

1 SB311
2 211433-1
3 By Senator Marsh
4 RFD: Tourism
5 First Read: 09-MAR-21

8 SYNOPSIS: This bill would implement the constitutional
9 amendment proposed in SB214 of the 2021 Regular
10 Session, to update existing criminal provisions in
11 Title 13A of the Code of Alabama 1975, to further
12 provide for criminal penalties related to the
13 unlawful activity associated with casino-style
14 games and sports wagering authorized in the
15 proposed constitutional amendment, and to repeal
16 certain outdated gaming provisions.

17 This bill would also prohibit certain
18 campaign contributions and other activity by
19 operators of gaming facilities, including certain
20 associated individuals, to certain candidates for
21 public office under certain conditions.

22 Amendment 621 of the Constitution of Alabama
23 of 1901, as amended by Amendment 890, now appearing
24 as Section 111.05 of the Official ReCompilation of
25 the Constitution of Alabama of 1901, prohibits a
26 general law whose purpose or effect would be to
27 require a new or increased expenditure of local

1 funds from becoming effective with regard to a
2 local governmental entity without enactment by a
3 2/3 vote unless: it comes within one of a number of
4 specified exceptions; it is approved by the
5 affected entity; or the Legislature appropriates
6 funds, or provides a local source of revenue, to
7 the entity for the purpose.

8 The purpose or effect of this bill would be
9 to require a new or increased expenditure of local
10 funds within the meaning of the amendment. However,
11 the bill does not require approval of a local
12 governmental entity or enactment by a 2/3 vote to
13 become effective because it comes within one of the
14 specified exceptions contained in the amendment.

15
16 A BILL
17 TO BE ENTITLED
18 AN ACT

19
20 Relating to the lottery and gaming; to prohibit
21 certain campaign contributions by operator of gaming
22 facilities under certain conditions; to amend Sections
23 13A-12-20, 13A-12-21, 13A-12-22, 13A-12-23, 13A-12-24,
24 13A-12-25, 13A-12-26, 13A-12-27, 13A-12-28, and 13A-12-30,
25 Code of Alabama 1975, to update certain criminal penalties for
26 unlawful gaming activity associated with casino-style games
27 and sports wagering; to add Sections 13A-12-32 through

1 13A-12-39, inclusive, to the Code of Alabama 1975, to
2 prescribe certain activity relating to gaming as unlawful and
3 to provide for criminal penalties for violations; to amend
4 Section 13A-11-9, as last amended by Act 2019-465, 2019
5 Regular Session, Code of Alabama 1975, to further provide for
6 loitering relating to unlawful gaming activity; to repeal
7 Section 11-47-111, Code of Alabama 1975, relating to
8 prohibition of gambling houses; to repeal Section 13A-12-29,
9 Code of Alabama 1975, relating to lotteries drawn outside the
10 state; to repeal Divisions 2, 3, and 4 of Article 2 of Chapter
11 12 of Title 13A, commencing with Sections 13A-12-50,
12 13A-12-70, and 13A-12-90, respectively, Code of Alabama 1975,
13 relating to suppression of gambling places, transportation of
14 lottery paraphernalia, and the federal waging occupational tax
15 stamp; and in connection therewith would have as its purpose
16 or effect the requirement of a new or increased expenditure of
17 local funds within the meaning of Amendment 621 of the
18 Constitution of Alabama of 1901, as amended by Amendment 890,
19 now appearing as Section 111.05 of the Official Recompilation
20 of the Constitution of Alabama of 1901.

21 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

22 Section 1. (a) The purpose of this section is to
23 prevent quid pro quo corruption and any appearance thereof.
24 The state is uniquely concerned about corruption given its
25 history with gaming-related corruption. The state also
26 recognizes the history of gaming-related corruption that has
27 occurred outside of Alabama. Concerns with gaming-related

1 corruption has long been a motivating factor for maintaining
2 strict prohibitions on gaming in this state. Avoiding
3 corruption and the appearance of corruption is thus a
4 necessary condition of authorizing any type of legal gaming in
5 this state.

6 (b) The following are prohibited or otherwise
7 restricted to the greatest extent permissible under federal
8 law, from making contributions or expenditures to a principal
9 campaign committee of state or local office in this state or a
10 political action committee that contributes to any candidate
11 for state or local office in this state:

12 (1) A covered operator as defined in the
13 constitutional amendment proposed in SB214 of the 2021 Regular
14 Session.

