

**Ala. Code 1975, § 13A-10-121**

**Bribing a Witness**

The defendant is charged with bribing a witness.

A person commits the crime of bribing a witness if he/she offers, confers or agrees to confer any thing of value upon a witness or a person he/she believes will be called as a witness in any official proceeding with intent to **[Read as appropriate]**:

- (1) Corruptly influence the testimony of that person;
- (2) Induce that person to avoid legal process summoning him/her to testify;  
**(OR)**
- (3) Induce that person to absent himself/herself from an official proceeding to which he/she has been legally summoned.

To convict, the State must prove beyond a reasonable doubt each of the following elements:

- (1) The defendant offered, conferred or agreed to confer a thing of value, **[describe]**, upon a witness or a person he/she believes will be called as a witness in any official proceeding **[name]**, **(AND)**
- (2) The defendant did so with intent to **[Read as appropriate]**:
  - (a) Corruptly influence the testimony of that person;
  - (b) Induce that person to avoid legal process summoning him/her to testify; **(OR)**
  - (c) Induce that person to absent himself/herself from an official proceeding to which he/she has been legally summoned.

*Official Proceeding* is any proceeding heard before any legislative, judicial, administrative or other government agency or official authorized to hear evidence under oath. [13A-10-100(b)(5)]

*Testimony* includes oral or written statements, documents or any other material that may be offered as evidence in an official proceeding. [13A-10-120(b)(2)]

A person acts *intentionally* with respect to a result or to conduct described by a statute defining an offense when his/her purpose is to cause that result or to engage in that conduct. [13A-2-2(1)]

If you find from the evidence that the State has proved beyond a reasonable doubt each of the above elements of bribing a witness, then you shall find the defendant guilty of bribing a witness.

If you find that the State has failed to prove any one or more of the elements of bribing a witness, then you cannot find the defendant guilty of bribing a witness.

**[If lesser-included offenses are included, the Court should instruct on those offenses at this point.]**

**Use Notes**

This section does not apply to the payment of additional compensation to an expert witness over and above the amount otherwise prescribed by law to be paid by a witness.  
[13A-10-121(b)]

[Approved 6-17-16.]