



Rep. Eva-Dina Delgado

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10300HB0394ham002

LRB103 03961 LNS 73961 a

1 AMENDMENT TO HOUSE BILL 394

2 AMENDMENT NO. _____. Amend House Bill 394, AS AMENDED, by
3 replacing Section 1 with the following:

4 "Article 1.
5 Family Amusement Wagering

6 Section 1. Short title. This Act may be cited as the Family
7 Amusement Wagering Prohibition Act. References to "this Act"
8 in this Article mean this Article."; and

9 by inserting the following immediately below Section 20:

10 "Article 2.
11 Fantasy Sports

12 Section 201. Short title. This Act may be cited as the
13 Fantasy Sports Consumer Protection Act. References to "this

1 Act" in this Article mean this Article.

2 Section 205. Definitions. As used in this Act:

3 "Adjusted gross fantasy contest receipts" means the amount
4 equal to the total of all entry fees that a fantasy contest
5 operator collects from all participants less only the total of
6 all prizes paid out as prizes to all participants multiplied
7 by the location percentage for this State.

8 "Board" means the Illinois Gaming Board.

9 "Entry fee" means a nonrefundable cash or cash equivalent
10 that is paid by a participant and set in advance by a fantasy
11 contest operator granting the participant the right to
12 participate in a fantasy contest.

13 "Fantasy contest" means an online fantasy or simulated
14 game or contest of skill with an entry fee in which:

15 (1) the values of all prizes offered to a winning
16 participant are established and made known to the
17 participant in advance of the contest;

18 (2) all winning outcomes reflect the relative
19 knowledge and skill of the participant;

20 (3) the participant assembles, owns, or manages a
21 fictional entry or roster of actual professional or
22 amateur athletes, in real-world sports events, or an
23 organized video game competition that is regulated by a
24 governing body and that is held between professional
25 players who play individually or as teams;

1 (4) a participant competes for prizes awarded by a
2 fantasy contest operator based on terms and conditions
3 published by the fantasy contest operator and made known
4 to the participant in advance of the contest;

5 (5) winning outcomes are determined solely by clearly
6 established scoring criteria based on one or more
7 statistical results of the performance of an individual
8 athlete, including, but not limited to, a fantasy score;
9 and

10 (6) no winning outcome is entirely based on the score,
11 point spread, or any performance of any single actual team
12 or combination of teams or solely on any single
13 performance of an individual athlete or player in any
14 single actual event.

15 "Fantasy contest" includes both contests wherein
16 participants compete against each other and contests wherein
17 only a single participant competes against a target score set
18 by the fantasy contest operator. "Fantasy contest" does not
19 include any fantasy contest without an entry fee.

20 "Fantasy contest operator" means a person or entity that
21 offers fantasy contests to members of the public. "Fantasy
22 contest operator" does not include an Internet service
23 provider or a provider of mobile data services merely as a
24 result of that entity's transporting general traffic that may
25 include a fantasy contest and does not include a fantasy
26 contest participant by virtue of doing any combination of the

1 following: (i) setting house rules for a contest; (ii)
2 assigning a salary or target score to any eligible athlete or
3 player; (iii) accepting an entry fee from a fantasy contest
4 participant; or (iv) awarding or disbursing prizes in
5 conformance with this Act.

6 "Location percentage" means the percentage rounded to the
7 nearest 0.1% of the total entry fees collected from players
8 located in this State, divided by the total entry fees
9 collected from all players in the fantasy contest.

10 "Participant" means an individual who participates in a
11 fantasy contest offered by a fantasy contest operator.

12 "Prohibited participant" means an individual who has
13 self-excluded under Section 245 or an athlete, coach, referee,
14 trainer, or team staff when there is direct involvement of the
15 athlete, coach, referee, trainer, or staff; the athlete's or
16 staff's team; or the athletes that the coach coaches or the
17 trainer trains.

18 "Qualified applicant" means an applicant for a license
19 under this Act whose application meets the mandatory minimum
20 qualification criteria as required by the Board.

21 Section 210. Board duties and powers.

22 (a) The Board may regulate the conduct of fantasy contest
23 operators under this Act.