15 (2) A management service provider.

16 (3) A person that holds a license issued by the
17 Alabama Gaming Commission or a person that holds any interest
18 greater than 1 percent in an entity that holds a license
19 issued by the Alabama Gaming Commission.

20 (4) A person that executes a compact with the
21 state authorized by the Alabama Constitution of 1901, or a
22 person that holds any interest greater than 1 percent in an
23 entity that executes a compact with the state authorized by
24 this act.

25 (5) A person that holds any interest greater
26 than 1 percent in the buildings, facilities, or rooms
27 connected to a covered location or another gaming facility

1 operating pursuant to a compact authorized by the Alabama
2 Constitution.

3 (6) An officer or managerial employee of any
4 person identified in this subsection.

5 (7) A person that holds any interest greater
6 than 1 percent in any entity identified in this subsection.

7 (8) A separate segregated fund of any person
8 identified in this subsection.

9 (c) Any person identified in subsection (b) is also
10 prohibited from making contributions to a principal campaign
11 committee or a political action committee that contributes to
12 any candidate for state or local office in this state through
13 a legal entity established, directed or controlled by that
14 person.

15 (d) Public officials and candidates are prohibited
16 from soliciting or receiving a contribution from any person
17 identified in subsection (b). A principal campaign committee
18 or a political action committee that contributes to any
19 candidate for state or local office in this state shall not
20 receive a contribution from any person identified in
21 subsection (b).

22 (e) Nothing in this section shall be construed to
23 prohibit or limit a person from making independent
24 expenditures, contributing to a committee that makes only
25 independent expenditures, or making contributions or
26 expenditures in connection with federal or Alabama elections.

1 (f) No person identified in subsection (b) shall
2 provide a monetary or in-kind donation to an inaugural
3 committee or legislative caucus organization in this state;
4 and no candidate, public employee, or public official shall
5 solicit a monetary or in-kind donation from a person
6 identified in subsection (b) to an inaugural committee or
7 legislative caucus organization in this state.

8 (g) No person identified in subsection (b) shall
9 offer or provide a thing of value to a candidate, public
10 employee, public official, or a family member of a candidate,
11 public official, or public employee; and no candidate, public
12 employee, public official, or a family member of a candidate,
13 public official, or public employee shall solicit or receive a
14 thing of value from a person identified in subsection (b).

15 (h) Any person who knowingly or intentionally
16 violates this section shall be guilty, upon conviction, of a
17 Class A misdemeanor.

18 (i) Each anticorruption provision contained in this
19 section is a necessary condition of the gaming and compact
20 authorizations contained in the Alabama Constitution of 1901.
21 Should any anticorruption prohibitions authorized by this
22 section be held unconstitutional or unenforceable, the
23 Legislature, by general law, shall enact a new prohibition or
24 restriction that is as strict as may be enacted consistent
25 with federal law.

1 (j) (1) For the purposes of this section, a "person"
2 means a natural person or a legal entity, including but not
3 limited to a federally recognized Indian tribe.

4 (2) For the purposes of this section, a "family
5 member of a candidate" is the spouse or dependent of the
6 candidate.

7 (3) Except for terms expressly defined in this
8 section, the terms in this section shall be defined and
9 interpreted in pari materia with similar terms in Section
10 17-5-2, and Section 36-25-1, Code of Alabama 1975.

11 Section 2. Sections 13A-12-20, 13A-12-21, 13A-12-22,
12 13A-12-23, 13A-12-24, 13A-12-25, 13A-12-26, 13A-12-27,
13 13A-12-28, and 13A-12-30, Code of Alabama 1975, are amended to
14 read as follows:

15 "§13A-12-20.

16 "The following definitions apply to this article:

17 "(1) ADVANCE ~~GAMBLING~~ UNLAWFUL GAMING ACTIVITY. A
18 person "advances ~~gambling~~ unlawful gaming activity" if he or
19 she engages in conduct that materially aids any form of
20 ~~gambling~~ unlawful gaming activity. Conduct of this nature
21 includes, but is not limited to, conduct directed toward the
22 creation or establishment of the particular game, contest,
23 scheme, device, or activity involved, toward the acquisition
24 or maintenance of premises, paraphernalia, equipment, or
25 apparatus therefor, toward the solicitation or inducement of
26 persons to participate therein, toward the actual conduct of
27 the playing phases thereof, toward the arrangement of any of

1 its financial or recording phases, or toward any other phase
2 of its operation. A person advances ~~gambling~~ unlawful gaming
3 activity if, having substantial proprietary control or other
4 authoritative control over premises being used with his or her
5 knowledge for purposes of ~~gambling~~ unlawful gaming activity,
6 he or she permits that activity to occur or continue or makes
7 no effort to prevent its occurrence or continuation.

