



**House Ethics and Campaign Finance Reported
Substitute for SB103**

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A BILL
TO BE ENTITLED
AN ACT

Relating to the State Ethics Commission; to require the commission to provide an alleged violator with certain exculpatory evidence.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1.

(a) Notwithstanding any other provision of law, prior to any hearing before the State Ethics Commission pursuant to Section 36-25-4(e), Code of Alabama 1975, for a violation of Chapter 25 of Title 36 or Chapter 5 of Title 17, Code of Alabama 1975, or issuance of an order for administrative resolution of an alleged violation of Chapter 25 of Title 36 or Chapter 5 of Title 17, Code of Alabama 1975, whether by issuing an order or levying a fee or penalty, a lawyer or prosecutor assigned to, or employed by, the State Ethics Commission shall provide to the person alleged to have violated the law both of the following:

(1) All discovery and exculpatory evidence pursuant to Rule 16.1 of the Alabama Rules of Criminal Procedure and as otherwise provided by law.

(2) If the allegation was initiated by a complaint made



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29 to the commission pursuant to Section 36-25-4(d), Code of
30 Alabama 1975, the identity of the complainant.

31 (b) Upon referral of a case by the State Ethics
32 Commission, to the Attorney General or to a District Attorney,
33 all evidence obtained by, or in the possession of, the State
34 Ethics Commission shall be provided upon referral to the
35 prosecuting entity and may be disclosed pursuant to the
36 Alabama Rules of Criminal Procedure or as otherwise provided
37 by law.

38 (c) If the commission or its employees disclose
39 information to the respondent that the commission or employees
40 believe is exculpatory, neither the commission nor its
41 employees are liable for violating the restrictions relating
42 to secrecy and nondisclosure of information provided in
43 subsections (c) and (d) of Section 36-25-4, Code of Alabama
44 1975.

45 Section 2. This act shall become effective on the first
46 day of the third month following its passage and approval by
47 the Governor, or its otherwise becoming law.



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50 Senate

51 Read for the first time and referred21-Mar-23
52 to the Senate committee on Judiciary
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54 Read for the second time and placed13-Apr-23
55 on the calendar:
56 0 amendments
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58 Read for the third time and passed25-Apr-23
59 as amended
60 Yeas 31
61 Nays 0
62 Abstains 0
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Patrick Harris,
Secretary.

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