

CERTIFICATION OF ENROLLMENT

**SENATE BILL 5064**

Chapter 253, Laws of 2002

57th Legislature  
2002 Regular Session

CHEATING--GAMBLING ACTIVITIES

EFFECTIVE DATE: 6/13/02

Passed by the Senate March 11, 2002  
YEAS 39 NAYS 0

BRAD OWEN

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**President of the Senate**

Passed by the House March 7, 2002  
YEAS 93 NAYS 1

FRANK CHOPP

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**Speaker of the  
House of Representatives**

CERTIFICATE

I, Tony M. Cook, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5064** as passed by the Senate and the House of Representatives on the dates hereon set forth.

TONY M. COOK

\_\_\_\_\_  
**Secretary**

Approved March 29, 2002

FILED

March 29, 2002 - 3:48 p.m.

GARY LOCKE

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**Governor of the State of Washington**

**Secretary of State  
State of Washington**

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SENATE BILL 5064

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AS AMENDED BY THE HOUSE

Passed Legislature - 2002 Regular Session

State of Washington                      57th Legislature                      2001 Regular Session

By Senators Prentice and Winsley; by request of Gambling Commission

Read first time 01/10/2001. Referred to Committee on Labor, Commerce & Financial Institutions.

1            AN ACT Relating to cheating at gambling; amending RCW 9.46.196;  
2 reenacting and amending RCW 9.94A.515; adding new sections to chapter  
3 9.46 RCW; and prescribing penalties.

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

5            **Sec. 1.** RCW 9.46.196 and 1991 c 261 s 8 are each amended to read  
6 as follows:

7            (~~No person participating in a gambling activity shall in the~~  
8 ~~course of such participation, directly or indirectly~~) "Cheating," as  
9 used in this chapter, means to:

10            (1) Employ or attempt to employ any device, scheme, or artifice to  
11 defraud any other participant or any operator;

12            (2) Engage in any act, practice, or course of operation as would  
13 operate as a fraud or deceit upon any other participant or any  
14 operator;

15            (3) Engage in any act, practice, or course of operation while  
16 participating in a gambling activity with the intent of cheating any  
17 other participant or the operator to gain an advantage in the game over  
18 the other participant or operator; or

1 (4) Cause, aid, abet, or conspire with another person to cause any  
2 other person to violate subsections (1) through (3) of this section.

3 ((Any person violating this section shall be guilty of a gross  
4 misdemeanor subject to the penalty set forth in RCW 9A.20.021.))

5 NEW SECTION. **Sec. 2.** A new section is added to chapter 9.46 RCW  
6 to read as follows:

7 (1) A person is guilty of cheating in the first degree if he or she  
8 engages in cheating and:

9 (a) Knowingly causes, aids, abets, or conspires with another to  
10 engage in cheating; or

11 (b) Holds a license or similar permit issued by the state of  
12 Washington to conduct, manage, or act as an employee in an authorized  
13 gambling activity.

14 (2) Cheating in the first degree is a class C felony subject to the  
15 penalty set forth in RCW 9A.20.021. In addition to any other penalties  
16 imposed by law for a conviction of a violation of this section the  
17 court may impose an additional penalty of up to twenty thousand  
18 dollars.

19 NEW SECTION. **Sec. 3.** A new section is added to chapter 9.46 RCW  
20 to read as follows:

21 (1) A person is guilty of cheating in the second degree if he or  
22 she engages in cheating and his or her conduct does not constitute  
23 cheating in the first degree.

24 (2) Cheating in the second degree is a gross misdemeanor subject to  
25 the penalty set forth in RCW 9A.20.021.

