

ESHB 2638 - S AMD 1313

By Senator Rivers

OUT OF ORDER 03/05/2020

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

3 "NEW SECTION. **Sec. 1.** It has long been the policy of this state
4 to prohibit all forms and means of gambling except where carefully
5 and specifically authorized and regulated. The legislature intends to
6 authorize sports wagering in a limited and controlled manner. In
7 order to accomplish this, the legislature intends that only card
8 rooms that are currently licensed and tribal casinos be allowed to
9 conduct sports wagering. The legislature further intends that
10 expansion beyond this limited authorization is inappropriate.

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

13 (1) Upon the request of a federally recognized Indian tribe or
14 tribes in the state of Washington, the tribe's class III gaming
15 compact may be amended pursuant to the Indian gaming regulatory act,
16 25 U.S.C. Sec. 2701 et seq., and RCW 9.46.360 to authorize the tribe
17 to conduct and operate sports wagering on its Indian lands, provided
18 the amendment addresses: Licensing; fees associated with the gambling
19 commission's regulation of sports wagering; how sports wagering will
20 be conducted, operated, and regulated; issues related to criminal
21 enforcement, including money laundering, sport integrity, and
22 information sharing between the commission and the tribe related to
23 such enforcement; and responsible and problem gambling. Sports
24 wagering conducted pursuant to the gaming compact is a gambling
25 activity authorized by this chapter.

26 (2) Beginning January 1, 2024, card rooms may conduct sports
27 wagering through sports pools and online sports pools at the card
28 room facility as provided in this chapter.

29 (3) The commission may issue licenses prior to January 1, 2024,
30 to be effective on January 1, 2024. The commission may not issue a
31 sports wagering license to any person or entity unless it was

1 licensed and in operation as a card room as of January 1, 2020, and
2 has established its financial stability, integrity, responsibility,
3 good character, and honesty. No license to operate a sports pool may
4 be issued to any person or entity that is disqualified for a license
5 under chapter 9.46 or 67.16 RCW. The commission has the authority to
6 charge a card room a fee for the issuance of a sports wagering
7 license in an amount of five hundred thousand dollars for the initial
8 issuance and, in the case of a renewal, a reasonable fee adopted by
9 rule that is based upon the expense associated with renewal,
10 enforcement, and programs for the prevention and treatment of problem
11 gambling.

12 (4) Sports wagering conducted pursuant to the provisions of this
13 chapter is authorized bookmaking and is not subject to civil or
14 criminal penalties pursuant to RCW 9.46.225.

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

17 (1) No sports wagering may be offered or made available to the
18 public, except as provided in this chapter.

19 (2) Any person who offers sports wagering without a license or
20 pursuant to a compact is guilty of a class B felony and is subject to
21 a fine of not more than twenty-five thousand dollars, and, in the
22 case of a person other than a natural person, a fine of not more than
23 one hundred thousand dollars.

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

26 (1)(a) Any person who: (i) Is an athlete, coach, referee, or
27 director of a sports governing body or any of its member teams; (ii)
28 is a sports governing body or any of its member teams; (iii) is a
29 player or a referee personnel member in or on any sports event
30 overseen by that person's sports governing body based on publicly
31 available information; (iv) holds a position of authority or
32 influence sufficient to exert influence over the participants in a
33 sporting contest, including, but not limited to, coaches, managers,
34 handlers, athletic trainers, or horse trainers; (v) has access to
35 certain types of exclusive information on any sports event overseen
36 by that person's sports governing body based on publicly available
37 information; or (vi) is identified by any lists provided by the
38 sports governing body to the commission, may not have any ownership

1 interest in, control of, or otherwise be employed by, an operator, a
2 sports wagering licensee, or a facility in which sports wagering is
3 or will be conducted, or place a wager on a sports event that is
4 overseen by that person's sports governing body based on publicly
5 available information. Any person who violates this subsection is
6 guilty of a misdemeanor and must, upon conviction, be punished by
7 either imprisonment in the county jail for a maximum term fixed by
8 the court of not more than ninety days or a fine in an amount fixed
9 by the court of not more than one thousand dollars, or both.

10 (b) Any employee of a sports governing body or its member teams
11 who is not prohibited from wagering on a sports event must provide
12 notice to the commission prior to placing a wager on a sports event.

13 (c) The direct or indirect legal or beneficial owner of ten
14 percent or more of a sports governing body or any of its member teams
15 may not place or accept any wager on a sports event in which any
16 member team of that sports governing body participates.

17 (2) The prohibition set forth in subsection (1) of this section
18 does not apply to any person who is a direct or indirect owner of a
19 specific sports governing body member team, and (a) the person has
20 less than ten percent direct or indirect ownership interest in a
21 casino or racetrack, or (b) the shares of such person are registered
22 pursuant to section 12 of the securities exchange act of 1934 (15
23 U.S.C. Sec. 781), as amended, and the value of the ownership of such
24 team represents less than one percent of the person's total
25 enterprise value.

26 (3) An operator must adopt procedures to prevent persons who are
27 prohibited from placing sports wagers from wagering on sports events.

28 (4) An operator may not accept wagers from any person whose
29 identity is known to the operator and:

30 (a) Whose name appears on any self-exclusion programs list
31 provided under RCW 9.46.071;

32 (b) Who is the operator, director, officer, owner, or employee of
33 the operator or any relative thereof living in the same household as
34 the operator;

35 (c) Who has access to nonpublic confidential information held by
36 the operator; or

37 (d) Who is an agent or proxy for any other person.

38 (5) An operator must adopt procedures to obtain personally
39 identifiable information from any individual who places any single
40 wager in an amount of ten thousand dollars or greater on a sports

1 event while physically present in a tribal casino or card room
2 facility.

3 (6) For purposes of this section, "operator" means a tribal
4 casino or card room conducting sport wagering.

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

7 (1) The commission may adopt rules to implement section 2 of this
8 act. These rules may not be more restrictive for card rooms
9 conducting sport wagering than the provisions authorizing sports
10 wagering in any tribe's class III gaming compact with the state.

11 (2) The rules may address the following:

12 (a) Documentation and forms required for licensing;

13 (b) Licensing of employees conducting sport wagering;

14 (c) How wagering may be conducted, including requiring licensees
15 to adopt and display its house rules governing sport wagering
16 transactions;

17 (d) How unclaimed winnings may be disbursed, including providing
18 for a percentage of the unclaimed winning to be remitted to the
19 problem gambling account created in RCW 41.05.751; and

20 (e) Other matters as the commission deems necessary to protect
21 the public and integrity of sport wagering.

