

Initiative Measure No. 583

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BILL REQUEST CODE REVISER'S OFFICE

BILL REQ. #: I-2701.1/13

ATTY/TYPIST: AA:bbp

BRIEF DESCRIPTION:

AN ACT Relating to the elimination of penalties against persons participating as a player in poker games played over the internet from personal computers and mobile devices; and amending RCW 9.46.240.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

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

(1) Whoever knowingly transmits or receives gambling information by telephone, telegraph, radio, semaphore, the internet, a telecommunications transmission system, or similar means, or knowingly installs or maintains equipment for the transmission or receipt of gambling information, other than a person described in subsection (2) of this section, shall be guilty of a class C felony subject to the penalty set forth in RCW 9A.20.021. However, this section shall not apply to such information transmitted or received or equipment installed or maintained relating to activities authorized by this chapter or to any act or acts in furtherance thereof when conducted in compliance with the provisions of this chapter and in accordance with the rules adopted under this chapter.

(2) Notwithstanding any other provision of this section, persons may knowingly transmit or receive gambling information over the internet and may knowingly install or maintain equipment for the transmission or receipt of gambling information over the internet when acting solely as a player in any game over the internet where the wagering is only between two or more players and no person or enterprise that derives income from operating an internet web site that transmits or receives gambling information benefits directly from the outcome of the game.

Sec. RCW 9.46.0265 and 1997 c 118 s 2 are each amended to read as follows:

(1) "Player," as used in this chapter, means:

(a) A natural person who engages, on equal terms with the other participants, and solely as a contestant or bettor, in any form of gambling in which no person may receive or become entitled to receive any profit therefrom other than personal gambling winnings, and without otherwise rendering any material assistance to the establishment, conduct, or operation of a particular gambling activity. A natural person who gambles at a social game of chance on equal terms with the other participants shall not be considered as rendering material assistance to the establishment, conduct, or operation of the social game merely by performing, without fee or remuneration, acts directed toward the arrangement or facilitation of the game, such as inviting persons to play, permitting the use of premises for the game, or supplying cards or other equipment to be used in the games; and

(b) A participant in an internet poker game playing against one or more other players from a personal computer or mobile device using client-side software that only provides information necessary for the individual's play.

(2) A person who engages in "bookmaking" as defined in this chapter is not a "player." A person who pays a fee or "vigorous" enabling him or her to place a wager with a bookmaker, or pays a fee other than as authorized by this chapter to participate in a card game, contest of chance, lottery, or gambling activity, is not a player.