

**522.050 Abuse of public trust.**

- (1) A public servant who is entrusted with public money or property by reason of holding public office or employment, exercising the functions of a public officer or employee, or participating in performing a governmental function, is guilty of abuse of public trust when:
  - (a) He or she obtains public money or property subject to a known legal obligation to make specified payment or other disposition, whether from the public money or property or its proceeds; and
  - (b) He or she intentionally deals with the public money or property as his or her own and fails to make the required payment or disposition.
- (2) A public servant is presumed:
  - (a) To know any legal obligation relative to his or her criminal liability under this section; and
  - (b) To have dealt with the public money or property as his or her own when:
    1. He or she fails to account upon lawful demand; or
    2. An audit reveals a shortage or falsification of accounts.
- (3) Abuse of public trust is:
  - (a) A Class D felony if the value of the public money or property is less than ten thousand dollars (\$10,000);
  - (b) A Class C felony if the value of the public money or property is ten thousand dollars (\$10,000) or more, but less than one hundred thousand dollars (\$100,000); and
  - (c) A Class B felony if the value of the public money or property is one hundred thousand dollars (\$100,000) or more.
- (4) The judgment of conviction under this section shall recite that the offender is disqualified to hold any public office thereafter.
- (5) Conduct serving as the basis for the conviction of a public servant under this section shall not also be used to obtain a conviction of the public servant under KRS 514.070.

**Effective:** June 24, 2003

**History:** Created 2003 Ky. Acts ch. 76, sec. 1, effective June 24, 2003.