22 **Sec. 6.** RCW 9.46.070 and 2012 c 116 s 1 are each amended to read
23 as follows:

24 The commission shall have the following powers and duties:

25 (1) To authorize and issue licenses for a period not to exceed
26 one year to bona fide charitable or nonprofit organizations approved
27 by the commission meeting the requirements of this chapter and any
28 rules and regulations adopted pursuant thereto permitting said
29 organizations to conduct bingo games, raffles, amusement games, and
30 social card games, to utilize punchboards and pull-tabs in accordance
31 with the provisions of this chapter and any rules and regulations
32 adopted pursuant thereto and to revoke or suspend said licenses for
33 violation of any provisions of this chapter or any rules and
34 regulations adopted pursuant thereto: PROVIDED, That the commission
35 shall not deny a license to an otherwise qualified applicant in an
36 effort to limit the number of licenses to be issued: PROVIDED
37 FURTHER, That the commission or director shall not issue, deny,
38 suspend, or revoke any license because of considerations of race,

1 sex, creed, color, or national origin: AND PROVIDED FURTHER, That the
2 commission may authorize the director to temporarily issue or suspend
3 licenses subject to final action by the commission;

4 (2) To authorize and issue licenses for a period not to exceed
5 one year to any person, association, or organization operating a
6 business primarily engaged in the selling of items of food or drink
7 for consumption on the premises, approved by the commission meeting
8 the requirements of this chapter and any rules and regulations
9 adopted pursuant thereto permitting said person, association, or
10 organization to utilize punchboards and pull-tabs and to conduct
11 social card games as a commercial stimulant in accordance with the
12 provisions of this chapter and any rules and regulations adopted
13 pursuant thereto and to revoke or suspend said licenses for violation
14 of any provisions of this chapter and any rules and regulations
15 adopted pursuant thereto: PROVIDED, That the commission shall not
16 deny a license to an otherwise qualified applicant in an effort to
17 limit the number of licenses to be issued: PROVIDED FURTHER, That the
18 commission may authorize the director to temporarily issue or suspend
19 licenses subject to final action by the commission;

20 (3) To authorize and issue licenses for a period not to exceed
21 one year to any person, association, or organization approved by the
22 commission meeting the requirements of this chapter and meeting the
23 requirements of any rules and regulations adopted by the commission
24 pursuant to this chapter as now or hereafter amended, permitting said
25 person, association, or organization to conduct or operate amusement
26 games in such manner and at such locations as the commission may
27 determine. The commission may authorize the director to temporarily
28 issue or suspend licenses subject to final action by the commission;

29 (4) To authorize, require, and issue, for a period not to exceed
30 one year, such licenses as the commission may by rule provide, to any
31 person, association, or organization to engage in the manufacturing,
32 selling, distributing, or otherwise supplying (~~or in the~~
33 ~~manufacturing~~) of devices, equipment, software, hardware, or any
34 gambling-related services for use within this state for those
35 activities authorized by this chapter. The commission may authorize
36 the director to temporarily issue or suspend licenses subject to
37 final action by the commission;

38 (5) To establish a schedule of annual license fees for carrying
39 on specific gambling activities upon the premises, and for such other
40 activities as may be licensed by the commission, which fees shall

1 provide to the commission not less than an amount of money adequate
2 to cover all costs incurred by the commission relative to licensing
3 under this chapter and the enforcement by the commission of the
4 provisions of this chapter and rules and regulations adopted pursuant
5 thereto: PROVIDED, That all licensing fees shall be submitted with an
6 application therefor and such portion of said fee as the commission
7 may determine, based upon its cost of processing and investigation,
8 shall be retained by the commission upon the withdrawal or denial of
9 any such license application as its reasonable expense for processing
10 the application and investigation into the granting thereof: PROVIDED
11 FURTHER, That if in a particular case the basic license fee
12 established by the commission for a particular class of license is
13 less than the commission's actual expenses to investigate that
14 particular application, the commission may at any time charge to that
15 applicant such additional fees as are necessary to pay the commission
16 for those costs. The commission may decline to proceed with its
17 investigation and no license shall be issued until the commission has
18 been fully paid therefor by the applicant: AND PROVIDED FURTHER, That
19 the commission may establish fees for the furnishing by it to
20 licensees of identification stamps to be affixed to such devices and
21 equipment as required by the commission and for such other special
22 services or programs required or offered by the commission, the
23 amount of each of these fees to be not less than is adequate to
24 offset the cost to the commission of the stamps and of administering
25 their dispersal to licensees or the cost of administering such other
26 special services, requirements or programs;

27 (6) To prescribe the manner and method of payment of taxes, fees
28 and penalties to be paid to or collected by the commission;

29 (7) To require that applications for all licenses contain such
30 information as may be required by the commission: PROVIDED, That all
31 persons (a) having a managerial or ownership interest in any gambling
32 activity, or the building in which any gambling activity occurs, or
33 the equipment to be used for any gambling activity, (~~or~~) (b)
34 participating as an employee in the operation of any gambling
35 activity, or (c) participating as an employee in the operation,
36 management, or providing of gambling-related services for sports
37 wagering, shall be listed on the application for the license and the
38 applicant shall certify on the application, under oath, that the
39 persons named on the application are all of the persons known to have
40 an interest in any gambling activity, building, or equipment by the

1 person making such application: PROVIDED FURTHER, That the commission
2 shall require fingerprinting and national criminal history background
3 checks on any persons seeking licenses, certifications, or permits
4 under this chapter or of any person holding an interest in any
5 gambling activity, building, or equipment to be used therefor, or of
6 any person participating as an employee in the operation of any
7 gambling activity. All national criminal history background checks
8 shall be conducted using fingerprints submitted to the United States
9 department of justice-federal bureau of investigation. The commission
10 must establish rules to delineate which persons named on the
11 application are subject to national criminal history background
12 checks. In identifying these persons, the commission must take into
13 consideration the nature, character, size, and scope of the gambling
14 activities requested by the persons making such applications;

15 (8) To require that any license holder maintain records as
16 directed by the commission and submit such reports as the commission
17 may deem necessary;

18 (9) To require that all income from bingo games, raffles, and
19 amusement games be recorded and reported as established by rule or
20 regulation of the commission to the extent deemed necessary by
21 considering the scope and character of the gambling activity in such
22 a manner that will disclose gross income from any gambling activity,
23 amounts received from each player, the nature and value of prizes,
24 and the fact of distributions of such prizes to the winners thereof;

25 (10) To regulate and establish maximum limitations on income
26 derived from bingo. In establishing limitations pursuant to this
27 subsection the commission shall take into account (a) the nature,
28 character, and scope of the activities of the licensee; (b) the
29 source of all other income of the licensee; and (c) the percentage or
30 extent to which income derived from bingo is used for charitable, as
31 distinguished from nonprofit, purposes. However, the commission's
32 powers and duties granted by this subsection are discretionary and
33 not mandatory;

34 (11) To regulate and establish the type and scope of and manner
35 of conducting the gambling activities authorized by this chapter,
36 including but not limited to, the extent of wager, money, or other
37 thing of value which may be wagered or contributed or won by a player
38 in any such activities;

39 (12) To regulate the collection of and the accounting for the fee
40 which may be imposed by an organization, corporation, or person

1 licensed to conduct a social card game on a person desiring to become
2 a player in a social card game in accordance with RCW 9.46.0282;

3 (13) To cooperate with and secure the cooperation of county,
4 city, and other local or state agencies in investigating any matter
5 within the scope of its duties and responsibilities;

6 (14) In accordance with RCW 9.46.080, to adopt such rules and
7 regulations as are deemed necessary to carry out the purposes and
8 provisions of this chapter. All rules and regulations shall be
9 adopted pursuant to the administrative procedure act, chapter 34.05
10 RCW;

11 (15) To set forth for the perusal of counties, city-counties,
12 cities and towns, model ordinances by which any legislative authority
13 thereof may enter into the taxing of any gambling activity authorized
14 by this chapter;

15 (16)(a) To establish and regulate a maximum limit on salaries or
16 wages which may be paid to persons employed in connection with
17 activities conducted by bona fide charitable or nonprofit
18 organizations and authorized by this chapter, where payment of such
19 persons is allowed, and to regulate and establish maximum limits for
20 other expenses in connection with such authorized activities,
21 including but not limited to rent or lease payments. However, the
22 commissioner's powers and duties granted by this subsection are
23 discretionary and not mandatory.

