

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

1 (4) Manufacture of gambling devices, including the  
2 acquisition of essential parts therefor and the assembly  
3 thereof, for transportation in interstate or foreign  
4 commerce to any place outside this State when such  
5 transportation is not prohibited by any applicable Federal  
6 law;

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

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

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

16 (8) Raffles when conducted in accordance with the  
17 Raffles Act;

18 (9) Charitable games when conducted in accordance with  
19 the Charitable Games Act;

20 (10) Pull tabs and jar games when conducted under the  
21 Illinois Pull Tabs and Jar Games Act; ~~or~~

22 (11) Gambling games conducted on riverboats when  
23 authorized by the Riverboat Gambling Act; or

24 (12) Offers of prizes, awards, or compensation to the  
25 actual contestants in any bona fide contest between 2 or  
26 more individuals participating in (1) an electronic video  
27 game simulating a contest requiring skill, experience,  
28 dexterity, and precision and where the element of chance  
29 does not predominate or (2) an electronic video game  
30 requiring speed and accuracy of response to factual  
31 questions and where the element of chance does not  
32 predominate; but not including card games and simulated  
33 card games and not including any gambling game or activity  
34 of the type conducted under the Bingo Licensing Act, the  
35 Illinois Lottery Law, the Raffles Act, the Charitable Games  
36 Act, the Illinois Pull Tabs and Jar Games Act, or the

1 Riverboat Gambling Act.

2 (c) Sentence.

3 Gambling under subsection (a) (1) or (a) (2) of this Section  
4 is a Class A misdemeanor. Gambling under any of subsections  
5 (a) (3) through (a) (11) of this Section is a Class A  
6 misdemeanor. A second or subsequent conviction under any of  
7 subsections (a) (3) through (a) (11), is a Class 4 felony.  
8 Gambling under subsection (a) (12) of this Section is a Class A  
9 misdemeanor. A second or subsequent conviction under  
10 subsection (a) (12) is a Class 4 felony.

11 (d) Circumstantial evidence.

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

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

16 (720 ILCS 5/28-2) (from Ch. 38, par. 28-2)

17 Sec. 28-2. Definitions.

18 (a) A "gambling device" is any clock, tape machine, slot  
19 machine or other machines or device for the reception of money  
20 or other thing of value on chance or skill or upon the action  
21 of which money or other thing of value is staked, hazarded,  
22 bet, won or lost; or any mechanism, furniture, fixture,  
23 equipment or other device designed primarily for use in a  
24 gambling place. A "gambling device" does not include:

25 (1) A coin-in-the-slot operated mechanical device  
26 played for amusement which rewards the player with the  
27 right to replay such mechanical device, which device is so  
28 constructed or devised as to make such result of the  
29 operation thereof depend in part upon the skill of the  
30 player and which returns to the player thereof no money,  
31 property or right to receive money or property.

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

35 (3) A crane game. For the purposes of this paragraph

1 (3), a "crane game" is an amusement device involving skill,  
2 if it rewards the player exclusively with merchandise  
3 contained within the amusement device proper and limited to  
4 toys, novelties and prizes other than currency, each having  
5 a wholesale value which is not more than \$100 ~~7 times the~~  
6 ~~cost charged to play the amusement device once or \$5,~~  
7 ~~whichever is less.~~

8 (4) A redemption machine. For the purposes of this  
9 paragraph (4), a "redemption machine" is a single-player or  
10 multi-player amusement device involving a game, the object  
11 of which is throwing, rolling, bowling, shooting, placing,  
12 or propelling a ball or other object into, upon, or against  
13 a hole or other target, provided that all of the following  
14 conditions are met:

15 (A) The outcome of the game is predominantly  
16 determined by the skill of the player.

17 (B) The award of the prize is based solely upon the  
18 player's achieving the object of the game or otherwise  
19 upon the player's score.

20 (C) Only merchandise prizes are awarded.

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

25 (E) The redemption value of tickets, tokens, and  
26 other representations of value, which may be  
27 accumulated by players to redeem prizes of greater  
28 value, does not exceed the amount charged for a single  
29 play of the device.

30 (a-5) "Internet" means an interactive computer service or  
31 system or an information service, system, or access software  
32 provider that provides or enables computer access by multiple  
33 users to a computer server, and includes, but is not limited  
34 to, an information service, system, or access software provider  
35 that provides access to a network system commonly known as the  
36 Internet, or any comparable system or service and also

1 includes, but is not limited to, a World Wide Web page,  
2 newsgroup, message board, mailing list, or chat area on any  
3 interactive computer service or system or other online service.

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

6 (b) A "lottery" is any scheme or procedure whereby one or  
7 more prizes are distributed by chance among persons who have  
8 paid or promised consideration for a chance to win such prizes,  
9 whether such scheme or procedure is called a lottery, raffle,  
10 gift, sale or some other name.

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

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

19 Section 99. Effective date. This Act takes effect upon  
20 becoming law.