



Sen. Bill Cunningham

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10400SB1705sam001

LRB104 03001 LNS 22455 a

1 AMENDMENT TO SENATE BILL 1705

2 AMENDMENT NO. _____. Amend Senate Bill 1705 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Video Gaming Act is amended by changing
5 Section 35 as follows:

6 (230 ILCS 40/35)

7 Sec. 35. Display of license; confiscation; violation as
8 felony.

9 (a) Each video gaming terminal shall be licensed by the
10 Board before placement or operation on the premises of a
11 licensed establishment, licensed truck stop establishment,
12 licensed large truck stop establishment, licensed fraternal
13 establishment, or licensed veterans establishment. The license
14 of each video gaming terminal shall be maintained at the
15 location where the video gaming terminal is operated. Failure
16 to do so is a petty offense with a fine not to exceed \$100. Any

1 licensed establishment, licensed truck stop establishment,
2 licensed large truck stop establishment, licensed fraternal
3 establishment, or licensed veterans establishment used for the
4 conduct of gambling games in violation of this Act shall be
5 considered a gambling place in violation of Section 28-3 of
6 the Criminal Code of 2012. Every gambling device found in a
7 licensed establishment, licensed truck stop establishment,
8 licensed large truck stop establishment, licensed fraternal
9 establishment, or licensed veterans establishment operating
10 gambling games in violation of this Act shall be subject to
11 seizure, confiscation, and destruction as provided in Section
12 28-5 of the Criminal Code of 2012. Any license issued under the
13 Liquor Control Act of 1934 to any owner or operator of a
14 licensed establishment, licensed truck stop establishment,
15 licensed large truck stop establishment, licensed fraternal
16 establishment, or licensed veterans establishment that
17 operates or permits the operation of a video gaming terminal
18 within its establishment in violation of this Act shall be
19 immediately revoked. No person may own, operate, have in his
20 or her possession or custody or under his or her control, or
21 permit to be kept in any place under his or her possession or
22 control, any device that awards credits and contains a
23 circuit, meter, or switch capable of removing and recording
24 the removal of credits when the award of credits is dependent
25 upon chance.

26 ~~Nothing in this Section shall be deemed to prohibit the~~

1 ~~use of a game device only if the game device is used in an~~
2 ~~activity that is not gambling under subsection (b) of Section~~
3 ~~28-1 of the Criminal Code of 2012.~~

4 A violation of this Section is a Class 4 felony. All
5 devices that are owned, operated, or possessed in violation of
6 this Section are hereby declared to be public nuisances and
7 shall be subject to seizure, confiscation, and destruction as
8 provided in Section 28-5 of the Criminal Code of 2012.

9 The provisions of this Section do not apply to devices or
10 electronic video game terminals licensed pursuant to this Act.
11 A video gaming terminal operated for amusement only and
12 bearing a valid amusement tax sticker shall not be subject to
13 this Section until 30 days after the Board establishes that
14 the central communications system is functional.

15 (b) (1) The odds of winning each video game shall be posted
16 on or near each video gaming terminal. The manner in which the
17 odds are calculated and how they are posted shall be
18 determined by the Board by rule.

19 (2) No video gaming terminal licensed under this Act may
20 be played except during the legal hours of operation allowed
21 for the consumption of alcoholic beverages at the licensed
22 establishment, licensed fraternal establishment, or licensed
23 veterans establishment. A licensed establishment, licensed
24 fraternal establishment, or licensed veterans establishment
25 that violates this subsection is subject to termination of its
26 license by the Board.

1 (Source: P.A. 101-31, eff. 6-28-19.)

2 Section 10. The Criminal Code of 2012 is amended by
3 changing Sections 28-1 and 28-2 as follows:

4 (720 ILCS 5/28-1) (from Ch. 38, par. 28-1)

5 Sec. 28-1. Gambling.

6 (a) A person commits gambling when he or she:

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

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

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

16 (4) contracts to have or give himself or herself or
17 another the option to buy or sell, or contracts to buy or
18 sell, at a future time, any grain or other commodity
19 whatsoever, or any stock or security of any company, where
20 it is at the time of making such contract intended by both
21 parties thereto that the contract to buy or sell, or the
22 option, whenever exercised, or the contract resulting
23 therefrom, shall be settled, not by the receipt or
24 delivery of such property, but by the payment only of

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

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

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

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

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

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
5 by and conducted in accordance with the laws of Illinois
6 or any other state or foreign government;

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

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
14 knowingly installs or maintains equipment for the
15 transmission or receipt of such information; except that
16 nothing in this subdivision (11) prohibits transmission or
17 receipt of such information for use in news reporting of
18 sporting events or 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. This item (12) does not
25 apply to activities referenced in items (6), (6.1), (8),
26 (8.1), and (15) of subsection (b) of this Section.

