TITLE 18
CRIMES AND PUNISHMENTS

CHAPTER 13
BRIBERY AND CORRUPTION

18-1301. BRIBERY OF JUDICIAL OFFICERS. Every person who gives or offers to give a bribe to any judicial officer, juror, referee, arbitrator or umpire, or to any person who may be authorized by law to hear or determine any question or controversy, with intent to influence his vote, opinion or decision upon any matter or question which is or may be brought before him for decision, is guilty of a felony.

[18-1301, added 1972, ch. 336, sec. 1, p. 870.]

18-1302. RECEIPT OF BRIBE BY OFFICER. Every judicial officer, juror, referee, arbitrator or umpire, and every person authorized by law to hear or determine any question or controversy, who asks, receives or agrees to receive any bribe, upon any agreement or understanding that his vote, opinion or decision upon any matters or question which is or may be brought before him for decision, shall be influenced thereby, is guilty of a felony.

[18-1302, added 1972, ch. 336, sec. 1, p. 870.]

18-1303. ACCEPTANCE OF REWARDS. Every judicial officer who asks or receives any emolument, gratuity or reward, or any promise thereof, except such as may be authorized by law, for doing any official act, is guilty of a misdemeanor.

[18-1303, added 1972, ch. 336, sec. 1, p. 870.]

18-1304. ATTEMPT TO INFLUENCE JURORS AND ARBITRATORS. Every person who corruptly attempts to influence a juror, or any person summoned or drawn as a juror, or chosen as an arbitrator or umpire, or appointed a referee, in respect to his verdict in, or decision of, any cause pending, or about to be brought before him, either:

1. By means of any communication, oral or written, had with him, except in the regular course or proceedings;
2. By means of any book, paper or instrument exhibited, otherwise than in the regular course of proceedings;
3. By means of any threat, intimidation, persuasion or entreaty; or,
4. By means of any promise or assurance of any pecuniary or other advantage; is guilty of a felony.

[18-1304, added 1972, ch. 336, sec. 1, p. 870.]

18-1305. MISCONDUCT OF JURORS AND ARBITRATORS. Every juror or person drawn or summoned as a juror, or chosen arbitrator or umpire, or appointed referee, who either:

1. Makes any promise or agreement to give a verdict or decision for or against any party; or,
2. Wilfully and corruptly permits any communication to be made to him, or receive any book, paper, instrument or information relating to any cause

or matter pending before him, except according to the regular course of proceedings, is guilty of a felony.

[18-1305, added 1972, ch. 336, sec. 1, p. 870.]

18-1307. FORFEITURE OF OFFICE ON CONVICTION. Every officer convicted of any crime defined in this chapter, in addition to the punishment prescribed, forfeits his office.

[18-1307, added 1972, ch. 336, sec. 1, p. 871.]

18-1308. OFFENSES RELATING TO BRIBERY -- INCRIMINATING TESTIMONY MAY BE REQUIRED. No person shall be excused from testifying or producing documents, at the instance of the state, in any criminal cause or proceeding touching any offense relating to bribery, on the ground that the testimony required of him may incriminate him. But no person shall be prosecuted or punished on account of any transaction, manner or thing concerning which he may be so required to testify or produce evidence: provided, that no person so testifying shall be exempt from prosecution and punishment for perjury in so testifying.

[18-1308, added 1972, ch. 336, sec. 1, p. 871.]

18-1309. BRIBERY OF MUNICIPAL OR COUNTY OFFICERS -- PENALTIES. Every person who gives or offers a bribe to any member of any common council, board of county commissioners or board of trustees of any county, city or corporation, with intent to corruptly influence such member in his action on any matter or subject pending before a body of which he is a member and every member of either of the bodies mentioned in this section who receives or offers to receive any such bribe and every person who gives or offers a bribe to any sheriff, deputy sheriff, policeman, constable, prosecuting attorney, or other officer charged with the enforcement of the laws of this state to receive or secure immunity from arrest, prosecution or punishment for a violation or contemplated violation of the laws of this state or any such officer who receives or offers to receive any such bribe is punishable by imprisonment in the state prison for a term not less than one (1) nor more than fourteen (14) years.

[18-1309, added 1972, ch. 336, sec. 1, p. 871.]

