



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB6586

by Rep. Scott Drury

SYNOPSIS AS INTRODUCED:

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. Provides that a person also commits gambling when he or she knowingly establishes, maintains, operates, or offers an Internet site, smartphone application, or other similar electronic or digital media or communication technology that permits a person to play a game of chance or skill for money or other thing of value by means of the Internet, smartphone application, or other similar electronic or digital media or communication technology or to make a wager upon the result of any game, contest, political nomination, appointment, or election by means of the Internet, smartphone application, or other similar electronic or digital media or communication technology, or knowingly establishes, maintains, or operates a fantasy sports contest that permits a person to play the contest for money or other thing of value. This provision does not apply to season-long fantasy sports contests. Provides that a violation is a Class A misdemeanor for a first offense and a Class 4 felony for a second or subsequent offense. Defines "fantasy sports contest", "season-long fantasy sports contest", and "smartphone".

LRB099 22130 RLC 49488 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

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 2012 is amended by changing
5 Sections 28-1 and 28-2 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 or she:

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

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

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

18 (4) contracts to have or give himself or herself or
19 another the option to buy or sell, or contracts to buy or
20 sell, at a future time, any grain or other commodity
21 whatsoever, or any stock or security of any company, where
22 it is at the time of making such contract intended by both
23 parties thereto that the contract to buy or sell, or the

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

14 (5) knowingly owns or possesses any book, instrument or
15 apparatus by means of which bets or wagers have been, or
16 are, recorded or registered, or knowingly possesses any
17 money which he has received in the course of a bet or
18 wager;

19 (6) knowingly sells pools upon the result of any game
20 or contest of skill or chance, political nomination,
21 appointment or election;

22 (7) knowingly sets up or promotes any lottery or sells,
23 offers to sell or transfers any ticket or share for any
24 lottery;

25 (8) knowingly sets up or promotes any policy game or
26 sells, offers to sell or knowingly possesses or transfers

1 any policy ticket, slip, record, document or other similar
2 device;

3 (9) knowingly drafts, prints or publishes any lottery
4 ticket or share, or any policy ticket, slip, record,
5 document or similar device, except for such activity
6 related to lotteries, bingo games and raffles authorized by
7 and conducted in accordance with the laws of Illinois or
8 any other state or foreign government;

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

13 (11) knowingly transmits information as to wagers,
14 betting odds, or changes in betting odds by telephone,
15 telegraph, radio, semaphore or similar means; or knowingly
16 installs or maintains equipment for the transmission or
17 receipt of such information; except that nothing in this
18 subdivision (11) prohibits transmission or receipt of such
19 information for use in news reporting of sporting events or
20 contests; or

21 (12) knowingly establishes, maintains, ~~or~~ operates, or
22 offers an Internet site, smartphone application, or other
23 similar electronic or digital media or communication
24 technology that permits a person to play a game of chance
25 or skill for money or other thing of value by means of the
26 Internet, smartphone application, or other similar

1 electronic or digital media or communication technology or
2 to make a wager upon the result of any game, contest,
3 political nomination, appointment, or election by means of
4 the Internet, smartphone application, or other similar
5 electronic or digital media or communication technology,
6 or knowingly establishes, maintains, or operates a fantasy
7 sports contest that permits a person to play the contest
8 for money or other thing of value. This item (12) does not
9 apply to activities referenced in items (6) and (6.1) of
10 subsection (b) of this Section, or to season-long fantasy
11 sports contests.

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

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

18 (2) Offers of prizes, award or compensation to the
19 actual contestants in any bona fide contest for the
20 determination of skill, speed, strength or endurance or to
21 the owners of animals or vehicles entered in such contest.
22 For the purposes of this paragraph (2), "bona fide contest"
23 does not include a fantasy sports contest.

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

26 (4) Manufacture of gambling devices, including the

1 acquisition of essential parts therefor and the assembly
2 thereof, for transportation in interstate or foreign
3 commerce to any place outside this State when such
4 transportation is not prohibited by any applicable Federal
5 law; or the manufacture, distribution, or possession of
6 video gaming terminals, as defined in the Video Gaming Act,
7 by manufacturers, distributors, and terminal operators
8 licensed to do so under the Video Gaming Act.

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

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

16 (6.1) The purchase of lottery tickets through the
17 Internet for a lottery conducted by the State of Illinois
18 under the program established in Section 7.12 of the
19 Illinois Lottery Law.

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

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

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

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

5 (11) Gambling games conducted on riverboats when
6 authorized by the Riverboat Gambling Act.

7 (12) Video gaming terminal games at a licensed
8 establishment, licensed truck stop establishment, licensed
9 fraternal establishment, or licensed veterans
10 establishment when conducted in accordance with the Video
11 Gaming Act.

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

15 (14) Savings promotion raffles authorized under
16 Section 5g of the Illinois Banking Act, Section 7008 of the
17 Savings Bank Act, Section 42.7 of the Illinois Credit Union
18 Act, Section 5136B of the National Bank Act (12 U.S.C.
19 25a), or Section 4 of the Home Owners' Loan Act (12 U.S.C.
20 1463).

