



AMENDMENT #4

OFFERED IN THE HOUSE  
TO: CSHB 109(JUD)

BY REPRESENTATIVE GARA  
Gardner, Coghill, Roses  
Lynn, Doogan,  
Crawford, Buch

1 Page 1, line 1, following "Act": (title amendment)

2 Insert "relating to bribery, receiving unlawful gratuities, and campaign  
3 contributions;"

5 Page 1, following line 11:

6 Insert a new bill section to read:

7 **\*\* Section 1.** AS 11.56.130 is amended to read:

8 **Sec. 11.56.130. Definition.** In AS 11.56.100 - 11.56.130, "benefit" has the  
9 meaning ascribed to it in AS 11.81.900 but does not include

10 (1) political campaign contributions reported in accordance with  
11 AS 15.13 unless the contribution is made or received in exchange for an  
12 agreement to alter an elected official's or candidate's vote or position on a matter  
13 the elected official has, or the candidate on election would have, the authority to  
14 take official action on; in this paragraph, "official action" has the meaning given  
15 in AS 39.52.960;

16 (2) concurrence in official action in the cause of legitimate  
17 compromise between public servants; or

18 (3) support, including a vote, solicited by a public servant or offered by  
19 any person in an election."  
20

21 Page 1, line 12:

22 Delete "Section 1"

23 Insert "Sec. 2"  
24

1 Renumber the following bill sections accordingly.

2

3 Page 37, line 20:

4 Delete "sec. 57"

5 Insert "sec. 58"

6

7 Page 37, line 21:

8 Delete "sec. 57"

9 Insert "sec. 58"

10

11 Page 37, line 22:

12 Delete "sec. 58"

13 Insert "sec. 59"

14

15 Page 37, line 25:

16 Delete "sec. 58"

17 Insert "sec. 59"

18

19 Page 37, line 26:

20 Delete "sec. 59"

21 Insert "sec. 60"

22

23 Page 37, line 30:

24 Delete "sec. 59"

25 Insert "sec. 60"

26

27 Page 37, line 20, following "(a)":

28 Insert a new subsection to read:

29 "The amendment of AS 11.56.130(1) made by sec. 1 of this Act applies to  
30 offenses occurring on or after the effective date of sec. 1 of this Act."  
31

1 Reletter the following subsections accordingly.

2

3 Page 38, line 3:

4 Delete "sec. 43"

5 Insert "sec 44"

6

7 Page 38, line 5:

8 Delete "Sections 5, 39, and 52"

9 Insert "Sections 6, 40, and 53"

10

11 Page 38, line 6:

12 Delete "Section 51"

13 Insert "Section 52"

14

15 Page 38, line 7:

16 Delete "secs. 65 and 66"

17 Insert "secs. 66 and 67"

# LEGAL SERVICES

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## MEMORANDUM

October 12, 2006

**SUBJECT:** Campaign Contributions as Bribes (Work Order No. 25-LS0112)

**TO:** Representative Les Gara  
Representative Harry Crawford

**FROM:** Dan Wayne  
Legislative Counsel

There is nothing in current criminal law that prohibits a legislator from changing a vote in exchange for a campaign contribution. As requested, here is a summary of how accepting a campaign donation as a bribe would be treated under current Alaska criminal statutes and the legislative ethics code.

Alaska has strict bribery statutes that treat giving, offering to give, or accepting a bribe (a benefit given or received in exchange for influence of a public servant) as class B felonies.<sup>1</sup> A companion misdemeanor statute prohibits a public servant from soliciting, receiving, or agreeing to receive a benefit for the performance of an official duty.<sup>2</sup> The term "public servant" as used in these statutes includes legislators and legislative candidates, among others.<sup>3</sup> The term "benefit," as used in these statutes, means "a present or future gain or advantage to the beneficiary or to a third person pursuant to the desire or consent of the beneficiary."<sup>4</sup> *All three statutes exempt campaign contributions, by definition.*<sup>5</sup> Therefore, persons giving, offering to give, soliciting, accepting, or agreeing

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<sup>1</sup> AS 11.56.100 and 11.56.110. (See Appendix A of this memo).

<sup>2</sup> AS 11.56.120. (See Appendix A of this memo).

<sup>3</sup> AS 11.81.900(b)(54). (See Appendix A of this memo).

<sup>4</sup> AS 11.81.900(b)(4).

<sup>5</sup> AS 11.56.130 (with emphasis added) reads:

Definition. In AS 11.56.100 - 11.56.130, "benefit" has the meaning ascribed to it in AS 11.81.900 but *does not include*

(1) *political campaign contributions reported in accordance with AS 15.13;*

(2) *concurrence in official action in the cause of legitimate compromise between public servants; or*