

1 HB602
2 160406-1
3 By Representative Farley
4 RFD: Judiciary
5 First Read: 13-MAR-14

2
3
4
5
6
7
8 SYNOPSIS: Under existing law, it is a Class A
9 misdemeanor to possess a gambling device.

10 This bill would provide an enhanced penalty
11 for the possession of a gambling device if the
12 defendant profits therefrom in an amount exceeding
13 \$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 The purpose or effect of this bill would be
2 to require a new or increased expenditure of local
3 funds within the meaning of the amendment. However,
4 the bill does not require approval of a local
5 governmental entity or enactment by a 2/3 vote to
6 become effective because it comes within one of the
7 specified exceptions contained in the amendment.

8
9 A BILL
10 TO BE ENTITLED
11 AN ACT

12
13 To amend Section 13A-12-27, Code of Alabama 1975, to
14 provide an enhanced penalty for the possession of a gambling
15 device if a defendant's profit therefrom exceeds a specified
16 amount; and in connection therewith would have as its purpose
17 or effect the requirement of a new or increased expenditure of
18 local funds within the meaning of Amendment 621 of the
19 Constitution of Alabama of 1901, now appearing as Section
20 111.05 of the Official Recompilation of the Constitution of
21 Alabama of 1901, as amended.

22 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

25 "§13A-12-27.

26 "(a) A person commits the crime of possession of a
27 gambling device if with knowledge of the character thereof he

1 manufactures, sells, transports, places or possesses, or
2 conducts or negotiates any transaction affecting or designed
3 to affect ownership, custody or use of:

4 "(1) A slot machine; or

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

8 "~~(b) Possession~~ Except as provided in subsection
9 (c), possession of a gambling device is a Class A misdemeanor.

10 "(c) Possession of a gambling device is a Class C
11 felony if the person profits therefrom in an amount exceeding
12 ten thousand dollars (\$10,000)."

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

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