24 (b) The Board shall adopt any rules the Board considers
25 necessary for the successful implementation, administration,

1 and enforcement of this Act. The Board shall adopt rules no
2 later than 180 days after the effective date of this Act. Rules
3 proposed by the Board may be adopted as emergency rules under
4 Section 5-45 of the Illinois Administrative Procedure Act.

5 (c) The Board shall levy and collect all fees, surcharges,
6 civil penalties, and, on adjusted gross fantasy contest
7 receipts imposed under this Act, monthly taxes as follows:

8 (1) All registration and renewal fees collected under
9 this Act shall be deposited and distributed as follows:

10 (A) 85% of fees shall be deposited into the State
11 Gaming Fund and used for the administration of this
12 Act; and

13 (B) 15% of fees shall be paid, subject to
14 appropriation by the General Assembly, to the
15 Department of Human Services for administration of
16 programs for the treatment of compulsive gambling.

17 (2) All taxes collected under Section 240 shall be
18 deposited into the Common School Fund.

19 (3) All civil penalties levied as a direct result of
20 violations of this Act, less any costs incurred by the
21 Board during the course of investigation which resulted in
22 the civil penalty, shall be paid, subject to appropriation
23 by the General Assembly, to the Department of Human
24 Services for administration of programs for the treatment
25 of compulsive gambling.

26 (4) All other money collected from civil penalties

1 shall be deposited or disbursed at the discretion of the
2 Board.

3 (d) The Board shall require fantasy contest operators to
4 comply with the anti-money laundering standards, as defined by
5 the federal Bank Secrecy Act of 1970 and the Anti-Money
6 Laundering Act of 2020.

7 (e) The Board shall verify that fantasy contest operators
8 establish technical and operational measures to prevent
9 underage participation in a fantasy contest.

10 (f) The Board shall verify that fantasy contest operators
11 deploy identity verification procedures, which may require the
12 use of a reputable independent third party that is in the
13 business of verifying an individual's personally identifiable
14 information and can detect potential prohibited participants.

15 (g) The Board shall verify that fantasy contest operators
16 employ mechanisms on the operator's platform that are designed
17 to detect and prevent unauthorized accounts and to detect and
18 prevent fraud, money laundering, and collusion.

19 (h) The Board shall require the use of geolocation
20 technology to verify that a participant is not accessing the
21 platform from a restricted jurisdiction.

22 (i) The Board shall adopt rules establishing compulsive
23 and problem gambling standards for fantasy contest operators
24 that are consistent with this Act.

25 (j) The Board may exercise any other powers necessary to
26 enforce the provisions of this Act that it regulates and the

1 rules of the Board.

2 (k) The Board and fantasy contest operator licensees may
3 cooperate with investigations conducted by law enforcement
4 agencies, including, but not limited to, providing and
5 facilitating the provision of account-level entry and
6 participation information.

7 (l) A fantasy contest operator licensee shall make all
8 reasonable efforts to promptly notify the Board of any
9 information relating to:

10 (1) a confirmed breach of the relevant sport's
11 governing body's internal rules and codes of conduct
12 pertaining to participation in real-money fantasy
13 contests;

14 (2) any conduct that corrupts any outcome related to a
15 sports event or sports events for purposes of financial
16 gain, including match fixing; and

17 (3) confirmed illegal activities, including use of
18 funds derived from illegal activity, entries to conceal or
19 launder funds derived from illegal activity,
20 multi-accounting, and using false identification.

21 Section 215. License.

22 (a) Except as otherwise provided in this Section, a person
23 may not offer fantasy contests in this State unless the person
24 is licensed by the Board as a fantasy contest operator.

25 (b) An applicant for a license issued under this Act shall

1 submit an application to the Board in the form the Board
2 requires. The applicant shall submit fingerprints for a
3 national criminal history record check by a law enforcement
4 agency. The fingerprints shall be furnished by the applicant's
5 owners, officers, and directors (if a corporation), managers
6 and members (if a limited liability company), and partners (if
7 a partnership). The fingerprints shall be accompanied by a
8 signed authorization for the release of information by the law
9 enforcement agency. The Board may require additional
10 background checks on licensees when they apply for license
11 renewal, and an applicant convicted of a disqualifying offense
12 shall not be licensed. This subsection does not require an
13 applicant or individual who has submitted to a national
14 criminal history record check in this State or any other state
15 within the 12 months before submitting the application to
16 resubmit to another criminal history record check if the
17 applicant or individual submits the results of the previous
18 criminal history record check and affirms that there has been
19 no material change in the criminal history since the time of
20 the criminal history record check.

