- 1 SB446
- 2 151668-2
- 3 By Senator Taylor
- 4 RFD: Constitution, Campaign Finance, Ethics, and Elections
- 5 First Read: 16-APR-13

151668-2:n:04/09/2013:JET/tan LRS2013-1897R1 1 2 3 4 5 6 7 SYNOPSIS: Under existing law, it is a crime to promote 8 gambling, conspire to promote gambling, or possess 9 10 a gambling device. 11 This bill would provide enhanced penalties 12 for these crimes if the defendant profits from 13 gambling activity in an amount exceeding \$10,000. 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 17 Alabama of 1901, as amended, prohibits a general 18 law whose purpose or effect would be to require a 19 new or increased expenditure of local funds from 20 becoming effective with regard to a local 21 governmental entity without enactment by a 2/3 vote 22 unless: it comes within one of a number of 23 specified exceptions; it is approved by the 24 affected entity; or the Legislature appropriates 25 funds, or provides a local source of revenue, to 26 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 funds within the meaning of the amendment. However, 3 4 the bill does not require approval of a local governmental entity or enactment by a 2/3 vote to 5 become effective because it comes within one of the 6 7 specified exceptions contained in the amendment. 8 9 A BILL 10 TO BE ENTITLED 11 AN ACT 12 13 To amend Sections 13A-12-22, 13A-12-23, and 14 13A-12-27, Code of Alabama 1975, relating to gambling crimes, 15 to provide enhanced penalties if a defendant's profit from the gambling activity exceeds a specified amount; and in 16 17 connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds 18 within the meaning of Amendment 621 of the Constitution of 19 20 Alabama of 1901, now appearing as Section 111.05 of the 21 Official Recompilation of the Constitution of Alabama of 1901, 22 as amended. BE IT ENACTED BY THE LEGISLATURE OF ALABAMA: 23 24 Section 1. Sections 13A-12-22, 13A-12-23, and 25 13A-12-27, Code of Alabama 1975, are amended to read as follows: 26 27 "§13A-12-22.

1	"(a) A person commits the crime of promoting
2	gambling if he knowingly advances or profits from unlawful
3	gambling activity otherwise than as a player.
4	"(b) Promoting Except as provided in subsection (c),
5	promoting gambling is a Class A misdemeanor.
6	" <u>(c)</u> Promoting gambling is a Class C felony if the
7	person profits from gambling activity in an amount exceeding
8	ten thousand dollars (\$10,000).
9	"§13A-12-23.
10	"(a) A person commits the crime of conspiracy to
11	promote gambling if he conspires to advance or profit from
12	gambling activity otherwise than as a player.
13	"(b) "Conspire" means to engage in activity
14	constituting a criminal conspiracy as defined in Section
15	13A-4-3.
16	"(c) <del>Conspiracy</del> <u>Except as provided in subsection</u>
17	(d), conspiracy to promote gambling is a Class A misdemeanor.
18	" <u>(d) Conspiracy to promote gambling is a Class C</u>
19	felony if the person profits from gambling activity in an
20	amount exceeding ten thousand dollars (\$10,000).
21	"§13A-12-27.
22	"(a) A person commits the crime of possession of a
23	gambling device if with knowledge of the character thereof he
24	manufactures, sells, transports, places or possesses, or
25	conducts or negotiates any transaction affecting or designed
26	to affect ownership, custody or use of:
27	"(1) A slot machine; or

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

4 "(b) Possession Except as provided in subsection
5 (c), possession of a gambling device is a Class A misdemeanor.
6 "(c) Possession of a gambling device is a Class C
7 felony if the person profits from gambling activity in an

8 amount exceeding ten thousand dollars (\$10,000)."

Section 2. Although this bill would have as its 9 10 purpose or effect the requirement of a new or increased 11 expenditure of local funds, the bill is excluded from further 12 requirements and application under Amendment 621, now 13 appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, because the 14 15 bill defines a new crime or amends the definition of an existing crime. 16

17 Section 3. This act shall become effective on the 18 first day of the third month following its passage and 19 approval by the Governor, or its otherwise becoming law.

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