



Rep. Elizabeth Hernandez

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LRB101 10689 SMS 57978 a

1 AMENDMENT TO HOUSE BILL 3308

2 AMENDMENT NO. _____. Amend House Bill 3308 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Illinois Lottery Sports Wagering Act.

6 Section 5. Definitions. As used in this Act:

7 "Adjusted gross sports wagering receipts" means a sports
8 wagering operator's gross sports wagering receipts, less
9 winnings paid to wagerers in such games.

10 "Central system" means the hardware, software,
11 peripherals, and network components provided by the
12 Department's central system provider that link and support all
13 required sports lottery terminals and the central site.

14 "Central system provider" means an individual,
15 partnership, corporation, or limited liability company that
16 has been licensed for the purpose of providing and maintaining

1 a central system and the related management facilities.

2 "Department" means the Department of the Lottery.

3 "Electronic card" means a card purchased from a lottery
4 retailer.

5 "Lottery retailer" means a location licensed by the
6 Department to sell lottery tickets or shares.

7 "Sports lottery systems" means systems provided by the
8 central system provider consisting of sports wagering
9 products, risk management, operations, and support services.

10 "Sports lottery terminal" means a terminal linked to the
11 central system in which bills or coins are deposited or an
12 electronic card is inserted in order to place wagers on a
13 sports event and lottery offerings.

14 "Sports wager" means a lottery wager on the result or
15 results of a sports event. Results include the final score of a
16 sports event and the occurrence or non-occurrence during a
17 sports event not directly affecting the sports event's final
18 outcome.

19 "Wager" means risking a sum of money on an uncertain event
20 of which the participant has no control on the outcome of the
21 event.

22 Section 10. Competitive bid process for a central system
23 provider. The Board shall issue one central system provider
24 license pursuant to an open and competitive bidding process
25 that uses the following procedures:

1 (1) The Board shall make applications for the central
2 system provider license available to the public and allow a
3 reasonable time for applicants to submit applications to
4 the Board.

5 (2) During the filing period for central system
6 provider license applications, the Board may retain the
7 services of an investment banking firm to assist the Board
8 in conducting the open and competitive bidding process.

9 (3) After receiving all of the bid proposals, the Board
10 shall open all of the proposals in a public forum and
11 disclose the prospective central system provider names and
12 venture partners, if any.

13 (4) The Board shall summarize the terms of the bid
14 proposals and may make this summary available to the
15 public.

16 (5) The Board shall evaluate the bid proposals within a
17 reasonable time and select no more than 3 final applicants
18 to make presentations of their bid proposals to the Board.

19 (6) The final applicants shall make their
20 presentations to the Board on the same day during an open
21 session of the Board.

22 (7) As soon as practicable after the public
23 presentations by the final applicants, the Board, in its
24 discretion, may conduct further negotiations among the 3
25 final applicants. During such negotiations, each final
26 applicant may increase its license bid or otherwise enhance

1 its bid proposal. At the conclusion of such negotiations,
2 the Board shall select the winning bid.

3 (8) Upon selection of the winning bid, the Board shall
4 evaluate the winning bid within a reasonable period of time
5 for licensee suitability in accordance with all applicable
6 statutory and regulatory criteria.

7 (9) If the winning bidder is unable or otherwise fails
8 to consummate the transaction, (including if the Board
9 determines that the winning bidder does not satisfy the
10 suitability requirements), the Board may, on the same
11 criteria, select from the remaining bidders.

12 Section 15. Minimum requirements for terminals. Every
13 sports lottery terminal offered in this State for play shall
14 first be tested and approved pursuant to the rules of the
15 Department, and each sports lottery terminal offered in this
16 State for play shall conform to an approved model. For the
17 examination of sports lottery terminals and associated
18 equipment as required by this Section, the central system
19 provider may utilize the services of one or more independent
20 outside testing laboratories that have been accredited by a
21 national accreditation body and that, in the judgment of the
22 Department, are qualified to perform such examinations. Every
23 sports lottery terminal offered in this State for play must
24 meet minimum standards set by an independent outside testing
25 laboratory approved by the Department.

1 The Department may adopt rules to establish additional
2 criteria to preserve the integrity and security of sports
3 wagering in this State.

