

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



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1 Enrolled, An Act,

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4 Relating to the State Ethics Commission; to require the
5 commission to provide an alleged violator with certain
6 evidence; and to amend Section 36-25-24, Code of Alabama 1975,
7 to further provide whistle blower protection to employees
8 reporting ethics violations.

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

10 Section 1. (a) Notwithstanding any other provision of
11 law, prior to any hearing before the State Ethics Commission
12 pursuant to Section 36-25-4(e), Code of Alabama 1975, for a
13 violation of Chapter 25 of Title 36 or Chapter 5 of Title 17,
14 Code of Alabama 1975, or issuance of an order for
15 administrative resolution of an alleged violation of Chapter
16 25 of Title 36 or Chapter 5 of Title 17, Code of Alabama 1975,
17 whether by issuing an order or levying a fee or penalty, a
18 lawyer or prosecutor assigned to, or employed by, the State
19 Ethics Commission shall provide to the respondent alleged to
20 have violated the law the complaint together with any
21 statement, evidence, or information received from the
22 complainant, witnesses, or other individuals or discovered in
23 the course of the investigation; provided, however, any
24 information provided to the respondent shall be kept
25 confidential until the conclusion of any proceedings before
26 the commission or any resulting prosecution.

27 (b) Upon referral of a case by the State Ethics
28 Commission to the Attorney General or to a district attorney,



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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
35 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.

41 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
49 faith to be a violation, of this chapter, or the employee's
50 giving truthful statements or truthful testimony concerning an
51 alleged ethics violation, regardless of whether the employee
52 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
55 from disciplining, discharging, transferring, or otherwise
56 affecting the terms and conditions of a public employee's



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

62 (c) No public employee shall file a complaint or
63 otherwise initiate action against a public official or other
64 public employee without a good faith basis for believing the
65 complaint to be true and accurate.

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

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

79 (f) Nothing in this section shall be construed to allow
80 a public employee to file a complaint to prevent, mitigate,
81 lessen, or otherwise to extinguish existing or anticipated
82 personnel action by a supervisor. A public employee who
83 willfully files such a complaint against a supervisor shall,
84 upon conviction, be guilty of the crime of false reporting."



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



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President and Presiding Officer of the Senate

Speaker of the House of Representatives

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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