

# HB0815



## 98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB0815

Introduced 1/25/2013, by Rep. Michael J. Madigan

### SYNOPSIS AS INTRODUCED:

720 ILCS 5/28-1

from Ch. 38, par. 28-1

Amends the Criminal Code of 2012. Makes a technical change in a Section concerning gambling.

LRB098 03636 RLC 33652 b

A BILL FOR

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 2012 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 or she:

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

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

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

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

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

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

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

22 (7) knowingly sets up or promotes any lottery or sells,  
23 offers to sell or transfers any ticket or share for any  
24 lottery;

25 (8) knowingly sets up or promotes any policy game or  
26 sells, offers to sell or knowingly possesses or transfers

1 any policy ticket, slip, record, document or other similar  
2 device;

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

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

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

21 (12) knowingly establishes, maintains, or operates an  
22 Internet site that permits a person to play a game of  
23 chance or skill for money or other thing of value by means  
24 of the Internet or to make a wager upon the result of any  
25 game, contest, political nomination, appointment, or  
26 election by means of the Internet. This item (12) does not

1 apply to activities referenced in items (6) and (6.1) of  
2 subsection (b) of this Section.

3 (b) Participants in any of the following activities shall  
4 not be convicted of gambling:

5 (1) Agreements to compensate for loss caused by the  
6 happening of chance including without limitation contracts  
7 of indemnity or guaranty and life or health or accident  
8 insurance.

9 (2) Offers of prizes, award or compensation to the  
10 actual contestants in any bona fide contest for the  
11 determination of skill, speed, strength or endurance or to  
12 the owners of animals or vehicles entered in such contest.

13 (3) Pari-mutuel betting as authorized by the law of  
14 this State.

15 (4) Manufacture of gambling devices, including the  
16 acquisition of essential parts therefor and the assembly  
17 thereof, for transportation in interstate or foreign  
18 commerce to any place outside this State when such  
19 transportation is not prohibited by any applicable Federal  
20 law; or the manufacture, distribution, or possession of  
21 video gaming terminals, as defined in the Video Gaming Act,  
22 by manufacturers, distributors, and terminal operators  
23 licensed to do so under the Video Gaming Act.

24 (5) The game commonly known as "bingo", when conducted  
25 in accordance with the Bingo License and Tax Act.

26 (6) Lotteries when conducted by the State of Illinois

1 in accordance with the Illinois Lottery Law. This exemption  
2 includes any activity conducted by the Department of  
3 Revenue to sell lottery tickets pursuant to the provisions  
4 of the Illinois Lottery Law and its rules.

5 (6.1) The purchase of lottery tickets through the  
6 Internet for a lottery conducted by the State of Illinois  
7 under the program established in Section 7.12 of the  
8 Illinois Lottery Law.

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

14 (8) Raffles when conducted in accordance with the  
15 Raffles Act.

16 (9) Charitable games when conducted in accordance with  
17 the Charitable Games Act.

18 (10) Pull tabs and jar games when conducted under the  
19 Illinois Pull Tabs and Jar Games Act.

20 (11) Gambling games conducted on riverboats when  
21 authorized by the Riverboat Gambling Act.

22 (12) Video gaming terminal games at a licensed  
23 establishment, licensed truck stop establishment, licensed  
24 fraternal establishment, or licensed veterans  
25 establishment when conducted in accordance with the Video  
26 Gaming Act.

1           (13) Games of skill or chance where money or other  
2 things of value can be won but no payment or purchase is  
3 required to participate.

4           (c) Sentence.

5           Gambling is a Class A misdemeanor. A second or subsequent  
6 conviction under subsections (a) (3) through (a) (12), is a Class  
7 4 felony.

8           (d) Circumstantial evidence.

9           In prosecutions under this Section circumstantial evidence  
10 shall have the same validity and weight as in any criminal  
11 prosecution.

12           (Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09;  
13 96-1203, eff. 7-22-10; 97-1108, eff. 1-1-13.)