

## HOUSE MESSAGE SUMMARY

BILL: CS/SB 946, 2nd Eng. [S0946.HMS]  
SPONSOR: Senator Sebesta  
SUBJECT: Offenses by Public Servants  
PREPARED BY: Senate Committee on Ethics and Elections  
DATE: May 5, 2000

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### I. Amendments Contained in Message

**House Amendment 1 - 790079 to CS/SB 946, 2nd Eng.** (body with title)

### II. Summary of Amendments Contained in Message

**House Amendment 1** makes the following *major* changes to the Senate Bill:

- Readopts the definition of “corruptly” or “corrupt intent” as meaning knowledge that an act is “wrongful,” which was strenuously objected to by a host of Senators and had to be narrowed on the floor to get consensus on the bill. The concerns were that the definition was too broad, too vague, and potentially vested prosecutors with unlimited discretion to prosecute public officers.
- Reinserts the provision making it a second-degree felony for a public servant to corruptly perform his or her official duties to secure a benefit not generally available to the public. Senators Geller, Laurent, and Silver vehemently opposed this provision in the Senate bill and amended the provision out of the Senate bill.
- Omits the provisions mandating that persons convicted of felonies under these new public servant crimes have their names placed on the convicted vendor list, limiting their ability to contract with the State.

There are some other omissions and minor differences in language, and two technical errors which should be corrected if we need or want to send the bill back to the House.