

1 SB385  
2 151872-1  
3 By Senator Taylor  
4 RFD: Constitution, Campaign Finance, Ethics, and Elections  
5 First Read: 20-FEB-14

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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.

6  
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.