21 (c) The information required by the Board shall include
22 documentation of all of the following:

23 (1) The name of the applicant.

24 (2) The location of the applicant's principal place of
25 business.

26 (3) The applicant's contact information.

1 (4) The applicant's social security number or, if
2 applicable, the applicant's federal tax identification
3 number.

4 (5) The name and address of each individual that holds
5 a 10% or more ownership interest in the applicant or in
6 shares of the applicant.

7 (6) The applicant's criminal record, if any, or, if
8 the applicant is a business entity, on request, any
9 criminal record of an individual who is a director,
10 officer, or key employee of the applicant or any
11 individual who has a 10% or more ownership interest in the
12 applicant.

13 (7) Any ownership interest that a director, officer,
14 key employee, or individual owner of 10% or more of the
15 applicant holds in a business that is or was a fantasy
16 contest operator or similar entity in any jurisdiction.

17 (8) An identification of any business in which an
18 applicant or a director, officer, key employee, or
19 individual owner of 10% or more of the applicant has an
20 equity interest of 5% or more. If a business has been
21 identified under this paragraph, documentation must be
22 provided showing the state in which the business is
23 incorporated or registered, if applicable.

24 (9) Whether an applicant, director, officer, key
25 employee, or individual owner of 10% or more of the
26 applicant has ever applied for or been granted any

1 license, registration, or certificate issued by a
2 licensing authority in this State or any other
3 jurisdiction for a gaming activity.

4 (10) Whether an applicant or a director, officer, key
5 employee, or individual owner of 10% or more of the
6 applicant has filed or been served with a complaint or
7 other notice filed by a public body regarding the
8 delinquency in payment of or dispute over filings
9 concerning the payment of any tax required under federal,
10 State, or local law, including the amount of tax, the type
11 of tax, the taxing agency and the time periods involved.

12 (11) Information sufficient to show, as determined by
13 the Board, that the applicant can meet the requirements of
14 procedures submitted by the applicant under the Act and
15 under any rules adopted under this Act.

16 (12) The Board may adopt rules to establish additional
17 qualifications and requirements to preserve the integrity
18 and security of fantasy contests in this State and to
19 promote and maintain a competitive fantasy sports market.

20 (d) On receipt of a completed application and the required
21 fee, the Board shall conduct the necessary background
22 investigation to determine if the applicant meets the
23 qualifications for licensure. On completion of the necessary
24 background investigation, the Board shall either issue a
25 license or deny the application. If the application for
26 licensure is denied, a statement setting forth the grounds for

1 denial shall be forwarded to the applicant together with all
2 other documents relied on by the Board, to the extent allowed
3 by law.

4 Section 220. Fantasy contests.

5 (a) Any fantasy contest conducted under this Act does not
6 constitute gambling for any purpose, including under Article
7 28 of the Criminal Code of 1961 or the Criminal Code of 2012.

8 (b) Notwithstanding any provision of law to the contrary,
9 the operation of fantasy contests is only lawful when
10 conducted in accordance with the provisions of this Act.

11 (c) A person participating in a fantasy contest under this
12 Act shall be at least 19 years of age.

13 (d) A licensee under this Act may only accept an entry from
14 a person physically located in the State. A fantasy contest
15 operator must use a geolocation system to ensure that a
16 participant is physically present in the State when
17 participating in the fantasy contest unless otherwise
18 authorized by the Board.

19 (e) This Act shall be construed liberally to promote the
20 general welfare of the public and integrity of the fantasy
21 sports industry. However, the Board may not adopt rules
22 limiting or regulating the rules or administration of an
23 individual fantasy contest, the statistical makeup of a
24 fantasy contest, or the digital platform of a fantasy contest
25 operator.

1 (f) No licensed fantasy contest operator shall be forced
2 to surrender or terminate its license prior to the date of
3 expiration of the license solely by virtue of a change in the
4 rules adopted under this Act.

