

Alabama Rules of Evidence

Article VI. Witnesses

Rule 616.

Impeachment by evidence of bias, prejudice, or interest.

A party may attack the credibility of a witness by presenting evidence that the witness has a bias or prejudice for or against a party to the case or that the witness has an interest in the case.

Advisory Committee's Notes

This rule retains the preexisting Alabama practice allowing one to impeach a witness with evidence of acts, statements, or relationships indicating bias. *Jones v. State*, 527 So.2d 795 (Ala.Crim.App.1988); *Alabama Power Co. v. White*, 377 So.2d 930 (Ala.1979). The bias that may be shown includes both bias for a party and bias against a party. See C. Gamble, McElroy's Alabama Evidence § 149.01 (4th ed. 1991).

There is no counterpart to this rule in the Federal Rules of Evidence. Indeed, the federal rules do not specifically mention bias as a form of impeachment. The United States Supreme Court, however, has recognized the propriety of impeaching with evidence of bias, prejudice, or interest, despite the fact that such a medium of impeachment, long recognized at common law, is not expressly mentioned in the Federal Rules of Evidence. *United States v. Abel*, 469 U.S. 45 (1984).