

1 SB327
2 116664-6
3 By Senators Marsh, Bedford, Waggoner, French, Little (Z), and
4 Singleton
5 RFD: Commerce, Transportation, and Utilities
6 First Read: 02-FEB-10

1 SB327

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4 ENROLLED, An Act,

5 To amend Sections 1, 2, 4, 5, 9, 10, 11, 13, 14, 15,
6 16, 17, 18, 19, 20, 21, and 22 of Act 2009-622, 2009 Regular
7 Session (Acts 2009, p. 1872), now appearing as Sections
8 41-9-1020, 41-9-1021, 41-9-1023, 41-9-1024, 41-9-1028,
9 41-9-1029, 41-9-1030, 41-9-1032, 41-9-1033, 41-9-1034,
10 41-9-1035, 41-9-1036, 41-9-1037, 41-9-1038, 41-9-1039, and
11 41-9-1040, Code of Alabama 1975, establishing the Alabama
12 Boxing Commission for the regulation of boxing, to rename the
13 commission the Alabama Athletic Commission, to define the term
14 "mixed martial arts"; to provide for the commission to
15 regulate mixed martial arts in the same manner as boxing; to
16 provide penalties; and in connection therewith would have as
17 its purpose or effect the requirement of a new or increased
18 expenditure of local funds within the meaning of Amendment 621
19 of the Constitution of Alabama of 1901, now appearing as
20 Section 111.05 of the Official Recompilation of the
21 Constitution of Alabama of 1901, as amended.

22 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23 Section 1. Sections 1, 2, 4, 5, 9, 10, 11, 13, 14,
24 15, 16, 17, 18, 19, 20, 21, and 22 of Act 2009-622, 2009
25 Regular Session (Acts 2009, p. 1872), now appearing as

1 Sections 41-9-1020, 41-9-1021, 41-9-1023, 41-9-1024,
2 41-9-1028, 41-9-1029, 41-9-1030, 41-9-1032, 41-9-1033,
3 41-9-1034, 41-9-1035, 41-9-1036, 41-9-1037, 41-9-1038,
4 41-9-1039, and 41-9-1040, Code of Alabama 1975, are amended to
5 read as follows:

6 "§41-9-1020.

7 "This article shall be known and may be cited as the
8 Alabama Boxing and Mixed Martial Arts Act.

9 "§41-9-1021.

10 "As used in this article, the following terms shall
11 have the following meanings:

12 "(1) AMATEUR. A person who engages in a match,
13 contest, or exhibition of boxing or mixed martial arts which
14 is governed or authorized by any of the following:

15 "a. U.S.A. Boxing.

16 "b. The Alabama High School Athletic Association.

17 "c. The National Collegiate Athletic Association.

18 "d. Amateur Athletic Union.

19 "e. Golden Gloves.

20 "f. The local affiliate of any organization listed
21 in this subdivision.

22 "g. Any organization approved by the commission.

23 "(2) BOXING MATCH. A contest between two individuals
24 in which contestants score points in rounds of two or three
25 minutes by striking with gloved fists the head and upper torso

1 of the opponent or by knocking the opponent down and rendering
2 the opponent unconscious or incapable of continuing the
3 contest by the blows, which contest is held in a square ring
4 supervised by a referee and scored by three judges.

5 "(3) BOXING REGISTRY. A registry created or
6 designated pursuant to subsection (j) of Section 41-9-1024.

7 "(4) CHARITABLE ORGANIZATION. An entity described by
8 either of the following:

9 "a. Section 501(c)(3), Internal Revenue Code of 1986
10 (26 U.S.C. Section 501(c)(3)).

11 "b. Section 170(c), Internal Revenue Code of 1986
12 (26 U.S.C. Section 170(c)).

13 "(5) COMMISSION. Alabama Athletic Commission.

14 "(6) EXHIBITION. A contest where the participants
15 engage in the use of boxing skills and techniques and where
16 the objective is to display the skills and techniques without
17 striving to win.

18 "(7) FACE VALUE. The dollar value of a ticket or
19 order shall reflect the dollar amount that the customer shall
20 pay in order to view the match, contest, exhibition, or
21 entertainment event. Face value shall include any charges or
22 fees, such as dinner, gratuity, parking, surcharges, or any
23 other charges or fees which are charged to and must be paid by
24 the customer in order to view the match, contest, exhibition,

1 or entertainment event. It shall exclude any portion paid by
2 the customer for federal, state, or local taxes.

