

CERTIFICATION OF ENROLLMENT

SENATE BILL 5441

52nd Legislature
1991 Regular Session

Passed by the Senate March 7, 1991
Yeas 48 Nays 0

President of the Senate

Passed by the House April 17, 1991
Yeas 95 Nays 0

**Speaker of the
House of Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Gordon Golob, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5441** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SENATE BILL 5441

Passed Legislature - 1991 Regular Session

State of Washington 52nd Legislature 1991 Regular Session

By Senators Rasmussen, Nelson, Hayner and Johnson.

Read first time January 31, 1991. Referred to Committee on Law & Justice.

1 AN ACT Relating to bookmaking; amending RCW 9.46.0213, 9.46.0265,
2 9.46.160, 9.46.170, 9.46.180, 9.46.185, 9.46.190, 9.46.196, 9.46.240,
3 and 9.46.220; adding new sections to chapter 9.46 RCW; and prescribing
4 penalties.

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

6 **Sec. 1.** RCW 9.46.0213 and 1987 c 4 s 5 are each amended to read as
7 follows:

8 "Bookmaking," as used in this chapter, means accepting bets ((~~as a~~
9 ~~business, rather than in a casual or personal fashion~~)), upon the
10 outcome of future contingent events, as a business or in which the
11 bettor is charged a fee or "vigorish" for the opportunity to place a
12 bet.

13 **Sec. 2.** RCW 9.46.0265 and 1987 c 4 s 17 are each amended to read
14 as follows:

1 "Player," as used in this chapter, means a natural person who
2 engages, on equal terms with the other participants, and solely as a
3 contestant or bettor, in any form of gambling in which no person may
4 receive or become entitled to receive any profit therefrom other than
5 personal gambling winnings, and without otherwise rendering any
6 material assistance to the establishment, conduct or operation of a
7 particular gambling activity. A natural person who gambles at a social
8 game of chance on equal terms with the other participants (~~((therein
9 does not otherwise render))~~) shall not be considered as rendering
10 material assistance to the establishment, conduct or operation
11 (~~((thereof))~~) of the social game merely by performing, without fee or
12 remuneration, acts directed toward the arrangement or facilitation of
13 the game, such as inviting persons to play, permitting the use of
14 premises (~~((therefor, and))~~) for the game, or supplying cards or other
15 equipment to be used (~~((therein))~~) in the games. A person who engages in
16 "bookmaking" as defined in this chapter is not a "player." A person
17 who pays a fee or "vigorish" enabling him or her to place a wager with
18 a bookmaker, or pays a fee to participate in a card game, contest of
19 chance, lottery, or gambling activity, is not a player.

20 **Sec. 3.** RCW 9.46.160 and 1975 1st ex.s. c 166 s 9 are each amended
21 to read as follows:

22 Any person who conducts any activity for which a license is
23 required by this chapter, or by rule of the commission, without the
24 required license issued by the commission shall be guilty of a (~~((felony
25 and upon conviction shall be punished by imprisonment for not more than
26 five years or by a fine of not more than one hundred thousand dollars,
27 or both))~~) class B felony. If any corporation conducts any activity for
28 which a license is required by this chapter, or by rule of the
29 commission, without the required license issued by the commission, it

1 may be punished by forfeiture of its corporate charter, in addition to
2 the other penalties set forth in this section.

3 **Sec. 4.** RCW 9.46.170 and 1973 1st ex.s. c 218 s 17 are each
4 amended to read as follows:

5 Whoever, in any application for a license or in any book or record
6 required to be maintained by the commission or in any report required
7 to be submitted to the commission, shall make any false or misleading
8 statement, or make any false or misleading entry or wilfully fail to
9 maintain or make any entry required to be maintained or made, or who
10 wilfully refuses to produce for inspection by the commission, or its
11 designee, any book, record, or document required to be maintained or
12 made by federal or state law, shall be guilty of a gross misdemeanor
13 (~~and upon conviction shall be punished by imprisonment in the county~~
14 ~~jail for not more than one year or by a fine of not more than five~~
15 ~~thousand dollars, or both)) subject to the penalty set forth in RCW
16 9A.20.021.~~

