

1 HB40  
2 204935-2  
3 By Representative Brown (C)  
4 RFD: Economic Development and Tourism  
5 First Read: 11-JAN-22

SYNOPSIS: Under existing law, it is a Class A misdemeanor to possess a slot machine.

This bill would exempt from the crime of possession of a gambling device, under certain limited circumstances, slot machines manufactured before 1960.

Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, prohibits a general law whose purpose or effect would be to require a new or increased expenditure of local funds from becoming effective with regard to a local governmental entity without enactment by a 2/3 vote unless: it comes within one of a number of specified exceptions; it is approved by the affected entity; or the Legislature appropriates funds, or provides a local source of revenue, to the entity for the purpose.

1                   The purpose or effect of this bill would be  
2                   to require a new or increased expenditure of local  
3                   funds within the meaning of the amendment. However,  
4                   the bill does not require approval of a local  
5                   governmental entity or enactment by a 2/3 vote to  
6                   become effective because it comes within one of the  
7                   specified exceptions contained in the amendment.

8  
9                   A BILL  
10                  TO BE ENTITLED  
11                  AN ACT

12  
13                  To amend Section 13A-12-27, Code of Alabama 1975,  
14                  relating to the crime of possession of a gambling device; to  
15                  exempt slot machines manufactured before 1960, under certain  
16                  limited circumstances; and in connection therewith would have  
17                  as 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. Section 13A-12-27 of the Code of Alabama  
24                  1975, is amended to read as follows:

25                  "§13A-12-27.

26                  "(a) A person commits the crime of possession of a  
27                  gambling device if with knowledge of the character thereof he

1 manufactures, sells, transports, places or possesses, or  
2 conducts or negotiates any transaction affecting or designed  
3 to affect ownership, custody or use of:

4 "(1) A slot machine, unless exempted pursuant to  
5 subsection (c); or

6 "(2) Any other gambling device, with the intention  
7 that it be used in the advancement of unlawful gambling  
8 activity.

9 "(b) Possession of a gambling device is a Class A  
10 misdemeanor.

11 "(c) The crime of possession of a gambling device  
12 does not apply to a slot machine manufactured before 1960,  
13 with the intention that the slot machine be used only for the  
14 personal and private use of the owner or for public display as  
15 a historical artifact in a manner that the slot machine is not  
16 accessible to the public."

17 Section 2. Although this bill would have as its  
18 purpose or effect the requirement of a new or increased  
19 expenditure of local funds, the bill is excluded from further  
20 requirements and application under Amendment 621 because the  
21 bill defines a new crime or amends the definition of an  
22 existing crime.

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