

Alabama's Gaming Climate

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On November 5, 2015, *Governor Robert Bentley* issued **Executive Order No. 13**. This Order restored the "primary responsibility" for enforcing Alabama's gambling laws to the sheriffs and district attorneys of each county "to be guided by their respective interpretation of the laws of the State of Alabama in their capacity as constitutional officers and officers of the courts." Governor Bentley has also noted that local law enforcement "holds the primary responsibility to investigate and enforce [gambling] laws" and has further noted that resort to the State of **Alabama Law Enforcement Agency (ALEA)** for assistance may be futile as such State "resources are limited."

Accordingly, enforcement and prosecution of Alabama's gambling laws are back to where things stood prior to Executive Order No. 44, which was issued on December 30, 2008, by Governor Bob Riley. That Executive Order established a Governor's Task Force on gaming that ultimately caused the State of Alabama to expend almost \$10 million, and caused turmoil and disruption in local communities. Now, local law enforcement officials and district attorneys, who are directly answerable to their citizens, are once again primarily responsible for their own jurisdictions.

Macon and Greene County voters each adopted local constitutional amendments, Amendment 744 and 743, respectively, in 2004. Following Executive Order No. 13, the Greene and Macon County sheriffs have adopted electronic bingo regulations that permit electronic bingo games and related equipment within their respective counties. In addition, the sheriffs in both Macon and Greene Counties have recently authorized certain manufacturers of electronic bingo machines and related equipment to deliver such equipment within their counties subject to an updated lab "certification of compliance" with the law. Governor Bentley was alerted to these actions by letters dated December 15, 2015, and December 4, 2015. Governor Bentley responded to each of these letters that he was "satisfied with the terms and conditions outlined in your letter to me with respect to the inspection and legal compliance for any bingo machines brought to Greene [or Macon] County." In addition, bills have been introduced in this legislative session that seek to clarify that electronic bingo is legal at Victoryland in Macon County and Greenetrack in Greene County.

Despite Executive Order No. 13, and the related activities outlined above, Alabama's Attorney General, Luther Strange, has an appeal pending before the Alabama Supreme Court which concerns the legality of electronic bingo machines in a case arising out of Victoryland's operation in Macon County. It is widely anticipated that the Alabama Supreme Court will once again declare any form of electronic bingo illegal. Despite this uncertainty, Victoryland is planning on re-opening in the very near future.

Lottery Legislation

There have been several bills introduced during the current legislative session that seek to amend Alabama's constitutional prohibition on lotteries. These bills, e.g., HB 10, seek to establish an Alabama Lottery to fund scholarships and to create an Alabama Lottery Corporation to implement and regulate such a lottery.

These bills appear to be dead for the current legislative session; and, if they are to be passed, they will need to be introduced and passed in a special session, which could be called by Governor Bentley at a later date.

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