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3 HOUSE JUDICIARY SUBSTITUTE FOR HB202  
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8 SYNOPSIS: Under existing law, certain individuals  
9 involved in the grand jury process are prohibited  
10 from disclosing certain information.

11 This bill would remove grand jury witnesses  
12 from certain provisions limiting disclosure of  
13 grand jury testimony.

14 This bill would also make nonsubstantive,  
15 technical revisions to update the existing code  
16 language to current style.

17  
18 A BILL  
19 TO BE ENTITLED  
20 AN ACT  
21

22 Relating to grand juries; to amend Sections  
23 12-16-215 and 12-16-216, Code of Alabama 1975, to remove grand  
24 jury witnesses from certain provisions limiting disclosure of  
25 grand jury testimony; and to make nonsubstantive, technical  
26 revisions to update the existing code language to current  
27 style.

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

2 Section 1. Sections 12-16-215 and 12-16-216, Code of  
3 Alabama 1975, are amended to read as follows:

4 "§12-16-215.

5 "No ~~past or present~~ grand juror, ~~past or present~~  
6 ~~grand jury~~ witness, ~~or grand jury~~ court reporter or  
7 stenographer ~~shall willfully at any time, or interpreter may~~  
8 disclose, or attempt to disclose, directly or indirectly,  
9 ~~conditionally or unconditionally, by any means whatever,~~  
10 ~~reveal, disclose or divulge or attempt or endeavor to reveal,~~  
11 ~~disclose or divulge or cause to be revealed, disclosed or~~  
12 ~~divulged,~~ any knowledge or information pertaining to any grand  
13 juror's questions, considerations, debates, deliberations,  
14 opinions, or votes on any case, evidence, or other matter  
15 taken within or occurring before any grand jury of this state.

16 "(b) No ~~Nor shall any person at any time, directly~~  
17 ~~or indirectly, conditionally or unconditionally by any means~~  
18 ~~whatever, corruptly or with the~~ intent to influence a grand  
19 juror or other person authorized by law to attend a grand  
20 jury, ~~or directly or indirectly,~~ by threat of harm to person  
21 or property, ~~or~~ by force applied to person or property, ~~or~~ by  
22 threatening letter or communication, or by offer of reward,  
23 remuneration, gift, benefit, or thing of value ~~of whatever~~  
24 ~~nature or kind,~~ may obtain, ~~or endeavor to attempt to~~ obtain,  
25 any information pertaining to, or any knowledge of, any grand  
26 juror's questions, considerations, debates, deliberations,  
27 opinions, or votes on any case, evidence, or other matter

1 taken or transpiring within or before any grand jury of this  
2 state.

3 "§12-16-216.

4 "(a) No ~~past or present~~ grand juror, ~~past or present~~  
5 ~~grand jury witness,~~ or grand jury court reporter or  
6 stenographer ~~shall willfully at any time, or interpreter may~~  
7 disclose, or attempt to disclose, directly or indirectly,  
8 ~~conditionally or unconditionally, by any means whatever,~~  
9 ~~reveal, disclose or divulge or endeavor to reveal, disclose or~~  
10 ~~divulge or cause to be revealed, disclosed or divulged,~~ any  
11 knowledge of the form, nature, or content of any physical  
12 evidence presented to any grand jury ~~of this state or,~~ any  
13 knowledge of the form, nature, or content of any question  
14 ~~propounded~~ asked to any person within or before any grand jury  
15 ~~or,~~ any comment made by any person in response thereto, or any  
16 other evidence, testimony, or conversation occurring ~~or taken~~  
17 therein before the grand jury.

18 "(b) No ~~Nor shall any person at any time directly or~~  
19 ~~indirectly, conditionally or unconditionally, by any means~~  
20 ~~whatever, corruptly or with the~~ intent to influence a grand  
21 juror or other person authorized by law to attend a grand  
22 jury, ~~or~~ directly or indirectly, by threats of harm to person  
23 or property, ~~or~~ by force applied to person or property ~~or,~~ by  
24 threatening letter or communication, or by offer of reward,  
25 remuneration, gift, benefit, or thing of value ~~of whatever~~  
26 ~~nature and kind,~~ may obtain, ~~or endeavor~~ attempt to obtain, or  
27 any knowledge of the form, nature, or content of any physical

1 evidence presented to any grand jury of this state, ~~or~~ any  
2 knowledge of the form, nature, or content of any question  
3 ~~propounded~~ asked to any person within or before any grand  
4 jury, ~~or~~ any knowledge of the form, nature, or content of any  
5 answer or comment made by any person in response thereto, or  
6 any other evidence, testimony, or conversation occurring ~~or~~  
7 ~~taken therein~~ before the grand jury.

8 "(c) Notwithstanding subsections (a) and (b)  
9 ~~Provided however,~~ the State of Alabama shall not be precluded  
10 from using the testimony of a grand jury witness to impeach  
11 that witness's testimony in the trial of a criminal case, nor  
12 shall the State of Alabama be precluded from using grand jury  
13 testimony to prosecute a perjury warrant or indictment, nor  
14 shall the State of Alabama be precluded from using grand jury  
15 testimony in any manner otherwise permitted by law. Further,  
16 provided however, that grand jury evidence and testimony may  
17 be presented to grand juries of other circuits and  
18 jurisdictions upon the issuance of a proper grand jury  
19 subpoena.

20 "(d) Notwithstanding subsections (a) and (b),  
21 nothing in this section shall prohibit a grand jury witness  
22 from disclosing any knowledge or facts about a case that  
23 became known to the witness prior to the witness testifying  
24 before the grand jury."

25 Section 2. It is the intent of the Legislature that,  
26 pursuant to Amendment 328 of the Constitution of Alabama of  
27 1901, now appearing as Section 150 of the Official

1       Recompilation of the Constitution of Alabama of 1901, as  
2       amended, the Supreme Court of Alabama shall amend its rules to  
3       conform with this act.

4                 Section 3. This act shall become effective on the  
5       first day of the third month following its passage and  
6       approval by the Governor, or its otherwise becoming law.