4 Section 20. Direct dispensing of receipt tickets only. A
5 sports lottery terminal may not directly dispense coins, cash,
6 tokens, or any other article of exchange or value except for
7 receipt tickets. Tickets shall be dispensed by pressing the
8 ticket dispensing button on the sports lottery terminal at the
9 end of the placement of one's wager or wagers. The ticket shall
10 indicate the total amount wagered, odds for each wager placed,
11 and the cash award for each bet placed, the time of day in a
12 24-hour format showing hours and minutes, the date, the
13 terminal serial number, the sequential number of the ticket,
14 and an encrypted validation number from which the validity of
15 the prize may be determined. The player shall turn in this
16 ticket to the appropriate person at a lottery retailer to
17 receive the cash award.

18 Section 25. Sports lottery terminal use by minors
19 prohibited. No lottery retailer may cause or permit any person
20 under the age of 18 years to use a sports lottery terminal or
21 sports wagering application. A lottery retailer who knowingly
22 causes or permits a person under the age of 18 years to use a
23 sports lottery terminal or sports wagering application is
24 guilty of a business offense and shall be fined an amount not

1 to exceed \$5,000.

2 Section 30. Sports wagering games. The Department shall, by
3 rule, establish what types of sports wagers may be offered by a
4 lottery retailer. This shall also include the total amount, as
5 a percentage, of all wagers placed that a lottery retailer may
6 retain.

7 Section 35. Authority of the Department of the Lottery.

8 (a) The Department shall have jurisdiction over and shall
9 supervise all sports wagering operations governed by this Act.
10 The Department shall have all powers necessary and proper to
11 fully and effectively execute the provisions of this Act,
12 including, but not limited to, the following:

13 (1) To investigate applicants and determine the
14 eligibility of applicants for licenses and to select among
15 competing applicants the applicants which best serve the
16 interests of the citizens of Illinois.

17 (2) To have jurisdiction and supervision over all
18 lottery sports wagering operations in this State and all
19 persons in establishments where video gaming operations
20 are conducted.

21 (3) To adopt rules for the purpose of administering the
22 provisions of this Act and to adopt rules and conditions
23 under which all sports wagering in the State shall be
24 conducted. Such rules are to provide for the prevention of

1 practices detrimental to the public interest and for the
2 best interests of lottery sports wagering, including rules
3 (i) regarding the inspection of such licensees necessary to
4 operate a lottery retailer under any laws or rules
5 applicable to licensees, (ii) to impose penalties for
6 violations of the Act and its rules, and (iii) establishing
7 standards for advertising sports wagering.

8 (b) The Department shall adopt emergency rules to
9 administer this Act in accordance with Section 5-45 of the
10 Illinois Administrative Procedure Act. For the purposes of the
11 Illinois Administrative Procedure Act, the General Assembly
12 finds that the adoption of rules to implement this Act is
13 deemed an emergency and necessary to the public interest,
14 safety, and welfare.

15 Section 40. Sports wagering revenue. For the privilege of
16 operating sports wagering under this Act, this State shall
17 impose and collect 50% of adjusted gross sports wagering
18 receipts, which shall be deposited in equal amounts to the
19 Pension Stabilization Fund, the Common School Fund, and the
20 State Construction Account Fund. The taxes levied and collected
21 pursuant to this Section are due and payable to the Department.

22 Section 90. The Illinois Administrative Procedure Act is
23 amended by changing Section 5-45 as follows:

1 (5 ILCS 100/5-45) (from Ch. 127, par. 1005-45)

2 Sec. 5-45. Emergency rulemaking.

3 (a) "Emergency" means the existence of any situation that
4 any agency finds reasonably constitutes a threat to the public
5 interest, safety, or welfare.

6 (b) If any agency finds that an emergency exists that
7 requires adoption of a rule upon fewer days than is required by
8 Section 5-40 and states in writing its reasons for that
9 finding, the agency may adopt an emergency rule without prior
10 notice or hearing upon filing a notice of emergency rulemaking
11 with the Secretary of State under Section 5-70. The notice
12 shall include the text of the emergency rule and shall be
13 published in the Illinois Register. Consent orders or other
14 court orders adopting settlements negotiated by an agency may
15 be adopted under this Section. Subject to applicable
16 constitutional or statutory provisions, an emergency rule
17 becomes effective immediately upon filing under Section 5-65 or
18 at a stated date less than 10 days thereafter. The agency's
19 finding and a statement of the specific reasons for the finding
20 shall be filed with the rule. The agency shall take reasonable
21 and appropriate measures to make emergency rules known to the
22 persons who may be affected by them.

