



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB3757

Introduced 2/25/2009, by Rep. Kevin Joyce - Paul D. Froehlich

SYNOPSIS AS INTRODUCED:

235 ILCS 5/3-12	from Ch. 43, par. 108
235 ILCS 5/6-2	from Ch. 43, par. 120
720 ILCS 5/28-1	from Ch. 38, par. 28-1
720 ILCS 5/28-3	from Ch. 38, par. 28-3

Amends the Liquor Control Act of 1934. Provides that the Illinois Liquor Control Commission shall have the duty and power of suspending or revoking all licenses of a licensee under the Act for the licensee's conviction for a gambling offense under the Criminal Code of 1961. Provides that the State Liquor Control Commission may not delegate this responsibility to any local liquor commission. Provides that the State Liquor Control Commission shall suspend for 30 days all liquor licenses of a licensee upon the licensee's first conviction for a gambling offense, shall revoke or suspend for at least 30 days those licenses upon a second conviction within a 12 month period, and shall revoke those licenses upon a third or subsequent conviction within a 5 year period. In a Section prohibiting the issuance of licenses to certain persons, provides that a corporation convicted of a gambling offense shall not be issued a license under the Act (now, a corporation is exempt from the prohibition if it meets certain conditions). Amends the Criminal Code of 1961. Provides that the State's Attorney must notify the State Liquor Control Commission of a liquor licensee's conviction for a gambling offense. In a Section concerning the separate criminal offense of keeping a gambling place, provides that all licenses issued under the Liquor Control Act of 1934 authorizing the serving of liquor on the premises that were used as the gambling place shall be suspended for a period of 60 days; and those licenses shall be revoked upon a second conviction of keeping a gambling place. Makes other changes. Effective immediately.

LRB096 10682 ASK 20856 b

FISCAL NOTE ACT
MAY APPLY

HOME RULE NOTE
ACT MAY APPLY

A BILL FOR

1 AN ACT concerning liquor.

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

4 Section 5. The Liquor Control Act of 1934 is amended by
5 changing Sections 3-12 and 6-2 as follows:

6 (235 ILCS 5/3-12) (from Ch. 43, par. 108)

7 Sec. 3-12. Powers and duties of State Commission.

8 (a) The State commission shall have the following powers,
9 functions and duties:

10 (1) To receive applications and to issue licenses to
11 manufacturers, foreign importers, importing distributors,
12 distributors, non-resident dealers, on premise consumption
13 retailers, off premise sale retailers, special event
14 retailer licensees, special use permit licenses, auction
15 liquor licenses, brew pubs, caterer retailers,
16 non-beverage users, railroads, including owners and
17 lessees of sleeping, dining and cafe cars, airplanes,
18 boats, brokers, and wine maker's premises licensees in
19 accordance with the provisions of this Act, and to suspend
20 or revoke such licenses upon the State commission's
21 determination, upon notice after hearing, that a licensee
22 has violated any provision of this Act or any rule or
23 regulation issued pursuant thereto and in effect for 30

1 days prior to such violation. Except in the case of an
2 action taken pursuant to a violation of Section 6-3, 6-5,
3 or 6-9, any action by the State Commission to suspend or
4 revoke a licensee's license may be limited to the license
5 for the specific premises where the violation occurred.

6 In lieu of suspending or revoking a license, the
7 commission may impose a fine, upon the State commission's
8 determination and notice after hearing, that a licensee has
9 violated any provision of this Act or any rule or
10 regulation issued pursuant thereto and in effect for 30
11 days prior to such violation. The fine imposed under this
12 paragraph may not exceed \$500 for each violation. Each day
13 that the activity, which gave rise to the original fine,
14 continues is a separate violation. The maximum fine that
15 may be levied against any licensee, for the period of the
16 license, shall not exceed \$20,000. The maximum penalty that
17 may be imposed on a licensee for selling a bottle of
18 alcoholic liquor with a foreign object in it or serving
19 from a bottle of alcoholic liquor with a foreign object in
20 it shall be the destruction of that bottle of alcoholic
21 liquor for the first 10 bottles so sold or served from by
22 the licensee. For the eleventh bottle of alcoholic liquor
23 and for each third bottle thereafter sold or served from by
24 the licensee with a foreign object in it, the maximum
25 penalty that may be imposed on the licensee is the
26 destruction of the bottle of alcoholic liquor and a fine of

1 up to \$50.

