

1 HB202
2 213713-3
3 By Representative Ball
4 RFD: Judiciary
5 First Read: 02-FEB-21
6 PFD: 01/29/2021

1 ENGROSSED

2
3
4 A BILL
5 TO BE ENTITLED
6 AN ACT
7

8 Relating to grand juries; to amend Sections
9 12-16-215 and 12-16-216, Code of Alabama 1975, to remove grand
10 jury witnesses from certain provisions limiting disclosure of
11 grand jury testimony; and to make nonsubstantive, technical
12 revisions to update the existing code language to current
13 style.

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

17 "§12-16-215.

18 "No ~~past or present~~ grand juror, ~~past or present~~
19 ~~grand jury~~ witness, ~~or grand jury court~~ reporter or
20 stenographer ~~shall willfully at any time, or interpreter may~~
21 ~~disclose, or attempt to disclose,~~ directly or indirectly,
22 ~~conditionally or unconditionally, by any means whatever,~~
23 ~~reveal, disclose or divulge or attempt or endeavor to reveal,~~
24 ~~disclose or divulge or cause to be revealed, disclosed or~~
25 ~~divulged,~~ any knowledge or information pertaining to any grand
26 juror's questions, considerations, debates, deliberations,

1 opinions, or votes on any case, evidence, or other matter
2 taken within or occurring before any grand jury of this state.

3 "(b) No ~~Nor shall any person at any time, directly~~
4 ~~or indirectly, conditionally or unconditionally by any means~~
5 ~~whatever, corruptly or with the intent to influence a grand~~
6 juror or other person authorized by law to attend a grand
7 jury, ~~or directly or indirectly,~~ by threat of harm to person
8 or property, ~~or~~ by force applied to person or property, ~~or~~ by
9 threatening letter or communication, or by offer of reward,
10 remuneration, gift, benefit, or thing of value ~~of whatever~~
11 ~~nature or kind,~~ may obtain, or ~~endeavor to attempt to~~ obtain,
12 any information pertaining to, or any knowledge of, any grand
13 juror's questions, considerations, debates, deliberations,
14 opinions, or votes on any case, evidence, or other matter
15 taken or transpiring within or before any grand jury of this
16 state.

17 "§12-16-216.

18 "(a) No ~~past or present grand juror, past or present~~
19 ~~grand jury witness, or grand jury court reporter or~~
20 stenographer ~~shall willfully at any time, or interpreter may~~
21 disclose, or attempt to disclose, directly or indirectly,
22 ~~conditionally or unconditionally, by any means whatever,~~
23 ~~reveal, disclose or divulge or endeavor to reveal, disclose or~~
24 ~~divulge or cause to be revealed, disclosed or divulged,~~ any
25 knowledge of the form, nature, or content of any physical
26 evidence presented to any grand jury ~~of this state or,~~ any
27 knowledge of the form, nature, or content of any question

1 ~~propounded~~ asked to any person within or before any grand jury
2 ~~or,~~ any comment made by any person in response thereto, ~~or any~~
3 other evidence, testimony, ~~or conversation occurring or taken~~
4 ~~therein~~ before the grand jury.

5 "(b) No ~~Nor shall any person at any time directly or~~
6 ~~indirectly, conditionally or unconditionally, by any means~~
7 ~~whatever, corruptly or with~~ the intent to influence a grand
8 juror or other person authorized by law to attend a grand
9 jury, ~~or~~ directly or indirectly, by threats of harm to person
10 or property, ~~or~~ by force applied to person or property ~~or,~~ by
11 threatening letter or communication, or by offer of reward,
12 remuneration, gift, benefit, ~~or thing of value of whatever~~
13 ~~nature and kind,~~ may obtain, or ~~endeavor~~ attempt to obtain,
14 any knowledge of the form, nature, ~~or content of any physical~~
15 evidence presented to any grand jury of this state, ~~or any~~
16 knowledge of the form, nature, ~~or content of any question~~
17 ~~propounded~~ asked to any person within or before any grand
18 jury, ~~or any knowledge of the form, nature,~~ ~~or content of any~~
19 answer or comment made by any person in response thereto, or
20 any other evidence, testimony, or conversation occurring ~~or~~
21 ~~taken therein~~ before the grand jury.

22 "(c) Notwithstanding subsections (a) and (b)
23 ~~Provided however,~~ the State of Alabama shall not be precluded
24 from using the testimony of a grand jury witness to impeach
25 that witness's testimony in the trial of a criminal case, nor
26 shall the State of Alabama be precluded from using grand jury
27 testimony to prosecute a perjury warrant or indictment, nor

1 shall the State of Alabama be precluded from using grand jury
2 testimony in any manner otherwise permitted by law. Further,
3 provided however, that grand jury evidence and testimony may
4 be presented to grand juries of other circuits and
5 jurisdictions upon the issuance of a proper grand jury
6 subpoena.

7 "(d) Notwithstanding subsections (a) and (b),
8 nothing in this section shall prohibit a grand jury witness
9 from disclosing any knowledge or facts about a case that
10 became known to the witness prior to the witness testifying
11 before the grand jury."

12 Section 2. It is the intent of the Legislature that,
13 pursuant to Amendment 328 of the Constitution of Alabama of
14 1901, now appearing as Section 150 of the Official
15 Recompilation of the Constitution of Alabama of 1901, as
16 amended, the Supreme Court of Alabama shall amend its rules to
17 conform with this act.

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18

House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Judiciary 02-FEB-21

Read for the second time and placed
on the calendar with 1 substitute
and..... 27-APR-21

Read for the third time and passed
as amended..... 29-APR-21

Yeas 71, Nays 21, Abstains 3

Jeff Woodard
Clerk