

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.)