

2 **SB 5064** - H COMM AMD **Adopted March 7, 2002**

3 By Committee on Criminal Justice & Corrections

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5 Strike everything after the enacting clause and insert the
6 following:

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

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

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

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

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

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

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

25 NEW SECTION. **Sec. 2.** 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 first degree if he or she
28 engages in cheating and:

29 (a) Knowingly causes, aids, abets, or conspires with another to
30 engage in cheating; or

31 (b) Holds a license or similar permit issued by the state of
32 Washington to conduct, manage, or act as an employee in an authorized
33 gambling activity.

34 (2) Cheating in the first degree is a class C felony subject to the
35 penalty set forth in RCW 9A.20.021. In addition to any other penalties

1 imposed by law for a conviction of a violation of this section the
2 court may impose an additional penalty of up to twenty thousand
3 dollars.

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

6 (1) A person is guilty of cheating in the second degree if he or
7 she engages in cheating and his or her conduct does not constitute
8 cheating in the first degree.

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

11 **Sec. 4.** RCW 9.94A.515 and 2001 2nd sp.s. c 12 s 361, 2001 c 300 s
12 4, 2001 c 217 s 12, and 2001 c 17 s 1 are each reenacted and amended to
13 read as follows:

14 TABLE 2

15 CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

16	XVI	Aggravated Murder 1 (RCW 10.95.020)
17	XV	Homicide by abuse (RCW 9A.32.055)
18		Malicious explosion 1 (RCW 70.74.280(1))
19		Murder 1 (RCW 9A.32.030)
20	XIV	Murder 2 (RCW 9A.32.050)
21	XIII	Malicious explosion 2 (RCW 70.74.280(2))
22		Malicious placement of an explosive 1 (RCW
23		70.74.270(1))
24	XII	Assault 1 (RCW 9A.36.011)
25		Assault of a Child 1 (RCW 9A.36.120)
26		Malicious placement of an imitation device
27		1 (RCW 70.74.272(1)(a))
28		Rape 1 (RCW 9A.44.040)
29		Rape of a Child 1 (RCW 9A.44.073)
30	XI	Manslaughter 1 (RCW 9A.32.060)
31		Rape 2 (RCW 9A.44.050)
32		Rape of a Child 2 (RCW 9A.44.076)
33	X	Child Molestation 1 (RCW 9A.44.083)

1 Indecent Liberties (with forcible
2 compulsion) (RCW 9A.44.100(1)(a))
3 Kidnapping 1 (RCW 9A.40.020)
4 Leading Organized Crime (RCW
5 9A.82.060(1)(a))
6 Malicious explosion 3 (RCW 70.74.280(3))
7 Manufacture of methamphetamine (RCW
8 69.50.401(a)(1)(ii))
9 Over 18 and deliver heroin,
10 methamphetamine, a narcotic from
11 Schedule I or II, or flunitrazepam
12 from Schedule IV to someone under 18
13 (RCW 69.50.406)
14 Sexually Violent Predator Escape (RCW
15 9A.76.115)

16 IX Assault of a Child 2 (RCW 9A.36.130)
17 Controlled Substance Homicide (RCW
18 69.50.415)
19 Explosive devices prohibited (RCW
20 70.74.180)
21 Hit and Run--Death (RCW 46.52.020(4)(a))
22 Homicide by Watercraft, by being under the
23 influence of intoxicating liquor or
24 any drug (RCW 79A.60.050)
25 Inciting Criminal Profiteering (RCW
26 9A.82.060(1)(b))
27 Malicious placement of an explosive 2 (RCW
28 70.74.270(2))
29 Over 18 and deliver narcotic from Schedule
30 III, IV, or V or a nonnarcotic, except
31 flunitrazepam or methamphetamine, from
32 Schedule I-V to someone under 18 and 3
33 years junior (RCW 69.50.406)
34 Robbery 1 (RCW 9A.56.200)
35 Sexual Exploitation (RCW 9.68A.040)
36 Vehicular Homicide, by being under the
37 influence of intoxicating liquor or
38 any drug (RCW 46.61.520)

