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HOUSE BILL 2881

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State of Washington                      65th Legislature                      2018 Regular Session

By Representatives Sawyer and Vick

Read first time 01/19/18. Referred to Committee on Public Safety.

1            AN ACT Relating to creating a new crime applicable to platforms,  
2 including internet web sites, that facilitate unauthorized gambling  
3 activity; reenacting and amending RCW 9.94A.515; adding new sections  
4 to chapter 9.46 RCW; and prescribing penalties.

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

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

8            (1) A person is guilty of operating a platform that facilitates  
9 an unauthorized gambling activity if the person operates a platform,  
10 including an internet web site, that charges customers a fee for a  
11 service or product and on which customers may transfer virtual items  
12 with or without a charge, if the person knows or, based on the  
13 totality of the circumstances, could reasonably be expected to know,  
14 that third parties use the platform to engage in an unauthorized  
15 gambling activity involving the wager or transfer of virtual items.

16            (2) A violation of this section is a class C felony.

17            (3) For purposes of this section:

18            (a) "Customer" means a person with an account on the platform or  
19 a person who uses or visits the platform for the purpose of using or  
20 purchasing a product or service offered or provided by or through the  
21 platform; and

1 (b) "Platform" means an internet web site, service, product, or  
2 business model:

3 (i) Through which the owner or operator charges customers a fee  
4 for a product or service offered or made available to customers, even  
5 if some products or services offered or made available to customers  
6 are free; and

7 (ii) That involves in any respect the use, transfer, or sale of a  
8 virtual item.

9 NEW SECTION. **Sec. 2.** A new section is added to chapter 9.46 RCW  
10 to read as follows:

11 "Virtual item" means a person, player, or character's appearance,  
12 accessory, or privilege in a video, computer, internet, or electronic  
13 game, or any other type of digital or intangible object or thing, if  
14 such object or thing is capable of conversion into a currency used  
15 anywhere in the world or is capable of being accepted as a deposit by  
16 an operator of a gambling activity, in the form of a store of value,  
17 for the purposes of gambling on the internet.

18 **Sec. 3.** RCW 9.94A.515 and 2017 c 335 s 4, 2017 c 292 s 3, 2017 c  
19 272 s 10, and 2017 c 266 s 8 are each reenacted and amended to read  
20 as follows:

21

22 TABLE 2  
23 CRIMES INCLUDED WITHIN EACH  
24 SERIOUSNESS LEVEL

25	XVI	Aggravated Murder 1 (RCW 10.95.020)
26	XV	Homicide by abuse (RCW 9A.32.055)
27		Malicious explosion 1 (RCW 28 70.74.280(1))
29		Murder 1 (RCW 9A.32.030)
30	XIV	Murder 2 (RCW 9A.32.050)
31		Trafficking 1 (RCW 9A.40.100(1))
32	XIII	Malicious explosion 2 (RCW 33 70.74.280(2))
34		Malicious placement of an explosive 1 35 (RCW 70.74.270(1))
	XII	Assault 1 (RCW 9A.36.011)

1 Assault of a Child 1 (RCW 9A.36.120)  
2 Malicious placement of an imitation  
3 device 1 (RCW 70.74.272(1)(a))  
4 Promoting Commercial Sexual Abuse of  
5 a Minor (RCW 9.68A.101)  
6 Rape 1 (RCW 9A.44.040)  
7 Rape of a Child 1 (RCW 9A.44.073)  
8 Trafficking 2 (RCW 9A.40.100(3))  
9 XI Manslaughter 1 (RCW 9A.32.060)  
10 Rape 2 (RCW 9A.44.050)  
11 Rape of a Child 2 (RCW 9A.44.076)  
12 Vehicular Homicide, by being under the  
13 influence of intoxicating liquor or  
14 any drug (RCW 46.61.520)  
15 Vehicular Homicide, by the operation of  
16 any vehicle in a reckless manner  
17 (RCW 46.61.520)  
18 X Child Molestation 1 (RCW 9A.44.083)  
19 Criminal Mistreatment 1 (RCW  
20 9A.42.020)  
21 Indecent Liberties (with forcible  
22 compulsion) (RCW  
23 9A.44.100(1)(a))  
24 Kidnapping 1 (RCW 9A.40.020)  
25 Leading Organized Crime (RCW  
26 9A.82.060(1)(a))  
27 Malicious explosion 3 (RCW  
28 70.74.280(3))  
29 Sexually Violent Predator Escape (RCW  
30 9A.76.115)  
31 IX Abandonment of Dependent Person 1  
32 (RCW 9A.42.060)  
33 Assault of a Child 2 (RCW 9A.36.130)  
34 Explosive devices prohibited (RCW  
35 70.74.180)

