



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB4020

Introduced 1/20/2012, by Rep. Lou Lang

SYNOPSIS AS INTRODUCED:

See Index

Amends the Charitable Games Act. Transfers all the powers of the Department of Revenue under the Act to the Illinois Gaming Board and makes related changes. Extends the licensure period from one year to 2 years. Changes the application and renewal fees from an annual \$200 fee to a \$400 fee for the 2-year licensure period. Provides that participation in the management or operation of the games is limited to no more than 12 (rather than 4) charitable games events, either of the sponsoring organization or any other licensed organization, during a calendar year. Provides that no single bet at any game may exceed \$20. Provides that at the conclusion of the event or when the participant leaves, he or she may cash in his or her chips, scrip, or play money in exchange for currency not to exceed \$500 in cash winnings (instead of \$250) or unlimited noncash prizes. Provides that the provider of the premises, other than a municipality, may not rent or otherwise provide the premises for the conducting of more than one charitable games night per month (rather than 8 charitable games nights per year). Provides that 5% of the net proceeds (rather than 3% of the gross proceeds) of charitable games shall be paid to the Illinois Gaming Board. Provides that establishments that have video gaming terminals licensed under the Video Gaming Act may operate them along with charitable games under rules adopted by the Illinois Gaming Board. Makes other changes.

LRB097 17234 AMC 62434 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 Charitable Games Act is amended by changing
5 Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, and 15 and by
6 adding Section 16 as follows:

7 (230 ILCS 30/2) (from Ch. 120, par. 1122)

8 Sec. 2. Definitions. For purposes of this Act, the
9 following definitions apply:

10 "Board" means the Illinois Gaming Board.

11 "Charitable games" means the 14 games of chance involving
12 cards, dice, wheels, random selection of numbers, and gambling
13 tickets which may be conducted at charitable games events
14 listed as follows: roulette, blackjack, poker, pull tabs,
15 craps, bang, beat the dealer, big six, gin rummy, five card
16 stud poker, chuck-a-luck, keno, hold-em poker, and merchandise
17 wheel.

18 "Charitable games event" or "event" means the type of
19 fundraising event authorized by the Act at which participants
20 pay to play charitable games for the chance of winning cash or
21 noncash prizes.

22 "Charitable organization" means an organization or
23 institution organized and operated to benefit an indefinite

1 number of the public.

2 "Chips" means scrip, play money, poker or casino chips, or
3 any other representations of money, used to make wagers on the
4 outcome of any charitable game.

5 ~~"Department" means the Department of Revenue.~~

6 "Educational organization" means an organization or
7 institution organized and operated to provide systematic
8 instruction in useful branches of learning by methods common to
9 schools and institutions of learning which compare favorably in
10 their scope and intensity with the course of study presented in
11 tax-supported schools.

12 "Fraternal organization" means an organization of persons
13 having a common interest that is organized and operated
14 exclusively to promote the welfare of its members and to
15 benefit the general public on a continuing and consistent
16 basis, including but not limited to ethnic organizations.

17 "Labor organization" means an organization composed of
18 labor unions or workers organized with the objective of
19 betterment of the conditions of those engaged in such pursuit
20 and the development of a higher degree of efficiency in their
21 respective occupations.

22 "Licensed organization" means a qualified organization
23 that has obtained a license to conduct a charitable games event
24 in conformance with the provisions of this Act.

25 "Non-profit organization" means an organization or
26 institution organized and conducted on a not-for-profit basis

1 with no personal profit inuring to anyone as a result of the
2 operation.

3 "Organization": A corporation, agency, partnership,
4 association, firm, business, or other entity consisting of 2 or
5 more persons joined by a common interest or purpose.

6 "Person" means any natural individual, corporation,
7 partnership, limited liability company, organization as
8 defined in this Section, qualified organization, licensed
9 organization, licensee under this Act, or volunteer.

10 "Premises" means a distinct parcel of land and the
11 buildings thereon.

12 "Provider" means the person or organization owning,
13 leasing, or controlling premises upon which any charitable
14 games event is to be conducted.

