

HOUSE BILL REPORT

HB 2453

As Reported By House Committee On:
Criminal Justice & Corrections
Appropriations

Title: An act relating to cheating at gambling.

Brief Description: Revising the penalties for cheating at gambling.

Sponsors: Representatives Carrell, Constantine, Kastama, Esser, Wood, Schoesler and Eickmeyer; by request of Gambling Commission.

Brief History:

Committee Activity:

Criminal Justice & Corrections: 1/26/00 [DP];

Appropriations: 2/3/00, 2/7/00 [DPS].

Brief Summary of Substitute Bill

- Divides the crime of cheating, in the Gambling Act, into three separate crime classifications: cheating in the first degree is a Class B felony, cheating in the second degree is a class C felony, and cheating in the third degree is a gross misdemeanor.
- Cheating in the first degree is ranked at level IV on the felony sentencing grid.
- Cheating in the second degree is ranked at seriousness level II on the felony sentencing grid.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: Do pass. Signed by 8 members: Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Staff: Yvonne Walker (786-7841).

Background:

The Gambling Act defines the crime of cheating as the use of a device or scheme to defraud a player or operator; engaging or practicing in acts that operate as fraud or deceit; engaging in acts with the intent to cheat; and conspiring to cheat with others. A violation of the cheating statute is a gross misdemeanor punishable by a sentence of up to one year in jail, a maximum fine of \$5,000, or both.

Summary of Bill:

Cheating, as used in the Gambling Act, is divided into three separate crime classifications: cheating in the first, second, and third degree.

A person is guilty of cheating in the first degree if he or she engages in cheating and conspires with five or more people to cheat or is licensed by the Washington State Gambling Commission to conduct gambling activities. Cheating in the first degree is a class B felony, punishable by a maximum sentence of 10 years in prison or a maximum fine of \$20,000, or both.

A person is guilty of cheating in the second degree if he or she engages in cheating and conspires to cheat with less than five people. Cheating in the second degree is a class C felony, punishable by a maximum sentence of five years in prison or a maximum fine of \$10,000, or both.

A person is guilty of cheating in the third degree, if he or she engages in cheating and the cheating does not constitute cheating in the first or second degree. Cheating in the third degree is a gross misdemeanor and is punishable by a maximum sentence of one year in jail, a maximum fine of \$5,000, or both.

Appropriation: None.

Fiscal Note: Requested on January 19, 2000.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: In Pierce county, known for large cheating operations in gambling establishments, prosecutors were surprised to find out that under the current law cheating is only a gross misdemeanor. This bill will increase those penalties and is modeled after the Professional Gambling statute whereby the crime of cheating is divided into three degrees of cheating. This bill not only gives prosecutors a tool to have a penalty commensurate with the crime but it also gives them opportunities for plea bargaining situations.

Testimony Against: None.

Testified: Robert Berg and Ed Fleisher, Washington State Gambling Commission.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 32 members: Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Alexander; Benson; Boldt; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Sump; Tokuda and Wensman.

Staff: Dave Johnson (786-7154).

Summary of Recommendation of Committee on Appropriations Compared to Recommendation of Committee on Criminal Justice & Corrections: The crime of cheating in the first degree is ranked at seriousness level IV on the felony sentencing grid, and the crime of cheating in the second degree is ranked at seriousness level II. A provision was also added that makes the act null and void unless specific funding is provided in the biennial budget act.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed. However, the bill is null and void unless funded in the budget.

Testimony For: A law against cheating has been on the books for a long time. That law has not been used very frequently. But, with the advent of house banked cardrooms and tribal casinos, the schemes and opportunities for cheating have expanded. It is difficult to prosecute the crime as theft as it is very hard to prove the dollar amount lost. That is why the elements of the crime ties instead to the number of conspirators rather than the amount lost. This should make cases easier to prosecute.

Testimony Against: None.

Testified: Ed Fleisher, Washington State Gambling Commission.