

CERTIFICATION OF ENROLLMENT

SENATE BILL 5064

57th Legislature
2002 Regular Session

Passed by the Senate March 11, 2002
YEAS 39 NAYS 0

President of the Senate

Passed by the House March 7, 2002
YEAS 93 NAYS 1

**Speaker of the
House of Representatives**

CERTIFICATE

I, Tony M. Cook, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5064** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

Approved

FILED

Governor of the State of Washington

**Secretary of State
State of Washington**

SENATE BILL 5064

AS AMENDED BY THE HOUSE

Passed Legislature - 2002 Regular Session

State of Washington 57th Legislature 2001 Regular Session

By Senators Prentice and Winsley; by request of Gambling Commission

Read first time 01/10/2001. Referred to Committee on Labor, Commerce & Financial Institutions.

1 AN ACT Relating to cheating at gambling; amending RCW 9.46.196;
2 reenacting and amending RCW 9.94A.515; adding new sections to chapter
3 9.46 RCW; 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 cheating and:

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

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

14 (2) Cheating in the first degree is a class C felony subject to the
15 penalty set forth in RCW 9A.20.021. In addition to any other penalties
16 imposed by law for a conviction of a violation of this section the
17 court may impose an additional penalty of up to twenty thousand
18 dollars.

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

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

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

26 **Sec. 4.** RCW 9.94A.515 and 2001 2nd sp.s. c 12 s 361, 2001 c 300 s
27 4, 2001 c 217 s 12, and 2001 c 17 s 1 are each reenacted and amended to
28 read as follows:

29 TABLE 2

30 CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

31 XVI Aggravated Murder 1 (RCW 10.95.020)

32 XV Homicide by abuse (RCW 9A.32.055)

33 Malicious explosion 1 (RCW 70.74.280(1))

34 Murder 1 (RCW 9A.32.030)

1 XIV Murder 2 (RCW 9A.32.050)
2 XIII Malicious explosion 2 (RCW 70.74.280(2))
3 Malicious placement of an explosive 1 (RCW
4 70.74.270(1))
5 XII Assault 1 (RCW 9A.36.011)
6 Assault of a Child 1 (RCW 9A.36.120)
7 Malicious placement of an imitation device
8 1 (RCW 70.74.272(1)(a))
9 Rape 1 (RCW 9A.44.040)
10 Rape of a Child 1 (RCW 9A.44.073)
11 XI Manslaughter 1 (RCW 9A.32.060)
12 Rape 2 (RCW 9A.44.050)
13 Rape of a Child 2 (RCW 9A.44.076)
14 X Child Molestation 1 (RCW 9A.44.083)
15 Indecent Liberties (with forcible
16 compulsion) (RCW 9A.44.100(1)(a))
17 Kidnapping 1 (RCW 9A.40.020)
18 Leading Organized Crime (RCW
19 9A.82.060(1)(a))
20 Malicious explosion 3 (RCW 70.74.280(3))
21 Manufacture of methamphetamine (RCW
22 69.50.401(a)(1)(ii))
23 Over 18 and deliver heroin,
24 methamphetamine, a narcotic from
25 Schedule I or II, or flunitrazepam
26 from Schedule IV to someone under 18
27 (RCW 69.50.406)
28 Sexually Violent Predator Escape (RCW
29 9A.76.115)
30 IX Assault of a Child 2 (RCW 9A.36.130)
31 Controlled Substance Homicide (RCW
32 69.50.415)
33 Explosive devices prohibited (RCW
34 70.74.180)
35 Hit and Run--Death (RCW 46.52.020(4)(a))

