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**SUBSTITUTE HOUSE BILL 2453**

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**State of Washington**

**56th Legislature**

**2000 Regular Session**

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

Read first time 02/07/2000. Referred to Committee on .

1 AN ACT Relating to cheating at gambling; amending RCW 9.46.196;  
2 reenacting and amending RCW 9.94A.320; adding new sections to chapter  
3 9.46 RCW; creating a new section; and prescribing penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 9.46.196 and 1991 c 261 s 8 are each amended to read  
6 as follows:

7 (~~No person participating in a gambling activity shall in the~~  
8 ~~course of such participation, directly or indirectly~~) "Cheating" as  
9 used in this chapter means to:

10 (1) Employ or attempt to employ any device, scheme, or artifice to  
11 defraud any other participant or any operator;

12 (2) Engage in any act, practice, or course of operation as would  
13 operate as a fraud or deceit upon any other participant or any  
14 operator;

15 (3) Engage in any act, practice, or course of operation while  
16 participating in a gambling activity with the intent of cheating any  
17 other participant or the operator to gain an advantage in the game over  
18 the other participant or operator; or

1 (4) Cause, aid, abet, or conspire with another person to cause any  
2 other person to violate subsections (1) through (3) of this section.

3 (~~Any person violating this section shall be guilty of a gross  
4 misdemeanor subject to the penalty set forth in RCW 9A.20.021.~~)

5 NEW SECTION. **Sec. 2.** A new section is added to chapter 9.46 RCW  
6 to read as follows:

7 (1) A person is guilty of cheating in the first degree if he or she  
8 engages in, or knowingly causes, aids, abets, or conspires with another  
9 to engage in cheating and:

10 (a) While engaging in cheating, acts in concert with or conspires  
11 with five or more people; or

12 (b) Is licensed by the state of Washington to conduct, manage, or  
13 act as an employee in any authorized gambling activity and engages in  
14 cheating upon any premises.

15 (2) Cheating in the first degree is a class B felony subject to the  
16 penalty set forth in RCW 9A.20.021.

17 NEW SECTION. **Sec. 3.** A new section is added to chapter 9.46 RCW  
18 to read as follows:

19 (1) A person is guilty of cheating in the second degree if he or  
20 she engages in, or knowingly causes, aids, abets, or conspires with  
21 another to engage in cheating and, while engaging in cheating, acts in  
22 concert with or conspires with less than five people.

23 (2) Cheating in the second degree is a class C felony subject to  
24 the penalty set forth in RCW 9A.20.021.

25 NEW SECTION. **Sec. 4.** A new section is added to chapter 9.46 RCW  
26 to read as follows:

27 (1) A person is guilty of cheating in the third degree if he or she  
28 engages in cheating and his or her conduct does not constitute cheating  
29 in the first or second degree.

30 (2) Cheating in the third degree is a gross misdemeanor subject to  
31 the penalty set forth in RCW 9A.20.021.

32 **Sec. 5.** RCW 9.94A.320 and 1999 c 352 s 3, 1999 c 322 s 5, and 1999  
33 c 45 s 4 are each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

1		
2		
3	XVI	Aggravated Murder 1 (RCW 10.95.020)
4	XV	Homicide by abuse (RCW 9A.32.055)
5		Malicious explosion 1 (RCW 70.74.280(1))
6		Murder 1 (RCW 9A.32.030)
7	XIV	Murder 2 (RCW 9A.32.050)
8	XIII	Malicious explosion 2 (RCW 70.74.280(2))
9		Malicious placement of an explosive 1 (RCW
10		70.74.270(1))
11	XII	Assault 1 (RCW 9A.36.011)
12		Assault of a Child 1 (RCW 9A.36.120)
13		Malicious placement of an imitation device
14		1 (RCW 70.74.272(1)(a))
15		Rape 1 (RCW 9A.44.040)
16		Rape of a Child 1 (RCW 9A.44.073)
17	XI	Manslaughter 1 (RCW 9A.32.060)
18		Rape 2 (RCW 9A.44.050)
19		Rape of a Child 2 (RCW 9A.44.076)
20	X	Child Molestation 1 (RCW 9A.44.083)
21		Indecent Liberties (with forcible
22		compulsion) (RCW 9A.44.100(1)(a))
23		Kidnapping 1 (RCW 9A.40.020)
24		Leading Organized Crime (RCW
25		9A.82.060(1)(a))
26		Malicious explosion 3 (RCW 70.74.280(3))
27		Manufacture of methamphetamine (RCW
28		69.50.401(a)(1)(ii))
29		Over 18 and deliver heroin,
30		methamphetamine, a narcotic from
31		Schedule I or II, or flunitrazepam
32		from Schedule IV to someone under 18
33		(RCW 69.50.406)
34	IX	Assault of a Child 2 (RCW 9A.36.130)