18-1351. BRIBERY AND CORRUPT PRACTICES -- DEFINITIONS. Unless a different meaning plainly is required in this chapter:

(1) "Benefit" means gain or advantage, or anything regarded by the beneficiary as gain or advantage, including benefit to any other person or entity in whose welfare he is interested, but not an advantage promised generally to a group or class of voters as a consequence of public measures which a candidate engages to support or oppose. "Benefit" does not include an award with economic significance of five hundred dollars ($500) or less given to a nonelected public servant by a nonprofit organization whose membership is limited to public servants as part of a public servant recognition program that is designed to recognize innovation and achievement in the workplace, provided that the organization discloses in advance on its website the nature of the program, the amount of the award, the names of any persons or entities that contributed to the award and the recipient of the award.

(2) "Confidential information" means knowledge gained through a public office, official duty or employment by a governmental entity which is not subject to disclosure to the general public and which, if utilized in financial transactions would provide the user with an advantage over those not having such information or result in harm to the governmental entity from which it was obtained.

(3) "Government" includes any branch, subdivision or agency of the government of the state or any locality within it and other political subdivisions including, but not limited to, highway districts, planning and zoning commissions and cemetery districts, and all other governmental districts, commissions or governmental bodies not specifically mentioned in this chapter.

(4) "Harm" means loss, disadvantage or injury, including loss, disadvantage or injury to any other person or entity in whose welfare he is interested.

(5) "Official proceeding" means a proceeding heard or which may be heard before any legislative, judicial, administrative or other governmental agency or official authorized to take evidence under oath, including any referee, hearing examiner, commissioner, notary or other person taking testimony or deposition in connection with any such proceeding.

(6) "Party official" means a person who holds an elective or appointive post in a political party in the United States by virtue of which he directs or conducts, or participates in directing or conducting party affairs at any level of responsibility.

(7) "Pecuniary benefit" is any benefit to a public official or member of his household in the form of money, property or commercial interests, the primary significance of which is economic gain.

(8) "Public servant" means any officer or employee of government, including legislators and judges, and any person participating as juror, advisor, consultant or otherwise, in performing a governmental function; but the term does not include witnesses.

(9) "Administrative proceeding" means any proceeding, other than a judicial proceeding, the outcome of which is required to be based on a record or documentation prescribed by law, or in which law or regulation is particularized in application to individuals.

[18-1351, added 1972, ch. 381, sec. 20, p. 1102; am. 1990, ch. 328, sec. 1, p. 899; am. 2010, ch. 169, sec. 1, p. 345.]

18-1352. BRIBERY IN OFFICIAL AND POLITICAL MATTERS. A person is guilty of bribery, a felony, if he offers, confers or agrees to confer upon another, or solicits, accepts or agrees to accept from another:

(1) Any pecuniary benefit as consideration for the recipient's decision, opinion, recommendation, vote or other exercise of discretion as a public servant, party official or voter; or

(2) Any benefit as consideration for the recipient's decision, vote, recommendation or other exercise of official discretion in a judicial or administrative proceeding; or

(3) Any benefit as consideration for a violation of a known legal duty as public servant or party official.

It is no defense to prosecution under this section that a person whom the actor sought to influence was not qualified to act in the desired way whether because he had not yet assumed office, or lacked jurisdiction, or for any other reason.

[18-1352, added 1972, ch. 381, sec. 20, p. 1102.]

18-1353. THREATS AND OTHER IMPROPER INFLUENCE IN OFFICIAL AND POLITICAL MATTERS. (1) Offenses defined. A person commits an offense if he:

(a) threatens unlawful harm to any person with purpose to influence his decision, opinion, recommendation, vote or other exercise of discretion as a public servant, party official or voter; or

(b) threatens harm to any public servant with purpose to influence his decision, opinion, recommendation, vote or other exercise of discretion in a judicial or administrative proceeding; or

(c) threatens harm to any public servant or party official with purpose to influence him to violate his known legal duty; or

(d) privately addresses to any public servant who has or will have an official discretion in a judicial or administrative proceeding any representation, entreaty, argument or other communication with purpose to influence the outcome on the basis of considerations other than those authorized by law.

It is no defense to prosecution under this section that a person whom the actor sought to influence was not qualified to act in the desired way, whether because he had not yet assumed office, or lacked jurisdiction, or for any other reason.

