

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



SB227 INTRODUCED

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



SB227 INTRODUCED

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



SB227 INTRODUCED

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



SB227 INTRODUCED

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.