

(B) PROHIBITED ACTS.

AN OFFICER OR AGENT TO WHOM THIS SECTION APPLIES MAY NOT:

(1) MAKE OR PARTICIPATE IN MAKING FOR ANY PURPOSE A CONTRACT THAT PURPORTS TO BIND THE STATE TO PAY ANY AMOUNT UNLESS MONEY HAS BEEN APPROPRIATED FOR THAT PURPOSE AND REMAINS UNSPENT;

(2) CREATE A DEFICIENCY; OR

(3) INCUR A LIABILITY OR SPEND MONEY IN EXCESS OF THE APPLICABLE APPROPRIATION.

(C) CIVIL LIABILITY.

(1) THE STATE IS NOT LIABLE ON ANY CONTRACT MADE IN VIOLATION OF SUBSECTION (B) OF THIS SECTION.

(2) AN OFFICER OR AGENT WHO WILLFULLY OR KNOWINGLY VIOLATES SUBSECTION (B)(1) OF THIS SECTION IS PERSONALLY LIABLE ON THE CONTRACT.

(D) CRIMINAL PENALTIES.

IF AN OFFICER OR AGENT TO WHOM THIS SECTION APPLIES IS FOUND GUILTY OF WILLFULLY OR KNOWINGLY VIOLATING ANY PROVISION OF SUBSECTION (B)(2) OR (3) OF THIS SECTION:

(1) THE OFFICER OR AGENT IS PERSONALLY LIABLE TO THE STATE FOR THE AMOUNT OF THE DEFICIENCY OR EXCESS; AND

(2) THE OFFICER OR AGENT IS SUBJECT:

(I) FOR A 1ST OFFENSE, TO A FINE NOT EXCEEDING \$1,000 OR IMPRISONMENT IN THE STATE PENITENTIARY NOT EXCEEDING 2 YEARS OR BOTH; AND

(II) FOR A SUBSEQUENT OFFENSE, TO A FINE NOT EXCEEDING \$2,000 OR IMPRISONMENT IN THE STATE PENITENTIARY NOT EXCEEDING 2 YEARS OR BOTH.

REVISOR'S NOTE: Subsections (a), (b)(1), and (c) of this section are new language that repeats the provisions of present Art. 31, § 3.

Subsections (b)(2) and (3) and (d) of this section are new language derived without substantive change from former Art. 31, §§ 4 and 5.

In the introductory language of subsection (a) of this section, the present word "entrusted" is omitted as unnecessary in light of the word "charged".