24 (b) In establishing these maximum limits the commission shall
25 take into account the amount of income received, or expected to be
26 received, from the class of activities to which the limits will apply
27 and the amount of money the games could generate for authorized
28 charitable or nonprofit purposes absent such expenses. The commission
29 may also take into account, in its discretion, other factors,
30 including but not limited to, the local prevailing wage scale and
31 whether charitable purposes are benefited by the activities;

32 (17) To authorize, require, and issue for a period not to exceed
33 one year such licenses or permits, for which the commission may by
34 rule provide, to any person to work for any operator of any gambling
35 activity authorized by this chapter in connection with that activity,
36 or any manufacturer, supplier, or distributor of devices for those
37 activities in connection with such business. The commission may
38 authorize the director to temporarily issue or suspend licenses
39 subject to final action by the commission. The commission shall not
40 require that persons working solely as volunteers in an authorized

1 activity conducted by a bona fide charitable or bona fide nonprofit
2 organization, who receive no compensation of any kind for any purpose
3 from that organization, and who have no managerial or supervisory
4 responsibility in connection with that activity, be licensed to do
5 such work. The commission may require that licensees employing such
6 unlicensed volunteers submit to the commission periodically a list of
7 the names, addresses, and dates of birth of the volunteers. If any
8 volunteer is not approved by the commission, the commission may
9 require that the licensee not allow that person to work in connection
10 with the licensed activity;

11 (18) To publish and make available at the office of the
12 commission or elsewhere to anyone requesting it a list of the
13 commission licensees, including the name, address, type of license,
14 and license number of each licensee;

15 (19) To establish guidelines for determining what constitutes
16 active membership in bona fide nonprofit or charitable organizations
17 for the purposes of this chapter;

18 (20) To renew the license of every person who applies for renewal
19 within six months after being honorably discharged, removed, or
20 released from active military service in the armed forces of the
21 United States upon payment of the renewal fee applicable to the
22 license period, if there is no cause for denial, suspension, or
23 revocation of the license;

24 (21) To authorize, require, and issue, for a period not to exceed
25 one year, such licenses as the commission may by rule provide, to any
26 person, association, or organization that engages in any sports
27 wagering-related services for use within this state for sports
28 wagering activities authorized by this chapter. The commission may
29 authorize the director to temporarily issue or suspend licenses
30 subject to final action by the commission;

31 (22) To issue licenses under subsections (1) through (4) of this
32 section that are valid for a period of up to eighteen months, if it
33 chooses to do so, in order to transition to the use of the business
34 licensing services program through the department of revenue; and

35 ~~((22))~~ (23) To perform all other matters and things necessary
36 to carry out the purposes and provisions of this chapter.

37 **Sec. 7.** RCW 9.46.130 and 2011 c 336 s 303 are each amended to
38 read as follows:

1 (1) The premises and paraphernalia, and all the books and
2 records, databases, hardware, software, or any other electronic data
3 storage device of any person, association, or organization conducting
4 gambling activities authorized under this chapter and any person,
5 association, or organization receiving profits therefrom or having
6 any interest therein shall be subject to inspection and audit at any
7 reasonable time, with or without notice, upon demand, by the
8 commission or its designee, the attorney general or his or her
9 designee, the chief of the Washington state patrol or his or her
10 designee or the prosecuting attorney, sheriff, or director of public
11 safety or their designees of the county wherein located, or the chief
12 of police or his or her designee of any city or town in which said
13 organization is located, for the purpose of determining compliance or
14 noncompliance with the provisions of this chapter and any rules or
15 regulations or local ordinances adopted pursuant thereto or any
16 federal or state law. A reasonable time for the purpose of this
17 section shall be: ~~((1))~~ (a) If the items or records to be inspected
18 or audited are located anywhere upon a premises any portion of which
19 is regularly open to the public or members and guests, then at any
20 time when the premises are so open, or at which they are usually
21 open; or ~~((2))~~ (b) if the items or records to be inspected or
22 audited are not located upon a premises set out in ~~((subsection (1))~~
23 (a) of this ~~((section))~~ subsection, then any time between the hours
24 of 8:00 a.m. and 9:00 p.m., Monday through Friday.

25 (2) The commission shall be provided at such reasonable intervals
26 as the commission shall determine with a report, under oath,
27 detailing all receipts and disbursements in connection with such
28 gambling activities together with such other reasonable information
29 as required in order to determine whether such activities comply with
30 the purposes of this chapter or any local ordinances relating
31 thereto.

32 (3) The commission may require the submission of reports on
33 suspicious activities or irregular betting activities to effectively
34 identify players, wagering information, and suspicious and illegal
35 transactions, including the laundering of illicit funds.

36 NEW SECTION. Sec. 8. A new section is added to chapter 9.46 RCW
37 to read as follows:

38 (1) No person shall offer, promise, give, or attempt to give any
39 thing of value to any person for the purpose of influencing the

1 outcome of a sporting event, athletic event, or competition upon
2 which a wager may be made.

3 (2) No person shall place, increase, or decrease a wager after
4 acquiring knowledge, not available to the general public, that anyone
5 has been offered, promised, or given any thing of value for the
6 purpose of influencing the outcome of a sporting event, athletic
7 event, or competition upon which the wager is placed, increased, or
8 decreased.

9 (3) No person shall offer, promise, give, or attempt to give any
10 thing of value to obtain confidential or insider information not
11 available to the public with intent to use the information to gain a
12 wagering advantage on a sporting event, athletic event, or
13 competition.

14 (4) No person shall accept or agree to accept, any thing of value
15 for the purpose of wrongfully influencing his or her play, action,
16 decision making, or conduct in any sporting event, athletic event, or
17 competition upon which a wager may be made.

18 (5) Any person who violates this section shall be guilty of a
19 class C felony subject to the penalty set forth in RCW 9A.20.021.

20 **Sec. 9.** RCW 9.46.190 and 1991 c 261 s 7 are each amended to read
21 as follows:

22 Any person ~~((or))~~, association, or organization operating any
23 gambling activity ~~((who or which))~~ may not, directly or indirectly,
24 ~~((shall))~~ in the course of such operation:

25 (1) Employ any device, scheme, or artifice to defraud; ~~((or))~~

26 (2) Make any untrue statement of a material fact, or omit to
27 state a material fact necessary in order to make the statement made
28 not misleading, in the light of the circumstances under which said
29 statement is made; ~~((or))~~

30 (3) Engage in any act, practice, or course of operation as would
31 operate as a fraud or deceit upon any person;

32 ~~((shall))~~ (4) Alter or misrepresent the outcome of a game or
33 other event on which wagers have been made after the outcome is made
34 sure but before it is revealed to the players;

35 (5) Place, increase, or decrease a bet or to determine the course
36 of play after acquiring knowledge, not available to all players, of
37 the outcome of the game or any event that affects the outcome of the
38 game or which is the subject of the bet or to aid anyone in acquiring
39 such knowledge for the purpose of placing, increasing, or decreasing

1 a bet or determining the course of play contingent upon that event or
2 outcome;

3 (6) Knowingly entice or induce another person to go to any place
4 where a gambling activity is being conducted or operated in violation
5 of the provisions of this chapter, with the intent that the other
6 person play or participate in that gambling activity;

7 (7) Place or increase a bet after acquiring knowledge of the
8 outcome of the game or other event that is the subject of the bet,
9 including past posting and pressing bets; or

10 (8) Reduce the amount wagered or cancel the bet after acquiring
11 knowledge of the outcome of the game or other event that is the
12 subject of the bet, including pinching bets. Any person, association,
13 or organization that violates this section shall be guilty of a
14 ((gross misdemeanor)) class C felony subject to the penalty set forth
15 in RCW 9A.20.021.

