

Bill No.: HB0016 **Effective:** 7/1/2015

LSO No.: 15LSO-0012

Enrolled Act No.: HEA 52

Chapter No.: 82

Prime Sponsor: Joint Judiciary Interim Committee

Catch Title: Offenses against public administration.

Subject: Amendments to criminal offenses by public servants

Summary/Major Elements:

- The bill generally clarifies and modifies existing law relating to criminal offenses that only apply to public servants as follows:
 - The bill clarifies the definition of a “public servant” by including within its meaning a “public officer.”
 - Under the old statute, the offense of official misconduct required the commission of an “unauthorized act.” This bill clarifies that the public servant must commit an act he does not have the authority to undertake, rather than just committing an “unauthorized act,” to violate this statute.
 - The offense of wrongful appropriation of public property was modified to create an exception for the limited use of government property or resources by a public servant. If the use does not interfere with the performance of a governmental function and the cost or value of the use is small or is reimbursed by the public servant, no offense occurs. Under the old statute, it was unclear whether any personal use of government property by a public servant was a violation of this statute.
 - Under current law, an elected or appointed public officer or his deputy commits a misdemeanor if he performs any duty of his office without taking and subscribing the oath and providing a bond as required by law. The bill clarifies that this offense does not apply to training and similar minor preparations for taking office.
 - Under the old law, it was a felony for a public officer to require an appointed deputy to divide or pay back to the officer a part of the legal fees of the deputy. Under the new law, it is a felony for a public officer to require a deputy to divide or pay back the deputy’s salary or requires any type of compensation of any form in return for the deputy’s continued employment.