3 "(8) GROSS RECEIPTS. Any of the following:

4 "a. The gross price charged for the sale or lease of
5 broadcasting, television, closed circuit, or motion picture
6 rights without any deductions for commissions, brokerage fees,
7 distribution fees, production fees, advertising, or other
8 expenses or charges.

9 "b. The face value of all tickets sold .

10 "(9) MANAGER. A person who, under contract,
11 agreement, or other arrangement with a boxer or a mixed
12 martial arts competitor, undertakes to control or administer,
13 directly or indirectly, a matter on behalf of a boxer or a
14 mixed martial arts competitor. The term includes, but is not
15 limited to, a person who functions as a booking agent,
16 adviser, or consultant.

17 "(10) MATCHMAKER. A person who is employed by or
18 associated with a promoter in the capacity of booking and
19 arranging professional matches, contests, or exhibitions of
20 boxing or mixed martial arts between opponents or who proposes
21 professional matches, contests, or exhibitions of boxing or
22 mixed martial arts and selects and arranges for the
23 participants in such events and for whose activities in this
24 regard the promoter is legally responsible.

1 "(11) MIXED MARTIAL ARTS. Unarmed combat involving
2 the use of any combination of techniques from different
3 disciplines of the martial arts, including, without
4 limitation, grappling, submission holds, throws, and striking
5 or kicking with the hands, feet, knees, or elbows. The term
6 "mixed martial arts" includes kickboxing.

7 "(12) PERSON. An individual, partnership, firm,
8 association, corporation, or combination of individuals of
9 whatever form or character.

10 "(13) PHYSICIAN. A doctor of medicine or doctor of
11 osteopathy licensed to practice medicine in the State of
12 Alabama.

13 "(14) PROFESSIONAL. A person who is participating or
14 has participated in a match, contest, or exhibition of boxing
15 or mixed martial arts which is not governed or authorized by
16 one or more of the organizations listed in subdivision (1) and
17 any of the following:

18 "a. Has received or competed for or is receiving or
19 competing for any cash as a salary, purse, or prize for
20 participating in any match, contest, or exhibition of boxing
21 or mixed martial arts.

22 "b. Is participating or has participated in any
23 match, contest, or exhibition of boxing or mixed martial arts
24 to which admission is granted upon payment of any ticket for
25 admission or other evidence of the right of entry.

1 "c. Is participating or has participated in any
2 match, contest, or exhibition of boxing or mixed martial arts
3 which is or was filmed, broadcast, or transmitted for viewing.

4 "d. Is participating or has participated in any
5 match, contest, or exhibition of boxing or mixed martial arts
6 which provides a commercial advantage by attracting persons to
7 a particular place or promoting a commercial product or
8 enterprise.

9 "(15) PROFESSIONAL MATCH, CONTEST, or EXHIBITION OF
10 BOXING or MIXED MARTIAL ARTS.

11 "a. A boxing match, contest, or exhibition, or a
12 mixed martial arts match, contest, or exhibition, which is not
13 governed or authorized by one or more of the organizations
14 listed in subdivision (1) and which does any of the following:

15 "1. Rewards a boxer or mixed martial arts competitor
16 participating with cash as a salary, purse, or prize for such
17 participation.

18 "2. Requires for admission payment of a ticket or
19 other evidence of the right of entry.

20 "3. Is filmed, broadcast, or transmitted for
21 viewing.

22 "4. Provides a commercial advantage by attracting
23 persons to a particular place or promoting a commercial
24 product or enterprise.

25 "b. The term does not include unarmed combat.

1 "(16) PROMOTER. The person primarily responsible for
2 organizing, promoting, and producing a professional match,
3 contest, or exhibition of boxing and who is legally
4 responsible for the lawful conduct of such professional match,
5 contest, or exhibition of boxing or mixed martial arts.

6 "(17) PURSE or RING EARNINGS. The financial
7 guarantee or any other remuneration, or part thereof, which a
8 professional boxer or mixed martial arts competitor
9 participating in a match, contest, or exhibition will receive
10 and includes any share of any payment received for radio
11 broadcasting, television, or motion picture rights.