1 VIII Arson 1 (RCW 9A.48.020)
2 Deliver or possess with intent to deliver
3 methamphetamine (RCW
4 69.50.401(a)(1)(ii))
5 Homicide by Watercraft, by the operation of
6 any vessel in a reckless manner (RCW
7 79A.60.050)
8 Manslaughter 2 (RCW 9A.32.070)
9 Manufacture, deliver, or possess with
10 intent to deliver amphetamine (RCW
11 69.50.401(a)(1)(ii))
12 Manufacture, deliver, or possess with
13 intent to deliver heroin or cocaine
14 (RCW 69.50.401(a)(1)(i))
15 Possession of Ephedrine, Pseudoephedrine,
16 or Anhydrous Ammonia with intent to
17 manufacture methamphetamine (RCW
18 69.50.440)
19 Promoting Prostitution 1 (RCW 9A.88.070)
20 Selling for profit (controlled or
21 counterfeit) any controlled substance
22 (RCW 69.50.410)
23 Theft of Anhydrous Ammonia (RCW 69.55.010)
24 Vehicular Homicide, by the operation of any
25 vehicle in a reckless manner (RCW
26 46.61.520)

27 VII Burglary 1 (RCW 9A.52.020)
28 Child Molestation 2 (RCW 9A.44.086)
29 Dealing in depictions of minor engaged in
30 sexually explicit conduct (RCW
31 9.68A.050)
32 Drive-by Shooting (RCW 9A.36.045)
33 Homicide by Watercraft, by disregard for
34 the safety of others (RCW 79A.60.050)
35 Indecent Liberties (without forcible
36 compulsion) (RCW 9A.44.100(1) (b) and
37 (c))
38 Introducing Contraband 1 (RCW 9A.76.140)

1 Involving a minor in drug dealing (RCW
2 69.50.401(f))
3 Malicious placement of an explosive 3 (RCW
4 70.74.270(3))
5 Sending, bringing into state depictions of
6 minor engaged in sexually explicit
7 conduct (RCW 9.68A.060)
8 Unlawful Possession of a Firearm in the
9 first degree (RCW 9.41.040(1)(a))
10 Use of a Machine Gun in Commission of a
11 Felony (RCW 9.41.225)
12 Vehicular Homicide, by disregard for the
13 safety of others (RCW 46.61.520)

14 VI Bail Jumping with Murder 1 (RCW
15 9A.76.170(3)(a))
16 Bribery (RCW 9A.68.010)
17 Incest 1 (RCW 9A.64.020(1))
18 Intimidating a Judge (RCW 9A.72.160)
19 Intimidating a Juror/Witness (RCW
20 9A.72.110, 9A.72.130)
21 Malicious placement of an imitation device
22 2 (RCW 70.74.272(1)(b))
23 Manufacture, deliver, or possess with
24 intent to deliver narcotics from
25 Schedule I or II (except heroin or
26 cocaine) or flunitrazepam from
27 Schedule IV (RCW 69.50.401(a)(1)(i))
28 Rape of a Child 3 (RCW 9A.44.079)
29 Theft of a Firearm (RCW 9A.56.300)
30 Unlawful Storage of Anhydrous Ammonia (RCW
31 69.55.020)

32 V Abandonment of dependent person 1 (RCW
33 9A.42.060)
34 Advancing money or property for
35 extortionate extension of credit (RCW
36 9A.82.030)
37 Bail Jumping with class A Felony (RCW
38 9A.76.170(3)(b))