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

18 VIII Arson 1 (RCW 9A.48.020)
19 Deliver or possess with intent to deliver
20 m e t h a m p h e t a m i n e (R C W
21 69.50.401(a)(1)(ii))
22 Homicide by Watercraft, by the operation of
23 any vessel in a reckless manner (RCW
24 79A.60.050)
25 Manslaughter 2 (RCW 9A.32.070)
26 Manufacture, deliver, or possess with
27 intent to deliver amphetamine (RCW
28 69.50.401(a)(1)(ii))
29 Manufacture, deliver, or possess with
30 intent to deliver heroin or cocaine
31 (RCW 69.50.401(a)(1)(i))
32 Possession of Ephedrine, Pseudoephedrine,
33 or Anhydrous Ammonia with intent to
34 manufacture methamphetamine (RCW
35 69.50.440)
36 Promoting Prostitution 1 (RCW 9A.88.070)
37 Selling for profit (controlled or
38 counterfeit) any controlled substance
39 (RCW 69.50.410)

1 Theft of Anhydrous Ammonia (RCW 69.55.010)
2 Vehicular Homicide, by the operation of any
3 vehicle in a reckless manner (RCW
4 46.61.520)

5 VII Burglary 1 (RCW 9A.52.020)
6 Child Molestation 2 (RCW 9A.44.086)
7 Dealing in depictions of minor engaged in
8 sexually explicit conduct (RCW
9 9.68A.050)

10 Drive-by Shooting (RCW 9A.36.045)
11 Homicide by Watercraft, by disregard for
12 the safety of others (RCW 79A.60.050)
13 Indecent Liberties (without forcible
14 compulsion) (RCW 9A.44.100(1) (b) and
15 (c))

16 Introducing Contraband 1 (RCW 9A.76.140)
17 Involving a minor in drug dealing (RCW
18 69.50.401(f))

19 Malicious placement of an explosive 3 (RCW
20 70.74.270(3))

21 Sending, bringing into state depictions of
22 minor engaged in sexually explicit
23 conduct (RCW 9.68A.060)

24 Unlawful Possession of a Firearm in the
25 first degree (RCW 9.41.040(1)(a))

26 Use of a Machine Gun in Commission of a
27 Felony (RCW 9.41.225)

28 Vehicular Homicide, by disregard for the
29 safety of others (RCW 46.61.520)

30 VI Bail Jumping with Murder 1 (RCW
31 9A.76.170(3)(a))

32 Bribery (RCW 9A.68.010)
33 Incest 1 (RCW 9A.64.020(1))
34 Intimidating a Judge (RCW 9A.72.160)
35 Intimidating a Juror/Witness (RCW
36 9A.72.110, 9A.72.130)

37 Malicious placement of an imitation device
38 2 (RCW 70.74.272(1)(b))

1 Manufacture, deliver, or possess with
2 intent to deliver narcotics from
3 Schedule I or II (except heroin or
4 cocaine) or flunitrazepam from
5 Schedule IV (RCW 69.50.401(a)(1)(i))
6 Rape of a Child 3 (RCW 9A.44.079)
7 Theft of a Firearm (RCW 9A.56.300)
8 Unlawful Storage of Anhydrous Ammonia (RCW
9 69.55.020)

10 V Abandonment of dependent person 1 (RCW
11 9A.42.060)

12 Advancing money or property for
13 extortionate extension of credit (RCW
14 9A.82.030)

15 Bail Jumping with class A Felony (RCW
16 9A.76.170(3)(b))

17 Child Molestation 3 (RCW 9A.44.089)
18 Criminal Mistreatment 1 (RCW 9A.42.020)
19 Custodial Sexual Misconduct 1 (RCW
20 9A.44.160)

21 Delivery of imitation controlled substance
22 by person eighteen or over to person
23 under eighteen (RCW 69.52.030(2))

24 Domestic Violence Court Order Violation
25 (RCW 10.99.040, 10.99.050, 26.09.300,
26 26.10.220, 26.26.138, 26.50.110,
27 26.52.070, or 74.34.145)

28 Extortion 1 (RCW 9A.56.120)
29 Extortionate Extension of Credit (RCW
30 9A.82.020)

31 Extortionate Means to Collect Extensions of
32 Credit (RCW 9A.82.040)

33 Incest 2 (RCW 9A.64.020(2))
34 Kidnapping 2 (RCW 9A.40.030)
35 Perjury 1 (RCW 9A.72.020)
36 Persistent prison misbehavior (RCW
37 9.94.070)

