

# SENATE BILL REPORT

## SHB 1346

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As Reported By Senate Committee On:  
Labor, Commerce, Research & Development, February 21, 2008

**Title:** An act relating to the exclusion of certain persons from licensed gambling premises.

**Brief Description:** Allowing the exclusion of certain people from licensed gambling premises.

**Sponsors:** House Committee on Commerce & Labor (originally sponsored by Representatives Wood, Conway and Moeller; by request of Gambling Commission).

**Brief History:** Passed House: 1/25/08, 94-0.

**Committee Activity:** Labor, Commerce, Research & Development: 2/21/08 [DPA].

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### SENATE COMMITTEE ON LABOR, COMMERCE, RESEARCH & DEVELOPMENT

**Majority Report:** Do pass as amended.

Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist, Ranking Minority Member; Franklin, Hewitt, King, Murray and Prentice.

**Staff:** Kathleen Buchli (786-7488)

**Background:** In enacting the 1973 Gambling Act, the Legislature declared that it is the public policy of the state to keep the criminal element out of gambling and to promote the social welfare of the people by limiting the nature and scope of gambling activities and by strict regulation and control.

Some prohibited activities in the Gambling Act include: internet gambling, cheating, professional gambling, operating without a license, and use of gambling devices such as slot machines. Penalties for participating in an illegal activity include fines and criminal charges. Licensees may exclude or eject permanently from their premises any person who disrupts their operations, threatens the security of their premises or occupants, or is disorderly or intoxicated.

**Summary of Bill (Recommended Amendments):** The Gambling Commission (Commission) may establish a list of people who are excluded from a licensed establishment's gambling premises. The Commission must define standards for exclusion including whether the person is a career or professional offender, whether the person has been convicted of a criminal violation of a gambling law of this or any other state, whether the person has been convicted of a felony involving a gambling activity, or whether the person has been excluded under similar exclusion laws of another state.

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*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.*

A licensee who knowingly fails to exclude a person on the Commission's list of excluded persons is subject to Commission sanction. A person on the list who enters a gambling establishment is guilty of a gross misdemeanor and may not collect winnings or recover losses incurred while participating in a gambling activity.

When the Commission places a person's name on the list, the Commission must notify the person, who may request a hearing before an administrative law judge. The administrative law judge may issue an order, subject to Commission review, denying or approving the listing. A person may have his or her name removed from the list if the person proves by clear and convincing evidence that the person is eligible for removal.

**EFFECT OF CHANGES MADE BY LABOR, COMMERCE, RESEARCH & DEVELOPMENT COMMITTEE (Recommended Amendments):** No person may be placed on the list because of a discriminatory reason, this includes the classes of people who are subject to the jurisdiction of the Human Rights Commission.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Substitute Bill:** PRO: The reasons for being put on the exclusion list are crafted narrowly and apply to violations of gambling laws only. The bill provides for an appeals process and provides a process for a person to have his or her name removed from the list. The Washington Association of Sheriffs and Police Chiefs supports this bill from a law enforcement perspective. The people being banned under the bill are the appropriate people. Eleven states have barring lists. The Gambling Commission estimates that there will be five to fifteen people a year placed on the list.

**Persons Testifying:** PRO: Representative Wood, prime sponsor; Robert Berg, Washington Association of Sheriffs and Police Chiefs; Amy Hunter, Washington State Gambling Commission.