

CERTIFICATION OF ENROLLMENT

**SENATE BILL 5422**

55th Legislature  
1997 Regular Session

Passed by the Senate March 12, 1997  
YEAS 49 NAYS 0

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**President of the Senate**

Passed by the House April 9, 1997  
YEAS 98 NAYS 0

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**Speaker of the  
House of Representatives**

Approved

CERTIFICATE

I, Mike O Connell, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5422** as passed by the Senate and the House of Representatives on the dates hereon set forth.

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**Secretary**

FILED

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**Governor of the State of Washington**

**Secretary of State  
State of Washington**

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SENATE BILL 5422

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Passed Legislature - 1997 Regular Session

State of Washington

55th Legislature

1997 Regular Session

By Senators Schow, Newhouse, Prentice and Horn; by request of Gambling Commission

Read first time 01/27/97. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to professional gambling definitions; amending RCW  
2 9.46.0269, 9.46.220, and 9.46.221; and prescribing penalties.

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

4 **Sec. 1.** RCW 9.46.0269 and 1996 c 252 s 2 are each amended to read  
5 as follows:

6 (1) A person is engaged in "professional gambling" for the purposes  
7 of this chapter when:

8 (a) Acting other than as a player or in the manner authorized by  
9 this chapter, the person knowingly engages in conduct which materially  
10 aids any (~~other~~) form of gambling activity; or

11 (b) Acting other than in a manner authorized by this chapter, the  
12 person pays a fee to participate in a card game, contest of chance,  
13 lottery, or other gambling activity; or

14 (c) Acting other than as a player or in the manner authorized by  
15 this chapter, the person knowingly accepts or receives money or other  
16 property pursuant to an agreement or understanding with any other  
17 person whereby he or she participates or is to participate in the  
18 proceeds of gambling activity; or

19 (~~(c)~~) (d) The person engages in bookmaking; or

1       (~~(d)~~) (e) The person conducts a lottery; or

2       (~~(e)~~) (f) The person violates RCW 9.46.039.

3       (2) Conduct under subsection (1)(a) of this section, except as  
4 exempted under this chapter, includes but is not limited to conduct  
5 directed toward the creation or establishment of the particular game,  
6 contest, scheme, device or activity involved, toward the acquisition or  
7 maintenance of premises, paraphernalia, equipment or apparatus  
8 therefor, toward the solicitation or inducement of persons to  
9 participate therein, toward the actual conduct of the playing phases  
10 thereof, toward the arrangement of any of its financial or recording  
11 phases, or toward any other phase of its operation. If a person having  
12 substantial proprietary or other authoritative control over any  
13 premises shall permit the premises to be used with the person's  
14 knowledge for the purpose of conducting gambling activity other than  
15 gambling activities authorized by this chapter, and acting other than  
16 as a player, and the person permits such to occur or continue or makes  
17 no effort to prevent its occurrence or continuation, the person shall  
18 be considered as being engaged in professional gambling: PROVIDED,  
19 That the proprietor of a bowling establishment who awards prizes  
20 obtained from player contributions, to players successfully knocking  
21 down pins upon the contingency of identifiable pins being placed in a  
22 specified position or combination of positions, as designated by the  
23 posted rules of the bowling establishment, where the proprietor does  
24 not participate in the proceeds of the "prize fund" shall not be  
25 construed to be engaging in "professional gambling" within the meaning  
26 of this chapter: PROVIDED FURTHER, That the books and records of the  
27 games shall be open to public inspection.

28       **Sec. 2.** RCW 9.46.220 and 1994 c 218 s 11 are each amended to read  
29 as follows:

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

34       (a) (~~While engaging in professional gambling~~) Acts in concert  
35 with or conspires with five or more people; or

36       (b) Personally accepts wagers exceeding five thousand dollars  
37 during any thirty-day period on future contingent events; or

1       (c) The operation for whom the person works, or with which the  
2 person is involved, accepts wagers exceeding five thousand dollars  
3 during any thirty-day period on future contingent events; or

4       (d) Operates, manages, or profits from the operation of a premises  
5 or location where persons are charged a fee to participate in card  
6 games, lotteries, or other gambling activities that are not authorized  
7 by this chapter or licensed by the commission.

8       (2) However, this section shall not apply to those activities  
9 enumerated in RCW 9.46.0305 through 9.46.0361 or to any act or acts in  
10 furtherance of such activities when conducted in compliance with the  
11 provisions of this chapter and in accordance with the rules adopted  
12 pursuant to this chapter.

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

15       **Sec. 3.** RCW 9.46.221 and 1994 c 218 s 12 are each amended to read  
16 as follows:

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

21       (a) (~~While engaging in professional gambling~~) Acts in concert  
22 with or conspires with less than five people; or

23       (b) Accepts wagers exceeding two thousand dollars during any  
24 thirty-day period on future contingent events; or

25       (c) The operation for whom the person works, or with which the  
26 person is involved, accepts wagers exceeding two thousand dollars  
27 during any thirty-day period on future contingent events; or

28       (d) Maintains a "gambling premises" as defined in this chapter; or

29       (~~(d)~~) (e) Maintains gambling records as defined in RCW 9.46.0253.

30       (2) However, this section shall not apply to those activities  
31 enumerated in RCW 9.46.0305 through 9.46.0361 or to any act or acts in  
32 furtherance of such activities when conducted in compliance with the  
33 provisions of this chapter and in accordance with the rules adopted  
34 pursuant to this chapter.

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

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