

SENATE BILL REPORT

SB 5374

As Reported By Senate Committee On:
Labor, Commerce, Research & Development, February 1, 2007

Title: An act relating to the exclusion of certain persons from licensed gambling premises.

Brief Description: Allowing the exclusion of certain people from licensed gambling premises.

Sponsors: Senators Murray, Clements, Prentice and Kohl-Welles; by request of Gambling Commission.

Brief History:

Committee Activity: Labor, Commerce, Research & Development: 1/29/07, 2/01/07 [DPS].

SENATE COMMITTEE ON LABOR, COMMERCE, RESEARCH & DEVELOPMENT

Majority Report: That Substitute Senate Bill No. 5374 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Ranking Minority Member; Franklin, Holmquist and Murray.

Staff: Kathleen Buchli (786-7488)

Background: In enacting the 1973 Gambling Act, the Legislature declared that it is the public policy of the state to keep the criminal element out of gambling and to promote the social welfare of the people by limiting the nature and scope of gambling activities and by strict regulation and control.

Some prohibited activities in the Gambling Act include: internet gambling, cheating, professional gambling, operating without a license, and use of gambling devices such as slot machines. Penalties for participating in an illegal activity include fines and criminal charges. Licensees may exclude or eject permanently from their premises any person who disrupts their operations, threatens the security of their premises or occupants, or is disorderly or intoxicated.

Summary of Bill (Recommended Substitute): The Gambling Commission (Commission) may establish a list of people who are excluded from a licensed establishment's gambling premises. The Commission must define standards for exclusion including whether the person is a career or professional offender, whether the person has been convicted of a criminal violation of a gambling law of this or any other state, whether the person has been convicted

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of a felony involving a gambling activity, or whether the person has been excluded under similar exclusion laws of another state.

A licensee who knowingly fails to exclude a person on the Commission's list of excluded persons is subject to Commission sanction. A person on the list who enters a gambling establishment is guilty of a gross misdemeanor and may not collect winnings or recover losses incurred while participating in a gambling activity.

When the Commission places a person's name on the list, the Commission must notify the person, who may request a hearing before an administrative law judge. The administrative law judge may issue an order, subject to Commission review, denying or approving the listing. A person may have his or her name removed from the list if the person proves by clear and convincing evidence that he or she is eligible for removal.

EFFECT OF CHANGES MADE BY LABOR, COMMERCE, RESEARCH & DEVELOPMENT (Recommended Substitute): The provision permitting a person to be placed on the exclusion list if the Gambling Commission determines the person poses a threat to the interests of the state, licensed gambling, or both is removed. The prohibition on adding a person to the exclusion list because of a discriminatory reason is clarified by including all classes of people subject to the Human Rights Commission's jurisdiction.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: PRO: About 20 people are expected to be on the list. The list is expected to be limited and will only apply to the most serious offenders. The types of convictions the Gambling Commission intends to address include the following examples: card room employees conspiring together to win a jackpot and divide the winnings among the people involved in the scheme; an employee who stole money from a casino by presenting invoices that have already been paid; and a person barred from a list in New Jersey because of involvement in organized crime.

Persons Testifying: PRO: Amy Hunter, Washington State Gambling Commission.