8 ~~"(2) BOOKMAKING. Advancing gambling activity by~~
9 ~~unlawfully accepting bets from members of the public as a~~
10 ~~business, rather than in a casual or personal fashion, upon~~
11 ~~the outcome of future contingent events.~~

12 ~~"(3) CONTEST OF CHANCE. Any contest, game, gaming~~
13 ~~scheme or gaming device in which the outcome depends in a~~
14 ~~material degree upon an element of chance, notwithstanding~~
15 ~~that skill of the contestants may also be a factor therein.~~

16 "(2) CASINO-STYLE GAME. Any casino game, activity,
17 or device approved by the commission that is accessed for play
18 by physical presence at the location site of the game,
19 activity, or device, including, but not limited to: Slot
20 machines; a video lottery; video lottery terminals; electronic
21 representations of pari-mutuel wagering games, including, but
22 not limited to, historical horse racing machines, historical
23 sporting event machines, machines of any kind that are based
24 on historic events, and other technological aids and
25 electronic facsimiles of these games; banking or banked card
26 games, including, but not limited to, poker, baccarat, chemin
27 de fer, and blackjack; all dice games; roulette; all table

1 games and electronic representations of such games; all
2 electronic sweepstakes games, terminals, or devices; and any
3 electronic gaming device used to play these games. This term
4 includes electronic bingo. The term does not include the
5 Alabama Education Lottery, or pari-mutuel wagering on
6 simulcast and live racing events.

7 "(3) COMMISSION. The Alabama Gaming Commission.

8 "(4) ELECTRONIC BINGO. Any game approved by the
9 commission and referred to as bingo if played with an
10 electronic, computer, or other technologic aid.

11 ~~"(4) GAMBLING. A person engages in gambling if he~~
12 ~~stakes or risks something of value upon the outcome of a~~
13 ~~contest of chance or a future contingent event not under his~~
14 ~~control or influence, upon an agreement or understanding that~~
15 ~~he or someone else will receive something of value in the~~
16 ~~event of a certain outcome. Gambling does not include bona~~
17 ~~fide business transactions valid under the law of contracts,~~
18 ~~including but not limited to contracts for the purchase or~~
19 ~~sale at a future date of securities or commodities, and~~
20 ~~agreements to compensate for loss caused by the happening of~~
21 ~~chance, including but not limited to contracts of indemnity or~~
22 ~~guaranty and life, health or accident insurance.~~

23 "(5) GAME or GAMING. Engaging in casino-style games
24 or sports wagering at a location operating with a license
25 issued by the commission; engaging in casino-style games or
26 sports wagering authorized under existing law or rules adopted
27 by the commission; or otherwise staking or risking something

1 of value upon the outcome of a contest of chance or future
2 contingent event not under his or her control or influence and
3 authorized under existing law and approved by the commission,
4 upon an agreement or understanding that he or she or someone
5 else will receive something of value in the event of a certain
6 outcome. The term does not include participation in charitable
7 bingo or raffles.

8 ~~"(5) GAMBLING~~ (6) GAMING DEVICE. Any device,
9 machine, paraphernalia, or equipment that is normally used or
10 usable in the playing phases of any ~~gambling activity, whether~~
11 ~~that activity consists of gambling between persons or gambling~~
12 ~~by a person involving the playing of a machine. However,~~
13 gaming authorized by law and approved by the commission. The
14 term does not include lottery tickets, ~~policy slips and other~~
15 items used in the playing phases of lottery ~~and policy schemes~~
16 ~~are not gambling devices within this definition, or antique~~
17 slot machines authorized under existing law.

18 "(7) GAMING FACILITY. Any facility licensed by the
19 commission to conduct casino-style games and sports wagering.

