

Judicial Inquiry Commission

800 SOUTH MCDONOUGH STREET
SUITE 201
MONTGOMERY, ALABAMA 36104

March 1, 1978

The Judicial Inquiry Commission has considered your request for an opinion regarding the following questions:

1. After the effective date of the New Criminal Code, may a Circuit Judge belong to an organization (the Albertville Lions Club) which annually promotes, organizes and supervises bingo games?

2. After the effective date of the New Criminal Code, may a Circuit Judge belong to and participate as other club members in sponsoring, managing, etc., the bingo games?

You state in your opinion request that the Albertville Lions Club is a civic organization and that members of the club are expected to obtain or furnish merchandise to be awarded to winners at bingo, sell tickets and assist in managing and operating the bingo games on the nights when the games are held.

It is apparent that under sections 6101(d) and (e) of Act No. 607, 1977 Regular Session Legislature, (the New Criminal Code) that the game of bingo constitutes a felony when the player of the game "pay ... something of value for chances ... the winning chances are to be determined by a drawing ... and the holders of winning chances are to receive something of value." Charitable organizations are not exempted from the operation of this law. Furthermore in Mosley v. State, 255 Ala. 130, the Alabama Supreme Court stated that any such exemption would violate Section 65 of the Alabama Constitution.

It is therefore the opinion of this Commission that since "bingo" when conducted within the terms of the statute is unlawful activity, a judge's participation in sponsoring, promoting, organizing or supervising such an activity would be in violation of Canon 2A of the Canons of Judicial Ethics, which requires:

"A judge should respect and comply with the law and should conduct himself at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary."

It is further the opinion of this Commission that under certain circumstances it would not be a violation of the above Canon for a circuit judge to belong to a religious or charitable organization which sponsors, organizes, promotes and manages the above discussed activities. Canon 2A would not be violated if a judge did not attend or in any way assist in the activity and did not condone the activity.

Very truly yours,