

# SB2099



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

SB2099

Introduced 2/14/2008, by Sen. John J. Cullerton

#### SYNOPSIS AS INTRODUCED:

20 ILCS 1605/14.5 new  
720 ILCS 5/28-1

from Ch. 38, par. 28-1

Amends the Illinois Lottery Law. Provides that, if tickets or shares are sold by any electronic means, then the Department of Revenue shall adopt rules necessary to implement (i) age and location verification requirements that are reasonably designed to block access to minors and persons located out of the State and (ii) data-security standards. Amends the Criminal Code of 1961. Specifies that the definition of "gambling" does not include the sale of State Lottery tickets or shares by any electronic means.

LRB095 19297 AMC 45589 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning the State Lottery.

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

4 Section 5. The Illinois Lottery Law is amended by adding  
5 Section 14.5 as follows:

6 (20 ILCS 1605/14.5 new)

7 Sec. 14.5. Age and location verification requirements for  
8 electronic sales. If tickets or shares are sold by any  
9 electronic means, then the Department shall adopt rules  
10 necessary to implement:

11 (1) age and location verification requirements that  
12 are reasonably designed to block access to minors and  
13 persons located out of the State; and

14 (2) appropriate data-security standards to prevent the  
15 unauthorized access by any person whose age and current  
16 location has not been verified.

17 Section 10. The Criminal Code of 1961 is amended by  
18 changing Section 28-1 as follows:

19 (720 ILCS 5/28-1) (from Ch. 38, par. 28-1)

20 Sec. 28-1. Gambling.

21 (a) A person commits gambling when he:

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

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

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

9           (4) Contracts to have or give himself or another the  
10 option to buy or sell, or contracts to buy or sell, at a  
11 future time, any grain or other commodity whatsoever, or  
12 any stock or security of any company, where it is at the  
13 time of making such contract intended by both parties  
14 thereto that the contract to buy or sell, or the option,  
15 whenever exercised, or the contract resulting therefrom,  
16 shall be settled, not by the receipt or delivery of such  
17 property, but by the payment only of differences in prices  
18 thereof; however, the issuance, purchase, sale, exercise,  
19 endorsement or guarantee, by or through a person registered  
20 with the Secretary of State pursuant to Section 8 of the  
21 Illinois Securities Law of 1953, or by or through a person  
22 exempt from such registration under said Section 8, of a  
23 put, call, or other option to buy or sell securities which  
24 have been registered with the Secretary of State or which  
25 are exempt from such registration under Section 3 of the  
26 Illinois Securities Law of 1953 is not gambling within the

1 meaning of this paragraph (4); or

2 (5) Knowingly owns or possesses any book, instrument or  
3 apparatus by means of which bets or wagers have been, or  
4 are, recorded or registered, or knowingly possesses any  
5 money which he has received in the course of a bet or  
6 wager; or

7 (6) Sells pools upon the result of any game or contest  
8 of skill or chance, political nomination, appointment or  
9 election; or

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

12 (8) Sets up or promotes any policy game or sells,  
13 offers to sell or knowingly possesses or transfers any  
14 policy ticket, slip, record, document or other similar  
15 device; or

16 (9) Knowingly drafts, prints or publishes any lottery  
17 ticket or share, or any policy ticket, slip, record,  
18 document or similar device, except for such activity  
19 related to lotteries, bingo games and raffles authorized by  
20 and conducted in accordance with the laws of Illinois or  
21 any other state or foreign government; or

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

26 (11) Knowingly transmits information as to wagers,

1 betting odds, or changes in betting odds by telephone,  
2 telegraph, radio, semaphore or similar means; or knowingly  
3 installs or maintains equipment for the transmission or  
4 receipt of such information; except that nothing in this  
5 subdivision (11) prohibits transmission or receipt of such  
6 information for use in news reporting of sporting events or  
7 contests; or

8 (12) Knowingly establishes, maintains, or operates an  
9 Internet site that permits a person to play a game of  
10 chance or skill for money or other thing of value by means  
11 of the Internet or to make a wager upon the result of any  
12 game, contest, political nomination, appointment, or  
13 election by means of the Internet.

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

16 (1) Agreements to compensate for loss caused by the  
17 happening of chance including without limitation contracts  
18 of indemnity or guaranty and life or health or accident  
19 insurance;

20 (2) Offers of prizes, award or compensation to the  
21 actual contestants in any bona fide contest for the  
22 determination of skill, speed, strength or endurance or to  
23 the owners of animals or vehicles entered in such contest;

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

26 (4) Manufacture of gambling devices, including the

1 acquisition of essential parts therefor and the assembly  
2 thereof, for transportation in interstate or foreign  
3 commerce to any place outside this State when such  
4 transportation is not prohibited by any applicable Federal  
5 law;

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

8 (6) Lotteries when conducted by the State of Illinois  
9 in accordance with the Illinois Lottery Law, including the  
10 sale of tickets or shares by any electronic means;

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

16 (8) Raffles when conducted in accordance with the  
17 Raffles Act;

18 (9) Charitable games when conducted in accordance with  
19 the Charitable Games Act;

20 (10) Pull tabs and jar games when conducted under the  
21 Illinois Pull Tabs and Jar Games Act; or

22 (11) Gambling games conducted on riverboats when  
23 authorized by the Riverboat Gambling Act.

24 (c) Sentence.

25 Gambling under subsection (a) (1) or (a) (2) of this Section  
26 is a Class A misdemeanor. Gambling under any of subsections

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

7 (d) Circumstantial evidence.

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

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