5 Section 225. Issuance and denial of license.

6 (a) The initial license fee for a fantasy contest operator
7 that operated in Illinois before the effective date of this
8 Act shall be 8% of its adjusted gross fantasy contest receipts
9 from the preceding calendar year or \$1,000,000, whichever is
10 less. The initial license fee for a fantasy contest operator
11 that did not operate in Illinois for at least 12 months before
12 the effective date of this Act shall be \$10,000, except, if a
13 fantasy contest operator has 10,000 or more fantasy contest
14 participants in Illinois with an active account who
15 participated in at least one fantasy contest with an entry
16 fee, then the fantasy contest operator shall notify the Board
17 and remit an application fee in the amount of \$990,000 within
18 10 days of notifying the Board.

19 (b) A fantasy contest operator that was offering contests
20 to persons located in Illinois before the effective date of
21 this Act may continue to offer contests to persons located in
22 Illinois until the fantasy contest operator's application for
23 licensure has been approved or denied under this Act if the
24 fantasy contest operator files an application for licensure
25 with the Board within 90 days after the adoption of rules to

1 effectuate this Act.

2 (c) Licenses issued by the Board shall remain in effect
3 for 4 years. The Board shall establish a process for renewal
4 with a renewal fee being 1% of the adjusted gross fantasy
5 contests receipts for the preceding 4 years.

6 (d) A fantasy contest operator that allows its license to
7 lapse, without requesting an extension of time to file, shall
8 resubmit an initial application. An extension may be granted
9 by the Board upon receipt of a written request.

10 (e) A fantasy contest operator applying for a license or
11 renewal of a license may operate during the application period
12 unless the Board has reasonable cause to believe that the
13 fantasy contest operator is or may be in violation of the
14 provisions of this Act and the Board requires the fantasy
15 contest operator to suspend the operation of any fantasy
16 contest until the license or renewal of a license is issued.

17 Section 230. Independent audits.

18 (a) As part of its submission for licensure or renewal, an
19 applicant shall: (i) contract with a certified public
20 accountant to conduct an independent audit, consistent with
21 generally accepted accounting principles; (ii) annually
22 contract with a testing laboratory recognized by the Board to
23 verify compliance with the provisions of this Act; and (iii)
24 submit to the Board a copy of the audit report and a report of
25 the testing laboratory.

1 (b) An initial applicant is not required to submit an
2 audit report and report of the testing laboratory until the 24
3 months following the issuance of a license to the licensee.

4 Section 235. Reporting prohibited conduct; investigations
5 of prohibited conduct.

6 (a) The Board shall investigate all reasonable allegations
7 of prohibited conduct and refer any allegations it deems
8 credible to the appropriate law enforcement entity.

9 (b) The identity of any reporting person shall remain
10 confidential unless that person authorizes disclosure of the
11 person's identity or until the allegation of prohibited
12 conduct is referred to law enforcement.

13 (c) If the Board receives a complaint of prohibited
14 conduct by an athlete, the Board shall notify the appropriate
15 sports governing body of the athlete to review the complaint
16 as provided by rule of the Board.

17 (d) The Board shall adopt rules governing investigations
18 of prohibited conduct and referrals to law enforcement
19 entities.

20 Section 240. Tax. Beginning on July 1, 2025, for the
21 privilege of holding a license to operate fantasy contests
22 under this Act, this State shall impose and collect a tax at a
23 rate of at least 10% but not more than 15%, as determined by
24 rule of the Board, of the fantasy contest operator's adjusted

1 gross fantasy contests receipts. The accrual method of
2 accounting shall be used for purposes of calculating the
3 amount of the tax owed by the licensee. The fantasy contest
4 operator shall submit to the Board, on or before the last day
5 of each calendar month, a return indicating the amount of tax
6 due under this Section for the previous calendar month as well
7 as any other information the Board shall require by rule and
8 shall remit to the Board payment of the tax due under this
9 Section with that return.

10 Section 245. Compulsive gaming; voluntary self-exclusion.

11 (a) Each licensee shall include a statement regarding
12 obtaining assistance with real-money gaming problems on the
13 licensee's portal, website, or computer or mobile application
14 and on all marketing materials and advertisements of the
15 licensee.

16 (b) A resident, or nonresident if allowed to participate
17 in fantasy contests, may voluntarily prohibit the resident or
18 nonresident from establishing a fantasy contest account with a
19 fantasy contest operator under this Act. The Board shall
20 incorporate the voluntary self-exclusion program for fantasy
21 contests into any existing self-exclusion program that it
22 operates on the effective date of this Act.