26 **Sec. 4.** RCW 9.94A.515 and 2001 2nd sp.s. c 12 s 361, 2001 c 300 s  
27 4, 2001 c 217 s 12, and 2001 c 17 s 1 are each reenacted and amended to  
28 read as follows:

29 TABLE 2

30 CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

31 XVI Aggravated Murder 1 (RCW 10.95.020)

32 XV Homicide by abuse (RCW 9A.32.055)

33 Malicious explosion 1 (RCW 70.74.280(1))

34 Murder 1 (RCW 9A.32.030)

1 XIV Murder 2 (RCW 9A.32.050)

2 XIII Malicious explosion 2 (RCW 70.74.280(2))

3 Malicious placement of an explosive 1 (RCW

4 70.74.270(1))

5 XII Assault 1 (RCW 9A.36.011)

6 Assault of a Child 1 (RCW 9A.36.120)

7 Malicious placement of an imitation device

8 1 (RCW 70.74.272(1)(a))

9 Rape 1 (RCW 9A.44.040)

10 Rape of a Child 1 (RCW 9A.44.073)

11 XI Manslaughter 1 (RCW 9A.32.060)

12 Rape 2 (RCW 9A.44.050)

13 Rape of a Child 2 (RCW 9A.44.076)

14 X Child Molestation 1 (RCW 9A.44.083)

15 Indecent Liberties (with forcible

16 compulsion) (RCW 9A.44.100(1)(a))

17 Kidnapping 1 (RCW 9A.40.020)

18 Leading Organized Crime (RCW

19 9A.82.060(1)(a))

20 Malicious explosion 3 (RCW 70.74.280(3))

21 Manufacture of methamphetamine (RCW

22 69.50.401(a)(1)(ii))

23 Over 18 and deliver heroin,

24 methamphetamine, a narcotic from

25 Schedule I or II, or flunitrazepam

26 from Schedule IV to someone under 18

27 (RCW 69.50.406)

28 Sexually Violent Predator Escape (RCW

29 9A.76.115)

30 IX Assault of a Child 2 (RCW 9A.36.130)

31 Controlled Substance Homicide (RCW

32 69.50.415)

33 Explosive devices prohibited (RCW

34 70.74.180)

35 Hit and Run--Death (RCW 46.52.020(4)(a))

1 Homicide by Watercraft, by being under the  
2 influence of intoxicating liquor or  
3 any drug (RCW 79A.60.050)  
4 Inciting Criminal Profiteering (RCW  
5 9A.82.060(1)(b))  
6 Malicious placement of an explosive 2 (RCW  
7 70.74.270(2))  
8 Over 18 and deliver narcotic from Schedule  
9 III, IV, or V or a nonnarcotic, except  
10 flunitrazepam or methamphetamine, from  
11 Schedule I-V to someone under 18 and 3  
12 years junior (RCW 69.50.406)  
13 Robbery 1 (RCW 9A.56.200)  
14 Sexual Exploitation (RCW 9.68A.040)  
15 Vehicular Homicide, by being under the  
16 influence of intoxicating liquor or  
17 any drug (RCW 46.61.520)

18 VIII Arson 1 (RCW 9A.48.020)  
19 Deliver or possess with intent to deliver  
20 m e t h a m p h e t a m i n e ( R C W  
21 69.50.401(a)(1)(ii))  
22 Homicide by Watercraft, by the operation of  
23 any vessel in a reckless manner (RCW  
24 79A.60.050)  
25 Manslaughter 2 (RCW 9A.32.070)  
26 Manufacture, deliver, or possess with  
27 intent to deliver amphetamine (RCW  
28 69.50.401(a)(1)(ii))  
29 Manufacture, deliver, or possess with  
30 intent to deliver heroin or cocaine  
31 (RCW 69.50.401(a)(1)(i))  
32 Possession of Ephedrine, Pseudoephedrine,  
33 or Anhydrous Ammonia with intent to  
34 manufacture methamphetamine (RCW  
35 69.50.440)  
36 Promoting Prostitution 1 (RCW 9A.88.070)  
37 Selling for profit (controlled or  
38 counterfeit) any controlled substance  
39 (RCW 69.50.410)

1 Theft of Anhydrous Ammonia (RCW 69.55.010)  
2 Vehicular Homicide, by the operation of any  
3 vehicle in a reckless manner (RCW  
4 46.61.520)