1 Hit and Run—Death (RCW  
2 46.52.020(4)(a))  
3 Homicide by Watercraft, by being under  
4 the influence of intoxicating liquor  
5 or any drug (RCW 79A.60.050)  
6 Inciting Criminal Profiteering (RCW  
7 9A.82.060(1)(b))  
8 Malicious placement of an explosive 2  
9 (RCW 70.74.270(2))  
10 Robbery 1 (RCW 9A.56.200)  
11 Sexual Exploitation (RCW 9.68A.040)  
12 VIII Arson 1 (RCW 9A.48.020)  
13 Commercial Sexual Abuse of a Minor  
14 (RCW 9.68A.100)  
15 Homicide by Watercraft, by the  
16 operation of any vessel in a reckless  
17 manner (RCW 79A.60.050)  
18 Manslaughter 2 (RCW 9A.32.070)  
19 Promoting Prostitution 1 (RCW  
20 9A.88.070)  
21 Theft of Ammonia (RCW 69.55.010)  
22 VII Air bag diagnostic systems (causing  
23 bodily injury or death) (RCW  
24 46.37.660(2)(b))  
25 Air bag replacement requirements  
26 (causing bodily injury or death)  
27 (RCW 46.37.660(1)(b))  
28 Burglary 1 (RCW 9A.52.020)  
29 Child Molestation 2 (RCW 9A.44.086)  
30 Civil Disorder Training (RCW  
31 9A.48.120)  
32 Dealing in depictions of minor engaged  
33 in sexually explicit conduct 1  
34 (RCW 9.68A.050(1))  
35 Drive-by Shooting (RCW 9A.36.045)

1 Homicide by Watercraft, by disregard  
2 for the safety of others (RCW  
3 79A.60.050)

4 Indecent Liberties (without forcible  
5 compulsion) (RCW 9A.44.100(1)  
6 (b) and (c))

7 Introducing Contraband 1 (RCW  
8 9A.76.140)

9 Malicious placement of an explosive 3  
10 (RCW 70.74.270(3))

11 Manufacture or import counterfeit,  
12 nonfunctional, damaged, or  
13 previously deployed air bag  
14 (causing bodily injury or death)  
15 (RCW 46.37.650(1)(b))

16 Negligently Causing Death By Use of a  
17 Signal Preemption Device (RCW  
18 46.37.675)

19 ~~((Sale {of}))~~ Sell, install, or reinstall  
20 counterfeit, nonfunctional,  
21 damaged, or previously deployed  
22 airbag (RCW 46.37.650(2)(b))

23 Sending, bringing into state depictions  
24 of minor engaged in sexually  
25 explicit conduct 1 (RCW  
26 9.68A.060(1))

