
SUBSTITUTE SENATE BILL 5374

State of Washington

60th Legislature

2007 Regular Session

By Senate Committee on Labor, Commerce, Research & Development
(originally sponsored by Senators Murray, Clements, Prentice and Kohl-
Welles; by request of Gambling Commission)

READ FIRST TIME 02/05/07.

1 AN ACT Relating to the exclusion of certain persons from licensed
2 gambling premises; adding a new section to chapter 9.46 RCW; and
3 prescribing penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 9.46 RCW
6 to read as follows:

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

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

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

16 (i) Who are career or professional offenders or involved in
17 organized crime;

18 (ii) Who have been convicted of a criminal violation of a gambling
19 law of any state or of the United States, or who have been convicted of

1 any felony including, but not limited to, theft, extortion, conspiracy
2 to defraud, or any similar offense involving, or in connection with,
3 any gambling activity; or

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

6 (c) A person may not be placed upon the list of exclusion because
7 of sex, sexual orientation, race, creed, color, national origin,
8 marital status, age, or the presence of any mental or physical
9 disability, or the use of a trained dog guide or service animal by a
10 person with a disability.

11 (3)(a) Any person listed on the commission's exclusion list will
12 remain listed until the person proves by clear and convincing evidence
13 that they are eligible to be removed from the commission's exclusion
14 list.

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

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

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

24 When the commission places the name of a person on a list under
25 this section, the commission must serve notice to the person by
26 personal service or by certified mail to the last known address of the
27 person. If personal service is not accomplished and there is no last
28 known address, the commission must publish a notice daily for one week
29 in a newspaper of general circulation in Thurston county, and publish
30 a notice on the commission's official internet web site.

31 (b) Within thirty days after service of the notification, the
32 person named for exclusion may request a hearing before an
33 administrative law judge. The commission has the affirmative
34 obligation to demonstrate by a preponderance of the evidence that the
35 person named for exclusion satisfies the criteria for exclusion
36 established by this section and the commission's rules.

37 (c) Failure to request a hearing within thirty days after service
38 precludes a person from having an administrative hearing.

1 (d) If, upon completion of the hearing for exclusion, an
2 administrative law judge determines that the person named does not
3 satisfy the criteria for exclusion established by this section and the
4 commission's rules, the administrative law judge must issue an initial
5 order denying the listing. The order is subject to review by the
6 commission.

7 (e) If, upon completion of a hearing for exclusion, an
8 administrative law judge determines that placement of the name of the
9 person on the exclusion list is appropriate, the administrative law
10 judge must make and enter an initial order to that effect. The order
11 is subject to review by the commission.

12 (6) This section does not limit the right of a licensee to exercise
13 its common law right to exclude or eject permanently from its premises
14 any person who disrupts the operations of its premises, threatens the
15 security of its premises or its occupants, or is disorderly or
16 intoxicated.

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

24 (8) A person on the list of excluded persons who enters a gambling
25 premises is guilty of a gross misdemeanor punishable under RCW
26 9A.20.021.

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