

- 21-6002. Official misconduct.** (a) Official misconduct is any of the following acts committed by a public officer or employee in the officer or employee's public capacity or under color of the officer or employee's office or employment:
- (1) Knowingly using or authorizing the use of any aircraft, as defined by K.S.A. 3-201, and amendments thereto, vehicle, as defined by K.S.A. 8-1485, and amendments thereto, or vessel, as defined by K.S.A. 32-1102, and amendments thereto, under the officer's or employee's control or direction, or in the officer's or employee's custody, exclusively for the private benefit or gain of the officer or employee or another;
 - (2) knowingly failing to serve civil process when required by law;
 - (3) using confidential information acquired in the course of and related to the officer's or employee's office or employment for the private benefit or gain of the officer or employee or another or to intentionally cause harm to another;
 - (4) except as authorized by law, with the intent to reduce or eliminate competition among bidders or prospective bidders on any contract or proposed contract:
 - (A) Disclosing confidential information regarding proposals or communications from bidders or prospective bidders on any contract or proposed contract;
 - (B) accepting any bid or proposal on a contract or proposed contract after the deadline for acceptance of such bid or proposal; or
 - (C) altering any bid or proposal submitted by a bidder on a contract or proposed contract;
 - (5) except as authorized by law, knowingly destroying, tampering with or concealing evidence of a crime; or
 - (6) knowingly submitting to a governmental entity a claim for expenses which is false or duplicates expenses for which a claim is submitted to such governmental entity, another governmental or private entity.
- (b) (1) Official misconduct as defined in:
- (A) Subsections (a)(1) through (a)(4) is a class A nonperson misdemeanor;
 - (B) subsection (a)(5) is a:
 - (i) Severity level 8, nonperson felony if the evidence is evidence of a crime which is a felony; and
 - (ii) class A nonperson misdemeanor if the evidence is evidence of a crime which is a misdemeanor; and
 - (C) subsection (a)(6) if the claim is:
 - (i) \$25,000 or more is a severity level 7, nonperson felony;
 - (ii) at least \$1,000 but less than \$25,000 is a severity level 9, nonperson felony; and
 - (iii) less than \$1,000 is a class A nonperson misdemeanor.
- (2) Upon conviction of official misconduct a public officer or employee shall forfeit such officer or employee's office or employment.
- (c) The provisions of subsection (a)(1) shall not apply to any use of persons or property which:
- (1) At the time of the use, is authorized by law or by formal written policy of the governmental entity; or
 - (2) constitutes misuse of public funds, as defined in K.S.A. 2014 Supp. 21-6005, and amendments thereto.
- (d) As used in this section, "confidential" means any information that is not subject to mandatory disclosure pursuant to K.S.A. 45-221, and amendments thereto.

History: L. 2010, ch. 136, § 166; July 1, 2011.