1 Controlled Substance Homicide (RCW  
2 69.50.415)  
3 Explosive devices prohibited (RCW  
4 70.74.180)  
5 Homicide by Watercraft, by being under the  
6 influence of intoxicating liquor or  
7 any drug (RCW ((88.12.029))  
8 79A.60.050)  
9 Inciting Criminal Profiteering (RCW  
10 9A.82.060(1)(b))  
11 Malicious placement of an explosive 2 (RCW  
12 70.74.270(2))  
13 Over 18 and deliver narcotic from Schedule  
14 III, IV, or V or a nonnarcotic, except  
15 flunitrazepam or methamphetamine, from  
16 Schedule I-V to someone under 18 and 3  
17 years junior (RCW 69.50.406)  
18 Robbery 1 (RCW 9A.56.200)  
19 Sexual Exploitation (RCW 9.68A.040)  
20 Vehicular Homicide, by being under the  
21 influence of intoxicating liquor or  
22 any drug (RCW 46.61.520)

23 VIII Arson 1 (RCW 9A.48.020)  
24 Deliver or possess with intent to deliver  
25 m e t h a m p h e t a m i n e ( R C W  
26 69.50.401(a)(1)(ii))  
27 Homicide by Watercraft, by the operation of  
28 any vessel in a reckless manner (RCW  
29 ((88.12.029)) 79A.60.050)  
30 Manslaughter 2 (RCW 9A.32.070)  
31 Manufacture, deliver, or possess with  
32 intent to deliver amphetamine (RCW  
33 69.50.401(a)(1)(ii))  
34 Manufacture, deliver, or possess with  
35 intent to deliver heroin or cocaine  
36 (RCW 69.50.401(a)(1)(i))  
37 Possession of ephedrine or pseudoephedrine  
38 with intent to manufacture  
39 methamphetamine (RCW 69.50.440)

1 Promoting Prostitution 1 (RCW 9A.88.070)  
2 Selling for profit (controlled or  
3 counterfeit) any controlled substance  
4 (RCW 69.50.410)  
5 Vehicular Homicide, by the operation of any  
6 vehicle in a reckless manner (RCW  
7 46.61.520)

8 VII Burglary 1 (RCW 9A.52.020)  
9 Child Molestation 2 (RCW 9A.44.086)  
10 Dealing in depictions of minor engaged in  
11 sexually explicit conduct (RCW  
12 9.68A.050)  
13 Drive-by Shooting (RCW 9A.36.045)  
14 Homicide by Watercraft, by disregard for  
15 the safety of others (RCW  
16 ((~~88.12.029~~)) 79A.60.050)  
17 Indecent Liberties (without forcible  
18 compulsion) (RCW 9A.44.100(1) (b) and  
19 (c))  
20 Introducing Contraband 1 (RCW 9A.76.140)  
21 Involving a minor in drug dealing (RCW  
22 69.50.401(f))  
23 Malicious placement of an explosive 3 (RCW  
24 70.74.270(3))  
25 Sending, bringing into state depictions of  
26 minor engaged in sexually explicit  
27 conduct (RCW 9.68A.060)  
28 Unlawful Possession of a Firearm in the  
29 first degree (RCW 9.41.040(1)(a))  
30 Use of a Machine Gun in Commission of a  
31 Felony (RCW 9.41.225)  
32 Vehicular Homicide, by disregard for the  
33 safety of others (RCW 46.61.520)

1 VI Bail Jumping with Murder 1 (RCW  
2 9A.76.170(2)(a))  
3 Bribery (RCW 9A.68.010)  
4 Incest 1 (RCW 9A.64.020(1))  
5 Intimidating a Judge (RCW 9A.72.160)  
6 Intimidating a Juror/Witness (RCW  
7 9A.72.110, 9A.72.130)  
8 Malicious placement of an imitation device  
9 2 (RCW 70.74.272(1)(b))  
10 Manufacture, deliver, or possess with  
11 intent to deliver narcotics from  
12 Schedule I or II (except heroin or  
13 cocaine) or flunitrazepam from  
14 Schedule IV (RCW 69.50.401(a)(1)(i))  
15 Rape of a Child 3 (RCW 9A.44.079)  
16 Theft of a Firearm (RCW 9A.56.300)

