

## SB227 INTRODUCED



1 SB227  
2 8XL3FF2-1  
3 By Senator Allen  
4 RFD: Judiciary  
5 First Read: 19-Mar-24



## 4 SYNOPSIS:

5 Under existing law, the Alabama Athletic  
6 Commission is responsible for regulating boxing,  
7 wrestling, and mixed martial arts pursuant to the  
8 Alabama Unarmed Combat Act.

9 This bill would authorize the Attorney General  
10 to bring an action for certain violations of the act  
11 and would provide criminal penalties for certain  
12 violations

13 Section 111.05 of the Constitution of Alabama of  
14 2022, prohibits a general law whose purpose or effect  
15 would be to require a new or increased expenditure of  
16 local funds from becoming effective with regard to a  
17 local governmental entity without enactment by a 2/3  
18 vote unless: it comes within one of a number of  
19 specified exceptions; it is approved by the affected  
20 entity; or the Legislature appropriates funds, or  
21 provides a local source of revenue, to the entity for  
22 the purpose.

23 The purpose or effect of this bill would be to  
24 require a new or increased expenditure of local funds  
25 within the meaning of the section. However, the bill  
26 does not require approval of a local governmental  
27 entity or enactment by a 2/3 vote to become effective  
28 because it comes within one of the specified exceptions



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contained in the section.

A BILL  
TO BE ENTITLED  
AN ACT

Relating to the Alabama Athletic Commission; to amend Section 41-9-1038, Code of Alabama 1975, to authorize the Attorney General to bring a civil action for certain violations of the Alabama Unarmed Combat Act; to provide civil fines and criminal penalties for violations; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Section 111.05 of the Constitution of Alabama of 2022.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 41-9-1038 of the Code of Alabama 1975, is amended to read as follows:

"§41-9-1038

(a) (1) Any person may file a written and signed complaint with the commission alleging that any other person has violated any provision of Sections 41-9-1029 ~~to~~ through 41-9-1037, ~~inclusive~~. A complaint shall be made in the manner prescribed by the board and shall be referred by the commission to a standing investigative committee, consisting of a commission member, the executive director, the attorney for the commission, and an investigator or the chief inspector



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of the commission. If the investigative committee finds that no probable cause exists, the investigative committee may dismiss the charges and prepare a statement in writing, detailing the reasons for the decision.

~~(b) (1)~~ (2) a. If the investigative committee finds that probable cause exists, the commission shall initiate an administrative proceeding. If the commission determines the person has violated any provision of Sections 41-9-1029 ~~to~~ through 41-9-1037, ~~inclusive~~, the commission may do any of the following:

~~a. 1.~~ 1. Issue a cease and desist order.

~~b. 2.~~ 2. Suspend or revoke a license.

~~c. 3.~~ 3. Impose an administrative fine of not more than ten thousand dollars (\$10,000) per violation.

~~(2) b.~~ b. The commission may petition the circuit court of the county where the violation occurred to enforce a cease and desist order and to collect any assessed fine.

(b) The Attorney General may bring a civil action requesting relief, including a permanent or temporary injunction, restraining order, or other order, against any person who he or she believes is violating any provision of Sections 41-9-1029 through 41-9-1037.

(c) (1) Any manager, promoter, matchmaker, or licensee who knowingly violates or coerces or causes any other person to violate any provision of Sections 41-9-1029 through 41-9-1037 shall be guilty of a Class C felony.

(2) Any member or employee of the commission or any person who administers or enforces this article or rules



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adopted pursuant to this article who knowingly violates Section 41-9-1033 or Section 41-9-1034 shall be guilty of a Class C felony.

(d) (1) Any professional boxer, professional bare knuckle boxer, tough man contestant, professional wrestler, amateur mixed martial arts competitor, or professional competitor in mixed martial arts who knowingly violates this article, except Section 41-9-1034, upon conviction shall be guilty of a Class B misdemeanor.

(2) In addition to the criminal penalties provided in subdivision (1), any professional boxer, professional bare knuckle boxer, tough man contestant, professional wrestler, amateur mixed martial arts competitor, or professional competitor in mixed martial arts who violates Section 41-9-1034 may be punished by a civil fine not exceeding twenty-five thousand dollars (\$25,000) together with a percentage of the purse not exceeding 15 percent for each violation.

(e) A person who participates in or promotes unarmed combat without being properly authorized or licensed by the commission pursuant to this article shall be guilty of a Class A misdemeanor.

~~(e)~~ (f) The criminal penalties in this section shall not be construed to repeal other criminal laws. Whenever conduct prescribed by this article is also prescribed by other provision of law, the provision which carries the more serious penalty shall be applied.

~~(d)~~ (g) Any person aggrieved by an adverse action of the



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113 commission may appeal the action to the Circuit Court of  
114 Montgomery County in accordance with the Alabama  
115 Administrative Procedure Act."

116           Section 2. Although this bill would have as its purpose  
117 or effect the requirement of a new or increased expenditure of  
118 local funds, the bill is excluded from further requirements  
119 and application under Section 111.05 of the Constitution of  
120 Alabama of 2022, because the bill defines a new crime or  
121 amends the definition of an existing crime.

122           Section 3. This act shall become effective on October  
123 1, 2024.