23 (c) An emergency rule may be effective for a period of not
24 longer than 150 days, but the agency's authority to adopt an
25 identical rule under Section 5-40 is not precluded. No
26 emergency rule may be adopted more than once in any 24-month

1 period, except that this limitation on the number of emergency
2 rules that may be adopted in a 24-month period does not apply
3 to (i) emergency rules that make additions to and deletions
4 from the Drug Manual under Section 5-5.16 of the Illinois
5 Public Aid Code or the generic drug formulary under Section
6 3.14 of the Illinois Food, Drug and Cosmetic Act, (ii)
7 emergency rules adopted by the Pollution Control Board before
8 July 1, 1997 to implement portions of the Livestock Management
9 Facilities Act, (iii) emergency rules adopted by the Illinois
10 Department of Public Health under subsections (a) through (i)
11 of Section 2 of the Department of Public Health Act when
12 necessary to protect the public's health, (iv) emergency rules
13 adopted pursuant to subsection (n) of this Section, (v)
14 emergency rules adopted pursuant to subsection (o) of this
15 Section, or (vi) emergency rules adopted pursuant to subsection
16 (c-5) of this Section. Two or more emergency rules having
17 substantially the same purpose and effect shall be deemed to be
18 a single rule for purposes of this Section.

19 (c-5) To facilitate the maintenance of the program of group
20 health benefits provided to annuitants, survivors, and retired
21 employees under the State Employees Group Insurance Act of
22 1971, rules to alter the contributions to be paid by the State,
23 annuitants, survivors, retired employees, or any combination
24 of those entities, for that program of group health benefits,
25 shall be adopted as emergency rules. The adoption of those
26 rules shall be considered an emergency and necessary for the

1 public interest, safety, and welfare.

2 (d) In order to provide for the expeditious and timely
3 implementation of the State's fiscal year 1999 budget,
4 emergency rules to implement any provision of Public Act 90-587
5 or 90-588 or any other budget initiative for fiscal year 1999
6 may be adopted in accordance with this Section by the agency
7 charged with administering that provision or initiative,
8 except that the 24-month limitation on the adoption of
9 emergency rules and the provisions of Sections 5-115 and 5-125
10 do not apply to rules adopted under this subsection (d). The
11 adoption of emergency rules authorized by this subsection (d)
12 shall be deemed to be necessary for the public interest,
13 safety, and welfare.

14 (e) In order to provide for the expeditious and timely
15 implementation of the State's fiscal year 2000 budget,
16 emergency rules to implement any provision of Public Act 91-24
17 or any other budget initiative for fiscal year 2000 may be
18 adopted in accordance with this Section by the agency charged
19 with administering that provision or initiative, except that
20 the 24-month limitation on the adoption of emergency rules and
21 the provisions of Sections 5-115 and 5-125 do not apply to
22 rules adopted under this subsection (e). The adoption of
23 emergency rules authorized by this subsection (e) shall be
24 deemed to be necessary for the public interest, safety, and
25 welfare.

26 (f) In order to provide for the expeditious and timely

1 implementation of the State's fiscal year 2001 budget,
2 emergency rules to implement any provision of Public Act 91-712
3 or any other budget initiative for fiscal year 2001 may be
4 adopted in accordance with this Section by the agency charged
5 with administering that provision or initiative, except that
6 the 24-month limitation on the adoption of emergency rules and
7 the provisions of Sections 5-115 and 5-125 do not apply to
8 rules adopted under this subsection (f). The adoption of
9 emergency rules authorized by this subsection (f) shall be
10 deemed to be necessary for the public interest, safety, and
11 welfare.

12 (g) In order to provide for the expeditious and timely
13 implementation of the State's fiscal year 2002 budget,
14 emergency rules to implement any provision of Public Act 92-10
15 or any other budget initiative for fiscal year 2002 may be
16 adopted in accordance with this Section by the agency charged
17 with administering that provision or initiative, except that
18 the 24-month limitation on the adoption of emergency rules and
19 the provisions of Sections 5-115 and 5-125 do not apply to
20 rules adopted under this subsection (g). The adoption of
21 emergency rules authorized by this subsection (g) shall be
22 deemed to be necessary for the public interest, safety, and
23 welfare.

24 (h) In order to provide for the expeditious and timely
25 implementation of the State's fiscal year 2003 budget,
26 emergency rules to implement any provision of Public Act 92-597

1 or any other budget initiative for fiscal year 2003 may be
2 adopted in accordance with this Section by the agency charged
3 with administering that provision or initiative, except that
4 the 24-month limitation on the adoption of emergency rules and
5 the provisions of Sections 5-115 and 5-125 do not apply to
6 rules adopted under this subsection (h). The adoption of
7 emergency rules authorized by this subsection (h) shall be
8 deemed to be necessary for the public interest, safety, and
9 welfare.