16 **Sec. 10.** RCW 9.46.210 and 2000 c 46 s 1 are each amended to read
17 as follows:

18 (1) It shall be the duty of all peace officers, law enforcement
19 officers, and law enforcement agencies within this state to
20 investigate, enforce, and prosecute all violations of this chapter.

21 (2) In addition to the authority granted by subsection (1) of
22 this section law enforcement agencies of cities and counties shall
23 investigate and report to the commission all violations of the
24 provisions of this chapter and of the rules of the commission found
25 by them and shall assist the commission in any of its investigations
26 and proceedings respecting any such violations. Such law enforcement
27 agencies shall not be deemed agents of the commission.

28 (3) In addition to its other powers and duties, the commission
29 shall have the power to enforce the penal provisions of this chapter
30 ((218, Laws of 1973 1st ex. sess.)) and as it may be amended, and the
31 penal laws of this state relating to the conduct of or participation
32 in gambling activities, including chapter 9A.83 RCW, and the
33 manufacturing, importation, transportation, distribution, possession,
34 and sale of equipment or paraphernalia used or for use in connection
35 therewith. The director, the deputy director, both assistant
36 directors, and each of the commission's investigators, enforcement
37 officers, and inspectors shall have the power, under the supervision
38 of the commission, to enforce the penal provisions of this chapter
39 ((218, Laws of 1973 1st ex. sess.)) and as it may be amended, and the

1 penal laws of this state relating to the conduct of or participation
2 in gambling activities, including chapter 9A.83 RCW, and the
3 manufacturing, importation, transportation, distribution, possession,
4 and sale of equipment or paraphernalia used or for use in connection
5 therewith. They shall have the power and authority to apply for and
6 execute all warrants and serve process of law issued by the courts in
7 enforcing the penal provisions of this chapter (~~(218, Laws of 1973~~
8 ~~1st ex. sess.)~~) and as it may be amended, and the penal laws of this
9 state relating to the conduct of or participation in gambling
10 activities and the manufacturing, importation, transportation,
11 distribution, possession, and sale of equipment or paraphernalia used
12 or for use in connection therewith. They shall have the power to
13 arrest without a warrant, any person or persons found in the act of
14 violating any of the penal provisions of this chapter (~~(218, Laws of~~
15 ~~1973 1st ex. sess.)~~) and as it may be amended, and the penal laws of
16 this state relating to the conduct of or participation in gambling
17 activities and the manufacturing, importation, transportation,
18 distribution, possession, and sale of equipment or paraphernalia used
19 or for use in connection therewith. To the extent set forth above,
20 the commission shall be a law enforcement agency of this state with
21 the power to investigate for violations of and to enforce the
22 provisions of this chapter, as now law or hereafter amended, and to
23 obtain information from and provide information to all other law
24 enforcement agencies.

25 (4) Criminal history record information that includes
26 nonconviction data, as defined in RCW 10.97.030, may be disseminated
27 by a criminal justice agency to the Washington state gambling
28 commission for any purpose associated with the investigation for
29 suitability for involvement in gambling activities authorized under
30 this chapter. The Washington state gambling commission shall only
31 disseminate nonconviction data obtained under this section to
32 criminal justice agencies.

33 (5) In addition to its other powers and duties, the commission
34 may ensure sport integrity and prevent and detect competition
35 manipulation through education and enforcement of the penal
36 provisions of this chapter or chapter 67.04 or 67.24 RCW, or any
37 other state penal laws related to the integrity of sporting events,
38 athletic events, or competitions within the state.

39 (6) In addition to its other powers and duties, the commission
40 may track and monitor gambling-related transactions occurring within

1 the state to aid in its enforcement of the penal provisions of this
2 chapter or chapter 9A.83 RCW, or any other state penal laws related
3 to suspicious or illegal wagering activities, including the use of
4 funds derived from illegal activity, wagers to conceal or launder
5 funds derived from illegal activity, use of agents to place wagers,
6 or use of false identification by a player.

7 **Sec. 11.** RCW 9.46.220 and 1997 c 78 s 2 are each amended to read
8 as follows:

9 (1) A person is guilty of professional gambling in the first
10 degree if he or she engages in, or knowingly causes, aids, abets, or
11 conspires with another to engage in professional gambling as defined
12 in this chapter, and:

13 (a) Acts in concert with or conspires with five or more people;
14 (~~(e)~~)

15 (b) Personally accepts wagers exceeding five thousand dollars
16 during any thirty-day period on future contingent events; (~~(e)~~)

17 (c) The operation for whom the person works, or with which the
18 person is involved, accepts wagers exceeding five thousand dollars
19 during any thirty-day period on future contingent events; (~~(e)~~)

20 (d) Operates, manages, or profits from the operation of a
21 premises or location where persons are charged a fee to participate
22 in card games, lotteries, or other gambling activities that are not
23 authorized by this chapter or licensed by the commission; or

24 (e) Engages in bookmaking as defined in RCW 9.46.0213.

25 (2) However, this section shall not apply to those activities
26 enumerated in RCW 9.46.0305 through 9.46.0361 or to any act or acts
27 in furtherance of such activities when conducted in compliance with
28 the provisions of this chapter and in accordance with the rules
29 adopted pursuant to this chapter.

30 (3) Professional gambling in the first degree is a class B felony
31 subject to the penalty set forth in RCW 9A.20.021.

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

34 The transmission of gambling information over the internet for
35 any sports wagering conducted and operated under this section and
36 section 2 of this act is authorized, provided that the wager may be
37 placed and accepted at a tribe's gaming facility or a card room only

1 while the customer placing the wager is physically present on the
2 premises of that tribe's gaming facility or a card room.

3 **Sec. 13.** RCW 9.46.240 and 2006 c 290 s 2 are each amended to
4 read as follows:

5 (1) Whoever knowingly transmits or receives gambling information
6 by telephone, telegraph, radio, semaphore, the internet, a
7 telecommunications transmission system, or similar means, or
8 knowingly installs or maintains equipment for the transmission or
9 receipt of gambling information shall be guilty of a class C felony
10 subject to the penalty set forth in RCW 9A.20.021. (~~However, this~~)

11 (2) This section shall not apply to such information transmitted
12 or received or equipment or devices installed or maintained relating
13 to activities authorized by this chapter including, but not limited
14 to, sports wagering authorized under sections 2 and 12 of this act,
15 or to any act or acts in furtherance thereof when conducted in
16 compliance with the provisions of this chapter and in accordance with
17 the rules adopted under this chapter and conducted in accordance with
18 tribal-state compacts.