2 (1.1) To determine, after notice and hearing, whether a
3 licensee has been convicted of a gambling offense under any
4 of subsections (a)(1) through (a)(11) of Section 28-1 or
5 under Section 28-1.1 of the Criminal Code of 1961 and to
6 enforce the following penalties: (i) for a first
7 conviction, a 30-day suspension for all licenses issued to
8 the licensee under this Act; (ii) for a second conviction
9 within a 12 month period, revocation or at least a 30-day
10 suspension for those licenses; and (iii) for a third or
11 subsequent conviction within a 5 year period, revocation of
12 those licenses. The State Commission may not delegate its
13 powers, functions, and duties under this paragraph (1.1) to
14 any local liquor commission.

15 (2) To adopt such rules and regulations consistent with
16 the provisions of this Act which shall be necessary to
17 carry on its functions and duties to the end that the
18 health, safety and welfare of the People of the State of
19 Illinois shall be protected and temperance in the
20 consumption of alcoholic liquors shall be fostered and
21 promoted and to distribute copies of such rules and
22 regulations to all licensees affected thereby.

23 (3) To call upon other administrative departments of
24 the State, county and municipal governments, county and
25 city police departments and upon prosecuting officers for
26 such information and assistance as it deems necessary in

1 the performance of its duties.

2 (4) To recommend to local commissioners rules and
3 regulations, not inconsistent with the law, for the
4 distribution and sale of alcoholic liquors throughout the
5 State.

6 (5) To inspect, or cause to be inspected, any premises
7 in this State where alcoholic liquors are manufactured,
8 distributed, warehoused, or sold.

9 (5.1) Upon receipt of a complaint or upon having
10 knowledge that any person is engaged in business as a
11 manufacturer, importing distributor, distributor, or
12 retailer without a license or valid license, to notify the
13 local liquor authority, file a complaint with the State's
14 Attorney's Office of the county where the incident
15 occurred, or initiate an investigation with the
16 appropriate law enforcement officials.

17 (5.2) To issue a cease and desist notice to persons
18 shipping alcoholic liquor into this State from a point
19 outside of this State if the shipment is in violation of
20 this Act.

21 (5.3) To receive complaints from licensees, local
22 officials, law enforcement agencies, organizations, and
23 persons stating that any licensee has been or is violating
24 any provision of this Act or the rules and regulations
25 issued pursuant to this Act. Such complaints shall be in
26 writing, signed and sworn to by the person making the

1 complaint, and shall state with specificity the facts in
2 relation to the alleged violation. If the Commission has
3 reasonable grounds to believe that the complaint
4 substantially alleges a violation of this Act or rules and
5 regulations adopted pursuant to this Act, it shall conduct
6 an investigation. If, after conducting an investigation,
7 the Commission is satisfied that the alleged violation did
8 occur, it shall proceed with disciplinary action against
9 the licensee as provided in this Act.

10 (6) To hear and determine appeals from orders of a
11 local commission in accordance with the provisions of this
12 Act, as hereinafter set forth. Hearings under this
13 subsection shall be held in Springfield or Chicago, at
14 whichever location is the more convenient for the majority
15 of persons who are parties to the hearing.

16 (7) The commission shall establish uniform systems of
17 accounts to be kept by all retail licensees having more
18 than 4 employees, and for this purpose the commission may
19 classify all retail licensees having more than 4 employees
20 and establish a uniform system of accounts for each class
21 and prescribe the manner in which such accounts shall be
22 kept. The commission may also prescribe the forms of
23 accounts to be kept by all retail licensees having more
24 than 4 employees, including but not limited to accounts of
25 earnings and expenses and any distribution, payment, or
26 other distribution of earnings or assets, and any other

1 forms, records and memoranda which in the judgment of the
2 commission may be necessary or appropriate to carry out any
3 of the provisions of this Act, including but not limited to
4 such forms, records and memoranda as will readily and
5 accurately disclose at all times the beneficial ownership
6 of such retail licensed business. The accounts, forms,
7 records and memoranda shall be available at all reasonable
8 times for inspection by authorized representatives of the
9 State commission or by any local liquor control
10 commissioner or his or her authorized representative. The
11 commission, may, from time to time, alter, amend or repeal,
12 in whole or in part, any uniform system of accounts, or the
13 form and manner of keeping accounts.