10 (i) In order to provide for the expeditious and timely
11 implementation of the State's fiscal year 2004 budget,
12 emergency rules to implement any provision of Public Act 93-20
13 or any other budget initiative for fiscal year 2004 may be
14 adopted in accordance with this Section by the agency charged
15 with administering that provision or initiative, except that
16 the 24-month limitation on the adoption of emergency rules and
17 the provisions of Sections 5-115 and 5-125 do not apply to
18 rules adopted under this subsection (i). The adoption of
19 emergency rules authorized by this subsection (i) shall be
20 deemed to be necessary for the public interest, safety, and
21 welfare.

22 (j) In order to provide for the expeditious and timely
23 implementation of the provisions of the State's fiscal year
24 2005 budget as provided under the Fiscal Year 2005 Budget
25 Implementation (Human Services) Act, emergency rules to
26 implement any provision of the Fiscal Year 2005 Budget

1 Implementation (Human Services) Act may be adopted in
2 accordance with this Section by the agency charged with
3 administering that provision, except that the 24-month
4 limitation on the adoption of emergency rules and the
5 provisions of Sections 5-115 and 5-125 do not apply to rules
6 adopted under this subsection (j). The Department of Public Aid
7 may also adopt rules under this subsection (j) necessary to
8 administer the Illinois Public Aid Code and the Children's
9 Health Insurance Program Act. The adoption of emergency rules
10 authorized by this subsection (j) shall be deemed to be
11 necessary for the public interest, safety, and welfare.

12 (k) In order to provide for the expeditious and timely
13 implementation of the provisions of the State's fiscal year
14 2006 budget, emergency rules to implement any provision of
15 Public Act 94-48 or any other budget initiative for fiscal year
16 2006 may be adopted in accordance with this Section by the
17 agency charged with administering that provision or
18 initiative, except that the 24-month limitation on the adoption
19 of emergency rules and the provisions of Sections 5-115 and
20 5-125 do not apply to rules adopted under this subsection (k).
21 The Department of Healthcare and Family Services may also adopt
22 rules under this subsection (k) necessary to administer the
23 Illinois Public Aid Code, the Senior Citizens and Persons with
24 Disabilities Property Tax Relief Act, the Senior Citizens and
25 Disabled Persons Prescription Drug Discount Program Act (now
26 the Illinois Prescription Drug Discount Program Act), and the

1 Children's Health Insurance Program Act. The adoption of
2 emergency rules authorized by this subsection (k) shall be
3 deemed to be necessary for the public interest, safety, and
4 welfare.

5 (l) In order to provide for the expeditious and timely
6 implementation of the provisions of the State's fiscal year
7 2007 budget, the Department of Healthcare and Family Services
8 may adopt emergency rules during fiscal year 2007, including
9 rules effective July 1, 2007, in accordance with this
10 subsection to the extent necessary to administer the
11 Department's responsibilities with respect to amendments to
12 the State plans and Illinois waivers approved by the federal
13 Centers for Medicare and Medicaid Services necessitated by the
14 requirements of Title XIX and Title XXI of the federal Social
15 Security Act. The adoption of emergency rules authorized by
16 this subsection (l) shall be deemed to be necessary for the
17 public interest, safety, and welfare.

18 (m) In order to provide for the expeditious and timely
19 implementation of the provisions of the State's fiscal year
20 2008 budget, the Department of Healthcare and Family Services
21 may adopt emergency rules during fiscal year 2008, including
22 rules effective July 1, 2008, in accordance with this
23 subsection to the extent necessary to administer the
24 Department's responsibilities with respect to amendments to
25 the State plans and Illinois waivers approved by the federal
26 Centers for Medicare and Medicaid Services necessitated by the

1 requirements of Title XIX and Title XXI of the federal Social
2 Security Act. The adoption of emergency rules authorized by
3 this subsection (m) shall be deemed to be necessary for the
4 public interest, safety, and welfare.

5 (n) In order to provide for the expeditious and timely
6 implementation of the provisions of the State's fiscal year
7 2010 budget, emergency rules to implement any provision of
8 Public Act 96-45 or any other budget initiative authorized by
9 the 96th General Assembly for fiscal year 2010 may be adopted
10 in accordance with this Section by the agency charged with
11 administering that provision or initiative. The adoption of
12 emergency rules authorized by this subsection (n) shall be
13 deemed to be necessary for the public interest, safety, and
14 welfare. The rulemaking authority granted in this subsection
15 (n) shall apply only to rules promulgated during Fiscal Year
16 2010.