15 "Qualified organization" means:

16 (a) a charitable, religious, fraternal, veterans,
17 labor or educational organization or institution organized
18 and conducted on a not-for-profit basis with no personal
19 profit inuring to anyone as a result of the operation and
20 which is exempt from federal income taxation under Sections
21 501(c)(3), 501(c)(4), 501(c)(5), 501(c)(8), 501(c)(10) or
22 501(c)(19) of the Internal Revenue Code;

23 (b) a veterans organization as defined in Section 1.1
24 of the "Bingo License and Tax Act" organized and conducted
25 on a not-for-profit basis with no personal profit inuring
26 to anyone as a result of the operation; or

1 (c) An auxiliary organization of a veterans
2 organization.

3 "Religious organization" means any church, congregation,
4 society, or organization founded for the purpose of religious
5 worship.

6 "Sponsoring organization" means a qualified organization
7 that has obtained a license to conduct a charitable games event
8 in conformance with the provisions of this Act.

9 "Supplier" means any person, firm, or corporation that
10 sells, leases, lends, distributes, or otherwise provides to any
11 organization licensed to conduct charitable games events in
12 Illinois any charitable games equipment.

13 "Veterans' organization" means an organization comprised
14 of members of which substantially all are individuals who are
15 veterans or spouses, widows, or widowers of veterans, the
16 primary purpose of which is to promote the welfare of its
17 members and to provide assistance to the general public in such
18 a way as to confer a public benefit.

19 "Volunteer" means a person recruited by a licensed
20 organization who voluntarily performs services at a charitable
21 games event, including participation in the management or
22 operation of a game, as defined in Section 8.

23 (Source: P.A. 94-986, eff. 6-30-06; 95-228, eff. 8-16-07.)

24 (230 ILCS 30/3) (from Ch. 120, par. 1123)

25 Sec. 3. The Board ~~Department of Revenue~~ shall, upon

1 application therefor on forms prescribed by the Board
2 ~~Department~~, and upon the payment of a nonrefundable ~~annual~~ fee
3 of \$400 due upon application and each renewal \$200, and upon a
4 determination by the Board ~~Department~~ that the applicant meets
5 all of the qualifications specified in this Act, issue a
6 charitable games license for the conducting of charitable games
7 to any of the following:

8 (i) Any local fraternal mutual benefit organization
9 chartered at least 40 years before it applies for a license
10 under this Act.

11 (ii) Any qualified organization organized in Illinois
12 which operates without profit to its members, which has
13 been in existence in Illinois continuously for a period of
14 5 years immediately before making application for a license
15 and which has had during that 5 year period a bona fide
16 membership engaged in carrying out its objects. However,
17 the 5 year requirement shall be reduced to 2 years, as
18 applied to a local organization which is affiliated with
19 and chartered by a national organization which meets the 5
20 year requirement. The period of existence specified above
21 shall not apply to a qualified organization, organized for
22 charitable purpose, created by a fraternal organization
23 that meets the existence requirements if the charitable
24 organization has the same officers and directors as the
25 fraternal organization. Only one charitable organization
26 created by a branch lodge or chapter of a fraternal

1 organization may be licensed under this provision.

2 The application shall be signed by a person listed on the
3 application as an owner, officer, or other person in charge of
4 the necessary day-to-day operations of the applicant
5 organization, who shall attest under penalties of perjury that
6 the information contained in the application is true, correct,
7 and complete.

