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Public Entities, Officers, and Employees; misconduct in office

NEV. REV. STAT. §§ 197.110, 281.230 (amended).

AB 103 (Committee on Legislative Functions); 1987 STAT. Ch 610

Under existing law, public officers¹ and employees are prohibited from receiving any commission, personal profit or compensation from any contract or other transaction affecting the employing state, county, municipality, township, district, or quasi-municipal corporation.² Existing law further prohibits a public officer from asking or receiving any compensation, gratuity or reward for omitting or deferring any official duty, or for an official service not actually rendered.³ Additionally, existing law prohibits a public officer from employing or using any person, money, or property under his official control, direction, or custody for private benefit.⁴ Under Chapter 610, a person who violates these provisions must pay any commission, profit, or compensation resulting from the contract or transaction to the employing state, county, municipality, township, district, or quasi-municipal corporation as restitution.⁵

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1. Public officers and employees include: state, county, municipal, district and township officers of the state of Nevada; deputies and employees of state, county, municipal, district and township officers; and officers and employees of quasi-municipal corporations. NEV. REV. STAT. § 281.230 1(a)-(c). *See generally* State v. Thompson, 89 Nev. 320, 510 P.2d 1043 (1973) (an employee of a public officer is subject to the laws governing the public officer's conduct).

2. NEV. REV. STAT. § 281.230 1 (amended by 1987 Nev. Stat. ch. 610, sec. 1, at ____). Violation of the statute constitutes a felony. *Id.* § 281.230 3(a). Punishment is by confinement for not less than 1 year or more than 10 years, and a fine not exceeding \$10,000. *Id.* Punishment for a misdemeanor conviction is by confinement in the county jail for not more than 6 months, or by a fine not exceeding \$1000, or by both. *Id.* § 193.150 1. A convicted public officer forfeits their public office and is disqualified from ever holding another public office in the state. *Id.* § 197.230. *But see id.* § 218.605 (a member of the legislature may sell, or contract to sell, the state any item or commodity if they are the sole source of supply).

3. NEV. REV. STAT. § 197.110 1 (amended by 1987 Nev. Stat. ch. 610, sec. 2, at ____ (guilty of a misdemeanor)).

4. *Id.* § 197.110 3 (amended by 1987 Nev. Stat. ch. 610, sec. 2, at ____ (guilty of a gross misdemeanor)).

5. 1987 Nev. Stat. ch. 610, sec. 1, at ____ (amending NEV. REV. STAT. § 281.230).