

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

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3
4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

10
11 Relating to the lottery and gaming; to prohibit
12 certain campaign contributions by operator of gaming
13 facilities under certain conditions; to amend Sections
14 13A-12-20, 13A-12-21, 13A-12-22, 13A-12-23, 13A-12-24,
15 13A-12-25, 13A-12-26, 13A-12-27, 13A-12-28, and 13A-12-30,
16 Code of Alabama 1975, to update certain criminal penalties for
17 unlawful gaming activity associated with casino-style games
18 and sports wagering; to add Sections 13A-12-32 through
19 13A-12-39, inclusive, to the Code of Alabama 1975, to
20 prescribe certain activity relating to gaming as unlawful and
21 to provide for criminal penalties for violations; to amend
22 Section 13A-11-9, as last amended by Act 2019-465, 2019
23 Regular Session, Code of Alabama 1975, to further provide for
24 loitering relating to unlawful gaming activity; to repeal
25 Section 11-47-111, Code of Alabama 1975, relating to
26 prohibition of gambling houses; to repeal Section 13A-12-29,
27 Code of Alabama 1975, relating to lotteries drawn outside the

1 state; to repeal Divisions 2, 3, and 4 of Article 2 of Chapter
2 12 of Title 13A, commencing with Sections 13A-12-50,
3 13A-12-70, and 13A-12-90, respectively, Code of Alabama 1975,
4 relating to suppression of gambling places, transportation of
5 lottery paraphernalia, and the federal waging occupational tax
6 stamp; and in connection therewith would have as its purpose
7 or effect the requirement of a new or increased expenditure of
8 local funds within the meaning of Amendment 621 of the
9 Constitution of Alabama of 1901, as amended by Amendment 890,
10 now appearing as Section 111.05 of the Official Recompilation
11 of the Constitution of Alabama of 1901.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

13 Section 1. (a) The purpose of this section is to
14 prevent quid pro quo corruption and any appearance thereof.
15 The state is uniquely concerned about corruption given its
16 history with gaming-related corruption. The state also
17 recognizes the history of gaming-related corruption that has
18 occurred outside of Alabama. Concerns with gaming-related
19 corruption has long been a motivating factor for maintaining
20 strict prohibitions on gaming in this state. Avoiding
21 corruption and the appearance of corruption is thus a
22 necessary condition of authorizing any type of legal gaming in
23 this state.

24 (b) The following persons, including any subsidiary,
25 affiliate, parent, or other entity that shares common
26 ownership with the person, directly or indirectly, prohibited
27 or otherwise restricted to the greatest extent permissible

1 under federal law, from making contributions or expenditures
2 to a principal campaign committee of state or local office in
3 this state or a political action committee that contributes to
4 any candidate for state or local office in this state:

5 (1) A covered operator as defined in the
6 constitutional amendment proposed in SB319 of the 2021 Regular
7 Session.

8 (2) A management service provider.

9 (3) A person that holds a license issued by the
10 Alabama Gaming Commission or a person that holds any interest
11 greater than 1 percent in an entity that holds a license
12 issued by the Alabama Gaming Commission.

13 (4) A person that executes a compact with the state
14 authorized by the Alabama Constitution of 1901, or a person
15 that holds any interest greater than 1 percent in an entity
16 that executes a compact with the state authorized by this act.

17 (5) A person that holds any interest greater than 1
18 percent in the buildings, facilities, or rooms connected to a
19 covered location or another gaming facility operating pursuant
20 to a compact authorized by the Alabama Constitution.

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

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

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

1 (c) Any person identified in subsection (b) is also
2 prohibited from making contributions to a principal campaign
3 committee or a political action committee that contributes to
4 any candidate for state or local office in this state through
5 a legal entity established, directed or controlled by that
6 person.

7 (d) Public officials and candidates are prohibited
8 from soliciting or receiving a contribution from any person
9 identified in subsection (b). A principal campaign committee
10 or a political action committee that contributes to any
11 candidate for state or local office in this state shall not
12 receive a contribution from any person identified in
13 subsection (b).