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

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

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

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

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

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

25 (6) Lotteries when conducted by the State of Illinois
26 in accordance with the Illinois Lottery Law. This

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

4 (6.1) The purchase of lottery tickets through the
5 Internet for a lottery conducted by the State of Illinois
6 under the program established in Section 7.12 of the
7 Illinois Lottery Law.

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

13 (8) Raffles and poker runs when conducted in
14 accordance with the Raffles and Poker Runs Act.

15 (8.1) The purchase of raffle chances for a raffle
16 conducted in accordance with the Raffles and Poker Runs
17 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.

22 (11) Gambling games when authorized by the Illinois
23 Gambling Act.

24 (12) Video gaming terminal games at a licensed
25 establishment, licensed truck stop establishment, licensed
26 large truck stop establishment, licensed fraternal

1 establishment, or licensed veterans establishment when
2 conducted in accordance with the Video Gaming Act.

3 (13) Games of skill or chance where money or other
4 things of value can be won but no payment or purchase is
5 required to participate, except where conducted through
6 use of a gambling device or by means of the Internet.

7 (14) Savings promotion raffles authorized under
8 Section 5g of the Illinois Banking Act, Section 7008 of
9 the Savings Bank Act, Section 42.7 of the Illinois Credit
10 Union Act, Section 5136B of the National Bank Act (12
11 U.S.C. 25a), or Section 4 of the Home Owners' Loan Act (12
12 U.S.C. 1463).

13 (15) Sports wagering when conducted in accordance with
14 the Sports Wagering Act.

15 (c) Sentence.

16 (1) Gambling is a Class A misdemeanor. A second or
17 subsequent conviction under subsections (a)(3) through
18 (a)(12), is a Class 4 felony.

19 (2) Notwithstanding paragraph (1) of this subsection
20 (c), or anything else contained in this Section to the
21 contrary, a gambling offense involving a device described
22 in item (iii) of subsection (a) of Section 28-2 is a Class
23 4 felony.

24 (d) Circumstantial evidence.

25 In prosecutions under this Section circumstantial evidence
26 shall have the same validity and weight as in any criminal

1 prosecution.

2 (Source: P.A. 101-31, Article 25, Section 25-915, eff.
3 6-28-19; 101-31, Article 35, Section 35-80, eff. 6-28-19;
4 101-109, eff. 7-19-19; 102-558, eff. 8-20-21.)

5 (720 ILCS 5/28-2) (from Ch. 38, par. 28-2)

6 Sec. 28-2. Definitions.

7 (a) A "gambling device" is: (i) any clock, tape machine,
8 slot machine, or other machines or device for the reception of
9 money or other thing of value on chance or skill or upon the
10 action of which money or other thing of value is staked,
11 hazarded, bet, won, or lost; (ii) ~~or~~ any mechanism, furniture,
12 fixture, equipment, or other device designed primarily for use
13 in a gambling place; or (iii) any vending or other electronic
14 machine or device, including, without limitation, a machine or
15 device that awards credits and contains a circuit, meter, or
16 switch capable of removing and recording the removal of
17 credits that offers a person entry into any contest,
18 competition, sweepstakes, scheme, plan, or other selection
19 process that involves or is dependent upon an element of
20 chance for which the person may receive a gift, award, or other
21 item or service of value if that offer is incidental to or
22 results from: (A) the purchase of an item or service of value;
23 or (B) the purchase or gratuitous receipt of a coupon,
24 voucher, certificate, or other similar credit that can be
25 redeemed for or applied towards an item or service of value

1 from such machine or device or elsewhere. A "gambling device"
2 does not include:

3 (1) A coin-in-the-slot operated mechanical device
4 played for amusement which rewards the player with the
5 right to replay such mechanical device, which device is so
6 constructed or devised as to make such result of the
7 operation thereof depend in part upon the skill of the
8 player and which returns to the player thereof no money,
9 property, or right to receive money or property.