20 ~~"(6) LOTTERY or POLICY.~~ An unlawful gambling scheme
21 in which:

22 ~~"a. The players pay or agree to pay something of~~
23 ~~value for chances, represented and differentiated by numbers~~
24 ~~or by combinations of numbers or by some other medium, one or~~
25 ~~more of which chances are to be designated by the winning~~
26 ~~ones; and~~

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

3 ~~"c. The holders of the winning chances are to~~
4 ~~receive something of value.~~

5 "(8) LOTTERY. The public gaming system authorized
6 under existing law and operated by the Alabama Education
7 Lottery Corporation.

8 "(9) LOTTERY TICKET or TICKET. Tickets or other
9 tangible evidence of participation used in lottery games or
10 gaming systems.

11 ~~"(7) (10) PARI-MUTUEL, MUTUEL or THE NUMBERS GAME. A~~
12 ~~form of lottery. Wagering in which the winning chances or~~
13 ~~plays are not determined upon the basis of a drawing or other~~
14 ~~act on the part of persons conducting or connected with the~~
15 ~~scheme, but upon the basis of the outcome of a future~~
16 ~~contingent event or events otherwise unrelated to the~~
17 ~~particular scheme.~~

18 ~~"(8) (11) PLAYER. A person who engages in any form~~
19 ~~of ~~gambling~~ gaming solely as a contestant or bettor, without~~
20 ~~receiving or becoming entitled to receive any profit therefrom~~
21 ~~other than personal ~~gambling~~ gaming winnings, and without~~
22 ~~otherwise rendering any material assistance to the~~
23 ~~establishment, conduct, or operation of the particular~~
24 ~~gambling gaming activity.~~

25 ~~"(9) (12) PROFIT FROM GAMBLING UNLAWFUL GAMING~~
26 ~~ACTIVITY. A person "profits from ~~gambling~~ unlawful gaming~~
27 ~~activity" if he or she accepts or receives money or other~~

1 property pursuant to an agreement or understanding with any
2 person whereby he or she shares or is to share in the proceeds
3 of ~~gambling~~ unlawful gaming activity.

4 ~~(10)~~ (13) SLOT MACHINE. A ~~gambling~~ gaming device
5 that, as a result of the insertion of a coin or other object,
6 operates, either completely automatically or with the aid of
7 some physical act by the player, in ~~such~~ a manner that,
8 depending upon elements of chance, it may eject something of
9 value. A device ~~so~~ constructed or readily adaptable or
10 convertible to such use is no less a slot machine because it
11 is not in working order or because some mechanical act of
12 manipulation or repair is required to accomplish its
13 adaptation, conversion, or workability. Nor is it any less a
14 slot machine because apart from its use or adaptability as
15 such it may also sell or deliver something of value on a basis
16 other than chance.

17 ~~(11)~~ (14) SOMETHING OF VALUE. Any money or property,
18 any token, object, or article exchangeable for money or
19 property, or any form of credit or promise directly or
20 indirectly contemplating transfer of money or property or of
21 any interest therein, or involving extension of a service
22 entertainment or a privilege of playing at a game or scheme
23 without charge.

24 (15) SPORTING EVENT. Any amateur sport or athletic
25 event, professional sport or athletic event, any collegiate
26 sport or athletic event, motor race event, electronic sports
27 event, competitive video game event, or any other event

1 authorized by the commission under the act adding this
2 amendatory language. The term does not include any amateur
3 youth sports or athletic event.

4 (16) SPORTS WAGERING. The acceptance of wagers on
5 sporting events or portions of sporting events, the individual
6 performance statistics of athletes in a sporting event, or a
7 combination of any of the same by any system or method of
8 wagering authorized in general law. The term may include
9 single-game wagers, teaser wagers, parlays, over-under,
10 moneyline, pools, exchange wagering, in-game wagering, in-play
11 wagers, proposition wagers, straight wagers, and any other
12 wager authorized by the commission. The term does not include
13 wagers on fantasy sports contests authorized under Chapter 19F
14 of Title 8.

15 ~~(12)~~ (17) UNLAWFUL GAMING. Not Gaming not
16 specifically authorized by the constitution, general law, or
17 the commission.

18 "§13A-12-21.

19 "(a) A person commits the crime of ~~simple gambling~~
20 gaming if he or she knowingly advances or profits from
21 unlawful ~~gambling~~ gaming activity as a player.

22 "(b) It is a defense to a prosecution under this
23 section that a ~~person~~ player charged ~~with being a player~~ was
24 engaged in a social game in a private place. The burden of
25 injecting the issue is on the defendant, but this does not
26 shift the burden of proof.

