

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

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8 SYNOPSIS: Under existing law, it is a crime to promote  
9 gambling, conspire to promote gambling, or possess  
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.

14 Amendment 621 of the Constitution of Alabama  
15 of 1901, now appearing as Section 111.05 of the  
16 Official Recompilation of the Constitution of  
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           "(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           "(c) 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) ~~Conspiracy~~ Except as provided in subsection  
17 (d), conspiracy to promote gambling is a Class A misdemeanor.

18          "(d) Conspiracy to promote gambling is a Class C  
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

1           "(2) Any other gambling device, with the intention  
2 that it be used in the advancement of unlawful gambling  
3 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)."

9           Section 2. Although this bill would have as its  
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  
14 the Constitution of Alabama of 1901, as amended, because the  
15 bill defines a new crime or amends the definition of an  
16 existing crime.

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.