38 Possession of a Stolen Firearm (RCW
39 9A.56.310)

1 Rape 3 (RCW 9A.44.060)
2 Rendering Criminal Assistance 1 (RCW
3 9A.76.070)
4 Sexual Misconduct with a Minor 1 (RCW
5 9A.44.093)
6 Sexually Violating Human Remains (RCW
7 9A.44.105)
8 Stalking (RCW 9A.46.110)
9 IV Arson 2 (RCW 9A.48.030)
10 Assault 2 (RCW 9A.36.021)
11 Assault by Watercraft (RCW 79A.60.060)
12 Bribing a Witness/Bribe Received by Witness
13 (RCW 9A.72.090, 9A.72.100)
14 Cheating 1 (section 2 of this act)
15 Commercial Bribery (RCW 9A.68.060)
16 Counterfeiting (RCW 9.16.035(4))
17 Escape 1 (RCW 9A.76.110)
18 Hit and Run--Injury (RCW 46.52.020(4)(b))
19 Hit and Run with Vessel--Injury Accident
20 (RCW 79A.60.200(3))
21 Identity Theft 1 (RCW 9.35.020(2)(a))
22 Indecent Exposure to Person Under Age
23 Fourteen (subsequent sex offense) (RCW
24 9A.88.010)
25 Influencing Outcome of Sporting Event (RCW
26 9A.82.070)
27 Knowingly Trafficking in Stolen Property
28 (RCW 9A.82.050(2))
29 Malicious Harassment (RCW 9A.36.080)
30 Manufacture, deliver, or possess with
31 intent to deliver narcotics from
32 Schedule III, IV, or V or nonnarcotics
33 from Schedule I-V (except marijuana,
34 amphetamine, methamphetamines, or
35 flunitrazepam) (RCW 69.50.401(a)(1)
36 (iii) through (v))
37 Residential Burglary (RCW 9A.52.025)
38 Robbery 2 (RCW 9A.56.210)
39 Theft of Livestock 1 (RCW 9A.56.080)

1 Threats to Bomb (RCW 9.61.160)
2 Use of Proceeds of Criminal Profiteering
3 (RCW 9A.82.080 (1) and (2))
4 Vehicular Assault, by being under the
5 influence of intoxicating liquor or
6 any drug, or by the operation or
7 driving of a vehicle in a reckless
8 manner (RCW 46.61.522)
9 Willful Failure to Return from Furlough
10 (RCW 72.66.060)

11 III Abandonment of dependent person 2 (RCW
12 9A.42.070)
13 Assault 3 (RCW 9A.36.031)
14 Assault of a Child 3 (RCW 9A.36.140)
15 Bail Jumping with class B or C Felony (RCW
16 9A.76.170(3)(c))
17 Burglary 2 (RCW 9A.52.030)
18 Communication with a Minor for Immoral
19 Purposes (RCW 9.68A.090)
20 Criminal Gang Intimidation (RCW 9A.46.120)
21 Criminal Mistreatment 2 (RCW 9A.42.030)
22 Custodial Assault (RCW 9A.36.100)
23 Delivery of a material in lieu of a
24 controlled substance (RCW
25 69.50.401(c))
26 Escape 2 (RCW 9A.76.120)
27 Extortion 2 (RCW 9A.56.130)
28 Harassment (RCW 9A.46.020)
29 Intimidating a Public Servant (RCW
30 9A.76.180)
31 Introducing Contraband 2 (RCW 9A.76.150)
32 Maintaining a Dwelling or Place for
33 Controlled Substances (RCW
34 69.50.402(a)(6))
35 Malicious Injury to Railroad Property (RCW
36 81.60.070)
37 Manufacture, deliver, or possess with
38 intent to deliver marijuana (RCW
39 69.50.401(a)(1)(iii))

