
SUBSTITUTE HOUSE BILL 1346

State of Washington

60th Legislature

2007 Regular Session

By House Committee on Commerce & Labor (originally sponsored by Representatives Wood, Conway and Moeller; by request of Gambling Commission)

READ FIRST TIME 02/02/07.

1 AN ACT Relating to the exclusion of certain persons from licensed
2 gambling premises; adding a new section to chapter 9.46 RCW; and
3 prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 9.46 RCW
6 to read as follows:

7 (1) The legislature declares that the exclusion of certain persons
8 from gambling premises that conduct licensed gambling activities is
9 necessary to carry out the policies of this chapter and to effectively
10 maintain the strict regulation of gambling.

11 (2)(a) The commission may, by rule, provide for the establishment
12 of a list of persons who are to be excluded from licensed gambling
13 premises.

14 (b) The commission's rules must define the standards for exclusion
15 and must include standards relating to persons:

16 (i) Who are career or professional offenders or involved in
17 organized crime;

18 (ii) Who have been convicted of a criminal violation of a gambling
19 law of any state or of the United States, or who have been convicted of

1 any felony including, but not limited to, theft, extortion, conspiracy
2 to defraud, or any similar offense involving, or in connection with,
3 any gambling activity; or

4 (iii) Who have been excluded under similar involuntary exclusion
5 laws or rules of any other state or nation that regulates gambling.

6 (c) Race, color, creed, national origin or ancestry, gender, or
7 other prohibited or unlawful discriminatory reasons shall not be used
8 to place any person upon the list of exclusion.

9 (3)(a) Any person listed on the commission's exclusion list will
10 remain listed until the person proves by clear and convincing evidence
11 that they are eligible to be removed from the commission's exclusion
12 list.

13 (b) The commission's rules must include the standards and processes
14 for removal.

15 (4) The commission may impose sanctions upon a licensee if the
16 licensee knowingly fails to exclude from its gambling premises any
17 person placed by the commission on the list of persons to be excluded.

18 (5)(a) Any list compiled by the commission of persons to be
19 excluded shall not be deemed an all-inclusive list. Licensees must
20 keep from their gambling premises persons known to them to fall within
21 the standards defined under subsection (2)(b) of this section.

22 When the commission places the name of a person on a list under
23 this section, the commission must serve notice to the person by
24 personal service or by certified mail to the last known address of the
25 person. If personal service is not accomplished and there is no last
26 known address, the commission must publish a notice daily for one week
27 in a newspaper of general circulation in Thurston county, and publish
28 a notice on the commission's official internet web site.

29 (b) Within thirty days after service of the notification, the
30 person named for exclusion may request a hearing before an
31 administrative law judge. The commission has the affirmative
32 obligation to demonstrate by a preponderance of the evidence that the
33 person named for exclusion satisfies the criteria for exclusion
34 established by this section and the commission's rules.

35 (c) Failure to request a hearing within thirty days after service
36 precludes a person from having an administrative hearing.

37 (d) If, upon completion of the hearing for exclusion, an
38 administrative law judge determines that the person named does not

1 satisfy the criteria for exclusion established by this section and the
2 commission's rules, the administrative law judge must issue an initial
3 order denying the listing. The order is subject to review by the
4 commission.

5 (e) If, upon completion of a hearing for exclusion, an
6 administrative law judge determines that placement of the name of the
7 person on the exclusion list is appropriate, the administrative law
8 judge must make and enter an initial order to that effect. The order
9 is subject to review by the commission.

10 (6) This section does not limit the right of a licensee to exercise
11 its common law right to exclude or eject permanently from its premises
12 any person who disrupts the operations of its premises, threatens the
13 security of its premises or its occupants, or is disorderly or
14 intoxicated.

15 (7) A person on the list of excluded persons shall not collect any
16 winnings or recover any losses arising as a result of any licensed
17 gambling activity. Additionally, any money or thing of value which has
18 been obtained by, or is owed to, any person placed on the list of
19 excluded persons must be forfeited by order of the commission, pursuant
20 to RCW 9.46.231, following notice to the person and to all claimants
21 and opportunity to be heard.

22 (8) A person on the list of excluded persons who enters a gambling
23 premises is guilty of a gross misdemeanor punishable under RCW
24 9A.20.021.

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