

2 **SHB 2453** - S COMM AMD

3 By Committee on Commerce, Trade, Housing & Financial Institutions

4

5 Strike everything after the enacting clause and insert the
6 following:

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

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

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

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

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

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

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

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

27 (1) A person is guilty of cheating in the first degree if he or she
28 engages in, or knowingly causes, aids, abets, or conspires with another
29 to engage in cheating and:

30 (a) While engaging in cheating, acts in concert with or conspires
31 with five or more people; or

32 (b) Is licensed by the state of Washington to conduct, manage, or
33 act as an employee in any authorized gambling activity and engages in
34 cheating upon any premises.

1 (2) Cheating in the first degree is a class B felony subject to the
2 penalty set forth in RCW 9A.20.021.

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

5 (1) A person is guilty of cheating in the second degree if he or
6 she engages in, or knowingly causes, aids, abets, or conspires with
7 another to engage in cheating and, while engaging in cheating, acts in
8 concert with or conspires with less than five people.

9 (2) Cheating in the second degree is a class C felony subject to
10 the penalty set forth in RCW 9A.20.021.

11 NEW SECTION. **Sec. 4.** A new section is added to chapter 9.46 RCW
12 to read as follows:

13 (1) A person is guilty of cheating in the third degree if he or she
14 engages in cheating and his or her conduct does not constitute cheating
15 in the first or second degree.

16 (2) Cheating in the third degree is a gross misdemeanor subject to
17 the penalty set forth in RCW 9A.20.021.

18 **Sec. 5.** RCW 9.94A.320 and 1999 c 352 s 3, 1999 c 322 s 5, and 1999
19 c 45 s 4 are each reenacted and amended to read as follows:

20 TABLE 2

21 CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

22 XVI	Aggravated Murder 1 (RCW 10.95.020)
23 XV	Homicide by abuse (RCW 9A.32.055)
24	Malicious explosion 1 (RCW 70.74.280(1))
25	Murder 1 (RCW 9A.32.030)
26 XIV	Murder 2 (RCW 9A.32.050)
27 XIII	Malicious explosion 2 (RCW 70.74.280(2))
28	Malicious placement of an explosive 1 (RCW
29	70.74.270(1))
30 XII	Assault 1 (RCW 9A.36.011)
31	Assault of a Child 1 (RCW 9A.36.120)
32	Malicious placement of an imitation device
33	1 (RCW 70.74.272(1)(a))

1 Rape 1 (RCW 9A.44.040)
2 Rape of a Child 1 (RCW 9A.44.073)
3 XI Manslaughter 1 (RCW 9A.32.060)
4 Rape 2 (RCW 9A.44.050)
5 Rape of a Child 2 (RCW 9A.44.076)
6 X Child Molestation 1 (RCW 9A.44.083)
7 Indecent Liberties (with forcible
8 compulsion) (RCW 9A.44.100(1)(a))
9 Kidnapping 1 (RCW 9A.40.020)
10 Leading Organized Crime (RCW
11 9A.82.060(1)(a))
12 Malicious explosion 3 (RCW 70.74.280(3))
13 Manufacture of methamphetamine (RCW
14 69.50.401(a)(1)(ii))
15 Over 18 and deliver heroin,
16 methamphetamine, a narcotic from
17 Schedule I or II, or flunitrazepam
18 from Schedule IV to someone under 18
19 (RCW 69.50.406)
20 IX Assault of a Child 2 (RCW 9A.36.130)
21 Controlled Substance Homicide (RCW
22 69.50.415)
23 Explosive devices prohibited (RCW
24 70.74.180)
25 Homicide by Watercraft, by being under the
26 influence of intoxicating liquor or
27 any drug (RCW ((~~88.12.029~~))
28 79A.60.050)
29 Inciting Criminal Profiteering (RCW
30 9A.82.060(1)(b))
31 Malicious placement of an explosive 2 (RCW
32 70.74.270(2))
33 Over 18 and deliver narcotic from Schedule
34 III, IV, or V or a nonnarcotic, except
35 flunitrazepam or methamphetamine, from
36 Schedule I-V to someone under 18 and 3
37 years junior (RCW 69.50.406)