17 **Sec. 5.** RCW 9.46.180 and 1977 ex.s. c 326 s 8 are each amended to
18 read as follows:

19 Any person who knowingly causes, aids, abets, or conspires with
20 another to cause any person to violate any provision of this chapter
21 shall be guilty of a class B felony (~~and upon conviction shall be~~
22 ~~punished by imprisonment for not more than five years or a fine of not~~
23 ~~more than one hundred thousand dollars, or both)) subject to the
24 penalty in RCW 9A.20.021.~~

25 **Sec. 6.** RCW 9.46.185 and 1977 ex.s. c 326 s 9 are each amended to
26 read as follows:

1 Any person who knowingly causes, aids, abets, or conspires with
2 another to cause any person to violate any rule or regulation adopted
3 pursuant to this chapter shall be guilty of a gross misdemeanor (~~and~~
4 ~~upon conviction shall be punished by imprisonment in the county jail~~
5 ~~for not more than one year or by a fine of not more than five thousand~~
6 ~~dollars, or both~~) subject to the penalty set forth in RCW 9A.20.021.

7 **Sec. 7.** RCW 9.46.190 and 1977 ex.s. c 326 s 10 are each amended to
8 read as follows:

9 Any person or association or organization operating any gambling
10 activity who or which, directly or indirectly, shall in the course of
11 such operation:

12 (1) Employ any device, scheme, or artifice to defraud; or

13 (2) Make any untrue statement of a material fact, or omit to state
14 a material fact necessary in order to make the statement made not
15 misleading, in the light of the circumstances under which said
16 statement is made; or

17 (3) Engage in any act, practice or course of operation as would
18 operate as a fraud or deceit upon any person;

19 Shall be guilty of a gross misdemeanor (~~and upon conviction shall~~
20 ~~be punished by imprisonment in the county jail for not more than one~~
21 ~~year or by a fine of not more than five thousand dollars, or both~~)
22 subject to the penalty set forth in RCW 9A.20.021.

23 **Sec. 8.** RCW 9.46.196 and 1977 ex.s. c 326 s 13 are each amended to
24 read as follows:

25 No person participating in a gambling activity shall in the course
26 of such participation, directly or indirectly:

27 (1) Employ or attempt to employ any device, scheme, or artifice to
28 defraud any other participant or any operator;

1 (2) Engage in any act, practice, or course of operation as would
2 operate as a fraud or deceit upon any other participant or any
3 operator;

4 (3) Engage in any act, practice, or course of operation while
5 participating in a gambling activity with the intent of cheating any
6 other participant or the operator to gain an advantage in the game over
7 the other participant or operator; or

8 (4) Cause, aid, abet, or conspire with another person to cause any
9 other person to violate subsections (1) through (3) of this section.

10 Any person violating this section shall be guilty of a gross
11 misdemeanor (~~(and upon conviction shall be punished by imprisonment in~~
12 ~~the county jail for not more than one year or by a fine of not more~~
13 ~~than five thousand dollars, or both)) subject to the penalty set forth
14 in RCW 9A.20.021.~~

15 **Sec. 9.** RCW 9.46.240 and 1987 c 4 s 44 are each amended to read as
16 follows:

17 Whoever knowingly transmits or receives gambling information by
18 telephone, telegraph, radio, semaphore or similar means, or knowingly
19 installs or maintains equipment for the transmission or receipt of
20 gambling information shall be guilty of a gross misdemeanor subject to
21 the penalty set forth in RCW 9A.20.021: PROVIDED, HOWEVER, That this
22 section shall not apply to such information transmitted or received or
23 equipment installed or maintained relating to activities authorized by
24 this chapter or to any act or acts in furtherance thereof when
25 conducted in compliance with the provisions of this chapter and in
26 accordance with the rules and regulations adopted pursuant thereto.