19 NEW SECTION. **Sec. 14.** A new section is added to chapter 9.46
20 RCW to read as follows:

21 (1) For purposes of this chapter:

22 (a) "Card room" means a business licensed to conduct social card
23 games pursuant to RCW 9.46.0325.

24 (b) "Online sports pool" means a sports wagering operation in
25 which wagers on sports events are made through computers or mobile or
26 interactive devices and accepted at a sports wagering lounge through
27 an online gaming system that is operating pursuant to a sports
28 wagering license issued by the commission.

29 (c) "Sports pool" means the business of accepting wagers on any
30 sports event by any system or method of wagering, including, but not
31 limited to, single-game bets, teaser bets, parlays, over/under, money
32 line, pools, exchange wagering, in-game wagering, in-play bets,
33 proposition bets, or straight bets.

34 (d) (i) "Sports wagering" means the business of accepting wagers
35 on any of the following sporting events, athletic events, or
36 competitions by any system or method of wagering:

37 (A) A professional sport or athletic event;

38 (B) A collegiate sport or athletic event;

1 (C) An Olympic or international sports competition or event;

2 (D) An electronic sports or esports competition or event;

3 (E) A combination of sporting events, athletic events, or
4 competitions listed in (d)(i)(A) through (D) of this subsection (1);
5 or

6 (F) A portion of any sporting event, athletic event, or
7 competition listed in (d)(i)(A) through (D) of this subsection (1).

8 (ii) Sports wagering does not include the business of accepting
9 wagers on horse racing authorized pursuant to chapter 67.16 RCW.

10 (2) For purposes of this section:

11 (a) "Collegiate sport or athletic event" means a sport or
12 athletic event offered or sponsored by, or played in connection with,
13 a public or private institution that offers education services beyond
14 the secondary level, other than such an institution that is located
15 within the state of Washington.

16 (b) "Electronic or esports event" means a live event or
17 tournament attended or watched by members of the public where games
18 or matches are contested in real time by players and teams and
19 players or teams can win a prize based on their performance in the
20 live event or tournament.

21 (c) "Professional sport or athletic event" means an event that is
22 not a collegiate sport or athletic event at which two or more persons
23 participate in sports or athletic events and receive compensation in
24 excess of actual expenses for their participation in the event.

25 **Sec. 15.** RCW 9.46.090 and 1987 c 505 s 3 are each amended to
26 read as follows:

27 Subject to RCW 40.07.040, the commission shall, from time to
28 time, make reports to the governor and the legislature covering such
29 matters in connection with this chapter as the governor and the
30 legislature may require. These reports shall be public documents and
31 contain such general information and remarks as the commission deems
32 pertinent thereto and any information requested by either the
33 governor or members of the legislature: PROVIDED, That the commission
34 appointed pursuant to RCW 9.46.040 may conduct a thorough study of
35 the types of gambling activity permitted and the types of gambling
36 activity prohibited by this chapter and may make recommendations to
37 the legislature as to: (1) Gambling activity that ought to be
38 permitted; (2) gambling activity that ought to be prohibited; (3) the
39 types of licenses and permits that ought to be required; (4) the type

1 and amount of tax that ought to be applied to each type of permitted
2 gambling activity; (5) any changes which may be made to the law of
3 this state which further the purposes and policies set forth in RCW
4 9.46.010 as now law or hereafter amended; and (6) any other matter
5 that the commission may deem appropriate. However, no later than
6 December 1st of the year following any authorization by the
7 legislature of a new gambling activity, any report by the commission
8 to the governor and the appropriate committees of the legislature
9 must include information on the state of the gambling industry both
10 within the state and nationwide. Members of the commission and its
11 staff may contact the legislature, or any of its members, at any
12 time, to advise it of recommendations of the commission.

13 **Sec. 16.** RCW 9.94A.515 and 2019 c 271 s 7, 2019 c 243 s 5, 2019
14 c 64 s 3, and 2019 c 46 s 5009 are each reenacted and amended to read
15 as follows:

16

TABLE 2

CRIMES INCLUDED WITHIN EACH
SERIOUSNESS LEVEL

19	XVI	Aggravated Murder 1 (RCW 10.95.020)
20	XV	Homicide by abuse (RCW 9A.32.055)
21		Malicious explosion 1 (RCW
22		70.74.280(1))
23		Murder 1 (RCW 9A.32.030)
24	XIV	Murder 2 (RCW 9A.32.050)
25		Trafficking 1 (RCW 9A.40.100(1))
26	XIII	Malicious explosion 2 (RCW
27		70.74.280(2))
28		Malicious placement of an explosive 1
29		(RCW 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
33		device 1 (RCW 70.74.272(1)(a))
34		Promoting Commercial Sexual Abuse of
35		a Minor (RCW 9.68A.101)

1 Rape 1 (RCW 9A.44.040)
2 Rape of a Child 1 (RCW 9A.44.073)
3 Trafficking 2 (RCW 9A.40.100(3))
4 XI Manslaughter 1 (RCW 9A.32.060)
5 Rape 2 (RCW 9A.44.050)
6 Rape of a Child 2 (RCW 9A.44.076)
7 Vehicular Homicide, by being under the
8 influence of intoxicating liquor or
9 any drug (RCW 46.61.520)
10 Vehicular Homicide, by the operation of
11 any vehicle in a reckless manner
12 (RCW 46.61.520)
13 X Child Molestation 1 (RCW 9A.44.083)
14 Criminal Mistreatment 1 (RCW
15 9A.42.020)
16 Indecent Liberties (with forcible
17 compulsion) (RCW
18 9A.44.100(1)(a))
19 Kidnapping 1 (RCW 9A.40.020)
20 Leading Organized Crime (RCW
21 9A.82.060(1)(a))
22 Malicious explosion 3 (RCW
23 70.74.280(3))
24 Sexually Violent Predator Escape (RCW
25 9A.76.115)
26 IX Abandonment of Dependent Person 1
27 (RCW 9A.42.060)
28 Assault of a Child 2 (RCW 9A.36.130)
29 Explosive devices prohibited (RCW
30 70.74.180)
31 Hit and Run—Death (RCW
32 46.52.020(4)(a))
33 Homicide by Watercraft, by being under
34 the influence of intoxicating liquor
35 or any drug (RCW 79A.60.050)

1 Inciting Criminal Profiteering (RCW
2 9A.82.060(1)(b))
3 Malicious placement of an explosive 2
4 (RCW 70.74.270(2))
5 Robbery 1 (RCW 9A.56.200)
6 Sexual Exploitation (RCW 9.68A.040)
7 VIII Arson 1 (RCW 9A.48.020)
8 Commercial Sexual Abuse of a Minor
9 (RCW 9.68A.100)
10 Homicide by Watercraft, by the
11 operation of any vessel in a reckless
12 manner (RCW 79A.60.050)
13 Manslaughter 2 (RCW 9A.32.070)
14 Promoting Prostitution 1 (RCW
15 9A.88.070)
16 Theft of Ammonia (RCW 69.55.010)
17 VII Air bag diagnostic systems (causing
18 bodily injury or death) (RCW
19 46.37.660(2)(b))
20 Air bag replacement requirements
21 (causing bodily injury or death)
22 (RCW 46.37.660(1)(b))
23 Burglary 1 (RCW 9A.52.020)
24 Child Molestation 2 (RCW 9A.44.086)
25 Civil Disorder Training (RCW
26 9A.48.120)
27 Dealing in depictions of minor engaged
28 in sexually explicit conduct 1
29 (RCW 9.68A.050(1))
30 Drive-by Shooting (RCW 9A.36.045)
31 Homicide by Watercraft, by disregard
32 for the safety of others (RCW
33 79A.60.050)