23 (c) If a self-excluded person participates in a fantasy
24 contest, the fantasy contest operator shall report to the
25 Board, at a minimum, the name of the self-excluded person, the

1 date of participation, the amount or value of any money,
2 prizes, or awards forfeited, if any, and any other action
3 taken.

4 (d) A fantasy contest operator may not pay any prize or
5 award to a person who is on the Board's self-exclusion list.
6 Any prize or award won by a person on the self-exclusion list
7 is forfeited and shall be donated by the fantasy contest
8 operator to the problem gaming charities or programs as
9 identified and directed by the Board on a quarterly basis by
10 the twenty-fifth day of the following month.

11 (e) A fantasy contest operator shall develop and maintain
12 a program to mitigate compulsive play and curtail compulsive
13 play, which may be in conjunction with the Board.

14 Section 250. Supplier diversity goals for fantasy contest
15 operators.

16 (a) The Board shall require licensees under this Act to
17 submit an annual report, in a searchable Adobe PDF format, on
18 all procurement goals and actual spending for businesses owned
19 by women, minorities, veterans, tribal and indigenous persons,
20 and persons with disabilities and for all small business
21 enterprises in the previous calendar year. These goals shall
22 be expressed as a percentage of the total work performed by the
23 entity submitting the report, and the actual spending for all
24 businesses owned by women, minorities, veterans, tribal and
25 indigenous persons, and persons with disabilities and for all

1 small business enterprises shall also be expressed as a
2 percentage of the total work performed by the entity
3 submitting the report. The initial report shall be due one
4 year after the effective date of this Act and once every 2
5 years thereafter.

6 (b) Each licensee in its annual report shall include the
7 following information:

8 (1) an explanation of the plan for the next year to
9 increase participation;

10 (2) an explanation of the plan to increase the goals;

11 (3) the areas of procurement each licensee shall be
12 actively seeking more participation in the next year;

13 (4) an outline of the plan to alert and encourage
14 potential vendors in that area to seek business from the
15 licensee;

16 (5) an explanation of the challenges faced in finding
17 quality vendors and offer any suggestions for what the
18 Board could do to be helpful to identify those vendors;

19 (6) a list of the certifications the licensee
20 recognizes;

21 (7) the point of contact for any potential vendor who
22 wishes to do business with the licensee and explain the
23 process for a vendor to enroll with the licensee as a
24 businesses owned by women, minorities, veterans, tribal
25 and indigenous persons, or persons with disabilities; and

26 (8) any particular success stories to encourage other

1 licenses to emulate best practices.

2 (c) Each annual report shall include as much
3 State-specific data as possible. If the submitting entity does
4 not submit State-specific data, then the licensee shall
5 include any national data it does have and explain why it could
6 not submit State-specific data and how it intends to do so in
7 future reports, if possible.

8 (d) Each annual report shall include the rules,
9 regulations, and definitions used for the procurement goals in
10 the licensee's annual report."; and

11 by replacing Section 25 with the following:

12 "Article 3.

13 Amendatory Provisions

14 Section 300. The Illinois Administrative Procedure Act is
15 amended by adding Section 5-45.55 as follows:

16 (5 ILCS 100/5-45.55 new)

17 Sec. 5-45.55. Emergency rulemaking; Illinois Gaming Board.
18 To provide for the expeditious and timely implementation of
19 this amendatory Act of the 103rd General Assembly, emergency
20 rules implementing the Fantasy Sports Consumer Protection Act
21 may be adopted in accordance with Section 5-45 by the Illinois
22 Gaming. The adoption of emergency rules authorized by Section

1 5-45 and this Section is deemed to be necessary for the public
2 interest, safety, and welfare.

3 This Section is repealed one year after the effective date
4 of this amendatory Act of the 103rd General Assembly.

5 Section 305. The Sports Wagering Act is amended by
6 changing Section 25-10 as follows:

7 (230 ILCS 45/25-10)

8 Sec. 25-10. Definitions. As used in this Act:

9 "Adjusted gross sports wagering receipts" means a master
10 sports wagering licensee's gross sports wagering receipts,
11 less winnings paid to wagerers in such games.

12 "Athlete" means any current or former professional athlete
13 or collegiate athlete.

14 "Board" means the Illinois Gaming Board.

