

H. J. ...

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81 ISO - 340

HOUSE BILL 220

HOUSE BILL 220

Title:

AN ACT to create W.S. 6-8-801 through 6-8-815; to amend W.S. 6-8-503, 9-7-404 and 9-7-1133; and to repeal W.S. 6-4-607, 6-7-305, 6-7-306, 6-7-313, 6-8-201, 6-8-202, 6-8-501, 6-8-502, 6-8-505, 6-8-508 through 6-8-510, 9-2-338, 9-2-405, 9-7-101, 9-7-1134, 11-20-207 and 35-1-105(a) (ii) relating to public officials; defining and redefining crimes such as bribery, conflict of interest, misconduct and wrongful appropriation; making the statutes on public official's crimes consistent; providing penalties including removal from office; and providing for an effective date.

Introduced by:

Gynthia Hummie Kilvinger

DATE	ACTION	DATE	ACTION
JAN 15 1981	READ FIRST TIME	1-30-81	Received from House
	REFERRED TO COM. NO. <u>1</u>		Read first time
	DELIVERED TO COM. NO. <u>1</u>		Referred to Com. No. <u>1</u>
JAN 24 1981	RETURNED		Delivered to Com. No. <u>1</u>
	Recommended Amend and Do Pass <u>100%</u>	2-10-81	STANDING COMMITTEE
JAN 27 1981	CONSIDERED IN COM. OF WHOLE		LAKE-SHAWNEE
	Standing Com. Amendment <u>HB220 H51/A</u>		RECOMMENDED DO PASS AS AMENDED
	ADOPTED		
	Com. of Whole Amendment <u>HB220 HW2/A</u>		
	ADOPTED		
	Amended as follows <u>HB220 HW3/A</u>		
	ADOPTED		
	Amended as follows <u>HB220 HW4/A</u>		
	ADOPTED		
	RECOMMENDED DO PASS		
JAN 28 1981	READ SECOND TIME		
	Amended as follows <u>HB220 H22/A</u>		
	ADOPTED		
JAN 29 1981	READ THIRD TIME		
	PASSED		
	<u>44</u> Yeas, <u>20</u> Nays, <u>1</u> Absent, <u>2</u> Excused		
	Sent to Senate		
1-29-81	Received - sent to HSO		
1-29-81	ENGROSSED		

HB220H21/*F*

Page 2-lines 15 thru 21 Delete *Ku 11/27/81*
Page 3-line 1 Delete; renumber subsequent paragraphs.
Page 3-line 11 Delete "pecuniary".
Page 3-line 15 Delete "pecuniary".
Page 4-line 7 Delete "pecuniary".
Page 4-line 20 Delete "pecuniary".
Page 6-line 8 Delete "pecuniary".
Page 6-line 14 Delete "pecuniary".
Page 7-line 7 Delete "pecuniary".
In HB220HS1/A Reference page 8-line 6 Delete amendment.
-THORSON *X*

HB220HW5/F

Page 9-lines 12 through 22 Delete.
Page 10-line 1 Delete.
Renumber accordingly. -HANSEN

913220Philip ReadingDate 1/29/81

Roll Call of the House

of the FORTY-SIXTH LEGISLATURE
of Wyoming

	Ayes	Noes	Excused	Absent		Ayes	Noes	Excused	Absent
63 ARNOLD	✓	✓			30 PHELAN	✓			
62 ASAY	✓				29 PROSSER	✓	✓		
61 BRYANT	✓				28 PUGH	✓			
60 BUDD <i>gpp</i>	✓	✓			27 RATLIFF	✓			
59 BURNETT					26 ROTH	✓			
58 BURNS	✓				25 SALISBURY		✓		
57 BYRD	✓	✓			24 SANDERS	✓			
56 CHAMBERLAIN	✓				23 SCHWOPE	✓			
55 CROSS		✓			22 SCOTT, C	✓			
54 CROWLEY	✓				21 SCOTT, D.		✓		
53 CURRY	✓				20 SHREVE	✓			
52 DONLEY		✓			19 SIDI <i>gpp</i>	✓			
51 DUSL		✓			18 SIMONS <i>cl</i>		✓	✓	
50 EDWARDS	✓				17 SIMPSON <i>gpp</i>	✓			
49 ESKENS		✓			16 SMITH <i>gpp</i>	✓			
48 GETTER		✓			15 SORESENSEN	✓			
47 HANSEN	✓				14 STAUFFER		✓		
46 HEMMERT	✓				13 STEWART	✓			
45 JENSEN		✓			12 STRAND	✓			
44 JONES <i>gpp</i>	✓				11 TARTER	✓			
43 KINNISON	✓				10 THOMPSON	✓			
42 LARSON, T <i>gpp</i>	✓				9 THORSON		✓		
41 LUMMIS	✓				8 TIPTON	✓			
40 MacMILLAN	✓				7 TROWBRIDGE	✓			
39 MARTON		✓			6 URBIGKIT <i>gpp</i>		✓		
38 McCARATHY	✓				5 VINICH <i>gpp</i>	✓			
37 McILVAIN		✓			4 WALLIS		✓		
36 MEENAN		✓			3 WIEDERSPAHN	✓			
35 MICHELI		✓			2 WINNINGER	✓			
34 MICHIE		✓			1 MR. SPEAKER	✓			
33 MURPHY	✓				PRESENT _____				AYES <u>46</u>
32 ODDE	✓								NOES <u>20</u>
31 PERRY	✓								EXCUSED <u>01</u>
									ABSENT _____
									TOTAL <u>62</u>
									LESS <u>22</u>

THE LEGISLATURE OF THE STATE OF WYOMING

House of Representatives

Cheyenne, January 25, 1931

HB 220 AS1
Mr. Speaker:

Your Committee No. 1 on JUDICIARY

to whom was referred H. B. No. 220

respectfully reports same back to the House with the recommendation that it

DO PASS with the following amendments:

- Page 1 line 2 delete "9-2-352,";
after "9-7-404" delete comma "," and insert "and";
after "9-7-1133" delete ", 18-3-206(a) and".
- Page 1 line 3 delete "(c), 18-3-813 and 18-4-506".
- Page 1 line 5 delete "9-2-314,".
- Page 1 line 6 delete "9-2-315,";
delete "9-7-403,".
- Page 1 line 7 after "11-20-207" delete balance of line and insert "and".
- Page 1 line 8 delete "33-1-110, 35-1-103,";
delete ", 39-6-417(b) and".
- Page 1 line 9 delete "39-6-517(b)".
- Page 2 between lines 14 and 15 insert "(iii) 'Harm' means loss,
disadvantage, or injury".
- Page 2 line 15 delete "(iii)" and insert "(iv)" and renumber subsequent
subsections accordingly.
- Page 3 line 4 after "juror," insert "witness,".
- Page 3 line 11 after "benefit" insert ", testimonial, privilege, or personal
advantage".
- Page 3 line 15 after "benefit" insert ", testimonial, privilege, or personal
advantage".
- Page 4 line 20 delete "requests" and insert "solicits, accepts, or agrees
to accept".
- Page 6 line 2 delete "five hundred".

