

SB334 INTRODUCED



1 SB334
2 IG5RZ66-1
3 By Senator Singleton
4 RFD: Tourism
5 First Read: 18-Apr-24



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SYNOPSIS:

Under existing law, pari-mutuel wagering on horse racing has been determined to be a game of skill authorized under the Constitution of Alabama of 2022.

This bill would establish the Horse Racing Modernization Act to establish the Alabama Racing Commission and provide for the issuance of licenses to conduct horse racing.

This bill would provide for a tax on certain racing revenues and provide for the distribution of the tax proceeds.

This bill would enter into the Interstate Compact on Licensure of Participants in Live Racing with Pari-mutuel Wagering.

This bill would also provide criminal penalties for a violation.

A BILL
TO BE ENTITLED
AN ACT

Relating to horse racing; to add Article 47 to Chapter 9 of Title 41, Code of Alabama 1975, to provide for the Horse Racing Modernization Act; to establish the Alabama Racing



SB334 INTRODUCED

29 Commission; to provide for the issuance of licenses to conduct
30 horse racing; to provide for a local referendum under certain
31 circumstances; to tax certain racing revenues; to enter into
32 the Interstate Compact on Licensure of Participants in Live
33 Racing with Pari-mutuel Wagering; and to provide criminal
34 penalties for a violation.

35 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

36 Section 1. Article 47, commencing with Section
37 41-9-1120, is added to Chapter 9 of Title 41, Code of Alabama
38 1975, to read as follows:

39 Article 47. Horse Racing Modernization Act.

40 Division 1. Alabama Racing Commission.

41 §41-9-1120. Control of racing with pari-mutuel
42 wagering.

43 (a) Horse racing with pari-mutuel wagering as licensed
44 under this article shall be permitted in the state for the
45 promotion, sustenance, and growth of a native industry in a
46 manner consistent with the health, safety, and welfare of the
47 people. The Alabama Racing Commission is vested with control
48 of all horse racing with pari-mutuel wagering in the state,
49 with plenary power to adopt rules and conditions under which
50 such racing and wagering shall be conducted, so as to maintain
51 horse racing in the state of the highest quality and free of
52 any corrupt, incompetent, dishonest, or unprincipled
53 practices, and to maintain in such racing complete honesty and
54 integrity. The Alabama Racing Commission shall encourage
55 participation by local individuals and businesses in those
56 activities associated with horse racing.



SB334 INTRODUCED

57 (b) The conduct of any horse racing with pari-mutuel
58 wagering participation in the racing or wagering and entrance
59 to any place where the racing or wagering is conducted is a
60 privilege which may be granted or denied by the commission or
61 its duly authorized representatives in its discretion in order
62 to effectuate the purposes set forth in this article.

63 §41-9-1121. Definitions.

64 As used in this article, the following terms have the
65 following meanings:

66 (1) ADVANCE DEPOSIT ACCOUNT WAGERING. A method of
67 pari-mutuel wagering conducted in the state that is
68 permissible under the Interstate Horseracing Act U.S.C. 15 §
69 3001 et seq. and in which an individual may establish an
70 account with an entity, licensed by the commission, to place
71 pari-mutuel wagers in person or electronically.

72 (2) BREAKAGE. The odd cents by which the amount payable
73 on each dollar wagered exceeds a multiple of ten cents
74 (\$0.10).

75 (3) COMMISSION. The Alabama Racing Commission.

76 (4) DEPENDENT. A son, daughter, father, mother,
77 brother, sister, or other individual, whether or not related
78 by blood or marriage, if the individual receives from an
79 officer or employee of the commission more than one-half of
80 his or her financial support.

81 (5) ENCLOSURE. All areas of the property of a track to
82 which admission can be obtained only by payment of an
83 admission fee or upon presentation of authorized credentials,
84 and any additional areas designated by the commission.



SB334 INTRODUCED

85 (6) HANDLE. The total amount of all pari-mutuel
86 wagering sales, excluding refunds and cancellations.

87 (7) HISTORICAL HORSE RACING. A form of horse racing
88 that creates pari-mutuel pools from wagers placed on
89 previously conducted horse races and is hosted at either of
90 the following:

91 a. A racetrack owned or operated by a significant
92 infrastructure limited licensee.

93 b. A satellite facility that is owned or operated by a
94 significant infrastructure limited licensee or the nonprofit
95 industry stakeholder organization that is recognized by the
96 commission and licensed to own or operate the satellite
97 facility.

98 (8) HORSE RACING. A competition on a set course
99 involving a race between horses on which pari-mutuel wagering
100 is permitted and includes historical horse racing.

101 (9) IMMEDIATE FAMILY. A spouse or other person residing
102 in the same household as an officer or employee of the
103 commission, who is a dependent of the officer or employee.

104 (10) LICENSEE. Any person holding an owner's or
105 operator's license under Division 2.

106 (11) MEMBER. Any person designated a member of a
107 nonstock corporation, and any person who by means of a
108 pecuniary or other interest in the nonstock corporation
109 exercises the power of a member.

110 (12) PARI-MUTUEL WAGERING. The system of wagering on
111 horse races in which those who wager on horses that finish in
112 the position or positions for which wagers are taken share in



SB334 INTRODUCED

113 the total amounts wagered, plus any amounts provided by a
114 licensee, less deductions required or permitted by law. The
115 term includes pari-mutuel wagering on historical horse racing
116 and simulcast horse racing originating within the state or
117 from any other jurisdiction.

118 (13) PARTICIPANT. a. Any person to which either of the
119 following apply:

120 1. The person has an ownership interest in any horse
121 entered to race in the state or who acts as the trainer or
122 jockey of any horse entered to race in the state.

123 2. The person takes part in any horse racing subject to
124 the jurisdiction of this state or in the conduct of a race
125 meeting or pari-mutuel wagering in this state.

126 b. The term includes, but is not limited to, a horse
127 owner, horse trainer, horse jockey, groom, stable foreman,
128 valet, veterinarian, agent, pari-mutuel employee,
129 concessionaire or employee thereof, track employee, or other
130 position the commission deems necessary to regulate to ensure
131 the integrity of horse racing in the state.

132 (14) PERMIT HOLDER. Any person holding a permit to
133 participate in any horse racing subject to the jurisdiction of
134 the commission or in the conduct of a race meeting or
135 pari-mutuel wagering thereon as provided in Division 3.

136 (15) PERSON. Any individual, firm, company,
137 corporation, partnership, business, trust, association, or
138 other legal entity.

139 (16) POOL. The amount wagered during a race meeting or
140 during a specified period thereof.



SB334 INTRODUCED

141 (17) PRINCIPAL STOCKHOLDER. Any person who
142 individually, or in concert with his or her spouse or
143 immediate family members: (i) beneficially owns or controls,
144 directly or indirectly, five percent or more of the stock of
145 any person which is a licensee; or (ii) has the power to vote
146 or cause to be voted five percent or more of any such stock.
147 The term does not include a broker-dealer registered under the
148 Securities Exchange Act of 1934, which holds in inventory
149 shares for sale on the financial markets for a publicly traded
150 corporation holding, directly or indirectly, a license from
151 the commission.

152 (18) RACE MEETING. The whole consecutive period of time
153 during which horse racing with pari-mutuel wagering is
154 conducted by a licensee.

155 (19) RACETRACK. An outdoor course located in this state
156 which is laid out for horse racing and is licensed by the
157 commission.

158 (20) RECOGNIZED MAJORITY HORSEMAN'S GROUP. The
159 organization recognized by the commission as the
160 representative of the majority of owners and trainers racing
161 at race meetings subject to the commission's jurisdiction.

162 (21) RETAINAGE. The total amount deducted from the
163 pari-mutuel wagering pool, including any of the following:

- 164 a. A license fee to the commission and localities.
- 165 b. The licensee.
- 166 c. The purse money for the participants.
- 167 d. The Alabama Breeders Fund described under Section
168 41-9-1129.



SB334 INTRODUCED

169 e. Other enumerated organizations as required by law,
170 rule of the commission, or contract approved by the
171 commission.

172 (22) SATELLITE FACILITY. All areas of the property at
173 which simulcast horse racing is received for the purposes of
174 pari-mutuel wagering and any additional areas designated by
175 the commission.

176 (23) SIGNIFICANT INFRASTRUCTURE FACILITY. A horse
177 racing facility that has been approved by a local referendum
178 pursuant to Division 4 and that has a minimum racing
179 infrastructure consisting of all of the following:

- 180 a. A one-mile dirt track for flat racing.
- 181 b. A seven-eighths-mile turf course for flat or jump
182 racing.
- 183 c. Covered seating for no fewer than 500 persons.
- 184 d. Barns with no fewer than 400 permanent stalls.

185 (24) SIGNIFICANT INFRASTRUCTURE LIMITED LICENSEE. A
186 person who owns or operates a significant infrastructure
187 facility and holds a limited license under Section 41-9-1151.

188 (25) SIMULCAST HORSE RACING. The simultaneous
189 transmission of the audio or video portion, or both, of horse
190 races from a licensed horse racetrack or satellite facility to
191 another licensed horse racetrack or satellite facility,
192 without regard to the state of licensure or whether the races
193 originate within this state or any other jurisdiction, which
194 is transmitted by satellite communication devices, television
195 cables, telephone lines, or any other means for the purposes
196 of conducting pari-mutuel wagering.



SB334 INTRODUCED

197 (26) STEWARD. A racing official, duly appointed by the
198 commission, with powers and duties prescribed by rule of the
199 commission.