(2) Grading. An offense under this section is a misdemeanor unless the actor threatened to commit a crime or made a threat with purpose to influence a judicial or administrative proceeding, in which cases the offense is a felony.

[18-1353, added 1972, ch. 381, sec. 20, p. 1102.]

18-1353A. THREATS AGAINST STATE OFFICIALS OF THE EXECUTIVE, LEGISLATIVE OR JUDICIAL BRANCH OR ELECTED OFFICIALS OF A COUNTY OR CITY. Whoever knowingly and willfully deposits for conveyance in the mail or for a delivery from any post office or by any letter carrier, any letter, paper, writing, print, missive, or document containing any threat to take the life of or to inflict bodily harm upon any state elected official of the executive or legislative branch, or any justice, judge or magistrate of the judicial branch, or person appointed to fill the vacancy of a state elected official of the executive or legislative branch of the state of Idaho, or knowingly and willfully otherwise makes any such threat against a state elected official of the executive or legislative branch, or any justice, judge or magistrate of the judicial branch, or person appointed to fill the vacancy of a state elected official of the executive or legislative branch of the state of Idaho, or upon any elected official of any county or city, is guilty of a misdemeanor and upon conviction thereof shall be fined not to exceed one thousand dollars ($1,000) and shall be sentenced to not to exceed one (1) year in the county jail. If such threat is made while the defendant exhibits a firearm or other dangerous or deadly weapon, the defendant shall be guilty of a felony. Upon a second or subsequent conviction of an offense under this section, the defendant shall be guilty of a felony and shall be sentenced to a term of not to exceed five (5) years in the state penitentiary.

[18-1353A, added 1982, ch. 263, sec. 1, p. 674; am. 1992, ch. 113, sec. 1, p. 342; am. 1996, ch. 401, sec. 1, p. 1334; am. 2000, ch. 131, sec. 1, p. 308.]

18-1354. COMPENSATION FOR PAST OFFICIAL BEHAVIOR. A person commits a misdemeanor if he solicits, accepts, or agrees to accept any pecuniary benefit as compensation for having as public servant, given a decision, opinion, recommendation or vote favorable to another, or for having otherwise exercised a discretion in his favor, or for having violated his duty. A person commits a misdemeanor if he offers, confers or agrees to confer, compensation, acceptance of which is prohibited by this section.

[18-1354, added 1972, ch. 381, sec. 20, p. 1102.]

18-1355. RETALIATION FOR PAST OFFICIAL ACTION. A person commits a misdemeanor if he harms another by any unlawful acts in retaliation for anything lawfully done by the latter in the capacity of public servant.

[18-1355, added 1972, ch. 381, sec. 20, p. 1102.]

18-1356. GIFTS TO PUBLIC SERVANTS BY PERSONS SUBJECT TO THEIR JURISDICTION. (1) Regulatory and law enforcement officials. No public servant in any department or agency exercising regulatory functions, or conducting inspections or investigations, or carrying on civil or criminal litigation on behalf of the government, or having custody of prisoners, shall solicit, accept or agree to accept any pecuniary benefit from a person known to be subject to such regulation, inspection, investigation or custody, or against whom such litigation is known to be pending or contemplated.

(2) Officials concerned with government contracts and pecuniary transactions. No public servant having any discretionary function to perform in connection with contracts, purchases, payments, claims or other pecuniary transactions of the government shall solicit, accept or agree to accept any pecuniary benefit from any person known to be interested in or likely to become interested in any such contract, purchase, payment, claim or transaction.

(3) Judicial and administrative officials. No public servant having judicial or administrative authority and no public servant employed by or in a court or other tribunal having such authority, or participating in the enforcement of its decisions, shall solicit, accept or agree to accept any pecuniary benefit from a person known to be interested in or likely to become interested in any matter before such public servant or a tribunal with which he is associated.

(4) Legislative and executive officials. No legislator or public servant shall solicit, accept or agree to accept any pecuniary benefit in return for action on a bill, legislation, proceeding or official transaction from any person known to be interested in a bill, legislation, official transaction or proceeding.