14 (8) In the conduct of any hearing authorized to be held
15 by the commission, to appoint, at the commission's
16 discretion, hearing officers to conduct hearings involving
17 complex issues or issues that will require a protracted
18 period of time to resolve, to examine, or cause to be
19 examined, under oath, any licensee, and to examine or cause
20 to be examined the books and records of such licensee; to
21 hear testimony and take proof material for its information
22 in the discharge of its duties hereunder; to administer or
23 cause to be administered oaths; for any such purpose to
24 issue subpoena or subpoenas to require the attendance of
25 witnesses and the production of books, which shall be
26 effective in any part of this State, and to adopt rules to

1 implement its powers under this paragraph (8).

2 Any Circuit Court may by order duly entered, require
3 the attendance of witnesses and the production of relevant
4 books subpoenaed by the State commission and the court may
5 compel obedience to its order by proceedings for contempt.

6 (9) To investigate the administration of laws in
7 relation to alcoholic liquors in this and other states and
8 any foreign countries, and to recommend from time to time
9 to the Governor and through him or her to the legislature
10 of this State, such amendments to this Act, if any, as it
11 may think desirable and as will serve to further the
12 general broad purposes contained in Section 1-2 hereof.

13 (10) To adopt such rules and regulations consistent
14 with the provisions of this Act which shall be necessary
15 for the control, sale or disposition of alcoholic liquor
16 damaged as a result of an accident, wreck, flood, fire or
17 other similar occurrence.

18 (11) To develop industry educational programs related
19 to responsible serving and selling, particularly in the
20 areas of overserving consumers and illegal underage
21 purchasing and consumption of alcoholic beverages.

22 (11.1) To license persons providing education and
23 training to alcohol beverage sellers and servers under the
24 Beverage Alcohol Sellers and Servers Education and
25 Training (BASSET) programs and to develop and administer a
26 public awareness program in Illinois to reduce or eliminate

1 the illegal purchase and consumption of alcoholic beverage
2 products by persons under the age of 21. Application for a
3 license shall be made on forms provided by the State
4 Commission.

5 (12) To develop and maintain a repository of license
6 and regulatory information.

7 (13) On or before January 15, 1994, the Commission
8 shall issue a written report to the Governor and General
9 Assembly that is to be based on a comprehensive study of
10 the impact on and implications for the State of Illinois of
11 Section 1926 of the Federal ADAMHA Reorganization Act of
12 1992 (Public Law 102-321). This study shall address the
13 extent to which Illinois currently complies with the
14 provisions of P.L. 102-321 and the rules promulgated
15 pursuant thereto.

16 As part of its report, the Commission shall provide the
17 following essential information:

18 (i) the number of retail distributors of tobacco
19 products, by type and geographic area, in the State;

20 (ii) the number of reported citations and
21 successful convictions, categorized by type and
22 location of retail distributor, for violation of the
23 Sale of Tobacco to Minors Act and the Smokeless Tobacco
24 Limitation Act;

25 (iii) the extent and nature of organized
26 educational and governmental activities that are

1 intended to promote, encourage or otherwise secure
2 compliance with any Illinois laws that prohibit the
3 sale or distribution of tobacco products to minors; and
4 (iv) the level of access and availability of
5 tobacco products to individuals under the age of 18.

6 To obtain the data necessary to comply with the
7 provisions of P.L. 102-321 and the requirements of this
8 report, the Commission shall conduct random, unannounced
9 inspections of a geographically and scientifically
10 representative sample of the State's retail tobacco
11 distributors.

12 The Commission shall consult with the Department of
13 Public Health, the Department of Human Services, the
14 Illinois State Police and any other executive branch
15 agency, and private organizations that may have
16 information relevant to this report.

17 The Commission may contract with the Food and Drug
18 Administration of the U.S. Department of Health and Human
19 Services to conduct unannounced investigations of Illinois
20 tobacco vendors to determine compliance with federal laws
21 relating to the illegal sale of cigarettes and smokeless
22 tobacco products to persons under the age of 18.

