

SENATE BILL REPORT

SB 6146

As Reported By Senate Committee On:
Commerce, Trade, Housing & Financial Institutions, January 27, 2000

Title: An act relating to cheating at gambling.

Brief Description: Revising the penalties for cheating at gambling.

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

Brief History:

Committee Activity: Commerce, Trade, Housing & Financial Institutions: 1/20/2000, 1/27/2000 [DPS].

SENATE COMMITTEE ON COMMERCE, TRADE, HOUSING & FINANCIAL INSTITUTIONS

Majority Report: That Substitute Senate Bill No. 6146 be substituted therefor, and the substitute bill do pass.

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

Staff: Catherine Mele (786-7470)

Background: Generally, gambling statutes define the crime of cheating as the use of a device or scheme to defraud a player or operator; engaging in acts that operate as fraud; engaging in acts with the intent to cheat; and conspiring to cheat with others. Defendants found guilty of cheating are charged with a gross misdemeanor. When a defendant is guilty of a gross misdemeanor the court may impose a sentence up to one year in jail, and fines not more than \$5,000.

Summary of Substitute Bill: Cheating when participating in a gambling activity is divided into three separate crime classifications.

A person is guilty of cheating in the first degree if he or she engages in cheating and conspires with five or more people, or engages in cheating and is licensed by the Washington State Gambling Commission. Cheating in the first degree is a Class B felony. When a defendant is guilty of a class B felony, the court may impose a sentence of ten years or a fine of \$20,000.

A person is guilty of cheating in the second degree if he or she engages in cheating and conspires to cheat with another person or persons but fewer than five people. When a defendant is guilty of a class C felony, the court may impose a sentence of five years or a fine of \$10,000.

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. When a defendant is guilty of cheating in the third degree, the court may impose a sentence up to one year in jail and fines not more than \$5,000.

Substitute Bill Compared to Original Bill: The substitute clarifies that a person can only be charged with felony cheating if other persons are involved.

Appropriation: None.

Fiscal Note: Requested on January 14, 2000.

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

Testimony For: With the advent of house-banking and the tribal casinos, there has been more cheating while gambling. This bill results from arrests made in Pierce County where there were many actors involved and much money. With the large scale activity that was taking place, the only penalty was a gross misdemeanor. This bill allows prosecutors to charge commensurate with the gravity of the cheating taking place and the number of actors involved.

Testimony Against: None.

Testified: PRO: Ed Fleisher, Gambling Commission; Dolores Chiechi Whitmore, RGA.