



## 98TH GENERAL ASSEMBLY

### State of Illinois

#### 2013 and 2014

#### HB3694

by Rep. Rich Brauer

#### SYNOPSIS AS INTRODUCED:

230 ILCS 15/1	from Ch. 85, par. 2301
230 ILCS 15/2	from Ch. 85, par. 2302
230 ILCS 30/2	from Ch. 120, par. 1122
720 ILCS 5/28-1	from Ch. 38, par. 28-1
720 ILCS 5/28-1.1	from Ch. 38, par. 28-1.1

Amends the Raffles Act and the Charitable Games Act. Provides for the regulation of poker runs as raffles rather than as charitable games events. Provides that poker runs shall be licensed by the governing body with jurisdiction over the key location and the license granted by the key location shall cover the entire poker run. Amends the Criminal Code of 2012 to make corresponding changes. Effective immediately.

LRB098 14178 AMC 48769 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 5. The Raffles Act is amended by changing Sections  
5 1 and 2 as follows:

6 (230 ILCS 15/1) (from Ch. 85, par. 2301)

7 Sec. 1. Definitions. ~~For~~ For the purposes of this Act the  
8 terms defined in this Section have the meanings given them.

9 "Net Proceeds" means the gross receipts from the conduct of  
10 raffles, less reasonable sums expended for prizes, local  
11 license fees and other reasonable operating expenses incurred  
12 as a result of operating a raffle.

13 "Key location" means the location where the poker run  
14 concludes and the prize or prizes are awarded.

15 "Poker run" means a raffle event organized by an  
16 organization licensed under this Act in which participants  
17 travel to multiple predetermined locations, including a key  
18 location, drawing a playing card or equivalent item at each  
19 location, in order to assemble a facsimile of a poker hand or  
20 other numeric score. "Poker run" includes dice runs, marble  
21 runs, or other events where the objective is to build the best  
22 hand or highest score by obtaining an item at each location.

23 "Raffle" means a form of lottery, as defined in Section

1 28-2(b) of the Criminal Code of 2012, conducted by an  
2 organization licensed under this Act, in which:

3 (1) the player pays or agrees to pay something of value  
4 for a chance, represented and differentiated by a number or  
5 by a combination of numbers or by some other medium, one or  
6 more of which chances is to be designated the winning  
7 chance;

8 (2) the winning chance is to be determined through a  
9 drawing or by some other method based on an element of  
10 chance by an act or set of acts on the part of persons  
11 conducting or connected with the lottery, except that the  
12 winning chance shall not be determined by the outcome of a  
13 publicly exhibited sporting contest.

14 "Raffle" includes a poker run.

15 (Source: P.A. 97-1150, eff. 1-25-13.)

16 (230 ILCS 15/2) (from Ch. 85, par. 2302)

17 Sec. 2. Licensing.

18 (a) The governing body of any county or municipality within  
19 this State may establish a system for the licensing of  
20 organizations to operate raffles. The governing bodies of a  
21 county and one or more municipalities may, pursuant to a  
22 written contract, jointly establish a system for the licensing  
23 of organizations to operate raffles within any area of  
24 contiguous territory not contained within the corporate limits  
25 of a municipality which is not a party to such contract. The

1 governing bodies of two or more adjacent counties or two or  
2 more adjacent municipalities located within a county may,  
3 pursuant to a written contract, jointly establish a system for  
4 the licensing of organizations to operate raffles within the  
5 corporate limits of such counties or municipalities. The  
6 licensing authority may establish special categories of  
7 licenses and promulgate rules relating to the various  
8 categories. The licensing system shall provide for limitations  
9 upon (1) the aggregate retail value of all prizes or  
10 merchandise awarded by a licensee in a single raffle, (2) the  
11 maximum retail value of each prize awarded by a licensee in a  
12 single raffle, (3) the maximum price which may be charged for  
13 each raffle chance issued or sold and (4) the maximum number of  
14 days during which chances may be issued or sold. The licensing  
15 system may include a fee for each license in an amount to be  
16 determined by the local governing body. Licenses issued  
17 pursuant to this Act shall be valid for one raffle or for a  
18 specified number of raffles to be conducted during a specified  
19 period not to exceed one year and may be suspended or revoked  
20 for any violation of this Act. A local governing body shall act  
21 on a license application within 30 days from the date of  
22 application. Nothing in this Act shall be construed to prohibit  
23 a county or municipality from adopting rules or ordinances for  
24 the operation of raffles that are more restrictive than  
25 provided for in this Act. The governing body of a municipality  
26 may authorize the sale of raffle chances only within the

