Public Entities, Officers, and Employees; misconduct in office

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Public Entities, Officers and Employees

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 officers 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. 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. 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. 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.

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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).