1 Indecent Liberties (without forcible
2 compulsion) (RCW 9A.44.100(1)
3 (b) and (c))
4 Introducing Contraband 1 (RCW
5 9A.76.140)
6 Malicious placement of an explosive 3
7 (RCW 70.74.270(3))
8 Manufacture or import counterfeit,
9 nonfunctional, damaged, or
10 previously deployed air bag
11 (causing bodily injury or death)
12 (RCW 46.37.650(1)(b))
13 Negligently Causing Death By Use of a
14 Signal Preemption Device (RCW
15 46.37.675)
16 Sell, install, or reinstall counterfeit,
17 nonfunctional, damaged, or
18 previously deployed airbag (RCW
19 46.37.650(2)(b))
20 Sending, bringing into state depictions
21 of minor engaged in sexually
22 explicit conduct 1 (RCW
23 9.68A.060(1))
24 Unlawful Possession of a Firearm in the
25 first degree (RCW 9.41.040(1))
26 Use of a Machine Gun or Bump-fire
27 Stock in Commission of a Felony
28 (RCW 9.41.225)
29 Vehicular Homicide, by disregard for
30 the safety of others (RCW
31 46.61.520)
32 VI Bail Jumping with Murder 1 (RCW
33 9A.76.170(3)(a))
34 Bribery (RCW 9A.68.010)
35 Incest 1 (RCW 9A.64.020(1))
36 Intimidating a Judge (RCW 9A.72.160)

1 Intimidating a Juror/Witness (RCW
2 9A.72.110, 9A.72.130)
3 Malicious placement of an imitation
4 device 2 (RCW 70.74.272(1)(b))
5 Possession of Depictions of a Minor
6 Engaged in Sexually Explicit
7 Conduct 1 (RCW 9.68A.070(1))
8 Rape of a Child 3 (RCW 9A.44.079)
9 Theft of a Firearm (RCW 9A.56.300)
10 Theft from a Vulnerable Adult 1 (RCW
11 9A.56.400(1))
12 Unlawful Storage of Ammonia (RCW
13 69.55.020)
14 V Abandonment of Dependent Person 2
15 (RCW 9A.42.070)
16 Advancing money or property for
17 extortionate extension of credit
18 (RCW 9A.82.030)
19 Air bag diagnostic systems (RCW
20 46.37.660(2)(c))
21 Air bag replacement requirements
22 (RCW 46.37.660(1)(c))
23 Bail Jumping with class A Felony
24 (RCW 9A.76.170(3)(b))
25 Child Molestation 3 (RCW 9A.44.089)
26 Criminal Mistreatment 2 (RCW
27 9A.42.030)
28 Custodial Sexual Misconduct 1 (RCW
29 9A.44.160)
30 Dealing in Depictions of Minor
31 Engaged in Sexually Explicit
32 Conduct 2 (RCW 9.68A.050(2))

1 Domestic Violence Court Order
2 Violation (RCW 10.99.040,
3 10.99.050, 26.09.300, 26.10.220,
4 26.26B.050, 26.50.110, 26.52.070,
5 or 74.34.145)
6 Extortion 1 (RCW 9A.56.120)
7 Extortionate Extension of Credit (RCW
8 9A.82.020)
9 Extortionate Means to Collect
10 Extensions of Credit (RCW
11 9A.82.040)
12 Incest 2 (RCW 9A.64.020(2))
13 Kidnapping 2 (RCW 9A.40.030)
14 Manufacture or import counterfeit,
15 nonfunctional, damaged, or
16 previously deployed air bag (RCW
17 46.37.650(1)(c))
18 Perjury 1 (RCW 9A.72.020)
19 Persistent prison misbehavior (RCW
20 9.94.070)
21 Possession of a Stolen Firearm (RCW
22 9A.56.310)
23 Rape 3 (RCW 9A.44.060)
24 Rendering Criminal Assistance 1 (RCW
25 9A.76.070)
26 Sell, install, or reinstall counterfeit,
27 nonfunctional, damaged, or
28 previously deployed airbag (RCW
29 46.37.650(2)(c))
30 Sending, Bringing into State Depictions
31 of Minor Engaged in Sexually
32 Explicit Conduct 2 (RCW
33 9.68A.060(2))
34 Sexual Misconduct with a Minor 1
35 (RCW 9A.44.093)

1 Sexually Violating Human Remains
2 (RCW 9A.44.105)
3 Stalking (RCW 9A.46.110)
4 Taking Motor Vehicle Without
5 Permission 1 (RCW 9A.56.070)
6 IV Arson 2 (RCW 9A.48.030)
7 Assault 2 (RCW 9A.36.021)
8 Assault 3 (of a Peace Officer with a
9 Projectile Stun Gun) (RCW
10 9A.36.031(1)(h))
11 Assault 4 (third domestic violence
12 offense) (RCW 9A.36.041(3))
13 Assault by Watercraft (RCW
14 79A.60.060)
15 Bribing a Witness/Bribe Received by
16 Witness (RCW 9A.72.090,
17 9A.72.100)
18 Cheating 1 (RCW 9A.46.1961)
19 Commercial Bribery (RCW 9A.68.060)
20 Counterfeiting (RCW 9A.16.035(4))
21 Driving While Under the Influence
22 (RCW 46.61.502(6))
23 Endangerment with a Controlled
24 Substance (RCW 9A.42.100)
25 Escape 1 (RCW 9A.76.110)
26 Hate Crime (RCW 9A.36.080)
27 Hit and Run—Injury (RCW
28 46.52.020(4)(b))
29 Hit and Run with Vessel—Injury
30 Accident (RCW 79A.60.200(3))
31 Identity Theft 1 (RCW 9A.35.020(2))
32 Indecent Exposure to Person Under Age
33 Fourteen (subsequent sex offense)
34 (RCW 9A.88.010)

1 Influencing Outcome of Sporting Event
2 (RCW 9A.82.070)
3 Physical Control of a Vehicle While
4 Under the Influence (RCW
5 46.61.504(6))
6 Possession of Depictions of a Minor
7 Engaged in Sexually Explicit
8 Conduct 2 (RCW 9.68A.070(2))
9 Residential Burglary (RCW 9A.52.025)
10 Robbery 2 (RCW 9A.56.210)
11 Sports Wagering without a License
12 (section 3 of this act)
13 Theft of Livestock 1 (RCW 9A.56.080)
14 Threats to Bomb (RCW 9.61.160)
15 Trafficking in Stolen Property 1 (RCW
16 9A.82.050)
17 Unlawful factoring of a credit card or
18 payment card transaction (RCW
19 9A.56.290(4)(b))
20 Unlawful transaction of health coverage
21 as a health care service contractor
22 (RCW 48.44.016(3))
23 Unlawful transaction of health coverage
24 as a health maintenance
25 organization (RCW 48.46.033(3))
26 Unlawful transaction of insurance
27 business (RCW 48.15.023(3))
28 Unlicensed practice as an insurance
29 professional (RCW 48.17.063(2))
30 Use of Proceeds of Criminal
31 Profiteering (RCW 9A.82.080 (1)
32 and (2))
33 Vehicle Prowling 2 (third or subsequent
34 offense) (RCW 9A.52.100(3))