200 (27) STOCK. All classes of stock, partnership interest,
201 membership interest, or similar ownership interest of an
202 applicant or licensee, and any debt or other obligation of the
203 person or an affiliated person if the commission finds that
204 the holder of the interest or stock derives a degree of
205 control of the operation of the applicant or licensee to an
206 extent that he or she should be deemed an owner of stock.

207 §41-9-1122. The Alabama Racing Commission created;
208 members.

209 (a) The Alabama Racing Commission is created. The
210 commission shall consist of five members appointed by the
211 Governor and confirmed by the Senate at the next regular
212 session of the Legislature following any such appointment.

213 (b) Each commissioner shall have been a resident of
214 this state for a period of not less than three years next
215 preceding his or her appointment and shall maintain residency
216 in this state as a condition of tenure in office.

217 (c) (1) The initial appointments shall be as follows:
218 One for a term of one year, one for a term of two years, one
219 for a term of three years, one for a term of four years, and
220 one for a term of five years.

221 (2) All subsequent appointments shall be for terms of
222 five years.

223 (d) Vacancies shall be filled for the unexpired term in
224 the manner provided for original appointments.



SB334 INTRODUCED

225 (e) Each commissioner shall be eligible for
226 reappointment for a second consecutive term at the discretion
227 of the Governor.

228 (f) Persons who are first appointed to initial terms of
229 less than five years shall thereafter be eligible for
230 reappointment to two consecutive terms of five years each.

231 (g) The commission shall elect its chair.

232 (h) No member of the Legislature, while serving as a
233 member, shall be eligible for appointment to the commission.

234 (i) Each member of the commission shall receive fifty
235 dollars (\$50) for each day or part thereof spent in the
236 performance of his or her duties and shall be reimbursed for
237 reasonable expenses incurred therein.

238 (j) The members of the commission shall serve at the
239 pleasure of the Governor.

240 (k) The commission shall establish and maintain a
241 general business office within the state for the transaction
242 of its business at a place to be determined by the commission.

243 (l) The commission shall meet at such times and places
244 within the state as it shall determine. A majority of the
245 commissioners shall constitute a quorum for the convening of a
246 meeting, but the performance of any duty or the exercise of
247 any power of the commission shall require a majority of the
248 entire commission.

249 §41-9-1123. Legal representation.

250 (a) The commission shall be represented in all legal
251 matters by general counsel hired by the commission, subject to
252 the approval of the Attorney General.



SB334 INTRODUCED

253 (b) The compensation for the general counsel shall be
254 paid out of the funds appropriated for the administration of
255 the commission.

256 (c) No member of the Legislature, while serving as a
257 member, nor any individual associated with a member of the
258 Legislature's law practice, shall be employed as general
259 counsel.

260 §41-9-1124. Financial interests of commission members,
261 employees, and family members prohibited.

262 (a) A member or employee of the commission, or his or
263 her spouse or immediate family member, may not have a direct
264 or indirect financial interest in and may not operate any of
265 the following:

266 (1) A horse racetrack.

267 (2) A satellite facility.

268 (3) An operation incidental to the operation of a horse
269 racetrack or satellite facility.

270 (4) Any entity that has submitted an application for a
271 license under Division 2.

272 (b) An individual described in subsection (a) may not
273 do any of the following:

274 (1) Participate in the operation of any wagering
275 authorized under this article.

276 (2) Participate as an owner of a horse or otherwise as
277 a contestant in any race subject to the jurisdiction of the
278 commission.

279 (3) Have any pecuniary interest in the purse or prize
280 contested for in any such race.



SB334 INTRODUCED

281 (c) No member of the commission and no spouse or
282 immediate family member of a commission member shall make any
283 contribution to a candidate for office or office holders on
284 the local or state level or cause a contribution to be made on
285 their behalf.

286 §41-9-1125. Powers and duties of the commission.

287 The commission shall have all powers and duties
288 necessary to carry out this article and to exercise the
289 control of horse racing as set forth in Section 41-9-1120,
290 including, but not limited to, the following:

291 (1) Having jurisdiction and supervision over all horse
292 racing licensed under this article, including all persons
293 conducting, participating in, or attending any race meeting.

294 (2) Employing individuals to be present at race
295 meetings as are necessary to ensure that meetings are
296 conducted with order and the highest degree of integrity.

297 (3) Ejecting or excluding from the enclosure or from
298 any part thereof any individual whose conduct or reputation,
299 in the sole discretion of the commission, creates an
300 appearance of dishonesty and lack of integrity of the horse
301 racing industry or interferes with the orderly conduct of
302 horse racing.

303 (4) Visiting, investigating, and having free access to
304 the office, track, facilities, satellite facilities, or other
305 places of business of any license or permit holder.

306 (5) Compelling the production of any of the books,
307 documents, records, or memoranda of any licensee or permit
308 holder for the purpose of ensuring compliance with this



SB334 INTRODUCED

309 article or commission rule.

310 (6) Requiring any person granted a permit or license by
311 the commission, the recognized majority horseman's group, and
312 the nonprofit industry stakeholder organization recognized by
313 the commission under this article to produce an annual balance
314 sheet and operating statement prepared by a certified public
315 accountant approved by the commission.

316 (7) Requiring the production of any contract to which a
317 person described in subdivision (6) is or may be a party.

318 (8) Adopting rules under which horse racing with
319 pari-mutuel wagering may be conducted in the state and rules
320 to implement and administer this article. The commission shall
321 adopt rules requiring each licensee to post, in a conspicuous
322 place in every place where pari-mutuel wagering is conducted,
323 a sign which bears a toll-free telephone number for "Gamblers
324 Anonymous" or other organization that provides assistance to
325 compulsive gamblers. The rules shall include provisions for
326 affirmative action to assure participation by minority persons
327 in contracts granted by the commission and its licensees. The
328 rules may include civil penalties for violations.

329 (9)a. Adopting rules authorizing the conditions under
330 which simulcast horse racing may be conducted at a licensed
331 horse racetrack or satellite facility in the state and all
332 such other rules it deems necessary and appropriate to
333 implement and administer this article with respect to
334 simulcast horse racing.

335 b. The rules shall require that all simulcast horse
336 racing shall comply with the Interstate Horse Racing Act of



SB334 INTRODUCED

337 1978, 15 U.S.C. § 3001 et seq., and shall require the holder
338 of a license to schedule no more than 125 live racing days in
339 the state each calendar year. By rule, the commission may
340 provide for substitute race days in the event of force
341 majeure.

342 c. The rules shall authorize up to 10 satellite
343 facilities and restrict majority ownership of satellite
344 facilities to an entity licensed by the commission that is a
345 significant infrastructure limited licensee, or if by October
346 1, 2024, there is no such licensee or a pending application
347 for such license, then the nonprofit industry stakeholder
348 organization recognized by the commission may be granted
349 licenses to own or operate satellite facilities.

350 d. If, however, after the issuance of a license to own
351 or operate a satellite facility to such nonprofit industry
352 stakeholder organization, the commission grants a license to a
353 significant infrastructure limited licensee pursuant to
354 Section 41-9-1151, then the limited licensee may own or
355 operate the remaining available satellite facilities
356 authorized in accordance with this subdivision.

357 e. In no event shall the commission authorize any such
358 entities to own or operate more than a combined total of 10
359 satellite facilities.

360 f. Except as authorized pursuant to subdivision (10),
361 wagering on simulcast horse racing shall take place only at a
362 licensed horse racetrack or satellite facility.

363 (10) Adopting rules to regulate and control advance
364 deposit account wagering. The rules shall include, but not be



SB334 INTRODUCED

365 limited to, all of the following:

366 a. Standards, qualifications, and procedures for the
367 issuance of a license to an entity for the operation of
368 pari-mutuel wagering in the state.

369 b. Provisions regarding access to books, records, and
370 memoranda, and submission to investigations and audits, as
371 authorized by this article.

372 c. Provisions regarding the collection of all revenues
373 due to the state from the placing of wagers. No pari-mutuel
374 wager may be made on or with any computer owned or leased by
375 the state, or any political subdivision thereof, or at any
376 public elementary or secondary school or institution of higher
377 education. The commission shall ensure that, except for this
378 method of pari-mutuel wagering, all wagering on simulcast
379 horse racing shall take place only at a licensed horse
380 racetrack or satellite facility.

381 (11) Issuing subpoenas for the attendance of witnesses
382 before the commission, administering oaths, and compelling
383 production of records or other documents and testimony of such
384 witnesses whenever, in the judgment of the commission, it is
385 necessary to do so for the effectual discharge of its duties.

386 (12) Compelling any person holding a license or permit
387 to submit data, including financial statements and information
388 relative to stockholders and all others with any pecuniary
389 interest, to the commission as determined necessary by the
390 commissions, and providing requirements for the manner in
391 which books and records of those persons shall be kept.

392 (13) Entering into arrangements with any foreign or



SB334 INTRODUCED

393 domestic government or governmental agency for the purpose of
394 exchanging information or performing any other act to better
395 ensure the proper conduct of horse racing.

396 (14) Reporting annually on or before March 1 to the
397 Governor and the Legislature, which report shall include a
398 financial statement of the operation of the commission.

399 (15) Ordering audits, in addition to those required by
400 Section 41-9-1303, at its discretion.

401 (16) Upon the receipt of an alleged criminal violation
402 of this article, immediately reporting the complaint to the
403 Attorney General.

404 (17) Providing for the withholding of the applicable
405 amount of state and federal income tax of persons claiming a
406 prize or pay-off for a winning wager and establishing the
407 thresholds for such withholdings.

