



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB1504

Introduced 2/7/2023, by Sen. Bill Cunningham

SYNOPSIS AS INTRODUCED:

230 ILCS 40/35

720 ILCS 5/28-1

720 ILCS 5/28-2

from Ch. 38, par. 28-1

from Ch. 38, par. 28-2

Amends the Criminal Code of 2012. Changes the definition of "gambling device" to include any vending or other electronic machine or device, including, without limitation, a machine or device that awards credits and contains a circuit, meter, or switch capable of removing and recording the removal of credits that offers a person entry into any contest, competition, sweepstakes, scheme, plan, or other selection process that involves or is dependent upon an element of chance for which the person may receive a gift, award, or other item or service of value if that offer is incidental to or results from: (A) the purchase of an item or service of value; or (B) the purchase or gratuitous receipt of a coupon, voucher, certificate, or other similar credit that can be redeemed for or applied towards an item or service of value from such machine or device or elsewhere. Provides that participants in a game of skill or chance where money or other things of value can be won but no payment or purchase is required to participate shall not be convicted of gambling except where participation in such game of skill or chance is accomplished using a gambling device prohibited by these changes to the definition. Provides that a gambling offense involving such a gambling device is a Class 4 felony. Amends the Video Gaming Act. Removes a provision allowing for the use of a game device without a license if the game device is used in an activity that is not gambling under the Criminal Code of 2012. Effective immediately.

LRB103 04991 AMQ 50002 b

1 AN ACT concerning gaming.

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

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
17 licensed establishment, licensed truck stop establishment,
18 licensed large truck stop establishment, licensed fraternal
19 establishment, or licensed veterans establishment used for the
20 conduct of gambling games in violation of this Act shall be
21 considered a gambling place in violation of Section 28-3 of
22 the Criminal Code of 2012. Every gambling device found in a
23 licensed establishment, licensed truck stop establishment,

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

19 ~~Nothing in this Section shall be deemed to prohibit the~~
20 ~~use of a game device only if the game device is used in an~~
21 ~~activity that is not gambling under subsection (b) of Section~~
22 ~~28-1 of the Criminal Code of 2012.~~

23 A violation of this Section is a Class 4 felony. All
24 devices that are owned, operated, or possessed in violation of
25 this Section are hereby declared to be public nuisances and
26 shall be subject to seizure, confiscation, and destruction as

1 provided in Section 28-5 of the Criminal Code of 2012.

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

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

12 (2) No video gaming terminal licensed under this Act may
13 be played except during the legal hours of operation allowed
14 for the consumption of alcoholic beverages at the licensed
15 establishment, licensed fraternal establishment, or licensed
16 veterans establishment. A licensed establishment, licensed
17 fraternal establishment, or licensed veterans establishment
18 that violates this subsection is subject to termination of its
19 license by the Board.

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

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

23 (720 ILCS 5/28-1) (from Ch. 38, par. 28-1)

24 Sec. 28-1. Gambling.

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

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

5 (2) knowingly makes a wager upon the result of any
6 game, contest, or any political nomination, appointment or
7 election;

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

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

1 registered with the Secretary of State or which are exempt
2 from such registration under Section 3 of the Illinois
3 Securities Law of 1953 is not gambling within the meaning
4 of this paragraph (4);

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

10 (6) knowingly sells pools upon the result of any game
11 or contest of skill or chance, political nomination,
12 appointment, or election;

13 (7) knowingly sets up or promotes any lottery or
14 sells, offers to sell, or transfers any ticket or share
15 for any lottery;

16 (8) knowingly sets up or promotes any policy game or
17 sells, offers to sell, or knowingly possesses or transfers
18 any policy ticket, slip, record, document, or other
19 similar device;

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

26 (10) knowingly advertises any lottery or policy game,

1 except for such activity related to lotteries, bingo
2 games, and raffles authorized by and conducted in
3 accordance with the laws of Illinois or any other state;

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

12 (12) knowingly establishes, maintains, or operates an
13 Internet site that permits a person to play a game of
14 chance or skill for money or other thing of value by means
15 of the Internet or to make a wager upon the result of any
16 game, contest, political nomination, appointment, or
17 election by means of the Internet. This item (12) does not
18 apply to activities referenced in items (6), (6.1), (8),
19 (8.1), and (15) of subsection (b) of this Section.

