

1 HB561
2 127698-1
3 By Representative Wallace
4 RFD: Economic Development and Tourism
5 First Read: 27-APR-11

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8 SYNOPSIS: Existing law provides that the crime of
9 possession of a gambling device is a Class A
10 misdemeanor.

11 This bill would provide that possession of a
12 gambling device would be a Class C felony.

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.

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

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11 To amend Section 13A-12-27 of the Code of Alabama
12 1975, relating to possession of a gambling device; to provide
13 that possession of a gambling device would be a Class C
14 felony; and in connection therewith would have as its purpose
15 or effect the requirement of a new or increased expenditure of
16 local funds within the meaning of Amendment 621 of the
17 Constitution of Alabama of 1901, now appearing as Section
18 111.05 of the Official Recompilation of the Constitution of
19 Alabama of 1901, as amended.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. Section 13A-12-27 of the Code of Alabama
22 1975, is amended to read as follows:

23 "§13A-12-27.

24 "(a) A person commits the crime of possession of a
25 gambling device if with knowledge of the character thereof he
26 manufactures, sells, transports, places or possesses, or

1 conducts or negotiates any transaction affecting or designed
2 to affect ownership, custody or use of:

3 "(1) A slot machine; or

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

7 "(b) Possession of a gambling device is a ~~Class A~~
8 ~~misdemeanor~~ Class C felony."

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.