

# HB41 INTRODUCED



1 HB41  
2 K9I35UU-1  
3 By Representative Hammett  
4 RFD: Economic Development and Tourism  
5 First Read: 04-Feb-25  
6 PFD: 11-Sep-24



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

SYNOPSIS:

Under existing law, lotteries and other forms of gambling are prohibited criminal acts.

This bill would increase the penalty associated with various gambling-related crimes and would provide a heightened penalty for a second or subsequent conviction.

This bill would further specify that electronic games of chance, including electronic bingo, video lottery terminals, and historical simulcast horse racing machines, are illegal gambling devices prohibited by law.

This bill would clarify that certain coin-operated amusement machines are not gambling devices.

This bill would further provide for the seizure of unlawful gambling machines and property used to commit a violation of the gambling laws.

This bill would provide for the revocation of certain licenses and permits issued by the Alcoholic Beverage Control Board for a violation of the gambling laws.

This bill would also make nonsubstantive, technical revisions to update the existing code language to current style.



## HB41 INTRODUCED

29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56

A BILL  
TO BE ENTITLED  
AN ACT

Relating to gambling; to amend Sections 13A-12-20, 13A-12-21, 13A-12-22, 13A-12-23, 13A-12-24, 13A-12-25, 13A-12-26, 13A-12-27, 13A-12-28, 13A-12-30, and 13A-12-31, Code of Alabama 1975, and to add Section 13A-12-32 to the Code of Alabama 19875, to update and further provide for certain criminal offenses related to gambling; to provide increased penalties for violations; to exempt coin-operated amusement machines from the gambling laws; to further provide for the civil asset forfeiture of certain gambling equipment and proceeds upon a violation; to provide a procedure to establish criminal liability of certain owners and operators where certain criminal activity occurs; to provide for the revocation of certain licenses and permits issued by the Alcoholic Beverage Control Board for a violation; and to make nonsubstantive technical revisions to update the existing code language to current style.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 13A-12-20, 13A-12-21, 13A-12-22, 13A-12-23, 13A-12-24, 13A-12-25, 13A-12-26, 13A-12-27, 13A-12-28, 13A-12-30, and 13A-12-31, Code of Alabama 1975, are amended to read as follows:

"§13A-12-20



## HB41 INTRODUCED

57 The following definitions apply to this article:

58 ~~(1) ADVANCE GAMBLING ACTIVITY. A person "advances~~  
59 ~~gambling activity" if he engages in conduct that materially~~  
60 ~~aids any form of gambling activity. Conduct of this nature~~  
61 ~~includes but is not limited to conduct directed toward the~~  
62 ~~creation or establishment of the particular game, contest,~~  
63 ~~scheme, device or activity involved, toward the acquisition or~~  
64 ~~maintenance of premises, paraphernalia, equipment or apparatus~~  
65 ~~therefor, toward the solicitation or inducement of persons to~~  
66 ~~participate therein, toward the actual conduct of the playing~~  
67 ~~phases thereof, toward the arrangement of any of its financial~~  
68 ~~or recording phases or toward any other phase of its~~  
69 ~~operation. A person advances gambling activity if, having~~  
70 ~~substantial proprietary control or other authoritative control~~  
71 ~~over premises being used with his knowledge for purposes of~~  
72 ~~gambling activity, he permits that activity to occur or~~  
73 ~~continue or makes no effort to prevent its occurrence or~~  
74 ~~continuation.~~

75 ~~(2) BOOKMAKING. Advancing gambling activity by~~  
76 ~~unlawfully accepting bets from members of the public as a~~  
77 ~~business, rather than in a casual or personal fashion, upon~~  
78 ~~the outcome of future contingent events.~~

79 (1) COIN-OPERATED AMUSEMENT MACHINES. The term includes  
80 a "crane game machine or device" and a "bona fide  
81 coin-operated amusement machine" as defined under and subject  
82 to the conditions of Section 13A-12-76.

83 (2) ELECTRONIC GAME OF CHANCE. Any electronic game of  
84 chance, including, but not limited to, pachinko, video lottery



## HB41 INTRODUCED

85 terminals, video poker machines, electronic bingo machines,  
86 and pari-mutuel wagering on historical horse or dog racing  
87 machines. The term does not include a coin-operated amusement  
88 machine.

89 (3) ~~CONTEST GAME~~ OF CHANCE. Any contest, game, gaming  
90 scheme, or gaming-gambling device in which the outcome depends  
91 ~~in a material degree~~ upon an element of chance,  
92 notwithstanding that skill of the contestants may also be a  
93 factor therein.