17 (o) In order to provide for the expeditious and timely
18 implementation of the provisions of the State's fiscal year
19 2011 budget, emergency rules to implement any provision of
20 Public Act 96-958 or any other budget initiative authorized by
21 the 96th General Assembly for fiscal year 2011 may be adopted
22 in accordance with this Section by the agency charged with
23 administering that provision or initiative. The adoption of
24 emergency rules authorized by this subsection (o) is deemed to
25 be necessary for the public interest, safety, and welfare. The
26 rulemaking authority granted in this subsection (o) applies

1 only to rules promulgated on or after July 1, 2010 (the
2 effective date of Public Act 96-958) through June 30, 2011.

3 (p) In order to provide for the expeditious and timely
4 implementation of the provisions of Public Act 97-689,
5 emergency rules to implement any provision of Public Act 97-689
6 may be adopted in accordance with this subsection (p) by the
7 agency charged with administering that provision or
8 initiative. The 150-day limitation of the effective period of
9 emergency rules does not apply to rules adopted under this
10 subsection (p), and the effective period may continue through
11 June 30, 2013. The 24-month limitation on the adoption of
12 emergency rules does not apply to rules adopted under this
13 subsection (p). The adoption of emergency rules authorized by
14 this subsection (p) is deemed to be necessary for the public
15 interest, safety, and welfare.

16 (q) In order to provide for the expeditious and timely
17 implementation of the provisions of Articles 7, 8, 9, 11, and
18 12 of Public Act 98-104, emergency rules to implement any
19 provision of Articles 7, 8, 9, 11, and 12 of Public Act 98-104
20 may be adopted in accordance with this subsection (q) by the
21 agency charged with administering that provision or
22 initiative. The 24-month limitation on the adoption of
23 emergency rules does not apply to rules adopted under this
24 subsection (q). The adoption of emergency rules authorized by
25 this subsection (q) is deemed to be necessary for the public
26 interest, safety, and welfare.

1 (r) In order to provide for the expeditious and timely
2 implementation of the provisions of Public Act 98-651,
3 emergency rules to implement Public Act 98-651 may be adopted
4 in accordance with this subsection (r) by the Department of
5 Healthcare and Family Services. The 24-month limitation on the
6 adoption of emergency rules does not apply to rules adopted
7 under this subsection (r). The adoption of emergency rules
8 authorized by this subsection (r) is deemed to be necessary for
9 the public interest, safety, and welfare.

10 (s) In order to provide for the expeditious and timely
11 implementation of the provisions of Sections 5-5b.1 and 5A-2 of
12 the Illinois Public Aid Code, emergency rules to implement any
13 provision of Section 5-5b.1 or Section 5A-2 of the Illinois
14 Public Aid Code may be adopted in accordance with this
15 subsection (s) by the Department of Healthcare and Family
16 Services. The rulemaking authority granted in this subsection
17 (s) shall apply only to those rules adopted prior to July 1,
18 2015. Notwithstanding any other provision of this Section, any
19 emergency rule adopted under this subsection (s) shall only
20 apply to payments made for State fiscal year 2015. The adoption
21 of emergency rules authorized by this subsection (s) is deemed
22 to be necessary for the public interest, safety, and welfare.

23 (t) In order to provide for the expeditious and timely
24 implementation of the provisions of Article II of Public Act
25 99-6, emergency rules to implement the changes made by Article
26 II of Public Act 99-6 to the Emergency Telephone System Act may

1 be adopted in accordance with this subsection (t) by the
2 Department of State Police. The rulemaking authority granted in
3 this subsection (t) shall apply only to those rules adopted
4 prior to July 1, 2016. The 24-month limitation on the adoption
5 of emergency rules does not apply to rules adopted under this
6 subsection (t). The adoption of emergency rules authorized by
7 this subsection (t) is deemed to be necessary for the public
8 interest, safety, and welfare.

9 (u) In order to provide for the expeditious and timely
10 implementation of the provisions of the Burn Victims Relief
11 Act, emergency rules to implement any provision of the Act may
12 be adopted in accordance with this subsection (u) by the
13 Department of Insurance. The rulemaking authority granted in
14 this subsection (u) shall apply only to those rules adopted
15 prior to December 31, 2015. The adoption of emergency rules
16 authorized by this subsection (u) is deemed to be necessary for
17 the public interest, safety, and welfare.