408 (18)a. Within the enclosure, stable, or other facility
409 related to the conduct of racing, and during regular or usual
410 business hours, doing either of the following:

411 1. Subject any permit holder to a personal inspection,
412 including alcohol and drug testing for illegal drugs,
413 inspections of personal property, and inspections of other
414 property or premises under the control of such permit holder.

415 2. Subject any horse eligible to race at a race meeting
416 licensed by the commission to testing for substances foreign
417 to the natural horse within the racetrack enclosure or other
418 place where the horse is kept.

419 b. Any item, document, or record indicative of a
420 violation of this article or rule of the commission may be



SB334 INTRODUCED

421 seized as evidence of the violation.

422 c. All permit holders are deemed to consent to the
423 searches and seizures authorized by this subdivision,
424 including breath, blood, and urine sampling for alcohol and
425 illegal drugs, by accepting the permit issued by the
426 commission.

427 d. The commission may revoke or suspend the permit of
428 any person who fails or refuses to comply with this
429 subdivision or any rules of the commission.

430 (19)a. Requiring the existence of a contract between
431 each licensee and the recognized majority horseman's group for
432 that licensee. The contract shall be subject to the approval
433 of the commission, which shall have the power to approve or
434 disapprove any of its provisions, including, but not limited
435 to, the provisions regarding purses and prizes.

436 b. The contract shall provide that on pools generated
437 by wagering on simulcast horse racing from outside the state
438 the following conditions apply:

439 1. For the first seventy-five million dollars
440 (\$75,000,000) of the total pari-mutuel handle for each breed,
441 the licensee shall deposit funds at the minimum rate of five
442 percent in the purse account of the recognized majority
443 horseman's group.

444 2. For any amount in excess of seventy-five million
445 dollars (\$75,000,000) but less than one hundred fifty million
446 dollars (\$150,000,000) of the total pari-mutuel handle for
447 each breed, the licensee shall deposit funds at the minimum
448 rate of six percent in the purse account of the recognized



SB334 INTRODUCED

449 majority horseman's group.

450 3. For amounts in excess of one hundred fifty million
451 dollars (\$150,000,000) for each breed, the licensee shall
452 deposit funds at the minimum rate of seven percent in the
453 purse account of the recognized majority horseman's group.

454 c. The deposits shall be made in the purse account of
455 the breed that generated the pools and shall be made within
456 five days from the date on which the licensee receives wagers.

457 d. In the absence of the required contract between the
458 licensee and the recognized majority horseman's group, the
459 commission may permit wagering to proceed on simulcast horse
460 racing from outside of the state, provided that the licensee
461 deposits into the State Racing Operations Fund created
462 pursuant to Section 41-9-1127 an amount equal to the minimum
463 percentage of the total pari-mutuel handles as required in
464 paragraph b. or a lesser amount as the commission may approve.
465 The deposits shall be made within five days from the date on
466 which the licensee receives wagers. Once a contract between
467 the licensee and the recognized majority horseman's group is
468 executed and approved by the commission, the commission shall
469 transfer these funds to the licensee and the horseman's purse
470 accounts.

471 (20) Granting provisional limited licenses or
472 provisional unlimited licenses to own and operate racetracks
473 or satellite facilities to an applicant prior to the applicant
474 securing the approval through the local referendum under
475 Section 41-9-1250. Any provisional licenses issued by the
476 commission shall only become effective upon the approval of



SB334 INTRODUCED

477 the racetrack or satellite wagering facilities in a referendum
478 conducted pursuant to Section 41-9-1250 in the jurisdiction in
479 which the racetrack or satellite wagering facility is to be
480 located.

481 (21) Adopting rules requiring, for each calendar year,
482 any significant infrastructure limited licensee that offers
483 pari-mutuel wagering on historical horse racing to hold at
484 least one live Thoroughbred or Quarter Horse racing day,
485 consisting of not less than eight races per day, for every 100
486 historical horse racing terminals installed at its significant
487 infrastructure facility together with any satellite facility
488 owned, operated, controlled, managed, or otherwise directly or
489 indirectly affiliated with such licensee. The rules shall
490 require the significant infrastructure limited licensee to
491 hold at least one of the live racing days on a weekend. The
492 number of historical horse racing terminals installed at a
493 significant infrastructure facility shall be calculated as of
494 December 31 of the calendar year in question; provided,
495 however, that only historical horse racing terminals that are
496 fully operational shall be included in such calculation.

497 §41-9-1126. Commission; executive secretary; staff;
498 stewards.

499 (a) The commission shall appoint an executive secretary
500 and other employees as necessary to perform the duties
501 required under this article. The employees may include
502 stewards, chemists, veterinarians, inspectors, accountants,
503 guards, and any other employees deemed by the commission to be
504 necessary for the supervision and the proper conduct of the



SB334 INTRODUCED

505 highest standard of horse racing. The employees shall be
506 compensated as provided by the commission.

507 (b) The executive secretary, in addition to any other
508 duties prescribed by the commission, shall keep a true and
509 full record of all proceedings of the commission and preserve
510 at the commission's general office all books, documents, and
511 papers of the commission.

512 (c) Neither the executive secretary nor the spouse or
513 any member of the immediate family of the executive secretary
514 shall make any contributions to a candidate for office or
515 office holder at the local or state level or cause such a
516 contribution to be made on his or her behalf.

517 (d) The stewards appointed by the commission shall act
518 as racing officials to oversee the conduct of: (i) horse
519 racing at licensed racetracks; and (ii) simulcast horse racing
520 at satellite facilities. The stewards shall enforce this
521 article and the rules of the commission. The stewards shall
522 have authority to interpret the commission's rules and to
523 decide all questions of racing not specifically covered by the
524 rules of the commission; provided, the commission may review
525 all decisions and rulings of the stewards. Nothing in this
526 subsection shall limit the authority of the commission to
527 carry out this article and to exercise control of horse racing
528 as set forth in this division.

529 §41-9-1127. State Racing Operations Fund.

530 (a) All monies and revenues received by the commission
531 under this article shall be placed into a fund in the State
532 Treasury to be known as the State Racing Operations Fund.



SB334 INTRODUCED

533 Interest earned from monies in the fund shall accrue to the
534 benefit of the fund.

535 (b) The total costs for the operation and
536 administration of the Alabama Racing Commission shall be
537 funded from the State Racing Operations Fund and no funds
538 shall be withdrawn or expended except as budgeted and allotted
539 according to Sections 41-4-80 through 41-4-96 and Sections
540 41-19-1 through 41-19-12, and only in amounts as stipulated in
541 the general appropriation bill or other appropriation bills.

542 §41-9-1128. Fingerprints and background investigations;
543 investigations from other states.

544 (a) The commission shall fingerprint and require a
545 background investigation, to include a criminal history
546 background information check, of the following persons to be
547 conducted by the State Bureau of Investigation:

548 (1) Every individual licensed to hold race meetings
549 within the state.

550 (2) Every individual who is an officer or director or
551 principal stockholder of a corporation that holds such a
552 license, and every employee of the licensee whose duties
553 relate to the horse racing business in the state.

554 (3) All security personnel of any license holder.

555 (4) Members and employees of the commission.

556 (5) All permit holders, owners, trainers, jockeys,
557 apprentices, stable employees, managers, agents, blacksmiths,
558 veterinarians, and employees of any license or permit holder.

559 (6) Any person who actively participates in the racing
560 activities of any license or permit holder.



SB334 INTRODUCED

561 (b) Notwithstanding subsection (a), the commission, by
562 rule, may establish a procedure to recognize a license or
563 permit issued by another state in which horse racing is
564 authorized when the commission in its discretion determines
565 that the laws or requirements of the licensing authority for
566 the state governing fingerprinting and background
567 investigations are substantially the same as required under
568 this article and rule of the commission and that the applicant
569 has not been convicted of an offense as provided in Section
570 41-9-1202(c). The commission shall waive the requirements for
571 fingerprints and background investigations for permit holders
572 participating in horse racing in nonsecure areas or
573 participating in nonracing activities.

574 §41-9-1129. Alabama Breeders Fund.

575 (a) The Alabama Breeders Fund is created within the
576 State Treasury as a special fund to promote the breeding,
577 raising, and racing of horses in this state. The fund shall be
578 administered by the commission.

579 (b) Each horse racing licensee or permit holder shall
580 pay to the commission a breeders fund fee for each month
581 during which it conducts any live horse racing events.

582 (c) The breeding fund fee for any month shall be an
583 amount equal to one-half of one percent of the licensee or
584 permit holder's horse racing handle for the month.

585 (d) The fee for a given month shall be paid to the
586 treasurer of the commission before the end of the succeeding
587 month.

588 (e) (1) Twenty percent of the aggregate amount of



SB334 INTRODUCED

589 breeders fund fees received by the commission in each calendar
590 year shall be remitted to the schools of veterinary medicine
591 of Auburn University and Tuskegee University. The commission
592 shall distribute the monies not later than 60 days after the
593 end of such calendar year.

594 (2) The commission shall divide the breeders fund fees
595 collected under subdivision (1) between the schools of
596 veterinary medicine at Auburn University and Tuskegee
597 University in an equitable manner, taking into account the
598 number of students served by each school, the financial needs
599 of each school to maintain accepted academic standards, the
600 nature and quality of equine research conducted at each
601 school, and any other factors the commission deems relevant;
602 provided, however, that neither of the schools of veterinary
603 medicine shall receive less than 25 percent of the total
604 amount required to be allocated.