1 Robbery 1 (RCW 9A.56.200)
2 Sexual Exploitation (RCW 9.68A.040)
3 Vehicular Homicide, by being under the
4 influence of intoxicating liquor or
5 any drug (RCW 46.61.520)

6 VIII Arson 1 (RCW 9A.48.020)
7 Deliver or possess with intent to deliver
8 methamphetamine (RCW
9 69.50.401(a)(1)(ii))

10 Homicide by Watercraft, by the operation of
11 any vessel in a reckless manner (RCW
12 ((~~88.12.029~~)) 79A.60.050)

13 Manslaughter 2 (RCW 9A.32.070)

14 Manufacture, deliver, or possess with
15 intent to deliver amphetamine (RCW
16 69.50.401(a)(1)(ii))

17 Manufacture, deliver, or possess with
18 intent to deliver heroin or cocaine
19 (RCW 69.50.401(a)(1)(i))

20 Possession of ephedrine or pseudoephedrine
21 with intent to manufacture
22 methamphetamine (RCW 69.50.440)

23 Promoting Prostitution 1 (RCW 9A.88.070)

24 Selling for profit (controlled or
25 counterfeit) any controlled substance
26 (RCW 69.50.410)

27 Vehicular Homicide, by the operation of any
28 vehicle in a reckless manner (RCW
29 46.61.520)

1 VII Burglary 1 (RCW 9A.52.020)
2 Child Molestation 2 (RCW 9A.44.086)
3 Dealing in depictions of minor engaged in
4 sexually explicit conduct (RCW
5 9.68A.050)
6 Drive-by Shooting (RCW 9A.36.045)
7 Homicide by Watercraft, by disregard for
8 the safety of others (RCW
9 ((88.12.029)) 79A.60.050)
10 Indecent Liberties (without forcible
11 compulsion) (RCW 9A.44.100(1) (b) and
12 (c))
13 Introducing Contraband 1 (RCW 9A.76.140)
14 Involving a minor in drug dealing (RCW
15 69.50.401(f))
16 Malicious placement of an explosive 3 (RCW
17 70.74.270(3))
18 Sending, bringing into state depictions of
19 minor engaged in sexually explicit
20 conduct (RCW 9.68A.060)
21 Unlawful Possession of a Firearm in the
22 first degree (RCW 9.41.040(1)(a))
23 Use of a Machine Gun in Commission of a
24 Felony (RCW 9.41.225)
25 Vehicular Homicide, by disregard for the
26 safety of others (RCW 46.61.520)

27 VI Bail Jumping with Murder 1 (RCW
28 9A.76.170(2)(a))
29 Bribery (RCW 9A.68.010)
30 Incest 1 (RCW 9A.64.020(1))
31 Intimidating a Judge (RCW 9A.72.160)
32 Intimidating a Juror/Witness (RCW
33 9A.72.110, 9A.72.130)
34 Malicious placement of an imitation device
35 2 (RCW 70.74.272(1)(b))
36 Manufacture, deliver, or possess with
37 intent to deliver narcotics from
38 Schedule I or II (except heroin or

1 cocaine) or flunitrazepam from
2 Schedule IV (RCW 69.50.401(a)(1)(i))
3 Rape of a Child 3 (RCW 9A.44.079)
4 Theft of a Firearm (RCW 9A.56.300)

5 V Abandonment of dependent person 1 (RCW
6 9A.42.060)

7 Advancing money or property for
8 extortionate extension of credit (RCW
9 9A.82.030)

10 Bail Jumping with class A Felony (RCW
11 9A.76.170(2)(b))

12 Child Molestation 3 (RCW 9A.44.089)

13 Criminal Mistreatment 1 (RCW 9A.42.020)

14 Custodial Sexual Misconduct 1 (RCW
15 9A.44.160)

16 Delivery of imitation controlled substance
17 by person eighteen or over to person
18 under eighteen (RCW 69.52.030(2))

19 Extortion 1 (RCW 9A.56.120)

20 Extortionate Extension of Credit (RCW
21 9A.82.020)

22 Extortionate Means to Collect Extensions of
23 Credit (RCW 9A.82.040)

24 Incest 2 (RCW 9A.64.020(2))

25 Kidnapping 2 (RCW 9A.40.030)

26 On and after July 1, 2000: No-Contact
27 Order Violation: Domestic Violence
28 Pretrial Condition (RCW 10.99.040(4)
29 (b) and (c))