8 Each license shall be in effect for 2 years ~~one year~~ from
9 its date of issuance unless extended, suspended, or revoked by
10 Board ~~Department~~ action before that date. Any extension shall
11 not exceed one year. The Board ~~Department~~ may by rule authorize
12 the filing by electronic means of any application, license,
13 permit, return, or registration required under this Act. A
14 licensee may hold only one license. Each license must be
15 applied for at least 30 days prior to the night or nights the
16 licensee wishes to conduct such games. The Board ~~Department~~ may
17 issue a license to a licensee that applies less than 30 days
18 prior to the night or nights the licensee wishes to conduct the
19 games if all other requirements of this Act are met and the
20 Board ~~Department~~ has sufficient time and resources to issue the
21 license in a timely manner. The Board ~~Department~~ may provide by
22 rule for an extension of any charitable games license issued
23 under this Act. If a licensee wishes to conduct games at a
24 location other than the locations originally specified in the
25 license, the licensee shall notify the Board ~~Department~~ of the
26 proposed alternate location at least 30 days before the night

1 on which the licensee wishes to conduct games at the alternate
2 location. The Board ~~Department~~ may accept an applicant's change
3 in location with less than 30 days' notice if all other
4 requirements of this Act are met and the Board ~~Department~~ has
5 sufficient time and resources to process the change in a timely
6 manner.

7 All taxes and fees imposed by this Act, unless otherwise
8 specified, shall be paid into the Illinois Gaming Law
9 Enforcement Fund of the State Treasury.

10 (Source: P.A. 95-228, eff. 8-16-07.)

11 (230 ILCS 30/4) (from Ch. 120, par. 1124)

12 Sec. 4. Licensing Restrictions. Licensing for the
13 conducting of charitable games is subject to the following
14 restrictions:

15 (1) The license application, when submitted to the
16 Board ~~Department of Revenue~~, must contain a sworn statement
17 attesting to the not-for-profit character of the
18 prospective licensee organization, signed by a person
19 listed on the application as an owner, officer, or other
20 person in charge of the necessary day-to-day operations.
21 The application shall contain the name of the person in
22 charge of and primarily responsible for the conduct of the
23 charitable games. The person so designated shall be present
24 on the premises continuously during charitable games.

25 (2) The license application shall be prepared by the

1 prospective licensee organization or its duly authorized
2 representative in accordance with the rules of the Board
3 ~~Department of Revenue~~.

4 (2.1) The organization shall maintain among its books
5 and records a list of the names, addresses, social security
6 numbers, and dates of birth of all persons who will
7 participate in the management or operation of the games,
8 along with a sworn statement made under penalties of
9 perjury, signed by a person listed on the application as an
10 owner, officer, or other person in charge of the necessary
11 day-to-day operations, that the persons listed as
12 participating in the management or operation of the games
13 are bona fide members, volunteers as defined in Section 2,
14 or employees of the applicant, that these persons have not
15 participated in the management or operation of more than 12
16 ~~4~~ charitable games events conducted by any licensee in the
17 calendar year, and that these persons will receive no
18 remuneration or compensation, directly or indirectly from
19 any source, for participating in the management or
20 operation of the games. Any amendments to this listing must
21 contain an identical sworn statement.

22 (2.2) (Blank).

23 (3) Each license shall state the date, hours and at
24 what locations the licensee is permitted to conduct
25 charitable games.

26 (4) Each licensee shall file a copy of the license with

1 each police department or, if in unincorporated areas, each
2 sheriff's office whose jurisdiction includes the premises
3 on which the charitable games are authorized under the
4 license.

5 (5) The licensee shall prominently display the license
6 in the area where the licensee is to conduct charitable
7 games. The licensee shall likewise display, in the form and
8 manner prescribed by the Board Department, the provisions
9 of Section 9 of this Act.

10 (6) (Blank).

11 (7) (Blank). ~~Each licensee shall obtain and maintain a~~
12 ~~bond for the benefit of participants in games conducted by~~
13 ~~the licensee to insure payment to the winners of such~~
14 ~~games. Such bond discretionary by the Department and shall~~
15 ~~be in an amount established by rule by the Department of~~
16 ~~Revenue. In a county with fewer than 60,000 inhabitants,~~
17 ~~the Department may waive the bond requirement upon a~~
18 ~~showing by a licensee that it has sufficient funds on~~
19 ~~deposit to insure payment to the winners of such games.~~

20 (8) A license is not assignable or transferable.