605 (3) All monies distributed to the schools of veterinary
606 medicine at Auburn University or Tuskegee University pursuant
607 to this subsection shall be used exclusively for supportive
608 research on the health and diseases of the horse.

609 (f) Following the distribution of monies under
610 subsection (e), the commission shall distribute monies in the
611 breeders fund as follows:

612 (1) To provide awards to breeders and owners of
613 Alabama-bred horses finishing first, second, third, or fourth
614 in pari-mutuel races run in the state.

615 (2) To provide awards to stallion owners whose Alabama
616 stallions have sired Alabama-bred horses finishing first,



SB334 INTRODUCED

617 second, third, or fourth in pari-mutuel races run in the
618 state.

619 (3) To provide purse monies for races conducted
620 exclusively for Alabama-bred horses under conditions which
621 have been approved by the commission.

622 (4) To advance and promote the breeding and raising of
623 horses in the state by the publication and dissemination of
624 information.

625 (5) To promote equine research through grants to
626 universities within the state.

627 (6) To provide for the administration and management of
628 the breeders fund.

629 §41-9-1130. Hearing and appeal.

630 Any person aggrieved by a refusal of the commission to
631 issue any license or permit, the suspension or revocation of a
632 license or permit, the imposition of a fine, or any other
633 action of the commission may seek review of such action in
634 accordance with the Alabama Administrative Procedure Act.

635 §41-9-1131. Injunction.

636 The commission may file a petition for an emergency
637 injunction to enjoin any violation of this article.

638 Division 2. Licenses.

639 §41-9-1150. Owner's and operator's license required.

640 (a) No person shall construct, establish, or own a
641 horse racetrack or satellite facility where pari-mutuel
642 wagering is permitted unless the person has obtained an
643 owner's license issued by the commission.

644 (b) No person shall operate pari-mutuel wagering or



SB334 INTRODUCED

645 knowingly conduct any race meeting at which wagering is
646 permitted, unless the person has obtained an operator's
647 license issued by the commission.

648 (c) No person to whom an owner's or operator's license
649 has been issued, nor any officer, director, partner, or
650 spouse, or immediate family member thereof, may make any
651 contribution to any candidate for public office or public
652 office holder at the local or state level.

653 (d) No license issued under this article shall be
654 transferable.

655 §41-9-1151. Limited licenses; transfer of meet;
656 taxation; authority to issue; limitations.

657 (a) Notwithstanding Section 41-9-1150 or 41-9-1153, but
658 subject to the rules and other criteria of the commission, the
659 commission may issue limited licenses. The limited licenses
660 shall permit the permit holder to conduct a race meeting or
661 meetings for a period not to exceed 14 days in any calendar
662 year, or in the case of a significant infrastructure limited
663 licensee, 75 days in any calendar year.

664 (b) The commission may authorize any organization or
665 association licensed under this section to transfer its race
666 meeting or meetings from its own track or place for holding
667 races to the track or place for holding races of any other
668 organization or association licensed under this article, upon
669 the payment of all appropriate license fees. No transfer shall
670 be granted without the express consent of the organization or
671 association owning or leasing the track to which the transfer
672 is made.



SB334 INTRODUCED

673 (c) For any such meeting the licensee shall retain and
674 pay from the pool the tax as provided in Section 41-9-1300.

675 (d) No person to whom a limited license has been
676 issued, nor any officer, director, partner, spouse, or
677 immediate family member thereof, shall make any contribution
678 to any candidate for public office or public office holder at
679 the local or state level.

680 §41-9-1152. Application for owner's license.

681 (a) Any applicant desiring to construct or own a horse
682 racetrack or satellite facility where pari-mutuel wagering is
683 permitted shall file with the commission an application for an
684 owner's license. The application shall be filed at the time
685 and place prescribed by the commission and shall be in such
686 form and contain such information as prescribed by the
687 commission, including, but not limited to, the following:

688 (1) The name and address of the applicant, including
689 its officers, directors, partners, and stockholders.

690 (2) The name and address of each person who has
691 contracted for a pecuniary interest in the applicant or the
692 enclosure where race meetings or pari-mutuel wagering will be
693 conducted, whether the interest is an ownership or a security
694 interest, the nature and value of the interest, and the name
695 and address of each person who has agreed to lend money to the
696 applicant.

697 (3) Other information as the commission deems
698 appropriate regarding the character, background, and
699 responsibility of the applicant and the members, partners,
700 stockholders, officers, and directors of the applicant.



SB334 INTRODUCED

701 (4) The location and description of the racetrack,
702 place, or enclosure where the applicant proposes to hold the
703 meetings or wagering, including the name of any county or
704 municipality in which any property of a racetrack or satellite
705 facility is or will be located and any additional information
706 requested by the commission to determine compliance with the
707 minimum standards of this article and whether the conduct of a
708 race meeting or pari-mutuel wagering at the location would be
709 in the best interests of the people of the state.

710 (5) Information relating to the financial
711 responsibility of the applicant as the commission deems
712 appropriate.

713 (6) If any of the facilities necessary for the conduct
714 of racing or pari-mutuel wagering are to be leased, the terms
715 of the lease.

716 (7) Any other information requested by the commission.

717 (b) Any application filed under this section shall be
718 verified by the oath or affirmation of an officer of the
719 applicant and shall be accompanied by a nonrefundable
720 application fee as determined by the commission.

721 (c) Any person who knowingly makes a false statement to
722 the commission for the purposes of obtaining a license under
723 this article shall be guilty of a Class C felony.

724 §41-9-1153. Issuance of owner's license.

725 (a) The commission shall consider all applications for
726 an owner's license and may grant a valid owner's license to
727 applicants who meet the criteria set forth in this article and
728 established by the commission. The commission shall deny a



SB334 INTRODUCED

729 license to any applicant unless it finds that the applicant's
730 facilities are or will be appropriate for the finest quality
731 of racing.

732 (b) The commission shall deny a license to an applicant
733 if it finds either of the following:

734 (1) That for any reason, the issuance of a license to
735 the applicant: (i) would not be in the interest of the people
736 of this state or the horse racing industry in the state; or
737 (ii) would reflect adversely on the honesty and integrity of
738 the horse racing industry in the state.

739 (2) That the applicant, or any officer, partner,
740 principal stockholder, or director of the applicant:

741 a. Has knowingly made a false statement of material
742 fact or has deliberately failed to disclose any information
743 requested;

744 b. Is or has been found guilty of any illegal, corrupt,
745 or fraudulent act, practice, or conduct in connection with any
746 horse racing in this or any other state, or has been convicted
747 of a felony;

748 c. Has at any time knowingly failed to comply with this
749 article or rule of the commission;

750 d. Has had a license or permit to hold or conduct a
751 horse race meeting denied for just cause, suspended, or
752 revoked in any other state or country;

753 e. Has legally defaulted in the payment of any
754 obligation or debt due to the state;

755 f. Has constructed a racetrack or satellite facility
756 for which a license was required under Section 41-9-1152



SB334 INTRODUCED

757 without obtaining the required license or has deviated
758 substantially, without the permission of the commission, from
759 the plans and specifications submitted to the commission; or

760 g. Is not qualified to do business in this state or is
761 otherwise not subject to the jurisdiction of the courts of
762 this state.

763 §41-9-1154. Licensing of owners or operators of certain
764 pari-mutuel facilities.

765 (a) Notwithstanding the provisions of Section
766 41-9-1250, the commission may grant a license, for a duration
767 to be determined by the commission, to the owner or operator
768 of a facility for the purpose of conducting pari-mutuel
769 wagering on: (i) Thoroughbred and Quarter Horse race meetings;
770 and (ii) simulcast horse racing at that facility in
771 conjunction with the race meetings for a period not to exceed
772 14 days in any calendar year; provided, that prior to making
773 application for the license, the facility has been approved by
774 the commission and the owner or operator of such facility has
775 been granted tax-exempt status under 26 U.S.C. § 501(c)(3) or
776 (4).

777 (b) In deciding whether to grant any license pursuant
778 to this section, the commission shall consider both of the
779 following:

780 (1) The results of, circumstances surrounding, and
781 issues involved in any referendum conducted under Division 4.

782 (2) Whether the commission had previously granted a
783 license to the facility, owner, or operator.

784 (c) In no event shall the commission issue more than 12



SB334 INTRODUCED

785 licenses in a calendar year pursuant to this section.

786 §41-9-1155. Refusal of owner's license.

787 No owner's license or renewal thereof shall be granted
788 to any applicant for license or license renewal if the
789 commission finds that with regard to any principal stockholder
790 of the applicant, or any member, officer, or director thereof:

791 (1) Has engaged in any illegal, corrupt, or fraudulent
792 act, conduct, or practice in connection with horse racing in
793 this or any other state;

794 (2) Has knowingly failed to comply with this article or
795 rule of the commission;

796 (3) Has had a license or permit to hold or conduct a
797 race meeting denied for cause, suspended, or revoked in any
798 other state or country; or

799 (4) Has at any time during the previous five years
800 knowingly failed to comply with this article or any rule of
801 the commission.

802 §41-9-1156. Duration, form of owner's license; bond.

803 (a) A license issued under Section 41-9-1153 or
804 41-9-1154 shall be for the period set by the commission, not
805 to be less than 20 years, but shall be reviewed by the
806 commission annually. The commission shall designate on the
807 license the duration of the license, the location of the track
808 or satellite facility or proposed track or satellite facility,
809 and any other information as determined necessary by the
810 commission. The commission, by rule, shall establish criteria
811 and procedures for license renewal.

