



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

SB1939

Introduced 2/25/2005, by Sen. Richard J. Winkel, Jr.

#### SYNOPSIS AS INTRODUCED:

10 ILCS 5/9-25.3 new	
230 ILCS 5/24	from Ch. 8, par. 37-24
230 ILCS 10/13.2 new	
230 ILCS 10/18	from Ch. 120, par. 2418

Amends the Election Code, the Illinois Horse Racing Act of 1975, and the Riverboat Gambling Act. Prohibits a candidate, political committee, or public official from accepting anything of value from a licensee or applicant for licensure under the Illinois Horse Racing Act of 1975 or the Riverboat Gambling Act. Provides that an initial violation is a Class A misdemeanor and a subsequent violation is a Class 4 felony. Prohibits certain persons licensed under the Illinois Horse Racing Act of 1975 or the Riverboat Gambling Act from making certain political contributions. Provides that an initial violation is a Class A misdemeanor and a subsequent violation is a Class 4 felony.

LRB094 11488 AMC 42433 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

FISCAL NOTE ACT  
MAY APPLY

1 AN ACT in relation to contributions to candidates,  
2 political committees, and public officials.

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

5 Section 5. The Election Code is amended by adding Section  
6 9-25.3 as follows:

7 (10 ILCS 5/9-25.3 new)

8 Sec. 9-25.3. Acceptance of prohibited contributions.

9 (a) No candidate, political committee, or public official  
10 shall knowingly accept a contribution or anything of value from  
11 or on behalf of a licensee or applicant for licensure under the  
12 provisions of the Riverboat Gambling Act or the Illinois Horse  
13 Racing Act of 1975, nor from any officer, director, holder, or  
14 controller of a legal or beneficial interest in any such  
15 license or application, nor from any gaming operations manager,  
16 nor from any agent of any such person.

17 (b) A candidate, political committee, or public official  
18 who violates subsection (a) of this Section for the first time  
19 shall be guilty of a Class A misdemeanor.

20 (c) A candidate, political committee, or public official  
21 must pay into the State treasury any contribution that (i)  
22 violates this Section or (ii) would have violated this Section  
23 if the contribution has been knowingly accepted by the  
24 candidate, political committee, or public official.

25 (d) A candidate, political committee, or public official  
26 who violates subsection (a) of this Section for a second or  
27 subsequent time shall be guilty of a Class 4 felony. For a  
28 second or subsequent violation of this Section, a fine shall be  
29 imposed of not less than twice the amount of any contribution  
30 accepted by the offending candidate, political committee, or  
31 public official.

1 Section 10. The Illinois Horse Racing Act of 1975 is  
2 amended by changing Section 24 as follows:

3 (230 ILCS 5/24) (from Ch. 8, par. 37-24)

4 Sec. 24. (a) No license shall be issued to or held by an  
5 organization licensee unless all of its officers, directors,  
6 and holders of ownership interests of at least 5% are first  
7 approved by the Board. The Board shall not give approval of an  
8 organization license application to any person who has been  
9 convicted of or is under an indictment for a crime of moral  
10 turpitude or has violated any provision of the racing law of  
11 this State or any rules of the Board.

12 (b) An organization licensee must notify the Board within  
13 10 days of any change in the holders of a direct or indirect  
14 interest in the ownership of the organization licensee. The  
15 Board may, after hearing, revoke the organization license of  
16 any person who registers on its books or knowingly permits a  
17 direct or indirect interest in the ownership of that person  
18 without notifying the Board of the name of the holder in  
19 interest within this period.

20 (c) In addition to the provisions of subsection (a) of this  
21 Section, no person shall be granted an organization license if  
22 any public official of the State or member of his or her family  
23 holds any ownership or financial interest, directly or  
24 indirectly, in the person.

25 (d) No person which has been granted an organization  
26 license to hold a race meeting shall knowingly give to any  
27 public official or member of his family, directly or  
28 indirectly, for or without consideration, any interest in the  
29 person. The Board shall, after hearing, revoke the organization  
30 license granted to a person which has violated this subsection.

31 (e) (Blank).

32 (f) No organization licensee or concessionaire or officer,  
33 director or holder or controller of any ~~5% or more~~ legal or  
34 beneficial interest in any organization licensee or concession  
35 shall knowingly make any sort of gift or contribution of any

1 kind or pay or give any money or other thing of value to any  
2 person who is a public official, or a candidate or nominee for  
3 public office or to any political committee. A person shall be  
4 guilty of a Class A misdemeanor for violating this subsection  
5 for the first time. A person shall be guilty of a Class 4  
6 felony and, in addition, shall suffer revocation of any license  
7 granted under this Act if that person or any agent of that  
8 person violates this subsection (f) for a second or subsequent  
9 time.

10 (Source: P.A. 89-16, eff. 5-30-95.)

11 Section 15. The Riverboat Gambling Act is amended by  
12 changing Section 18 and adding Section 13.2 as follows:

13 (230 ILCS 10/13.2 new)

14 Sec. 13.2. Ownership by public official; political  
15 contributions.

16 (a) No licensee or applicant for licensure or agent thereof  
17 shall knowingly give to any public official or member of his or  
18 her family, directly or indirectly, for or without  
19 consideration, any interest in shares of stock or certificates  
20 or other evidences of ownership of any interest in an activity  
21 licensed by the Board under this Act. The Board shall, after  
22 hearing, revoke the license of any licensee found in violation  
23 of this subsection (a).