(5) Exceptions. This section shall not apply to:

(a) fees prescribed by law to be received by a public servant, or any other benefit for which the recipient gives legitimate consideration or to which he is otherwise legally entitled; or

(b) gifts or other benefits conferred on account of kinship or other personal, professional or business relationship independent of the official status of the receiver; or

(c) trivial benefits not to exceed a value of fifty dollars ($50.00) incidental to personal, professional or business contacts and involving no substantial risk of undermining official impartiality; or

(d) benefits received as a result of lobbying activities that are disclosed in reports required by chapter 7, title 74, Idaho Code. This exception shall not apply to any activities prohibited by subsections (1) through (4) of this section.

(6) Offering benefits prohibited. No person shall knowingly confer, or offer or agree to confer, any benefit prohibited by the foregoing subsections.

(7) Grade of offense. An offense under this section is a misdemeanor and shall be punished as provided in this chapter.

[18-1356, added 1972, ch. 381, sec. 20, p. 1102; am. 1990, ch. 328, sec. 3, p. 902; am. 2008, ch. 306, sec. 4, p. 851; am. 2025, ch. 280, sec. 11, p. 1197.]

18-1357. COMPENSATING PUBLIC SERVANT FOR ASSISTING PRIVATE INTERESTS IN RELATION TO MATTERS BEFORE HIM. (1) Receiving compensation. A public servant commits a misdemeanor if he solicits, accepts or agrees to accept compensation for advice or other assistance in preparing or promoting a bill, contract, claim, or other transaction or proposal as to which he knows that he has or is likely to have an official discretion to exercise.

(2) Paying compensation. A person commits a misdemeanor if he pays or offers or agrees to pay compensation to a public servant with knowledge that acceptance by the public servant is unlawful.

[18-1357, added 1972, ch. 381, sec. 20, p. 1102.]

18-1358. SELLING POLITICAL INDORSEMENT -- SPECIAL INFLUENCE. (1) Selling political indorsement. A person commits a misdemeanor if he solicits, receives, agrees to receive, or agrees that any political party or other person shall receive any pecuniary benefit as consideration for approval or disapproval of an appointment or advancement in public service, or for approval or disapproval of any person or transaction for any benefit conferred by an official or agency of the government. "Approval" includes recommendations, failure to disapprove, or any other manifestation of favor or acquiescence. "Disapproval" includes failure to approve, or any other manifestation of disfavor or nonacquiescence.

(2) Other trading in special influence. A person commits a misdemeanor if he solicits, receives or agrees to receive any pecuniary benefit as consideration for exerting special influence upon a public servant or procuring another to do so. "Special influence" means power to influence through kinship, friendship, or other relationship apart from the merits of the transaction.

(3) Paying for indorsement or special influence. A person commits a misdemeanor if he offers, confers or agrees to confer any pecuniary benefit, receipt of which is prohibited by this section.

[18-1358, added 1972, ch. 381, sec. 20, p. 1102.]

18-1359. USING PUBLIC POSITION FOR PERSONAL GAIN. (1) No public servant shall:

(a) Without the specific authorization of the governmental entity for which he serves, use public funds or property to obtain a pecuniary benefit for himself.

(b) Solicit, accept or receive a pecuniary benefit as payment for services, advice, assistance or conduct customarily exercised in the course of his official duties. This prohibition shall not include trivial benefits not to exceed a value of fifty dollars ($50.00) incidental to personal, professional or business contacts and involving no substantial risk of undermining official impartiality.

(c) Use or disclose confidential information gained in the course of or by reason of his official position or activities in any manner with the intent to obtain a pecuniary benefit for himself or any other person or entity in whose welfare he is interested or with the intent to harm the governmental entity for which he serves.

(d) Be interested in any contract made by him in his official capacity, or by any body or board of which he is a member, except as provided in section 18-1361, Idaho Code.

(e) Appoint or vote for the appointment of any person related to him by blood or marriage within the second degree to any clerkship, office, position, employment or duty, when the salary, wages, pay or compensation of such appointee is to be paid out of public funds or fees of office, or appoint or furnish employment to any person whose salary, wages, pay or compensation is to be paid out of public funds or fees of office, and who is related by either blood or marriage within the second degree to any other public servant when such appointment is made on the agreement or promise of such other public servant or any other public servant to appoint or furnish employment to anyone so related to the public servant making or voting for such appointment. Any public servant who pays out of any public funds under his control or who draws or authorizes the drawing of any warrant or authority for the payment out of any public fund of the salary, wages, pay, or compensation of any such ineligible person, knowing him to be ineligible, is guilty of a misdemeanor and shall be punished as provided in this chapter.