17 V Abandonment of dependent person 1 (RCW  
18 9A.42.060)  
19 Advancing money or property for  
20 extortionate extension of credit (RCW  
21 9A.82.030)  
22 Bail Jumping with class A Felony (RCW  
23 9A.76.170(2)(b))  
24 Child Molestation 3 (RCW 9A.44.089)  
25 Criminal Mistreatment 1 (RCW 9A.42.020)  
26 Custodial Sexual Misconduct 1 (RCW  
27 9A.44.160)  
28 Delivery of imitation controlled substance  
29 by person eighteen or over to person  
30 under eighteen (RCW 69.52.030(2))  
31 Extortion 1 (RCW 9A.56.120)  
32 Extortionate Extension of Credit (RCW  
33 9A.82.020)  
34 Extortionate Means to Collect Extensions of  
35 Credit (RCW 9A.82.040)  
36 Incest 2 (RCW 9A.64.020(2))  
37 Kidnapping 2 (RCW 9A.40.030)

1 On and after July 1, 2000: No-Contact  
2 Order Violation: Domestic Violence  
3 Pretrial Condition (RCW 10.99.040(4)  
4 (b) and (c))  
5 On and after July 1, 2000: No-Contact  
6 Order Violation: Domestic Violence  
7 Sentence Condition (RCW 10.99.050(2))  
8 On and after July 1, 2000: Protection  
9 Order Violation: Domestic Violence  
10 Civil Action (RCW 26.50.110 (4) and  
11 (5))  
12 On and after July 1, 2000: Stalking (RCW  
13 9A.46.110)  
14 Perjury 1 (RCW 9A.72.020)  
15 Persistent prison misbehavior (RCW  
16 9.94.070)  
17 Possession of a Stolen Firearm (RCW  
18 9A.56.310)  
19 Rape 3 (RCW 9A.44.060)  
20 Rendering Criminal Assistance 1 (RCW  
21 9A.76.070)  
22 Sexual Misconduct with a Minor 1 (RCW  
23 9A.44.093)  
24 Sexually Violating Human Remains (RCW  
25 9A.44.105)  
26 IV Arson 2 (RCW 9A.48.030)  
27 Assault 2 (RCW 9A.36.021)  
28 Assault by Watercraft (RCW ((~~88.12.032~~))  
29 79A.60.060)  
30 Bribing a Witness/Bribe Received by Witness  
31 (RCW 9A.72.090, 9A.72.100)  
32 Cheating 1 (section 2 of this act)  
33 Commercial Bribery (RCW 9A.68.060)  
34 Counterfeiting (RCW 9.16.035(4))  
35 Escape 1 (RCW 9A.76.110)  
36 Hit and Run--Injury Accident (RCW  
37 46.52.020(4))  
38 Hit and Run with Vessel--Injury Accident  
39 (RCW ((~~88.12.155~~)) 79A.60.200(3))

1 Indecent Exposure to Person Under Age  
2 Fourteen (subsequent sex offense) (RCW  
3 9A.88.010)  
4 Influencing Outcome of Sporting Event (RCW  
5 9A.82.070)  
6 Knowingly Trafficking in Stolen Property  
7 (RCW 9A.82.050(2))  
8 Malicious Harassment (RCW 9A.36.080)  
9 Manufacture, deliver, or possess with  
10 intent to deliver narcotics from  
11 Schedule III, IV, or V or nonnarcotics  
12 from Schedule I-V (except marijuana,  
13 amphetamine, methamphetamines, or  
14 flunitrazepam) (RCW 69.50.401(a)(1)  
15 (iii) through (v))  
16 Residential Burglary (RCW 9A.52.025)  
17 Robbery 2 (RCW 9A.56.210)  
18 Theft of Livestock 1 (RCW 9A.56.080)  
19 Threats to Bomb (RCW 9.61.160)  
20 Use of Proceeds of Criminal Profiteering  
21 (RCW 9A.82.080 (1) and (2))  
22 Vehicular Assault (RCW 46.61.522)  
23 Willful Failure to Return from Furlough  
24 (RCW 72.66.060)

25 III Abandonment of dependent person 2 (RCW  
26 9A.42.070)  
27 Assault 3 (RCW 9A.36.031)  
28 Assault of a Child 3 (RCW 9A.36.140)  
29 Bail Jumping with class B or C Felony (RCW  
30 9A.76.170(2)(c))  
31 Burglary 2 (RCW 9A.52.030)  
32 Communication with a Minor for Immoral  
33 Purposes (RCW 9.68A.090)  
34 Criminal Gang Intimidation (RCW 9A.46.120)  
35 Criminal Mistreatment 2 (RCW 9A.42.030)  
36 Custodial Assault (RCW 9A.36.100)  
37 Delivery of a material in lieu of a  
38 controlled substance (RCW  
39 69.50.401(c))