Chairman

ENGROSSED

1981

STATE OF WYOMING

81LS0-340/eng

HOUSE BILL NO. 220

Misconduct of public officials.

Sponsored by: JOINT JUDICIARY INTERIM COMMITTEE

A BILL

for

1 AN ACT to create W.S. 6-8-801 through 6-8-815; to amend
2 W.S. 6-8-503, 9-7-404 and 9-7-1133; and to repeal W.S.
3 6-4-607, 6-7-305, 6-7-306, 6-7-313, 6-8-201, 6-8-202,
4 6-8-501, 6-8-502, 6-8-505, 6-8-508 through 6-8-510,
5 9-2-338, 9-2-405, 9-7-101, 9-7-1134, 11-20-207 and
6 35-1-105(a)(ii) relating to public officials; defining and
7 redefining crimes such as bribery, conflict of interest,
8 misconduct and wrongful appropriation; making the statutes
9 on public official's crimes consistent; providing pen-
10 alties including removal from office; and providing for an
11 effective date.

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

2 Section 1. W.S. 6-8-801 through 6-8-815 are created
3 to read:

4 6-8-801. Definitions.

5 (a) As used in this act:

6 (i) "Government" includes any branch, subdivi-
7 sion or agency of the state of Wyoming or any city, town,
8 county, school district or special district within it;

9 (ii) "Governmental function" includes any
10 activity which a public servant is legally authorized to
11 undertake on behalf of a government;

12 (iii) "Harm" means loss, disadvantage or
13 injury;

14 (iv) "Pecuniary benefit" is benefit in the
15 form of property, but does not include acceptance of food
16 or drink or entertainment authorized as a proper deduct-
17 ible expense for income tax purposes under the United
18 States Internal Revenue Code up to an amount of one hun-
19 dred dollars (\$100.00), any item with a value of less than
20 twenty dollars (\$20.00), or contributions to a political

1 campaign of a public servant as provided in W.S.
2 22-25-102;

3 (v) "Public servant" means any officer or
4 employee of government, including legislators and judges,
5 and any person participating as juror, witness, advisor,
6 consultant or otherwise, in performing a governmental
7 function;

8 (vi) "This act" means W.S. 6-8-801 through
9 6-8-815.

10 6-8-802. Bribery.

11 (a) A person commits bribery, if:

12 (i) He offers, confers or agrees to confer any
13 pecuniary benefit, testimonial, privilege or personal
14 advantage upon a public servant as consideration for the
15 public servant's vote, opinion, judgment, exercise of
16 discretion or other action in his official capacity; or

17 (ii) While a public servant, he solicits,
18 accepts or agrees to accept any pecuniary benefit, testi-
19 monial, privilege or personal advantage upon an agreement
20 or understanding that his vote, opinion, judgment, exer-
21 cise of discretion or other action as a public servant

1 will thereby be influenced.

2 (b) It is no defense to a prosecution under this
3 section that the person sought to be influenced was not
4 qualified to act in the desired way, whether because he
5 had not yet assumed office or lacked jurisdiction.

6 (c) Bribery is a felony punishable by a fine of not
7 more than fifteen thousand dollars (\$15,000.00), imprison-
8 ment for not more than five (5) years, or both.

9 6-8-803. Compensation for past official behavior.

10 (a) A person commits an offense if he solicits,
11 accepts or agrees to accept any pecuniary benefit as
12 compensation for having, as a public servant, given a
13 decision, opinion, recommendation or vote favorable to
14 another, or for having otherwise exercised a discretion in
15 his favor, or for having violated his statutory duties.
16 For purposes of this section, "compensation" does not
17 include mere acceptance of an offer of employment.

18 (b) Compensation for past official behavior is a
19 felony punishable by a fine of not more than fifteen thou-
20 sand dollars (\$15,000.00), imprisonment for not more than
21 five (5) years, or both.

1 6-8-804. Soliciting unlawful compensation.

2 (a) A public servant commits soliciting unlawful
3 compensation if he solicits, accepts, or agrees to accept
4 a pecuniary benefit for the performance of an official
5 action knowing that he was required to perform that action
6 without compensation or at a level of compensation lower
7 than that requested.

8 (b) Soliciting unlawful compensation is a mis-
9 demeanor punishable by a fine of not more than one thou-
10 sand dollars (\$1,000.00), imprisonment for not more than
11 one (1) year, or both.

12 6-8-805. Designation of supplier.

13 (a) No public servant shall require or direct a
14 bidder or contractor to deal with a particular person in
15 procuring any goods or service required in submitting a
16 bid to or fulfilling a contract with any government.

17 (b) A provision in an invitation to bid or a con-
18 tract document which violates this section is against
19 public policy and voidable.

20 (c) It is an affirmative defense that the defendant
21 was a public servant acting within the scope of his

1 authority exercising the right to reject any material,
2 subcontractor, service, bond or contract tendered by a
3 bidder or contractor because it did not meet bona fide
4 specifications or requirements relating to quality, avail-
5 ability, experience or financial responsibility.

6 (d) Designating a supplier is a misdemeanor punish-
7 able by a fine of not more than one thousand dollars
8 (\$1,000.00), imprisonment for not more than one (1) year,
9 or both.

10 6-8-806. Conflict of interest.

11 (a) Except as provided by subsection (b) of this
12 section, a public servant commits an offense if he
13 requests or receives any pecuniary benefit other than
14 lawful compensation on any contract, or for the letting of
15 any contract, or making any appointment where the govern-
16 ment employing or subject to the discretion or decisions
17 of the public servant is concerned.