812 (b) The commission shall require a bond with surety or



SB334 INTRODUCED

813 a letter of credit, acceptable to the commission, and in an
814 amount determined by the commission, to be sufficient to cover
815 any indebtedness incurred by the licensee to the state or
816 local jurisdiction.

817 §41-9-1157. Application for operator's license.

818 (a) Any person desiring to hold a race meeting or
819 operate a satellite facility shall file with the commission an
820 application for an operator's license. The application may be
821 made in conjunction with an application for an owner's
822 license, if appropriate. The application shall be filed at the
823 time and place provided by the commission and shall contain
824 all of the information required by the commission, including
825 all information required for an owner's license under Section
826 41-9-1152 and, in addition, the date the applicant wishes to
827 conduct a race meeting.

828 (b) Any application filed under this section shall be
829 verified by the oath or affirmation of an officer of the
830 applicant and shall be accompanied by a nonrefundable
831 application fee to be established by the commission.

832 §41-9-1158. Issuance of operator's license.

833 The commission shall promptly consider any application
834 for an operator's license and grant a valid operator's license
835 to applicants who meet the criteria set forth in this article.
836 The commission shall deny a license to any applicant, unless
837 it finds all of the following:

838 (1) That the applicant is a corporation organized under
839 the laws of this state or a comparable law of another state
840 and qualified to do business in this state.



SB334 INTRODUCED

841 (2) That, if the corporation is a stock corporation,
842 all principal stockholders have submitted to the jurisdiction
843 of the courts of this state and all nonresident principal
844 stockholders have designated the executive secretary of the
845 commission as their agent for process.

846 (3) That the applicant's articles of incorporation
847 provide that the corporation, on vote of a majority of the
848 stockholders or members, may purchase at fair market value the
849 entire membership interest of any stockholder, or require the
850 resignation of any member, who is or becomes unqualified for
851 such position under Section 41-9-1155.

852 (4) That the applicant would be qualified for a license
853 to own a horse racetrack or satellite facility under Sections
854 41-9-1153 and 41-9-1155.

855 (5) That the applicant has, to the satisfaction of the
856 commission, reasonably provided for the detection and
857 prosecution of any illegal, corrupt, or fraudulent act,
858 practice, or conduct in connection with any race meeting or
859 pari-mutuel wagering.

860 (6) That the applicant has provided for membership in
861 an industry recognized national horse racing association and
862 has utilized the services of the Alabama Horsemen's Benevolent
863 and Protective Association or any other protective agency
864 acceptable to the commission.

865 (7) That the applicant has met the criteria established
866 by the commission for the granting of an operator's license.

867 §41-9-1159. Duration, form of operator's license; bond.

868 (a) A license issued under Section 41-9-1158 shall be



SB334 INTRODUCED

869 for a period of 20 years from the date of issuance, but shall
870 be reviewed annually.

871 (b) The commission shall establish criteria and
872 procedures for license renewal.

873 (c) Any license issued under Section 41-9-1158 shall
874 designate on its face the type of horse racing or pari-mutuel
875 wagering for which the license is issued, the location of the
876 track or satellite facility where the meeting or wagering is
877 to be conducted, the period during which the license is in
878 effect, and any other information required by the commission.

879 (d) The commission shall require a bond in an amount
880 determined by the commission to be sufficient to cover any
881 indebtedness incurred by the licensee during the license
882 period.

883 §41-9-1160. Denial of license final.

884 The denial of an owner's or operator's license by the
885 commission shall be final unless appealed pursuant to Section
886 41-9-1130.

887 §41-9-1161. Suspension or revocation of license.

888 (a) After a hearing with 15 days' notice, in any case
889 when the commission has reason to believe that this article or
890 rule of the commission has been violated, the commission may
891 suspend or revoke any license, or fine a licensee in an amount
892 not to exceed one hundred thousand dollars (\$100,000), or
893 both.

894 (b) The commission shall revoke any license issued
895 pursuant to Section 41-9-1158 for the operation of a satellite
896 facility if the licensee, within one year of issuance of the



SB334 INTRODUCED

897 satellite facility license, fails to conduct live racing at a
898 licensed racetrack or fails to conduct, without the permission
899 of the commission, the live racing days assigned to the
900 licensee by the commission.

901 (c) The commission, at a meeting at which a quorum of
902 the members is present, may summarily suspend any license for
903 a period of not more than 90 days pending a hearing and final
904 determination by the commission if the commission determines
905 that emergency action is required to protect the public
906 health, safety, and welfare, including, but not limited to,
907 revenues due the state, local governing body, or the
908 recognized majority horseman's group's purse account. The
909 commission shall: (i) schedule a hearing within 14 business
910 days after the license is summarily suspended; and (ii) notify
911 the licensee not less than five business days before the
912 hearing of the date, time, and place of the hearing.

913 (d) Deliberations of the commission shall be conducted
914 pursuant to the Alabama Open Meetings Act. If a license is
915 suspended or revoked, the commission shall state its reasons
916 for doing so, which shall be entered of record. The action
917 shall be final unless appealed in accordance with Section
918 41-9-1130. Suspension or revocation of a license by the
919 commission for any violation shall not preclude criminal
920 liability for the violation.

921 §41-9-1162. Acquisition of interest in licensee.

922 (a) (1) The commission shall require any person desiring
923 to become a partner, member, or principal stockholder of any
924 licensee to apply to the commission for approval and may



SB334 INTRODUCED

925 demand any information of the applicant as it finds necessary.
926 The commission shall approve or deny the application within 60
927 calendar days of receipt.

928 (2) The commission shall deny an application if the
929 acquisition by the applicant would be detrimental to the
930 public interest or to the honesty, integrity, and reputation
931 of horse racing.

932 (3) The commission shall approve an application to
933 acquire actual control of a licensee only if it finds that the
934 applicant meets the criteria set forth in subsection (b).

935 (b) If an applicant proposes to acquire actual control
936 of a licensee, the applicant shall, pursuant to subsection
937 (a), submit to the commission all of the following:

938 (1) The proposal for the future operation of any
939 existing or planned racetrack or satellite facility owned or
940 operated by the licensee.

941 (2) Any additional information required by the
942 commission to provide assurance that the licensee, under the
943 actual control of applicant, will have the experience,
944 expertise, financial responsibility, and commitment to comply
945 with this article and rules and orders of the commission, the
946 requirements for the continued operation of the licensee
947 pursuant to the terms and conditions in effect on the date of
948 the application of all licenses held by the licensee, any
949 existing contract with the recognized majority horseman's
950 group, and any proposal submitted to the commission by the
951 applicant.

952 (c) Any acquisition of control without prior approval



SB334 INTRODUCED

953 of the commission shall be voidable by the commission and, in
954 such instance, the commission may revoke any license issued to
955 the licensee, order compliance with this section, or take any
956 other action as may be appropriate within the authority of the
957 commission.

958 Division 3. Permits.

959 §41-9-1200. Permit required; exception.

960 (a) No person may engage in any horse racing subject to
961 the jurisdiction of the commission or in the conduct of a race
962 meeting or pari-mutuel wagering thereon, including but not
963 limited to, as a horse owner, trainer, jockey, exercise rider,
964 groom, stable foreman, valet, veterinarian, agent, pari-mutuel
965 employee, concessionaire or employee thereof, track employee,
966 or other position deemed by the commission necessary to
967 regulate to ensure the integrity of horse racing in this
968 state, unless the person possesses a permit from the
969 commission and complies with this article and rules of the
970 commission. The permit shall not be transferable.

971 (b) If a person possesses a license to conduct horse
972 racing from another racing jurisdiction, on petition to the
973 commission, the commission may waive the state permit
974 requirements and allow the person to participate in horse
975 racing on nonconsecutive racing days.

976 (c) Once a horse is entered to run in this state, all
977 participants shall come under the jurisdiction of the
978 commission and its stewards and shall be subject to rules of
979 the commission and any sanctions it or its stewards may
980 impose.



SB334 INTRODUCED

981 §41-9-1201. Application for permit.

982 (a) Any person desiring to obtain a permit as required
983 by this article shall make an application on a form prescribed
984 by the commission. The application shall be accompanied by a
985 nonrefundable application fee prescribed by the commission.

986 (b) Any application filed under this section shall be
987 verified by the oath or affirmation of the applicant.

988 §41-9-1202. Consideration of application.

989 (a) The commission shall promptly consider any
990 application for a permit and issue or deny the permit based on
991 the information in the application and all other information
992 before it, including any investigation it deems appropriate.

993 (b) If an application for a permit is approved, the
994 commission shall issue a permit, which shall contain any
995 information required by the commission. The permit shall be
996 valid for one year; however, the permit of a licensee's
997 employee shall expire automatically if the permit holder
998 leaves the employment of the licensee or at the end of one
999 year, whichever occurs first. The licensee shall promptly
1000 notify the commission when a permit holder leaves the
1001 employment of the licensee. The commission shall establish
1002 criteria and procedures for permit renewal.

1003 (c) The commission shall deny the application, subject
1004 to appeal, and refuse to issue the permit, if it finds any of
1005 the following:

1006 (1) That the issuance of the permit to the applicant
1007 would not be in the interest of the people of the state or the
1008 horse racing industry of the state.



SB334 INTRODUCED

1009 (2) That the issuance of the permit would reflect
1010 adversely on the honesty and integrity of the horse racing
1011 industry in the state.