1 Vehicular Assault, by being under the
2 influence of intoxicating liquor or
3 any drug, or by the operation or
4 driving of a vehicle in a reckless
5 manner (RCW 46.61.522)

6 Viewing of Depictions of a Minor
7 Engaged in Sexually Explicit
8 Conduct 1 (RCW 9.68A.075(1))

9 Willful Failure to Return from Furlough
10 (RCW 72.66.060)

11 III Animal Cruelty 1 (Sexual Conduct or
12 Contact) (RCW 16.52.205(3))

13 Assault 3 (Except Assault 3 of a Peace
14 Officer With a Projectile Stun Gun)
15 (RCW 9A.36.031 except subsection
16 (1)(h))

17 Assault of a Child 3 (RCW 9A.36.140)

18 Bail Jumping with class B or C Felony
19 (RCW 9A.76.170(3)(c))

20 Burglary 2 (RCW 9A.52.030)

21 Communication with a Minor for
22 Immoral Purposes (RCW
23 9.68A.090)

24 Criminal Gang Intimidation (RCW
25 9A.46.120)

26 Custodial Assault (RCW 9A.36.100)

27 Cyberstalking (subsequent conviction or
28 threat of death) (RCW 9.61.260(3))

29 Escape 2 (RCW 9A.76.120)

30 Extortion 2 (RCW 9A.56.130)

31 Harassment (RCW 9A.46.020)

32 Intimidating a Public Servant (RCW
33 9A.76.180)

34 Introducing Contraband 2 (RCW
35 9A.76.150)

1 Malicious Injury to Railroad Property
2 (RCW 81.60.070)
3 Manufacture of Untraceable Firearm
4 with Intent to Sell (RCW 9.41.190)
5 Manufacture or Assembly of an
6 Undetectable Firearm or
7 Untraceable Firearm (RCW
8 9.41.325)
9 Mortgage Fraud (RCW 19.144.080)
10 Negligently Causing Substantial Bodily
11 Harm By Use of a Signal
12 Preemption Device (RCW
13 46.37.674)
14 Organized Retail Theft 1 (RCW
15 9A.56.350(2))
16 Perjury 2 (RCW 9A.72.030)
17 Possession of Incendiary Device (RCW
18 9.40.120)
19 Possession of Machine Gun, Bump-Fire
20 Stock, Undetectable Firearm, or
21 Short-Barreled Shotgun or Rifle
22 (RCW 9.41.190)
23 Promoting Prostitution 2 (RCW
24 9A.88.080)
25 Retail Theft with Special Circumstances
26 1 (RCW 9A.56.360(2))
27 Securities Act violation (RCW
28 21.20.400)
29 Tampering with a Witness (RCW
30 9A.72.120)
31 Telephone Harassment (subsequent
32 conviction or threat of death) (RCW
33 9.61.230(2))
34 Theft of Livestock 2 (RCW 9A.56.083)
35 Theft with the Intent to Resell 1 (RCW
36 9A.56.340(2))

1 Trafficking in Stolen Property 2 (RCW
2 9A.82.055)
3 Unlawful Hunting of Big Game 1 (RCW
4 77.15.410(3)(b))
5 Unlawful Imprisonment (RCW
6 9A.40.040)
7 Unlawful Misbranding of Fish or
8 Shellfish 1 (RCW 77.140.060(3))
9 Unlawful possession of firearm in the
10 second degree (RCW 9.41.040(2))
11 Unlawful Taking of Endangered Fish or
12 Wildlife 1 (RCW 77.15.120(3)(b))
13 Unlawful Trafficking in Fish, Shellfish,
14 or Wildlife 1 (RCW
15 77.15.260(3)(b))
16 Unlawful Use of a Nondesigned
17 Vessel (RCW 77.15.530(4))
18 Vehicular Assault, by the operation or
19 driving of a vehicle with disregard
20 for the safety of others (RCW
21 46.61.522)
22 Willful Failure to Return from Work
23 Release (RCW 72.65.070)
24 II Commercial Fishing Without a License
25 1 (RCW 77.15.500(3)(b))
26 Computer Trespass 1 (RCW 9A.90.040)
27 Counterfeiting (RCW 9.16.035(3))
28 Electronic Data Service Interference
29 (RCW 9A.90.060)
30 Electronic Data Tampering 1 (RCW
31 9A.90.080)
32 Electronic Data Theft (RCW 9A.90.100)
33 Engaging in Fish Dealing Activity
34 Unlicensed 1 (RCW 77.15.620(3))
35 Escape from Community Custody
36 (RCW 72.09.310)

1 Failure to Register as a Sex Offender
2 (second or subsequent offense)
3 (RCW 9A.44.130 prior to June 10,
4 2010, and RCW 9A.44.132)
5 Health Care False Claims (RCW
6 48.80.030)
7 Identity Theft 2 (RCW 9.35.020(3))
8 Improperly Obtaining Financial
9 Information (RCW 9.35.010)
10 Malicious Mischief 1 (RCW 9A.48.070)
11 Organized Retail Theft 2 (RCW
12 9A.56.350(3))
13 Possession of Stolen Property 1 (RCW
14 9A.56.150)
15 Possession of a Stolen Vehicle (RCW
16 9A.56.068)
17 Retail Theft with Special Circumstances
18 2 (RCW 9A.56.360(3))
19 Scrap Processing, Recycling, or
20 Supplying Without a License
21 (second or subsequent offense)
22 (RCW 19.290.100)
23 Theft 1 (RCW 9A.56.030)
24 Theft of a Motor Vehicle (RCW
25 9A.56.065)
26 Theft of Rental, Leased, Lease-
27 purchased, or Loaned Property
28 (valued at five thousand dollars or
29 more) (RCW 9A.56.096(5)(a))
30 Theft with the Intent to Resell 2 (RCW
31 9A.56.340(3))
32 Trafficking in Insurance Claims (RCW
33 48.30A.015)
34 Unlawful factoring of a credit card or
35 payment card transaction (RCW
36 9A.56.290(4)(a))

1 Unlawful Participation of Non-Indians
2 in Indian Fishery (RCW
3 77.15.570(2))
4 Unlawful Practice of Law (RCW
5 2.48.180)
6 Unlawful Purchase or Use of a License
7 (RCW 77.15.650(3)(b))
8 Unlawful Trafficking in Fish, Shellfish,
9 or Wildlife 2 (RCW
10 77.15.260(3)(a))
11 Unlicensed Practice of a Profession or
12 Business (RCW 18.130.190(7))
13 Voyeurism 1 (RCW 9A.44.115)
14 I Attempting to Elude a Pursuing Police
15 Vehicle (RCW 46.61.024)
16 False Verification for Welfare (RCW
17 74.08.055)
18 Forgery (RCW 9A.60.020)
19 Fraudulent Creation or Revocation of a
20 Mental Health Advance Directive
21 (RCW 9A.60.060)
22 Malicious Mischief 2 (RCW 9A.48.080)
23 Mineral Trespass (RCW 78.44.330)
24 Possession of Stolen Property 2 (RCW
25 9A.56.160)
26 Reckless Burning 1 (RCW 9A.48.040)
27 Spotlighting Big Game 1 (RCW
28 77.15.450(3)(b))
29 Suspension of Department Privileges 1
30 (RCW 77.15.670(3)(b))
31 Taking Motor Vehicle Without
32 Permission 2 (RCW 9A.56.075)
33 Theft 2 (RCW 9A.56.040)
34 Theft from a Vulnerable Adult 2 (RCW
35 9A.56.400(2))