1 "~~Simple gambling~~ Gaming is a Class C
2 misdemeanor.

3 "§13A-12-22.

4 "(a) A person commits the crime of promoting
5 ~~gambling~~ unlawful gaming if he or she knowingly advances or
6 profits from unlawful ~~gambling~~ gaming activity otherwise than
7 as a player.

8 "(b) Promoting ~~gambling~~ unlawful gaming is a Class ~~A~~
9 ~~misdemeanor~~ D felony.

10 "§13A-12-23.

11 "(a) A person commits the crime of conspiracy to
12 promote ~~gambling~~ unlawful gaming if he or she conspires to
13 advance or profit from ~~gambling~~ unlawful gaming activity
14 otherwise than as a player.

15 "(b) ~~"Conspire"~~ For the purposes of this section,
16 "conspire" means to engage in activity constituting a criminal
17 conspiracy as defined in Section 13A-4-3.

18 "(c) Conspiracy to promote ~~gambling~~ unlawful gaming
19 is a Class ~~A misdemeanor~~ D felony.

20 "§13A-12-24.

21 "(a) A person commits the crime of unlawful
22 possession of ~~gambling~~ gaming records in the first degree if,
23 with knowledge of the contents thereof, he or she possesses
24 any writing, paper, instrument, or article commonly used in
25 either of the following:

26 "~~(1) Of a kind commonly used in the operation or~~
27 ~~promotion of a bookmaking scheme or enterprise,~~ The operation

1 or promotion of unlawful sports wagering and constituting,
2 reflecting, or representing more than five bets, wagers or
3 more than \$500.00, or five hundred dollars (\$500).

4 ~~"(2) Of a kind commonly used in the operation,~~
5 ~~promotion or playing of a lottery or mutuel scheme or~~
6 ~~enterprise, The operation, promotion, or playing of an~~
7 unlawful lottery and constituting, reflecting, or representing
8 more than five plays or chances ~~therein.~~

9 "(b) ~~Possession~~ Unlawful possession of ~~gambling~~
10 gaming records in the first degree is a Class ~~A misdemeanor~~ C
11 felony.

12 "§13A-12-25.

13 "(a) A person commits the crime of unlawful
14 possession of ~~gambling~~ gaming records in the second degree if,
15 with knowledge of the contents thereof, he or she possesses
16 any writing, paper, instrument, or article commonly used in
17 either of the following:

18 ~~"(1) Of a kind commonly and peculiarly used in the~~
19 ~~The operation or promotion of a bookmaking scheme or~~
20 ~~enterprise; or unlawful sports wagering.~~

21 ~~"(2) Of a kind commonly and peculiarly used in the~~
22 ~~The operation, promotion, or playing of a lottery or mutuel~~
23 ~~scheme or enterprise.~~

24 "(b) ~~Possession~~ Unlawful possession of ~~gambling~~
25 gaming records in the second degree is a Class ~~A misdemeanor~~ D
26 felony.

27 "§13A-12-26.

1 "A person does not commit the crime of unlawful
2 possession of ~~gambling gaming~~ records ~~in either degree~~
3 pursuant to Section 13A-12-24 or 13A-12-25, if the writing,
4 paper, instrument, or article possessed by the defendant is
5 neither used nor intended to be used in the operation or
6 promotion of ~~a bookmaking scheme or enterprise~~ unlawful sports
7 wagering, or in the operation, promotion, or playing of ~~a~~ an
8 unlawful lottery ~~or mutuel scheme or enterprise~~. The burden of
9 injecting the issue is on the defendant, but this does not
10 shift the burden of proof.

11 "§13A-12-27.

12 "(a) A person commits the crime of unlawful
13 possession of a ~~gambling gaming~~ device if, with knowledge of
14 the character ~~thereof~~ of the device, he or she manufactures,
15 sells, transports, places or possesses, or conducts or
16 negotiates any transaction affecting or designed to affect
17 ownership, custody, or use of either of the following:

18 "(1) A ~~slot machine; or~~ casino-style game not
19 authorized under law or rules of the commission.

20 "(2) ~~Any other gambling device, with the intention~~
21 ~~that it~~ A casino-style game to be used in the advancement of
22 unlawful gambling gaming activity.