94 (4) GAMBLING ACTIVITY. ~~A person engages in gambling if~~  
95 ~~he stakes or risks~~ Staking or risking something of value upon  
96 the outcome of a ~~contest game~~ of chance or a future contingent  
97 event not under ~~his~~ the person's control or influence, upon an  
98 agreement or understanding that ~~he~~ the person or someone else  
99 will receive ~~something a thing~~ of value in the event of a  
100 certain outcome. The term includes the operation of electronic  
101 games of chance and the selling of lottery tickets.

102 ~~Gambling~~ The term does not include bona fide business  
103 transactions valid under the law of contracts, including, but  
104 not limited to, contracts for the purchase or sale at a future  
105 date of securities or commodities, and agreements to  
106 compensate for loss caused by the happening of chance,  
107 including, but not limited to, contracts of indemnity or  
108 guaranty and life, health or accident insurance. The term does  
109 not include raffles used with paper tickets or traditional  
110 paper bingo when conducted in a noncommercial manner.

111 (5) GAMBLING DEVICE. Any device, machine,  
112 paraphernalia, or equipment that is normally used or usable in



## HB41 INTRODUCED

113 the playing phases of any gambling activity, including any  
114 electronic device, machine, paraphernalia, or equipment used  
115 in electronically playing any phase of an electronic game of  
116 chance, whether that activity consists of gambling between  
117 persons or gambling by a person involving the playing of a  
118 machine. ~~However,~~ The term does not include lottery tickets,  
119 paper raffle tickets, coin-operated amusement machines, policy  
120 ~~slips and other items used in the playing phases of lottery~~  
121 ~~and policy schemes are not gambling devices within this~~  
122 ~~definition~~ or traditional paper bingo.

123 (6) INSTANT WIN TICKET. A lottery game in which a  
124 player scratches or otherwise removes anything overlaying  
125 words or symbols to determine if the player has won, as  
126 indicated by the symbols and words that are displayed.

127 ~~(6)~~ (7) LOTTERY or POLICY LOTTERY GAME. A game of chance  
128 that generally involves the selling of numbered or other  
129 identifiable lottery tickets or instant win tickets and the  
130 drawing or otherwise revealing of winning numbers at random  
131 for the award of a prize. ~~An unlawful gambling scheme in which:~~

132 ~~a. The players pay or agree to pay something of value~~  
133 ~~for chances, represented and differentiated by numbers or by~~  
134 ~~combinations of numbers or by some other medium, one or more~~  
135 ~~of which chances are to be designated by the winning ones; and~~

136 ~~b. The winning chances are to be determined by a~~  
137 ~~drawing or by some other fortuitous method; and~~

138 ~~c. The holders of the winning chances are to receive~~  
139 ~~something of value.~~

140 (8) LOTTERY TICKET. Any tangible evidence of proof of



## HB41 INTRODUCED

141 participation in, or a right, privilege, or possibility of  
142 becoming a winner in, a lottery game. The term includes  
143 prepaid Internet minutes, prepaid cellphone minutes, or other  
144 items of nominal value that, when purchased, provide the  
145 holder with a chance to win a prize.

146 (9) OPERATOR. Any person in control of, or having  
147 responsibility for, the daily operation of a business  
148 establishment or other premises. The term does not include a  
149 store clerk or other employee of the establishment who is  
150 under control or supervision of another person.

151 (10) OWNER. Any of the following:

152 a. Any person who owns a business establishment or  
153 other premises.

154 b. Any mortgagor, lessor, or other person with the  
155 right to possession of a business establishment or other  
156 premises.

157 c. Any person whose name appears on a lease, alcohol  
158 retail license, or other legal document associated with a  
159 business establishment or other premises.

160 ~~(7)~~ (11) PARI-MUTUEL, MUTUEL, or THE NUMBERS GAME. A  
161 form of lottery or gambling activity in which the winning  
162 chances or plays are not determined upon the basis of a  
163 drawing or other act on the part of persons conducting or  
164 connected with the scheme, but upon the basis of the outcome  
165 of a future contingent event or events otherwise unrelated to  
166 the particular scheme.

167 ~~(8)~~ (12) PLAYER. A person who engages in any form of  
168 gambling activity solely as a contestant or bettor, without



## HB41 INTRODUCED

169 receiving or becoming entitled to receive any profit therefrom  
170 other than personal gambling winnings, and without otherwise  
171 rendering any material assistance to the establishment,  
172 conduct, or operation of the particular gambling activity.