18 (b) If any public servant discloses the nature and
19 extent of his pecuniary interest to all parties concerned
20 therewith and does not participate during the consider-
21 ations and vote thereon and does not attempt to influence
22 any of the parties and does not act for the governing body

1 with respect to the contracts or appointments, then the
2 acts are not unlawful under subsection (a) of this
3 section. Subsection (a) of this section does not apply to
4 the operation, administration, inspection or performance
5 of banking and deposit contracts or relationships after
6 the selection of a depository.

7 (c) Violation of subsection (a) of this section is a
8 misdemeanor punishable by a fine of not more than five
9 thousand dollars (\$5,000.00), imprisonment for not more
10 than one (1) year, or both.

11 6-8-807. Official misconduct.

12 (a) A public servant commits official misconduct if,
13 with intent to obtain a pecuniary benefit or maliciously
14 to cause harm to another, he knowingly:

15 (i) Commits an unauthorized act relating to
16 his official duties;

17 (ii) Refrains from performing a duty imposed
18 upon him by law; or

19 (iii) Violates any statute relating to his
20 official duties.

21 (b) Official misconduct is a misdemeanor punishable

1 by a fine of not more than five thousand dollars
2 (\$5,000.00), imprisonment for not more than one (1) year,
3 or both.

4 6-8-808. Issuing a false certificate.

5 (a) A public servant commits a misdemeanor punish-
6 able by a fine of not more than five thousand dollars
7 (\$5,000.00), imprisonment for not more than one (1) year,
8 or both, if he makes and issues an official certificate or
9 other official written instrument which he is authorized
10 to make and issue containing a statement which he knows to
11 be false with intent to obtain a pecuniary benefit or
12 maliciously to cause harm to another.

13 (b) A public servant commits a misdemeanor punish-
14 able by a fine of not more than seven hundred fifty
15 dollars (\$750.00), imprisonment for not more than six (6)
16 months, or both, if he makes and issues an official
17 certificate or other official written instrument which he
18 is authorized to make and issue containing a statement
19 which he knows to be false.

20 6-8-809. Embezzlement of public property.

21 (a) Every public servant who lawfully or unlawfully
22 comes into possession of any monies or property of any

1 government and who, with intent permanently to deprive the
2 owner of its use and benefit, knowingly converts any of
3 the public monies or property to his own use or to any use
4 other than the public use authorized by law is guilty of
5 embezzlement of public property.

6 (b) Embezzlement of public property is:

7 (i) A felony punishable by a fine of not more
8 than thirty thousand dollars (\$30,000.00), imprisonment
9 for not more than ten (10) years, or both, if the value of
10 the money or property is two hundred dollars (\$200.00) or
11 more; and

12 (ii) A misdemeanor punishable by a fine of not
13 more than seven hundred fifty dollars (\$750.00), imprison-
14 ment for not more than six (6) months, or both, if the
15 value of the money or property is less than two hundred
16 dollars (\$200.00).

17 6-8-810. Wrongful appropriation of public property.

18 (a) Every public servant who lawfully or unlawfully
19 comes into possession of any monies or property of any
20 government and who, with intent temporarily to deprive the
21 owner of its use and benefit, converts any of the public
22 monies or property to his own use or any use other than

1 the public use authorized by law is guilty of wrongful
2 appropriation of public property.

3 (b) Wrongful appropriation is a misdemeanor punish-
4 able by a fine of not more than seven hundred fifty
5 dollars (\$750.00), imprisonment for not more than six (6)
6 months, or both.

7 6-8-811. Failure to account. A public servant who
8 fails or refuses to account for, deliver and pay over to
9 the person legally entitled to receive money or property
10 received by virtue of the office, when legally required by
11 the proper person or authority, is guilty of a felony pun-
12 ishable by a fine of not more than one thousand dollars
13 (\$1,000.00), imprisonment for not more than one (1) year,
14 or both.

15 6-8-812. Mistreating persons in institutions.

16 (a) A person commits a felony punishable by
17 imprisonment for not more than three (3) years if he:

18 (i) Is responsible for the care of a person in
19 a reformatory, penal or charitable institution or a mental
20 hospital and treats him with unnecessary severity,
21 harshness or cruelty; or

1 (ii) Is an officer required by law to perform
2 an act with regard to persons in a reformatory, penal or
3 charitable institution or a mental hospital and he
4 willfully refuses or neglects to perform the act.

5 (b) This section does not bar prosecution under any
6 other criminal statute of a person responsible for the
7 care of a person in a reformatory, penal or charitable
8 institution or a mental hospital even if he also violates
9 this section.

10 6-8-813. Removal from office. A judgment of conviction
11 rendered under W.S. 6-8-802 through 6-8-812 against
12 any public servant, except state elected officials,
13 supreme court justices, district court judges and county
14 court judges shall result in removal from office or discharge
15 from employment.

16 6-8-814. Notaries public; false certificates.

17 (a) A notary public commits a misdemeanor punishable
18 by a fine of not more than seven hundred fifty dollars
19 (\$750.00), imprisonment for not more than six (6) months,
20 or both, if he:

21 (i) Signs and affixes his seal to a certificate
22 of acknowledgment when the party executing the

1 instrument has not first acknowledged the execution of the
2 instrument before the notary public, if by law the instru-
3 ment is required to be recorded or filed and cannot be
4 filed without a certificate of acknowledgment signed and
5 sealed by a notary public.

6 6-8-815. Negligence or refusal of ministerial offi-
7 cer to perform duty in criminal case.

8 (a) A person commits a misdemeanor punishable by a
9 fine of not more than seven hundred fifty dollars
10 (\$750.00), imprisonment for not more than six (6) months,
11 or both, if he is:

12 (i) A clerk, sheriff, coroner or other minis-
13 terial officer who refuses or neglects to perform any duty
14 he is required by law to perform in any criminal case or
15 proceeding; or

16 (ii) An officer who unnecessarily delays
17 serving a warrant legally issued in any criminal case,
18 when it is his duty to execute and in his power to serve
19 the warrant.

20 Section 2. W.S. 6-8-503, 9-7-404 and 9-7-1133 are
21 amended to read:

1 6-8-503. Custodian stealing, etc., public records.