12 "(18) UNARMED COMBAT.

13 "a. Any form of competition between human beings in
14 which both of the following occurs:

15 "1. One or more blows are struck which may
16 reasonably be expected to inflict injury on a human being.

17 "2. There is some compensation or commercial benefit
18 arising from such competition, whether in the form of cash or
19 non-cash payment to the competitors or the person arranging
20 the competition; the sale of the right to film, broadcast,
21 transmit, or view the competition; or the use of the
22 competition to attract persons to a particular location for
23 some commercial advantage or to promote a commercial product
24 or commercial enterprise.

1 "b. Unarmed combat includes, but is not limited to,
2 tough man fights and bad man fights.

3 "c. Unarmed combat does not include any of the
4 following:

5 "1. Professional boxing.

6 "2. Professional wrestling.

7 "3. Amateur boxing.

8 "4. Amateur wrestling.

9 "5. Any competition displaying the skills of a
10 single form of a system of unarmed self-defense, including,
11 but not limited to, kickboxing, karate, or full-contact
12 karate, which is held pursuant to the rules of that form and
13 governed or authorized by a nationally recognized
14 organization.

15 "6. Mixed martial arts.

16 "§41-9-1023.

17 "(a) There is created the Alabama Athletic
18 Commission composed of five members.

19 "(b) (1) The membership of the commission shall be
20 inclusive and reflect the racial, gender, geographic,
21 urban/rural, and economic diversity of the state. The five
22 initial members shall be as follows:

23 "a. Two members appointed by the Governor.

24 "b. One member appointed by the Alabama Athlete
25 Agents Commission.

1 "c. One member appointed by the Speaker of the House
2 of Representatives.

3 "d. One member appointed by the President of the
4 Senate.

5 "(2) Initial appointments by the Governor shall be
6 for one and three years, the initial appointment by the
7 Speaker of the House of Representatives shall be for four
8 years, and the initial appointment of the President of the
9 Senate shall be for two years. The initial appointment by the
10 commission shall be for four years. All subsequent
11 appointments shall be for terms of four years. Vacancies shall
12 be filled for the unexpired terms under the same procedures
13 and requirements as appointments for full terms. No two
14 members shall be from the same congressional district at the
15 time of appointment.

16 "(c) The commission shall elect a chair from among
17 its membership for a term of one year. The commission may
18 elect a vice chair from its membership for a term of one year.
19 Any member serving as chair shall be eligible for successive
20 election to the office by the commission. The chair may
21 designate another member of the commission to perform the
22 duties of chair in his or her absence. The commission may
23 employ an executive director to manage the day-to-day
24 operations of the commission within the available funds of the
25 commission.

1 "(d) A medical advisory panel of the commission
2 shall be appointed by the Governor and shall consist of four
3 persons licensed to practice medicine in this state,
4 representing the specialties of neurology, ophthalmology,
5 sports medicine, and general medicine. The medical advisory
6 panel shall advise and assist the commission and its staff
7 regarding issues and questions concerning the medical safety
8 of professional boxers and mixed martial arts competitors,
9 including, but not limited to, matters relating to medical
10 suspensions. The medical advisory panel may meet separately
11 from the commission to discuss and formulate recommendations
12 for the commission in connection with medical safety. Members
13 of the medical advisory panel shall not be counted in
14 determining a quorum of the commission and shall not vote as
15 commission members.

16 "(e) Each member of the commission and the medical
17 advisory panel shall be reimbursed for expenses and travel as
18 provided for public officials of this state.

19 "§41-9-1024.

20 "(a) (1) The commission shall be the sole regulator
21 of professional boxing in this state and shall have authority
22 to protect the physical safety and welfare of professional
23 boxers and serve the public interest by closely supervising
24 all professional boxing in this state.

1 "(2) The commission shall be the sole regulator of
2 professional matches, contests, or exhibitions of mixed
3 martial arts and shall have the authority to protect the
4 physical safety and welfare of professional competitors in
5 mixed martial arts and serve the public interest by closely
6 supervising all professional competitors in mixed martial
7 arts. The commission shall regulate mixed martial arts to the
8 same extent as professional boxing unless any rule of the
9 commission is not by its nature applicable to mixed martial
10 arts.

