



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB3141

Introduced 2/23/2011, by Rep. Roger L. Eddy

SYNOPSIS AS INTRODUCED:

New Act

720 ILCS 5/28-1

from Ch. 38, par. 28-1

720 ILCS 5/28-3

from Ch. 38, par. 28-3

Creates the Social Club Poker Act. Provides that the Illinois Gaming Board shall issue social club poker licenses to qualified applicants. Provides that a social club poker licensee may contract with a place of public accommodation to co-host social club poker events if (1) the parties to the contract are at an arm's length relationship and (2) the place of public accommodation is also a licensee in good standing under the Video Gaming Act. Sets forth provisions concerning prizes, fees, and the Board's powers and duties. Defines "arm's length relationship", "Board", "social club poker", and "social club poker licensee". Amends the Criminal Code of 1961 to make corresponding changes.

LRB097 05415 ASK 45473 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 1. Short title. This Act may be cited as the Social
5 Club Poker Act.

6 Section 5. Purpose. It is the intent of this Act to create
7 jobs in Illinois by creating independent, arms-length business
8 ties between: (a) social club poker licensees, and (b) places
9 of public accommodation that hire and employ Illinois
10 residents.

11 Section 10. Definitions. In this Act:

12 "Board" means the Illinois Gaming Board.

13 "Social club poker" means any table game played with a deck
14 or decks of playing cards in which (1) the performance of any
15 player, or team of players, depends upon a combination of luck
16 and skill and (2) all of the games are played at the place of
17 public accommodation under the supervision of the place of
18 public accommodation's staff and the staff of the social club
19 poker licensee.

20 "Social club poker licensee" means a private, for-profit
21 person or legal person who is licensed by the Illinois Gaming
22 Board to host games of social poker at places of public

1 accommodation that operate under a liquor license and are not
2 owned by, or otherwise affiliated with, the social club poker
3 licensee.

4 Section 15. Social club poker license; application;
5 restrictions.

6 (a) The Board shall issue social club poker licenses to
7 qualified applicants.

8 (b) No person shall be issued a social club poker license
9 without a background check performed by the Board. The Board
10 shall determine, by administrative rule, the criteria to be met
11 by a social club poker license applicant.

12 (c) A social club poker license shall be good for 12
13 months. Each license application shall contain an enumerated
14 list of all of the social club poker games that the social club
15 poker licensee will co-host during the duration of the license.

16 (d) No place of public accommodation shall be approved to
17 co-host a social club poker event unless that place of public
18 accommodation is also a licensee in good standing under the
19 Video Gaming Act. Licensure of a place of public accommodation
20 under the Video Gaming Act shall be deemed sufficient to
21 establish the place's suitability under the Social Club Poker
22 Act and the Board shall not be required to examine the place of
23 public accommodation.

24 If the license of a place of public accommodation under the
25 Video Gaming Act expires or is revoked or suspended, then no

1 social club poker may be conducted at that place of public
2 accommodation until the license is re-issued, renewed, or no
3 longer suspended.

4 (f) A contractual relationship between a social club poker
5 licensee and a place of public accommodation, to be legal, must
6 be an arm's length relationship. For purposes of this
7 subsection (f), "an arm's length relationship" means that
8 neither the place of public accommodation nor the social club
9 poker licensee has, either directly or indirectly, any
10 financial interest in, or exercises control over the other.
11 Nothing in this Act forbids a chain of places of public
12 accommodation from entering into a contract with a social club
13 poker licensee to offer social club poker at 2 or more places
14 of public accommodation.

15 (g) The social club poker licensee may require that all or
16 part of the prizes paid out are predicated upon the winner
17 having purchased goods or services from the place of public
18 accommodation. Prizes offered by the social club poker licensee
19 may include goods or services provided by the place of public
20 accommodation.

21 (h) Co-hosts of social club poker events may charge fees to
22 players to enable them to cover the fees charged by the Board
23 under this Act. Nothing in this Act authorizes any fee expenses
24 being passed through to any customers of a place of public
25 accommodation who are not participants in a social club poker
26 event under this Act.

1 Section 20. Powers and duties of the Illinois Gaming Board.

2 (a) The Board may examine the books of the social club
3 poker licensee, and enter the place of public accommodation, to
4 enforce this Act.

5 (b) The Board may establish and charge, by administrative
6 rule, sufficient licensing fees upon both the social club poker
7 licensee and the place of public accommodation to enable it to
8 carry out its supervisory and regulatory requirements under
9 this Act.

10 (c) The Board shall adopt administrative rules, subject to
11 the Illinois Administrative Procedure Act, to implement and
12 enforce this Act.