1 Child Molestation 3 (RCW 9A.44.089)
2 Criminal Mistreatment 1 (RCW 9A.42.020)
3 Custodial Sexual Misconduct 1 (RCW
4 9A.44.160)
5 Delivery of imitation controlled substance
6 by person eighteen or over to person
7 under eighteen (RCW 69.52.030(2))
8 Domestic Violence Court Order Violation
9 (RCW 10.99.040, 10.99.050, 26.09.300,
10 26.10.220, 26.26.138, 26.50.110,
11 26.52.070, or 74.34.145)
12 Extortion 1 (RCW 9A.56.120)
13 Extortionate Extension of Credit (RCW
14 9A.82.020)
15 Extortionate Means to Collect Extensions of
16 Credit (RCW 9A.82.040)
17 Incest 2 (RCW 9A.64.020(2))
18 Kidnapping 2 (RCW 9A.40.030)
19 Perjury 1 (RCW 9A.72.020)
20 Persistent prison misbehavior (RCW
21 9.94.070)
22 Possession of a Stolen Firearm (RCW
23 9A.56.310)
24 Rape 3 (RCW 9A.44.060)
25 Rendering Criminal Assistance 1 (RCW
26 9A.76.070)
27 Sexual Misconduct with a Minor 1 (RCW
28 9A.44.093)
29 Sexually Violating Human Remains (RCW
30 9A.44.105)
31 Stalking (RCW 9A.46.110)
32 IV Arson 2 (RCW 9A.48.030)
33 Assault 2 (RCW 9A.36.021)
34 Assault by Watercraft (RCW 79A.60.060)
35 Bribing a Witness/Bribe Received by Witness
36 (RCW 9A.72.090, 9A.72.100)
37 Cheating 1 (section 2 of this act)
38 Commercial Bribery (RCW 9A.68.060)
39 Counterfeiting (RCW 9.16.035(4))

1 Escape 1 (RCW 9A.76.110)
2 Hit and Run--Injury (RCW 46.52.020(4)(b))
3 Hit and Run with Vessel--Injury Accident
4 (RCW 79A.60.200(3))
5 Identity Theft 1 (RCW 9.35.020(2)(a))
6 Indecent Exposure to Person Under Age
7 Fourteen (subsequent sex offense) (RCW
8 9A.88.010)
9 Influencing Outcome of Sporting Event (RCW
10 9A.82.070)
11 Knowingly Trafficking in Stolen Property
12 (RCW 9A.82.050(2))
13 Malicious Harassment (RCW 9A.36.080)
14 Manufacture, deliver, or possess with
15 intent to deliver narcotics from
16 Schedule III, IV, or V or nonnarcotics
17 from Schedule I-V (except marijuana,
18 amphetamine, methamphetamines, or
19 flunitrazepam) (RCW 69.50.401(a)(1)
20 (iii) through (v))
21 Residential Burglary (RCW 9A.52.025)
22 Robbery 2 (RCW 9A.56.210)
23 Theft of Livestock 1 (RCW 9A.56.080)
24 Threats to Bomb (RCW 9.61.160)
25 Use of Proceeds of Criminal Profiteering
26 (RCW 9A.82.080 (1) and (2))
27 Vehicular Assault, by being under the
28 influence of intoxicating liquor or
29 any drug, or by the operation or
30 driving of a vehicle in a reckless
31 manner (RCW 46.61.522)
32 Willful Failure to Return from Furlough
33 (RCW 72.66.060)
34 III Abandonment of dependent person 2 (RCW
35 9A.42.070)
36 Assault 3 (RCW 9A.36.031)
37 Assault of a Child 3 (RCW 9A.36.140)
38 Bail Jumping with class B or C Felony (RCW
39 9A.76.170(3)(c))

1 Burglary 2 (RCW 9A.52.030)
2 Communication with a Minor for Immoral
3 Purposes (RCW 9.68A.090)
4 Criminal Gang Intimidation (RCW 9A.46.120)
5 Criminal Mistreatment 2 (RCW 9A.42.030)
6 Custodial Assault (RCW 9A.36.100)
7 Delivery of a material in lieu of a
8 controlled substance (RCW
9 69.50.401(c))
10 Escape 2 (RCW 9A.76.120)
11 Extortion 2 (RCW 9A.56.130)
12 Harassment (RCW 9A.46.020)
13 Intimidating a Public Servant (RCW
14 9A.76.180)
15 Introducing Contraband 2 (RCW 9A.76.150)
16 Maintaining a Dwelling or Place for
17 Controlled Substances (RCW
18 69.50.402(a)(6))
19 Malicious Injury to Railroad Property (RCW
20 81.60.070)
21 Manufacture, deliver, or possess with
22 intent to deliver marijuana (RCW
23 69.50.401(a)(1)(iii))
24 Manufacture, distribute, or possess with
25 intent to distribute an imitation
26 controlled substance (RCW
27 69.52.030(1))
28 Patronizing a Juvenile Prostitute (RCW
29 9.68A.100)
30 Perjury 2 (RCW 9A.72.030)
31 Possession of Incendiary Device (RCW
32 9.40.120)
33 Possession of Machine Gun or Short-Barreled
34 Shotgun or Rifle (RCW 9.41.190)
35 Promoting Prostitution 2 (RCW 9A.88.080)
36 Recklessly Trafficking in Stolen Property
37 (RCW 9A.82.050(1))
38 Securities Act violation (RCW 21.20.400)
39 Tampering with a Witness (RCW 9A.72.120)