21 (c) Sentence.

22 Gambling is a Class A misdemeanor. A second or subsequent
23 conviction under subsections (a) (3) through (a) (12), is a Class
24 4 felony.

25 (d) Circumstantial evidence.

26 In prosecutions under this Section circumstantial evidence

1 shall have the same validity and weight as in any criminal
2 prosecution.

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

4 (720 ILCS 5/28-2) (from Ch. 38, par. 28-2)

5 Sec. 28-2. Definitions.

6 (a) A "gambling device" is any clock, tape machine, slot
7 machine or other machines or device for the reception of money
8 or other thing of value on chance or skill or upon the action
9 of which money or other thing of value is staked, hazarded,
10 bet, won or lost; or any mechanism, furniture, fixture,
11 equipment or other device designed primarily for use in a
12 gambling place. A "gambling device" does not include:

13 (1) A coin-in-the-slot operated mechanical device
14 played for amusement which rewards the player with the
15 right to replay such mechanical device, which device is so
16 constructed or devised as to make such result of the
17 operation thereof depend in part upon the skill of the
18 player and which returns to the player thereof no money,
19 property or right to receive money or property.

20 (2) Vending machines by which full and adequate return
21 is made for the money invested and in which there is no
22 element of chance or hazard.

23 (3) A crane game. For the purposes of this paragraph
24 (3), a "crane game" is an amusement device involving skill,
25 if it rewards the player exclusively with merchandise

1 contained within the amusement device proper and limited to
2 toys, novelties and prizes other than currency, each having
3 a wholesale value which is not more than \$25.

4 (4) A redemption machine. For the purposes of this
5 paragraph (4), a "redemption machine" is a single-player or
6 multi-player amusement device involving a game, the object
7 of which is throwing, rolling, bowling, shooting, placing,
8 or propelling a ball or other object that is either
9 physical or computer generated on a display or with lights
10 into, upon, or against a hole or other target that is
11 either physical or computer generated on a display or with
12 lights, or stopping, by physical, mechanical, or
13 electronic means, a moving object that is either physical
14 or computer generated on a display or with lights into,
15 upon, or against a hole or other target that is either
16 physical or computer generated on a display or with lights,
17 provided that all of the following conditions are met:

18 (A) The outcome of the game is predominantly
19 determined by the skill of the player.

20 (B) The award of the prize is based solely upon the
21 player's achieving the object of the game or otherwise
22 upon the player's score.

23 (C) Only merchandise prizes are awarded.

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

1 (E) The redemption value of tickets, tokens, and
2 other representations of value, which may be
3 accumulated by players to redeem prizes of greater
4 value, for a single play of the device does not exceed
5 \$25.

6 (5) Video gaming terminals at a licensed
7 establishment, licensed truck stop establishment, licensed
8 fraternal establishment, or licensed veterans
9 establishment licensed in accordance with the Video Gaming
10 Act.

11 (a-3) "Fantasy sports contest" means any game of chance or
12 skill in which outcomes are determined predominantly by
13 accumulated statistical results of the performance of
14 individual athletes in real-world athletic competitions.

15 (a-5) "Internet" means an interactive computer service or
16 system or an information service, system, or access software
17 provider that provides or enables computer access by multiple
18 users to a computer server, and includes, but is not limited
19 to, an information service, system, or access software provider
20 that provides access to a network system commonly known as the
21 Internet, or any comparable system or service and also
22 includes, but is not limited to, a World Wide Web page,
23 newsgroup, message board, mailing list, or chat area on any
24 interactive computer service or system or other online service.

25 (a-6) "Access" and "computer" have the meanings ascribed to
26 them in Section 16D-2 of this Code.

1 (b) A "lottery" is any scheme or procedure whereby one or
2 more prizes are distributed by chance among persons who have
3 paid or promised consideration for a chance to win such prizes,
4 whether such scheme or procedure is called a lottery, raffle,
5 gift, sale or some other name, excluding savings promotion
6 raffles authorized under Section 5g of the Illinois Banking
7 Act, Section 7008 of the Savings Bank Act, Section 42.7 of the
8 Illinois Credit Union Act, Section 5136B of the National Bank
9 Act (12 U.S.C. 25a), or Section 4 of the Home Owners' Loan Act
10 (12 U.S.C. 1463).

11 (c) A "policy game" is any scheme or procedure whereby a
12 person promises or guarantees by any instrument, bill,
13 certificate, writing, token or other device that any particular
14 number, character, ticket or certificate shall in the event of
15 any contingency in the nature of a lottery entitle the
16 purchaser or holder to receive money, property or evidence of
17 debt.

18 (d) "Season-long fantasy sports contest" means a fantasy
19 sports contest offered by a fantasy sports contest operator
20 that is conducted over an entire sports season in which the
21 entry fee is paid before the start of the season and any money
22 or other thing of value is paid after the conclusion of the
23 season.

24 (e) "Smartphone" means a cellular telephone with an
25 integrated computer and other features including an operating
26 system, Internet browser, and the ability to run software

1 applications.

2 (Source: P.A. 98-31, eff. 6-24-13; 99-149, eff. 1-1-16.)