27 Unlawful Possession of a Firearm in the  
28 first degree (RCW 9.41.040(1))

29 Use of a Machine Gun in Commission  
30 of a Felony (RCW 9.41.225)

31 Vehicular Homicide, by disregard for  
32 the safety of others (RCW  
33 46.61.520)

34 VI Bail Jumping with Murder 1 (RCW  
35 9A.76.170(3)(a))

36 Bribery (RCW 9A.68.010)

37 Incest 1 (RCW 9A.64.020(1))

1 Intimidating a Judge (RCW 9A.72.160)  
2 Intimidating a Juror/Witness (RCW  
3 9A.72.110, 9A.72.130)  
4 Malicious placement of an imitation  
5 device 2 (RCW 70.74.272(1)(b))  
6 Possession of Depictions of a Minor  
7 Engaged in Sexually Explicit  
8 Conduct 1 (RCW 9.68A.070(1))  
9 Rape of a Child 3 (RCW 9A.44.079)  
10 Theft of a Firearm (RCW 9A.56.300)  
11 Theft from a Vulnerable Adult 1 (RCW  
12 9A.56.400(1))  
13 Unlawful Storage of Ammonia (RCW  
14 69.55.020)  
15 V Abandonment of Dependent Person 2  
16 (RCW 9A.42.070)  
17 Advancing money or property for  
18 extortionate extension of credit  
19 (RCW 9A.82.030)  
20 Air bag diagnostic systems (RCW  
21 46.37.660(2)(c))  
22 Air bag replacement requirements  
23 (RCW 46.37.660(1)(c))  
24 Bail Jumping with class A Felony  
25 (RCW 9A.76.170(3)(b))  
26 Child Molestation 3 (RCW 9A.44.089)  
27 Criminal Mistreatment 2 (RCW  
28 9A.42.030)  
29 Custodial Sexual Misconduct 1 (RCW  
30 9A.44.160)  
31 Dealing in Depictions of Minor  
32 Engaged in Sexually Explicit  
33 Conduct 2 (RCW 9.68A.050(2))

1 Domestic Violence Court Order  
2 Violation (RCW 10.99.040,  
3 10.99.050, 26.09.300, 26.10.220,  
4 26.26.138, 26.50.110, 26.52.070, or  
5 74.34.145)  
6 Extortion 1 (RCW 9A.56.120)  
7 Extortionate Extension of Credit (RCW  
8 9A.82.020)  
9 Extortionate Means to Collect  
10 Extensions of Credit (RCW  
11 9A.82.040)  
12 Incest 2 (RCW 9A.64.020(2))  
13 Kidnapping 2 (RCW 9A.40.030)  
14 Manufacture or import counterfeit,  
15 nonfunctional, damaged, or  
16 previously deployed air bag (RCW  
17 46.37.650(1)(c))  
18 Perjury 1 (RCW 9A.72.020)  
19 Persistent prison misbehavior (RCW  
20 9.94.070)  
21 Possession of a Stolen Firearm (RCW  
22 9A.56.310)  
23 Rape 3 (RCW 9A.44.060)  
24 Rendering Criminal Assistance 1 (RCW  
25 9A.76.070)  
26 ~~((Sale of))~~ Sell, install, or reinstall  
27 counterfeit, nonfunctional,  
28 damaged, or previously deployed  
29 airbag (RCW 46.37.650(2)(c))  
30 Sending, Bringing into State Depictions  
31 of Minor Engaged in Sexually  
32 Explicit Conduct 2 (RCW  
33 9.68A.060(2))  
34 Sexual Misconduct with a Minor 1  
35 (RCW 9A.44.093)

1 Sexually Violating Human Remains  
2 (RCW 9A.44.105)  
3 Stalking (RCW 9A.46.110)  
4 Taking Motor Vehicle Without  
5 Permission 1 (RCW 9A.56.070)  
6 IV Arson 2 (RCW 9A.48.030)  
7 Assault 2 (RCW 9A.36.021)  
8 Assault 3 (of a Peace Officer with a  
9 Projectile Stun Gun) (RCW  
10 9A.36.031(1)(h))  
11 Assault 4 (third domestic violence  
12 offense) (RCW 9A.36.041(3))  
13 Assault by Watercraft (RCW  
14 79A.60.060)  
15 Bribing a Witness/Bribe Received by  
16 Witness (RCW 9A.72.090,  
17 9A.72.100)  
18 Cheating 1 (RCW 9A.46.1961)  
19 Commercial Bribery (RCW 9A.68.060)  
20 Counterfeiting (RCW 9A.16.035(4))  
21 Driving While Under the Influence  
22 (RCW 46.61.502(6))  
23 Endangerment with a Controlled  
24 Substance (RCW 9A.42.100)  
25 Escape 1 (RCW 9A.76.110)  
26 Hit and Run—Injury (RCW  
27 46.52.020(4)(b))  
28 Hit and Run with Vessel—Injury  
29 Accident (RCW 79A.60.200(3))  
30 Identity Theft 1 (RCW 9A.35.020(2))  
31 Indecent Exposure to Person Under Age  
32 Fourteen (subsequent sex offense)  
33 (RCW 9A.88.010)  
34 Influencing Outcome of Sporting Event  
35 (RCW 9A.82.070)



