



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB6148

Introduced 2/11/2016, by Rep. John D. Anthony

SYNOPSIS AS INTRODUCED:

20 ILCS 1605/3	from Ch. 120, par. 1153
20 ILCS 1605/21.10 new	
230 ILCS 15/1	from Ch. 85, par. 2301
720 ILCS 5/28-1	from Ch. 38, par. 28-1

Amends the Illinois Lottery Law. Authorizes the Department of the Lottery to create a special raffle to benefit the Illinois Veterans Assistance Fund. Defines "raffle" as a game of chance in which a limited number of tickets are sold in numeric order, each having a chance of winning a prize, and the winner or winners are determined after the conclusion of ticket sales by a computerized random number generator at a time to be referred to as the raffle drawing date. Sets forth guidelines for conducting the special raffle. Amends the Raffles Act and the Criminal Code of 2012 to make conforming changes. Effective immediately.

LRB099 18191 AMC 42559 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning State government.

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

4 Section 5. The Illinois Lottery Law is amended by changing
5 Section 3 and by adding Section 21.10 as follows:

6 (20 ILCS 1605/3) (from Ch. 120, par. 1153)

7 Sec. 3. For the purposes of this Act:

8 a. "Lottery" or "State Lottery" means the lottery or
9 lotteries established and operated pursuant to this Act.

10 b. "Board" means the Lottery Control Board created by this
11 Act.

12 c. "Department" means the Department of the Lottery.

13 d. (Blank).

14 e. "Chairman" means the Chairman of the Lottery Control
15 Board.

16 f. "Multi-state game directors" means such persons,
17 including the Director, as may be designated by an agreement
18 between the Department and one or more additional lotteries
19 operated under the laws of another state or states.

20 g. (Blank).

21 h. "Director" means the Director of the Department of the
22 Lottery.

23 i. "Management agreement" means an agreement or contract

1 between the Department on behalf of the State with a private
2 manager, as an independent contractor, whereby the private
3 manager provides management services to the Lottery in exchange
4 for compensation that may consist of, among other things, a fee
5 for services and a performance-based bonus of no more than 5%
6 of Lottery profits so long as the Department continues to
7 exercise actual control over all significant business
8 decisions made by the private manager as set forth in Section
9 9.1.

10 j. "Person" means any individual, firm, association, joint
11 venture, partnership, estate, trust, syndicate, fiduciary,
12 corporation, or other legal entity, group, or combination.

13 k. "Private manager" means a person that provides
14 management services to the Lottery on behalf of the Department
15 under a management agreement.

16 l. "Profits" means total revenues accruing from the sale of
17 lottery tickets or shares and related proceeds minus (1) the
18 payment of prizes and retailer bonuses and (2) the payment of
19 costs incurred in the operation and administration of the
20 lottery, excluding costs of services directly rendered by a
21 private manager.

22 m. "Chief Procurement Officer" means the Chief Procurement
23 Officer provided for under paragraph (4) of subsection (a) of
24 Section 10-20 of the Illinois Procurement Code.

25 n. "Raffle" means a game of chance in which a limited
26 number of tickets are sold in numeric order, each having a

1 chance of winning a prize, and the winner or winners are
2 determined after the conclusion of ticket sales by a
3 computerized random number generator at a time to be referred
4 to as the raffle drawing date.

5 (Source: P.A. 97-464, eff. 8-19-11; 98-499, eff. 8-16-13.)

6 (20 ILCS 1605/21.10 new)

7 Sec. 21.10. Special raffle to benefit the Illinois Veterans
8 Assistance Fund.

9 (a) The Department may, at least once per year, create a
10 special raffle to benefit the Illinois Veterans Assistance
11 Fund. Each special raffle shall be publicly announced by the
12 Department at least one month in advance of the raffle drawing
13 date. The Director may determine the raffle drawing date, the
14 number and price of tickets to be sold, and the prize or prizes
15 to be offered.