23 (14) On or before April 30, 2008 and every 2 years
24 thereafter, the Commission shall present a written report
25 to the Governor and the General Assembly that shall be
26 based on a study of the impact of this amendatory Act of

1 the 95th General Assembly on the business of soliciting,
2 selling, and shipping wine from inside and outside of this
3 State directly to residents of this State. As part of its
4 report, the Commission shall provide all of the following
5 information:

6 (A) The amount of State excise and sales tax
7 revenues generated.

8 (B) The amount of licensing fees received.

9 (C) The number of cases of wine shipped from inside
10 and outside of this State directly to residents of this
11 State.

12 (D) The number of alcohol compliance operations
13 conducted.

14 (E) The number of winery shipper's licenses
15 issued.

16 (F) The number of each of the following: reported
17 violations; cease and desist notices issued by the
18 Commission; notices of violations issued by the
19 Commission and to the Department of Revenue; and
20 notices and complaints of violations to law
21 enforcement officials, including, without limitation,
22 the Illinois Attorney General and the U.S. Department
23 of Treasury's Alcohol and Tobacco Tax and Trade Bureau.

24 (15) As a means to reduce the underage consumption of
25 alcoholic liquors, the Commission shall conduct alcohol
26 compliance operations to investigate whether businesses

1 that are soliciting, selling, and shipping wine from inside
2 or outside of this State directly to residents of this
3 State are licensed by this State or are selling or
4 attempting to sell wine to persons under 21 years of age in
5 violation of this Act.

6 (16) The Commission shall, in addition to notifying any
7 appropriate law enforcement agency, submit notices of
8 complaints or violations of Sections 6-29 and 6-29.1 by
9 persons who do not hold a winery shipper's license under
10 this amendatory Act to the Illinois Attorney General and to
11 the U.S. Department of Treasury's Alcohol and Tobacco Tax
12 and Trade Bureau.

13 (17) (A) A person licensed to make wine under the laws
14 of another state who has a winery shipper's license under
15 this amendatory Act and annually produces less than 25,000
16 gallons of wine or a person who has a first-class or
17 second-class wine manufacturer's license, a first-class or
18 second-class wine-maker's license, or a limited wine
19 manufacturer's license under this Act and annually
20 produces less than 25,000 gallons of wine may make
21 application to the Commission for a self-distribution
22 exemption to allow the sale of not more than 5,000 gallons
23 of the exemption holder's wine to retail licensees per
24 year.

25 (B) In the application, which shall be sworn under
26 penalty of perjury, such person shall state (1) the

1 date it was established; (2) its volume of production
2 and sales for each year since its establishment; (3)
3 its efforts to establish distributor relationships;
4 (4) that a self-distribution exemption is necessary to
5 facilitate the marketing of its wine; and (5) that it
6 will comply with the liquor and revenue laws of the
7 United States, this State, and any other state where it
8 is licensed.

9 (C) The Commission shall approve the application
10 for a self-distribution exemption if such person: (1)
11 is in compliance with State revenue and liquor laws;
12 (2) is not a member of any affiliated group that
13 produces more than 25,000 gallons of wine per annum or
14 produces any other alcoholic liquor; (3) will not
15 annually produce for sale more than 25,000 gallons of
16 wine; and (4) will not annually sell more than 5,000
17 gallons of its wine to retail licensees.

18 (D) A self-distribution exemption holder shall
19 annually certify to the Commission its production of
20 wine in the previous 12 months and its anticipated
21 production and sales for the next 12 months. The
22 Commission may fine, suspend, or revoke a
23 self-distribution exemption after a hearing if it
24 finds that the exemption holder has made a material
25 misrepresentation in its application, violated a
26 revenue or liquor law of Illinois, exceeded production

1 of 25,000 gallons of wine in any calendar year, or
2 become part of an affiliated group producing more than
3 25,000 gallons of wine or any other alcoholic liquor.

4 (E) Except in hearings for violations of this Act
5 or amendatory Act or a bona fide investigation by duly
6 sworn law enforcement officials, the Commission, or
7 its agents, the Commission shall maintain the
8 production and sales information of a
9 self-distribution exemption holder as confidential and
10 shall not release such information to any person.

11 (F) The Commission shall issue regulations
12 governing self-distribution exemptions consistent with
13 this Section and this Act.