(f) Unless specifically authorized by another provision of law, commit any act prohibited of members of the legislature or any officer or employee of any branch of the state government by section 67-9230, Idaho Code, violations of which are subject to penalties as provided in section 67-9231, Idaho Code, which prohibition and penalties shall be deemed to extend to all public servants pursuant to the provisions of this section.

(2) No person related to any member of the legislature by blood or marriage within the second degree shall be appointed to any clerkship, office, position, employment or duty within the legislative branch of government or otherwise be employed by the legislative branch of government when the salary, wages, pay or compensation of such appointee or employee is to be paid out of public funds. The provisions of this subsection shall not apply to any person who participates in the legislative page program of the senate or the house of representatives.

(3) No person related to a mayor or member of a city council by blood or marriage within the second degree shall be appointed to any clerkship, office, position, employment or duty with the mayor's or city council's city when the salary, wages, pay or compensation of such appointee or employee is to be paid out of public funds.

(4) No person related to a county commissioner by blood or marriage within the second degree shall be appointed to any clerkship, office, position, employment or duty with the commissioner's county when the salary,

wages, pay or compensation of such appointee or employee is to be paid out of public funds.

(5)(a) An employee of a governmental entity who is related to a local government official within the second degree shall be entitled to retain his or her position and receive general pay increases, step increases, cost of living increases, and/or other across-the-board increases in salary or merit increases, benefits and bonuses or promotions if the employee:

(i) Held the position prior to the election of the local government official; or

(ii) Meets the requirements of subsection (8) of this section prior to a city's population exceeding ten thousand (10,000) persons.

(b) Nothing in this section shall be construed as creating any property rights in the position held by an employee subject to this section, and all authority in regard to disciplinary action, transfer, dismissal, demotion or termination shall continue to apply to the employee.

(6) The prohibitions contained within this section shall not include conduct defined by the provisions of section 74-403(4), Idaho Code.

(7) The prohibitions within this section and section 18-1356, Idaho Code, as it applies to part-time public servants, do not include those actions or conduct involving the public servant's business, profession or occupation and unrelated to the public servant's official conduct, and do not apply to a pecuniary benefit received in the normal course of a legislator's business, profession or occupation and unrelated to any bill, legislation, proceeding or official transaction.

(8)(a) The prohibition of subsection (3) of this section shall not apply if all the following conditions are met:

(i) The city has a population of fewer than ten thousand (10,000) persons, based on the most recent decennial census;

(ii) The position to be filled requires specific education, training, or relevant experience related to the duties of the position, and the related individual meets those qualifications;

(iii) Public notice of the job opening has been made through means customarily used by the city for job postings, including posting to the city website, if applicable;

(iv) The position has been publicly posted for no fewer than forty-five (45) days prior to the proposed appointment or employment, and no qualified applicants have applied during the posting period;

(v) The city has made a good faith effort to identify and consider qualified applicants, including documented outreach and follow-up with applicants to determine availability and qualifications;

(vi) The city maintains a written record of:

1. All applications received;
2. The qualifications of each applicant;
3. The reasons for rejection of unqualified applicants; and
4. The rationale for the appointment or employment of the related individual;

(vii) The city council approves the appointment or employment at an open meeting, and the familial relationship is publicly disclosed prior to the vote;

(viii) The related, elected official does not serve as the supervisor, manager, or otherwise exercise direct authority over the work or employment conditions of the newly appointed or employed individual. The city council shall assign supervisory responsibilities to an unrelated employee or official who is not within the second degree of blood or marriage to the newly appointed or employed individual. Any performance evaluations, disciplinary actions, or decisions relating to compensation or advancement shall be made or reviewed by an unrelated supervisor or official and confirmed by the city council, with a written record maintained documenting the rationale for such actions; and

(ix) Any increase in compensation for a person appointed or employed pursuant to this subsection is limited to cost-of-living adjustments or other across-the-board increases provided to all employees. Such individual shall not be eligible for discretionary increases, bonuses, or promotions unless approved by the city council in an open meeting, with the rationale for such increase made part of the record. No person appointed or employed pursuant to this subsection shall receive any benefits beyond those uniformly offered to all similarly situated employees of the city.

