

# SENATE BILL REPORT

## SB 5064

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As Passed Senate, January 18, 2002

**Title:** An act relating to cheating at gambling.

**Brief Description:** Defining degrees of gambling cheating.

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

**Brief History:**

**Committee Activity:** Labor, Commerce & Financial Institutions: 1/15/01, 1/23/01 [DP].  
Passed Senate: 3/9/01, 48-0; 1/18/02, 45-0.

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### SENATE COMMITTEE ON LABOR, COMMERCE & FINANCIAL INSTITUTIONS

**Majority Report:** Do pass.

Signed by Senators Prentice, Chair; Benton, Franklin, Hochstatter, Honeyford, Patterson, Rasmussen, Regala, West and Winsley.

**Staff:** David Cheal (786-7576)

**Background:** Generally, gambling statutes define the crime of cheating as the use of a device or scheme to defraud a player or operator; engaging in acts that operate as fraud; engaging in acts with the intent to cheat; and conspiring to cheat with others. Defendants found guilty of cheating are charged with a gross misdemeanor. When a defendant is guilty of a gross misdemeanor, the court may impose a sentence up to one year in jail, and fines not more than \$5,000, or both.

**Summary of Bill:** Cheating when participating in a gambling activity is divided into two separate crime classifications.

A person is guilty of cheating in the first degree if he or she engages in cheating and conspires with another to cheat, or engages in cheating when licensed or permitted by the Washington State Gambling Commission. Cheating in the first degree is a class B felony ranked at seriousness level IV on the sentencing grid (three to nine months for a first offense). The court may also impose a fine up to \$20,000.

A person is guilty of cheating in the second degree if he or she engages in cheating and his or her conduct does not constitute cheating in the first degree. Cheating in the second degree is a gross misdemeanor and the court may impose a sentence up to one year in jail and fines not more than \$5,000, or both.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Testimony For:** With the advent of house-banking and the tribal casinos, there has been more cheating while gambling. This bill results from arrests made in Pierce County where there were many actors involved and much money. With the large scale activity that was taking place, the only penalty was a gross misdemeanor. This bill allows prosecutors to charge commensurate with the gravity of the cheating taking place and the number of actors involved.

**Testimony Against:** None.

**Testified:** Amy Patjens, Gambling Commission (pro); Vito Chiechi, RGA (pro).

**House Amendment(s):** The classification of the crime of cheating in the first degree is reduced from a class B felony to a class C felony. Courts are authorized to impose a financial penalty of up to \$20,000. Without this provision the maximum financial penalty as a class C felony would be \$10,000.