



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

HB1124

by Rep. Robert S. Molaro

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/28-1

from Ch. 38, par. 28-1

Amends the Criminal Code of 1961. Adds, to the list of activities that are exempt from the offense of gambling, an offer of prizes, awards, or compensation to contestants in a bona fide contest between 2 or more individuals participating in (1) an electronic video game simulating a contest requiring skill, experience, dexterity, and precision in which the element of chance does not predominate or (2) an electronic video game requiring speed and accuracy of response to factual questions in which the element of chance does not predominate; but not including card games and simulated card games and not including any gambling game or activity of the type conducted under the Bingo Licensing Act, the Illinois Lottery Law, the Raffles Act, the Charitable Games Act, the Illinois Pull Tabs and Jar Games Act, or the Riverboat Gambling Act.

LRB095 04159 RLC 24197 b

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Criminal Code of 1961 is amended by changing  
5 Section 28-1 as follows:

6 (720 ILCS 5/28-1) (from Ch. 38, par. 28-1)

7 Sec. 28-1. Gambling.

8 (a) A person commits gambling when he:

9 (1) Plays a game of chance or skill for money or other  
10 thing of value, unless excepted in subsection (b) of this  
11 Section; or

12 (2) Makes a wager upon the result of any game, contest,  
13 or any political nomination, appointment or election; or

14 (3) Operates, keeps, owns, uses, purchases, exhibits,  
15 rents, sells, bargains for the sale or lease of,  
16 manufactures or distributes any gambling device; or

17 (4) Contracts to have or give himself or another the  
18 option to buy or sell, or contracts to buy or sell, at a  
19 future time, any grain or other commodity whatsoever, or  
20 any stock or security of any company, where it is at the  
21 time of making such contract intended by both parties  
22 thereto that the contract to buy or sell, or the option,  
23 whenever exercised, or the contract resulting therefrom,

1 shall be settled, not by the receipt or delivery of such  
2 property, but by the payment only of differences in prices  
3 thereof; however, the issuance, purchase, sale, exercise,  
4 endorsement or guarantee, by or through a person registered  
5 with the Secretary of State pursuant to Section 8 of the  
6 Illinois Securities Law of 1953, or by or through a person  
7 exempt from such registration under said Section 8, of a  
8 put, call, or other option to buy or sell securities which  
9 have been registered with the Secretary of State or which  
10 are exempt from such registration under Section 3 of the  
11 Illinois Securities Law of 1953 is not gambling within the  
12 meaning of this paragraph (4); or

13 (5) Knowingly owns or possesses any book, instrument or  
14 apparatus by means of which bets or wagers have been, or  
15 are, recorded or registered, or knowingly possesses any  
16 money which he has received in the course of a bet or  
17 wager; or

18 (6) Sells pools upon the result of any game or contest  
19 of skill or chance, political nomination, appointment or  
20 election; or

21 (7) Sets up or promotes any lottery or sells, offers to  
22 sell or transfers any ticket or share for any lottery; or

23 (8) Sets up or promotes any policy game or sells,  
24 offers to sell or knowingly possesses or transfers any  
25 policy ticket, slip, record, document or other similar  
26 device; or

1           (9) Knowingly drafts, prints or publishes any lottery  
2 ticket or share, or any policy ticket, slip, record,  
3 document or similar device, except for such activity  
4 related to lotteries, bingo games and raffles authorized by  
5 and conducted in accordance with the laws of Illinois or  
6 any other state or foreign government; or

7           (10) Knowingly advertises any lottery or policy game,  
8 except for such activity related to lotteries, bingo games  
9 and raffles authorized by and conducted in accordance with  
10 the laws of Illinois or any other state; or

11           (11) Knowingly transmits information as to wagers,  
12 betting odds, or changes in betting odds by telephone,  
13 telegraph, radio, semaphore or similar means; or knowingly  
14 installs or maintains equipment for the transmission or  
15 receipt of such information; except that nothing in this  
16 subdivision (11) prohibits transmission or receipt of such  
17 information for use in news reporting of sporting events or  
18 contests; or

19           (12) Knowingly establishes, maintains, or operates an  
20 Internet site that permits a person to play a game of  
21 chance or skill for money or other thing of value by means  
22 of the Internet or to make a wager upon the result of any  
23 game, contest, political nomination, appointment, or  
24 election by means of the Internet.

25           (b) Participants in any of the following activities shall  
26 not be convicted of gambling therefor:

1           (1) Agreements to compensate for loss caused by the  
2           happening of chance including without limitation contracts  
3           of indemnity or guaranty and life or health or accident  
4           insurance;

5           (2) Offers of prizes, award or compensation to the  
6           actual contestants in any bona fide contest for the  
7           determination of skill, speed, strength or endurance or to  
8           the owners of animals or vehicles entered in such contest;

9           (3) Pari-mutuel betting as authorized by the law of  
10          this State;

11          (4) Manufacture of gambling devices, including the  
12          acquisition of essential parts therefor and the assembly  
13          thereof, for transportation in interstate or foreign  
14          commerce to any place outside this State when such  
15          transportation is not prohibited by any applicable Federal  
16          law;

17          (5) The game commonly known as "bingo", when conducted  
18          in accordance with the Bingo License and Tax Act;

19          (6) Lotteries when conducted by the State of Illinois  
20          in accordance with the Illinois Lottery Law;

21          (7) Possession of an antique slot machine that is  
22          neither used nor intended to be used in the operation or  
23          promotion of any unlawful gambling activity or enterprise.  
24          For the purpose of this subparagraph (b)(7), an antique  
25          slot machine is one manufactured 25 years ago or earlier;

26          (8) Raffles when conducted in accordance with the

1 Raffles Act;

2 (9) Charitable games when conducted in accordance with  
3 the Charitable Games Act;

4 (10) Pull tabs and jar games when conducted under the  
5 Illinois Pull Tabs and Jar Games Act; ~~or~~

6 (11) Gambling games conducted on riverboats when  
7 authorized by the Riverboat Gambling Act; or

8 (12) Offers of prizes, awards, or compensation to the  
9 actual contestants in any bona fide contest between 2 or  
10 more individuals participating in (1) an electronic video  
11 game simulating a contest requiring skill, experience,  
12 dexterity, and precision in which the element of chance  
13 does not predominate or (2) an electronic video game  
14 requiring speed and accuracy of response to factual  
15 questions in which the element of chance does not  
16 predominate; but not including card games and simulated  
17 card games and not including any gambling game or activity  
18 of the type conducted under the Bingo Licensing Act, the  
19 Illinois Lottery Law, the Raffles Act, the Charitable Games  
20 Act, the Illinois Pull Tabs and Jar Games Act, or the  
21 Riverboat Gambling Act.

22 (c) Sentence.

23 Gambling under subsection (a) (1) or (a) (2) of this Section  
24 is a Class A misdemeanor. Gambling under any of subsections  
25 (a) (3) through (a) (11) of this Section is a Class A  
26 misdemeanor. A second or subsequent conviction under any of

1 subsections (a)(3) through (a)(11), is a Class 4 felony.  
2 Gambling under subsection (a)(12) of this Section is a Class A  
3 misdemeanor. A second or subsequent conviction under  
4 subsection (a)(12) is a Class 4 felony.

5 (d) Circumstantial evidence.

6 In prosecutions under subsection (a)(1) through (a)(12) of  
7 this Section circumstantial evidence shall have the same  
8 validity and weight as in any criminal prosecution.

9 (Source: P.A. 91-257, eff. 1-1-00.)