23 "(b) ~~Possession~~ Unlawful possession of a ~~gambling~~
24 gaming device is a Class A ~~misdemeanor~~ D felony.

25 "§13A-12-28.

26 "(a) Proof of possession of any ~~gambling gaming~~
27 device, as defined by ~~subdivision (5) of~~ in Section 13A-12-20

1 or any ~~gambling~~ unlawful gaming record specified in Sections
2 13A-12-24 and 13A-12-25 is prima facie evidence of possession
3 ~~thereof~~ with knowledge of its character or contents.

4 "(b) In any prosecution under this article in which
5 it is necessary to prove the occurrence of a sporting event,
6 either of the following shall be admissible and shall be prima
7 facie proof of the occurrence of the event:

8 "(1) ~~a~~ A published report of its occurrence in any
9 daily newspaper, magazine, or other periodically printed
10 publication of general circulation, ~~or.~~

11 "(2) ~~evidence~~ Evidence that a description of some
12 aspect of the event was written, printed, or otherwise noted
13 at the place in which a violation of this chapter is alleged
14 to have been committed, ~~shall be admissible in evidence and~~
15 ~~shall constitute prima facie proof of the occurrence of the~~
16 ~~event.~~

17 "§13A-12-30.

18 "(a) Any ~~gambling~~ gaming device or ~~gambling~~ gaming
19 record unlawfully possessed or used in violation of this
20 article is forfeited to the state, and shall by court order be
21 destroyed or otherwise disposed of as the court directs.

22 "(b) Any vehicle possessed or used in violation of
23 this article may be forfeited to the state and disposed of by
24 court order as authorized by law.

25 "(c) Money used as ~~bets~~ wagers or stakes in ~~gambling~~
26 unlawful gaming activity in violation of this article is

1 forfeited to the state and by court order shall be transmitted
2 to the state General Fund ~~of the state~~."

3 Section 3. Sections 13A-12-32 through 13A-12-39,
4 inclusive, are added to the Code of Alabama 1975, to read as
5 follows:

6 §13A-12-32.

7 (a) It is unlawful to intentionally use or possess,
8 at a gaming facility, an electronic, electrical, or mechanical
9 device that is designed, constructed, or programmed to assist
10 the user or another person to do any of the following:

11 (1) Project the outcome of any casino-style game.

12 (2) Keep track of cards dealt or in play.

13 (3) Analyze the probability of the occurrence of an
14 event relating to any casino-style game.

15 (4) Analyze the strategy for playing or wagering to
16 be used in any casino-style game, except as permitted by the
17 commission.

18 (5) Obtain an advantage in playing any casino-style
19 game.

20 (b) A gaming facility shall post notice of this
21 prohibition and the penalties for violations in a manner
22 determined by the commission.

23 (c) A violation of this section is a Class D felony.

24 §13A-12-33.

25 (a) It is unlawful for any individual to cheat at
26 any casino-style game or sports wagering.

27 (b) A violation of this section is a Class D felony.

1 §13A-12-34.

2 (a) It is unlawful to manufacture, sell, or
3 distribute any cards, chips, die, game, or device that is
4 intended to be used to violate the laws of this state or rules
5 of the commission.

6 (b) It is unlawful for any individual to use
7 counterfeit chips in any casino-style game.

8 (c) It is unlawful for any individual, in playing a
9 casino-style game designed to be played with, received, or be
10 operated by chips or tokens approved by the commission or
11 lawful coins of the United States of America, to knowingly use
12 chips or tokens not approved by the commission or to use
13 unlawful coins of the United States of America.

14 (d) A violation of this section is a Class D felony.

15 §13A-12-35.

16 (a) It is unlawful to instruct an individual in
17 cheating or in the use of a device for that purpose, with the
18 knowledge or intent, that the information or use may be
19 employed to violate existing law or rules adopted by the
20 commission.

21 (b) A violation of this section is a Class D felony.

22 §13A-12-36.

23 (a) It is unlawful to place, increase, or decrease a
24 wager or determine the course of play after acquiring
25 knowledge, not available to all players, of the outcome of any
26 casino-style game or event that affects the outcome of the
27 game or that is the subject of the wager, or to aid an

1 individual in acquiring such knowledge for the purpose of
2 placing, increasing, or decreasing a wager or determining the
3 course of play contingent on that event or outcome.

4 (b) A violation of this section is a Class D felony.
5 §13A-12-37.