16 (b) Proceeds from the special raffle shall be deposited
17 into the Illinois Veterans Assistance Fund for appropriation by
18 the General Assembly for the same purposes and in accordance
19 with the same requirements as outlined in Section 21.6 of this
20 Act.

21 (c) The Department may sell special raffle tickets by any
22 method authorized for the sale of other Lottery tickets.

23 (d) This Section shall not limit or impair the Department's
24 ability to create raffles unrelated to the Illinois Veterans
25 Assistance Fund.

1 (e) The Department may adopt any rules necessary to
2 implement and administer the provisions of this Section.

3 Section 10. The Raffles Act is amended by changing Section
4 1 as follows:

5 (230 ILCS 15/1) (from Ch. 85, par. 2301)

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

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

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

14 "Poker run" means a prize-awarding event organized by an
15 organization licensed under this Act in which participants
16 travel to multiple predetermined locations, including a key
17 location, to play a randomized game based on an element of
18 chance. "Poker run" includes dice runs, marble runs, or other
19 events where the objective is to build the best hand or highest
20 score by obtaining an item or playing a randomized game at each
21 location.

22 "Raffle" means a form of lottery, as defined in Section
23 28-2(b) of the Criminal Code of 2012, conducted by an
24 organization licensed under this Act, in which:

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

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

12 "Raffle" does not include a savings promotion raffle
13 authorized under Section 5g of the Illinois Banking Act,
14 Section 7008 of the Savings Bank Act, Section 42.7 of the
15 Illinois Credit Union Act, Section 5136B of the National Bank
16 Act (12 U.S.C. 25a), or Section 4 of the Home Owners' Loan Act
17 (12 U.S.C. 1463).

18 "Raffle" does not include a special raffle conducted by the
19 Department of the Lottery under Section 21.10 of the Illinois
20 Lottery Law.

21 (Source: P.A. 98-644, eff. 6-10-14; 99-149, eff. 1-1-16;
22 99-405, eff. 8-19-15; revised 10-19-15.)

23 Section 15. The Criminal Code of 2012 is amended by
24 changing Section 28-1 as follows:

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

2 Sec. 28-1. Gambling.

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

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

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

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

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

1 8, of a put, call, or other option to buy or sell
2 securities which have been registered with the Secretary of
3 State or which are exempt from such registration under
4 Section 3 of the Illinois Securities Law of 1953 is not
5 gambling within the meaning of this paragraph (4);

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

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

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

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

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

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

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

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

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

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

1 (2) Offers of prizes, award or compensation to the
2 actual contestants in any bona fide contest for the
3 determination of skill, speed, strength or endurance or to
4 the owners of animals or vehicles entered in such 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 Act,
14 by manufacturers, distributors, and terminal operators
15 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 and raffles when conducted by the State
19 of Illinois in accordance with the Illinois Lottery Law.
20 This exemption includes any activity conducted by the
21 Department of the Lottery Revenue to sell lottery or raffle
22 tickets pursuant to the provisions of the Illinois Lottery
23 Law and its rules.

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

1 Illinois Lottery Law.

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

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

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

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

13 (11) Gambling games conducted on riverboats when
14 authorized by the Riverboat Gambling Act.

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

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

23 (14) Savings promotion raffles authorized under
24 Section 5g of the Illinois Banking Act, Section 7008 of the
25 Savings Bank Act, Section 42.7 of the Illinois Credit Union
26 Act, Section 5136B of the National Bank Act (12 U.S.C.

1 25a), or Section 4 of the Home Owners' Loan Act (12 U.S.C.
2 1463).

3 (c) Sentence.

4 Gambling is a Class A misdemeanor. A second or subsequent
5 conviction under subsections (a) (3) through (a) (12), is a Class
6 4 felony.

7 (d) Circumstantial evidence.

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

11 (Source: P.A. 98-644, eff. 6-10-14; 99-149, eff. 1-1-16.)

12 Section 99. Effective date. This Act takes effect upon
13 becoming law.