1 Theft of Rental, Leased, Lease-
2 purchased, or Loaned Property
3 (valued at seven hundred fifty
4 dollars or more but less than five
5 thousand dollars) (RCW
6 9A.56.096(5)(b))
7 Transaction of insurance business
8 beyond the scope of licensure
9 (RCW 48.17.063)
10 Unlawful Fish and Shellfish Catch
11 Accounting (RCW 77.15.630(3)(b))
12 Unlawful Issuance of Checks or Drafts
13 (RCW 9A.56.060)
14 Unlawful Possession of Fictitious
15 Identification (RCW 9A.56.320)
16 Unlawful Possession of Instruments of
17 Financial Fraud (RCW 9A.56.320)
18 Unlawful Possession of Payment
19 Instruments (RCW 9A.56.320)
20 Unlawful Possession of a Personal
21 Identification Device (RCW
22 9A.56.320)
23 Unlawful Production of Payment
24 Instruments (RCW 9A.56.320)
25 Unlawful Releasing, Planting,
26 Possessing, or Placing Deleterious
27 Exotic Wildlife (RCW
28 77.15.250(2)(b))
29 Unlawful Trafficking in Food Stamps
30 (RCW 9.91.142)
31 Unlawful Use of Food Stamps (RCW
32 9.91.144)
33 Unlawful Use of Net to Take Fish 1
34 (RCW 77.15.580(3)(b))
35 Unlawful Use of Prohibited Aquatic
36 Animal Species (RCW
37 77.15.253(3))

Sec. 17. RCW 9.46.0335 and 1987 c 4 s 31 are each amended to read as follows:

~~(1) The legislature ((hereby)) authorizes any person, association, or organization to ((conduct sports pools without a license to do so from the commission but only when the outcome of which is dependent upon the score, or scores, of a certain athletic contest and which is conducted only))~~ conduct sports boards in the following manner:

~~((1) A board or piece of paper is divided into one hundred equal squares, each of which constitutes a chance to win in the sports pool and each of which is offered directly to prospective contestants at one dollar or less;~~

~~(2))~~ (a) The purchaser of each chance or square signs his or her name on the face of each square or chance he or she purchases; ~~((and~~

~~(3))~~ (b) At some time not later than prior to the start of the subject athletic contest, the ~~((pool))~~ sports board is closed and no further chances in the ~~((pool))~~ sports board are sold;

~~((4))~~ (c) After the ~~((pool))~~ sports board is closed, a prospective score is assigned by random drawing to each square;

~~((5))~~ (d) All money paid by entrants to enter the ~~((pool))~~ sports board less taxes is paid out as the prize or prizes to those persons holding squares assigned the winning score or scores from the subject athletic contest;

~~((6))~~ (e) The sports ~~((pool))~~ board is available for inspection by any person purchasing a chance thereon, the commission, or by any law enforcement agency upon demand at all times prior to the payment of the prize;

~~((7))~~ (f) The person or organization conducting the ~~((pool))~~ sports board is conducting no ~~((other))~~ more than two sports ~~((pool))~~ boards on the same athletic event; and

~~((8) The sports pool conforms))~~ (g) Sports boards must conform to any rules and regulations of the commission ((applicable thereto)), including maximum wager limits set by the commission.

(2) For purposes of this section, "sports board" means a board or piece of paper that is divided into one hundred equal squares, each

1 of which constitutes a chance to win in the sports pool and each of
2 which is offered directly to prospective contestants.

3 NEW SECTION. **Sec. 18.** A new section is added to chapter 82.04
4 RCW to read as follows:

5 (1) There is levied and collected from every card room conducting
6 sports wagering in this state, a tax in the amount of ten percent of
7 the gaming revenue.

8 (2) Card rooms conducting sports wagering subject to the tax
9 imposed by this section must report to the department the amount of
10 gaming revenue earned by location. The tax imposed by this section
11 must be paid to, and administered by, the department. The
12 administration of the tax is governed by the provisions of chapter
13 82.32 RCW.

14 (3) For purposes of this section:

15 (a) "Card room" has the same meaning as in section 14 of this
16 act.

17 (b) "Gaming revenue" means the total amount wagered less winnings
18 paid out.

19 (c) "Sports wagering" has the same meaning as in section 14 of
20 this act.

21 NEW SECTION. **Sec. 19.** The sum of six million dollars is
22 appropriated from the general fund—state for the fiscal year ending
23 June 30, 2020, and is provided solely for expenditure into the
24 gambling revolving fund created in RCW 9.46.100. The gambling
25 commission may expend from the gambling revolving account from moneys
26 attributable to the appropriation in this section solely for
27 enforcement actions in the illicit market for sports wagering. The
28 appropriation in this section constitutes a loan from the general
29 fund to the gambling revolving fund that must be repaid with net
30 interest by June 30, 2021.

31 NEW SECTION. **Sec. 20.** If any provision of this act or its
32 application to any person or circumstance is held invalid, the
33 remainder of the act or the application of the provision to other
34 persons or circumstances is not affected."

1 On page 1, line 2 of the title, after "compacts" strike the
2 remainder of the title and insert "and by licensed card rooms;
3 amending RCW 9.46.070, 9.46.130, 9.46.190, 9.46.210, 9.46.220,
4 9.46.240, 9.46.090, and 9.46.0335; reenacting and amending RCW
5 9.94A.515; adding new sections to chapter 9.46 RCW; adding a new
6 section to chapter 82.04 RCW; creating a new section; prescribing
7 penalties; and making an appropriation."

EFFECT: Modifies the legislative intent. Authorizes card rooms licensed as of January 1, 2020, to conduct sport wagering through sports pools and online sport pools at the card room facility effective January 1, 2024. Makes offering sports wagering without a license or pursuant to a compact a class B felony and provides fines. Prohibits certain persons and entities from making wagers, being employed by, or owning certain entities related to sport wagering and provides that violations are a misdemeanor subject to a fine. Prohibits sports wagering operators from accepting wagers from certain person, including those on self-exclusion lists. Requires operators to obtain information on those wagering \$10,000 or more. Allows the Commission to make rules to implement the authorization of sports wagering but rules related to card rooms may not be more restrictive than provisions in compacts authorizing sports wagering. Provides definitions for card rooms, sports pools, and online sports pools. Adds sports wagering without a license to the table of crimes. Changes current "sports pools" in statute to "sports boards." Provides a 10 percent tax on card rooms' gaming revenue, which is the amount wagered less winnings paid out. Removes the emergency clause, which made the act effective immediately.

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ESHB 2638 - S AMD 1313
By Senator Rivers

OUT OF ORDER 03/05/2020