18 (v) In order to provide for the expeditious and timely
19 implementation of the provisions of Public Act 99-516,
20 emergency rules to implement Public Act 99-516 may be adopted
21 in accordance with this subsection (v) by the Department of
22 Healthcare and Family Services. The 24-month limitation on the
23 adoption of emergency rules does not apply to rules adopted
24 under this subsection (v). The adoption of emergency rules
25 authorized by this subsection (v) is deemed to be necessary for
26 the public interest, safety, and welfare.

1 (w) In order to provide for the expeditious and timely
2 implementation of the provisions of Public Act 99-796,
3 emergency rules to implement the changes made by Public Act
4 99-796 may be adopted in accordance with this subsection (w) by
5 the Adjutant General. The adoption of emergency rules
6 authorized by this subsection (w) is deemed to be necessary for
7 the public interest, safety, and welfare.

8 (x) In order to provide for the expeditious and timely
9 implementation of the provisions of Public Act 99-906,
10 emergency rules to implement subsection (i) of Section 16-115D,
11 subsection (g) of Section 16-128A, and subsection (a) of
12 Section 16-128B of the Public Utilities Act may be adopted in
13 accordance with this subsection (x) by the Illinois Commerce
14 Commission. The rulemaking authority granted in this
15 subsection (x) shall apply only to those rules adopted within
16 180 days after June 1, 2017 (the effective date of Public Act
17 99-906). The adoption of emergency rules authorized by this
18 subsection (x) is deemed to be necessary for the public
19 interest, safety, and welfare.

20 (y) In order to provide for the expeditious and timely
21 implementation of the provisions of Public Act 100-23,
22 emergency rules to implement the changes made by Public Act
23 100-23 to Section 4.02 of the Illinois Act on the Aging,
24 Sections 5.5.4 and 5-5.4i of the Illinois Public Aid Code,
25 Section 55-30 of the Alcoholism and Other Drug Abuse and
26 Dependency Act, and Sections 74 and 75 of the Mental Health and

1 Developmental Disabilities Administrative Act may be adopted
2 in accordance with this subsection (y) by the respective
3 Department. The adoption of emergency rules authorized by this
4 subsection (y) is deemed to be necessary for the public
5 interest, safety, and welfare.

6 (z) In order to provide for the expeditious and timely
7 implementation of the provisions of Public Act 100-554,
8 emergency rules to implement the changes made by Public Act
9 100-554 to Section 4.7 of the Lobbyist Registration Act may be
10 adopted in accordance with this subsection (z) by the Secretary
11 of State. The adoption of emergency rules authorized by this
12 subsection (z) is deemed to be necessary for the public
13 interest, safety, and welfare.

14 (aa) In order to provide for the expeditious and timely
15 initial implementation of the changes made to Articles 5, 5A,
16 12, and 14 of the Illinois Public Aid Code under the provisions
17 of Public Act 100-581, the Department of Healthcare and Family
18 Services may adopt emergency rules in accordance with this
19 subsection (aa). The 24-month limitation on the adoption of
20 emergency rules does not apply to rules to initially implement
21 the changes made to Articles 5, 5A, 12, and 14 of the Illinois
22 Public Aid Code adopted under this subsection (aa). The
23 adoption of emergency rules authorized by this subsection (aa)
24 is deemed to be necessary for the public interest, safety, and
25 welfare.

26 (bb) In order to provide for the expeditious and timely

1 implementation of the provisions of Public Act 100-587,
2 emergency rules to implement the changes made by Public Act
3 100-587 to Section 4.02 of the Illinois Act on the Aging,
4 Sections 5.5.4 and 5-5.4i of the Illinois Public Aid Code,
5 subsection (b) of Section 55-30 of the Alcoholism and Other
6 Drug Abuse and Dependency Act, Section 5-104 of the Specialized
7 Mental Health Rehabilitation Act of 2013, and Section 75 and
8 subsection (b) of Section 74 of the Mental Health and
9 Developmental Disabilities Administrative Act may be adopted
10 in accordance with this subsection (bb) by the respective
11 Department. The adoption of emergency rules authorized by this
12 subsection (bb) is deemed to be necessary for the public
13 interest, safety, and welfare.

14 (cc) In order to provide for the expeditious and timely
15 implementation of the provisions of Public Act 100-587,
16 emergency rules may be adopted in accordance with this
17 subsection (cc) to implement the changes made by Public Act
18 100-587 to: Sections 14-147.5 and 14-147.6 of the Illinois
19 Pension Code by the Board created under Article 14 of the Code;
20 Sections 15-185.5 and 15-185.6 of the Illinois Pension Code by
21 the Board created under Article 15 of the Code; and Sections
22 16-190.5 and 16-190.6 of the Illinois Pension Code by the Board
23 created under Article 16 of the Code. The adoption of emergency
24 rules authorized by this subsection (cc) is deemed to be
25 necessary for the public interest, safety, and welfare.

