

SENATE BILL REPORT

HB 2353

As Reported By Senate Committee On:
Commerce, Trade, Housing & Financial Institutions, February 22, 2000

Title: An act relating to the dissemination of criminal history records to the Washington state gambling commission.

Brief Description: Allowing criminal history records to be sent to the Washington state gambling commission.

Sponsors: Representatives Wood, Carrell and Hurst; by request of Gambling Commission.

Brief History:

Committee Activity: Commerce, Trade, Housing & Financial Institutions: 2/17/2000, 2/22/2000 [DPA].

SENATE COMMITTEE ON COMMERCE, TRADE, HOUSING & FINANCIAL INSTITUTIONS

Majority Report: Do pass as amended.

Signed by Senators Prentice, Chair; Gardner, Hale, Heavey, Rasmussen, T. Sheldon and Winsley.

Minority Report: Do not pass.

Signed by Senator Benton.

Staff: Catherine Mele (786-7470)

Background: The Legislature created the Washington State Gambling Commission in 1973. The mission of the Gambling Commission is to regulate and control gambling activities in the state of Washington and, in partnership with other law enforcement agencies, restrain criminal activities associated with unlawful gambling. The Gambling Commission has five part-time commissioners appointed by the Governor, and four ex officio legislative members.

One of the responsibilities of the Gambling Commission is to license individuals and entities engaged in legal gaming activities. In addition, the Gambling Commission investigates corporate stockholders and partners to ensure their suitability for involvement in gaming activities. Examples of individuals licensed by the Gambling Commission include card room employees and bingo managers. Examples of entities include owners of card rooms, nonprofit organizations, manufacturers of gambling products and services, and distributors of gambling products and services. In addition, the Gambling Commission also certifies gaming employees at tribal gaming facilities in Washington State.

During the licensing and certification process, the Gambling Commission investigates the criminal background of each applicant. The Gambling Commission obtains this data from the Washington State Patrol's computer system called ACCESS. There are two types of

criminal background information available for dissemination. The first type is called conviction data and the second type is called nonconviction data.

Conviction data includes all arrests, detentions, or other formal charges and their disposition. In addition, conviction data includes arrests that are pending which are less than one year old. Nonconviction data includes arrests, detentions, and formal criminal charges which have not led to convictions and which are not currently pending. For example, nonconviction data includes arrests with no disposition that are over one year old.

Concerns exist that the Gambling Commission cannot adequately perform background investigations without access to nonconviction data.

Summary of Amended Bill: Criminal history record information that includes nonconviction data must be given to the Gambling Commission for use in licensing background investigations and for use in determining suitability for involvement in gambling activities. Nonconviction data obtained by the Gambling Commission can only be released to other criminal justice agencies.

Amended Bill Compared to Original Bill: The original bill allows criminal justice agencies discretion in providing criminal background information to the Gambling Commission. The striker requires that criminal justice agencies provide the Gambling Commission with criminal background information.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: It is important for the commission to be able to do background checks on applicants. This bill clarifies the commission's authority to get full criminal background information when licensing. The commission can handle this type of information without invading a person's privacy.

Testimony Against: None.

Testified: Ed Fleisher, Gambling Commission (pro); Dolores Chiechi, RGA (pro).