

CS FOR SENATE BILL NO. 114(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered: 5/14/99
Referred: Finance

Sponsor(s): SENATOR TAYLOR

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to public officials and to impersonating a public servant."

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

3 * **Section 1.** AS 11.56.830(a) is amended to read:

4 (a) A person commits the crime of impersonating a public servant if the person

5 (1) pretends to be a public servant and does any act in that capacity;

6 or

7 (2) operates a propelled vehicle, not owned or used by a federal,

8 state, or municipal fire, law enforcement, or emergency services agency or public

9 or private ambulance service, that has been altered or customized to appear to

10 be a police or emergency vehicle owned or used by a federal, state, or municipal

11 fire, law enforcement, or emergency services agency or public or private

12 ambulance service.

13 * **Sec. 2.** AS 11.56.830 is amended by adding a new subsection to read:

14 (e) In a prosecution under (a)(2) of this section, it is an affirmative defense

15 that the person operating the propelled vehicle was a member of a community patrol

1 organized by or in cooperation with a municipality or a community council established
2 by municipal charter or ordinance, and the propelled vehicle did not have

3 (1) lights or sirens that may only be used by a police or emergency
4 vehicle;

5 (2) the words "police," "fire," or "emergency" affixed to or displayed
6 on the vehicle.

7 * **Sec. 3.** AS 11.56.850(a) is amended to read:

8 (a) A public servant commits the crime of official misconduct if

9 (1) [,] with intent to obtain a benefit or to injure or deprive another
10 person of a benefit, the public servant

11 (A) [(1)] performs an act relating to the public servant's office
12 but constituting an unauthorized exercise of the public servant's official
13 functions, knowing that that act is unauthorized; or

14 (B) [(2)] knowingly refrains from performing a duty **that**
15 [WHICH] is imposed upon the public servant by law or is clearly inherent in
16 the nature of the public servant's office; or

17 (2) the public servant uses the public servant's title, uniform, badge,
18 or other identifying accoutrements of office or public funds, facilities, equipment,
19 services, or another government asset or resource for partisan political purposes.

20 * **Sec. 4.** AS 11.56.850 is amended by adding new subsections to read:

21 (c) Paragraph (a)(2) of this section does not apply to

22 (1) a public servant who has been elected to a partisan public office
23 who uses the public servant's title relating to that partisan public office for partisan
24 political purposes;

25 (2) the use of the governor's residence or the use of communications
26 equipment in the governor's residence in the manner permitted under
27 AS 39.52.120(b)(6).

28 (d) In this section, "partisan political purposes" has the meaning given in
29 AS 39.52.120.

30 * **Sec. 5.** AS 39.52.120(b) is amended to read:

31 (b) A public officer may not

1 (1) seek other employment or contracts through the use or attempted
2 use of official position;

3 (2) accept, receive, or solicit compensation for the performance of
4 official duties or responsibilities from a person other than the state;

5 (3) use state time, property, equipment, or other facilities to benefit
6 personal or financial interests;

7 (4) take or withhold official action in order to affect a matter in which
8 the public officer has a personal or financial interest; [OR]

9 (5) attempt to benefit a personal or financial interest through coercion
10 of a subordinate or require another public officer to perform services for the private
11 benefit of the public officer at any time; **or**

12 (6) use or authorize the use of state **titles, uniforms, badges, or other**
13 **identifying accoutrements of office or state** funds, facilities, equipment, services, or
14 another government asset or resource for partisan political purposes; this paragraph
15 does not prohibit use of the governor's residence for meetings to discuss political
16 strategy and does not prohibit use of the communications equipment in the governor's
17 residence so long as there is no special charge to the state for the use; in this
18 paragraph, "for partisan political purposes"

19 (A) means having the intent to differentially benefit or harm a

20 (i) candidate or potential candidate for elective office;

21 or

22 (ii) political party or group;

23 (B) but does not include having the intent to benefit the public

24 interest at large through the normal performance of official duties.

25 * **Sec. 6.** AS 39.52 is amended by adding a new section to read:

26 **Sec. 39.52.455. Private cause of action.** A person damaged or injured by the
27 act of a public officer in violation of this chapter may maintain a private cause of
28 action against the officer.