26 (dd) In order to provide for the expeditious and timely

1 implementation of the provisions of Public Act 100-864,
2 emergency rules to implement the changes made by Public Act
3 100-864 to Section 3.35 of the Newborn Metabolic Screening Act
4 may be adopted in accordance with this subsection (dd) by the
5 Secretary of State. The adoption of emergency rules authorized
6 by this subsection (dd) is deemed to be necessary for the
7 public interest, safety, and welfare.

8 (ee) In order to provide for the expeditious and timely
9 implementation of the provisions of this amendatory Act of the
10 100th General Assembly, emergency rules implementing the
11 Illinois Underground Natural Gas Storage Safety Act may be
12 adopted in accordance with this subsection by the Department of
13 Natural Resources. The adoption of emergency rules authorized
14 by this subsection is deemed to be necessary for the public
15 interest, safety, and welfare.

16 (ff) In order to provide for the expeditious and timely
17 implementation of the provisions of this amendatory Act of the
18 101st General Assembly, emergency rules may be adopted by the
19 Department of Labor in accordance with this subsection (ff) to
20 implement the changes made by this amendatory Act of the 101st
21 General Assembly to the Minimum Wage Law. The adoption of
22 emergency rules authorized by this subsection (ff) is deemed to
23 be necessary for the public interest, safety, and welfare.

24 (gg) In order to provide for the expeditious and timely
25 implementation of the provisions of the Illinois Lottery Sports
26 Wagering Act, emergency rules to implement the Illinois Lottery

1 Sports Wagering Act may be adopted in accordance with this
2 subsection (gg) by the Department of the Lottery as provided in
3 the Illinois Lottery Sports Wagering Act. The adoption of
4 emergency rules authorized by this subsection (gg) is deemed to
5 be necessary for the public interest, safety, and welfare.

6 (Source: P.A. 100-23, eff. 7-6-17; 100-554, eff. 11-16-17;
7 100-581, eff. 3-12-18; 100-587, Article 95, Section 95-5, eff.
8 6-4-18; 100-587, Article 110, Section 110-5, eff. 6-4-18;
9 100-864, eff. 8-14-18; 100-1172, eff. 1-4-19; 101-1, eff.
10 2-19-19.)

11 Section 95. The Criminal Code of 2012 is amended by
12 changing Sections 28-1 and 28-5 as follows:

13 (720 ILCS 5/28-1) (from Ch. 38, par. 28-1)

14 Sec. 28-1. Gambling.

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

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

19 (2) knowingly makes a wager upon the result of any
20 game, contest, or any political nomination, appointment or
21 election;

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

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

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

25 (6) knowingly sells pools upon the result of any game
26 or contest of skill or chance, political nomination,

1 appointment or election;

2 (7) knowingly sets up or promotes any lottery or sells,
3 offers to sell or transfers any ticket or share for any
4 lottery;

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

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

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

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

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

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

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

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

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

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

1 video gaming terminals, as defined in the Video Gaming Act,
2 by manufacturers, distributors, and terminal operators
3 licensed to do so under the Video Gaming Act.

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

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

11 (6.1) The purchase of lottery tickets through the
12 Internet for a lottery conducted by the State of Illinois
13 under the program established in Section 7.12 of the
14 Illinois Lottery Law.

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

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

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

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

26 (11) Gambling games conducted on riverboats when

1 authorized by the Riverboat Gambling Act.

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

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

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

16 (15) Sports wagering when conducted in accordance with
17 the Illinois Lottery Sports Wagering Act.

18 (c) Sentence.

19 Gambling is a Class A misdemeanor. A second or subsequent
20 conviction under subsections (a) (3) through (a) (12), is a Class
21 4 felony.

22 (d) Circumstantial evidence.

23 In prosecutions under this Section circumstantial evidence
24 shall have the same validity and weight as in any criminal
25 prosecution.

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

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

2 Sec. 28-5. Seizure of gambling devices and gambling funds.

3 (a) Every device designed for gambling which is incapable
4 of lawful use or every device used unlawfully for gambling
5 shall be considered a "gambling device", and shall be subject
6 to seizure, confiscation and destruction by the Department of
7 State Police or by any municipal, or other local authority,
8 within whose jurisdiction the same may be found. As used in
9 this Section, a "gambling device" includes any slot machine,
10 and includes any machine or device constructed for the
11 reception of money or other thing of value and so constructed
12 as to return, or to cause someone to return, on chance to the
13 player thereof money, property or a right to receive money or
14 property. With the exception of any device designed for
15 gambling which is incapable of lawful use, no gambling device
16 shall be forfeited or destroyed unless an individual with a
17 property interest in said device knows of the unlawful use of
18 the device.

