

1 SB109
2 151872-1
3 By Senator Taylor
4 RFD: Judiciary
5 First Read: 14-JAN-14
6 PFD: 01/13/2014

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8 SYNOPSIS: Under existing law, it is a Class A
9 misdemeanor to promote gambling, conspire to
10 promote gambling, or possess a gambling device.

11 This bill would provide enhanced penalties
12 for these crimes.

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

26 The purpose or effect of this bill would be
27 to require a new or increased expenditure of local

1 funds within the meaning of the amendment. However,
2 the bill does not require approval of a local
3 governmental entity or enactment by a 2/3 vote to
4 become effective because it comes within one of the
5 specified exceptions contained in the amendment.

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

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11 To amend Sections 13A-12-22, 13A-12-23, and
12 13A-12-27, Code of Alabama 1975, relating to gambling crimes,
13 to provide enhanced penalties; and in connection therewith
14 would have as its purpose or effect the requirement of a new
15 or increased expenditure of local funds within the meaning of
16 Amendment 621 of the Constitution of Alabama of 1901, now
17 appearing as Section 111.05 of the Official Recompilation of
18 the Constitution of Alabama of 1901, as amended.

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

20 Section 1. Sections 13A-12-22, 13A-12-23, and
21 13A-12-27, Code of Alabama 1975, are amended to read as
22 follows:

23 "§13A-12-22.

24 "(a) A person commits the crime of promoting
25 gambling if he knowingly advances or profits from unlawful
26 gambling activity otherwise than as a player.

1 "(b) Promoting gambling is a ~~Class A misdemeanor~~
2 Class C felony.

3 "§13A-12-23.

4 "(a) A person commits the crime of conspiracy to
5 promote gambling if he conspires to advance or profit from
6 gambling activity otherwise than as a player.

7 "(b) "Conspire" means to engage in activity
8 constituting a criminal conspiracy as defined in Section
9 13A-4-3.

10 "(c) Conspiracy to promote gambling is a ~~Class A~~
11 misdemeanor Class C felony.

12 "§13A-12-27.

13 "(a) A person commits the crime of possession of a
14 gambling device if with knowledge of the character thereof he
15 manufactures, sells, transports, places or possesses, or
16 conducts or negotiates any transaction affecting or designed
17 to affect ownership, custody or use of:

18 "(1) A slot machine; or

19 "(2) Any other gambling device, with the intention
20 that it be used in the advancement of unlawful gambling
21 activity.

22 "(b) Possession of a gambling device is a ~~Class A~~
23 misdemeanor Class C felony."

24 Section 2. Although this bill would have as its
25 purpose or effect the requirement of a new or increased
26 expenditure of local funds, the bill is excluded from further
27 requirements and application under Amendment 621, now

1 appearing as Section 111.05 of the Official ReCompilation of
2 the Constitution of Alabama of 1901, as amended, because the
3 bill defines a new crime or amends the definition of an
4 existing crime.

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