14 (G) Nothing in this subsection (17) shall prohibit
15 a self-distribution exemption holder from entering
16 into or simultaneously having a distribution agreement
17 with a licensed Illinois distributor.

18 (H) It is the intent of this subsection (17) to
19 promote and continue orderly markets. The General
20 Assembly finds that in order to preserve Illinois'
21 regulatory distribution system it is necessary to
22 create an exception for smaller makers of wine as their
23 wines are frequently adjusted in varietals, mixes,
24 vintages, and taste to find and create market niches
25 sometimes too small for distributor or importing
26 distributor business strategies. Limited

1 self-distribution rights will afford and allow smaller
2 makers of wine access to the marketplace in order to
3 develop a customer base without impairing the
4 integrity of the 3-tier system.

5 (b) On or before April 30, 1999, the Commission shall
6 present a written report to the Governor and the General
7 Assembly that shall be based on a study of the impact of this
8 amendatory Act of 1998 on the business of soliciting, selling,
9 and shipping alcoholic liquor from outside of this State
10 directly to residents of this State.

11 As part of its report, the Commission shall provide the
12 following information:

13 (i) the amount of State excise and sales tax revenues
14 generated as a result of this amendatory Act of 1998;

15 (ii) the amount of licensing fees received as a result
16 of this amendatory Act of 1998;

17 (iii) the number of reported violations, the number of
18 cease and desist notices issued by the Commission, the
19 number of notices of violations issued to the Department of
20 Revenue, and the number of notices and complaints of
21 violations to law enforcement officials.

22 (Source: P.A. 95-634, eff. 6-1-08.)

23 (235 ILCS 5/6-2) (from Ch. 43, par. 120)

24 Sec. 6-2. Issuance of licenses to certain persons
25 prohibited.

1 (a) Except as otherwise provided in subsection (b) of this
2 Section and in paragraph (1) of subsection (a) of Section 3-12,
3 no license of any kind issued by the State Commission or any
4 local commission shall be issued to:

5 (1) A person who is not a resident of any city, village
6 or county in which the premises covered by the license are
7 located; except in case of railroad or boat licenses.

8 (2) A person who is not of good character and
9 reputation in the community in which he resides.

10 (3) A person who is not a citizen of the United States.

11 (4) A person who has been convicted of a felony under
12 any Federal or State law, unless the Commission determines
13 that such person has been sufficiently rehabilitated to
14 warrant the public trust after considering matters set
15 forth in such person's application and the Commission's
16 investigation. The burden of proof of sufficient
17 rehabilitation shall be on the applicant.

18 (5) A person who has been convicted of being the keeper
19 or is keeping a house of ill fame.

20 (6) A person who has been convicted of pandering or
21 other crime or misdemeanor opposed to decency and morality.

22 (7) A person whose license issued under this Act has
23 been revoked for cause.

24 (8) A person who at the time of application for renewal
25 of any license issued hereunder would not be eligible for
26 such license upon a first application.

1 (9) A copartnership, if any general partnership
2 thereof, or any limited partnership thereof, owning more
3 than 5% of the aggregate limited partner interest in such
4 copartnership would not be eligible to receive a license
5 hereunder for any reason other than residence within the
6 political subdivision, unless residency is required by
7 local ordinance.

8 (10) A corporation or limited liability company, if any
9 member, officer, manager or director thereof, or any
10 stockholder or stockholders owning in the aggregate more
11 than 5% of the stock of such corporation, would not be
12 eligible to receive a license hereunder for any reason
13 other than citizenship and residence within the political
14 subdivision.

15 (10a) A corporation or limited liability company
16 unless it is incorporated or organized in Illinois, or
17 unless it is a foreign corporation or foreign limited
18 liability company which is qualified under the Business
19 Corporation Act of 1983 or the Limited Liability Company
20 Act to transact business in Illinois. The Commission shall
21 permit and accept from an applicant for a license under
22 this Act proof prepared from the Secretary of State's
23 website that the corporation or limited liability company
24 is in good standing and is qualified under the Business
25 Corporation Act of 1983 or the Limited Liability Company
26 Act to transact business in Illinois.

1 (11) A person whose place of business is conducted by a
2 manager or agent unless the manager or agent possesses the
3 same qualifications required by the licensee.