21 (9) Unless the premises for conducting charitable
22 games are provided by a municipality, the Board Department
23 shall not issue a license permitting a person, firm or
24 corporation to sponsor a charitable games night if the
25 premises for the conduct of the charitable games has been
26 previously used for 12 ~~8~~ charitable games nights during the

1 previous 12 months.

2 (10) Auxiliary organizations of a licensee shall not be
3 eligible for a license to conduct charitable games, except
4 for auxiliary organizations of veterans organizations as
5 authorized in Section 2.

6 (11) Charitable games must be conducted in accordance
7 with local building and fire code requirements.

8 (12) The licensee shall consent to allowing the Board's
9 ~~Department's~~ employees to be present on the premises
10 wherein the charitable games are conducted and to inspect
11 or test equipment, devices and supplies used in the conduct
12 of the game.

13 Nothing in this Section shall be construed to prohibit a
14 licensee that conducts charitable games on its own premises
15 from also obtaining a providers' license in accordance with
16 Section 5.1. The maximum number of charitable games events that
17 may be held in any one premises is limited to one ~~o~~ charitable
18 games event ~~events~~ per month ~~calendar year~~.

19 (Source: P.A. 94-986, eff. 6-30-06; 95-228, eff. 8-16-07.)

20 (230 ILCS 30/5) (from Ch. 120, par. 1125)

21 Sec. 5. Providers' License. The Board ~~Department~~ shall
22 issue a providers' license permitting a person, firm or
23 corporation to provide premises for the conduct of charitable
24 games. No person, firm or corporation may rent or otherwise
25 provide premises without having first obtained a license.

1 Applications for providers' licenses shall be made in writing
2 in accordance with Board ~~Department~~ rules. The Board ~~Department~~
3 shall license providers of charitable games at a nonrefundable
4 annual fee of \$50, or nonrefundable triennial license fee of
5 \$150. Each providers' license is valid for one year from the
6 date of issuance, or 3 years from date of issuance for a
7 triennial license, unless extended, suspended, or revoked by
8 Board ~~Department~~ action before that date. Any extension of a
9 providers' license shall not exceed one year. A provider may
10 receive reasonable compensation for the provision of the
11 premises. Reasonable expenses shall include only those
12 expenses defined as reasonable by rules adopted by the Board
13 ~~Department~~. A provider, other than a municipality, may not
14 provide the same premises for conducting more than 12 &
15 charitable games nights per year. A provider shall not have any
16 interest in any suppliers' business, either direct or indirect.
17 A municipality may provide the same premises for conducting 16
18 charitable games nights during a 12-month period. No employee,
19 officer, or owner of a provider may participate in the
20 management or operation of a charitable games event, even if
21 the employee, officer, or owner is also a member, volunteer, or
22 employee of the charitable games licensee. A provider may not
23 promote or solicit a charitable games event on behalf of a
24 charitable games licensee or qualified organization. Any
25 qualified organization licensed to conduct a charitable game
26 need not obtain a providers' license if such games are to be

1 conducted on the organization's premises.

2 (Source: P.A. 94-986, eff. 6-30-06; 95-228, eff. 8-16-07.)

3 (230 ILCS 30/6) (from Ch. 120, par. 1126)

4 Sec. 6. Supplier's license. The Board ~~Department~~ shall
5 issue a supplier's license permitting a person, firm, or
6 corporation to sell, lease, lend or distribute to any
7 organization licensed to conduct charitable games, supplies,
8 devices, and other equipment designed for use in the playing of
9 charitable games. No person, firm, or corporation shall sell,
10 lease, lend, or distribute charitable games supplies or
11 equipment without having first obtained a license.
12 Applications for suppliers' licenses shall be made in writing
13 in accordance with Board ~~Department~~ rules. The Board ~~Department~~
14 shall license suppliers of charitable games subject to a
15 nonrefundable annual fee of \$500, or a nonrefundable triennial
16 fee of \$1,500. Each supplier's license is valid for one year
17 from the date of issuance, or 3 years from date of issuance for
18 a triennial license, unless extended, suspended, or revoked by
19 Board ~~Department~~ action before that date. Any extension of a
20 supplier's license shall not exceed one year. No licensed
21 supplier under this Act shall lease, lend, or distribute
22 charitable gaming equipment, supplies, or other devices to
23 persons not otherwise licensed to conduct charitable games
24 under this Act. The Board ~~Department~~ may require by rule for
25 the provision of surety bonds by suppliers. A supplier shall

