



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB3825

Introduced 2/25/2005, by Rep. Michael P. McAuliffe

SYNOPSIS AS INTRODUCED:

720 ILCS 5/28-1

from Ch. 38, par. 28-1

Amends the Criminal Code of 1961. In a provision of the Gambling Article exempting offers of prizes, awards, or compensation in contests for the determination of skill, defines "skill" as a player's experience, precision, dexterity, or ability to use his or her knowledge that enables him or her to obtain more frequent awards, prizes, or compensation than does another less experienced, precise, dexterous or knowledgeable player. Effective immediately.

LRB094 11559 RXD 42544 b

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 1961 is amended by changing
5 Section 28-1 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:

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

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

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

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

1 are exempt from such registration under Section 3 of the
2 Illinois Securities Law of 1953 is not gambling within the
3 meaning of this paragraph (4); or

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

9 (6) Sells pools upon the result of any game or contest
10 of skill or chance, political nomination, appointment or
11 election; or

12 (7) Sets up or promotes any lottery or sells, offers to
13 sell or transfers any ticket or share for any lottery; or

14 (8) Sets up or promotes any policy game or sells,
15 offers to sell or knowingly possesses or transfers any
16 policy ticket, slip, record, document or other similar
17 device; or

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

24 (10) Knowingly advertises any lottery or policy game,
25 except for such activity related to lotteries, bingo games
26 and raffles authorized by and conducted in accordance with
27 the laws of Illinois or any other state; or

28 (11) Knowingly transmits information as to wagers,
29 betting odds, or changes in betting odds by telephone,
30 telegraph, radio, semaphore or similar means; or knowingly
31 installs or maintains equipment for the transmission or
32 receipt of such information; except that nothing in this
33 subdivision (11) prohibits transmission or receipt of such
34 information for use in news reporting of sporting events or
35 contests; or

36 (12) Knowingly establishes, maintains, or operates an

1 Internet site that permits a person to play a game of
2 chance or skill for money or other thing of value by means
3 of the Internet or to make a wager upon the result of any
4 game, contest, political nomination, appointment, or
5 election by means of the Internet.

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

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) Offers of prizes, award or compensation to the
13 actual contestants in any bona fide contest for the
14 determination of skill, speed, strength or endurance or to
15 the owners of animals or vehicles entered in such contest.
16 For the purposes of this paragraph (2) "skill" means, in
17 any contest provided for players to obtain prizes, awards,
18 or compensation, a player's experience, precision,
19 dexterity, or ability to use his or her knowledge that
20 enables him or her to obtain more frequent awards, prizes,
21 or compensation than does another less experienced,
22 precise, dexterous or knowledgeable player;

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

25 (4) Manufacture of gambling devices, including the
26 acquisition of essential parts therefor and the assembly
27 thereof, for transportation in interstate or foreign
28 commerce to any place outside this State when such
29 transportation is not prohibited by any applicable Federal
30 law;

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

33 (6) Lotteries when conducted by the State of Illinois
34 in accordance with the Illinois Lottery Law;

35 (7) Possession of an antique slot machine that is
36 neither used nor intended to be used in the operation or

1 promotion of any unlawful gambling activity or enterprise.
2 For the purpose of this subparagraph (b)(7), an antique
3 slot machine is one manufactured 25 years ago or earlier;

4 (8) Raffles when conducted in accordance with the
5 Raffles Act;

6 (9) Charitable games when conducted in accordance with
7 the Charitable Games Act;

8 (10) Pull tabs and jar games when conducted under the
9 Illinois Pull Tabs and Jar Games Act; or

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

12 (c) Sentence.

13 Gambling under subsection (a)(1) or (a)(2) of this Section
14 is a Class A misdemeanor. Gambling under any of subsections
15 (a)(3) through (a)(11) of this Section is a Class A
16 misdemeanor. A second or subsequent conviction under any of
17 subsections (a)(3) through (a)(11), is a Class 4 felony.
18 Gambling under subsection (a)(12) of this Section is a Class A
19 misdemeanor. A second or subsequent conviction under
20 subsection (a)(12) is a Class 4 felony.

21 (d) Circumstantial evidence.

22 In prosecutions under subsection (a)(1) through (a)(12) of
23 this Section circumstantial evidence shall have the same
24 validity and weight as in any criminal prosecution.

25 (Source: P.A. 91-257, eff. 1-1-00.)

26 Section 99. Effective date. This Act takes effect upon
27 becoming law.