4 (12) A person who has been convicted of a violation of
5 any Federal or State law concerning the manufacture,
6 possession or sale of alcoholic liquor, subsequent to the
7 passage of this Act or has forfeited his bond to appear in
8 court to answer charges for any such violation.

9 (13) A person who does not beneficially own the
10 premises for which a license is sought, or does not have a
11 lease thereon for the full period for which the license is
12 to be issued.

13 (14) Any law enforcing public official, including
14 members of local liquor control commissions, any mayor,
15 alderman, or member of the city council or commission, any
16 president of the village board of trustees, any member of a
17 village board of trustees, or any president or member of a
18 county board; and no such official shall have a direct
19 interest in the manufacture, sale, or distribution of
20 alcoholic liquor, except that a license may be granted to
21 such official in relation to premises that are not located
22 within the territory subject to the jurisdiction of that
23 official if the issuance of such license is approved by the
24 State Liquor Control Commission and except that a license
25 may be granted, in a city or village with a population of
26 50,000 or less, to any alderman, member of a city council,

1 or member of a village board of trustees in relation to
2 premises that are located within the territory subject to
3 the jurisdiction of that official if (i) the sale of
4 alcoholic liquor pursuant to the license is incidental to
5 the selling of food, (ii) the issuance of the license is
6 approved by the State Commission, (iii) the issuance of the
7 license is in accordance with all applicable local
8 ordinances in effect where the premises are located, and
9 (iv) the official granted a license does not vote on
10 alcoholic liquor issues pending before the board or council
11 to which the license holder is elected. Notwithstanding any
12 provision of this paragraph (14) to the contrary, an
13 alderman or member of a city council or commission, a
14 member of a village board of trustees other than the
15 president of the village board of trustees, or a member of
16 a county board other than the president of a county board
17 may have a direct interest in the manufacture, sale, or
18 distribution of alcoholic liquor as long as he or she is
19 not a law enforcing public official, a mayor, a village
20 board president, or president of a county board. To prevent
21 any conflict of interest, the elected official with the
22 direct interest in the manufacture, sale, or distribution
23 of alcoholic liquor cannot participate in any meetings,
24 hearings, or decisions on matters impacting the
25 manufacture, sale, or distribution of alcoholic liquor.

26 (15) A person who is not a beneficial owner of the

1 business to be operated by the licensee.

2 (16) A person who has been convicted of a gambling
3 offense as proscribed by any of subsections (a) (1) ~~(3)~~
4 through (a) (11) of Section 28-1 of, or as proscribed by
5 Section 28-1.1 or 28-3 of, the Criminal Code of 1961, or as
6 proscribed by a statute replaced by any of the aforesaid
7 statutory provisions.

8 (17) A person or entity to whom a federal wagering
9 stamp has been issued by the federal government, unless the
10 person or entity is eligible to be issued a license under
11 the Raffles Act or the Illinois Pull Tabs and Jar Games
12 Act.

13 (18) A person who intends to sell alcoholic liquors for
14 use or consumption on his or her licensed retail premises
15 who does not have liquor liability insurance coverage for
16 that premises in an amount that is at least equal to the
17 maximum liability amounts set out in subsection (a) of
18 Section 6-21.

19 (b) A criminal conviction of a corporation is not grounds
20 for the denial, suspension, or revocation of a license applied
21 for or held by the corporation if the criminal conviction was
22 not the result of a violation of any federal or State law
23 concerning the manufacture, possession or sale of alcoholic
24 liquor, the offense that led to the conviction did not result
25 in any financial gain to the corporation and the corporation
26 has terminated its relationship with each director, officer,

1 employee, or controlling shareholder whose actions directly
2 contributed to the conviction of the corporation. The
3 Commission shall determine if all provisions of this subsection
4 (b) have been met before any action on the corporation's
5 license is initiated. This subsection (b) does not apply to a
6 corporation that has been convicted of a gambling offense as
7 described in paragraph (16) of subsection (a) of this Section.
8 (Source: P.A. 94-5, eff. 6-3-05; 94-289, eff. 1-1-06; 94-381,
9 eff. 7-29-05; 95-331, eff. 8-21-07.)