1 borders of the municipality. The governing body of the county  
2 may authorize the sale of raffle chances only in those areas  
3 which are both within the borders of the county and outside the  
4 borders of any municipality.

5 (b) Licenses shall be issued only to bona fide religious,  
6 charitable, labor, business, fraternal, educational or  
7 veterans' organizations that operate without profit to their  
8 members and which have been in existence continuously for a  
9 period of 5 years immediately before making application for a  
10 license and which have had during that entire 5 year period a  
11 bona fide membership engaged in carrying out their objects, or  
12 to a non-profit fundraising organization that the licensing  
13 authority determines is organized for the sole purpose of  
14 providing financial assistance to an identified individual or  
15 group of individuals suffering extreme financial hardship as  
16 the result of an illness, disability, accident or disaster.

17 For purposes of this Act, the following definitions apply.  
18 **Non-profit:** An organization or institution organized and  
19 conducted on a not-for-profit basis with no personal profit  
20 inuring to any one as a result of the operation. **Charitable:** An  
21 organization or institution organized and operated to benefit  
22 an indefinite number of the public. The service rendered to  
23 those eligible for benefits must also confer some benefit on  
24 the public. **Educational:** An organization or institution  
25 organized and operated to provide systematic instruction in  
26 useful branches of learning by methods common to schools and

1 institutions of learning which compare favorably in their scope  
2 and intensity with the course of study presented in  
3 tax-supported schools. Religious: Any church, congregation,  
4 society, or organization founded for the purpose of religious  
5 worship. Fraternal: An organization of persons having a common  
6 interest, the primary interest of which is to both promote the  
7 welfare of its members and to provide assistance to the general  
8 public in such a way as to lessen the burdens of government by  
9 caring for those that otherwise would be cared for by the  
10 government. Veterans: An organization or association comprised  
11 of members of which substantially all are individuals who are  
12 veterans or spouses, widows, or widowers of veterans, the  
13 primary purpose of which is to promote the welfare of its  
14 members and to provide assistance to the general public in such  
15 a way as to confer a public benefit. Labor: An organization  
16 composed of workers organized with the objective of betterment  
17 of the conditions of those engaged in such pursuit and the  
18 development of a higher degree of efficiency in their  
19 respective occupations. Business: A voluntary organization  
20 composed of individuals and businesses who have joined together  
21 to advance the commercial, financial, industrial and civic  
22 interests of a community.

23 (c) Poker runs shall be licensed by the governing body with  
24 jurisdiction over the key location. The license granted by the  
25 key location shall cover the entire poker run, including  
26 locations other than the key location.

1 (Source: P.A. 86-820.)

2 Section 10. The Charitable Games Act is amended by changing  
3 Section 2 as follows:

4 (230 ILCS 30/2) (from Ch. 120, par. 1122)

5 Sec. 2. Definitions. For purposes of this Act, the  
6 following definitions apply:

7 "Charitable games" means the 14 games of chance involving  
8 cards, dice, wheels, random selection of numbers, and gambling  
9 tickets which may be conducted at charitable games events  
10 listed as follows: roulette, blackjack, poker, pull tabs,  
11 craps, bang, beat the dealer, big six, gin rummy, five card  
12 stud poker, chuck-a-luck, keno, hold-em poker, and merchandise  
13 wheel.