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

22 (1) Agreements to compensate for loss caused by the
23 happening of chance, including, without limitation,
24 contracts of indemnity or guaranty and life or health or
25 accident insurance.

26 (2) Offers of prizes, award, or compensation to the

1 actual contestants in any bona fide contest for the
2 determination of skill, speed, strength, or endurance or
3 to the owners of animals or vehicles entered in such
4 contest.

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

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

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

18 (6) Lotteries when conducted by the State of Illinois
19 in accordance with the Illinois Lottery Law. This
20 exemption includes any activity conducted by the
21 Department of Revenue to sell lottery tickets pursuant to
22 the provisions of the Illinois Lottery Law and its rules.

23 (6.1) The purchase of lottery tickets through the
24 Internet for a lottery conducted by the State of Illinois
25 under the program established in Section 7.12 of the
26 Illinois Lottery Law.

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

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

8 (8.1) The purchase of raffle chances for a raffle
9 conducted in accordance with the Raffles and Poker Runs
10 Act.

11 (9) Charitable games when conducted in accordance with
12 the Charitable Games Act.

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

15 (11) Gambling games when authorized by the Illinois
16 Gambling Act.

17 (12) Video gaming terminal games at a licensed
18 establishment, licensed truck stop establishment, licensed
19 large truck stop establishment, licensed fraternal
20 establishment, or licensed veterans establishment when
21 conducted in accordance with the Video Gaming Act.

22 (13) Games of skill or chance where money or other
23 things of value can be won but no payment or purchase is
24 required to participate, except where participation in
25 such game of skill or chance is accomplished using a
26 gambling device prohibited by Section 28-2(a)(iii).

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

7 (15) Sports wagering when conducted in accordance with
8 the Sports Wagering Act.

9 (c) Sentence.

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

13 (2) Notwithstanding subsection (c)(1), or anything
14 else contained in this Section to the contrary, a gambling
15 offense involving a device described in Section
16 28-2(a)(iii) is a Class 4 felony.

17 (d) Circumstantial evidence.

18 In prosecutions under this Section circumstantial evidence
19 shall have the same validity and weight as in any criminal
20 prosecution.

21 (Source: P.A. 101-31, Article 25, Section 25-915, eff.
22 6-28-19; 101-31, Article 35, Section 35-80, eff. 6-28-19;
23 101-109, eff. 7-19-19; 102-558, eff. 8-20-21.)

24 (720 ILCS 5/28-2) (from Ch. 38, par. 28-2)

25 Sec. 28-2. Definitions.

1 (a) A "gambling device" is: (i) any clock, tape machine,
2 slot machine, or other machines or device for the reception of
3 money or other thing of value on chance or skill or upon the
4 action of which money or other thing of value is staked,
5 hazarded, bet, won, or lost; (ii) ~~or~~ any mechanism, furniture,
6 fixture, equipment, or other device designed primarily for use
7 in a gambling place; or (iii) any vending or other electronic
8 machine or device, including, without limitation, a machine or
9 device that awards credits and contains a circuit, meter, or
10 switch capable of removing and recording the removal of
11 credits that offers a person entry into any contest,
12 competition, sweepstakes, scheme, plan, or other selection
13 process that involves or is dependent upon an element of
14 chance for which the person may receive a gift, award, or other
15 item or service of value if that offer is incidental to or
16 results from: (A) the purchase of an item or service of value;
17 or (B) the purchase or gratuitous receipt of a coupon,
18 voucher, certificate, or other similar credit that can be
19 redeemed for or applied towards an item or service of value
20 from such machine or device or elsewhere. A "gambling device"
21 does not include:

22 (1) A coin-in-the-slot operated mechanical device
23 played for amusement which rewards the player with the
24 right to replay such mechanical device, which device is so
25 constructed or devised as to make such result of the
26 operation thereof depend in part upon the skill of the

1 player and which returns to the player thereof no money,
2 property, or right to receive money or property.

