

SENATE BILL REPORT

SHB 2453

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

Title: An act relating to cheating at gambling.

Brief Description: Revising the penalties for cheating at gambling.

Sponsors: House Committee on Appropriations (originally sponsored by Representatives Carrell, Constantine, Kastama, Esser, Wood, Schoesler and Eickmeyer; by request of Gambling Commission).

Brief History:

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

SENATE COMMITTEE ON COMMERCE, TRADE, HOUSING & FINANCIAL INSTITUTIONS

Majority Report: Do pass as amended and be referred to Committee on Ways & Means. Signed by Senators Prentice, Chair; Benton, Gardner, Heavey, Rasmussen, T. Sheldon and Winsley.

Staff: Catherine Mele (786-7470)

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 Amended 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. Cheating in the first degree is ranked as a seriousness level IV on the felony sentencing grid.

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. Cheating in the second degree is ranked as a seriousness level II on the felony sentencing grid.

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.

Amended Bill Compared to Substitute Bill: The null and void clause is removed.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: This bill came to our attention because with the growth of house banked cardrooms and tribal casinos, the schemes and opportunities for cheating have expanded. This new law should make cheating cases easier to prosecute. As a result, we will be better able to keep cheating under control in Washington State.

Testimony Against: None.

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