
Commerce & Labor Committee

HB 2127

Brief Description: Reducing the penalty for a person conducting unlawful internet gambling in his or her primary residence for recreational purposes to a misdemeanor.

Sponsors: Representatives Strow, Kirby, Appleton, Moeller, Simpson, Hunter and Newhouse.

Brief Summary of Bill

- Changes the specific penalty for internet gambling from a class C felony to a misdemeanor for a person who gambles in his or her primary residence for recreational purposes.

Hearing Date: 2/16/07

Staff: Joan Elgee (786-7106).

Background:

In 1973, the Legislature enacted the Gambling Act to regulate and limit the nature and scope of gambling activities for the purposes of keeping the criminal element out of gambling and promoting the social welfare of the people.

Gambling is strictly regulated and several criminal statutes address illegal gambling. For example, a person is engaged in unlawful "professional gambling" when he or she acts other than in an authorized manner and pays a fee to participate in a contest of chance or other gambling activity. The penalty for professional gambling ranges from a class B felony to a gross misdemeanor depending on the defendant's level of involvement in the activity.

A person who knowingly transmits or receives gambling information by telephone, telegraph, radio, semaphore, the internet, a telecommunications transmission system, or similar means, or installs or maintains equipment for gambling information is guilty of a class C felony.

Depending on the particular facts, a person who participates in unlawful internet gambling may also commit the crime of professional gambling.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

In October 2006, Congress adopted the Unlawful Internet Gambling Enforcement Act (Act). The Act criminalizes the acceptance of funds by operators of gambling websites.

Summary of Bill:

A person who knowingly transmits or receives gambling information over the internet, or installs or maintains equipment for internet transmission or receipt of gambling information in his or her primary residence for recreational purposes is guilty of a misdemeanor. "Recreational purposes" is defined as for the defendants' own enjoyment and not as part of an enterprise that derives income from operating an internet website that transmits or receives gambling information.

Rules Authority: The bill does not address the rule-making authority of an agency.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.