2 ~~Whoever being~~ An officer or his deputy ~~having the cus-~~
3 ~~tody of any records, book, document, paper or proceeding~~
4 ~~specified in the foregoing section,~~ WHO steals or fraud-
5 ulently takes away, secretes, withdraws or destroys any
6 such A record, RECORD book, ~~document, paper or proceeding,~~
7 ~~shall be imprisoned in the penitentiary~~ DOCKET OR JOURNAL
8 OF WHICH HE HAS CUSTODY AND WHICH IS AUTHORIZED TO BE MADE
9 BY LAW OR BELONGS OR PERTAINS TO A STATE OR COUNTY OFFICE
10 OR OFFICER, COMMITS A FELONY PUNISHABLE BY A FINE OF NOT
11 MORE THAN FIVE THOUSAND DOLLARS (\$5,000.00) OR IMPRISON-
12 MENT not more than ten (10) years.

13 9-7-404. Account to be kept of expenditures from

14 contingent fund; public inspection of account; itemized
15 statement to accompany voucher; penalty for false vouch-
16 ers. When an appropriation is made by law as a contingent
17 fund for any office, or officer, or board, or ~~for any~~
18 other purpose, to be expended for the state, the officer
19 or board having charge of such THE fund shall keep an
20 account therewith, showing when, to whom, and for what
21 purpose any portion of said THE fund has been expended, &
22 which THE account shall always be open for public inspec-
23 tion, & and Every officer or person presenting any voucher
24 to any board for allowance, or to the auditor for payment,

1 shall contain or have affixed thereunto a full itemized
2 statement in writing covering such THE claim or ~~claims~~ and
3 approved for allowance by the proper board, department
4 head or officer, ~~and Any and all~~ claims failing to
5 comply with this provision SECTION shall be rejected by
6 the auditor, or ~~any of said boards~~ THE BOARD to which such
7 THE claims ~~shall be~~ ARE presented, ~~if any~~ AN officer or
8 person ~~shall make or present any~~ WHO MAKES OR PRESENTS A
9 voucher for a greater sum of money than was actually paid
10 or expended for the purpose stated or indicated ~~in or by~~
11 such THE voucher, ~~he shall upon conviction thereof be~~
12 deemed IS guilty of embezzlement UNDER W.S. 6-8-809 of the
13 amount so falsely included in such THE voucher, ~~in the~~
14 ~~excess actually paid or expended, and shall be imprisoned~~
15 ~~in the penitentiary not less than five (5) years.~~

16 9-7-1133. Profit making prohibited; unauthorized use
17 of monies. The making of profit PERSONAL PECUNIARY BENE-
18 FIT, directly or indirectly, by any state treasurer or by
19 the treasurer of any county, city, town or school dis-
20 trict, or by any other public officer or employee having
21 in his custody or under his control any public moneys
22 MONIES, by ~~loaning such moneys~~ LENDING, USING or by depos-
23 iting the same, MONIES contrary to the provisions of this
24 act, or ~~the using of such moneys by any of said public~~

1 ~~officers or employees~~ for any purpose not authorized by
2 ~~law, shall be deemed a felony and are hereby prohibited,~~
3 ~~and any of said public officers or employees who shall~~
4 ~~violate any of the foregoing provisions of this section~~
5 ~~shall, on conviction, be punished by imprisonment in the~~
6 ~~state penitentiary for a term not exceeding two (2) years~~
7 ~~or by a fine not exceeding five thousand dollars~~
8 ~~(\$5,000.00), or by both such fine and imprisonment. IS~~
9 OFFICIAL MISCONDUCT UNDER W.S. 6-8-807.

10 Section 3. W.S. 6-4-607, 6-7-305, 6-7-306, 6-7-313,
11 6-8-201, 6-8-202, 6-8-501, 6-8-502, 6-8-505, 6-8-508
12 through 6-8-510, 9-2-338, 9-2-405, 9-7-101, 9-7-1134,
13 11-20-207 and 35-1-105(a)(ii) are repealed.

14 Section 4. This act is effective May 20, 1981.

15 (END)

H. B. 220
Amendments (continued)
Page Two

Page 6 line 3 delete "\$1,500.00)" and insert "\$1,000.00)",

Page 6 line 17 delete "directly or indirectly".

Page 8 line 6 after "a" insert "pecuniary",

Page 9 line 5 delete "one" and insert "two";
delete "\$100.00)" and insert "\$200.00)".

Page 9 line 10 delete "one" and insert "two",

Page 9 line 11 delete "\$100.00)" and insert "\$200.00)".

Page 10 line 14 after "reformatory" insert ", penal".

Page 11 line 6 delete "6-8-801" and insert "6-8-802",

Page 11 line 9 delete "operates as a judgment of impeachment and" and
insert "shall result in",

Page 12 line 18 delete "9-2-352,";
after "9-7-404" delete comma "," and insert "and";
after "9-7-1133" delete comma ",".

Page 12 line 19 delete "18-3-206(a) and (c), 18-3-813 and 18-4-506".

Page 13 lines 12 through 20 delete entirely.

Page 15 line 11 strike "prohib-" and insert "OFFICIAL MISCONDUCT UNDER
W.S. 6-8-807".

Page 15 line 12 strike "ited".

Page 15 lines 18 through 23 delete entirely.

Page 16 strike and delete entirely.

Page 17 lines 1 through 13 delete entirely.

Page 17 line 16 delete "9-2-314, 9-2-315,".

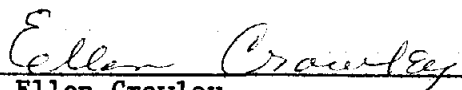
H. B. 220
Amendments (continued)
Page Three

Page 17 line 17 delete "9-7-403,";
after "11-20-207" delete comma ",," and insert "and";
delete "15-4-107(c),".

Page 17 line 18 delete entirely.

Page 17 line 19 delete ", 39-6-417(b) and 39-6-517(b)".

<u>AYES</u>	<u>NOES</u>	<u>EXCUSED</u>
	0	0
Chamberlain		
Hansen		
Lummis		
McCarthy		
Odde		
Scott		
Tipton		
Trowbridge		
Wiederspahn		
Crowley		


Ellen Crowley Chairman


H. B. 220
Amendments (continued)
Page Three

Page 17 line 17 delete "9-7-403,";
after "11-20-207" delete comma "," and insert "and";
delete "15-4-107(c),".

Page 17 line 18 delete entirely.

Page 17 line 19 delete ", 39-6-417(b) and 39-6-517(b)".

<u>AYES</u>	<u>NOES</u>	<u>EXCUSED</u>
	0	0
Chamberlain		
Hansen		
Lewis		
McCarthy		
Odde		
Scott		
Tipton		
Trowbridge		
Wiederspahn		
Crowley		


Ellen Crowley Chairman

H. B. 220
Amendments (continued)
Page Two

Page 6 line 3 delete "\$1,500,00)" and insert "\$1,000,00)".

