

Subject Increasing the penalty for misconduct of a public officer or employee

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Overview

Under current law, a public officer or employee who commits certain misconduct is guilty of a gross misdemeanor.

Public officers include executive or administrative officers of the state or a local government, legislators and members of the governing board of a local unit of government, judicial officers, and law enforcement officers. Public employees include any person who does not qualify as a public officer and who is employed by or acting for the state or a local unit of government.

The misconduct covered by the offense includes intentionally failing or refusing to perform a nondiscretionary duty; acting in excess of lawful authority; unlawfully injuring another under pretense of official authority; and making a return, certificate, official report, or other like document knowing that it is false in a material respect.

This bill would increase the penalty for a violation from a gross misdemeanor to a felony. The maximum sentence of imprisonment for a first offense would be one year and the maximum sentence for any subsequent violation would be five years.

Summary

Section	Description
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| 1 | <p>Misconduct of public officer or employee.</p> <p>Increases the penalty for a public officer or employee who commits misconduct from a gross misdemeanor to a felony. Establishes that the penalty for a first offense carries a maximum sentence of one year of imprisonment and any subsequent violation carries a maximum penalty of five years of imprisonment.</p> |
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