1012 (3) That the applicant:

1013 a. Has knowingly made a false statement of a material
1014 fact in the application, or has deliberately failed to
1015 disclose any information requested by the commission;

1016 b. Is or has been found guilty of any corrupt or
1017 fraudulent practice or conduct in connection with horse racing
1018 in this or any other state;

1019 c. Has knowingly failed to comply with this article or
1020 rule of the commission;

1021 d. Has had a permit to engage in activity related to
1022 horse racing which was denied for just cause, suspended, or
1023 revoked in any other state and the denial, suspension, or
1024 revocation is still in effect; or

1025 e. Is unqualified to perform the duties required for
1026 the permit sought.

1027 (d) (1) The commission shall deny the application and
1028 refuse to issue the permit if, within the five years
1029 immediately preceding the date of application, the applicant
1030 has been convicted of a crime involving the unlawful conduct
1031 of wagering, fraudulent use of a credential, unlawful
1032 transmission of information, touting, bribery, or distribution
1033 or possession of a controlled substance, or any felony
1034 considered by the commission to be detrimental to horse racing
1035 in the state.

1036 (2) The denial shall be final unless an appeal is taken



SB334 INTRODUCED

1037 under Section 41-9-1130.

1038 (e) Notwithstanding any other provision of this
1039 section, the commission may refuse to issue the permit if, in
1040 the sole discretion of the commission, the granting of the
1041 permit is not consistent with this article or rule of the
1042 commission.

1043 §41-9-1203. Suspension or revocation of permit; fine.

1044 (a) (1) Following a hearing where the permit holder has
1045 an opportunity to respond, if the commission, by a
1046 preponderance of the evidence, determines that this article or
1047 rule of the commission has been violated, the commission may
1048 suspend or revoke the permit of the permit holder and assess a
1049 fine of not more than ten thousand dollars (\$10,000).

1050 (2) Any action taken under this subsection shall be
1051 deemed final unless an appeal is taken in accordance with
1052 Section 41-9-1130. Suspension or revocation of a permit by the
1053 commission for any violation shall not preclude criminal
1054 liability for the violation.

1055 (b) Deliberations of the commission under this section
1056 shall be conducted pursuant to the Open Meetings Act. If any
1057 permit is suspended or revoked, the commission shall state its
1058 reasons for doing so, which shall be entered on the record of
1059 the commission.

1060 (c) The commission, acting by and through its stewards,
1061 or at a meeting at which a quorum is present, may summarily
1062 suspend a permit for a period of not more than 90 days pending
1063 a hearing and final determination of the commission or its
1064 stewards if the commission or its stewards determine the



SB334 INTRODUCED

1065 protection of the integrity of horse racing requires emergency
1066 action. The commission or its stewards shall: (i) schedule a
1067 hearing within 14 business days after the permit is summarily
1068 suspended; and (ii) notify the permit holder, not less than
1069 five business days before the hearing, of the date, time, and
1070 place of the hearing.

1071 Division 4. Local Referendum.

1072 § 41-9-1250. Local referendum required.

1073 (a) Except as provided in subsection (b), the
1074 commission shall not grant any initial license to construct,
1075 establish, operate, or own a racetrack or satellite facility
1076 until a referendum approving the question is held in each
1077 county or municipality in which the track or satellite
1078 facility is to be located, in the following manner:

1079 (1) A petition, signed by five percent of the qualified
1080 voters of the county or municipality, shall be filed with the
1081 judge of probate of the county or municipality asking that a
1082 referendum be held on the question of whether pari-mutuel
1083 wagering shall be permitted at a licensed racetrack or
1084 satellite facility in (name of the county or municipality) on
1085 live horse racing at, and on simulcast horse racing
1086 transmitted from another jurisdiction to, the licensed
1087 racetrack.

1088 (2) Following the filing of the petition, the judge of
1089 probate shall submit the question to the qualified voters of
1090 the applicable county or municipality. The election shall be
1091 on a day designated by the judge of probate, but shall not be
1092 later than the next general election unless the general



SB334 INTRODUCED

1093 election is within 80 days of the date of the entry of the
1094 order.

1095 (3) The governing body of the county or municipality
1096 shall publish notice of the election for three consecutive
1097 weeks prior to the referendum.

1098 (4) The referendum shall be held in accordance with the
1099 state election laws.

1100 (5) The referendum may not be held more often than
1101 every three years in the same county or municipality. A
1102 subsequent local referendum shall be required if a license has
1103 not been granted by the commission within five years of the
1104 court order proclaiming the results of the election.

1105 (b) There is no requirement for a referendum under this
1106 division for any county or other jurisdiction where
1107 pari-mutuel racing is authorized by law on October 1, 2024.

1108 Article 5. Taxation and Audit.

1109 §41-9-1300. Percentage retained; tax.

1110 (a) Any person holding an operator's license to operate
1111 a horse racetrack or satellite facility in the state shall be
1112 authorized to conduct pari-mutuel wagering on horse racing
1113 subject to this article and rules of the commission.

1114 (b) On pari-mutuel pools generated by wagering at
1115 racetracks and satellite facilities on live horse racing
1116 conducted within the state and historical horse racing
1117 machines, there shall be assessed the following fees:

1118 (1) A license fee of 1.5 percent on all wagers made
1119 within the state, to the credit of the commission.

1120 (2) A fee of one percent on all wagers made within the



SB334 INTRODUCED

1121 state, to the Alabama Breeders Fund.

1122 (3) A fee of four percent on all wagers made to
1123 nonprofit industry stakeholders organizations, including the
1124 recognized majority horseman's group, a breeder's
1125 organization, and other equine organizations, and upon the
1126 return of live horse racing to the state, a licensed track
1127 operator for the purpose of promoting, sustaining, and
1128 advancing horse racing within the state.

1129 (4) A fee of five percent on all wagers made, to the
1130 recognized majority horseman's group, to be used for live
1131 horse racing purses.

1132 (c) (1) On pari-mutuel wagering generated by simulcast
1133 horse racing transmitted from jurisdictions outside the state,
1134 the licensee, with the approval of the commission, may
1135 commingle pools with the racetrack where the transmission
1136 emanates or may establish separate pools for wagering within
1137 the state. All simulcast horse racing in this subsection must
1138 comply with the Interstate Horse Racing Act of 1978, 15 U.S.C.
1139 § 3001 et seq.

1140 (2) On pari-mutuel pools generated by wagering at the
1141 racetrack or satellite locations on simulcast horse racing
1142 transmitted from jurisdictions outside the state, there shall
1143 be assessed a fee of one and one-half percent, to be
1144 distributed as follows:

1145 a. Thirty-five percent to an equine development fund,
1146 to be administered by the commission, to be used to defray the
1147 operating expenses of the commission, to support nonprofit
1148 industry leading equine organizations, and to support the



SB334 INTRODUCED

1149 Alabama Breeders Fund.

1150 b. Sixty-five percent to the recognized majority
1151 horseman's group to be used for live racing purses.

1152 §41-9-1301. Advance deposit account wagering revenues;
1153 distribution.

1154 On all revenues generated by advance deposit wagering
1155 made from wagers placed in the state, there shall be assessed
1156 the following fees:

1157 (1) A license fee of 1.5 percent on all wagers made
1158 within the state, to the credit of the commission.

1159 (2) A fee of one percent on all wagers made within the
1160 state to the Alabama Breeders Fund.

1161 (3) A fee of four percent to nonprofit industry
1162 stakeholders organizations, including the recognized majority
1163 horseman's, a breeder's organization, and other equine
1164 organizations, and upon the return of live horse racing to the
1165 state, a licensed track operator, for the purpose of
1166 promoting, sustaining, and advancing live horse racing within
1167 the state.

1168 (4) A fee of five percent to the recognized majority
1169 horseman's group, to be used for live horse racing purses.

1170 §41-9-1302. Admissions tax.

1171 (a) The governing body of any county or municipality,
1172 by ordinance or resolution, may impose an admission tax on any
1173 licensee conducting a race meeting at a track located solely
1174 in the county or municipality on the admission of each
1175 individual on each day. The tax shall not apply to the
1176 admission of permit holders or those individuals employed at



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1177 the track. The licensee may collect the taxable amount from
1178 the ticket holder in addition to the amount charged for the
1179 price of admission.

1180 (b) If a track or its enclosure is located in two or
1181 more local jurisdictions, each jurisdiction may impose the
1182 tax.

1183 §41-9-1303. Audit required.

1184 A regular audit shall be conducted of all accounts and
1185 transactions of the commission. An audit of a fiscal and
1186 compliance nature of the accounts and transactions of the
1187 commission shall be conducted by the Department of Examiners
1188 of Public Accounts as determined necessary by the Chief
1189 Examiner. The cost of the audit examinations shall be paid
1190 from the operating expenses of the commission.

1191 Division 6. Live Horseracing Compact.

1192 §41-9-1350. Live Horseracing Compact; formation of
1193 compact.

1194 The Live Horseracing Compact is enacted into law and
1195 entered into with all other jurisdictions legally joining
1196 therein as provided in this division.

1197 §41-9-1351. Purposes.

1198 The purposes of this compact are to:

1199 (1) Establish uniform requirements among the party
1200 states for the licensing of participants in live horse racing
1201 with pari-mutuel wagering and ensure that all such
1202 participants who are licensed pursuant to this compact meet a
1203 uniform minimum standard of honesty and integrity.

1204 (2) Facilitate the growth of the horse racing industry



SB334 INTRODUCED

1205 in each party state and nationwide by simplifying the process
1206 for licensing participants in live racing, and reduce the
1207 duplicative and costly process of separate licensing by the
1208 regulatory agency in each state that conducts live horse
1209 racing with pari-mutuel wagering.