30 On and after July 1, 2000: No-Contact
31 Order Violation: Domestic Violence
32 Sentence Condition (RCW 10.99.050(2))

33 On and after July 1, 2000: Protection
34 Order Violation: Domestic Violence
35 Civil Action (RCW 26.50.110 (4) and
36 (5))

37 On and after July 1, 2000: Stalking (RCW
38 9A.46.110)

39 Perjury 1 (RCW 9A.72.020)

1 Persistent prison misbehavior (RCW
2 9.94.070)
3 Possession of a Stolen Firearm (RCW
4 9A.56.310)
5 Rape 3 (RCW 9A.44.060)
6 Rendering Criminal Assistance 1 (RCW
7 9A.76.070)
8 Sexual Misconduct with a Minor 1 (RCW
9 9A.44.093)
10 Sexually Violating Human Remains (RCW
11 9A.44.105)
12 IV Arson 2 (RCW 9A.48.030)
13 Assault 2 (RCW 9A.36.021)
14 Assault by Watercraft (RCW ((~~88.12.032~~))
15 79A.60.060)
16 Bribing a Witness/Bribe Received by Witness
17 (RCW 9A.72.090, 9A.72.100)
18 Cheating 1 (section 2 of this act)
19 Commercial Bribery (RCW 9A.68.060)
20 Counterfeiting (RCW 9.16.035(4))
21 Escape 1 (RCW 9A.76.110)
22 Hit and Run--Injury Accident (RCW
23 46.52.020(4))
24 Hit and Run with Vessel--Injury Accident
25 (RCW ((~~88.12.155~~)) 79A.60.200(3))
26 Indecent Exposure to Person Under Age
27 Fourteen (subsequent sex offense) (RCW
28 9A.88.010)
29 Influencing Outcome of Sporting Event (RCW
30 9A.82.070)
31 Knowingly Trafficking in Stolen Property
32 (RCW 9A.82.050(2))

1 Malicious Harassment (RCW 9A.36.080)
2 Manufacture, deliver, or possess with
3 intent to deliver narcotics from
4 Schedule III, IV, or V or nonnarcotics
5 from Schedule I-V (except marijuana,
6 amphetamine, methamphetamines, or
7 flunitrazepam) (RCW 69.50.401(a)(1)
8 (iii) through (v))
9 Residential Burglary (RCW 9A.52.025)
10 Robbery 2 (RCW 9A.56.210)
11 Theft of Livestock 1 (RCW 9A.56.080)
12 Threats to Bomb (RCW 9.61.160)
13 Use of Proceeds of Criminal Profiteering
14 (RCW 9A.82.080 (1) and (2))
15 Vehicular Assault (RCW 46.61.522)
16 Willful Failure to Return from Furlough
17 (RCW 72.66.060)

18 III Abandonment of dependent person 2 (RCW
19 9A.42.070)
20 Assault 3 (RCW 9A.36.031)
21 Assault of a Child 3 (RCW 9A.36.140)
22 Bail Jumping with class B or C Felony (RCW
23 9A.76.170(2)(c))
24 Burglary 2 (RCW 9A.52.030)
25 Communication with a Minor for Immoral
26 Purposes (RCW 9.68A.090)
27 Criminal Gang Intimidation (RCW 9A.46.120)
28 Criminal Mistreatment 2 (RCW 9A.42.030)
29 Custodial Assault (RCW 9A.36.100)
30 Delivery of a material in lieu of a
31 controlled substance (RCW
32 69.50.401(c))
33 Escape 2 (RCW 9A.76.120)
34 Extortion 2 (RCW 9A.56.130)
35 Harassment (RCW 9A.46.020)
36 Intimidating a Public Servant (RCW
37 9A.76.180)
38 Introducing Contraband 2 (RCW 9A.76.150)