173 ~~(9)~~ (13) PROFIT FROM GAMBLING ACTIVITY. ~~A person~~  
174 ~~"profits from gambling activity" if he accepts or~~  
175 ~~receives~~ Accepting or receiving money or other property  
176 pursuant to an agreement or understanding with any person  
177 ~~whereby he shares or is~~ to share in the proceeds of gambling  
178 activity.

179 ~~(10)~~ (14) SLOT MACHINE. A gambling device that, as a  
180 result of the insertion of a coin or other object, operates,  
181 either completely automatically or with the aid of some  
182 physical act by the player, in such a manner that, depending  
183 upon elements of chance, it may eject something of value. A  
184 device so constructed or readily adaptable or convertible to  
185 such use is no less a slot machine because it is not in  
186 working order or because some mechanical act of manipulation  
187 or repair is required to accomplish its adaptation, conversion  
188 or workability. Nor is it any less a slot machine because  
189 apart from its use or adaptability as such it may also sell or  
190 deliver something of value on a basis other than chance.

191 ~~(11)~~ (15) ~~SOMETHING~~ THING OF VALUE. Any of the  
192 following: (i) money or property, ~~or;~~ (ii) any token, object,  
193 or article exchangeable for money or property; or (iii) any  
194 form of credit or promise directly or indirectly contemplating  
195 transfer of money or property or of any interest therein, ~~or~~  
196 ~~involving extension of a service entertainment or a privilege~~





## HB41 INTRODUCED

197 ~~of playing at a game or scheme without charge.~~ The term does  
198 not include a de minimis benefit when considering its value  
199 and the frequency with which it is provided.

200 ~~(12)~~ (16) UNLAWFUL. Not specifically authorized by law."

201 "§13A-12-21

202 (a) A person commits the crime of ~~simple-unlawful~~  
203 gambling if ~~he~~ the person knowingly ~~advances~~ participates in or  
204 profits from unlawful gambling activity as a player.

205 (b) It is a defense to a prosecution under this section  
206 that ~~a person charged with being a player~~ the defendant was  
207 engaged in a social game in a private place. The burden of  
208 injecting the issue is on the defendant, but this does not  
209 shift the burden of proof.

210 (c) ~~Simple gambling~~ A violation of this section is a  
211 Class ~~C~~ A misdemeanor."

212 "§13A-12-22

213 (a) A person commits the crime of promoting gambling  
214 activity if ~~he~~ the person knowingly ~~advances or~~ profits from  
215 unlawful gambling activity otherwise than as a player or, if  
216 having substantial proprietary control or other authoritative  
217 control over premises being used to conduct unlawful gambling  
218 activity, the person permits unlawful gambling activity to  
219 occur or makes no effort to prevent its occurrence or  
220 continuation.

221 (b) (1) ~~Promoting gambling is a Class A misdemeanor~~ A  
222 violation of this section is a Class C felony.

223 (2) Notwithstanding subdivision (1), if a person has a  
224 previous conviction under this article, a violation of this



## HB41 INTRODUCED

225 section is a Class B felony."

226 "§13A-12-23

227 (a) A person commits the crime of conspiracy to promote  
228 ~~gambling~~ unlawful gambling activities if ~~he~~ the person  
229 conspires to ~~advance or~~ profit from unlawful gambling activity  
230 otherwise than as a player.

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

233 (c) ~~(1) Conspiracy to promote gambling is a Class A~~  
234 ~~misdemeanor.~~ A violation of this section is a Class C felony.

235 (2) Notwithstanding subdivision (1), if a person has a  
236 previous conviction under this article, a violation of this  
237 section is a Class B felony."

238 "§13A-12-24

239 (a) A person commits the crime of possession of  
240 gambling records in the first degree if, with knowledge of the  
241 contents thereof, ~~he~~ the person possesses any writing, paper,  
242 instrument, or article of a kind commonly used in the  
243 operation or promotion of any of the following:

244 (1) ~~Of a kind commonly used in the operation or~~  
245 ~~promotion of a~~ A bookmaking scheme or enterprise, ~~and~~  
246 constituting, reflecting, or representing more than ~~five~~ 10  
247 bets, ~~or~~ more than ~~\$500.00~~ one thousand dollars (\$1,000); or.

248 (2) ~~Of a kind commonly used in the operation, promotion~~  
249 ~~or playing of a~~ A lottery, lottery ticket, instant win ticket,  
250 or ~~mutuel~~ pari-mutuel scheme or enterprise, ~~and~~ constituting,  
251 reflecting, or representing more than ~~five~~ 50 plays or chances  
252 therein.