10 (2) Except as otherwise provided in this subsection
11 (a), a vending machine ~~Vending machines~~ by which full and
12 adequate return is made for the money invested and in
13 which there is no element of chance or hazard.

14 (3) A crane game. For the purposes of this paragraph
15 (3), a "crane game" is an amusement device involving
16 skill, if it rewards the player exclusively with
17 merchandise contained within the amusement device proper
18 and limited to toys, novelties, and prizes other than
19 currency, each having a wholesale value which is not more
20 than \$25.

21 (4) A redemption machine. For the purposes of this
22 paragraph (4), a "redemption machine" is a single-player
23 or multi-player amusement device involving a game, the
24 object of which is throwing, rolling, bowling, shooting,
25 placing, or propelling a ball or other object that is
26 either physical or computer generated on a display or with

1 lights into, upon, or against a hole or other target that
2 is either physical or computer generated on a display or
3 with lights, or stopping, by physical, mechanical, or
4 electronic means, a moving object that is either physical
5 or computer generated on a display or with lights into,
6 upon, or against a hole or other target that is either
7 physical or computer generated on a display or with
8 lights, provided that all of the following conditions are
9 met:

10 (A) The outcome of the game is predominantly
11 determined by the skill of the player.

12 (B) The award of the prize is based solely upon the
13 player's achieving the object of the game or otherwise
14 upon the player's score.

15 (C) Only merchandise prizes are awarded.

16 (D) The wholesale value of prizes awarded in lieu
17 of tickets or tokens for single play of the device does
18 not exceed \$25.

19 (E) The redemption value of tickets, tokens, and
20 other representations of value, which may be
21 accumulated by players to redeem prizes of greater
22 value, for a single play of the device does not exceed
23 \$25.

24 (5) Video gaming terminals at a licensed
25 establishment, licensed truck stop establishment, licensed
26 large truck stop establishment, licensed fraternal

1 establishment, or licensed veterans establishment licensed
2 in accordance with the Video Gaming Act.

3 (a-5) "Internet" means an interactive computer service or
4 system or an information service, system, or access software
5 provider that provides or enables computer access by multiple
6 users to a computer server, and includes, but is not limited
7 to, an information service, system, or access software
8 provider that provides access to a network system commonly
9 known as the Internet, or any comparable system or service and
10 also includes, but is not limited to, a World Wide Web page,
11 newsgroup, message board, mailing list, or chat area on any
12 interactive computer service or system or other online
13 service.

14 (a-6) "Access" has the meaning ascribed to the term in
15 Section 17-55.

16 (a-7) "Computer" has the meaning ascribed to the term in
17 Section 17-0.5.

18 (b) A "lottery" is any scheme or procedure whereby one or
19 more prizes are distributed by chance among persons who have
20 paid or promised consideration for a chance to win such
21 prizes, whether such scheme or procedure is called a lottery,
22 raffle, gift, sale, or some other name, excluding savings
23 promotion raffles authorized under Section 5g of the Illinois
24 Banking Act, Section 7008 of the Savings Bank Act, Section
25 42.7 of the Illinois Credit Union Act, Section 5136B of the
26 National Bank Act (12 U.S.C. 25a), or Section 4 of the Home

1 Owners' Loan Act (12 U.S.C. 1463).

2 (c) A "policy game" is any scheme or procedure whereby a
3 person promises or guarantees by any instrument, bill,
4 certificate, writing, token, or other device that any
5 particular number, character, ticket, or certificate shall in
6 the event of any contingency in the nature of a lottery entitle
7 the purchaser or holder to receive money, property, or
8 evidence of debt.

9 (d) It is the intent of item (iii) of subsection (a) of
10 this Section to prohibit any mechanism that seeks to avoid
11 being considered a gambling device through the use of any
12 subterfuge or pretense whatsoever.

13 (Source: P.A. 101-31, eff. 6-28-19; 101-87, eff. 1-1-20;
14 102-558, eff. 8-20-21.)".