

# HB1892



## 97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB1892

by Rep. Daniel Biss

### SYNOPSIS AS INTRODUCED:

720 ILCS 5/28-1

from Ch. 38, par. 28-1

Amends the Criminal Code of 1961. Makes a technical change in a Section concerning gambling.

LRB097 10430 RLC 50649 b

A BILL FOR

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 ~~the~~ result of any game,  
13 contest, or any political nomination, appointment or  
14 election; or

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

18 (4) Contracts to have or give himself or another the  
19 option to buy or sell, or contracts to buy or sell, at a  
20 future time, any grain or other commodity whatsoever, or  
21 any stock or security of any company, where it is at the  
22 time of making such contract intended by both parties  
23 thereto that the contract to buy or sell, or the option,

1           whenever exercised, or the contract resulting therefrom,  
2           shall be settled, not by the receipt or delivery of such  
3           property, but by the payment only of differences in prices  
4           thereof; however, the issuance, purchase, sale, exercise,  
5           endorsement or guarantee, by or through a person registered  
6           with the Secretary of State pursuant to Section 8 of the  
7           Illinois Securities Law of 1953, or by or through a person  
8           exempt from such registration under said Section 8, of a  
9           put, call, or other option to buy or sell securities which  
10          have been registered with the Secretary of State or which  
11          are exempt from such registration under Section 3 of the  
12          Illinois Securities Law of 1953 is not gambling within the  
13          meaning of this paragraph (4); or

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

19                 (6) Sells pools upon the result of any game or contest  
20                 of skill or chance, political nomination, appointment or  
21                 election; or

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

24                 (8) Sets up or promotes any policy game or sells,  
25                 offers to sell or knowingly possesses or transfers any  
26                 policy ticket, slip, record, document or other similar

1 device; or

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

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

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

20 (12) Knowingly establishes, maintains, or operates an  
21 Internet site that permits a person to play a game of  
22 chance or skill for money or other thing of value by means  
23 of the Internet or to make a wager upon the result of any  
24 game, contest, political nomination, appointment, or  
25 election by means of the Internet. This item (12) does not  
26 apply to activities referenced in items (6) and (6.1) of

1 subsection (b) of this Section.

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

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

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

12 (3) Pari-mutuel betting as authorized by the law of  
13 this State.

14 (4) Manufacture of gambling devices, including the  
15 acquisition of essential parts therefor and the assembly  
16 thereof, for transportation in interstate or foreign  
17 commerce to any place outside this State when such  
18 transportation is not prohibited by any applicable Federal  
19 law; or the manufacture, distribution, or possession of  
20 video gaming terminals, as defined in the Video Gaming Act,  
21 by manufacturers, distributors, and terminal operators  
22 licensed to do so under the Video Gaming Act.

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

25 (6) Lotteries when conducted by the State of Illinois  
26 in accordance with the Illinois Lottery Law. This exemption

1 includes any activity conducted by the Department of  
2 Revenue to sell lottery tickets pursuant to the provisions  
3 of the Illinois Lottery Law and its rules.

4 (6.1) The purchase of lottery tickets through the  
5 Internet for a lottery conducted by the State of Illinois  
6 under the program established in Section 7.12 of the  
7 Illinois Lottery Law.

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

13 (8) Raffles when conducted in accordance with the  
14 Raffles Act.

15 (9) Charitable games when conducted in accordance with  
16 the Charitable Games Act.

17 (10) Pull tabs and jar games when conducted under the  
18 Illinois Pull Tabs and Jar Games Act.

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

21 (12) Video gaming terminal games at a licensed  
22 establishment, licensed truck stop establishment, licensed  
23 fraternal establishment, or licensed veterans  
24 establishment when conducted in accordance with the Video  
25 Gaming Act.

26 (13) Games of skill or chance where money or other

1 things of value can be won but no payment or purchase is  
2 required to participate.

3 (c) Sentence.

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

12 (d) Circumstantial evidence.

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

16 (Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09;  
17 96-1203, eff. 7-22-10.)