
HOUSE BILL 1243

State of Washington

60th Legislature

2007 Regular Session

By Representatives Strow, Kirby, Upthegrove, B. Sullivan, Simpson and Appleton

Read first time 01/15/2007. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to providing an affirmative defense to unlawful
2 internet gambling if the defendant committed the offense in his or her
3 primary residence; and amending RCW 9.46.240.

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

5 **Sec. 1.** RCW 9.46.240 and 2006 c 290 s 2 are each amended to read
6 as follows:

7 (1) Whoever knowingly transmits or receives gambling information by
8 telephone, telegraph, radio, semaphore, the internet, a
9 telecommunications transmission system, or similar means, or knowingly
10 installs or maintains equipment for the transmission or receipt of
11 gambling information shall be guilty of a class C felony subject to the
12 penalty set forth in RCW 9A.20.021. However, this section shall not
13 apply to such information transmitted or received or equipment
14 installed or maintained relating to activities authorized by this
15 chapter or to any act or acts in furtherance thereof when conducted in
16 compliance with the provisions of this chapter and in accordance with
17 the rules adopted under this chapter.

18 (2) In a prosecution for a violation of this section, it is an
19 affirmative defense, which the defendant must prove by a preponderance

1 of the evidence, that the defendant transmitted or received the
2 gambling information over the internet, or that the defendant installed
3 or maintained equipment for the transmission or receipt of gambling
4 information over the internet, in his or her primary residence for
5 recreational purposes. For purposes of this subsection, "recreational
6 purposes" means for the defendant's own enjoyment and not as part of an
7 enterprise that derives income from operating an internet web site that
8 transmits or receives gambling information.

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