1 keep among its books and records and make available for
2 inspection by the Board ~~Department~~ a list of all products and
3 equipment offered for sale or lease to any organization
4 licensed to conduct charitable games, and all such products and
5 equipment shall be sold or leased at the prices shown on the
6 books and records. A supplier shall keep all such products and
7 equipment segregated and separate from any other products,
8 materials or equipment that it might own, sell, or lease. A
9 supplier must include in its application for a license the
10 exact location of the storage of the products, materials, or
11 equipment. A supplier, as a condition of licensure, must
12 consent to permitting the Board's ~~Department's~~ employees to
13 enter supplier's premises to inspect and test all equipment and
14 devices. A supplier shall keep books and records for the
15 furnishing of products and equipment to charitable games
16 separate and distinct from any other business the supplier
17 might operate. All products and equipment supplied must be in
18 accord with the Board's ~~Department's~~ rules and regulations. A
19 supplier shall not alter or modify any equipment or supplies,
20 or possess any equipment or supplies so altered or modified, so
21 as to allow the possessor or operator of the equipment to
22 obtain a greater chance of winning a game other than as under
23 normal rules of play of such games. The supplier shall not
24 require an organization to pay a percentage of the proceeds
25 from the charitable games for the use of the products or
26 equipment. The supplier shall file a quarterly return with the

1 ~~Board Department~~ listing all sales or leases for such quarter
2 and the gross proceeds from such sales or leases. A supplier
3 shall permanently affix his name to all charitable games
4 equipment, supplies and pull tabs. A supplier shall not have
5 any interest in any providers' business, either direct or
6 indirect. If the supplier leases his equipment for use at an
7 unlicensed charitable games or to an unlicensed sponsoring
8 group, all equipment so leased is forfeited to the State.

9 Organizations licensed to conduct charitable games may own
10 their own equipment. Such organizations must apply to the Board
11 ~~Department~~ for an ownership permit. Any such application must
12 be accompanied by a one-time, nonrefundable fee of \$50. Such
13 organizations shall file an annual report listing their
14 inventory of charitable games equipment. Such organizations
15 may lend such equipment without compensation to other licensed
16 organizations without applying for a suppliers license.

17 No employee, owner, or officer of a supplier may
18 participate in the management or operation of a charitable
19 games event, even if the employee, owner, or officer is also a
20 member, volunteer, or employee of the charitable games
21 licensee. A supplier may not promote or solicit a charitable
22 games event on behalf of a charitable games licensee or
23 qualified organization.

24 (Source: P.A. 94-986, eff. 6-30-06; 95-228, eff. 8-16-07.)

25 (230 ILCS 30/7) (from Ch. 120, par. 1127)

1 Sec. 7. Ineligible Persons. The following are ineligible
2 for any license under this Act:

3 (a) any person who has been convicted of a felony
4 within the last 10 years before the date of the
5 application;

6 (b) any person who has been convicted of a violation of
7 Article 28 of the Criminal Code of 1961;

8 (c) any person who has had a bingo, pull tabs and jar
9 games, or charitable games license revoked by the Board
10 ~~Department~~;

11 (d) any person who is or has been a professional
12 gambler;

13 (d-1) any person found gambling in a manner not
14 authorized by this Act, the Illinois Pull Tabs and Jar
15 Games Act, or the Bingo License and Tax Act participating
16 in such gambling, or knowingly permitting such gambling on
17 premises where an authorized charitable games event is
18 authorized to be conducted or has been conducted;

19 (e) any organization in which a person defined in (a),
20 (b), (c), (d), or (d-1) has a proprietary, equitable, or
21 credit interest, or in which the person is active or
22 employed;

23 (f) any organization in which a person defined in (a),
24 (b), (c), (d), or (d-1) is an officer, director, or
25 employee, whether compensated or not;

26 (g) any organization in which a person defined in (a),

1 (b), (c), (d), or (d-1) is to participate in the management
2 or operation of charitable games.