1 Telephone Harassment (subsequent conviction
2 or threat of death) (RCW 9.61.230)
3 Theft of Livestock 2 (RCW 9A.56.080)
4 Unlawful Imprisonment (RCW 9A.40.040)
5 Unlawful possession of firearm in the
6 second degree (RCW 9.41.040(1)(b))
7 Unlawful Use of Building for Drug Purposes
8 (RCW 69.53.010)
9 Vehicular Assault, by the operation or
10 driving of a vehicle with disregard
11 for the safety of others (RCW
12 46.61.522)
13 Willful Failure to Return from Work Release
14 (RCW 72.65.070)

15 II Computer Trespass 1 (RCW 9A.52.110)
16 Counterfeiting (RCW 9.16.035(3))
17 Create, deliver, or possess a counterfeit
18 controlled substance (RCW
19 69.50.401(b))
20 Escape from Community Custody (RCW
21 72.09.310)
22 Health Care False Claims (RCW 48.80.030)
23 Identity Theft 2 (RCW 9.35.020(2)(b))
24 Improperly Obtaining Financial Information
25 (RCW 9.35.010)
26 Malicious Mischief 1 (RCW 9A.48.070)
27 Possession of controlled substance that is
28 either heroin or narcotics from
29 Schedule I or II or flunitrazepam from
30 Schedule IV (RCW 69.50.401(d))
31 Possession of phencyclidine (PCP) (RCW
32 69.50.401(d))
33 Possession of Stolen Property 1 (RCW
34 9A.56.150)
35 Theft 1 (RCW 9A.56.030)
36 Theft of Rental, Leased, or Lease-purchased
37 Property (valued at one thousand five
38 hundred dollars or more) (RCW
39 9A.56.096(4))

1 Trafficking in Insurance Claims (RCW
2 48.30A.015)
3 Unlawful Practice of Law (RCW 2.48.180)
4 Unlicensed Practice of a Profession or
5 Business (RCW 18.130.190(7))
6 I Attempting to Elude a Pursuing Police
7 Vehicle (RCW 46.61.024)
8 False Verification for Welfare (RCW
9 74.08.055)
10 Forged Prescription (RCW 69.41.020)
11 Forged Prescription for a Controlled
12 Substance (RCW 69.50.403)
13 Forgery (RCW 9A.60.020)
14 Malicious Mischief 2 (RCW 9A.48.080)
15 Possess Controlled Substance that is a
16 Narcotic from Schedule III, IV, or V
17 or Non-narcotic from Schedule I-V
18 (except phencyclidine or
19 flunitrazepam) (RCW 69.50.401(d))
20 Possession of Stolen Property 2 (RCW
21 9A.56.160)
22 Reckless Burning 1 (RCW 9A.48.040)
23 Taking Motor Vehicle Without Permission
24 (RCW 9A.56.070)
25 Theft 2 (RCW 9A.56.040)
26 Theft of Rental, Leased, or Lease-purchased
27 Property (valued at two hundred fifty
28 dollars or more but less than one
29 thousand five hundred dollars) (RCW
30 9A.56.096(4))
31 Unlawful Issuance of Checks or Drafts (RCW
32 9A.56.060)
33 Unlawful Use of Food Stamps (RCW 9.91.140
34 (2) and (3))
35 Vehicle Prowl 1 (RCW 9A.52.095)"

36 Correct the title.

EFFECT: Reduces the crime of cheating in the first degree from a Class B felony to a Class C felony offense.

Authorizes courts to impose a financial penalty ranging up to a maximum of \$20,000.

--- END ---