

**SB227 INTRODUCED**



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



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SYNOPSIS:

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

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

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

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



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29 contained in the section.

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A BILL

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TO BE ENTITLED

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AN ACT

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36 Relating to the Alabama Athletic Commission; to amend  
37 Section 41-9-1038, Code of Alabama 1975, to authorize the  
38 Attorney General to bring a civil action for certain  
39 violations of the Alabama Unarmed Combat Act; to provide civil  
40 fines and criminal penalties for violations; and in connection  
41 therewith would have as its purpose or effect the requirement  
42 of a new or increased expenditure of local funds within the  
43 meaning of Section 111.05 of the Constitution of Alabama of  
44 2022.

45 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

46 Section 1. Section 41-9-1038 of the Code of Alabama  
47 1975, is amended to read as follows:

48 "§41-9-1038

49 (a) (1) Any person may file a written and signed  
50 complaint with the commission alleging that any other person  
51 has violated any provision of Sections 41-9-1029 ~~to~~ through  
52 41-9-1037, ~~inclusive~~. A complaint shall be made in the manner  
53 prescribed by the board and shall be referred by the  
54 commission to a standing investigative committee, consisting  
55 of a commission member, the executive director, the attorney  
56 for the commission, and an investigator or the chief inspector



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

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

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

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

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

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

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

79 (c) (1) Any manager, promoter, matchmaker, or licensee  
80 who knowingly violates or coerces or causes any other person  
81 to violate any provision of Sections 41-9-1029 through  
82 41-9-1037 shall be guilty of a Class C felony.

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



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

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

94 (2) In addition to the criminal penalties provided in  
95 subdivision (1), any professional boxer, professional bare  
96 knuckle boxer, tough man contestant, professional wrestler,  
97 amateur mixed martial arts competitor, or professional  
98 competitor in mixed martial arts who violates Section  
99 41-9-1034 may be punished by a civil fine not exceeding  
100 twenty-five thousand dollars (\$25,000) together with a  
101 percentage of the purse not exceeding 15 percent for each  
102 violation.

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

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

112 ~~(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.