

Alabama Rules of Evidence

Article VI. Witnesses

Rule 610.

Religious beliefs or opinions.

Evidence of the beliefs or opinions of a witness on matters of religion is not admissible for the purpose of showing that by reason of their nature the witness's credibility is impaired or enhanced.

Advisory Committee's Notes

This rule, unchanged from Federal Rule 610, provides that evidence of a witness's religious beliefs or opinions on matters of religion is not admissible as a basis from which the factfinder might infer that the witness is, because of those beliefs or opinions, more credible or less credible than he or she would be otherwise. In excluding such evidence, at least when it is offered to show an impaired capacity to tell the truth, Rule 610 leaves preexisting Alabama law unchanged. See *Asbill v. State*, 390 So.2d 1168 (Ala.Crim.App.), cert. denied, 390 So.2d 1176 (Ala.1980); *Wright v. State*, 24 Ala.App. 378, 135 So. 636 (1931) (holding that such impeachment is precluded by § 3 of the Alabama Constitution of 1901). See also C. Gamble, *McElroy's Alabama Evidence* § 141.01(4) (4th ed. 1991). Compare *Bush v. Commonwealth*, 80 Ky.L.Rptr. 740, rev'd on other grounds, 107 U.S. 110 (1883).

The preclusion in Rule 610 arises only when evidence of religious belief or disbelief is offered as a basis from which the factfinder might infer that the witness's character for truthfulness is thereby affected. Religious beliefs or opinions on matters of religion, however, could be relevant for other purposes. A witness's affiliation with a church or other religious organization, for example, could be admissible to show bias if that church or organization is a party to the litigation. See *Tucker v. Reil*, 51 Ariz. 357, 77 P.2d 203 (1938). Cf. Fed.R.Evid. 610 advisory committee's note. It likewise is possible for religious beliefs or affiliation to be relevant to the nonimpeachment issues in a trial and, consequently, not to be within the purview of the Rule 610 exclusion. *Asbill v. State*, 390 So.2d 1168 (Ala.Crim.App.), cert. denied, 390 So.2d 1176 (Ala.1980). See *Conrad v. City & County of Denver*, 656 P.2d 662 (Colo.1983).