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

7 (3) A crane game. For the purposes of this paragraph
8 (3), a "crane game" is an amusement device involving
9 skill, if it rewards the player exclusively with
10 merchandise contained within the amusement device proper
11 and limited to toys, novelties, and prizes other than
12 currency, each having a wholesale value which is not more
13 than \$25.

14 (4) A redemption machine. For the purposes of this
15 paragraph (4), a "redemption machine" is a single-player
16 or multi-player amusement device involving a game, the
17 object of which is throwing, rolling, bowling, shooting,
18 placing, or propelling a ball or other object that is
19 either physical or computer generated on a display or with
20 lights into, upon, or against a hole or other target that
21 is either physical or computer generated on a display or
22 with lights, or stopping, by physical, mechanical, or
23 electronic means, a moving object that is either physical
24 or computer generated on a display or with lights into,
25 upon, or against a hole or other target that is either
26 physical or computer generated on a display or with

1 lights, provided that all of the following conditions are
2 met:

3 (A) The outcome of the game is predominantly
4 determined by the skill of the player.

5 (B) The award of the prize is based solely upon the
6 player's achieving the object of the game or otherwise
7 upon the player's score.

8 (C) Only merchandise prizes are awarded.

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

12 (E) The redemption value of tickets, tokens, and
13 other representations of value, which may be
14 accumulated by players to redeem prizes of greater
15 value, for a single play of the device does not exceed
16 \$25.

17 (5) Video gaming terminals at a licensed
18 establishment, licensed truck stop establishment, licensed
19 large truck stop establishment, licensed fraternal
20 establishment, or licensed veterans establishment licensed
21 in accordance with the Video Gaming Act.

22 (a-5) "Internet" means an interactive computer service or
23 system or an information service, system, or access software
24 provider that provides or enables computer access by multiple
25 users to a computer server, and includes, but is not limited
26 to, an information service, system, or access software

1 provider that provides access to a network system commonly
2 known as the Internet, or any comparable system or service and
3 also includes, but is not limited to, a World Wide Web page,
4 newsgroup, message board, mailing list, or chat area on any
5 interactive computer service or system or other online
6 service.

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

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

11 (b) A "lottery" is any scheme or procedure whereby one or
12 more prizes are distributed by chance among persons who have
13 paid or promised consideration for a chance to win such
14 prizes, whether such scheme or procedure is called a lottery,
15 raffle, gift, sale, or some other name, excluding savings
16 promotion raffles authorized under Section 5g of the Illinois
17 Banking Act, Section 7008 of the Savings Bank Act, Section
18 42.7 of the Illinois Credit Union Act, Section 5136B of the
19 National Bank Act (12 U.S.C. 25a), or Section 4 of the Home
20 Owners' Loan Act (12 U.S.C. 1463).

21 (c) A "policy game" is any scheme or procedure whereby a
22 person promises or guarantees by any instrument, bill,
23 certificate, writing, token, or other device that any
24 particular number, character, ticket, or certificate shall in
25 the event of any contingency in the nature of a lottery entitle
26 the purchaser or holder to receive money, property, or

1 evidence of debt.

2 (d) It is the intent of Section 28-2(a)(iii) to prohibit
3 any mechanism that seeks to avoid being considered a gambling
4 device through the use of any subterfuge or pretense
5 whatsoever.

6 (Source: P.A. 101-31, eff. 6-28-19; 101-87, eff. 1-1-20;
7 102-558, eff. 8-20-21.)

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.