

1 HB253
2 127663-1
3 By Representative Hubbard (M)
4 RFD: Ethics and Campaign Finance
5 First Read: 22-MAR-11

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8 SYNOPSIS: Section 36-25-7, Code of Alabama 1975, as
9 amended in the 2010 First Special Session by Act
10 2010-764, prohibits a person from offering or
11 giving anything to a public official or public
12 employee, as well as members of their households or
13 family, for the purpose of influencing official
14 action. Similarly, this section prohibits a public
15 official or public employee, as well as members of
16 their households or family, from soliciting or
17 receiving anything for the purpose of influencing
18 official action.

19 This bill would clarify that the prohibited
20 offer, gift, solicitation, or receipt of anything,
21 as contemplated in Section 36-25-7, Code of Alabama
22 1975, as amended, must be for the purpose of
23 corruptly influencing official action and would
24 define corruptly.

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26 A BILL
27 TO BE ENTITLED

1 AN ACT

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3 To amend Section 36-25-7, Code of Alabama 1975, as
4 amended by Act 2010-764, 2010 Special Session, relating to
5 prohibited offers or gifts or the solicitation of gifts for
6 public officers, employees, and their family members for the
7 purpose of influencing official action, to clarify that the
8 prohibited offer, gift, solicitation, or receipt of anything,
9 as contemplated in Section 36-25-7, must be for the purpose of
10 corruptly influencing official action, and defining the term
11 corruptly.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

13 Section 1. Section 36-25-7, Code of Alabama 1975, as
14 amended by Act 2010-764, 2010 Special Session, is amended to
15 read as follows:

16 "§36-25-7.

17 "(a) No person shall offer or give to a public
18 official or public employee or a member of the household of a
19 public employee or a member of the household of the public
20 official and none of the aforementioned shall solicit or
21 receive anything for the purpose of corruptly influencing
22 official action, regardless of whether or not the thing
23 solicited or received is a thing of value.

24 "(b) No public official or public employee shall
25 solicit or receive anything for himself or herself or for a
26 family member of the public employee or family member of the
27 public official for the purpose of corruptly influencing

1 official action, regardless of whether or not the thing
2 solicited or received is a thing of value.

3 "(c) No person shall offer or give a family member
4 of the public official or family member of the public employee
5 anything for the purpose of corruptly influencing official
6 action, regardless of whether or not the thing offered or
7 given is a thing of value.

8 "(d) No public official or public employee, shall
9 solicit or receive any money in addition to that received by
10 the public official or public employee in an official capacity
11 for advice or assistance on matters concerning the
12 Legislature, lobbying a legislative body, an executive
13 department or any public regulatory board, commission or other
14 body of which he or she is a member. Notwithstanding the
15 foregoing, nothing in this section shall be construed to
16 prohibit a public official or public employee from the
17 performance of his or her official duties or responsibilities.

18 "(e) For purposes of this section, to act
19 "corruptly" means to act voluntarily, deliberately, and
20 dishonestly to either accomplish an unlawful end or result or
21 to use an unlawful method or means to accomplish an otherwise
22 lawful end or result."

23 Section 2. This act shall become effective
24 immediately following its passage and approval by the
25 Governor, or its otherwise becoming law.