11 "(b) The commission shall have the sole jurisdiction
12 to license the promotion or holding of each professional
13 match, contest, or exhibition of boxing or mixed martial arts
14 promoted or held within this state.

15 "(c) The commission shall have the authority to
16 license participants in any professional match, contest, or
17 exhibition of boxing or mixed martial arts held in this state.

18 "(d) The commission shall have the authority to
19 direct, manage, control, and supervise all professional
20 matches, contests, or exhibitions of boxing or mixed martial
21 arts. It may adopt bylaws for its own management and
22 promulgate and enforce rules and regulations consistent with
23 this article.

24 "(e) The commission may appoint one or more
25 inspectors as duly authorized representatives of the

1 commission to ensure that the rules are strictly observed. The
2 inspectors shall be present at all professional matches,
3 contests, or exhibitions of boxing or mixed martial arts.

4 "(f) The commission may designate physicians as duly
5 authorized representatives of the commission to conduct
6 physical examinations of boxers or mixed martial arts
7 competitors licensed under this article and shall designate a
8 roster of physicians authorized to conduct prefight physicals
9 and serve as ringside physicians in all professional boxing or
10 mixed martial arts matches held in this state.

11 "(g) (1) The commission or any agent duly designated
12 by the commission may do any of the following:

13 "a. Make investigations.

14 "b. Hold hearings.

15 "c. Issue subpoenas to compel the attendance of
16 witnesses and the production of books, papers, and records.

17 "d. Administer oaths to and examine any witnesses
18 for the purpose of determining any question coming before it
19 under this article or under the rules and regulations adopted
20 pursuant to this article.

21 "(2) During an investigation of any allegation
22 which, if proven, would result in criminal or civil sanctions
23 as provided in this article, the commission may withhold all
24 or a portion of the gross receipts to which the person under

1 investigation is entitled until such time as the matter has
2 been resolved.

3 "(h) The commission may engage in activities which
4 promote amateur boxing in this state and contract with any
5 nonprofit organization which is exempted from the taxation of
6 income. To support amateur boxing in this state, the
7 commission may promote voluntary contributions through the
8 application process or through any fund-raising or other
9 promotional technique deemed appropriate by the commission.

10 "(i) Pursuant to 15 U.S.C. Section 6301, et seq.,
11 the commission may issue to each boxer who is a resident of
12 this state an identification card bearing the photograph of
13 the boxer and in such form and containing such information as
14 the commission deems necessary and appropriate. The commission
15 shall ensure that the form and manner of issuance of the
16 identification cards comply with any applicable federal law or
17 regulation. The commission may charge an amount not to exceed
18 one hundred dollars (\$100) per card for the issuance or
19 replacement of each identification card.

20 "(j) The commission may create a boxing registry or
21 designate a nationally recognized boxing registry and register
22 each boxer who is a resident of this state or who is a
23 resident of another state which has no boxing registry.

24 "(k) The commission may inquire into the financial
25 backing of any professional match, contest, or exhibition of

1 boxing or mixed martial arts and obtain answers to written or
2 oral questions propounded to all persons associated with the
3 professional event.

4 "§41-9-1028.

5 "A member or employee of the commission and any
6 person who administers or enforces this article or rules
7 promulgated in accordance with this article shall not be a
8 member of, contract with, or receive any compensation from any
9 person or organization who authorizes, arranges, or promotes
10 professional matches, contests, or exhibitions of boxing or
11 mixed martial arts or who otherwise has a financial interest
12 in any activity or licensee regulated by this commission. The
13 term compensation does not include funds held in escrow for
14 payment to another person in connection with a professional
15 match, contest, or exhibition of boxing or mixed martial arts.

16 "§41-9-1029.

17 "(a) (1) No person shall promote or hold a
18 professional match, contest, or exhibition of boxing or mixed
19 martial arts within this state without first applying for and
20 obtaining a promoter's license from the commission.

21 "(2) Licenses shall be issued annually and shall
22 expire on December 31 of each calendar year.

