

1 SB366  
2 188635-2  
3 By Senators Figures, Ward, Dunn, Coleman-Madison, Orr,  
4 Smitherman, Sanders and Singleton  
5 RFD: Judiciary  
6 First Read: 06-MAR-18

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8 SYNOPSIS: Under existing law, grand jury evidence and  
9 testimony is prohibited from being disclosed except  
10 under certain specified circumstances. Also under  
11 existing law, it is unlawful to corruptly influence  
12 a grand juror or use any kind of force or  
13 intimidation to obtain the disclosure of grand jury  
14 evidence and testimony.

15 This bill would allow the disclosure of  
16 grand jury evidence and testimony related to an  
17 officer-involved shooting that results in the death  
18 of a person.

19  
20 A BILL  
21 TO BE ENTITLED  
22 AN ACT  
23

24 To amend Section 12-16-216, Code of Alabama 1975,  
25 relating to secret grand jury proceedings; to provide for the  
26 disclosure of certain grand jury evidence and testimony

1 relating to an officer-involved shooting that results in the  
2 death of a person.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Section 12-16-216, Code of Alabama 1975,  
5 is amended to read as follows:

6 "§12-16-216.

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

20 "(b) Nor shall any No person shall do any of the  
21 following: person at any time directly or indirectly,  
22 conditionally or unconditionally, by any means whatever,

23 "(1) corruptly or with intent to Corruptly influence  
24 a grand juror or other person authorized by law to attend a  
25 grand jury, or by

26 "(2) Obtain any knowledge of the content of any  
27 physical evidence presented, question asked, answer or comment

1 made, or any other evidence, testimony, or conversation  
2 occurring within or before any grand jury of this state  
3 through any of the following:

4 ~~"a. threats~~ Threats of harm to person or property~~7.~~

5 ~~"or by force~~ b. Force applied to person or  
6 property.

7 ~~"or by threatening letter or communication, or by~~  
8 ~~offer~~ c. Offer of reward, remuneration, gift, benefit, or  
9 thing of value ~~of whatever nature and kind, obtain or endeavor~~  
10 ~~to obtain any knowledge of the form, nature or content of any~~  
11 ~~physical evidence presented to any grand jury of this state,~~  
12 ~~or any knowledge of the form, nature or content of any~~  
13 ~~question propounded to any person within or before any grand~~  
14 ~~jury, or any knowledge of the form, nature or content of any~~  
15 ~~answer or comment made by any person in response thereto, or~~  
16 ~~any other evidence, testimony, or conversation occurring or~~  
17 ~~taken therein.~~

18 ~~"(c) (1) Provided however, the~~ The State of Alabama  
19 ~~shall not be precluded from using~~ may use the testimony of a  
20 grand jury witness to impeach that witness's testimony in the  
21 trial of a criminal case, ~~nor shall the State of Alabama be~~  
22 ~~precluded from using grand jury testimony~~ to prosecute a  
23 perjury warrant or indictment, ~~nor shall the State of Alabama~~  
24 ~~be precluded from using grand jury testimony~~ or in any manner  
25 otherwise permitted by law. ~~Further, provided however, that~~  
26 grand

1           "(2) Grand jury evidence and testimony may be  
2           presented to grand juries of other circuits and jurisdictions

3           upon the issuance of a proper grand jury subpoena.

4           "(3) Grand jury evidence and testimony relating to  
5           an officer-involved shooting that results in the death of a  
6           person may be disclosed to the public when the grand jury does  
7           not return an indictment or at the close of the criminal  
8           trial. As used in this subdivision, the phrase  
9           officer-involved shooting means the discharge of a firearm,  
10          whether intentional or accidental, by either of the following:

11           "a. A law enforcement officer, whether on duty or  
12          off duty, at another person.

13           "b. A person at a law enforcement officer, whether  
14          on duty or off duty."

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