

SHB 1346 - S COMM AMD

By Committee on Labor, Commerce, Research & Development

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 9.46 RCW
4 to read as follows:

5 (1) The legislature declares that the exclusion of certain persons
6 from gambling premises that conduct licensed gambling activities is
7 necessary to carry out the policies of this chapter and to effectively
8 maintain the strict regulation of gambling.

9 (2)(a) The commission may, by rule, provide for the establishment
10 of a list of persons who are to be excluded from licensed gambling
11 premises.

12 (b) The commission's rules must define the standards for exclusion
13 and must include standards relating to persons:

14 (i) Who are career or professional offenders or involved in
15 organized crime;

16 (ii) Who have been convicted of a criminal violation of a gambling
17 law of any state or of the United States, or who have been convicted of
18 any felony including, but not limited to, theft, extortion, conspiracy
19 to defraud, or any similar offense involving, or in connection with,
20 any gambling activity; or

21 (iii) Who have been excluded under similar involuntary exclusion
22 laws or rules of any other state or nation that regulates gambling.

23 (c) A person may not be placed upon the list of exclusion because
24 of race, creed, color, national origin, sex, marital status, sexual
25 orientation, age, honorably discharged veteran or military status, or
26 the presence of any sensory, mental, or physical disability, or the use
27 of a trained dog guide or service animal by a person with a disability.

28 (3)(a) Any person listed on the commission's exclusion list will
29 remain listed until the person proves by clear and convincing evidence

1 that they are eligible to be removed from the commission's exclusion
2 list.

3 (b) The commission's rules must include the standards and processes
4 for removal.

5 (4) The commission may impose sanctions upon a licensee if the
6 licensee knowingly fails to exclude from its gambling premises any
7 person placed by the commission on the list of persons to be excluded.

8 (5)(a) Any list compiled by the commission of persons to be
9 excluded shall not be deemed an all-inclusive list. Licensees must
10 keep from their gambling premises persons known to them to fall within
11 the standards defined under subsection (2)(b) of this section.

12 (b) When the commission places the name of a person on a list under
13 this section, the commission must serve notice to the person by
14 personal service or by certified mail to the last known address of the
15 person. If personal service is not accomplished and there is no last
16 known address, the commission must publish a notice daily for one week
17 in a newspaper of general circulation in Thurston county, and publish
18 a notice on the commission's official internet web site.

19 (c) Within thirty days after service of the notification, the
20 person named for exclusion may request a hearing before an
21 administrative law judge. The commission has the affirmative
22 obligation to demonstrate by a preponderance of the evidence that the
23 person named for exclusion satisfies the criteria for exclusion
24 established by this section and the commission's rules.

25 (d) Failure to request a hearing within thirty days after service
26 precludes a person from having an administrative hearing.

27 (e) If, upon completion of the hearing for exclusion, an
28 administrative law judge determines that the person named does not
29 satisfy the criteria for exclusion established by this section and the
30 commission's rules, the administrative law judge must issue an initial
31 order denying the listing. The order is subject to review by the
32 commission.

33 (f) If, upon completion of a hearing for exclusion, an
34 administrative law judge determines that placement of the name of the
35 person on the exclusion list is appropriate, the administrative law
36 judge must make and enter an initial order to that effect. The order
37 is subject to review by the commission.

1 (6) This section does not limit the right of a licensee to exercise
2 its common law right to exclude or eject permanently from its premises
3 any person who disrupts the operations of its premises, threatens the
4 security of its premises or its occupants, or is disorderly or
5 intoxicated.

6 (7) A person on the list of excluded persons shall not collect any
7 winnings or recover any losses arising as a result of any licensed
8 gambling activity. Additionally, any money or thing of value which has
9 been obtained by, or is owed to, any person placed on the list of
10 excluded persons must be forfeited by order of the commission, pursuant
11 to RCW 9.46.231, following notice to the person and to all claimants
12 and opportunity to be heard.

13 (8) A person on the list of excluded persons who enters a gambling
14 premises is guilty of a gross misdemeanor punishable under RCW
15 9A.20.021."

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16 On page 1, line 2 of the title, after "premises;" strike the
17 remainder of the title and insert "adding a new section to chapter 9.46
18 RCW; and prescribing penalties."

EFFECT: Specifies the classes of persons who may not be put on
the exclusion list because of discriminatory reasons. The classes
include the classes of people subject to the jurisdiction of the Human
Rights Commission.

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