HB41 INTRODUCED

253 (3) An unlawful electronic game of chance.

254 (b) (1) Possession of gambling records in the first  
255 degree is a ~~Class A misdemeanor~~Class C felony.

256 (2) Notwithstanding subdivision (1), if a person has a  
257 previous conviction under this article, a violation of this  
258 section is a Class B felony.

259 (c) In addition to any punishment provided under  
260 subsection (b), a person convicted of violating this section  
261 shall be fined as follows:

262 (1) One thousand dollars (\$1,000) for possession of  
263 less than 100 lottery tickets or instant win tickets.

264 (2) Two thousand five hundred dollars (\$2,500) for  
265 possession of 100 or more lottery tickets or instant win  
266 tickets."

267 "§13A-12-25

268 (a) A person commits the crime of possession of  
269 gambling records in the second degree if, with knowledge of  
270 the contents thereof, ~~he~~ the person possesses any writing,  
271 paper, instrument, or article of a kind commonly used in the  
272 operation or promotion of either of the following:

273 ~~(1) Of a kind commonly and peculiarly used in the~~  
274 ~~operation or promotion of a~~A bookmaking scheme or enterprise;  
275 ~~or.~~.

276 ~~(2) Of a kind commonly and peculiarly used in the~~  
277 ~~operation, promotion or playing of a~~A lottery or  
278 ~~mutuel~~pari-mutuel scheme or enterprise.

279 (b) (1) Possession of gambling records in the second  
280 degree is a Class A misdemeanor.



## HB41 INTRODUCED

281 (2) Notwithstanding subdivision (1), if a person has a  
282 previous conviction under this article, a violation of this  
283 section is a Class C felony."

284 "§13A-12-26

285 A person does not commit the crime of possession of  
286 gambling records ~~in either degree~~ pursuant to Section 13A-12-24  
287 or 13A-12-25 if the writing, paper, instrument, or article  
288 possessed by the defendant is neither used nor intended to be  
289 used in the operation or promotion of a bookmaking scheme or  
290 enterprise, ~~or~~ or in the operation, promotion, or playing of a  
291 lottery or ~~mutuel~~ pari-mutuel scheme or enterprise. The burden  
292 of injecting the issue is on the defendant, but this does not  
293 shift the burden of proof."

294 "§13A-12-27

295 (a) A person commits the crime of possession of a  
296 gambling device if, with knowledge of the character thereof, or  
297 ~~he or she~~ the person manufactures, sells, transports, places, or  
298 or possesses, or conducts or negotiates any transaction  
299 affecting or designed to affect the ownership, custody, or use  
300 of, either of the following:

301 (1) A slot machine, unless exempted pursuant to  
302 subsection (c) ~~;~~ or.

303 (2) Any other gambling device, with the intention that  
304 it be used ~~in the advancement of~~ for unlawful gambling  
305 activity.

306 (b) (1) Possession of a gambling device is a Class ~~A~~  
307 ~~misdemeanor~~ C felony. In addition, the person shall be punished  
308 with a fine of one thousand dollars (\$1,000) for each slot



## HB41 INTRODUCED

309 machine or other unlawful gambling device in the person's  
310 possession or custody.

311 (2) Notwithstanding subdivision (1), if a person has a  
312 previous conviction under this article, a violation of this  
313 section is a Class B felony.

314 (c) The crime of possession of a gambling device does  
315 not apply to a slot machine manufactured before 1960, with the  
316 intention that the slot machine be used only for the personal  
317 and private use of the owner or for public display as a  
318 historical artifact in a manner that the slot machine is not  
319 accessible to the public."

320 "§13A-12-28

321 (a) Proof of possession of any gambling device, ~~as~~  
322 ~~defined by subdivision (5) of Section 13A-12-20~~ or any  
323 gambling record specified in Sections 13A-12-24 and 13A-12-25  
324 is prima facie evidence of possession thereof with knowledge  
325 of its character or contents.

326 (b) In any prosecution under this article in which it  
327 is necessary to prove the occurrence of a sporting event,  
328 either of the following shall be admissible in evidence and  
329 shall constitute prima facie proof of the occurrence of the  
330 event:

331 (1) ~~a~~A published report of its occurrence in any daily  
332 newspaper, magazine, or other periodically printed publication  
333 of general circulation, ~~or~~.