23 "(b) Promoters shall apply to the commission for a
24 license required by subsection (a) on a form provided by the
25 commission. The application shall be accompanied by a

1 nonrefundable fee not to exceed two hundred fifty dollars
2 (\$250). The application shall also be accompanied by a
3 performance bond in an amount and under any conditions
4 required by the commission.

5 "(c) (1) In addition to the license required by
6 subsection (a), a professional match, contest, or exhibition
7 of boxing or mixed martial arts within this state shall not be
8 staged unless a match permit has been issued by the commission
9 for the professional match, contest, or exhibition of boxing
10 or mixed martial arts.

11 "(2) Each application for a match permit shall be on
12 a form provided by the commission and shall be accompanied by
13 a nonrefundable application fee not to exceed two hundred
14 fifty dollars (\$250). The commission may charge an additional
15 match fee in accordance with rules and regulations promulgated
16 by the commission.

17 "(d) The commission may, prior to issuing any match
18 permit, require a performance bond in addition to that
19 required in subsection (b).

20 "(e) The commission may refund any portion of the
21 match permit fee in excess of two hundred fifty dollars (\$250)
22 to any person who paid the excess fee if the professional
23 match, contest, or exhibition of boxing or mixed martial arts
24 for which the fees were paid is not held.

25 "§41-9-1030.

1 "(a) Prior to participating in a professional match,
2 contest, or exhibition of boxing or mixed martial arts
3 supervised by the commission, referees, judges, timekeepers,
4 matchmakers, boxers, managers, trainers, and each person who
5 assists a boxer or mixed martial arts competitor immediately
6 before and after a match, contest, or exhibition of boxing or
7 mixed martial arts and between rounds during a match, contest,
8 or exhibition of boxing or mixed martial arts shall apply for
9 and be issued a license. Licenses shall be issued annually and
10 shall expire on December 31 of each calendar year. Each
11 applicant shall make application on a form provided by the
12 commission and pay an annual license fee not to exceed two
13 hundred fifty dollars (\$250).

14 "(b) The commission shall issue a license under this
15 section only if:

16 "(1) The commission has determined to the best of
17 its ability that the applicant has the training or skills
18 necessary to perform in a manner appropriate to the license.

19 "(2) The applicant has complied with all applicable
20 requirements of this article and any rules and regulations
21 promulgated pursuant to this article.

22 "(3) The commission or its designated representative
23 has determined from information provided by the applicant and
24 from any medical evaluation required by the commission that

1 the health, welfare, and physical safety of the applicant will
2 not be unduly jeopardized by the issuance of the license.

3 "§41-9-1032.

4 "(a) The commission may refuse to grant a license to
5 an applicant upon a finding by a majority of the entire
6 commission that the applicant has failed to demonstrate the
7 qualifications or standards for a license contained in this
8 section or under the laws, rules, and regulations under which
9 licensure is sought. The applicant shall demonstrate to the
10 satisfaction of the commission that he or she meets all the
11 requirements for the issuance of a license, and, if the
12 commission is not satisfied as to the qualifications of the
13 applicant, it may deny a license without a prior hearing;
14 however, the applicant shall be allowed to appear before the
15 commission if he or she so desires.

16 "(b) (1) The commission, by majority vote, after
17 prior notice to the holder of a license and after affording
18 such a holder an opportunity to be heard, may fine the license
19 holder, revoke or suspend the license, or take other
20 disciplinary action against the licensee upon the
21 recommendation of any officially designated representative for
22 reasons involving the medical or physical safety of any
23 professional boxer licensed by the commission, summarily
24 suspend any license previously issued by the commission or
25 take other disciplinary action against any licensee. The

1 licensee shall, after the summary suspension, be afforded an
2 opportunity to be heard, in accordance with the rules of the
3 commission and the Alabama Administrative Procedure Act. A
4 summary suspension imposed against such a licensee may
5 include, but shall not be limited to, the following:

6 "a. Prohibiting any boxer from competing, appearing
7 in, or participating in any professional match, contest, or
8 exhibition within 60 days of having suffered a knockout.

9 "b. Prohibiting any boxer from competing, appearing
10 in, or participating in any professional match, contest, or
11 exhibition within 30 days of having suffered a technical
12 knockout where evidence of head trauma has been determined by
13 the attending ringside physician.