15 "Covered persons" includes athletes; umpires, referees,
16 and officials; personnel associated with clubs, teams,
17 leagues, and athletic associations; medical professionals
18 (including athletic trainers) who provide services to athletes
19 and players; and the family members and associates of these
20 persons where required to serve the purposes of this Act.

21 "Department" means the Department of the Lottery.

22 "Gaming facility" means a facility at which gambling
23 operations are conducted under the Illinois Gambling Act,
24 pari-mutuel wagering is conducted under the Illinois Horse

1 Racing Act of 1975, or sports wagering is conducted under this
2 Act.

3 "Official league data" means statistics, results,
4 outcomes, and other data related to a sports event obtained
5 pursuant to an agreement with the relevant sports governing
6 body, or an entity expressly authorized by the sports
7 governing body to provide such information to licensees, that
8 authorizes the use of such data for determining the outcome of
9 tier 2 sports wagers on such sports events.

10 "Organization licensee" has the meaning given to that term
11 in the Illinois Horse Racing Act of 1975.

12 "Owners licensee" means the holder of an owners license
13 under the Illinois Gambling Act.

14 "Person" means an individual, partnership, committee,
15 association, corporation, or any other organization or group
16 of persons.

17 "Personal biometric data" means an athlete's information
18 derived from DNA, heart rate, blood pressure, perspiration
19 rate, internal or external body temperature, hormone levels,
20 glucose levels, hydration levels, vitamin levels, bone
21 density, muscle density, and sleep patterns.

22 "Prohibited conduct" includes any statement, action, and
23 other communication intended to influence, manipulate, or
24 control a betting outcome of a sporting contest or of any
25 individual occurrence or performance in a sporting contest in
26 exchange for financial gain or to avoid financial or physical

1 harm. "Prohibited conduct" includes statements, actions, and
2 communications made to a covered person by a third party, such
3 as a family member or through social media. "Prohibited
4 conduct" does not include statements, actions, or
5 communications made or sanctioned by a team or sports
6 governing body.

7 "Qualified applicant" means an applicant for a license
8 under this Act whose application meets the mandatory minimum
9 qualification criteria as required by the Board.

10 "Sporting contest" means a sports event or game on which
11 the State allows sports wagering to occur under this Act.

12 "Sports event" means a professional sport or athletic
13 event, a collegiate sport or athletic event, a motor race
14 event, or any other event or competition of relative skill
15 authorized by the Board under this Act.

16 "Sports facility" means a facility that hosts sports
17 events and holds a seating capacity greater than 17,000
18 persons, except in a municipality with a population of more
19 than 1,000,000, a seating capacity greater than 10,000
20 persons.

21 "Sports governing body" means the organization that
22 prescribes final rules and enforces codes of conduct with
23 respect to a sports event and participants therein.

24 "Sports wagering" means accepting wagers on sports events
25 or portions of sports events, or on the individual performance
26 statistics of athletes in a sports event or combination of

1 sports events, by any system or method of wagering, including,
2 but not limited to, in person or over the Internet through
3 websites and on mobile devices. "Sports wagering" includes,
4 but is not limited to, single-game bets, teaser bets, parlays,
5 over-under, moneyline, pools, exchange wagering, in-game
6 wagering, in-play bets, proposition bets, and straight bets.
7 "Sports wagering" does not include fantasy contests as that
8 term is defined in Section 5 of the Fantasy Sports Consumer
9 Protection Act.

10 "Sports wagering account" means a financial record
11 established by a master sports wagering licensee for an
12 individual patron in which the patron may deposit and withdraw
13 funds for sports wagering and other authorized purchases and
14 to which the master sports wagering licensee may credit
15 winnings or other amounts due to that patron or authorized by
16 that patron.

17 "Tier 1 sports wager" means a sports wager that is
18 determined solely by the final score or final outcome of the
19 sports event and is placed before the sports event has begun.

20 "Tier 2 sports wager" means a sports wager that is not a
21 tier 1 sports wager.

22 "Wager" means a sum of money or thing of value risked on an
23 uncertain occurrence.

24 "Winning bidder" means a qualified applicant for a master
25 sports wagering license chosen through the competitive
26 selection process under Section 25-45.

1 (Source: P.A. 101-31, eff. 6-28-19; 102-689, eff. 12-17-21.)