3 The Department of State Police shall provide the criminal
4 background of any person requested by the Board ~~Department of~~
5 ~~Revenue~~.

6 (Source: P.A. 94-986, eff. 6-30-06; 95-228, eff. 8-16-07.)

7 (230 ILCS 30/8) (from Ch. 120, par. 1128)

8 Sec. 8. The conducting of charitable games is subject to
9 the following restrictions:

10 (1) The entire net proceeds from charitable games must
11 be exclusively devoted to the lawful purposes of the
12 organization permitted to conduct that game.

13 (2) No person except a bona fide member or employee of
14 the sponsoring organization, or a volunteer recruited by
15 the sponsoring organization, may participate in the
16 management or operation of the game. A person participates
17 in the management or operation of a charitable game when he
18 or she sells admission tickets at the event; sells,
19 redeems, or in any way assists in the selling or redeeming
20 of chips, scrip, or play money; participates in the
21 conducting of any of the games played during the event, or
22 supervises, directs or instructs anyone conducting a game;
23 or at any time during the hours of the charitable games
24 event counts, handles, or supervises anyone counting or
25 handling any of the proceeds or chips, scrip, or play money

1 at the event. A person who is present to ensure that the
2 games are being conducted in conformance with the rules
3 established by the licensed organization or is present to
4 insure that the equipment is working properly is considered
5 to be participating in the management or operation of a
6 game. Setting up, cleaning up, selling food and drink, or
7 providing security for persons or property at the event
8 does not constitute participation in the management or
9 operation of the game.

10 Only bona fide members, volunteers as defined in
11 Section 2 of this Act, and employees of the sponsoring
12 organization may participate in the management or
13 operation of the games. Participation in the management or
14 operation of the games is limited to no more than 12 ~~4~~
15 charitable games events, either of the sponsoring
16 organization or any other licensed organization, during a
17 calendar year.

18 (3) No person may receive any remuneration or
19 compensation either directly or indirectly from any source
20 for participating in the management or operation of the
21 game.

22 (4) No single bet at any house-banked game may exceed
23 \$20 ~~\$10~~.

24 (5) A bank shall be established on the premises to
25 convert currency into chips, scrip, or other form of play
26 money which shall then be used to play at games of chance

1 which the participant chooses. Chips, scrip, or play money
2 must be permanently monogrammed with the supplier license
3 number or logo or charitable games license number of a ~~the~~
4 licensed organization or of the supplier. Each participant
5 must be issued a receipt indicating the amount of chips,
6 scrip, or play money purchased.

7 (6) At the conclusion of the event or when the
8 participant leaves, he or she may cash in his or her chips,
9 scrip, or play money in exchange for currency not to exceed
10 \$500 in cash winnings ~~\$250~~ or unlimited noncash prizes.
11 Each participant shall sign for any receipt of prizes. The
12 licensee shall provide the Board ~~Department of Revenue~~ with
13 a listing of all prizes awarded, including the retail value
14 of all prizes awarded.

15 (7) Each licensee shall be permitted to conduct
16 charitable games on not more than 4 days each year. Nothing
17 in this Section shall be construed to prohibit a licensee
18 that conducts charitable games on its own premises from
19 also obtaining a providers' license in accordance with
20 Section 7 of this Act.

21 (8) Unless the provider of the premises is a
22 municipality, the provider of the premises may not rent or
23 otherwise provide the premises for the conducting of more
24 than one ~~&~~ charitable games night ~~nights~~ per month ~~year~~.

25 (9) A charitable games event is considered to be a
26 one-day event and charitable games may not be played

1 between the hours of 2:00 a.m. and noon.

2 (10) No person under the age of 18 years may play or
3 participate in the conducting of charitable games. Any
4 person under the age of 18 years may be within the area
5 where charitable games are being played only when
6 accompanied by his parent or guardian.