13 Section 50. The Criminal Code of 1961 is amended by
14 changing Sections 28-1 and 28-3 as follows:

15 (720 ILCS 5/28-1) (from Ch. 38, par. 28-1)

16 Sec. 28-1. Gambling.

17 (a) A person commits gambling when he:

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

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

23 (3) Operates, keeps, owns, uses, purchases, exhibits,

1 rents, sells, bargains for the sale or lease of,
2 manufactures or distributes any gambling device; or

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

22 (5) Knowingly owns or possesses any book, instrument or
23 apparatus by means of which bets or wagers have been, or
24 are, recorded or registered, or knowingly possesses any
25 money which he has received in the course of a bet or
26 wager; or

1 (6) Sells pools upon the result of any game or contest
2 of skill or chance, political nomination, appointment or
3 election; or

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

6 (8) Sets up or promotes any policy game or sells,
7 offers to sell or knowingly possesses or transfers any
8 policy ticket, slip, record, document or other similar
9 device; or

10 (9) Knowingly drafts, prints or publishes any lottery
11 ticket or share, or any policy ticket, slip, record,
12 document or similar device, except for such activity
13 related to lotteries, bingo games and raffles authorized by
14 and conducted in accordance with the laws of Illinois or
15 any other state or foreign government; or

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

20 (11) Knowingly transmits information as to wagers,
21 betting odds, or changes in betting odds by telephone,
22 telegraph, radio, semaphore or similar means; or knowingly
23 installs or maintains equipment for the transmission or
24 receipt of such information; except that nothing in this
25 subdivision (11) prohibits transmission or receipt of such
26 information for use in news reporting of sporting events or

1 contests; or

2 (12) Knowingly establishes, maintains, or operates an
3 Internet site that permits a person to play a game of
4 chance or skill for money or other thing of value by means
5 of the Internet or to make a wager upon the result of any
6 game, contest, political nomination, appointment, or
7 election by means of the Internet. This item (12) does not
8 apply to activities referenced in items (6) and (6.1) of
9 subsection (b) of this Section.

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

12 (1) Agreements to compensate for loss caused by the
13 happening of chance including without limitation contracts
14 of indemnity or guaranty and life or health or accident
15 insurance.

16 (2) Offers of prizes, award or compensation to the
17 actual contestants in any bona fide contest for the
18 determination of skill, speed, strength or endurance or to
19 the owners of animals or vehicles entered in such contest.

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

22 (4) Manufacture of gambling devices, including the
23 acquisition of essential parts therefor and the assembly
24 thereof, for transportation in interstate or foreign
25 commerce to any place outside this State when such
26 transportation is not prohibited by any applicable Federal

1 law; or the manufacture, distribution, or possession of
2 video gaming terminals, as defined in the Video Gaming Act,
3 by manufacturers, distributors, and terminal operators
4 licensed to do so under the Video Gaming Act.

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

7 (6) Lotteries when conducted by the State of Illinois
8 in accordance with the Illinois Lottery Law. This exemption
9 includes any activity conducted by the Department of
10 Revenue to sell lottery tickets pursuant to the provisions
11 of the Illinois Lottery Law and its rules.

12 (6.1) The purchase of lottery tickets through the
13 Internet for a lottery conducted by the State of Illinois
14 under the program established in Section 7.12 of the
15 Illinois Lottery Law.

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

21 (8) Raffles when conducted in accordance with the
22 Raffles Act.

23 (9) Charitable games when conducted in accordance with
24 the Charitable Games Act.

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

1 (11) Gambling games conducted on riverboats when
2 authorized by the Riverboat Gambling Act.

3 (12) Video gaming terminal games at a licensed
4 establishment, licensed truck stop establishment, licensed
5 fraternal establishment, or licensed veterans
6 establishment when conducted in accordance with the Video
7 Gaming Act.

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

11 (14) Poker games conducted when authorized by the
12 Social Club Poker Act.

13 (c) Sentence.

14 Gambling under subsection (a) (1) or (a) (2) of this Section
15 is a Class A misdemeanor. Gambling under any of subsections
16 (a) (3) through (a) (11) of this Section is a Class A
17 misdemeanor. A second or subsequent conviction under any of
18 subsections (a) (3) through (a) (11), is a Class 4 felony.
19 Gambling under subsection (a) (12) of this Section is a Class A
20 misdemeanor. A second or subsequent conviction under
21 subsection (a) (12) is a Class 4 felony.

22 (d) Circumstantial evidence.

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

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

1 96-1203, eff. 7-22-10.)

2 (720 ILCS 5/28-3) (from Ch. 38, par. 28-3)

3 Sec. 28-3. Keeping a Gambling Place. A "gambling place" is
4 any real estate, vehicle, boat or any other property whatsoever
5 used for the purposes of gambling other than gambling conducted
6 in the manner authorized by the Social Club Poker Act,
7 Riverboat Gambling Act, or the Video Gaming Act. Any person who
8 knowingly permits any premises or property owned or occupied by
9 him or under his control to be used as a gambling place commits
10 a Class A misdemeanor. Each subsequent offense is a Class 4
11 felony. When any premises is determined by the circuit court to
12 be a gambling place:

13 (a) Such premises is a public nuisance and may be proceeded
14 against as such, and

15 (b) All licenses, permits or certificates issued by the
16 State of Illinois or any subdivision or public agency thereof
17 authorizing the serving of food or liquor on such premises
18 shall be void; and no license, permit or certificate so
19 cancelled shall be reissued for such premises for a period of
20 60 days thereafter; nor shall any person convicted of keeping a
21 gambling place be reissued such license for one year from his
22 conviction and, after a second conviction of keeping a gambling
23 place, any such person shall not be reissued such license, and

24 (c) Such premises of any person who knowingly permits
25 thereon a violation of any Section of this Article shall be

1 held liable for, and may be sold to pay any unsatisfied
2 judgment that may be recovered and any unsatisfied fine that
3 may be levied under any Section of this Article.

4 (Source: P.A. 96-34, eff. 7-13-09.)