6 (a) (1) It is unlawful to claim, collect, take, or
7 attempt to claim, collect, or take money or anything of value
8 into or from a casino-style game, with the intent to defraud,
9 without having made a wager contingent thereon.

10 (2) It is unlawful to claim, collect, or take any
11 amount of money or anything of value greater than the amount
12 won.

13 (b) A violation of this section is a Class D felony.
14 §13A-12-38.

15 (a) It is unlawful for an individual, other than a
16 gaming facility employee or agent acting in furtherance of his
17 or her employment, to have in his or her possession on the
18 grounds of a gaming facility, or grounds contiguous to the
19 gaming facility, any device intended to be used to violate the
20 laws in this state or a rule of the commission.

21 (b) A violation of this section is a Class D felony.
22 §13A-12-39.

23 (a) It is unlawful for an individual, other than a
24 gaming facility employee or agent acting in furtherance of his
25 or her employment, to have in his or her possession, within a
26 gaming facility, a key or device known to have been designed
27 for the purpose of opening, entering, or affecting the

1 operation of any casino-style game, drop box, or any
2 electronic or mechanical device connected thereto, or for
3 removing money, token, chips, or any other contents.

4 (b) A violation of this section is a Class D felony.

5 Section 4. Section 13A-11-9, as last amended by Act
6 2019-465, 2019 Regular Session, Code of Alabama 1975, is
7 amended to read as follows:

8 "§13A-11-9.

9 "(a) A person commits the crime of loitering if he
10 or she does any of the following:

11 "(1) Loiters, remains, or wanders about in a public
12 place for the purpose of begging.

13 "(2) Loiters or remains in a public place for the
14 purpose of ~~gambling~~ unlawful gaming .

15 "(3) Loiters or remains in a public place for the
16 purpose of engaging or soliciting another person to engage in
17 prostitution or sodomy.

18 "(4) Being masked, loiters, remains, or congregates
19 in a public place.

20 "(5) Loiters or remains in or about a school,
21 college, or university building or grounds after having been
22 told to leave by any authorized official of the school,
23 college, or university, not having any reason or relationship
24 involving custody of or responsibility for a pupil or any
25 other specific, legitimate reason for being there, and not
26 having written permission from a school, college, or
27 university administrator.

1 "(6) Loiters or remains in any transportation
2 facility, unless specifically authorized to do so, for the
3 purpose of soliciting or engaging in any business, trade, or
4 commercial transactions involving the sale of merchandise or
5 services.

6 "(7) Loiters or remains in any place with one or
7 more persons for the purpose of unlawfully using or possessing
8 a dangerous drug.

9 "(b) A person does not commit a crime under
10 subdivision (a) (4) if he or she is going to or from or staying
11 at a masquerade party, or is participating in a public parade
12 or presentation of an educational, religious, or historical
13 character or in an event as defined in Section 13A-11-140.

14 "(c) Sodomy in subdivision (a) (3) is defined as in
15 Section 13A-6-60.

16 "(d) Dangerous drug in subdivision (a) (7) means any
17 narcotic, drug, or controlled substance as defined in Chapter
18 2 of Title 20 and any schedule incorporated therein.

19 "(e) Loitering is a violation."

20 Section 5. The following sections of the Code of
21 Alabama 1975 are repealed:

22 (1) Section 11-47-111, Code of Alabama 1975,
23 relating to prohibition of gambling houses.

24 (2) Section 13A-12-29, Code of Alabama 1975,
25 relating to lotteries drawn outside the state.

1 (3) Divisions 2, 3, and 4 of Article 2 of Chapter 12
2 of Title 13A, Code of Alabama 1975, relating to prohibition
3 relating to gambling.

4 Section 6. Although this bill would have as its
5 purpose or effect the requirement of a new or increased
6 expenditure of local funds, the bill is excluded from further
7 requirements and application under Amendment 621, as amended
8 by Amendment 890, now appearing as Section 111.05 of the
9 Official Recompilation of the Constitution of Alabama of 1901,
10 as amended, because the bill defines a new crime or amends the
11 definition of an existing crime.

12 Section 7. This act shall become effective on the
13 first day of the third month following its passage and
14 approval by the Governor, or its otherwise becoming law,
15 contingent and operative upon ratification of the
16 constitutional amendment proposed in Senate Bill 214 of the
17 2021 Regular Session creating the Alabama Gaming Commission.