1 Malicious Harassment (RCW  
2 9A.36.080)  
3 Physical Control of a Vehicle While  
4 Under the Influence (RCW  
5 46.61.504(6))  
6 Possession of Depictions of a Minor  
7 Engaged in Sexually Explicit  
8 Conduct 2 (RCW 9.68A.070(2))  
9 Residential Burglary (RCW 9A.52.025)  
10 Robbery 2 (RCW 9A.56.210)  
11 Theft of Livestock 1 (RCW 9A.56.080)  
12 Threats to Bomb (RCW 9.61.160)  
13 Trafficking in Stolen Property 1 (RCW  
14 9A.82.050)  
15 Unlawful factoring of a credit card or  
16 payment card transaction (RCW  
17 9A.56.290(4)(b))  
18 Unlawful Operation of Platform that  
19 Facilitates an Unauthorized  
20 Gambling Activity (section 1 of this  
21 act)  
22 Unlawful transaction of health coverage  
23 as a health care service contractor  
24 (RCW 48.44.016(3))  
25 Unlawful transaction of health coverage  
26 as a health maintenance  
27 organization (RCW 48.46.033(3))  
28 Unlawful transaction of insurance  
29 business (RCW 48.15.023(3))  
30 Unlicensed practice as an insurance  
31 professional (RCW 48.17.063(2))  
32 Use of Proceeds of Criminal  
33 Profiteering (RCW 9A.82.080 (1)  
34 and (2))  
35 Vehicle Prowling 2 (third or subsequent  
36 offense) (RCW 9A.52.100(3))

1 Vehicular Assault, by being under the  
2 influence of intoxicating liquor or  
3 any drug, or by the operation or  
4 driving of a vehicle in a reckless  
5 manner (RCW 46.61.522)

6 Viewing of Depictions of a Minor  
7 Engaged in Sexually Explicit  
8 Conduct 1 (RCW 9.68A.075(1))

9 Willful Failure to Return from Furlough  
10 (RCW 72.66.060)

11 III Animal Cruelty 1 (Sexual Conduct or  
12 Contact) (RCW 16.52.205(3))

13 Assault 3 (Except Assault 3 of a Peace  
14 Officer With a Projectile Stun Gun)  
15 (RCW 9A.36.031 except subsection  
16 (1)(h))