1 Maintaining a Dwelling or Place for
2 Controlled Substances (RCW
3 69.50.402(a)(6))
4 Malicious Injury to Railroad Property (RCW
5 81.60.070)
6 Manufacture, deliver, or possess with
7 intent to deliver marijuana (RCW
8 69.50.401(a)(1)(iii))
9 Manufacture, distribute, or possess with
10 intent to distribute an imitation
11 controlled substance (RCW
12 69.52.030(1))
13 Patronizing a Juvenile Prostitute (RCW
14 9.68A.100)
15 Perjury 2 (RCW 9A.72.030)
16 Possession of Incendiary Device (RCW
17 9.40.120)
18 Possession of Machine Gun or Short-Barreled
19 Shotgun or Rifle (RCW 9.41.190)
20 Promoting Prostitution 2 (RCW 9A.88.080)
21 Recklessly Trafficking in Stolen Property
22 (RCW 9A.82.050(1))
23 Securities Act violation (RCW 21.20.400)
24 Tampering with a Witness (RCW 9A.72.120)
25 Telephone Harassment (subsequent conviction
26 or threat of death) (RCW 9.61.230)
27 Theft of Livestock 2 (RCW 9A.56.080)
28 Unlawful Imprisonment (RCW 9A.40.040)
29 Unlawful possession of firearm in the
30 second degree (RCW 9.41.040(1)(b))
31 Unlawful Use of Building for Drug Purposes
32 (RCW 69.53.010)
33 Willful Failure to Return from Work Release
34 (RCW 72.65.070)

1 II Cheating 2 (section 3 of this act)
2 Computer Trespass 1 (RCW 9A.52.110)
3 Counterfeiting (RCW 9.16.035(3))
4 Create, deliver, or possess a counterfeit
5 controlled substance (RCW
6 69.50.401(b))
7 Escape from Community Custody (RCW
8 72.09.310)
9 Health Care False Claims (RCW 48.80.030)
10 Malicious Mischief 1 (RCW 9A.48.070)
11 Possession of controlled substance that is
12 either heroin or narcotics from
13 Schedule I or II or flunitrazepam from
14 Schedule IV (RCW 69.50.401(d))
15 Possession of phencyclidine (PCP) (RCW
16 69.50.401(d))
17 Possession of Stolen Property 1 (RCW
18 9A.56.150)
19 Theft 1 (RCW 9A.56.030)
20 Theft of Rental, Leased, or Lease-purchased
21 Property (valued at one thousand five
22 hundred dollars or more) (RCW
23 9A.56.096(4))
24 Trafficking in Insurance Claims (RCW
25 48.30A.015)
26 Unlawful Practice of Law (RCW 2.48.180)
27 Unlicensed Practice of a Profession or
28 Business (RCW 18.130.190(7))

29 I Attempting to Elude a Pursuing Police
30 Vehicle (RCW 46.61.024)
31 False Verification for Welfare (RCW
32 74.08.055)
33 Forged Prescription (RCW 69.41.020)
34 Forged Prescription for a Controlled
35 Substance (RCW 69.50.403)
36 Forgery (RCW 9A.60.020)
37 Malicious Mischief 2 (RCW 9A.48.080)
38 Possess Controlled Substance that is a
39 Narcotic from Schedule III, IV, or V

1 or Non-narcotic from Schedule I-V
2 (except phencyclidine or
3 flunitrazepam) (RCW 69.50.401(d))
4 Possession of Stolen Property 2 (RCW
5 9A.56.160)
6 Reckless Burning 1 (RCW 9A.48.040)
7 Taking Motor Vehicle Without Permission
8 (RCW 9A.56.070)
9 Theft 2 (RCW 9A.56.040)
10 Theft of Rental, Leased, or Lease-purchased
11 Property (valued at two hundred fifty
12 dollars or more but less than one
13 thousand five hundred dollars) (RCW
14 9A.56.096(4))
15 Unlawful Issuance of Checks or Drafts (RCW
16 9A.56.060)
17 Unlawful Use of Food Stamps (RCW 9.91.140
18 (2) and (3))
19 Vehicle Prowl 1 (RCW 9A.52.095)"

20 **SHB 2453** - S COMM AMD
21 By Committee on Commerce, Trade, Housing & Financial Institutions

22
23 In line 1 of the title, after "gambling;" strike the remainder of
24 the title and insert "amending RCW 9.46.196; reenacting and amending
25 RCW 9.94A.320; adding new sections to chapter 9.46 RCW; and prescribing
26 penalties."

--- END ---