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## **Criminal Justice & Corrections Committee**

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### **SB 5064**

**Brief Description:** Defining degrees of gambling cheating.

**Sponsors:** Senators Prentice and Winsley; by request of Gambling Commission.

#### **Brief Summary of Bill**

- Divides the crime of cheating, in the Gambling Act, into two separate crime classifications: cheating in the first degree is a Class B felony and cheating in the second degree is a gross misdemeanor.

**Hearing Date:** 2/20/02

**Staff:** Yvonne Walker (786-7841).

#### **Background:**

The Gambling Act defines the offense of cheating as any person who participates in a gambling activity while:

- Using or attempting to use a device or scheme to defraud another player or operator;
- Engaging or practicing in any act that operates as fraud or deceit upon any other participant or operator;
- Engaging in acts with the intent to cheat any other participant or operator to gain an advantage in the game; or
- Causing or conspiring with others to cause another person to cheat.

A violation of the cheating offense 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 Bill:**

The crime of cheating, as used in the Gambling Act, is divided into two degrees: cheating in the first and second degree.

First degree cheating is committed if the person holds a Washington issued licence or permit

to conduct authorized gambling activities or he or she knowingly causes, aids, abets, or conspires with another to engage in cheating. Cheating in the first degree is a seriousness level IV, class B felony. A first time offender, with no previous criminal history, would receive a presumptive sentence range of three to nine months in jail.

Second degree cheating is committed when a person engages in cheating that does not constitute cheating in the first degree. Cheating in the second degree is a gross misdemeanor punishable by a sentence of up to one year in jail, a maximum fine of \$5,000, or both.

**Appropriation:** None.

**Fiscal Note:** Available.

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