

SENATE BILL REPORT

ESB 5013

As Passed Senate, March 15, 1999

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

Brief Description: Authorizing dissemination of criminal history record information to the gambling commission.

Sponsors: Senators Prentice, Winsley, Rossi and Oke; by request of Gambling Commission.

Brief History:

Committee Activity: Commerce, Trade, Housing & Financial Institutions: 1/12/99, 1/28/99 [DP, DNP].

Passed Senate, 3/15/99, 32-14.

SENATE COMMITTEE ON COMMERCE, TRADE, HOUSING & FINANCIAL INSTITUTIONS

Majority Report: Do pass.

Signed by Senators Prentice, Chair; Shin, Vice 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. During 1997, the Gambling Commission licensed approximately 6,500 individuals and entities.

The Gambling Commission also certifies gaming employees at tribal gaming facilities in Washington State. During 1998, the Gambling Commission certified 4,226 individuals to work in the gaming sector of tribal casinos.

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. The ACCESS system sends an electronic message to police and sheriffs' departments asking for criminal background information in the local jurisdictions. These jurisdictions have 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.

When using ACCESS for background investigation purposes, some of the local jurisdictions allow the Gambling Commission access to all conviction and nonconviction data. However, some jurisdictions only allow the Gambling Commission access to conviction data. Concerns exist that the Gambling Commission cannot adequately perform background investigations without access to nonconviction data.

Summary of Bill: Criminal history record information that includes nonconviction data may 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.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: The Gambling Commission keeps corruption out of gambling activities in Washington. This bill allows access to nonconviction data which is used to establish someone's suitability for involvement in gaming activities and to determine whether the Gambling Commission should issue a license. Nonconviction data helps track organized crime connections and determine whether a person's financial resources indicate involvement in illegal activities. The Gambling Commission is known throughout the country as an example of an efficiently operated organization. The industry cannot do as good of a job checking the backgrounds of persons involved in gaming activities, and we support this legislation.

Testimony Against: None.

Testified: PRO: Ed Fleisher, Gambling Commission; Bruce Batson, Walt Stout, WA Horse Racing Commission; Vito Chiechi, Recreational Gaming Assn., WA Licensed Beverage Assn.