

1 YMCA YOUTH LEGISLATURE OF THE STATE OF MONTANA

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3
4 _____ Bill Number _____

_____ Legislative Action:

5 House Committee: _____

6 Introduced by: Devon Compton

House: _____

7 Authored by: Devon Compton

Senate Committee: _____

8
9 Delegation: Dillon SWYMCA

Senate: _____

Governor: _____

10
11 Referred to Committee: _____

12 *****

13
14 A BILL FOR AN ACT ENTITLED: "AN ACT TO PREVENT THE SPREAD OF LEGAL
15 MISINFORMATION TO MINORS THROUGH AUTHORITY FIGURES; ADDING
16 SUBSECTION: F TO MCA 45-7-401 SECTION: 1"

17
18 BE IT ENACTED BY THE MONTANA YMCA YOUTH LEGISLATURE:

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20 **SECTION 1.** MCA 45-7-401. Official misconduct.

21 (1) A public servant commits the offense of official misconduct when in an official capacity
22 the public servant commits any of the following acts:

23 (a) purposely or negligently fails to perform any mandatory duty as required by law or by a
24 court of competent jurisdiction;

25 (b) knowingly performs an act in an official capacity that the public servant knows is
26 forbidden by law;

27 (c) with the purpose to obtain a personal advantage or an advantage for another, performs an
28 act in excess of the public servant's lawful authority;

29 (d) solicits or knowingly accepts for the performance of any act a fee or reward that the public
30 servant knows is not authorized by law; or

31 (e) knowingly conducts a meeting of a public agency in violation of 2-3-203.

32 (f) informs a minor of false legal information, whether knowingly or unknowingly.

33 (2) A public servant convicted of the offense of official misconduct shall be fined not to
34 exceed \$500 or be imprisoned in the county jail for a term not to exceed 6 months, or both.

35 (3) The district court has exclusive jurisdiction in prosecutions under this section. Any action
36 for official misconduct must be commenced by an information filed after leave to file has been
37 granted by the district court or after a grand jury indictment has been found.

38 (4) A public servant who has been charged as provided in subsection (3) may be suspended
39 from office without pay pending final judgment. Upon final judgment of conviction, the public
40 servant shall permanently forfeit the public servant's office. Upon acquittal, the public servant
41 must be reinstated in office and must receive all backpay.

42 (5) This section does not affect any power conferred by law to impeach or remove any public
43 servant or any proceeding authorized by law to carry into effect an impeachment or removal.

44 **SECTION 2.** This bill will become effective upon passage.

45 **-end-**