Page 6 line 17 delete "directly or indirectly".

Page 8 line 6 after "a" insert "pecuniary",

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Page 13 lines 12 through 20 delete entirely.

Page 15 line 11 strike "prohib-" and insert "OFFICIAL MISCONDUCT UNDER
W.S. 6-8-807".

Page 15 line 12 strike "ited".

Page 15 lines 18 through 23 delete entirely.

Page 16 strike and delete entirely.

Page 17 lines 1 through 13 delete entirely.

Page 17 line 16 delete "9-2-314, 9-2-315,".

House of Intro			
_____	To Com No.	_____	
_____	Stand Report Do	Amd _____	Not _____
_____	Com Whole Do	Amd _____	Not _____
_____	2nd Reading Amd	_____	
_____	3rd Reading Amd	Pass _____	Fail _____

Second House			
_____	To Com No.	_____	
_____	Stand Report Do	Amd _____	Not _____
_____	Com Whole Do	Amd _____	Not _____
_____	2nd Reading Amd	_____	
_____	3rd Reading Amd	Pass _____	Fail _____

1981

STATE OF WYOMING

INTRODUCED
81LSO-340.01

HOUSE BILL NO. 220

Misconduct of public officials.

Sponsored by: JOINT JUDICIARY INTERIM COMMITTEE

A BILL

for

1 AN ACT to create W.S. 6-8-801 through 6-8-815; to amend
2 W.S. 6-8-503, 9-2-352, 9-7-404, 9-7-1133, 18-3-206(a) and
3 (c), 18-3-813 and 18-4-506; and to repeal W.S. 6-4-607,
4 6-7-305, 6-7-306, 6-7-313, 6-8-201, 6-8-202, 6-8-501,
5 6-8-502, 6-8-505, 6-8-508 through 6-8-510, 9-2-314,
6 9-2-315, 9-2-338, 9-2-405, 9-7-101, 9-7-403, 9-7-1134,
7 11-20-207, 15-4-107(e), 18-3-607(c), 21-3-124, 21-13-716,
8 33-1-110, 35-1-103, 35-1-105(a)(ii), 39-6-417(b) and
9 39-6-517(b) relating to public officials; defining and
10 redefining crimes such as bribery, conflict of interest,
11 misconduct and wrongful appropriation; making the statutes

1 on public official's crimes consistent; providing pen-
2 alties including removal from office; and providing for an
3 effective date.

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

5 Section 1. W.S. 6-8-801 through 6-8-815 are created
6 to read:

7 6-8-801. Definitions.

8 (a) As used in this act:

9 (i) "Government" includes any branch, subdivi-
10 sion or agency of the state of Wyoming or any city, town,
11 county, school district or special district within it;

12 (ii) "Governmental function" includes any
13 activity which a public servant is legally authorized to
14 undertake on behalf of a government;

15 (iii) "Pecuniary benefit" is benefit in the
16 form of property, but does not include acceptance of food
17 or drink or entertainment authorized as a proper deduct-
18 ible expense for income tax purposes under the United
19 States Internal Revenue Code up to an amount of one hun-
20 dred dollars (\$100.00), or contributions to a political
21 campaign of a public servant as provided in W.S.

1 22-25-102;

2 (iv) "Public servant" means any officer or
3 employee of government, including legislators and judges,
4 and any person participating as juror, advisor, consultant
5 or otherwise, in performing a governmental function;

6 (v) "This act" means W.S. 6-8-801 through
7 6-8-815.

8 6-8-802. Bribery.

9 (a) A person commits bribery, if:

10 (i) He offers, confers or agrees to confer any
11 pecuniary benefit upon a public servant as consideration
12 for the public servant's vote, opinion, judgment, exercise
13 of discretion or other action in his official capacity; or

14 (ii) While a public servant, he solicits,
15 accepts or agrees to accept any pecuniary benefit upon an
16 agreement or understanding that his vote, opinion, judg-
17 ment, exercise of discretion or other action as a public
18 servant will thereby be influenced.

19 (b) It is no defense to a prosecution under this
20 section that the person sought to be influenced was not
21 qualified to act in the desired way, whether because he

1 had not yet assumed office or lacked jurisdiction.

2 (c) Bribery is a felony punishable by a fine of not
3 more than fifteen thousand dollars (\$15,000.00), imprison-
4 ment for not more than five (5) years, or both.

5 6-8-803. Compensation for past official behavior.

6 (a) A person commits an offense if he solicits,
7 accepts or agrees to accept any pecuniary benefit as
8 compensation for having, as a public servant, given a
9 decision, opinion, recommendation or vote favorable to
10 another, or for having otherwise exercised a discretion in
11 his favor, or for having violated his statutory duties.
12 For purposes of this section, "compensation" does not
13 include mere acceptance of an offer of employment.

14 (b) Compensation for past official behavior is a
15 felony punishable by a fine of not more than fifteen thou-
16 sand dollars (\$15,000.00), imprisonment for not more than
17 five (5) years, or both.

18 6-8-804. Soliciting unlawful compensation.

19 (a) A public servant commits soliciting unlawful
20 compensation if he requests a pecuniary benefit for the
21 performance of an official action knowing that he was

1 required to perform that action without compensation or at
2 a level of compensation lower than that requested.

3 (b) Soliciting unlawful compensation is a mis-
4 demeanor punishable by a fine of not more than one thou-
5 sand dollars (\$1,000.00), imprisonment for not more than
6 one (1) year, or both.

7 6-8-805. Designation of supplier.

8 (a) No public servant shall require or direct a
9 bidder or contractor to deal with a particular person in
10 procuring any goods or service required in submitting a
11 bid to or fulfilling a contract with any government.

12 (b) A provision in an invitation to bid or a con-
13 tract document which violates this section is against
14 public policy and voidable.

15 (c) It is an affirmative defense that the defendant
16 was a public servant acting within the scope of his
17 authority exercising the right to reject any material,
18 subcontractor, service, bond or contract tendered by a
19 bidder or contractor because it did not meet bona fide
20 specifications or requirements relating to quality, avail-
21 ability, experience or financial responsibility.

1 (d) Designating a supplier is a misdemeanor punishable
2 able by a fine of not more than one thousand five hundred
3 dollars (\$1,500.00), imprisonment for not more than one
4 (1) year, or both.

5 6-8-806. Conflict of interest.