(b) No position shall be created solely for the purpose of employing a related individual, nor shall the provisions of this subsection be construed to impair or limit the provisions of subsection (5) of this section.

[18-1359, added 1990, ch. 328, sec. 2, p. 900; am. 1991, ch. 305, sec. 1, p. 800; am. 2002, ch. 304, sec. 1, p. 867; am. 2004, ch. 316, sec. 1, p. 887; am. 2005, ch. 214, sec. 1, p. 684; am. 2015, ch. 141, sec. 15, p. 390; am. 2016, ch. 289, sec. 5, p. 805; am. 2025, ch. 114, sec. 1, p. 615; am. 2026, ch. 68, sec. 1, p. 290.]

18-1360. PENALTIES. Any public servant who violates the provisions of this chapter, unless otherwise provided, shall be guilty of a misdemeanor and may be punished by a fine not exceeding one thousand dollars ($1,000), or by incarceration in the county jail for a period not exceeding one (1) year, or by both such fine and incarceration. In addition to any penalty imposed in this chapter, any person who violates the provisions of this chapter may be required to forfeit his office and may be ordered to make restitution of any benefit received by him to the governmental entity from which it was obtained.

[18-1360, added 1990, ch. 328, sec. 2, p. 901.]

18-1361. SELF-INTERESTED CONTRACTS -- EXCEPTION. Where there are less than three (3) suppliers of a good or a service within a fifteen (15) mile radius of where the good or service is to be provided, it shall not constitute a violation of the provisions of subsection (1) (d) or (e) of section 18-1359, Idaho Code, for a public servant or for his relative to contract with the public body of which the public servant is a member if the contract is reasonably necessary to respond to a disaster as defined in chapter 10, title 46, Idaho Code, or if the procedures listed below are strictly observed. For purposes of this section, "relative" shall mean any person related to the public servant by blood or marriage within the second degree.

(1) The contract is competitively bid and the public servant or his relative submits the low bid; and

(2) Neither the public servant nor his relative takes any part in the preparation of the contract or bid specifications, and the public servant takes no part in voting on or approving the contract or bid specifications; and

(3) The public servant makes full disclosure, in writing, to all members of the governing body, council or board of said public body of his interest or that of his relative and of his or his relative's intention to bid on the contract; and

(4) Neither the public servant nor his relative has violated any provision of Idaho law pertaining to competitive bidding or improper solicitation of business.

[18-1361, added 1990, ch. 328, sec. 2, p. 901; am. 1991, ch. 34, sec. 1, p. 71; am. 1996, ch. 193, sec. 1, p. 602.]

18-1361A. NONCOMPENSATED APPOINTED PUBLIC SERVANT -- RELATIVES OF PUBLIC SERVANT -- EXCEPTION. When a person is a public servant by reason of his appointment to a governmental entity board for which the person receives no salary or fees for his service on said board, it shall not constitute a violation of the provisions of subsection (1)(d) or (e) of section 18-1359, Idaho Code, for a public servant or for his relative to contract with the public body of which the public servant is a member if the procedures listed below are strictly observed. For purposes of this section, "relative" shall mean any person related to the public servant by blood or marriage within the second degree.

(1) The contract is competitively bid and the public servant or his relative submits the low bid; and

(2) Neither the public servant nor his relative takes any part in the preparation of the contract or bid specifications, and the public servant takes no part in voting on or approving the contract or bid specifications; and

(3) The public servant makes full disclosure, in writing, to all members of the governing body, council or board of said public body of his interest or that of his relative and of his or his relative's intention to bid on the contract; and

(4) Neither the public servant nor his relative has violated any provision of Idaho law pertaining to competitive bidding or improper solicitation of business.

[18-1361A, added 1992, ch. 121, sec. 1, p. 398; am. 1996, ch. 193, sec. 2, p. 602.]

18-1362. CAUSE OF ACTION. A prosecuting attorney or the attorney general may bring an action in the district court of the county in which a public servant resides to enjoin a violation of the provisions of this chapter and to require the public servant to make restitution to the government of any pecuniary gain obtained. The prevailing party shall be awarded his costs and reasonable attorney fees.

[18-1362, added 1990, ch. 328, sec. 2, p. 902.]