or employment, communicates, directly or indirectly with the executive officer of the governmental entity concerning the purchase of real property described in subdivision (c)(5)(A), or communicates, directly or indirectly, with a person designated by such executive officer or by the charter or governing document of the governmental entity as the person authorized to make the decision that a governmental entity purchase real property described in subdivision (c)(5)(A), that the public servant owns or owns an option to purchase.

(2) Ouster provisions shall be instituted upon a conviction of subdivision (c)(1). In addition any person convicted of such offense shall forever afterwards be disqualified from holding any office under the laws or constitution of this state.

SECTION 2. This act shall take effect July 1, 2012, the public welfare requiring it.