6 (a) Except as provided by subsection (b) of this
7 section, a public servant commits an offense if he
8 requests or receives any pecuniary benefit other than
9 lawful compensation on any contract, or for the letting of
10 any contract, or making any appointment where the govern-
11 ment employing or subject to the discretion or decisions
12 of the public servant is concerned.

13 (b) If any public servant discloses the nature and
14 extent of his pecuniary interest to all parties concerned
15 therewith and does not participate during the consider-
16 ations and vote thereon and does not attempt to influence
17 any of the parties and does not act directly or indirectly
18 for the governing body with respect to the contracts or
19 appointments, then the acts are not unlawful under subsec-
20 tion (a) of this section. Subsection (a) of this section
21 does not apply to the operation, administration, inspec-
22 tion or performance of banking and deposit contracts or
23 relationships after the selection of a depository.

1 (c) Violation of subsection (a) of this section is a
2 misdemeanor punishable by a fine of not more than five
3 thousand dollars (\$5,000.00), imprisonment for not more
4 than one (1) year, or both.

5 6-8-807. Official misconduct.

6 (a) A public servant commits official misconduct if,
7 with intent to obtain a pecuniary benefit or maliciously
8 to cause harm to another, he knowingly:

9 (i) Commits an unauthorized act relating to
10 his official duties;

11 (ii) Refrains from performing a duty imposed
12 upon him by law; or

13 (iii) Violates any statute relating to his
14 official duties.

15 (b) Official misconduct is a misdemeanor punishable
16 by a fine of not more than five thousand dollars
17 (\$5,000.00), imprisonment for not more than one (1) year,
18 or both.

19 6-8-808. Issuing a false certificate.

20 (a) A public servant commits a misdemeanor punish-

1 able by a fine of not more than five thousand dollars
2 (\$5,000.00), imprisonment for not more than one (1) year,
3 or both, if he makes and issues an official certificate or
4 other official written instrument which he is authorized
5 to make and issue containing a statement which he knows to
6 be false with intent to obtain a benefit or maliciously to
7 cause harm to another.

8 (b) A public servant commits a misdemeanor punish-
9 able by a fine of not more than seven hundred fifty
10 dollars (\$750.00), imprisonment for not more than six (6)
11 months, or both, if he makes and issues an official
12 certificate or other official written instrument which he
13 is authorized to make and issue containing a statement
14 which he knows to be false.

15 6-8-809. Embezzlement of public property.

16 (a) Every public servant who lawfully or unlawfully
17 comes into possession of any monies or property of any
18 government and who, with intent permanently to deprive the
19 owner of its use and benefit, knowingly converts any of
20 the public monies or property to his own use or to any use
21 other than the public use authorized by law is guilty of
22 embezzlement of public property.

1 (b) Embezzlement of public property is:

2 (i) A felony punishable by a fine of not more
3 than thirty thousand dollars (\$30,000.00), imprisonment
4 for not more than ten (10) years, or both, if the value of
5 the money or property is one hundred dollars (\$100.00) or
6 more; and

7 (ii) A misdemeanor punishable by a fine of not
8 more than seven hundred fifty dollars (\$750.00), imprison-
9 ment for not more than six (6) months, or both, if the
10 value of the money or property is less than one hundred
11 dollars (\$100.00).

12 6-8-810. Wrongful appropriation of public property.

13 (a) Every public servant who lawfully or unlawfully
14 comes into possession of any monies or property of any
15 government and who, with intent temporarily to deprive the
16 owner of its use and benefit, converts any of the public
17 monies or property to his own use or any use other than
18 the public use authorized by law is guilty of wrongful
19 appropriation of public property.

20 (b) Wrongful appropriation is a misdemeanor punish-
21 able by a fine of not more than seven hundred fifty
22 dollars (\$750.00), imprisonment for not more than six (6)

1 months, or both.

2 6-8-811. Failure to account. A public servant who
3 fails or refuses to account for, deliver and pay over to
4 the person legally entitled to receive money or property
5 received by virtue of the office, when legally required by
6 the proper person or authority, is guilty of a felony pun-
7 ishable by a fine of not more than one thousand dollars
8 (\$1,000.00), imprisonment for not more than one (1) year,
9 or both.

10 6-8-812. Mistreating persons in institutions.

11 (a) A person commits a felony punishable by
12 imprisonment for not more than three (3) years if he:

13 (i) Is responsible for the care of a person in
14 a reformatory or charitable institution or a mental hospi-
15 tal and treats him with unnecessary severity, harshness or
16 cruelty, or in any way abuses him; or

17 (ii) Is an officer required by law to perform
18 an act with regard to persons in a reformatory or chari-
19 table institution and he willfully refuses or neglects to
20 perform the act.

21 (b) This section does not bar prosecution under any

1 other criminal statute of a person responsible for the
2 care of a person in a reformatory or charitable insti-
3 tution or a mental hospital even if he also violates this
4 section.

5 6-8-813. Removal from office. A judgment of convic-
6 tion rendered under W.S. 6-8-801 through 6-8-812 against
7 any public servant, except state elected officials,
8 supreme court justices, district court judges and county
9 court judges operates as a judgment of impeachment and
10 removal from office or discharge from employment.

11 6-8-814. Notaries public; false certificates.

12 (a) A notary public commits a misdemeanor punishable
13 by a fine of not more than seven hundred fifty dollars
14 (\$750.00), imprisonment for not more than six (6) months,
15 or both, if he:

16 (i) Certifies that a person was sworn or
17 affirmed before him to an affidavit or other writing when
18 the person was not sworn or affirmed;

19 (ii) Signs and affixes his seal to a certifi-
20 cate of acknowledgment when the party executing the
21 instrument has not first acknowledged the execution of the
22 instrument before the notary public, if by law the instru-

1 ment is required to be recorded or filed and cannot be
2 filed without a certificate of acknowledgment signed and
3 sealed by a notary public.

4 6-8-815. Negligence or refusal of ministerial offi-
5 cer to perform duty in criminal case.

6 (a) A person commits a misdemeanor punishable by a
7 fine of not more than seven hundred fifty dollars
8 (\$750.00), imprisonment for not more than six (6) months,
9 or both, if he is:

10 (i) A clerk, sheriff, coroner or other minis-
11 terial officer who refuses or neglects to perform any duty
12 he is required by law to perform in any criminal case or
13 proceeding; or

14 (ii) An officer who unnecessarily delays
15 serving a warrant legally issued in any criminal case,
16 when it is his duty to execute and in his power to serve
17 the warrant.