14 "Charitable games event" or "event" means the type of  
15 fundraising event authorized by the Act at which participants  
16 pay to play charitable games for the chance of winning cash or  
17 noncash prizes. ~~"Charitable games event" or "event" includes a  
18 poker run.~~

19 "Charitable organization" means an organization or  
20 institution organized and operated to benefit an indefinite  
21 number of the public.

22 "Chips" means scrip, play money, poker or casino chips, or  
23 any other representations of money, used to make wagers on the  
24 outcome of any charitable game.

1 "Department" means the Department of Revenue.

2 "Educational organization" means an organization or  
3 institution organized and operated to provide systematic  
4 instruction in useful branches of learning by methods common to  
5 schools and institutions of learning which compare favorably in  
6 their scope and intensity with the course of study presented in  
7 tax-supported schools.

8 "Fraternal organization" means an organization of persons  
9 having a common interest that is organized and operated  
10 exclusively to promote the welfare of its members and to  
11 benefit the general public on a continuing and consistent  
12 basis, including but not limited to ethnic organizations.

13 "Labor organization" means an organization composed of  
14 labor unions or workers organized with the objective of  
15 betterment of the conditions of those engaged in such pursuit  
16 and the development of a higher degree of efficiency in their  
17 respective occupations.

18 "Licensed organization" means a qualified organization  
19 that has obtained a license to conduct a charitable games event  
20 in conformance with the provisions of this Act.

21 "Non-profit organization" means an organization or  
22 institution organized and conducted on a not-for-profit basis  
23 with no personal profit inuring to anyone as a result of the  
24 operation.

25 "Organization" means a ~~A~~ corporation, agency,  
26 partnership, association, firm, business, or other entity



1 consisting of 2 or more persons joined by a common interest or  
2 purpose.

3 "Person" means any natural individual, corporation,  
4 partnership, limited liability company, organization as  
5 defined in this Section, qualified organization, licensed  
6 organization, licensee under this Act, or volunteer.

7 ~~"Poker run" means an event organized by a sponsoring  
8 organization in which participants travel to 5 or more  
9 predetermined locations, drawing a playing card or equivalent  
10 item at each location, in order to assemble a facsimile of a  
11 poker hand or other numeric score. "Poker run" includes dice  
12 runs, marble runs, or other events where the objective is to  
13 build the best hand or highest score by obtaining an item at  
14 each location.~~

15 "Premises" means a distinct parcel of land and the  
16 buildings thereon.

17 "Provider" means the person or organization owning,  
18 leasing, or controlling premises upon which any charitable  
19 games event is to be conducted.

20 "Qualified organization" means:

21 (a) a charitable, religious, fraternal, veterans,  
22 labor, educational organization, or other institution  
23 organized and conducted on a not-for-profit basis with no  
24 personal profit inuring to anyone as a result of the  
25 operation and which is exempt from federal income taxation  
26 under Sections 501(c)(3), 501(c)(4), 501(c)(5), 501(c)(8),

1           501(c)(10) or 501(c)(19) of the Internal Revenue Code;

2           (b) a veterans organization as defined in Section 1.1  
3           of the "Bingo License and Tax Act" organized and conducted  
4           on a not-for-profit basis with no personal profit inuring  
5           to anyone as a result of the operation; or

6           (c) An auxiliary organization of a veterans  
7           organization.

8           "Religious organization" means any church, congregation,  
9           society, or organization founded for the purpose of religious  
10          worship.

11          "Sponsoring organization" means a qualified organization  
12          that has obtained a license to conduct a charitable games event  
13          in conformance with the provisions of this Act.

14          "Supplier" means any person, firm, or corporation that  
15          sells, leases, lends, distributes, or otherwise provides to any  
16          organization licensed to conduct charitable games events in  
17          Illinois any charitable games equipment.

18          "Veterans' organization" means an organization comprised  
19          of members of which substantially all are individuals who are  
20          veterans or spouses, widows, or widowers of veterans, the  
21          primary purpose of which is to promote the welfare of its  
22          members and to provide assistance to the general public in such  
23          a way as to confer a public benefit.

24          "Volunteer" means a person recruited by a licensed  
25          organization who voluntarily performs services at a charitable  
26          games event, including participation in the management or

1 operation of a game, as defined in Section 8.