1210 (3) Authorize the Alabama Racing Commission to
1211 participate in this compact.

1212 (4) Provide for participation in this compact by
1213 officials of the party states and permit those officials,
1214 through the compact committee established by this compact, to
1215 enter into contracts with governmental agencies and
1216 nongovernmental persons to carry out the purposes of this
1217 compact.

1218 (5) Establish the compact committee created by this
1219 compact as an interstate governmental entity duly authorized
1220 to request and receive criminal history background information
1221 from the Federal Bureau of Investigation and other state and
1222 local law enforcement agencies.

1223 §41-9-1352. Definitions.

1224 As used in this compact, the following terms have the
1225 following meanings:

1226 (1) COMPACT COMMITTEE. The organization of officials
1227 from the party states that is authorized and empowered by this
1228 compact to carry out the purposes of this compact.

1229 (2) OFFICIAL. The appointed, elected, designated, or
1230 otherwise duly selected representative of a racing commission
1231 or the equivalent thereof in a party state who represents that
1232 party state as a member of the compact committee.



SB334 INTRODUCED

1233 (3) PARTICIPANTS IN LIVE RACING. Participants in live
1234 horse racing with pari-mutuel wagering in the party states.

1235 (4) PARTY STATE. Each state that has enacted this
1236 compact.

1237 (5) STATE. Each of the several states of the United
1238 States, the District of Columbia, the Commonwealth of Puerto
1239 Rico and each territory or possession of the United States.

1240 §41-9-1353. Entry into force.

1241 This compact shall come into force when enacted by any
1242 four states. Thereafter, this compact shall become effective
1243 as to any other state upon: (i) that state's enactment of this
1244 compact; and (ii) the affirmative vote of a majority of the
1245 compact committee as provided in Section 41-9-1358.

1246 §41-9-1354. States eligible to join compact.

1247 Any state that has adopted or authorized horse racing
1248 with pari-mutuel wagering shall be eligible to become party to
1249 this compact.

1250 §41-9-1355. Withdrawal from compact and impact thereof
1251 on force and effect of compact.

1252 Any party state may withdraw from this compact by
1253 enacting a statute repealing this compact, but no such
1254 withdrawal shall become effective until the head of the
1255 executive branch of the withdrawing state has given notice in
1256 writing of such withdrawal to the head of the executive branch
1257 of all other party states. If, as a result of withdrawals,
1258 participation in this compact decreases to less than three
1259 party states, this compact no longer shall be in force and
1260 effect unless and until there are at least three or more party



SB334 INTRODUCED

1261 states again participating in this compact.

1262 §41-9-1356. Compact committee established.

1263 There is created an interstate governmental entity to
1264 be known as the "compact committee," which shall be comprised
1265 of one official from the racing commission or its equivalent
1266 in each party state who shall be appointed, serve, and be
1267 subject to removal in accordance with the laws of his or her
1268 party state. Pursuant to the laws of his or her party state,
1269 each official shall have the assistance of his or her state's
1270 racing commission or the equivalent thereof in considering
1271 issues related to licensing of participants in live racing and
1272 in fulfilling his or her responsibilities as the
1273 representative from his or her state to the compact committee.
1274 If an official is unable to perform any duty in connection
1275 with the powers and duties of the compact committee, the
1276 racing commission or equivalent thereof from his or her state
1277 shall designate an alternate who shall serve and represent the
1278 party state as its official on the compact committee until
1279 that racing commission or equivalent thereof determines that
1280 the original representative official is able once again to
1281 perform his or her duties as that party state's representative
1282 official on the compact committee. The designation of an
1283 alternate shall be communicated by the affected state's racing
1284 commission or equivalent thereof to the compact committee as
1285 the committee's bylaws may provide.

1286 §41-9-1357. Powers and duties of the compact committee.

1287 In order to carry out the purposes of this compact, the
1288 compact committee is granted the power and duty to do all of



SB334 INTRODUCED

1289 the following:

1290 (1) Determine which categories of participants in live
1291 racing, including, but not limited to, owners, trainers,
1292 jockeys, grooms, mutuel clerks, racing officials,
1293 veterinarians, and farriers, and which categories of
1294 equivalent participants in live racing with pari-mutuel
1295 wagering authorized in two or more of the party states should
1296 be licensed by the committee and establish the requirements
1297 for the initial licensure of applicants in each such category,
1298 the term of the license for each category, and the
1299 requirements for renewal of licenses in each category.
1300 Provided, however, that with regard to requests for a criminal
1301 history background check on the issuance or renewal of a
1302 license, the compact committee shall determine for each
1303 category of participants in live racing which licensure
1304 requirements for that category are, in its judgment, the most
1305 restrictive licensure requirements of any party state for that
1306 category and shall adopt licensure requirements for that
1307 category that are, in its judgment, comparable to those most
1308 restrictive requirements.

1309 (2) Investigate applicants for a license from the
1310 compact committee and, as permitted by federal and state law,
1311 gather information on such applicants, including criminal
1312 history background information from the Federal Bureau of
1313 Investigation and relevant state and local law enforcement
1314 agencies, and, where appropriate, from the law enforcement
1315 agencies of other countries as necessary to determine whether
1316 a license should be issued. Only officials on, and employees



SB334 INTRODUCED

1317 of, the compact committee may receive and review such criminal
1318 history background information, and those officials and
1319 employees may use that information only for the purposes of
1320 this compact. No such official or employee may disclose or
1321 disseminate the information to any person or entity other than
1322 another official or employee of the compact committee. The
1323 fingerprints of each applicant for a license from the compact
1324 committee shall be taken by the compact committee, its
1325 employees, or its designee and, pursuant to Public Law 92-544
1326 or Public Law 100-413, shall be forwarded to a state
1327 identification bureau, or an association of state officials
1328 regulating pari-mutuel wagering designated by the Attorney
1329 General of the United States, for submission to the Federal
1330 Bureau of Investigation for a criminal history background
1331 check. The fingerprints may be submitted on a fingerprint card
1332 or by electronic or other means authorized by the Federal
1333 Bureau of Investigation or other receiving law enforcement
1334 agency.

1335 (3) Issue licenses to, and renew the licenses of,
1336 participants in live racing listed in subdivision (1) who are
1337 found by the committee to have met the licensure and renewal
1338 requirements established by the committee. The compact
1339 committee shall not have the power or authority to deny a
1340 license. If it determines that an applicant will not be
1341 eligible for the issuance or renewal of a compact committee
1342 license, the compact committee shall notify the applicant that
1343 it will not be able to process the application further. The
1344 notification does not constitute and shall not be considered



SB334 INTRODUCED

1345 to be the denial of a license. The applicant shall have the
1346 right to present additional evidence to, and to be heard by,
1347 the compact committee, but the final decision on issuance or
1348 renewal of the license shall be made by the compact committee
1349 using the requirements established under subdivision (1).

1350 (4) Enter into contracts or agreements with
1351 governmental agencies and with nongovernmental persons to
1352 provide personnel services for its activities and other
1353 services as may be necessary to effectuate the purposes of
1354 this compact.

1355 (5) Create, appoint, and abolish those offices,
1356 employments, and positions, including an executive director,
1357 as it deems necessary for the purposes of this compact;
1358 prescribe their powers, duties, and qualifications; hire
1359 individuals to fill those offices, employments, and positions;
1360 and provide for the removal, term, tenure, compensation,
1361 fringe benefits, retirement benefits, and other conditions of
1362 employment of its officers, employees, and other positions.

1363 (6) Borrow, accept, or contract for the services of
1364 personnel from any state, the United States, or any other
1365 governmental agency, or from any individual, firm,
1366 association, corporation, or other entity.

1367 (7) Acquire, hold, and dispose of real and personal
1368 property by gift, purchase, lease, license, or in other
1369 similar manner, in furtherance of the purposes of this
1370 compact.

1371 (8) Charge a fee to each applicant for an initial
1372 license or renewal of a license.



SB334 INTRODUCED

1373 (9) Receive other funds through gifts, grants, and
1374 appropriations.

1375 §41-9-1358. Voting requirements.

1376 (a) Each official shall be entitled to one vote on the
1377 compact committee.

1378 (b) All actions taken by the compact committee with
1379 regard to the addition of party states as provided in Section
1380 41-9-1353, the licensure of participants in live racing, and
1381 the receipt and disbursement of funds shall require a majority
1382 vote of the total number of individuals on the committee. All
1383 other actions by the compact committee shall require a
1384 majority vote of those individuals present and voting.

1385 (c) No action of the compact committee may be taken
1386 unless a quorum is present. A majority of the individuals on
1387 the compact committee shall constitute a quorum.

1388 §41-9-1359. Administration and management.

1389 (a) The compact committee shall elect annually from
1390 among its members a chair, a vice-chair, and a
1391 secretary/treasurer.

1392 (b) The compact committee shall adopt bylaws for the
1393 conduct of its business by a two-thirds vote of the total
1394 number of individuals on the committee at that time and shall
1395 have the power by the same vote to amend and rescind the
1396 bylaws. The committee shall publish its bylaws in convenient
1397 form and shall file a copy thereof and a copy of any
1398 amendments thereto with the secretary of state or equivalent
1399 agency of each of the party states.

1400 (c) The compact committee may delegate the day-to-day



SB334 INTRODUCED

1401 management and administration of its duties and
1402 responsibilities to an executive director and support staff.

1403 (d) Employees of the compact committee shall be
1404 considered state employees.

1405 §41-9-1360. Immunity from liability for performance of
1406 official responsibilities and duties.

