

Ala. Code 1975, § 13A-12-50

Use of Bells, Signals or Other Communication Devices Connected with Gaming

The Defendant is charged with use of bells, signals or other communication devices connected with gaming.

A person commits the crime of use of bells, signals or other communication devices connected with gaming if he/she erects, maintains or uses any electric bells, wires or signals or any elevators or dumbwaiters or other implements or appliances connected with any gaming place or rooms used for gaming, which may be used for the purpose of communicating with the occupants of such gaming house or rooms used for gaming or with those who may be within.

To convict, the State must prove beyond a reasonable doubt each one of the following elements:

(1) The defendant (name of defendant) erected, maintained or used electric bells, wires or signals or elevators or dumbwaiters or other implements or appliances connected with a gaming place or rooms used for gaming;

(2) The electric bells, wires or signals or elevators or dumbwaiters or other implements or appliances could have been used for the purpose of communicating with the occupants of such gaming house or rooms used for gaming or with those who may have been within; **(AND)**

(3) The defendant acted **[Insert appropriate mens rea element – see Use Note]**.

If you find from the evidence that the State has proved beyond a reasonable doubt each of the elements of use of bells, signals or other communication devices connected with gaming, then you shall find the defendant guilty of use of bells, signals or other communication devices connected with gaming.

If you find that the State has failed to prove beyond a reasonable doubt one or more of the above elements of use of bells, signals or other communication devices connected with gaming, then you cannot find the defendant guilty of use of bells, signals or other communication devices connected with gaming.

Use Notes

The statute does not state a specific mens rea element. Insert the appropriate mens rea element considering the indictment and the evidence before the court. There are few, if any, strict liability offenses in the Code. See Commentary for 13A-2-3 and 13A-2-4(b). There are four mens rea elements in the Alabama Code: intentionally, knowingly, recklessly, and with criminal negligence. See 13A-2-2.

1. A person acts intentionally with respect to a result or to conduct described by a statute defining an offense when (his/her) purpose is to cause that result or to engage in the conduct. Ala. Code § 13A-2-2(1).

2. A person acts knowingly with respect to conduct or to a circumstance described by a statute defining an offense (he/she) is aware that (his/her) conduct is of that nature or that the circumstance exists. Ala. Code § 13A-2-2(2).

3. A person acts recklessly with respect to a result or to a circumstance when (he/ she) is aware of and consciously disregards a substantial and unjustifiable risk that the result will occur or that the circumstance exists. The risk must be of such nature and degree that disregard thereof constitutes a gross deviation from the standard of conduct that a reasonable person would observe in the situation. Ala.

Code § 13A-2-2(3).

4. A person acts with criminal negligence with respect to a result or to a circumstance when (he/she) fails to perceive a substantial and unjustifiable risk that the result will occur or that the circumstance exists. The risk must be of such nature and degree that the failure to perceive it constitutes a gross deviation from the standard of care that a reasonable person would observe in the situation. A court or jury may consider statutes or ordinances regulating the defendant's conduct as bearing upon the question of criminal negligence. Ala. Code § 13A-2-2(4).

The presence of electric bells, wires or signals or dumbwaiters or of other implements or appliances that may be used for the purpose of communicating with persons who are occupying a barred or barricaded room on or about the premises of a hotel, restaurant, billiard room, poolroom or any room above the grade floor in the business district of any town or city is prima facie evidence that gaming was being there carried on by such parties in any prosecution against them, if they have the general reputation of being gamblers, and in all such cases, proof of such general reputation is admissible in evidence. (13A-12-58)

[Approved 04/24/26]