17 Assault of a Child 3 (RCW 9A.36.140)

18 Bail Jumping with class B or C Felony  
19 (RCW 9A.76.170(3)(c))

20 Burglary 2 (RCW 9A.52.030)

21 Communication with a Minor for  
22 Immoral Purposes (RCW  
23 9.68A.090)

24 Criminal Gang Intimidation (RCW  
25 9A.46.120)

26 Custodial Assault (RCW 9A.36.100)

27 Cyberstalking (subsequent conviction or  
28 threat of death) (RCW 9.61.260(3))

29 Escape 2 (RCW 9A.76.120)

30 Extortion 2 (RCW 9A.56.130)

31 Harassment (RCW 9A.46.020)

32 Intimidating a Public Servant (RCW  
33 9A.76.180)

34 Introducing Contraband 2 (RCW  
35 9A.76.150)

1 Malicious Injury to Railroad Property  
2 (RCW 81.60.070)  
3 Mortgage Fraud (RCW 19.144.080)  
4 Negligently Causing Substantial Bodily  
5 Harm By Use of a Signal  
6 Preemption Device (RCW  
7 46.37.674)  
8 Organized Retail Theft 1 (RCW  
9 9A.56.350(2))  
10 Perjury 2 (RCW 9A.72.030)  
11 Possession of Incendiary Device (RCW  
12 9.40.120)  
13 Possession of Machine Gun or Short-  
14 Barreled Shotgun or Rifle (RCW  
15 9.41.190)  
16 Promoting Prostitution 2 (RCW  
17 9A.88.080)  
18 Retail Theft with Special Circumstances  
19 1 (RCW 9A.56.360(2))  
20 Securities Act violation (RCW  
21 21.20.400)  
22 Tampering with a Witness (RCW  
23 9A.72.120)  
24 Telephone Harassment (subsequent  
25 conviction or threat of death) (RCW  
26 9.61.230(2))  
27 Theft of Livestock 2 (RCW 9A.56.083)  
28 Theft with the Intent to Resell 1 (RCW  
29 9A.56.340(2))  
30 Trafficking in Stolen Property 2 (RCW  
31 9A.82.055)  
32 Unlawful Hunting of Big Game 1 (RCW  
33 77.15.410(3)(b))  
34 Unlawful Imprisonment (RCW  
35 9A.40.040)

1 Unlawful Misbranding of Food Fish or  
2 Shellfish 1 (RCW 69.04.938(3))  
3 Unlawful possession of firearm in the  
4 second degree (RCW 9.41.040(2))  
5 Unlawful Taking of Endangered Fish or  
6 Wildlife 1 (RCW 77.15.120(3)(b))  
7 Unlawful Trafficking in Fish, Shellfish,  
8 or Wildlife 1 (RCW  
9 77.15.260(3)(b))  
10 Unlawful Use of a Nondesignated  
11 Vessel (RCW 77.15.530(4))  
12 Vehicular Assault, by the operation or  
13 driving of a vehicle with disregard  
14 for the safety of others (RCW  
15 46.61.522)  
16 Willful Failure to Return from Work  
17 Release (RCW 72.65.070)  
18 II Commercial Fishing Without a License  
19 1 (RCW 77.15.500(3)(b))  
20 Computer Trespass 1 (RCW 9A.90.040)  
21 Counterfeiting (RCW 9.16.035(3))  
22 Electronic Data Service Interference  
23 (RCW 9A.90.060)  
24 Electronic Data Tampering 1 (RCW  
25 9A.90.080)  
26 Electronic Data Theft (RCW 9A.90.100)  
27 Engaging in Fish Dealing Activity  
28 Unlicensed 1 (RCW 77.15.620(3))  
29 Escape from Community Custody  
30 (RCW 72.09.310)  
31 Failure to Register as a Sex Offender  
32 (second or subsequent offense)  
33 (RCW 9A.44.130 prior to June 10,  
34 2010, and RCW 9A.44.132)  
35 Health Care False Claims (RCW  
36 48.80.030)

1 Identity Theft 2 (RCW 9.35.020(3))  
2 Improperly Obtaining Financial  
3 Information (RCW 9.35.010)  
4 Malicious Mischief 1 (RCW 9A.48.070)  
5 Organized Retail Theft 2 (RCW  
6 9A.56.350(3))  
7 Possession of Stolen Property 1 (RCW  
8 9A.56.150)  
9 Possession of a Stolen Vehicle (RCW  
10 9A.56.068)  
11 Retail Theft with Special Circumstances  
12 2 (RCW 9A.56.360(3))  
13 Scrap Processing, Recycling, or  
14 Supplying Without a License  
15 (second or subsequent offense)  
16 (RCW 19.290.100)  
17 Theft 1 (RCW 9A.56.030)  
18 Theft of a Motor Vehicle (RCW  
19 9A.56.065)  
20 Theft of Rental, Leased, Lease-  
21 purchased, or Loaned Property  
22 (valued at five thousand dollars or  
23 more) (RCW 9A.56.096(5)(a))  
24 Theft with the Intent to Resell 2 (RCW  
25 9A.56.340(3))  
26 Trafficking in Insurance Claims (RCW  
27 48.30A.015)  
28 Unlawful factoring of a credit card or  
29 payment card transaction (RCW  
30 9A.56.290(4)(a))  
31 Unlawful Participation of Non-Indians  
32 in Indian Fishery (RCW  
33 77.15.570(2))  
34 Unlawful Practice of Law (RCW  
35 2.48.180)