7 (11) No one other than the sponsoring organization of
8 charitable games must have a proprietary interest in the
9 game promoted.

10 (12) Raffles or other forms of gambling prohibited by
11 law shall not be conducted on the premises where charitable
12 games are being conducted.

13 (13) Such games are not expressly prohibited by county
14 ordinance for charitable games conducted in the
15 unincorporated areas of the county or municipal ordinance
16 for charitable games conducted in the municipality and the
17 ordinance is filed with the Board ~~Department of Revenue~~.
18 The Board ~~Department~~ shall provide each county or
19 municipality with a list of organizations licensed or
20 subsequently authorized by the Board ~~Department~~ to conduct
21 charitable games in their jurisdiction.

22 (14) The sale of tangible personal property at
23 charitable games is subject to all State and local taxes
24 and obligations.

25 (15) Each licensee may offer or conduct only the games
26 listed below, which must be conducted in accordance with

1 rules posted by the organization. The organization
2 sponsoring charitable games shall promulgate rules, and
3 make printed copies available to participants, for the
4 following games: (a) roulette; (b) blackjack; (c) poker;
5 (d) pull tabs; (e) craps; (f) bang; (g) beat the dealer;
6 (h) big six; (i) gin rummy; (j) five card stud poker; (k)
7 chuck-a-luck; (l) keno; (m) hold-em poker; and (n)
8 merchandise wheel. A licensee need not offer or conduct
9 every game permitted by law. The conducting of games not
10 listed above is prohibited by this Act.

11 (16) No slot machines or coin-in-the-slot-operated
12 devices that allow a participant to play games of chance
13 shall be permitted to be used at the location and during
14 the time at which the charitable games are being conducted.
15 However, establishments that have video gaming terminals
16 licensed under the Video Gaming Act may operate them along
17 with charitable games under rules adopted by the Board.

18 (17) No cards, dice, wheels, or other equipment may be
19 modified or altered so as to give the licensee a greater
20 advantage in winning, other than as provided under the
21 normal rules of play of a particular game.

22 (18) No credit shall be extended to any of the
23 participants.

24 (19) (Blank).

25 (20) A supplier may have only one representative
26 present at the charitable games event, for the exclusive

1 purpose of ensuring that its equipment is not damaged.

2 (21) No employee, owner, or officer of a consultant
3 service hired by a licensed organization to perform
4 services at the event including, but not limited to,
5 security for persons or property at the event or services
6 before the event including, but not limited to, training
7 for volunteers or advertising may participate in the
8 management or operation of the games.

9 (22) (Blank).

10 (Source: P.A. 94-986, eff. 6-30-06; 95-228, eff. 8-16-07.)

11 (230 ILCS 30/9) (from Ch. 120, par. 1129)

12 Sec. 9. There shall be paid to the Board ~~Department of~~
13 ~~Revenue~~, 5% ~~3%~~ of the net ~~gross~~ proceeds of charitable games
14 conducted under the provisions of this Act. Such payments shall
15 be made within 30 days after the completion of the games.
16 Accompanying each payment shall be a return, on forms
17 prescribed by the Board ~~Department of Revenue~~. Failure to
18 submit either the payment or the return within the specified
19 time may result in suspension or revocation of the license. Tax
20 returns filed pursuant to this Act shall not be confidential
21 and shall be available for public inspection.

22 The provisions of Sections 4, 5, 5a, 5b, 5c, 5d, 5e, 5f,
23 5g, 5i, 5j, 6, 6a, 6b, 6c, 8, 9, 10, 11 and 12 of the Retailers'
24 Occupation Tax Act, and Section 3-7 of the Uniform Penalty and
25 Interest Act, which are not inconsistent with this Act shall

1 apply, as far as practicable, to the subject matter of this Act
2 to the same extent as if such provisions were included in this
3 Act. For the purposes of this Act, references in such
4 incorporated Sections of the Retailers' Occupation Tax Act to
5 retailers, sellers or persons engaged in the business of
6 selling tangible personal property means persons engaged in
7 conducting charitable games, and references in such
8 incorporated Sections of the Retailers' Occupation Tax Act to
9 sales of tangible personal property mean the conducting of
10 charitable games and the making of charges for playing such
11 games.

