

# HOUSE BILL REPORT

## HB 2453

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

**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].

### Brief Summary of 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.

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## 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.

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**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.

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**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.