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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 evidence; and to amend Section 36-25-24, Code of Alabama 1975, to further provide whistle blower protection to employees reporting ethics violations.

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 respondent alleged to have violated the law the complaint together with any statement, evidence, or information received from the complainant, witnesses, or other individuals or discovered in the course of the investigation; provided, however, any



29 information provided to the respondent shall be kept  
30 confidential until the conclusion of any proceedings before  
31 the commission or any resulting prosecution.

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

39 (c) If the commission or its employees disclose  
40 information to the respondent that the commission or employees  
41 believe is exculpatory, neither the commission nor its  
42 employees are liable for violating the restrictions relating  
43 to secrecy and nondisclosure of information provided in  
44 subsections (c) and (d) of Section 36-25-4, Code of Alabama  
45 1975.

46 Section 2. Section 36-25-24, Code of Alabama 1975, is  
47 amended to read as follows:

48 "§36-25-24

49 (a) A supervisor shall not discharge, demote, transfer,  
50 or otherwise discriminate against a public employee regarding  
51 ~~such~~ the employee's compensation, terms, conditions, or  
52 privileges of employment based on either the employee's  
53 reporting a violation<sub>T</sub> or what he or she believes in good  
54 faith to be a violation<sub>T</sub> of this chapter, or the employee's  
55 giving truthful statements or truthful testimony concerning an  
56 alleged ethics violation, regardless of whether the employee



57 [filed the complaint.](#)

58 (b) Nothing in this chapter shall be construed in any  
59 manner to prevent or prohibit or otherwise limit a supervisor  
60 from disciplining, discharging, transferring, or otherwise  
61 affecting the terms and conditions of a public employee's  
62 employment so long as the disciplinary action does not result  
63 from or is in no other manner connected with the public  
64 employee's filing a complaint with the commission, giving  
65 truthful statements, ~~and or~~ truthfully testifying [in an ethics](#)  
66 [investigation.](#)

67 (c) No public employee shall file a complaint or  
68 otherwise initiate action against a public official or other  
69 public employee without a good faith basis for believing the  
70 complaint to be true and accurate.

71 (d) A supervisor who is alleged to have violated this  
72 section shall be subject to civil action in the circuit courts  
73 of this state pursuant to the Alabama Rules of Civil Procedure  
74 as promulgated by the Alabama Supreme Court.

75 (e) A public employee who without a good faith belief  
76 in the truthfulness and accuracy of a complaint filed against  
77 a supervisor, shall be subject to a civil action in the  
78 circuit courts in the State of Alabama pursuant to the Alabama  
79 Rules of Civil Procedure as promulgated by the Supreme Court.  
80 Additionally, a public employee who without a good faith  
81 belief in the truthfulness and accuracy of a complaint as  
82 filed against a supervisor shall be subject to appropriate and  
83 applicable personnel action.

84 (f) Nothing in this section shall be construed to allow



85 a public employee to file a complaint to prevent, mitigate,  
86 lessen, or otherwise to extinguish existing or anticipated  
87 personnel action by a supervisor. A public employee who  
88 willfully files such a complaint against a supervisor shall,  
89 upon conviction, be guilty of the crime of false reporting."

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