334 (2) ~~evidence~~Evidence that a description of some aspect  
335 of the event was written, printed, or otherwise noted at the  
336 place in which a violation of this chapter is alleged to have



## HB41 INTRODUCED

337 been committed, ~~shall be admissible in evidence and shall~~  
338 ~~constitute prima facie proof of the occurrence of the event.~~"

339 "§13A-12-30

340 (a) Any gambling device or gambling record possessed or  
341 used in violation of this article ~~is~~ shall be forfeited to the  
342 state as illegal contraband, and shall by court order be  
343 destroyed or otherwise disposed of as the court directs,  
344 without the necessity of any secondary civil forfeiture  
345 action. On conviction of the underlying violation of this  
346 article, the defendant shall be required to pay all costs  
347 associated with the seizure, storage, and disposition of the  
348 contraband.

349 (b) Any vehicle possessed or used in violation of this  
350 article ~~may be forfeited to the state and disposed of by court~~  
351 ~~order as authorized by law~~ shall be subject to forfeiture  
352 pursuant to the procedures set forth in Section 20-2-93.

353 (c) Money used as bets or stakes in gambling activity  
354 in violation of this article ~~is forfeited to the state and by~~  
355 ~~court order shall be transmitted to the General Fund of the~~  
356 ~~state~~ shall be subject to forfeiture pursuant to the procedures  
357 set forth in Section 20-2-93.

358 (d) All property that is seized and not required to be  
359 destroyed may be sold. The proceeds from the sale shall be  
360 used first for payment of all proper expenses of the  
361 proceedings for forfeiture and sale, storage expenses,  
362 advertising costs, and court costs. All remaining proceeds and  
363 any money forfeited shall be awarded and distributed by the  
364 court to the seizing agencies or prosecuting authorities that



## HB41 INTRODUCED

365 participated in the investigation, seizure, and litigation."

366 "§13A-12-31

367 (a) The provisions of this article shall not apply to

368 pari--mutuel betting at in-person, live horse or dog race

369 meetings authorized by statute law. ~~All presently effective~~

370 ~~state statutes and laws and locally adopted ordinances and~~

371 ~~laws pursuant thereto legalizing, authorizing or allowing~~

372 ~~greyhound races and betting or wagering thereon are hereby~~

373 ~~expressly and specifically preserved, saved and excepted from~~

374 ~~any repealer provisions contained anywhere in the Criminal~~

375 ~~Code.~~

376 (b) Nothing in this article shall apply to a

377 coin-operated amusement machine to which both of the following

378 apply:

379 a. The machine designed and manufactured only for bona

380 fide amusement purposes and involves at least some skill in

381 its operation.

382 b. For a single play, the winning player is rewarded

383 exclusively with either of the following:

384 1. Merchandise contained within the machine itself

385 which is limited to noncash prizes, toys, or novelties.

386 2. Tokens or tickets which may be redeemed for

387 merchandise limited to noncash prizes, toys, or novelties."

388 Section 2. Section 13A-12-32 is added to Division 1 of

389 Article 2 of Chapter 12 of Title 13A, Code of Alabama 1975, to

390 read as follows:

391 §13A-12-32

392 The owner or operator of a business establishment or



## HB41 INTRODUCED

393 other premises may be held criminally liable for a violation  
394 of this division if a violation of this division occurs on the  
395 premises of the business establishment or other premises of  
396 the owner or operator thereof and either of the following  
397 apply:

398 (1) The owner or operator had actual knowledge of the  
399 violation and allowed or consented to the violation.

400 (2) The owner or operator was deemed to have  
401 constructive knowledge of the violation and failed to  
402 reasonably cause the violation to cease within the amount of  
403 time provided by written notice of the violation. The owner or  
404 operator of a business establishment or other premises shall  
405 be deemed to have constructive knowledge of a violation upon  
406 any law enforcement agency or prosecutorial entity providing  
407 written notice of the violation and a reasonable opportunity  
408 to cure the violation. The notice may be provided in person or  
409 by certified mail.

410 Section 3. If a violation of Division 1 of Article 2 of  
411 Chapter 12 of Title 13A, Code of Alabama 1975, is committed by  
412 a licensee or permittee of the Alcoholic Beverage Control Board  
413 or on the business premises of any establishment or premises  
414 licensed or permitted by the board, the court shall forward a  
415 copy of the conviction to the board, and the board shall  
416 revoke the license or permit. The board may not issue a  
417 license or permit for the establishment or premises or to the  
418 holder of license or permit for a period of one year from the  
419 date the license or permit was revoked.

420 Section 4. This act shall become effective on October





**HB41 INTRODUCED**

421 1, 2025.