1 Unlawful Purchase or Use of a License  
2 (RCW 77.15.650(3)(b))  
3 Unlawful Trafficking in Fish, Shellfish,  
4 or Wildlife 2 (RCW  
5 77.15.260(3)(a))  
6 Unlicensed Practice of a Profession or  
7 Business (RCW 18.130.190(7))  
8 Voyeurism 1 (RCW 9A.44.115)  
9 I Attempting to Elude a Pursuing Police  
10 Vehicle (RCW 46.61.024)  
11 False Verification for Welfare (RCW  
12 74.08.055)  
13 Forgery (RCW 9A.60.020)  
14 Fraudulent Creation or Revocation of a  
15 Mental Health Advance Directive  
16 (RCW 9A.60.060)  
17 Malicious Mischief 2 (RCW 9A.48.080)  
18 Mineral Trespass (RCW 78.44.330)  
19 Possession of Stolen Property 2 (RCW  
20 9A.56.160)  
21 Reckless Burning 1 (RCW 9A.48.040)  
22 Spotlighting Big Game 1 (RCW  
23 77.15.450(3)(b))  
24 Suspension of Department Privileges 1  
25 (RCW 77.15.670(3)(b))  
26 Taking Motor Vehicle Without  
27 Permission 2 (RCW 9A.56.075)  
28 Theft 2 (RCW 9A.56.040)  
29 Theft from a Vulnerable Adult 2 (RCW  
30 9A.56.400(2))  
31 Theft of Rental, Leased, Lease-  
32 purchased, or Loaned Property  
33 (valued at seven hundred fifty  
34 dollars or more but less than five  
35 thousand dollars) (RCW  
36 9A.56.096(5)(b))

1 Transaction of insurance business  
2 beyond the scope of licensure  
3 (RCW 48.17.063)  
4 Unlawful Fish and Shellfish Catch  
5 Accounting (RCW 77.15.630(3)(b))  
6 Unlawful Issuance of Checks or Drafts  
7 (RCW 9A.56.060)  
8 Unlawful Possession of Fictitious  
9 Identification (RCW 9A.56.320)  
10 Unlawful Possession of Instruments of  
11 Financial Fraud (RCW 9A.56.320)  
12 Unlawful Possession of Payment  
13 Instruments (RCW 9A.56.320)  
14 Unlawful Possession of a Personal  
15 Identification Device (RCW  
16 9A.56.320)  
17 Unlawful Production of Payment  
18 Instruments (RCW 9A.56.320)  
19 Unlawful Releasing, Planting,  
20 Possessing, or Placing Deleterious  
21 Exotic Wildlife (RCW  
22 77.15.250(2)(b))  
23 Unlawful Trafficking in Food Stamps  
24 (RCW 9.91.142)  
25 Unlawful Use of Food Stamps (RCW  
26 9.91.144)  
27 Unlawful Use of Net to Take Fish 1  
28 (RCW 77.15.580(3)(b))  
29 Unlawful Use of Prohibited Aquatic  
30 Animal Species (RCW  
31 77.15.253(3))  
32 Vehicle Prowl 1 (RCW 9A.52.095)  
33 Violating Commercial Fishing Area or  
34 Time 1 (RCW 77.15.550(3)(b))

1        NEW SECTION.    **Sec. 4.**    If any provision of this act or its  
2 application to any person or circumstance is held invalid, the  
3 remainder of the act or the application of the provision to other  
4 persons or circumstances is not affected.

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