SB103 ENROLLED



- 1 0H3MGC-3
- 2 By Senators Orr, Chesteen, Price, Williams, Gudger, Barfoot,
- 3 Elliott, Albritton, Roberts, Kelley, Jones, Stutts, Bell,
- 4 Butler, Singleton, Coleman, Coleman-Madison
- 5 RFD: Conference Committee on SB103
- 6 First Read: 21-Mar-23
- 7 2023 Regular Session



1 Enrolled, 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

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

reporting ethics violations.

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 information provided to the respondent shall be kept

(b) Upon referral of a case by the State Ethics

Commission to the Attorney General or to a district attorney,

confidential until the conclusion of any proceedings before

the commission or any resulting prosecution.

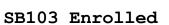


- 29 all evidence obtained by, or in the possession of, the State
- 30 Ethics Commission shall be provided upon referral to the
- 31 prosecuting entity and may be disclosed pursuant to the
- 32 Alabama Rules of Criminal Procedure or as otherwise provided
- 33 by law.
- 34 (c) If the commission or its employees disclose
- information to the respondent that the commission or employees
- 36 believe is exculpatory, neither the commission nor its
- 37 employees are liable for violating the restrictions relating
- 38 to secrecy and nondisclosure of information provided in
- 39 subsections (c) and (d) of Section 36-25-4, Code of Alabama
- 40 1975.
- Section 2. Section 36-25-24, Code of Alabama 1975, is
- 42 amended to read as follows:
- 43 "\$36-25-24
- 44 (a) A supervisor shall not discharge, demote, transfer,
- 45 or otherwise discriminate against a public employee regarding
- 46 such the employee's compensation, terms, conditions, or
- 47 privileges of employment based on either the employee's
- 48 reporting a violation, or what he or she believes in good
- faith to be a violation, of this chapter, or the employee's
- 50 giving truthful statements or truthful testimony concerning an
- 31 alleged ethics violation, regardless of whether the employee
- filed the complaint.
- 53 (b) Nothing in this chapter shall be construed in any
- 54 manner to prevent or prohibit or otherwise limit a supervisor
- from disciplining, discharging, transferring, or otherwise
- affecting the terms and conditions of a public employee's



employment so long as the disciplinary action does not result
from or is in no other manner connected with the public
employee's filing a complaint with the commission, giving
truthful statements, and or truthfully testifying in an ethics
investigation.

- (c) No public employee shall file a complaint or otherwise initiate action against a public official or other public employee without a good faith basis for believing the complaint to be true and accurate.
- (d) A supervisor who is alleged to have violated this section shall be subject to civil action in the circuit courts of this state pursuant to the Alabama Rules of Civil Procedure as promulgated by the Alabama Supreme Court.
- (e) A public employee who without a good faith belief in the truthfulness and accuracy of a complaint filed against a supervisor, shall be subject to a civil action in the circuit courts in the State of Alabama pursuant to the Alabama Rules of Civil Procedure as promulgated by the Supreme Court. Additionally, a public employee who without a good faith belief in the truthfulness and accuracy of a complaint as filed against a supervisor shall be subject to appropriate and applicable personnel action.
- (f) Nothing in this section shall be construed to allow a public employee to file a complaint to prevent, mitigate, lessen, or otherwise to extinguish existing or anticipated personnel action by a supervisor. A public employee who willfully files such a complaint against a supervisor shall, upon conviction, be guilty of the crime of false reporting."





85		Sect	ion 3	B. Thi	s act	shall	l beco	ome	effec	tive	on	the	first
86	day of	the	third	d mon	th fol	lowin	g its	pas	ssage	and	appı	roval	by
87	the Go	verno	r, o	rits	other	wise i	becom	ing	law.				



President and Presiding Officer of the Senate Speaker of the House of Representatives SB103 Senate 25-Apr-23 I hereby certify that the within Act originated in and passed the Senate. Senate 06-Jun-23 I hereby certify that the within Act originated in and passed the Senate, as amended by Conference Committee Report. Patrick Harris, Secretary. House of Representatives Amended and passed: 31-May-23 House of Representatives Passed 06-Jun-23, as amended by Conference Committee Report. By: Senator Orr

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