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HOUSE BILL 2355

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State of Washington

61st Legislature

2009 Regular Session

By Representatives Simpson and Ericks

1 AN ACT Relating to clarifying the definition of gambling for the  
2 purpose of assisting in the regulation and control of gambling; and  
3 amending RCW 9.46.010 and 9.46.0237.

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

5 **Sec. 1.** RCW 9.46.010 and 1996 c 101 s 2 are each amended to read  
6 as follows:

7 The public policy of the state of Washington on gambling is to keep  
8 the criminal element out of gambling and to promote the social welfare  
9 of the people by limiting the nature and scope of gambling activities  
10 and by strict regulation and control.

11 It is hereby declared to be the policy of the legislature,  
12 recognizing the close relationship between professional gambling and  
13 organized crime, to restrain all persons from seeking profit from  
14 professional gambling activities in this state; to restrain all persons  
15 from patronizing such professional gambling activities; to safeguard  
16 the public against the evils induced by common gamblers and common  
17 gambling houses engaged in professional gambling; and at the same time,  
18 both to preserve the freedom of the press and to avoid restricting  
19 participation by individuals in activities and social pastimes, which

1 activities and social pastimes are more for amusement rather than for  
2 profit, do not maliciously affect the public, and do not breach the  
3 peace.

4 The legislature further declares that the fines and forfeitures  
5 related to enforcement of activities proscribed in this chapter provide  
6 resources to law enforcement and the court system to assist in the  
7 regulation and control of gambling.

8 The legislature further declares that the raising of funds for the  
9 promotion of bona fide charitable or nonprofit organizations is in the  
10 public interest as is participation in such activities and social  
11 pastimes as are hereinafter in this chapter authorized.

12 The legislature further declares that the conducting of bingo,  
13 raffles, and amusement games and the operation of punchboards, pull-  
14 tabs, card games and other social pastimes, when conducted pursuant to  
15 the provisions of this chapter and any rules and regulations adopted  
16 pursuant thereto, are hereby authorized, as are only such lotteries for  
17 which no valuable consideration has been paid or agreed to be paid as  
18 hereinafter in this chapter provided.

19 The legislature further declares that fishing derbies shall not  
20 constitute any form of gambling and shall not be considered as a  
21 lottery, a raffle, or an amusement game and shall not be subject to the  
22 provisions of this chapter or any rules and regulations adopted  
23 hereunder.

24 The legislature further declares that raffles authorized by the  
25 fish and wildlife commission involving hunting big game animals or wild  
26 turkeys shall not be subject to the provisions of this chapter or any  
27 rules and regulations adopted hereunder, with the exception of this  
28 section and RCW 9.46.400.

29 All factors incident to the activities authorized in this chapter  
30 shall be closely controlled, and the provisions of this chapter shall  
31 be liberally construed to achieve such end.

32 **Sec. 2.** RCW 9.46.0237 and 2005 c 351 s 1 are each amended to read  
33 as follows:

34 "Gambling," as used in this chapter, means conditionally or  
35 unconditionally staking or risking something of value upon the outcome  
36 of a contest of chance or a future contingent event not under the  
37 person's control or influence, upon an agreement or understanding,

1 which may be either conditional or unconditional, that the person or  
2 someone else will or may receive something of value in the event of a  
3 certain outcome. Gambling does not include fishing derbies as defined  
4 by this chapter, parimutuel betting and handicapping contests as  
5 authorized by chapter 67.16 RCW, bona fide business transactions valid  
6 under the law of contracts, including, but not limited to, contracts  
7 for the purchase or sale at a future date of securities or commodities,  
8 and agreements to compensate for loss caused by the happening of  
9 chance, including, but not limited to, contracts of indemnity or  
10 guarantee and life, health, or accident insurance. In addition, a  
11 contest of chance which is specifically excluded from the definition of  
12 lottery under this chapter shall not constitute gambling.

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