10 Section 10. The Criminal Code of 1961 is amended by
11 changing Sections 28-1, 28-2, 28-3, and 28-5 as follows:

12 (720 ILCS 5/28-1) (from Ch. 38, par. 28-1)

13 Sec. 28-1. Gambling.

14 (a) A person commits gambling when he:

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

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

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

23 (4) Contracts to have or give himself or another the
24 option to buy or sell, or contracts to buy or sell, at a

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

18 (5) Knowingly owns or possesses any book, instrument or
19 apparatus by means of which bets or wagers have been, or
20 are, recorded or registered, or knowingly possesses any
21 money which he has received in the course of a bet or
22 wager; or

23 (6) Sells pools upon the result of any game or contest
24 of skill or chance, political nomination, appointment or
25 election; or

26 (7) Sets up or promotes any lottery or sells, offers to

1 sell or transfers any ticket or share for any lottery; or

2 (8) Sets up or promotes any policy game or sells,
3 offers to sell or knowingly possesses or transfers any
4 policy ticket, slip, record, document or other similar
5 device; or

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

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

16 (11) Knowingly transmits information as to wagers,
17 betting odds, or changes in betting odds by telephone,
18 telegraph, radio, semaphore or similar means; or knowingly
19 installs or maintains equipment for the transmission or
20 receipt of such information; except that nothing in this
21 subdivision (11) prohibits transmission or receipt of such
22 information for use in news reporting of sporting events or
23 contests; or

24 (12) Knowingly establishes, maintains, or operates an
25 Internet site that permits a person to play a game of
26 chance or skill for money or other thing of value by means

1 of the Internet or to make a wager upon the result of any
2 game, contest, political nomination, appointment, or
3 election by means of the Internet.

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

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

10 (2) Offers of prizes, award or compensation to the
11 actual contestants in any bona fide contest for the
12 determination of skill, speed, strength or endurance or to
13 the owners of animals or vehicles entered in such contest;

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

16 (4) Manufacture of gambling devices, including the
17 acquisition of essential parts therefor and the assembly
18 thereof, for transportation in interstate or foreign
19 commerce to any place outside this State when such
20 transportation is not prohibited by any applicable Federal
21 law;

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

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

26 (7) Possession of an antique slot machine that is

1 neither used nor intended to be used in the operation or
2 promotion of any unlawful gambling activity or enterprise.

3 For the purpose of this subparagraph (b)(7), an antique
4 slot machine is one manufactured 25 years ago or earlier;

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

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

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

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

13 (c) Sentence.

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

22 (c-5) Liquor license suspension or revocation.

23 Upon a conviction of a person licensed under the Liquor
24 Control Act of 1934 for a gambling offense under any of
25 subsections (a)(1) through (a)(11) of this Section, the State's
26 Attorney shall notify the Illinois Liquor Control Commission of

1 the conviction. The Illinois Liquor Control Commission shall
2 suspend all licenses issued to such person upon a second
3 conviction for a gambling offense within a 12 month period, and
4 shall revoke those licenses upon a third or subsequent
5 conviction for a gambling offense within a 5 year period.

6 (d) Circumstantial evidence.

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

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

11 (720 ILCS 5/28-3) (from Ch. 38, par. 28-3)

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

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

23 (b) All licenses, permits or certificates issued by the
24 State of Illinois or any subdivision or public agency thereof
25 authorizing the serving of food ~~or liquor~~ on such premises

1 shall be void; and no license, permit or certificate so
2 cancelled shall be reissued for such premises for a period of
3 60 days thereafter; nor shall any person convicted of keeping a
4 gambling place be reissued such license for one year from his
5 conviction and, after a second conviction of keeping a gambling
6 place, any such person shall not be reissued such license, and

7 (b-5) All licenses issued by the State of Illinois under
8 the Liquor Control Act of 1934 authorizing the serving of
9 liquor on such premises shall be suspended for a period of 60
10 days thereafter; and upon a second conviction of keeping a
11 gambling place all licenses issued by the State of Illinois
12 under the Liquor Control Act of 1934 authorizing the serving of
13 liquor on such premises shall be revoked.

14 (c) Such premises of any person who knowingly permits
15 thereon a violation of any Section of this Article shall be
16 held liable for, and may be sold to pay any unsatisfied
17 judgment that may be recovered and any unsatisfied fine that
18 may be levied under any Section of this Article.

19 (Source: P.A. 86-1029.)

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