

# **Bond Case Briefs**

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## **MISAPPROPRIATION OF PUBLIC FUNDS - CALIFORNIA**

### **People v. Hubbard**

**Supreme Court of California - June 16, 2016 - 63 Cal.4th 3783 - 71 P.3d 578 - 203 Cal.Rptr.3d 114 - 16 Cal. Daily Op. Serv. 6233**

Defendant was convicted in the Superior Court of two counts of misappropriating public funds.

Defendant appealed. The Court of Appeal reversed in part, vacated in part, and remanded with directions. The People petitioned for review. The Supreme Court granted review, superseding the opinion of the Court of Appeal.

The Supreme Court of California held that:

- Statute defining offense of misuse of public funds applies to public officers only if they are “charged with the receipt, safekeeping, transfer, or disbursement of public moneys,” but
- Defendant was “charged with the receipt, safekeeping, transfer, or disbursement of public moneys.”

An individual is “charged with the receipt, safekeeping, transfer, or disbursement of public moneys,” as required for the offense of misuse of public funds, so long as he or she exercises a degree of material control over public funds that amounts to being “charged with” such authority, and whether someone exercises this degree of material control over public funds depends on actual function as much as, if not more than, formal title.

Superintendent of school district was charged with the “receipt, safekeeping, transfer, or disbursement” of public funds, as required for a conviction of misuse of public funds, where superintendent had explicit contractual responsibilities to oversee the “budget and business affairs” of the district, superintendent owed a duty to safeguard school district funds, and superintendent had a responsibility to ensure such public funds were spent in accordance with the law.