1 Manufacture, distribute, or possess with
2 intent to distribute an imitation
3 controlled substance (RCW
4 69.52.030(1))
5 Patronizing a Juvenile Prostitute (RCW
6 9.68A.100)
7 Perjury 2 (RCW 9A.72.030)
8 Possession of Incendiary Device (RCW
9 9.40.120)
10 Possession of Machine Gun or Short-Barreled
11 Shotgun or Rifle (RCW 9.41.190)
12 Promoting Prostitution 2 (RCW 9A.88.080)
13 Recklessly Trafficking in Stolen Property
14 (RCW 9A.82.050(1))
15 Securities Act violation (RCW 21.20.400)
16 Tampering with a Witness (RCW 9A.72.120)
17 Telephone Harassment (subsequent conviction
18 or threat of death) (RCW 9.61.230)
19 Theft of Livestock 2 (RCW 9A.56.080)
20 Unlawful Imprisonment (RCW 9A.40.040)
21 Unlawful possession of firearm in the
22 second degree (RCW 9.41.040(1)(b))
23 Unlawful Use of Building for Drug Purposes
24 (RCW 69.53.010)
25 Vehicular Assault, by the operation or
26 driving of a vehicle with disregard
27 for the safety of others (RCW
28 46.61.522)
29 Willful Failure to Return from Work Release
30 (RCW 72.65.070)
31 II Computer Trespass 1 (RCW 9A.52.110)
32 Counterfeiting (RCW 9.16.035(3))
33 Create, deliver, or possess a counterfeit
34 controlled substance (RCW
35 69.50.401(b))
36 Escape from Community Custody (RCW
37 72.09.310)
38 Health Care False Claims (RCW 48.80.030)
39 Identity Theft 2 (RCW 9.35.020(2)(b))

1 Improperly Obtaining Financial Information
2 (RCW 9.35.010)
3 Malicious Mischief 1 (RCW 9A.48.070)
4 Possession of controlled substance that is
5 either heroin or narcotics from
6 Schedule I or II or flunitrazepam from
7 Schedule IV (RCW 69.50.401(d))
8 Possession of phencyclidine (PCP) (RCW
9 69.50.401(d))
10 Possession of Stolen Property 1 (RCW
11 9A.56.150)
12 Theft 1 (RCW 9A.56.030)
13 Theft of Rental, Leased, or Lease-purchased
14 Property (valued at one thousand five
15 hundred dollars or more) (RCW
16 9A.56.096(4))
17 Trafficking in Insurance Claims (RCW
18 48.30A.015)
19 Unlawful Practice of Law (RCW 2.48.180)
20 Unlicensed Practice of a Profession or
21 Business (RCW 18.130.190(7))
22 I Attempting to Elude a Pursuing Police
23 Vehicle (RCW 46.61.024)
24 False Verification for Welfare (RCW
25 74.08.055)
26 Forged Prescription (RCW 69.41.020)
27 Forged Prescription for a Controlled
28 Substance (RCW 69.50.403)
29 Forgery (RCW 9A.60.020)
30 Malicious Mischief 2 (RCW 9A.48.080)
31 Possess Controlled Substance that is a
32 Narcotic from Schedule III, IV, or V
33 or Non-narcotic from Schedule I-V
34 (except phencyclidine or
35 flunitrazepam) (RCW 69.50.401(d))
36 Possession of Stolen Property 2 (RCW
37 9A.56.160)
38 Reckless Burning 1 (RCW 9A.48.040)

1 Taking Motor Vehicle Without Permission
2 (RCW 9A.56.070)
3 Theft 2 (RCW 9A.56.040)
4 Theft of Rental, Leased, or Lease-purchased
5 Property (valued at two hundred fifty
6 dollars or more but less than one
7 thousand five hundred dollars) (RCW
8 9A.56.096(4))
9 Unlawful Issuance of Checks or Drafts (RCW
10 9A.56.060)
11 Unlawful Use of Food Stamps (RCW 9.91.140
12 (2) and (3))
13 Vehicle Prowl 1 (RCW 9A.52.095)

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