

SB3173



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB3173

Introduced 2/9/2010, by Sen. Terry Link

SYNOPSIS AS INTRODUCED:

720 ILCS 5/28-1

from Ch. 38, par. 28-1

Amends the Criminal Code of 1961. Exempts from a gambling violation games of skill or chance where money or other things of value can be won but no payment or purchase is required to participate. Effective immediately.

LRB096 20068 RLC 35581 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 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. This item (12) does not
25 apply to activities referenced in items (6) and (6.1) of
26 subsection (b) of this Section.

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

3 (1) Agreements to compensate for loss caused by the
4 happening of chance including without limitation contracts
5 of indemnity or guaranty and life or health or accident
6 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 to
10 the owners of animals or vehicles entered in such contest.

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

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

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

24 (6) Lotteries when conducted by the State of Illinois
25 in accordance with the Illinois Lottery Law. This exemption
26 includes any activity conducted by the Department of

1 Revenue to sell lottery tickets pursuant to the provisions
2 of the Illinois Lottery Law and its rules.

3 (6.1) The purchase of lottery tickets through the
4 Internet for a lottery conducted by the State of Illinois
5 under the program established in Section 7.12 of the
6 Illinois Lottery Law.

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

12 (8) Raffles when conducted in accordance with the
13 Raffles Act.

14 (9) Charitable games when conducted in accordance with
15 the Charitable Games Act.

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

18 (11) Gambling games conducted on riverboats when
19 authorized by the Riverboat Gambling Act.

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

25 (13) Games of skill or chance where money or other
26 things of value can be won but no payment or purchase is

1 required to participate.

2 (c) Sentence.

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

11 (d) Circumstantial evidence.

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

15 (Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09.)

16 Section 99. Effective date. This Act takes effect upon
17 becoming law.