14 (e) Nothing in this section shall be construed to
15 prohibit or limit a person from making independent
16 expenditures, contributing to a committee that makes only
17 independent expenditures, or making contributions or
18 expenditures in connection with federal or Alabama elections.

19 (f) No person identified in subsection (b) shall
20 provide a monetary or in-kind donation to an inaugural
21 committee or legislative caucus organization in this state;
22 and no candidate, public employee, or public official shall
23 solicit a monetary or in-kind donation from a person
24 identified in subsection (b) to an inaugural committee or
25 legislative caucus organization in this state.

26 (g) No person identified in subsection (b) shall
27 offer or provide a thing of value to a candidate, public

1 employee, public official, or a family member of a candidate,
2 public official, or public employee; and no candidate, public
3 employee, public official, or a family member of a candidate,
4 public official, or public employee shall solicit or receive a
5 thing of value from a person identified in subsection (b).

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

9 (i) Each anticorruption provision contained in this
10 section is a necessary condition of the gaming and compact
11 authorizations contained in the Alabama Constitution of 1901.
12 Should any anticorruption prohibitions authorized by this
13 section be held unconstitutional or unenforceable, the
14 Legislature, by general law, shall enact a new prohibition or
15 restriction that is as strict as may be enacted consistent
16 with federal law.

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

20 (2) For the purposes of this section, a "family
21 member of a candidate" is the spouse or dependent of the
22 candidate.

23 (3) Except for terms expressly defined in this
24 section, the terms in this section shall be defined and
25 interpreted in pari materia with similar terms in Section
26 17-5-2, and Section 36-25-1, Code of Alabama 1975.

1 Section 2. Sections 13A-12-20, 13A-12-21, 13A-12-22,
2 13A-12-23, 13A-12-24, 13A-12-25, 13A-12-26, 13A-12-27,
3 13A-12-28, and 13A-12-30, Code of Alabama 1975, are amended to
4 read as follows:

5 "§13A-12-20.

6 "The following definitions apply to this article:

7 "(1) ADVANCE ~~GAMBLING~~ UNLAWFUL GAMING ACTIVITY. A
8 person "advances ~~gambling~~ unlawful gaming activity" if he or
9 she engages in conduct that materially aids any form of
10 ~~gambling~~ unlawful gaming activity. Conduct of this nature
11 includes, but is not limited to, conduct directed toward the
12 creation or establishment of the particular game, contest,
13 scheme, device, or activity involved, toward the acquisition
14 or maintenance of premises, paraphernalia, equipment, or
15 apparatus therefor, toward the solicitation or inducement of
16 persons to participate therein, toward the actual conduct of
17 the playing phases thereof, toward the arrangement of any of
18 its financial or recording phases, or toward any other phase
19 of its operation. A person advances ~~gambling~~ unlawful gaming
20 activity if, having substantial proprietary control or other
21 authoritative control over premises being used with his or her
22 knowledge for purposes of ~~gambling~~ unlawful gaming activity,
23 he or she permits that activity to occur or continue or makes
24 no effort to prevent its occurrence or continuation.

25 "~~(2) BOOKMAKING. Advancing gambling activity by~~
26 ~~unlawfully accepting bets from members of the public as a~~

1 ~~business, rather than in a casual or personal fashion, upon~~
2 ~~the outcome of future contingent events.~~

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

7 "(2) CASINO-STYLE GAME. Any casino game, activity,
8 or device approved by the commission that is accessed for play
9 by physical presence at the location site of the game,
10 activity, or device, including, but not limited to: Slot
11 machines; a video lottery; video lottery terminals; electronic
12 representations of pari-mutuel wagering games, including, but
13 not limited to, historical horse racing machines, historical
14 sporting event machines, machines of any kind that are based
15 on historic events, and other technological aids and
16 electronic facsimiles of these games; banking or banked card
17 games, including, but not limited to, poker, baccarat, chemin
18 de fer, and blackjack; all dice games; roulette; all table
19 games and electronic representations of such games; all
20 electronic sweepstakes games, terminals, or devices; and any
21 electronic gaming device used to play these games. This term
22 includes electronic bingo. The term does not include the
23 Alabama Education Lottery, or pari-mutuel wagering on
24 simulcast and live racing events.