14 "(2) The length of any summary suspension invoked
15 pursuant to this subsection, upon the recommendation of the
16 ringside physician, may be extended to any number of days. The
17 terms and conditions of the suspension or revocation may
18 require that the boxer submit to further medical evaluation as
19 determined by the ringside physician.

20 "(c) The commission, its secretary, or its duly
21 authorized representative, at any time prior to the completion
22 of a permitted professional match, contest, or exhibition of
23 boxing or mixed martial arts, may summarily suspend or revoke
24 the match permit or the license of any specific boxer or mixed
25 martial arts competitor should it be determined by such person

1 that the continuation of the professional match, contest, or
2 exhibition of boxing or mixed martial arts may jeopardize the
3 health, welfare, morals, or safety of the citizens of this
4 state or may jeopardize the health or personal safety of any
5 participant of the professional match, contest, or exhibition
6 of boxing or mixed martial arts; provided, however, that the
7 licensee shall, after a summary suspension, be afforded an
8 opportunity to be heard, in accordance with the rules of the
9 commission and the Alabama Administrative Procedure Act.

10 "(d) The commission may revoke a suspension of a
11 boxer if any of the following applies:

12 "(1) The boxer was suspended pursuant to rules and
13 regulations adopted pursuant to Section 41-9-1027 and has
14 furnished proof of a sufficiently improved medical or physical
15 condition.

16 "(2) The boxer furnishes proof that a suspension
17 pursuant to Section 41-9-1027 was not or is no longer merited
18 by the facts.

19 "§41-9-1033.

20 "No person shall arrange, promote, organize,
21 produce, or participate in a professional match, contest, or
22 exhibition of boxing or mixed martial arts unless he or she
23 has complied with the following requirements:

24 "(1) An examination by a physician who has certified
25 that the boxer or mixed martial arts competitor is physically

1 fit to compete safely. Copies of each certificate shall be
2 provided to the commission prior to the professional match,
3 contest, or exhibition of boxing or mixed martial arts. The
4 commission may require a boxer or mixed martial arts
5 competitor to undergo a physical examination, including
6 neurological or neuropsychological tests and procedures.

7 "(2) A physician approved by the commission shall be
8 continuously present at ringside during every professional
9 match, contest, or exhibition of boxing or mixed martial arts.
10 The physician shall observe the physical condition of the
11 boxers or competitors in mixed martial arts and advise the
12 referee with regard to the boxers or competitors.

13 "(3) One or more inspectors appointed by the
14 commission as duly authorized representatives of the
15 commission shall be present at each professional match,
16 contest, or exhibition of boxing or mixed martial arts to
17 ensure that the rules are strictly observed. An inspector or
18 other duly authorized representative of the commission shall
19 be present at the weigh-in and at the ring during the conduct
20 of the professional match, contest, or exhibition of boxing or
21 mixed martial arts. Inspectors and other duly authorized
22 representatives of the commission shall have free access to
23 the dressing rooms of the boxers.

24 "(4) Each boxer or competitor in mixed martial arts
25 shall be covered by health insurance which will cover injuries

1 sustained during the professional match, contest, or
2 exhibition of boxing or mixed martial arts.

3 "(5) An ambulance and medical personnel with
4 appropriate resuscitation equipment shall be continuously
5 present at the site during any professional match, contest, or
6 exhibition of boxing or mixed martial arts.

7 "§41-9-1034.

8 "It shall be unlawful for any boxer or competitor in
9 mixed martial arts to participate or attempt to participate in
10 a professional match, contest, or exhibition of boxing or
11 mixed martial arts while under the influence of alcohol or any
12 drug. A boxer shall be deemed under the influence of alcohol
13 or a drug for the purposes of this section if a physical
14 examination made during a period of time beginning not more
15 than six hours prior to the beginning of the professional
16 match, contest, or exhibition of boxing or mixed martial arts
17 and ending not more than one hour after the completion of the
18 professional match, contest, or exhibition of boxing or mixed
19 martial arts reveals that the mental or physical ability of
20 the boxer is impaired as a direct result of the use of alcohol
21 or a drug.

22 "§41-9-1035.

