

HOUSE BILL REPORT

SB 5064

As Reported by House Committee On:

Commerce & Labor

Title: An act relating to cheating at gambling.

Brief Description: Defining degrees of gambling cheating.

Sponsors: By Senators Prentice and Winsley; by request of Gambling Commission.

Brief History:

Committee Activity:

Commerce & Labor: 3/21/01 [DP].

Brief Summary of Bill

- The offense of cheating at gambling is divided into two separate crime classifications.

HOUSE COMMITTEE ON COMMERCE & LABOR

Majority Report: Do pass. Signed by 8 members: Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hunt, Kenney, Lisk and McMorris.

Staff: Sydney Forrester (786-7120).

Background:

The crime of cheating at gambling includes using a device or scheme to defraud a player or operator; engaging in acts that constitute fraud; acting with the intent to cheat; and conspiring with others to cheat. Cheating at gambling is a gross misdemeanor and carries a penalty of up to one year in jail, a fine of up to \$5,000, or both.

Summary of Bill:

The offense of cheating at gambling is reclassified by degrees. First degree cheating at gambling means cheating and conspiring with another to cheat, or cheating while licensed

by the Washington State Gambling Commission. Cheating in the first degree is a class B felony carrying a penalty of up to 10 years in prison, a fine of up to \$20,000, or both. The sentencing grid used by the courts indicates a first time offense in this category carries a three to nine month sentence.

Second-degree cheating at gambling means cheating that does not constitute cheating in the first degree. Second degree cheating is a gross misdemeanor for which the penalty is up to one year in jail, a fine of up to \$5,000, or both.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: This bill addresses the conspiracy cheating behaviors where a dealer may be working with others to defraud the house. Last year's bill was very similar to the one heard by the Criminal Justice and Corrections Committee. Law enforcement and Washington Association of Prosecuting Attorneys support this bill. The gaming industry wants to keep the integrity of operations intact. The Gambling Commission wants to make conspiracy to cheat or cheating by licensees a felony. The costs of investigating and prosecuting a complex conspiracy ring need to be better balanced with the penalty for this crime. The commission looked at whether the offense should be a class B or class C felony. Class B felonies include some non-violent crimes such as counterfeiting and bribery. The commission looks at cases on a case-by-case basis before referring cases to the prosecutor. If a case was low level it would probably be referred on gross misdemeanor charges.

(With concerns) The public defenders are concerned about the seriousness level of the offense. Class B felonies are usually violent crimes that are more serious. Class C felonies are the non-violent crimes. A seriousness level of class B is too high. The Legislature ordered a study on the state's sentencing grid and the report of that study is due out in December 2001. It would be best to set aside creating any new crimes until after the report is issued.

Testimony Against: None.

Testified: Amy Patjens, Washington Gambling Commission; and Dolores Chiechi, Recreational Gaming Association.

(With concerns) Sherry Appleton, Washington Association of Criminal Defense Lawyers and Washington Defender Association.