5 VII Burglary 1 (RCW 9A.52.020)  
6 Child Molestation 2 (RCW 9A.44.086)  
7 Dealing in depictions of minor engaged in  
8 sexually explicit conduct (RCW  
9 9.68A.050)

10 Drive-by Shooting (RCW 9A.36.045)  
11 Homicide by Watercraft, by disregard for  
12 the safety of others (RCW 79A.60.050)  
13 Indecent Liberties (without forcible  
14 compulsion) (RCW 9A.44.100(1) (b) and  
15 (c))

16 Introducing Contraband 1 (RCW 9A.76.140)  
17 Involving a minor in drug dealing (RCW  
18 69.50.401(f))

19 Malicious placement of an explosive 3 (RCW  
20 70.74.270(3))

21 Sending, bringing into state depictions of  
22 minor engaged in sexually explicit  
23 conduct (RCW 9.68A.060)

24 Unlawful Possession of a Firearm in the  
25 first degree (RCW 9.41.040(1)(a))

26 Use of a Machine Gun in Commission of a  
27 Felony (RCW 9.41.225)

28 Vehicular Homicide, by disregard for the  
29 safety of others (RCW 46.61.520)

30 VI Bail Jumping with Murder 1 (RCW  
31 9A.76.170(3)(a))

32 Bribery (RCW 9A.68.010)  
33 Incest 1 (RCW 9A.64.020(1))  
34 Intimidating a Judge (RCW 9A.72.160)  
35 Intimidating a Juror/Witness (RCW  
36 9A.72.110, 9A.72.130)

37 Malicious placement of an imitation device  
38 2 (RCW 70.74.272(1)(b))

1 Manufacture, deliver, or possess with  
2 intent to deliver narcotics from  
3 Schedule I or II (except heroin or  
4 cocaine) or flunitrazepam from  
5 Schedule IV (RCW 69.50.401(a)(1)(i))  
6 Rape of a Child 3 (RCW 9A.44.079)  
7 Theft of a Firearm (RCW 9A.56.300)  
8 Unlawful Storage of Anhydrous Ammonia (RCW  
9 69.55.020)

10 V Abandonment of dependent person 1 (RCW  
11 9A.42.060)

12 Advancing money or property for  
13 extortionate extension of credit (RCW  
14 9A.82.030)

15 Bail Jumping with class A Felony (RCW  
16 9A.76.170(3)(b))

17 Child Molestation 3 (RCW 9A.44.089)  
18 Criminal Mistreatment 1 (RCW 9A.42.020)  
19 Custodial Sexual Misconduct 1 (RCW  
20 9A.44.160)

21 Delivery of imitation controlled substance  
22 by person eighteen or over to person  
23 under eighteen (RCW 69.52.030(2))

24 Domestic Violence Court Order Violation  
25 (RCW 10.99.040, 10.99.050, 26.09.300,  
26 26.10.220, 26.26.138, 26.50.110,  
27 26.52.070, or 74.34.145)

28 Extortion 1 (RCW 9A.56.120)  
29 Extortionate Extension of Credit (RCW  
30 9A.82.020)

31 Extortionate Means to Collect Extensions of  
32 Credit (RCW 9A.82.040)

33 Incest 2 (RCW 9A.64.020(2))  
34 Kidnapping 2 (RCW 9A.40.030)  
35 Perjury 1 (RCW 9A.72.020)  
36 Persistent prison misbehavior (RCW  
37 9.94.070)

