

1 SB213  
2 127283-1  
3 By Senator Marsh  
4 RFD: Constitution, Campaign Finance, Ethics, and Elections  
5 First Read: 10-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 No. 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 To alleviate questions relating to vagueness  
20 and enforceability, this bill would clarify that  
21 the prohibited offer, gift, solicitation, or  
22 receipt of anything, as contemplated in Section  
23 36-25-7, Code of Alabama 1975, as amended in the  
24 2010 First Special Session by Act No. 2010-764,  
25 must be for the purpose of corruptly influencing  
26 official action.  
27

1 A BILL  
2 TO BE ENTITLED  
3 AN ACT  
4

5 To clarify that the prohibited offer, gift,  
6 solicitation, or receipt of anything, as contemplated in  
7 Section 36-25-7, Code of Alabama 1975, as amended in the 2010  
8 First Special Session by Act No. 2010-764, must be for the  
9 purpose of corruptly influencing official action.

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

11 Section 1. Section 36-25-7, Code of Alabama 1975, as  
12 amended by Act No. 2010-764, 2010 First Special Session (Acts  
13 2010, p. \_\_\_ ), is amended to read as follows:

14 "§36-25-7.

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

22 (b) No public official or public employee shall  
23 solicit or receive anything for himself or herself or for a  
24 family member of the public employee or family member of the  
25 public official for the purpose of corruptly influencing  
26 official action, regardless of whether or not the thing  
27 solicited or received is a thing of value.

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

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

17                   Section 2. This act shall become effective  
18 immediately following its passage and approval by the  
19 Governor, or its otherwise becoming law.