2 Section 310. The Criminal Code of 2012 is amended by
3 changing Sections 28-1 and 28-3 as follows:

4 (720 ILCS 5/28-1) (from Ch. 38, par. 28-1)

5 Sec. 28-1. Gambling.

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

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

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

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

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

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

12 (5) knowingly owns or possesses any book, instrument
13 or 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
21 sells, offers to sell or transfers any ticket or share for
22 any 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
5 by and conducted in accordance with the laws of Illinois
6 or 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
18 or 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), (6.1), (8),
26 (8.1), ~~and~~ (15), and (16) of subsection (b) of this

1 Section; ~~or.~~

2 (13) knowingly facilitates wagering on amusement
3 devices or knowingly engages in advertising that promotes
4 wagering on amusement devices in violation of the Family
5 Amusement Wagering Prohibition Act.

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

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

12 (2) Unless prohibited by the Family Amusement Wagering
13 Prohibition Act, offers ~~Offers~~ of prizes, award or
14 compensation to the actual contestants in any bona fide
15 contest for the determination of skill, speed, strength or
16 endurance or to the owners of animals or vehicles entered
17 in such contest.

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

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

1 Act, by manufacturers, distributors, and terminal
2 operators licensed to do so under the Video Gaming Act.

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

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

10 (6.1) The purchase of lottery tickets through the
11 Internet for a lottery conducted by the State of Illinois
12 under the program established in Section 7.12 of the
13 Illinois Lottery Law.

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

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

21 (8.1) The purchase of raffle chances for a raffle
22 conducted in accordance with the Raffles and Poker Runs
23 Act.

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

26 (10) Pull tabs and jar games when conducted under the

1 Illinois Pull Tabs and Jar Games Act.

2 (11) Gambling games when authorized by the Illinois
3 Gambling Act.

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

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

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

18 (15) Sports wagering when conducted in accordance with
19 the Sports Wagering Act.

20 (16) Fantasy contest wagering when conducted in
21 accordance with the Fantasy Sports Consumer Protection
22 Act.

23 (c) Sentence.

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

1 (d) Circumstantial evidence.

2 In prosecutions under this Section circumstantial evidence
3 shall have the same validity and weight as in any criminal
4 prosecution.

5 (Source: P.A. 101-31, Article 25, Section 25-915, eff.
6 6-28-19; 101-31, Article 35, Section 35-80, eff. 6-28-19;
7 101-109, eff. 7-19-19; 102-558, eff. 8-20-21.)

8 (720 ILCS 5/28-3) (from Ch. 38, par. 28-3)

9 Sec. 28-3. Keeping a gambling place. A "gambling place" is
10 any real estate, vehicle, boat, or any other property
11 whatsoever used for the purposes of gambling other than
12 gambling conducted in the manner authorized by the Illinois
13 Gambling Act, the Sports Wagering Act, ~~or~~ the Video Gaming
14 Act, or the Fantasy Sports Consumer Protection Act. Any person
15 who knowingly permits any premises or property owned or
16 occupied by him or under his control to be used as a gambling
17 place commits a Class A misdemeanor. Each subsequent offense
18 is a Class 4 felony. When any premises is determined by the
19 circuit court to be a gambling place:

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

22 (b) All licenses, permits or certificates issued by
23 the State of Illinois or any subdivision or public agency
24 thereof authorizing the serving of food or liquor on such
25 premises shall be void; and no license, permit or

1 certificate so cancelled shall be reissued for such
2 premises for a period of 60 days thereafter; nor shall any
3 person convicted of keeping a gambling place be reissued
4 such license for one year from his conviction and, after a
5 second conviction of keeping a gambling place, any such
6 person shall not be reissued such license, and

7 (c) Such premises of any person who knowingly permits
8 thereon a violation of any Section of this Article shall
9 be held liable for, and may be sold to pay any unsatisfied
10 judgment that may be recovered and any unsatisfied fine
11 that may be levied under any Section of this Article.

12 (Source: P.A. 101-31, Article 25, Section 25-915, eff.
13 6-28-19; 101-31, Article 35, Section 35-80, eff. 6-28-19;
14 102-558, eff. 8-20-21.)

15 Article 99.

16 Effective Date

17 Section 999. Effective date. This Act takes effect upon
18 becoming law."