1 Escape 2 (RCW 9A.76.120)  
2 Extortion 2 (RCW 9A.56.130)  
3 Harassment (RCW 9A.46.020)  
4 Intimidating a Public Servant (RCW  
5 9A.76.180)  
6 Introducing Contraband 2 (RCW 9A.76.150)  
7 Maintaining a Dwelling or Place for  
8 Controlled Substances (RCW  
9 69.50.402(a)(6))  
10 Malicious Injury to Railroad Property (RCW  
11 81.60.070)  
12 Manufacture, deliver, or possess with  
13 intent to deliver marijuana (RCW  
14 69.50.401(a)(1)(iii))  
15 Manufacture, distribute, or possess with  
16 intent to distribute an imitation  
17 controlled substance (RCW  
18 69.52.030(1))  
19 Patronizing a Juvenile Prostitute (RCW  
20 9.68A.100)  
21 Perjury 2 (RCW 9A.72.030)  
22 Possession of Incendiary Device (RCW  
23 9.40.120)  
24 Possession of Machine Gun or Short-Barreled  
25 Shotgun or Rifle (RCW 9.41.190)  
26 Promoting Prostitution 2 (RCW 9A.88.080)  
27 Recklessly Trafficking in Stolen Property  
28 (RCW 9A.82.050(1))  
29 Securities Act violation (RCW 21.20.400)  
30 Tampering with a Witness (RCW 9A.72.120)  
31 Telephone Harassment (subsequent conviction  
32 or threat of death) (RCW 9.61.230)  
33 Theft of Livestock 2 (RCW 9A.56.080)  
34 Unlawful Imprisonment (RCW 9A.40.040)  
35 Unlawful possession of firearm in the  
36 second degree (RCW 9.41.040(1)(b))  
37 Unlawful Use of Building for Drug Purposes  
38 (RCW 69.53.010)

1 Willful Failure to Return from Work Release  
2 (RCW 72.65.070)

3 II Cheating 2 (section 3 of this act)  
4 Computer Trespass 1 (RCW 9A.52.110)  
5 Counterfeiting (RCW 9.16.035(3))  
6 Create, deliver, or possess a counterfeit  
7 controlled substance (RCW  
8 69.50.401(b))  
9 Escape from Community Custody (RCW  
10 72.09.310)  
11 Health Care False Claims (RCW 48.80.030)  
12 Malicious Mischief 1 (RCW 9A.48.070)  
13 Possession of controlled substance that is  
14 either heroin or narcotics from  
15 Schedule I or II or flunitrazepam from  
16 Schedule IV (RCW 69.50.401(d))  
17 Possession of phencyclidine (PCP) (RCW  
18 69.50.401(d))  
19 Possession of Stolen Property 1 (RCW  
20 9A.56.150)  
21 Theft 1 (RCW 9A.56.030)  
22 Theft of Rental, Leased, or Lease-purchased  
23 Property (valued at one thousand five  
24 hundred dollars or more) (RCW  
25 9A.56.096(4))  
26 Trafficking in Insurance Claims (RCW  
27 48.30A.015)  
28 Unlawful Practice of Law (RCW 2.48.180)  
29 Unlicensed Practice of a Profession or  
30 Business (RCW 18.130.190(7))

31 I Attempting to Elude a Pursuing Police  
32 Vehicle (RCW 46.61.024)  
33 False Verification for Welfare (RCW  
34 74.08.055)  
35 Forged Prescription (RCW 69.41.020)  
36 Forged Prescription for a Controlled  
37 Substance (RCW 69.50.403)  
38 Forgery (RCW 9A.60.020)

1 Malicious Mischief 2 (RCW 9A.48.080)  
2 Possess Controlled Substance that is a  
3 Narcotic from Schedule III, IV, or V  
4 or Non-narcotic from Schedule I-V  
5 (except phencyclidine or  
6 flunitrazepam) (RCW 69.50.401(d))  
7 Possession of Stolen Property 2 (RCW  
8 9A.56.160)  
9 Reckless Burning 1 (RCW 9A.48.040)  
10 Taking Motor Vehicle Without Permission  
11 (RCW 9A.56.070)  
12 Theft 2 (RCW 9A.56.040)  
13 Theft of Rental, Leased, or Lease-purchased  
14 Property (valued at two hundred fifty  
15 dollars or more but less than one  
16 thousand five hundred dollars) (RCW  
17 9A.56.096(4))  
18 Unlawful Issuance of Checks or Drafts (RCW  
19 9A.56.060)  
20 Unlawful Use of Food Stamps (RCW 9.91.140  
21 (2) and (3))  
22 Vehicle Prowl 1 (RCW 9A.52.095)

23 NEW SECTION. **Sec. 6.** If specific funding for the purposes of this  
24 act, referencing this act by bill or chapter number, is not provided by  
25 June 30, 2000, in the omnibus appropriations act, this act is null and  
26 void.

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