19 (b) Every gambling device shall be seized and forfeited to
20 the county wherein such seizure occurs. Any money or other
21 thing of value integrally related to acts of gambling shall be
22 seized and forfeited to the county wherein such seizure occurs.

23 (c) If, within 60 days after any seizure pursuant to
24 subparagraph (b) of this Section, a person having any property
25 interest in the seized property is charged with an offense, the

1 court which renders judgment upon such charge shall, within 30
2 days after such judgment, conduct a forfeiture hearing to
3 determine whether such property was a gambling device at the
4 time of seizure. Such hearing shall be commenced by a written
5 petition by the State, including material allegations of fact,
6 the name and address of every person determined by the State to
7 have any property interest in the seized property, a
8 representation that written notice of the date, time and place
9 of such hearing has been mailed to every such person by
10 certified mail at least 10 days before such date, and a request
11 for forfeiture. Every such person may appear as a party and
12 present evidence at such hearing. The quantum of proof required
13 shall be a preponderance of the evidence, and the burden of
14 proof shall be on the State. If the court determines that the
15 seized property was a gambling device at the time of seizure,
16 an order of forfeiture and disposition of the seized property
17 shall be entered: a gambling device shall be received by the
18 State's Attorney, who shall effect its destruction, except that
19 valuable parts thereof may be liquidated and the resultant
20 money shall be deposited in the general fund of the county
21 wherein such seizure occurred; money and other things of value
22 shall be received by the State's Attorney and, upon
23 liquidation, shall be deposited in the general fund of the
24 county wherein such seizure occurred. However, in the event
25 that a defendant raises the defense that the seized slot
26 machine is an antique slot machine described in subparagraph

1 (b) (7) of Section 28-1 of this Code and therefore he is exempt
2 from the charge of a gambling activity participant, the seized
3 antique slot machine shall not be destroyed or otherwise
4 altered until a final determination is made by the Court as to
5 whether it is such an antique slot machine. Upon a final
6 determination by the Court of this question in favor of the
7 defendant, such slot machine shall be immediately returned to
8 the defendant. Such order of forfeiture and disposition shall,
9 for the purposes of appeal, be a final order and judgment in a
10 civil proceeding.

11 (d) If a seizure pursuant to subparagraph (b) of this
12 Section is not followed by a charge pursuant to subparagraph
13 (c) of this Section, or if the prosecution of such charge is
14 permanently terminated or indefinitely discontinued without
15 any judgment of conviction or acquittal (1) the State's
16 Attorney shall commence an in rem proceeding for the forfeiture
17 and destruction of a gambling device, or for the forfeiture and
18 deposit in the general fund of the county of any seized money
19 or other things of value, or both, in the circuit court and (2)
20 any person having any property interest in such seized gambling
21 device, money or other thing of value may commence separate
22 civil proceedings in the manner provided by law.

23 (e) Any gambling device displayed for sale to a riverboat
24 gambling operation or used to train occupational licensees of a
25 riverboat gambling operation as authorized under the Riverboat
26 Gambling Act is exempt from seizure under this Section.

1 (f) Any gambling equipment, devices and supplies provided
2 by a licensed supplier in accordance with the Riverboat
3 Gambling Act which are removed from the riverboat for repair
4 are exempt from seizure under this Section.

5 (g) The following video gaming terminals are exempt from
6 seizure under this Section:

7 (1) Video gaming terminals for sale to a licensed
8 distributor or operator under the Video Gaming Act.

9 (2) Video gaming terminals used to train licensed
10 technicians or licensed terminal handlers.

11 (3) Video gaming terminals that are removed from a
12 licensed establishment, licensed truck stop establishment,
13 licensed fraternal establishment, or licensed veterans
14 establishment for repair.

15 (h) Property seized or forfeited under this Section is
16 subject to reporting under the Seizure and Forfeiture Reporting
17 Act.

18 (i) Any sports lottery terminals provided by a central
19 system provider that are removed from a lottery retailer for
20 repair under the Illinois Lottery Sports Wagering Act are
21 exempt from seizure under this Section.

22 (Source: P.A. 100-512, eff. 7-1-18.)

23 Section 99. Effective date. This Act takes effect upon
24 becoming law."