

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1243

60th Legislature
2007 Regular Session

Passed by the House April 17, 2007
Yeas 62 Nays 36

Speaker of the House of Representatives

Passed by the Senate April 3, 2007
Yeas 45 Nays 2

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1243** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

HOUSE BILL 1243

Passed Legislature - 2007 Regular Session

State of Washington 60th Legislature 2007 Regular Session

By Representatives Strow, Kirby, Upthegrove, B. Sullivan, Simpson and
Appleton

Read first time 01/15/2007. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to providing an affirmative defense to unlawful
2 internet gambling if the defendant committed the offense in his or her
3 primary residence; and amending RCW 9.46.240.

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

5 **Sec. 1.** RCW 9.46.240 and 2006 c 290 s 2 are each amended to read
6 as follows:

7 (1) Whoever knowingly transmits or receives gambling information by
8 telephone, telegraph, radio, semaphore, the internet, a
9 telecommunications transmission system, or similar means, or knowingly
10 installs or maintains equipment for the transmission or receipt of
11 gambling information shall be guilty of a class C felony subject to the
12 penalty set forth in RCW 9A.20.021. However, this section shall not
13 apply to such information transmitted or received or equipment
14 installed or maintained relating to activities authorized by this
15 chapter 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.

18 (2) In a prosecution for a violation of this section, it is an
19 affirmative defense, which the defendant must prove by a preponderance

1 of the evidence, that the defendant transmitted or received the
2 gambling information over the internet, or that the defendant installed
3 or maintained equipment for the transmission or receipt of gambling
4 information over the internet, in his or her primary residence for
5 recreational purposes. For purposes of this subsection, "recreational
6 purposes" means for the defendant's own enjoyment and not as part of an
7 enterprise that derives income from operating an internet web site that
8 transmits or receives gambling information.

--- END ---