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

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

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

16 "(5) GAME or GAMING. Engaging in casino-style games
17 or sports wagering at a location operating with a license
18 issued by the commission; engaging in casino-style games or
19 sports wagering authorized under existing law or rules adopted
20 by the commission; or otherwise staking or risking something
21 of value upon the outcome of a contest of chance or future
22 contingent event not under his or her control or influence and
23 authorized under existing law and approved by the commission,
24 upon an agreement or understanding that he or she or someone
25 else will receive something of value in the event of a certain
26 outcome. The term does not include participation in charitable
27 bingo or raffles.

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

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

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

15 ~~"a. The players pay or agree to pay something of~~
16 ~~value for chances, represented and differentiated by numbers~~
17 ~~or by combinations of numbers or by some other medium, one or~~
18 ~~more of which chances are to be designated by the winning~~
19 ~~ones; and~~

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

22 ~~"c. The holders of the winning chances are to~~
23 ~~receive something of value.~~

24 "(8) LOTTERY. The public gaming system authorized
25 under existing law and operated by the Alabama Education
26 Lottery Corporation.

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

4 "~~(7)~~ (10) PARI-MUTUEL, MUTUEL or THE NUMBERS GAME. A
5 form of lottery. Wagering in which the winning chances or
6 plays are not determined upon the basis of a drawing or other
7 act on the part of persons conducting or connected with the
8 scheme, but upon the basis of the outcome of a future
9 contingent event or events otherwise unrelated to the
10 particular scheme.

11 "~~(8)~~ (11) PLAYER. A person who engages in any form
12 of ~~gambling~~ gaming solely as a contestant or bettor, without
13 receiving or becoming entitled to receive any profit therefrom
14 other than personal ~~gambling~~ gaming winnings, and without
15 otherwise rendering any material assistance to the
16 establishment, conduct, or operation of the particular
17 ~~gambling~~ gaming activity.

18 "~~(9)~~ (12) PROFIT FROM ~~GAMBLING~~ UNLAWFUL GAMING
19 ACTIVITY. A person "profits from ~~gambling~~ unlawful gaming
20 activity" if he or she accepts or receives money or other
21 property pursuant to an agreement or understanding with any
22 person whereby he or she shares or is to share in the proceeds
23 of ~~gambling~~ unlawful gaming activity.

24 "~~(10)~~ (13) SLOT MACHINE. A ~~gambling~~ gaming device
25 that, as a result of the insertion of a coin or other object,
26 operates, either completely automatically or with the aid of
27 some physical act by the player, in such a manner that,

1 depending upon elements of chance, it may eject something of
2 value. A device ~~so~~ constructed or readily adaptable or
3 convertible to such use is no less a slot machine because it
4 is not in working order or because some mechanical act of
5 manipulation or repair is required to accomplish its
6 adaptation, conversion, or workability. Nor is it any less a
7 slot machine because apart from its use or adaptability as
8 such it may also sell or deliver something of value on a basis
9 other than chance.

10 ~~(11)~~ (14) SOMETHING OF VALUE. Any money or property,
11 any token, object, or article exchangeable for money or
12 property, or any form of credit or promise directly or
13 indirectly contemplating transfer of money or property or of
14 any interest therein, or involving extension of a service
15 entertainment or a privilege of playing at a game or scheme
16 without charge.

17 (15) SPORTING EVENT. Any amateur sport or athletic
18 event, professional sport or athletic event, any collegiate
19 sport or athletic event, motor race event, electronic sports
20 event, competitive video game event, or any other event
21 authorized by the commission under the act adding this
22 amendatory language. The term does not include any amateur
23 youth sports or athletic event.

24 (16) SPORTS WAGERING. The acceptance of wagers on
25 sporting events or portions of sporting events, the individual
26 performance statistics of athletes in a sporting event, or a
27 combination of any of the same by any system or method of

1 wagering authorized in general law. The term may include
2 single-game wagers, teaser wagers, parlays, over-under,
3 moneyline, pools, exchange wagering, in-game wagering, in-play
4 wagers, proposition wagers, straight wagers, and any other
5 wager authorized by the commission. The term does not include
6 wagers on fantasy sports contests authorized under Chapter 19F
7 of Title 8.