2 (Source: P.A. 98-426, eff. 8-16-13.)

3 Section 15. The Criminal Code of 2012 is amended by  
4 changing Sections 28-1 and 28-1.1 as follows:

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

6 Sec. 28-1. Gambling.

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

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

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

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

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

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

12 (5) knowingly owns or possesses any book, instrument or  
13 apparatus by means of which bets or wagers have been, or  
14 are, recorded or registered, or knowingly possesses any  
15 money which he has received in the course of a bet or  
16 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 sells,  
21 offers to sell or transfers any ticket or share for any  
22 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 similar  
26 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 by  
5 and conducted in accordance with the laws of Illinois or  
6 any other state or foreign government;

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;

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:

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, including poker runs, when conducted in  
13 accordance with the 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 is a Class A misdemeanor. A second or subsequent  
4 conviction under subsections (a) (3) through (a) (12), is a Class  
5 4 felony.

6 (d) Circumstantial evidence.

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

10 (Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09;  
11 96-1203, eff. 7-22-10; 97-1108, eff. 1-1-13.)

12 (720 ILCS 5/28-1.1) (from Ch. 38, par. 28-1.1)

13 Sec. 28-1.1. Syndicated gambling.

14 (a) Declaration of Purpose. Recognizing the close  
15 relationship between professional gambling and other organized  
16 crime, it is declared to be the policy of the legislature to  
17 restrain persons from engaging in the business of gambling for  
18 profit in this State. This Section shall be liberally construed  
19 and administered with a view to carrying out this policy.

20 (b) A person commits syndicated gambling when he or she  
21 operates a "policy game" or engages in the business of  
22 bookmaking.

23 (c) A person "operates a policy game" when he or she  
24 knowingly uses any premises or property for the purpose of  
25 receiving or knowingly does receive from what is commonly



1 called "policy":

2 (1) money from a person other than the bettor or player  
3 whose bets or plays are represented by the money; or

4 (2) written "policy game" records, made or used over  
5 any period of time, from a person other than the bettor or  
6 player whose bets or plays are represented by the written  
7 record.

8 (d) A person engages in bookmaking when he or she knowingly  
9 receives or accepts more than five bets or wagers upon the  
10 result of any trials or contests of skill, speed or power of  
11 endurance or upon any lot, chance, casualty, unknown or  
12 contingent event whatsoever, which bets or wagers shall be of  
13 such size that the total of the amounts of money paid or  
14 promised to be paid to the bookmaker on account thereof shall  
15 exceed \$2,000. Bookmaking is the receiving or accepting of bets  
16 or wagers regardless of the form or manner in which the  
17 bookmaker records them.

18 (e) Participants in any of the following activities shall  
19 not be convicted of syndicated gambling:

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

24 (2) Offers of prizes, award or compensation to the  
25 actual contestants in any bona fide contest for the  
26 determination of skill, speed, strength or endurance or to

1 the owners of animals or vehicles entered in the contest;

2 (3) Pari-mutuel betting as authorized by law of this  
3 State;

4 (4) Manufacture of gambling devices, including the  
5 acquisition of essential parts therefor and the assembly  
6 thereof, for transportation in interstate or foreign  
7 commerce to any place outside this State when the  
8 transportation is not prohibited by any applicable Federal  
9 law;

10 (5) Raffles, including poker runs, when conducted in  
11 accordance with the Raffles Act;

12 (6) Gambling games conducted on riverboats when  
13 authorized by the Riverboat Gambling Act; and

14 (7) Video gaming terminal games at a licensed  
15 establishment, licensed truck stop establishment, licensed  
16 fraternal establishment, or licensed veterans  
17 establishment when conducted in accordance with the Video  
18 Gaming Act.

19 (f) Sentence. Syndicated gambling is a Class 3 felony.

20 (Source: P.A. 96-34, eff. 7-13-09; 97-1108, eff. 1-1-13.)

21 Section 99. Effective date. This Act takes effect upon  
22 becoming law.