

BRIBERY AND CORRUPT INFLUENCES

[18-8-301. Definitions.](#)

The definitions contained in section [18-8-101](#) are applicable to this part 3, unless the context otherwise requires, and, in addition to those definitions:

(1) "Benefit" means any gain or advantage to the beneficiary, including any gain or advantage to a third person pursuant to the desire or consent of the beneficiary.

(2) "Party officer" means a person who holds any position or office in a political party, whether by election, appointment, or otherwise.

(3) "Pecuniary benefit" is benefit in the form of money, property, commercial interests, or anything else the primary significance of which is economic gain.

(4) "Public servant", as used in sections [18-8-302](#) to 18-8-308, includes persons who presently occupy the position of a public servant as defined in section [18-8-101](#) (3) or have been elected, appointed, or designated to become a public servant although not yet occupying that position.

Source: L. 71: R&RE, p. 459, § 1. **C.R.S. 1963:** § 40-8-301.

[18-8-302. Bribery.](#)

(1) A person commits the crime of bribery, if:

(a) He offers, confers, or agrees to confer any pecuniary benefit upon a public servant with the intent to influence the public servant's vote, opinion, judgment, exercise of discretion, or other action in his official capacity; or

(b) While a public servant, he solicits, accepts, or agrees to accept any pecuniary benefit upon an agreement or understanding that his vote, opinion, judgment, exercise of discretion, or other action as a public servant will thereby be influenced.

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

(3) Bribery is a class 3 felony.

Source: L. 71: R&RE, p. 459, § 1. **C.R.S. 1963:** § 40-8-302.

Cross references: For bribery of persons other than a public servant, see § [18-5-401](#).

[18-8-303. Compensation for past official behavior.](#)

(1) A person commits a class 6 felony, if he:

(a) Solicits, accepts, or agrees to accept any pecuniary benefit as compensation for having, as a public servant, given a decision, opinion, recommendation, or vote favorable to another or for having otherwise exercised a discretion in his favor, whether or not he has in so doing violated his duty; or

(b) Offers, confers, or agrees to confer compensation, acceptance of which is prohibited by this section.

Source: L. 71: R&RE, p. 460, § 1. C.R.S. 1963: § 40-8-303. L. 89: IP(1) amended, p. 840, § 81, effective July 1.

[18-8-304. Soliciting unlawful compensation.](#)

A public servant commits a class 2 misdemeanor if he requests a pecuniary benefit for the performance of an official action knowing that he was required to perform that action without compensation or at a level of compensation lower than that requested.

Source: L. 71: R&RE, p. 460, § 1. C.R.S. 1963: § 40-8-304.

[18-8-305. Trading in public office.](#)

(1) A person commits trading in public office if:

(a) He offers, confers, or agrees to confer any pecuniary benefit upon a public servant or party officer upon an agreement or understanding that he or a particular person will or may be appointed to a public office or designated or nominated as a candidate for public office; or

(b) While a public servant or party officer, he solicits, accepts, or agrees to accept any pecuniary benefit from another upon an agreement or understanding that a particular person will or may be appointed to a public office or designated or nominated as a candidate for public office.

(2) It shall be an affirmative defense that the pecuniary benefit was a customary contribution to political campaign funds solicited and received by lawfully constituted political parties.

(3) Trading in public office is a class 1 misdemeanor.

Source: L. 71: R&RE, p. 460, § 1. C.R.S. 1963: § 40-8-305. L. 72: p. 275, § 7. L. 73: p. 539, § 6.

Cross references: For affirmative defenses generally, see §§ [18-1-407](#), [18-1-710](#), and 18-1-805.

[18-8-306. Attempt to influence a public servant.](#)

Any person who attempts to influence any public servant by means of deceit or by threat of violence or economic reprisal against any person or property, with the intent thereby to alter or affect the public servant's decision, vote, opinion, or action concerning any matter which is to be considered or performed by him or the agency or body of which he is a member, commits a class 4 felony.

Source: L. 71: R&RE, p. 460, § 1. C.R.S. 1963: § 40-8-306.

Cross references: For interference with the legislative process, see part 4 of article [2](#) of title [2](#); for legislative witnesses, see § [8-2.5-101](#).

[18-8-307. Designation of supplier prohibited.](#)

(1) No public servant shall require or direct a bidder or contractor to deal with a particular person in procuring any goods or service required in submitting a bid to or fulfilling a contract with any government.

(2) Any provision in invitations to bid or any contract documents prohibited by this section are against public policy and void.

(3) It shall be an affirmative defense that the defendant was a public servant acting within the scope of his authority exercising the right to reject any material, subcontractor, service, bond, or contract tendered by a bidder or contractor because it does not meet bona fide specifications or requirements relating to quality, availability, form, experience, or financial responsibility.

(4) Any public servant who violates the provisions of subsection (1) of this section commits a class 6 felony.

Source: L. 71: R&RE, p. 460, § 1. C.R.S. 1963: § 40-8-307. L. 73: p. 539, § 7. L. 89: (4) amended, p. 840, § 82, effective July 1.

Cross references: For affirmative defenses generally, see §§ [18-1-407](#), [18-1-710](#), and 18-1-805.

[18-8-308. Failing to disclose a conflict of interest.](#)

(1) A public servant commits failing to disclose a conflict of interest if he exercises any substantial discretionary function in connection with a government contract, purchase, payment, or other pecuniary transaction without having given seventy-two hours' actual advance written notice to the secretary of state and to the governing body of the government which employs the public servant of the existence of a known potential conflicting interest of the public servant in the transaction with reference to which he is about to act in his official capacity.

(2) A "potential conflicting interest" exists when the public servant is a director, president, general manager, or similar executive officer or owns or controls directly or indirectly a substantial interest in any nongovernmental entity participating in the transaction.

(3) Failing to disclose a conflict of interest is a class 2 misdemeanor.

Source: L. 71: R&RE, p. 461, § 1. **C.R.S. 1963:** § 40-8-308. **L. 79:** (1) amended, p. 744, § 1, effective July 1.