38 Possession of a Stolen Firearm (RCW  
39 9A.56.310)

1 Rape 3 (RCW 9A.44.060)  
2 Rendering Criminal Assistance 1 (RCW  
3 9A.76.070)  
4 Sexual Misconduct with a Minor 1 (RCW  
5 9A.44.093)  
6 Sexually Violating Human Remains (RCW  
7 9A.44.105)  
8 Stalking (RCW 9A.46.110)  
9 IV Arson 2 (RCW 9A.48.030)  
10 Assault 2 (RCW 9A.36.021)  
11 Assault by Watercraft (RCW 79A.60.060)  
12 Bribing a Witness/Bribe Received by Witness  
13 (RCW 9A.72.090, 9A.72.100)  
14 Cheating 1 (section 2 of this act)  
15 Commercial Bribery (RCW 9A.68.060)  
16 Counterfeiting (RCW 9.16.035(4))  
17 Escape 1 (RCW 9A.76.110)  
18 Hit and Run--Injury (RCW 46.52.020(4)(b))  
19 Hit and Run with Vessel--Injury Accident  
20 (RCW 79A.60.200(3))  
21 Identity Theft 1 (RCW 9.35.020(2)(a))  
22 Indecent Exposure to Person Under Age  
23 Fourteen (subsequent sex offense) (RCW  
24 9A.88.010)  
25 Influencing Outcome of Sporting Event (RCW  
26 9A.82.070)  
27 Knowingly Trafficking in Stolen Property  
28 (RCW 9A.82.050(2))  
29 Malicious Harassment (RCW 9A.36.080)  
30 Manufacture, deliver, or possess with  
31 intent to deliver narcotics from  
32 Schedule III, IV, or V or nonnarcotics  
33 from Schedule I-V (except marijuana,  
34 amphetamine, methamphetamines, or  
35 flunitrazepam) (RCW 69.50.401(a)(1)  
36 (iii) through (v))  
37 Residential Burglary (RCW 9A.52.025)  
38 Robbery 2 (RCW 9A.56.210)  
39 Theft of Livestock 1 (RCW 9A.56.080)



1 Threats to Bomb (RCW 9.61.160)  
2 Use of Proceeds of Criminal Profiteering  
3 (RCW 9A.82.080 (1) and (2))  
4 Vehicular Assault, by being under the  
5 influence of intoxicating liquor or  
6 any drug, or by the operation or  
7 driving of a vehicle in a reckless  
8 manner (RCW 46.61.522)  
9 Willful Failure to Return from Furlough  
10 (RCW 72.66.060)

11 III Abandonment of dependent person 2 (RCW  
12 9A.42.070)  
13 Assault 3 (RCW 9A.36.031)  
14 Assault of a Child 3 (RCW 9A.36.140)  
15 Bail Jumping with class B or C Felony (RCW  
16 9A.76.170(3)(c))  
17 Burglary 2 (RCW 9A.52.030)  
18 Communication with a Minor for Immoral  
19 Purposes (RCW 9.68A.090)  
20 Criminal Gang Intimidation (RCW 9A.46.120)  
21 Criminal Mistreatment 2 (RCW 9A.42.030)  
22 Custodial Assault (RCW 9A.36.100)  
23 Delivery of a material in lieu of a  
24 controlled substance (RCW  
25 69.50.401(c))  
26 Escape 2 (RCW 9A.76.120)  
27 Extortion 2 (RCW 9A.56.130)  
28 Harassment (RCW 9A.46.020)  
29 Intimidating a Public Servant (RCW  
30 9A.76.180)  
31 Introducing Contraband 2 (RCW 9A.76.150)  
32 Maintaining a Dwelling or Place for  
33 Controlled Substances (RCW  
34 69.50.402(a)(6))  
35 Malicious Injury to Railroad Property (RCW  
36 81.60.070)  
37 Manufacture, deliver, or possess with  
38 intent to deliver marijuana (RCW  
39 69.50.401(a)(1)(iii))