8 ~~(12)~~ (17) UNLAWFUL GAMING. ~~Not Gaming not~~
9 specifically authorized by the constitution, general law, or
10 the commission.

11 "§13A-12-21.

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

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

20 "(c) ~~Simple gambling~~ Gaming is a Class C
21 misdemeanor.

22 "§13A-12-22.

23 "(a) A person commits the crime of promoting
24 ~~gambling~~ unlawful gaming if he or she knowingly advances or
25 profits from unlawful ~~gambling~~ gaming activity otherwise than
26 as a player.

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

3 "§13A-12-23.

4 "(a) A person commits the crime of conspiracy to
5 promote ~~gambling~~ unlawful gaming if he or she conspires to
6 advance or profit from ~~gambling~~ unlawful gaming activity
7 otherwise than as a player.

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

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

13 "§13A-12-24.

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

19 "~~(1) Of a kind commonly used in the operation or~~
20 ~~promotion of a bookmaking scheme or enterprise, The operation~~
21 ~~or promotion of unlawful sports wagering and constituting,~~
22 ~~reflecting, or representing more than five bets, wagers or~~
23 ~~more than \$500.00, or five hundred dollars (\$500).~~

24 "~~(2) Of a kind commonly used in the operation,~~
25 ~~promotion or playing of a lottery or mutuel scheme or~~
26 ~~enterprise, The operation, promotion, or playing of an~~

1 unlawful lottery and constituting, reflecting, or representing
2 more than five plays or chances ~~therein~~.

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

6 "§13A-12-25.

7 "(a) A person commits the crime of unlawful
8 possession of ~~gambling~~ gaming records in the second degree if,
9 with knowledge of the contents thereof, he or she possesses
10 any writing, paper, instrument, or article commonly used in
11 either of the following:

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

15 "(2) ~~Of a kind commonly and peculiarly used in the~~
16 The operation, promotion, or playing of a lottery ~~or mutual~~
17 ~~scheme or enterprise~~.

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

21 "§13A-12-26.

22 "A person does not commit the crime of unlawful
23 possession of ~~gambling~~ gaming records ~~in either degree~~
24 pursuant to Section 13A-12-24 or 13A-12-25, if the writing,
25 paper, instrument, or article possessed by the defendant is
26 neither used nor intended to be used in the operation or
27 promotion of a ~~bookmaking scheme or enterprise~~ unlawful sports

1 wagering, or in the operation, promotion, or playing of ~~a~~ an
2 unlawful lottery ~~or mutuel scheme or enterprise~~. The burden of
3 injecting the issue is on the defendant, but this does not
4 shift the burden of proof.

5 "§13A-12-27.

6 "(a) A person commits the crime of unlawful
7 possession of a ~~gambling~~ gaming device if, with knowledge of
8 the character ~~thereof~~ of the device, he or she manufactures,
9 sells, transports, places or possesses, or conducts or
10 negotiates any transaction affecting or designed to affect
11 ownership, custody, or use of either of the following:

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

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

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

19 "§13A-12-28.

20 "(a) Proof of possession of any ~~gambling~~ gaming
21 device, as defined by ~~subdivision (5) of~~ in Section 13A-12-20
22 or any ~~gambling~~ unlawful gaming record specified in Sections
23 13A-12-24 and 13A-12-25 is prima facie evidence of possession
24 ~~thereof~~ with knowledge of its character or contents.

25 "(b) In any prosecution under this article in which
26 it is necessary to prove the occurrence of a sporting event,

1 either of the following shall be admissible and shall be prima
2 facie proof of the occurrence of the event:

3 "(1) ~~a~~ A published report of its occurrence in any
4 daily newspaper, magazine, L or other periodically printed
5 publication of general circulation, ~~or.~~

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

12 "§13A-12-30.