27 **Sec. 10.** RCW 9.46.220 and 1987 c 4 s 42 are each amended to read
28 as follows:

1 (~~Whoever engages in professional gambling, or knowingly causes,~~
2 ~~aids, abets, or conspires with another to engage in professional~~
3 ~~gambling, shall be guilty of a felony and fined not more than one~~
4 ~~hundred thousand dollars or imprisoned not more than five years or~~
5 ~~both: PROVIDED, HOWEVER, That this section shall not apply to those~~
6 ~~activities authorized by this chapter or to any act or acts in~~
7 ~~furtherance thereof when conducted in compliance with the provisions of~~
8 ~~this chapter and in accordance with the rules and regulations adopted~~
9 ~~pursuant thereto.))~~

10 (1) A person is guilty of professional gambling in the first degree
11 if he or she engages in, or knowingly causes, aids, abets, or conspires
12 with another to engage in professional gambling as defined in this
13 chapter, and:

14 (a) While engaging in professional gambling acts in concert with or
15 conspires with five or more people;

16 (b) Accepts wagers exceeding five thousand dollars during any
17 calendar month on future contingent events; or

18 (c) Operates, manages, or profits from the operation of a premises
19 or location where persons are charged a fee to participate in card
20 games, lotteries, or other gambling activities that are not authorized
21 by this chapter or licensed by the commission.

22 (2) However, this section shall not apply to those activities
23 enumerated in RCW 9.46.0305 through 9.46.0361 or to any act or acts in
24 furtherance of such activities when conducted in compliance with the
25 provisions of this chapter and in accordance with the rules adopted
26 pursuant to this chapter.

27 (3) Professional gambling in the first degree is a class B felony
28 subject to the penalty set forth in RCW 9A.20.021.

1 NEW SECTION. **Sec. 11.** A new section is added to chapter 9.46 RCW
2 to read as follows:

3 (1) A person is guilty of professional gambling in the second
4 degree if he or she engages in or knowingly causes, aids, abets, or
5 conspires with another to engage in professional gambling as defined in
6 this chapter, and:

7 (a) While engaging in professional gambling acts in concert with or
8 conspires with less than five people;

9 (b) Accepts wagers exceeding two thousand dollars during any
10 calendar month on future contingent events;

11 (c) Maintains a "gambling premises" as defined in this chapter; or

12 (d) Maintains gambling records as defined in RCW 9.46.020.

13 (2) However, this section shall not apply to those activities
14 enumerated in RCW 9.46.0305 through 9.46.0361 or to any act or acts in
15 furtherance of such activities when conducted in compliance with the
16 provisions of this chapter and in accordance with the rules adopted
17 pursuant to this chapter.

18 (3) Professional gambling in the second degree is a class C felony
19 subject to the penalty set forth in RCW 9A.20.021.

20 NEW SECTION. **Sec. 12.** A new section is added to chapter 9.46 RCW
21 to read as follows:

22 (1) A person is guilty of professional gambling in the third degree
23 if he or she engages in, or knowingly causes, aids, abets, or conspires
24 with another to engage in professional gambling as defined in this
25 chapter; and

26 (a) His or her conduct does not constitute first or second degree
27 professional gambling;

1 (b) Operates any of the unlicensed gambling activities authorized
2 by this chapter in a manner other than as prescribed by this chapter;
3 or

4 (c) Is directly employed in but not managing or directing any
5 gambling operation.

6 (2) This section shall not apply to those activities enumerated in
7 RCW 9.46.0305 through 9.46.0361 or to any acts in furtherance of such
8 activities when conducted in compliance with the provisions of this
9 chapter and the rules adopted pursuant to this chapter.

10 (3) Professional gambling in the third degree is a gross
11 misdemeanor subject to the penalty established in RCW 9A.20.021.