1 Manufacture, distribute, or possess with  
2 intent to distribute an imitation  
3 controlled substance (RCW  
4 69.52.030(1))  
5 Patronizing a Juvenile Prostitute (RCW  
6 9.68A.100)  
7 Perjury 2 (RCW 9A.72.030)  
8 Possession of Incendiary Device (RCW  
9 9.40.120)  
10 Possession of Machine Gun or Short-Barreled  
11 Shotgun or Rifle (RCW 9.41.190)  
12 Promoting Prostitution 2 (RCW 9A.88.080)  
13 Recklessly Trafficking in Stolen Property  
14 (RCW 9A.82.050(1))  
15 Securities Act violation (RCW 21.20.400)  
16 Tampering with a Witness (RCW 9A.72.120)  
17 Telephone Harassment (subsequent conviction  
18 or threat of death) (RCW 9.61.230)  
19 Theft of Livestock 2 (RCW 9A.56.080)  
20 Unlawful Imprisonment (RCW 9A.40.040)  
21 Unlawful possession of firearm in the  
22 second degree (RCW 9.41.040(1)(b))  
23 Unlawful Use of Building for Drug Purposes  
24 (RCW 69.53.010)  
25 Vehicular Assault, by the operation or  
26 driving of a vehicle with disregard  
27 for the safety of others (RCW  
28 46.61.522)  
29 Willful Failure to Return from Work Release  
30 (RCW 72.65.070)  
31 II Computer Trespass 1 (RCW 9A.52.110)  
32 Counterfeiting (RCW 9.16.035(3))  
33 Create, deliver, or possess a counterfeit  
34 controlled substance (RCW  
35 69.50.401(b))  
36 Escape from Community Custody (RCW  
37 72.09.310)  
38 Health Care False Claims (RCW 48.80.030)  
39 Identity Theft 2 (RCW 9.35.020(2)(b))

1 Improperly Obtaining Financial Information  
2 (RCW 9.35.010)  
3 Malicious Mischief 1 (RCW 9A.48.070)  
4 Possession of controlled substance that is  
5 either heroin or narcotics from  
6 Schedule I or II or flunitrazepam from  
7 Schedule IV (RCW 69.50.401(d))  
8 Possession of phencyclidine (PCP) (RCW  
9 69.50.401(d))  
10 Possession of Stolen Property 1 (RCW  
11 9A.56.150)  
12 Theft 1 (RCW 9A.56.030)  
13 Theft of Rental, Leased, or Lease-purchased  
14 Property (valued at one thousand five  
15 hundred dollars or more) (RCW  
16 9A.56.096(4))  
17 Trafficking in Insurance Claims (RCW  
18 48.30A.015)  
19 Unlawful Practice of Law (RCW 2.48.180)  
20 Unlicensed Practice of a Profession or  
21 Business (RCW 18.130.190(7))  
22 I Attempting to Elude a Pursuing Police  
23 Vehicle (RCW 46.61.024)  
24 False Verification for Welfare (RCW  
25 74.08.055)  
26 Forged Prescription (RCW 69.41.020)  
27 Forged Prescription for a Controlled  
28 Substance (RCW 69.50.403)  
29 Forgery (RCW 9A.60.020)  
30 Malicious Mischief 2 (RCW 9A.48.080)  
31 Possess Controlled Substance that is a  
32 Narcotic from Schedule III, IV, or V  
33 or Non-narcotic from Schedule I-V  
34 (except phencyclidine or  
35 flunitrazepam) (RCW 69.50.401(d))  
36 Possession of Stolen Property 2 (RCW  
37 9A.56.160)  
38 Reckless Burning 1 (RCW 9A.48.040)

1 Taking Motor Vehicle Without Permission  
2 (RCW 9A.56.070)  
3 Theft 2 (RCW 9A.56.040)  
4 Theft of Rental, Leased, or Lease-purchased  
5 Property (valued at two hundred fifty  
6 dollars or more but less than one  
7 thousand five hundred dollars) (RCW  
8 9A.56.096(4))  
9 Unlawful Issuance of Checks or Drafts (RCW  
10 9A.56.060)  
11 Unlawful Use of Food Stamps (RCW 9.91.140  
12 (2) and (3))  
13 Vehicle Prowl 1 (RCW 9A.52.095)

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Passed the House March 7, 2002.

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