CHAPTER 12.1-13
CONFIDENTIAL INFORMATION - CONFLICT OF INTEREST - IMPERSONATION

12.1-13-01. Disclosure of confidential information provided to government.

A person is guilty of a class C felony if, in knowing violation of a statutory duty imposed on him as a public servant, he discloses any confidential information which he has acquired as a public servant. "Confidential information" means information made available to the government under a governmental assurance of confidence as provided by statute.

12.1-13-02. Speculating or wagering on official action or information.

1. An individual is guilty of a class A misdemeanor if during employment as a public servant, or within one year thereafter, in contemplation of official action by the individual as a public servant or by a government agency with which the individual is or has been associated as a public servant, or in reliance on information to which the individual has or had access only in the individual's capacity as a public servant, the individual:
   a. Acquires a pecuniary interest in any property, transaction, or enterprise which may be affected by the information or official action;
   b. Speculates or wagers on the basis of the information or official action; or
   c. Aids another individual to do any of the foregoing.
2. An individual is guilty of a class A misdemeanor if as a public servant the individual takes official action which is likely to benefit the individual as a result of an acquisition of a pecuniary interest in any property, transaction, or enterprise, or of a speculation or wager, which the individual made, or caused or aided another to make, in contemplation of the official action.
3. An individual is immune from prosecution under this section if:
   a. The individual was a member of the legislative assembly at the time the official action was taken;
   b. The official action was a vote on a measure in the senate or house of representatives or a legislative committee; and
   c. The individual adhered to legislative conflict of interest rules requiring an individual to disclose a personal or private interest to the member's respective chamber of the legislative assembly, a legislative committee, the president of the senate, or the speaker of the house.

12.1-13-03. Public servant's interest in public contracts.

1. Every public servant authorized to sell or lease any property, or to make any contract in his official capacity, alone or in conjunction with other public servants, who voluntarily becomes interested individually in the sale, lease, or contract, directly or indirectly, is guilty of a class A misdemeanor.
2. Subsection 1 shall not apply to:
   a. Contracts of purchase or employment between a political subdivision and an officer of that subdivision, if the contracts are first unanimously approved by the other members at a meeting of the governing body of the political subdivision, and a unanimous finding is entered in the official minutes of that body that the contract is necessary because the services or property contracted for are not otherwise obtainable at equal cost.
   b. Sales, leases, or contracts entered into between school boards and school board members or school officers.

12.1-13-04. Impersonating officials.

1. A person is guilty of an offense if he falsely pretends to be:
   a. A public servant, other than a law enforcement officer, and acts as if to exercise the authority of such public servant.
   b. A public servant or a former public servant and thereby obtains a thing of value.

c. A law enforcement officer.

2. It is no defense to prosecution under this section that the pretended capacity did not exist or the pretended authority could not legally or otherwise have been exercised or conferred.
3. An offense under subdivision b or c of subsection 1 is a class A misdemeanor. An offense under subdivision a of subsection 1 is a class B misdemeanor.