23 "All buildings or structures used or intended to be
24 used for holding or giving professional matches, contests, or
25 exhibitions of boxing or mixed martial arts shall be safe and

1 shall in all manner conform to the laws, ordinances, and
2 regulations pertaining to buildings in the municipality or
3 unincorporated area of the county where the building or
4 structure is situated.

5 "§41-9-1036.

6 "No person under the age of 18 years shall
7 participate as a contestant in any professional match,
8 contest, or exhibition of boxing or mixed martial arts.

9 "§41-9-1037.

10 "The commission shall have jurisdiction over any
11 professional match, contest, or exhibition of boxing or mixed
12 martial arts which occurs or is held within this state, is
13 filmed in this state, or is broadcast or transmitted from this
14 state.

15 "§41-9-1038.

16 "(a) The Attorney General may bring a civil action
17 requesting relief, including a permanent or temporary
18 injunction, restraining order, or other order, against any
19 person who he or she believes is violating Sections 41-9-1029,
20 41-9-1030, 41-9-1031, 41-9-1032, 41-9-1033, 41-9-1034,
21 41-9-1035, and 41-9-1037.

22 "(b) (1) Any manager, promoter, matchmaker, or
23 licensee who knowingly violates or coerces or causes any other
24 person to violate Sections 41-9-1030, 41-9-1031, 41-9-1032,

1 41-9-1033, 41-9-1034, 41-9-1035, 41-9-1036, and 41-9-1037
2 shall, upon conviction, be guilty of a Class C felony.

3 "(2) Any member or employee of the commission or any
4 person who administers or enforces this article or rules and
5 regulations promulgated pursuant to this article who knowingly
6 violates Sections 41-9-1033 or 41-9-1034 shall, upon
7 conviction, be guilty of a Class C felony.

8 "(3) Any professional boxer or competitor in mixed
9 martial arts who knowingly violates this article, except
10 Section 41-9-1034, shall, upon conviction, be guilty of a
11 Class B misdemeanor.

12 "(4) Any professional boxer or competitor in mixed
13 martial arts who violates Section 41-9-1034 may be punished by
14 a civil fine not to exceed twenty-five thousand dollars
15 (\$25,000) together with a percentage of the purse not to
16 exceed 15 percent for each violation.

17 "(c) A person who participates in or promotes
18 unarmed combat shall be guilty of a Class A misdemeanor.

19 "(d) The criminal penalties in this section shall
20 not be construed to repeal other criminal laws. Whenever
21 conduct prescribed by this article is also prescribed by other
22 provision of law, the provision which carries the more serious
23 penalty shall be applied.

24 "§41-9-1039.

1 "There is established a separate trust fund in the
2 State Treasury to be known as the Alabama Athletic Commission
3 Fund. All receipts collected by the commission shall be
4 deposited into this fund and used only to carry out the
5 provisions of this article. Monies shall be disbursed only by
6 warrant of the state Comptroller drawn upon the State Treasury
7 supported by itemized vouchers approved by the commission. No
8 funds shall be withdrawn or expended except as budgeted and
9 allotted according to Sections 41-4-80 to 41-4-96, inclusive,
10 and 41-19-1 to 41-19-12, inclusive, and only in amounts as
11 stipulated in the general appropriations act or other
12 appropriation acts.

13 "§41-9-1040.

14 "The Alabama Athletic Commission shall be subject to
15 the Alabama Sunset Law in Chapter 20 of Title 41, as an
16 enumerated agency, and shall have a termination date of
17 October 1, 2011, and every four years thereafter, unless
18 continued as provided in the Alabama Sunset Law."

19 Section 2. Section 21 of Act 2009-622 of the 2009
20 Regular Session (Acts 2009, p. 1872), is amended to read as
21 follows:

22 "There is hereby appropriated an amount as
23 determined necessary by the commission from the Alabama
24 Athletic Commission Fund to the Alabama Athletic Commission
25 for the fiscal years ending September 30 after the effective

1 date of this act and for the fiscal year beginning October 1,
2 thereafter."

3 Section 3. This act shall become effective
4 immediately following its passage and approval by the
5 Governor, or its otherwise becoming law.

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB327

Senate 23-FEB-10

I hereby certify that the within Act originated in and passed the Senate, as amended.

McDowell Lee
Secretary

House of Representatives
Passed: 11-MAR-10

By: Senator Marsh