24 (b) No licensee or applicant for licensure or officer,  
25 director, holder, or controller of any legal or beneficial  
26 interest in any license granted by the Board under this Act nor  
27 any gaming operations manager or any agent of such person shall  
28 knowingly make any sort of gift or contribution of any kind or  
29 pay or give any money or other thing of value to any person who  
30 is a public official, or a candidate or nominee for public  
31 office, or to any agent of such person, or to any political  
32 committee or other fund-raising entity that gives, lends, or  
33 otherwise provides funds to meet the expenses of any candidate  
34 for public office.

1 (230 ILCS 10/18) (from Ch. 120, par. 2418)

2 Sec. 18. Prohibited Activities - Penalty.

3 (a) A person is guilty of a Class A misdemeanor for doing  
4 any of the following:

5 (1) Conducting gambling where wagering is used or to be  
6 used without a license issued by the Board.

7 (2) Conducting gambling where wagering is permitted  
8 other than in the manner specified by Section 11.

9 (3) Violating Section 13.2 of this Act for the first  
10 time.

11 (b) A person is guilty of a Class B misdemeanor for doing  
12 any of the following:

13 (1) permitting a person under 21 years to make a wager;  
14 or

15 (2) violating paragraph (12) of subsection (a) of  
16 Section 11 of this Act.

17 (c) A person wagering or accepting a wager at any location  
18 outside the riverboat is subject to the penalties in paragraphs  
19 (1) or (2) of subsection (a) of Section 28-1 of the Criminal  
20 Code of 1961.

21 (d) A person commits a Class 4 felony and, in addition,  
22 shall be barred for life from riverboats under the jurisdiction  
23 of the Board, if the person does any of the following:

24 (1) Offers, promises, or gives anything of value or  
25 benefit to a person who is connected with a riverboat owner  
26 including, but not limited to, an officer or employee of a  
27 licensed owner or holder of an occupational license  
28 pursuant to an agreement or arrangement or with the intent  
29 that the promise or thing of value or benefit will  
30 influence the actions of the person to whom the offer,  
31 promise, or gift was made in order to affect or attempt to  
32 affect the outcome of a gambling game, or to influence  
33 official action of a member of the Board.

34 (2) Solicits or knowingly accepts or receives a promise  
35 of anything of value or benefit while the person is

1 connected with a riverboat including, but not limited to,  
2 an officer or employee of a licensed owner, or holder of an  
3 occupational license, pursuant to an understanding or  
4 arrangement or with the intent that the promise or thing of  
5 value or benefit will influence the actions of the person  
6 to affect or attempt to affect the outcome of a gambling  
7 game, or to influence official action of a member of the  
8 Board.

9 (3) Uses or possesses with the intent to use a device  
10 to assist:

11 (i) In projecting the outcome of the game.

12 (ii) In keeping track of the cards played.

13 (iii) In analyzing the probability of the  
14 occurrence of an event relating to the gambling game.

15 (iv) In analyzing the strategy for playing or  
16 betting to be used in the game except as permitted by  
17 the Board.

18 (4) Cheats at a gambling game.

19 (5) Manufactures, sells, or distributes any cards,  
20 chips, dice, game or device which is intended to be used to  
21 violate any provision of this Act.

22 (6) Alters or misrepresents the outcome of a gambling  
23 game on which wagers have been made after the outcome is  
24 made sure but before it is revealed to the players.

25 (7) Places a bet after acquiring knowledge, not  
26 available to all players, of the outcome of the gambling  
27 game which is subject of the bet or to aid a person in  
28 acquiring the knowledge for the purpose of placing a bet  
29 contingent on that outcome.

30 (8) Claims, collects, or takes, or attempts to claim,  
31 collect, or take, money or anything of value in or from the  
32 gambling games, with intent to defraud, without having made  
33 a wager contingent on winning a gambling game, or claims,  
34 collects, or takes an amount of money or thing of value of  
35 greater value than the amount won.

36 (9) Uses counterfeit chips or tokens in a gambling

1 game.

2 (10) Possesses any key or device designed for the  
3 purpose of opening, entering, or affecting the operation of  
4 a gambling game, drop box, or an electronic or mechanical  
5 device connected with the gambling game or for removing  
6 coins, tokens, chips or other contents of a gambling game.  
7 This paragraph (10) does not apply to a gambling licensee  
8 or employee of a gambling licensee acting in furtherance of  
9 the employee's employment.

10 (e) The possession of more than one of the devices  
11 described in subsection (d), paragraphs (3), (5) or (10)  
12 permits a rebuttable presumption that the possessor intended to  
13 use the devices for cheating.

14 (f) A person is guilty of a Class 4 felony and, in  
15 addition, shall suffer revocation of any license granted by the  
16 Board under this Act if such person or any agent thereof  
17 violates Section 13.2 of this Act for a second or subsequent  
18 time.

19 An action to prosecute any crime occurring on a riverboat  
20 shall be tried in the county of the dock at which the riverboat  
21 is based.

22 (Source: P.A. 91-40, eff. 6-25-99.)