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

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

20 "(c) Money used as ~~bets~~ wagers or stakes in ~~gambling~~
21 unlawful gaming activity in violation of this article is
22 forfeited to the state and by court order shall be transmitted
23 to the state General Fund ~~of the state.~~"

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

27 §13A-12-32.

1 (a) It is unlawful to intentionally use, at a gaming
2 facility, an electronic, electrical, or mechanical device that
3 is designed, constructed, or programmed to assist the user or
4 another person to do any of the following:

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

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

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

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

12 (5) Obtain an advantage in playing any casino-style
13 game.

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

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

18 §13A-12-33.

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

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

22 §13A-12-34.

23 (a) It is unlawful to manufacture, sell, or
24 distribute any cards, chips, die, game, or device that is
25 intended to be used to violate the laws of this state or rules
26 of the commission.

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

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

9 (d) A violation of this section is a Class D felony.
10 §13A-12-35.

11 (a) It is unlawful to instruct an individual in
12 cheating or in the use of a device for that purpose, with the
13 knowledge or intent, that the information or use may be
14 employed to violate existing law or rules adopted by the
15 commission.

16 (b) A violation of this section is a Class D felony.
17 §13A-12-36.

18 (a) It is unlawful to place, increase, or decrease a
19 wager or determine the course of play after acquiring
20 knowledge, not available to all players, of the outcome of any
21 casino-style game or event that affects the outcome of the
22 game or that is the subject of the wager, or to aid an
23 individual in acquiring such knowledge for the purpose of
24 placing, increasing, or decreasing a wager or determining the
25 course of play contingent on that event or outcome.

26 (b) A violation of this section is a Class D felony.
27 §13A-12-37.

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

5 (2) It is unlawful to claim, collect, or take any
6 amount of money or anything of value greater than the amount
7 won.

8 (b) A violation of this section is a Class D felony.
9 §13A-12-38.

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

16 (b) A violation of this section is a Class D felony.
17 §13A-12-39.

18 (a) It is unlawful for an individual, other than a
19 gaming facility employee or agent acting in furtherance of his
20 or her employment, to use, within a gaming facility, a key or
21 device known to have been designed for the purpose of opening,
22 entering, or affecting the operation of any casino-style game,
23 drop box, or any electronic or mechanical device connected
24 thereto, or for removing money, token, chips, or any other
25 contents.

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

1 Section 4. Section 13A-11-9, as last amended by Act
2 2019-465, 2019 Regular Session, Code of Alabama 1975, is
3 amended to read as follows:

4 "§13A-11-9.

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

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

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

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

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

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

24 "(6) Loiters or remains in any transportation
25 facility, unless specifically authorized to do so, for the
26 purpose of soliciting or engaging in any business, trade, or

1 commercial transactions involving the sale of merchandise or
2 services.

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

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

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

13 "(d) Dangerous drug in subdivision (a) (7) means any
14 narcotic, drug, or controlled substance as defined in Chapter
15 2 of Title 20 and any schedule incorporated therein.

16 "(e) Loitering is a violation."

17 Section 5. The following sections of the Code of
18 Alabama 1975 are repealed:

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

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

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

26 Section 6. Although this bill would have as its
27 purpose or effect the requirement of a new or increased

1 expenditure of local funds, the bill is excluded from further
2 requirements and application under Amendment 621, as amended
3 by Amendment 890, now appearing as Section 111.05 of the
4 Official Recompilation of the Constitution of Alabama of 1901,
5 as amended, because the bill defines a new crime or amends the
6 definition of an existing crime.

7 Section 7. This act shall become effective on the
8 first day of the third month following its passage and
9 approval by the Governor, or its otherwise becoming law,
10 contingent and operative upon ratification of the
11 constitutional amendment proposed in Senate Bill 319 of the
12 2021 Regular Session creating the Alabama Gaming Commission.

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Senate

Read for the first time and referred to the Senate
committee on Tourism..... 09-MAR-21

Reported from Tourism as Favorable..... 18-MAR-21

Read for the third time and passed as amended 13-APR-21

Yeas 29
Nays 2

Patrick Harris,
Secretary.