18 Section 2. W.S. 6-8-503, 9-2-352, 9-7-404, 9-7-1133,
19 18-3-206(a) and (c), 18-3-813 and 18-4-506 are amended to
20 read:

21 6-8-503. Custodian stealing, etc., public record.

1 ~~Whoever, being~~ An officer or his deputy, ~~having the cus-~~
2 ~~tody of any record, book, document, paper or proceeding~~
3 ~~specified in the foregoing section,~~ WHO steals or fraud-
4 ulently takes away, secretes, withdraws or destroys any
5 ~~such~~ A record, RECORD book, ~~document, paper or proceeding,~~
6 ~~shall be imprisoned in the penitentiary~~ DOCKET OR JOURNAL
7 OF WHICH HE HAS CUSTODY AND WHICH IS AUTHORIZED TO BE MADE
8 BY LAW OR BELONGS OR PERTAINS TO A STATE OR COUNTY OFFICE
9 OR OFFICER, COMMITTS A FELONY PUNISHABLE BY A FINE OF NOT
10 MORE THAN FIVE THOUSAND DOLLARS (\$5,000.00) OR IMPRISON-
11 MENT not more than ten (10) years.

12 9-2-352. Refusing to pay lawful warrant. If the
13 state treasurer ~~shall~~ willfully and unlawfully ~~refuse~~
14 REFUSES to pay any warrant lawfully drawn upon the treas-
15 ury, he shall forfeit and pay to the holder thereof
16 fourfold the amount of ~~such~~ THE warrant, to be recovered
17 by civil action against the state treasurer and his sure-
18 ties on his official bond, or otherwise, according to law.
19 ~~, and the treasurer shall be deemed guilty of a mis-~~
20 ~~demeanor in office.~~

21 9-7-404. Account to be kept of expenditures from
22 contingent fund; public inspection of account; itemized
23 statement to accompany voucher; penalty for false vouch-

1 ers. When an appropriation is made by law as a contingent
2 fund for any office, ~~or~~ officer, ~~or~~ board, or ~~for any~~
3 other purpose, to be expended for the state, the officer
4 or board having charge of ~~such~~ THE fund shall keep an
5 account therewith, showing when, to whom, and for what
6 purpose any portion of ~~said~~ THE fund has been expended. ~~+~~
7 ~~which~~ THE account shall always be open for public inspection. ~~+~~ ~~and~~ Every officer or person presenting any voucher
8 to any board for allowance, or to the auditor for payment,
9 shall contain or have affixed thereunto a full itemized
10 statement in writing covering ~~such~~ THE claim ~~or claims~~ and
11 approved for allowance by the proper board, department
12 head or officer. ~~+~~ ~~and~~ Any ~~and all~~ claims failing to
13 comply with this ~~provision~~ SECTION shall be rejected by
14 the auditor, or ~~any of said boards~~ THE BOARD to which ~~such~~
15 THE claims ~~shall be~~ ARE presented. ~~+~~ ~~if any~~ AN officer or
16 person ~~shall make or present any~~ WHO MAKES OR PRESENTS A
17 voucher for a greater sum of money than was actually paid
18 or expended for the purpose stated or indicated ~~in--or~~ by
19 ~~such~~ THE voucher, ~~--he--shall--upon conviction thereof be~~
20 ~~deemed~~ IS guilty of embezzlement UNDER W.S. 6-8-809 of the
21 amount ~~so~~ falsely included in ~~such~~ THE voucher. ~~in--the~~
22 ~~excess--actually paid or expended, and shall be imprisoned~~
23 ~~in the penitentiary not less than five (5) years.~~

1 9-7-1133. Profit making prohibited; unauthorized use
2 of monies. The making of ~~profit~~ PERSONAL PECUNIARY BENE-
3 FIT, directly or indirectly, by any state treasurer or by
4 the treasurer of any county, city, town or school dis-
5 trict, or by any other public officer or employee having
6 in his custody or under his control any public moneys
7 MONIES, by ~~loaning-such-moneys~~ LENDING, USING or by depos-
8 iting the same. MONIES contrary to ~~the-provisions-of~~ this
9 act, ~~or the-using-of-such-moneys-by--any--of--said--public~~
10 ~~officers--or--employees~~ for any purpose not authorized by
11 law, ~~shall-be-deemed-a-felony-and-are--hereby~~ IS prohib-
12 ited. ~~and-any-of-said-public-officers-or-employees-who~~
13 ~~shall-violate-any-of--the--foregoing--provisions--of--this~~
14 ~~section--shall,--on-conviction,--be-punished-by-imprisonment~~
15 ~~in-the-state-penitentiary-for-a-term-not-exceeding-two-(2)~~
16 ~~years-or-by-a-fine-not--exceeding--five--thousand--dollars~~
17 ~~(\$5,000.00),--or-by-both-such-fine-and-imprisonment.~~

18 18-3-206. Penalties.

19 (a) Any county assessor who fails to perform the
20 duties provided by W.S. 18-3-201 through 18-3-206 is
21 guilty of a ~~misdemeanor-and-upon-conviction-shall-be-fined~~
22 ~~not-exceeding-five-hundred-dollars-(\$500.00)~~ OFFICIAL MIS-
23 CONDUCT UNDER W.S. 6-8-807.

1 (c) Any county assessor, deputy assessor or member
2 of any county board of equalization who knowingly and
3 willfully values or equalizes taxable property at other
4 than its fair value is guilty of ~~a--misdemeanor--and--upon~~
5 ~~conviction--shall--be--fined--not--exceeding--five-hundred~~
6 ~~dollars--(\$500.00)--imprisoned--in--the--county--jail--not~~
7 ~~exceeding--ninety--(90)--days--or--both--and--shall--forfeit--his~~
8 ~~office~~ OFFICIAL MISCONDUCT UNDER W.S. 6-8-807.

9 18-3-813. Malfeasance of treasurer or deputy. Every
10 county treasurer or deputy county treasurer who does not
11 keep in his office a register of county orders as required
12 by W.S. 18-3-811, or does not enter at the time of pre-
13 sentation every county order presented to him for payment,
14 or makes any false entry therein, or does not pay any
15 order presented to him for payment, there being money in
16 the treasury appropriated for that purpose or from which
17 by law the same ought to be paid is guilty of ~~a--mis-~~
18 ~~demeanor--and--upon--conviction--shall--be--fined--not--less--than~~
19 ~~fifty-dollars--(\$50.00)--nor--more--than--five-hundred--dollars~~
20 ~~(\$500.00)--and--the--court--may--adjudge--that--such--treasurer~~
21 ~~be--removed--from--office~~ OFFICIAL MISCONDUCT UNDER W.S.
22 6-8-807.

