

**Introduced by Senator Torres**February 6, 2014

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An act to amend Sections 1090, 1093, and 1097 of the Government Code, relating to public officers and employees.

## LEGISLATIVE COUNSEL'S DIGEST

SB 952, as introduced, Torres. Prohibited financial interests: aiding and abetting.

Existing law prohibits Members of the Legislature, and state, county, district, judicial district, and city officers or employees from being financially interested in any contract made by them in their official capacity, or by any body or board of which they are members. Existing law also prohibits state, county, district, judicial district, and city officers or employees from being purchasers at any sale or vendors at any purchase made by them in their official capacity. Existing law also prohibits the Treasurer, Controller, county and city officers, and their deputies and clerks from purchasing or selling, or in any manner receiving for their own or any other person's use or benefit any state, county, or city warrants, scrip, orders, demands, claims, or other evidences of indebtedness against the state, a county, or city. A willful violation of these prohibitions is a crime punishable by fine or imprisonment in the state prison, and forever disqualifies the offending public officer or person from holding any office in the state.

This bill would prohibit an individual from aiding or abetting a public officer or person in violating these prohibitions, and expand these penalties to also apply to the individual who willfully aids or abets.

This bill would also make technical, nonsubstantive changes.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
 State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 1090 of the Government Code is amended  
 2 to read:

3 1090. (a) Members of the Legislature, state, county, district,  
 4 judicial district, and city officers or employees shall not be  
 5 financially interested in any contract made by them in their official  
 6 capacity, or by any body or board of which they are members. Nor  
 7 shall state, county, district, judicial district, and city officers or  
 8 employees be purchasers at any sale or vendors at any purchase  
 9 made by them in their official capacity.

10 (b) *An individual shall not aid or abet a Member of the*  
 11 *Legislature or a state, county, district, judicial district, or city*  
 12 *officer or employee in violating subdivision (a).*

13 ~~As~~

14 (c) *As used in this article, “district” means any agency of the*  
 15 *state formed pursuant to general law or special act, for the local*  
 16 *performance of governmental or proprietary functions within*  
 17 *limited boundaries.*

18 SEC. 2. Section 1093 of the Government Code is amended to  
 19 read:

20 1093. (a) ~~The State~~ Treasurer and Controller, county and city  
 21 officers, and their deputies and clerks shall not purchase or sell,  
 22 or in any manner receive for their own or any other person’s use  
 23 or benefit any ~~State~~, *state*, county or city warrants, scrip, orders,  
 24 demands, claims, or other evidences of indebtedness against the  
 25 ~~State~~, *state*, or any county or city thereof. ~~This section does not~~  
 26 ~~apply to evidences of indebtedness issued to or held by such an~~  
 27 ~~officer, deputy or clerk for services rendered by them, nor to~~  
 28 ~~evidences of the funded indebtedness of the State, county, or city.~~

1 (b) *An individual shall not aid or abet the Treasurer, Controller,*  
2 *a county or city officer, or their deputy or clerk in violating*  
3 *subdivision (a).*

4 (c) *This section shall not apply to evidences of indebtedness*  
5 *issued to or held by an officer, deputy, or clerk for services*  
6 *rendered by them, nor to evidences of the funded indebtedness of*  
7 *the state, county, or city.*

8 SEC. 3. Section 1097 of the Government Code is amended to  
9 read:

10 1097. (a) Every officer or person prohibited by the laws of  
11 this state from making or being interested in contracts, or from  
12 becoming a vendor or purchaser at sales, or from purchasing script,  
13 or other evidences of indebtedness, including any member of the  
14 governing board of a school district, who willfully violates any of  
15 the provisions of ~~such~~ those laws, is punishable by a fine of not  
16 more than one thousand dollars (\$1,000), or by imprisonment in  
17 the state prison, and is forever disqualified from holding any office  
18 in this state.

19 (b) *An individual who willfully aids or abets an officer or person*  
20 *in violating a prohibition by the laws of this state from making or*  
21 *being interested in contracts, or from becoming a vendor or*  
22 *purchaser at sales, or from purchasing scrip, or other evidences*  
23 *of indebtedness, including any member of the governing board of*  
24 *a school district, is punishable by a fine of not more than one*  
25 *thousand dollars (\$1,000), or by imprisonment in the state prison,*  
26 *and is forever disqualified from holding any office in this state.*

27 SEC. 4. No reimbursement is required by this act pursuant to  
28 Section 6 of Article XIII B of the California Constitution because  
29 the only costs that may be incurred by a local agency or school  
30 district will be incurred because this act creates a new crime or  
31 infraction, eliminates a crime or infraction, or changes the penalty  
32 for a crime or infraction, within the meaning of Section 17556 of  
33 the Government Code, or changes the definition of a crime within  
34 the meaning of Section 6 of Article XIII B of the California  
35 Constitution.