



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

HB5227

Introduced 1/24/2006, by Rep. Robert S. Molaro

#### SYNOPSIS AS INTRODUCED:

35 ILCS 510/3	from Ch. 120, par. 481b.3
720 ILCS 5/28-1	from Ch. 38, par. 28-1
720 ILCS 5/28-2	from Ch. 38, par. 28-2

Amends the Coin-Operated Amusement Device and Redemption Machine Tax Act. Provides that all privilege tax decals must be securely affixed to the device and that a decal that is attached to a device behind a transparent plate or covering that is screwed, bolted, or otherwise securely fastened to the device is deemed to be securely affixed. 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. In a Section defining a "crane game" and a "redemption machine", provides that the value of the prize may not exceed \$100 (now, 7 times the cost charged to play the amusement device or \$5, whichever is less). Effective immediately.

LRB094 16114 BDD 51353 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

FISCAL NOTE ACT  
MAY APPLY

1 AN ACT concerning gaming.

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

4 Section 5. The Coin-Operated Amusement Device and  
5 Redemption Machine Tax Act is amended by changing Section 3 as  
6 follows:

7 (35 ILCS 510/3) (from Ch. 120, par. 481b.3)

8 Sec. 3. Transfer of decals; affixing decals.

9 (1) All privilege tax decals herein provided for shall be  
10 transferable from one device to another device. Any such  
11 transfer from one device to another shall be reported to the  
12 Department of Revenue on forms prescribed by such Department.  
13 All privilege tax decals issued hereunder shall expire on July  
14 31 following issuance.

15 (2) All privilege tax decals must be securely affixed to  
16 the device. A decal that is attached to a device behind a  
17 transparent plate or covering that is screwed, bolted, or  
18 otherwise securely fastened to the device is deemed to be  
19 securely affixed for the purposes of this Section ~~(Blank)~~.

20 (Source: P.A. 93-32, eff. 7-1-03.)

21 Section 10. The Criminal Code of 1961 is amended by  
22 changing Sections 28-1 and 28-2 as follows:

23 (720 ILCS 5/28-1) (from Ch. 38, par. 28-1)

24 Sec. 28-1. Gambling.

25 (a) A person commits gambling when he:

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

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

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

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

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

28          (6) Sells pools upon the result of any game or contest  
29          of skill or chance, political nomination, appointment or  
30          election; or

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

33          (8) Sets up or promotes any policy game or sells,  
34          offers to sell or knowingly possesses or transfers any  
35          policy ticket, slip, record, document or other similar  
36          device; or

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 by  
5 and conducted in accordance with the laws of Illinois or  
6 any other state or foreign government; or

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; or

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 or  
18 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.

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

27           (1) Agreements to compensate for loss caused by the  
28 happening of chance including without limitation contracts  
29 of indemnity or guaranty and life or health or accident  
30 insurance;

31           (2) Offers of prizes, award or compensation to the  
32 actual contestants in any bona fide contest for the  
33 determination of skill, speed, strength or endurance or to  
34 the owners of animals or vehicles entered in such contest.  
35 For the purposes of this paragraph (2) "skill" means, in  
36 any contest provided for players to obtain prizes, awards,

1 or compensation, a player's experience, precision,  
2 dexterity, or ability to use his or her knowledge that  
3 enables him or her to obtain more frequent awards, prizes,  
4 or compensation than does another less experienced,  
5 precise, dexterous or knowledgeable player;

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

8 (4) Manufacture of gambling devices, including the  
9 acquisition of essential parts therefor and the assembly  
10 thereof, for transportation in interstate or foreign  
11 commerce to any place outside this State when such  
12 transportation is not prohibited by any applicable Federal  
13 law;

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

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

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

23 (8) Raffles when conducted in accordance with the  
24 Raffles Act;

25 (9) Charitable games when conducted in accordance with  
26 the Charitable Games Act;

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

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

31 (c) Sentence.

32 Gambling under subsection (a)(1) or (a)(2) of this Section  
33 is a Class A misdemeanor. Gambling under any of subsections  
34 (a)(3) through (a)(11) of this Section is a Class A  
35 misdemeanor. A second or subsequent conviction under any of  
36 subsections (a)(3) through (a)(11), is a Class 4 felony.

1 Gambling under subsection (a)(12) of this Section is a Class A  
2 misdemeanor. A second or subsequent conviction under  
3 subsection (a)(12) is a Class 4 felony.

4 (d) Circumstantial evidence.

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

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

9 (720 ILCS 5/28-2) (from Ch. 38, par. 28-2)

10 Sec. 28-2. Definitions.

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

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

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

28 (3) A crane game. For the purposes of this paragraph  
29 (3), a "crane game" is an amusement device involving skill,  
30 if it rewards the player exclusively with merchandise  
31 contained within the amusement device proper and limited to  
32 toys, novelties and prizes other than currency, each having  
33 a wholesale value which is not more than \$100 ~~7 times the~~  
34 ~~cost charged to play the amusement device once or \$5,~~  
35 ~~whichever is less.~~

1 (4) A redemption machine. For the purposes of this  
2 paragraph (4), a "redemption machine" is a single-player or  
3 multi-player amusement device involving a game, the object  
4 of which is throwing, rolling, bowling, shooting, placing,  
5 or propelling a ball or other object into, upon, or against  
6 a hole or other target, provided that all of the following  
7 conditions are met:

8 (A) The outcome of the game is predominantly  
9 determined by the skill of the player.

10 (B) The award of the prize is based solely upon the  
11 player's achieving the object of the game or otherwise  
12 upon the player's score.

13 (C) Only merchandise prizes are awarded.

14 (D) The ~~average~~ wholesale value of prizes awarded  
15 in lieu of tickets or tokens for single play of the  
16 device does not exceed \$100 ~~the lesser of \$5 or 7 times~~  
17 ~~the cost charged for a single play of the device.~~

18 (E) The redemption value of tickets, tokens, and  
19 other representations of value, which may be  
20 accumulated by players to redeem prizes of greater  
21 value, does not exceed the amount charged for a single  
22 play of the device.

23 (a-5) "Internet" means an interactive computer service or  
24 system or an information service, system, or access software  
25 provider that provides or enables computer access by multiple  
26 users to a computer server, and includes, but is not limited  
27 to, an information service, system, or access software provider  
28 that provides access to a network system commonly known as the  
29 Internet, or any comparable system or service and also  
30 includes, but is not limited to, a World Wide Web page,  
31 newsgroup, message board, mailing list, or chat area on any  
32 interactive computer service or system or other online service.

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

35 (b) A "lottery" is any scheme or procedure whereby one or  
36 more prizes are distributed by chance among persons who have

1 paid or promised consideration for a chance to win such prizes,  
2 whether such scheme or procedure is called a lottery, raffle,  
3 gift, sale or some other name.

4 (c) A "policy game" is any scheme or procedure whereby a  
5 person promises or guarantees by any instrument, bill,  
6 certificate, writing, token or other device that any particular  
7 number, character, ticket or certificate shall in the event of  
8 any contingency in the nature of a lottery entitle the  
9 purchaser or holder to receive money, property or evidence of  
10 debt.

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

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