23 18-4-506. Application of funds derived from sale of

1 bonds; penalty for misappropriation. The county treasurer
2 shall apply all proceeds from the sale of the bonds to the
3 payment of the county indebtedness. The proper county
4 officials shall levy, collect and apply all applicable
5 taxes for the payment of interest and redemption of the
6 principal of the bonds. ~~Any county officer who fails to~~
7 ~~comply with the provisions of this section or neglects or~~
8 ~~refuses to levy and collect any such tax is guilty of a~~
9 ~~misdemeanor and upon conviction shall be fined in an~~
10 ~~amount equal to the sum that should have been levied, or~~
11 ~~fined in the amount of any misappropriation and imprisoned~~
12 ~~in the county jail for a term of not less than three (3)~~
13 ~~months nor more than twelve (12) months.~~

14 Section 3. W.S. 6-4-607, 6-7-305, 6-7-306, 6-7-313,
15 6-8-201, 6-8-202, 6-8-501, 6-8-502, 6-8-505, 6-8-508
16 through 6-8-510, 9-2-314, 9-2-315, 9-2-338, 9-2-405,
17 9-7-101, 9-7-403, 9-7-1134, 11-20-207, 15-4-107(e),
18 18-3-607(c), 21-3-124, 21-13-716, 33-1-110, 35-1-103,
19 35-1-105(a)(ii), 39-6-417(b) and 39-6-517(b) are repealed.

20 Section 4. This act is effective May 20, 1981.

21 (END)

FISCAL NOTE

Anticipated REVENUE to:	Fiscal Year 19	Fiscal Year 19
TOTAL ESTIMATED REVENUE		
Anticipated COST to:	Fiscal Year 19	Fiscal Year 19
TOTAL ESTIMATED COST		

No apparent fiscal or personnel impact.

HB220

Rw 1/26/81

- ✓ Page 1-line 2 Delete "9-2-352";
After "9-7-404" delete comma ",", and insert
✓ "and";
After "9-7-1133" delete ", 18-3-206(a)
and".
- ✓ Page 1-line 3 Delete "(c), 18-3-813 and 18-4-506".
- ✓ Page 1-line 5 Delete "9-2-314,".
- ✓ Page 1-line 6 Delete "9-2-315,";
Delete "9-7-403,".
- ✓ Page 1-line 7 After "11-20-207" delete balance of line
and insert "and".
- ✓ Page 1-line 8 Delete "33-1-110, 35-1-103,";
Delete ", 39-6-417(b) and".
- ✓ Page 1-line 9 Delete "39-6-517(b)".
- ✓ Page 2-Between lines 14 and 15 insert "(iii) "Harm" means
loss, disadvantage, or injury;".
- ✓ Page 2-line 15 Delete "(iii)" and insert "(iv)" and
renumber subsequent subsections
accordingly.
- ✓ Page 3-line 4 After "juror," insert "witness,".
- ✓ Page 3-line 11 After "benefit" insert ", testimonial,
privilege, or personal advantage".
- ✓ Page 3-line 15 After "benefit" insert ", testimonial,
privilege, or personal advantage".
- ✓ Page 4-line 20 Delete "requests" and insert "solicits,
accepts, or agrees to accept".
- ✓ Page 6-line 2 Delete "five hundred".
- ✓ Page 6-line 3 Delete "(\$1,500.00)" and insert
"(\$1,000.00)".
- ✓ Page 6-line 17 Delete "directly or indirectly".
- ✓ Page 8-line 6 After "a" insert "pecuniary".

ADOPTED

- ✓ Page 9-line 5 Delete "one" and insert "two";
Delete "\$100.00" and insert "\$200.00".
- ✓ Page 9-line 10 Delete "one" and insert "two".
- ✓ Page 9-line 11 Delete "\$100.00" and insert "\$200.00".
- ✓ Page 10-line 14 After "reformatory" insert ", penal".
- ✓ Page 11-line 6 Delete "6-8-801" and insert "6-8-802".
- ✓ Page 11-line 9 Delete "operates as a judgment of
impeachment and" and insert "shall result
in".
- ✓ Page 12-line 18 Delete "9-2-352,";
After "9-7-404" delete comma "," and insert
"and";
After "9-7-1133" delete comma ",".
- ✓ Page 12-line 19 Delete "18-3-206(a) and (c), 18-3-813 and
18-4-506".
- ✓ Page 13-lines 12 through 20--Delete entirely.
- ✓ Page 15-line 11 Strike "prohib-" and insert "OFFICIAL
MISCONDUCT UNDER W.S. 6-8-807".
- ✓ Page 15-line 12 Strike "ited".
- ✓ Page 15-lines 18 through 23--Delete entirely.
- ✓ Page 16 Delete entirely.
- ✓ Page 17-lines 1 through 13--Delete entirely.
- ✓ Page 17-line 16 Delete "9-2-314, 9-2-315,".
- ✓ Page 17-line 17 Delete "9-7-403,";
After "11-20-207" delete comma "," and
insert "and";
Delete "15-4-107(c),".
- ✓ Page 17-line 18 Delete entirely.
- ✓ Page 17-line 19 Delete ", 39-6-417(b) and 39-6-517(b)".
--CROWLEY

- 2 -

ADOPTED

HB220HW2/A

- ✓ Page 10-line 16 Delete ", or in any way abuses him".
-ARNOLD

ADOPTED

HB220HW3/A

- ✓ Page 2-line 20 After "\$100.00," insert "any item with a
value of less than twenty dollars
(\$20.00),". -ARNOLD

ADOPTED

HB220HW4/A

- ✓ Page 11-lines 16, 17, and 18 Delete.
- ✓ Page 11-line 19 Delete "(ii)" insert "(i)". -URBIGKIT

ADOPTED

HB220H22/A

REVIS

- ✓ Page 10-line 18 After "reformatory" insert ", penal".
- ✓ Page 10-line 19 After "institution" insert "or a mental hospital".
- ✓ Page 11-line 2 After "reformatory" insert ", penal".

-LUMMIS.

ADOPTED