1407 No official of a party state or employee of the compact
1408 committee shall be held personally liable for any good faith
1409 act or omission that occurs during the performance and within
1410 the scope of his her responsibilities and duties under this
1411 compact.

1412 §41-9-1361. Rights and responsibilities of each party
1413 state.

1414 (a) By enacting this compact, each party state:

1415 (1) Agrees to: (i) accept the decisions of the compact
1416 committee regarding the issuance of compact committee licenses
1417 to participants in live racing pursuant to the committee's
1418 licensure requirements; and (ii) reimburse or otherwise pay
1419 the expenses of its official representative on the compact
1420 committee or his or her alternate;

1421 (2) Agrees not to treat a notification to an applicant
1422 by the compact committee under Section 41-9-1357(3) that the
1423 compact committee will not be able to process the application
1424 further as the denial of a license or to penalize the
1425 applicant in any other way based solely on the decision by the
1426 compact committee; and

1427 (3) Reserves the right to: (i) charge a fee for the use
1428 of a compact committee license in that state; (ii) apply its



SB334 INTRODUCED

1429 own standards in determining whether, on the facts of a
1430 particular case, a compact committee license should be
1431 suspended or revoked; (iii) apply its own standards in
1432 determining licensure eligibility, under the laws of that
1433 party state, for categories of participants in live racing
1434 that the compact committee determines not to license and for
1435 individual participants in live racing who do not meet the
1436 licensure requirements of the compact committee; and (iv)
1437 establish its own licensure standards for the licensure of
1438 nonracing employees at horse racetracks and employees at
1439 separate satellite wagering facilities. Any party state that
1440 suspends or revokes a compact committee license, through its
1441 racing commission or the equivalent thereof or otherwise,
1442 shall promptly notify the compact committee of that suspension
1443 or revocation.

1444 (b) No party state shall be held liable for the debts
1445 or other financial obligations incurred by the compact
1446 committee.

1447 §41-9-1362. Construction and severability.

1448 This compact shall be liberally construed so as to
1449 effectuate its purposes. The provisions of this compact shall
1450 be severable, and, if any phrase, clause, sentence, or
1451 provision of this compact is declared to be contrary to the
1452 Constitution of the United States or of any party state, or
1453 the applicability of this compact to any government, agency,
1454 person or circumstance is held invalid, the validity of the
1455 remainder of this compact and the applicability thereof to any
1456 government, agency, person, or circumstance shall not be



SB334 INTRODUCED

1457 affected thereby. If all or some portion of this compact is
1458 held to be contrary to the constitution of any party state,
1459 the compact shall remain in full force and effect as to the
1460 remaining party states and in full force and effect as to the
1461 state affected as to all severable matters.

1462 §41-9-1363. Compact committee members.

1463 The Governor shall appoint one official to represent
1464 this state on the compact committee for a term of four years.
1465 No official shall serve more than three consecutive terms. A
1466 vacancy shall be filled by the Governor for the unexpired
1467 term.

1468 §41-9-1364. Cooperation of departments, agencies, and
1469 officers of the state.

1470 All departments, agencies, and officers of the state
1471 and its political subdivisions may cooperate with the compact
1472 committee in furtherance of any of its activities pursuant to
1473 the compact.

1474 §41-9-1365. Racing commission powers preserved.

1475 Nothing in this compact shall be construed to diminish
1476 or limit the powers and responsibilities of the commission or
1477 to invalidate any action of the commission previously taken,
1478 including any rule adopted by the commission.

1479 Division 7. Criminal Penalties.

1480 §41-9-1400. Unlawful conduct of wagering.

1481 Any person who, without a license required under this
1482 article, knowingly conducts pari-mutuel wagering or, with his
1483 or her knowledge or consent, conducts horse racing on which
1484 wagering is conducted, shall be guilty of a Class C felony.



SB334 INTRODUCED

1485 §41-9-1401. Fraudulent use of credential.

1486 (a) Any person who has in his or her possession a
1487 forged or simulated credential, license, or permit of the
1488 commission, and who uses the credential, license, or permit
1489 for the purpose of misrepresentation, fraud, or touting, is
1490 guilty of a Class C felony.

1491 (b) If any credential, license, or permit issued by the
1492 commission is used for a purpose other than identification and
1493 in the performance of legitimate duties on a racetrack or
1494 within a satellite facility, the credential, license, or
1495 permit shall be automatically revoked.

1496 §41-9-1402. Unlawful transmission of information.

1497 Any person who knowingly transmits information as to
1498 the progress or results of a horse race, or information as to
1499 wagers, betting odds, post or off times, or jockey changes in
1500 any race, by any means whatsoever, for the purposes of
1501 engaging in or promoting unlawful gambling activities under
1502 this article or Article 2 of Chapter 12 of Title 13A, or to a
1503 person engaged in such unlawful gambling activities, shall be
1504 guilty of a Class C felony.

1505 §41-9-1403. Touting.

1506 (a) A person is guilty of the crime of touting if all
1507 of the following occur:

1508 (1) The person uses false representation to persuade,
1509 procure, or cause another individual to wager on a horse in
1510 any race.

1511 (2) The individual wagers money in this state.

1512 (3) The person asks or demands compensation as a reward



SB334 INTRODUCED

1513 for information or purported information given in the case.

1514 (b) A person who violates this section shall be guilty
1515 of a Class A misdemeanor.

1516 §41-9-1404. Bribing of a jockey or other participant.

1517 (a) A person is guilty of the crime of bribing a jockey
1518 if either of the following occur:

1519 (1) The person gives, promises, or offers to give to
1520 any jockey, groom, or any person participating in any race
1521 meeting, including owners of racetracks and their employees,
1522 stewards, trainers, judges, starters, and special policemen,
1523 any valuable thing with the intent to influence the jockey or
1524 other person participating in the race to attempt to lose or
1525 cause to lose a horse race.

1526 (2) A jockey, groom, or participant in a race meeting
1527 solicits or accepts any valuable thing to influence him or her
1528 to lose or cause to lose a horse race.

1529 (b) A violation of this section is a Class C felony.

1530 §41-9-1405. Prohibited acts, administration of drugs,
1531 etc.; penalty.

1532 (a) Any person who, with the intent to defraud, acts to
1533 alter the outcome of a race by: (i) the administration of any
1534 substance foreign to the natural horse, except those
1535 substances specifically permitted by the commission; or (ii)
1536 the use of any device, electrical or otherwise, except those
1537 specifically permitted by the commission, shall be guilty of a
1538 Class C felony.

1539 (b) Any person who, with the intent to defraud,
1540 influences or conspires with another to alter the outcome of a



SB334 INTRODUCED

1541 race by: (i) the administration of any substance foreign to
1542 the natural horse, except those substances specifically
1543 permitted by the commission; or (ii) the use of any device,
1544 electrical or otherwise, except those specifically permitted
1545 by the commission, shall be guilty of a Class C felony.

1546 (c) Any person who: (i) administers any substance
1547 foreign to the natural horse, except those substances
1548 specifically permitted by the commission, when the horse is
1549 entered to start; or (ii) at any time, exposes any substance
1550 foreign to the natural horse with the intent of impeding or
1551 increasing the speed, endurance, health, or condition of a
1552 horse, shall be guilty of a Class C felony.

1553 §41-9-1406. Possessing drugs.

1554 (a) The possession or transportation of any drug except
1555 those permitted by rule of the commission within the racing
1556 enclosure is prohibited except upon a bona fide veterinarian's
1557 prescription with a complete statement of uses and purposes on
1558 the container. A copy of the prescription shall be filed with
1559 the stewards.

1560 (b) A person who knowingly violates this section shall
1561 be guilty of a Class A misdemeanor.

1562 §41-9-1407. Racing under false name; penalty.

1563 (a) A person is guilty of racing under a false name if
1564 the person knowingly does either of the following:

1565 (1) Knowingly enters or races any horse in any running
1566 under any name or designation other than the name or
1567 designation duly assigned to the horse by and registered with
1568 the Jockey Club, the American Quarter Horse Association, or



SB334 INTRODUCED

1569 other applicable association.

1570 (2) Knowingly instigates, engages in, or in any way
1571 furthers any act by which any horse is entered or raced in any
1572 running under any name or designation other than the name or
1573 designation duly assigned to the horse by and registered with
1574 the Jockey Club, the American Quarter Horse Association, or
1575 other applicable association.

1576 (b) A violation of this section is a Class C felony.
1577 §41-9-1408. Prohibition on persons under 21 years of
1578 age; penalty.

1579 (a) No person shall wager on or conduct any wagering on
1580 the outcome of a horse race pursuant to this article unless
1581 the person is 18 years of age or older.

1582 (b) No person shall accept any wager from a minor.

1583 (c) No person shall be admitted into a satellite
1584 facility if the person is under 18 years of age unless
1585 accompanied by his or her parent or legal guardian.

1586 (d) No person under 21 years of age shall use any
1587 electronic gaming terminal or other electronic device in a
1588 satellite facility to wager on or conduct any wagering on
1589 historical horse racing.

1590 (e) Any violation of this section is a Class A
1591 misdemeanor.

1592 §41-9-1409. Conspiracies and attempts to commit
1593 violations.

1594 (a) Any person who conspires with another to commit a
1595 felony prohibited by this article shall be guilty of a Class C
1596 felony.



SB334 INTRODUCED

1597 (b) Any person who attempts to commit any act
1598 prohibited by this article shall be guilty of a Class A
1599 misdemeanor.

1600 Section 2. This act shall become effective on October
1601 1, 2024.