

---

SENATE BILL 5374

---

State of Washington

60th Legislature

2007 Regular Session

By Senators Murray, Clements, Prentice and Kohl-Welles; by request of Gambling Commission

Read first time 01/18/2007. Referred to Committee on Labor, Commerce, Research & Development.

1 AN ACT Relating to the exclusion of certain persons from licensed  
2 gambling premises; adding a new section to chapter 9.46 RCW; and  
3 prescribing penalties.

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

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

7 (1) The legislature declares that the exclusion of certain persons  
8 from gambling premises that conduct licensed gambling activities is  
9 necessary to carry out the policies of this chapter and to effectively  
10 maintain the strict regulation of gambling.

11 (2)(a) The commission may, by rule, provide for the establishment  
12 of a list of persons who are to be excluded from licensed gambling  
13 premises. The list may include any person whose presence on the  
14 gambling premises is determined by the commission to pose a threat to  
15 the interests of this state, to licensed gambling, or both.

16 (b) The commission's rules must define the standards for exclusion  
17 and must include standards relating to persons:

18 (i) Who are career or professional offenders or involved in  
19 organized crime;

1 (ii) Who have been convicted of a criminal violation of a gambling  
2 law of any state or of the United States, or who have been convicted of  
3 any felony including, but not limited to, theft, extortion, conspiracy  
4 to defraud, or any similar offense involving, or in connection with,  
5 any gambling activity; or

6 (iii) Who have been excluded under similar involuntary exclusion  
7 laws or rules of any other state or nation that regulates gambling.

8 (c) Race, color, creed, national origin or ancestry, gender, or  
9 other discriminatory reasons shall not be used to place any person upon  
10 the list of exclusion.

11 (3)(a) Any person listed on the commission's exclusion list will  
12 remain listed until the person proves by clear and convincing evidence  
13 that they are eligible to be removed from the commission's exclusion  
14 list.

15 (b) The commission's rules must include the standards and processes  
16 for removal.

17 (4) The commission may impose sanctions upon a licensee if the  
18 licensee knowingly fails to exclude from its gambling premises any  
19 person placed by the commission on the list of persons to be excluded.

20 (5)(a) Any list compiled by the commission of persons to be  
21 excluded shall not be deemed an all-inclusive list. Licensees must  
22 keep from their gambling premises persons known to them to fall within  
23 the standards defined under subsection (2)(b) of this section.

24 When the commission places the name of a person on a list under  
25 this section, the commission must serve notice to the person by  
26 personal service or by certified mail to the last known address of the  
27 person. If personal service is not accomplished and there is no last  
28 known address, the commission must publish a notice daily for one week  
29 in a newspaper of general circulation in Thurston county, and publish  
30 a notice on the commission's official internet web site.

31 (b) Within thirty days after service of the notification, the  
32 person named for exclusion may request a hearing before an  
33 administrative law judge. The commission has the affirmative  
34 obligation to demonstrate by a preponderance of the evidence that the  
35 person named for exclusion satisfies the criteria for exclusion  
36 established by this section and the commission's rules.

37 (c) Failure to request a hearing within thirty days after service  
38 precludes a person from having an administrative hearing.

1 (d) If, upon completion of the hearing for exclusion, an  
2 administrative law judge determines that the person named does not  
3 satisfy the criteria for exclusion established by this section and the  
4 commission's rules, the administrative law judge must issue an initial  
5 order denying the listing. The order is subject to review by the  
6 commission.

7 (e) If, upon completion of a hearing for exclusion, an  
8 administrative law judge determines that placement of the name of the  
9 person on the exclusion list is appropriate, the administrative law  
10 judge must make and enter an initial order to that effect. The order  
11 is subject to review by the commission.

12 (6) This section does not limit the right of a licensee to exercise  
13 its common law right to exclude or eject permanently from its premises  
14 any person who disrupts the operations of its premises, threatens the  
15 security of its premises or its occupants, or is disorderly or  
16 intoxicated.

17 (7) A person on the list of excluded persons shall not collect any  
18 winnings or recover any losses arising as a result of any licensed  
19 gambling activity. Additionally, any money or thing of value which has  
20 been obtained by, or is owed to, any person placed on the list of  
21 excluded persons must be forfeited by order of the commission, pursuant  
22 to RCW 9.46.231, following notice to the person and to all claimants  
23 and opportunity to be heard.

24 (8) A person on the list of excluded persons who enters a gambling  
25 premises is guilty of a gross misdemeanor punishable under RCW  
26 9A.20.021.

--- END ---