12 All payments made to the Board ~~Department of Revenue~~ under
13 this Section shall be deposited into the Illinois Gaming Law
14 Enforcement Fund of the State Treasury.

15 (Source: P.A. 95-228, eff. 8-16-07.)

16 (230 ILCS 30/10) (from Ch. 120, par. 1130)

17 Sec. 10. Each licensee must keep a complete record of
18 charitable games conducted within the previous 3 years. Such
19 record shall be open to inspection by any employee of the Board
20 ~~Department of Revenue~~ during reasonable business hours.

21 The Board ~~Department~~ may require that any person,
22 organization or corporation licensed under this Act obtain from
23 an Illinois certified public accounting firm at its own expense
24 a certified and unqualified financial statement and
25 verification of records of such organization. Failure of a

1 charitable games licensee to comply with this requirement
2 within 90 days of receiving notice from the Board ~~Department~~
3 may result in suspension or revocation of the licensee's
4 license.

5 The Board ~~Department of Revenue~~ may, at its discretion,
6 suspend or revoke any license if it finds that the licensee or
7 any person connected therewith has violated or is violating the
8 provisions of this Act. A revocation or suspension shall be in
9 addition to, and not in lieu of, any other civil penalties or
10 assessments that are authorized by this Act. No licensee under
11 this Act, while a charitable game is being conducted, shall
12 knowingly permit the entry into any part of the licensed
13 premises by any person who has been convicted of a violation of
14 Article 28 of the Criminal Code of 1961.

15 (Source: P.A. 94-986, eff. 6-30-06; 95-228, eff. 8-16-07.)

16 (230 ILCS 30/12) (from Ch. 120, par. 1132)

17 Sec. 12. Penalties.

18 (1) Any person who conducts or knowingly participates in an
19 unlicensed charitable game commits the offense of gambling in
20 violation of Section 28-1 of the Criminal Code of 1961, as
21 amended. Any person who violates any provision of this Act, or
22 any person who fails to file a charitable games return or who
23 files a fraudulent return or application under this Act, or any
24 person who willfully violates any rule or regulation of the
25 Board ~~Department~~ for the administration and enforcement of this

1 Act, or any officer or agent of an organization licensed under
2 this Act who signs a fraudulent return or application filed on
3 behalf of such an organization, is guilty of a Class A
4 misdemeanor. Any second or subsequent violation of this Act
5 constitutes a Class 4 felony.

6 (2) Any organization that illegally conducts charitable
7 games, in addition to other penalties provided for in this Act,
8 shall be subject to a civil penalty equal to the amount of
9 gross proceeds derived from those unlicensed games, as well as
10 confiscation and forfeiture of all charitable games equipment
11 used in the conduct of those unlicensed games.

12 (3) Any organization licensed to conduct charitable games
13 that allows any form of illegal gambling to be conducted on the
14 premises where charitable games are being conducted, in
15 addition to other penalties provided for in this Act, shall be
16 subject to a civil penalty equal to the amount of gross
17 proceeds derived on that day from charitable games and any
18 illegal game that may have been conducted, as well as
19 confiscation and forfeiture of all charitable games equipment
20 used in the conduct of any unlicensed or illegal games.

21 (4) Any person who violates any provision of this Act or
22 knowingly violates any rule of the Board ~~Department~~ for the
23 administration of this Act, in addition to other penalties
24 provided, shall be subject to a civil penalty not to exceed
25 \$250 for each separate violation.

26 (5) No person shall sell, lease, or distribute for

1 compensation within this State, or possess with intent to sell,
2 lease, or distribute for compensation within this State, any
3 chips, representations of money, wheels, or any devices or
4 equipment designed for use or used in the play of charitable
5 games without first having obtained a license to do so from the
6 Board ~~Department of Revenue~~. Any person that knowingly violates
7 this paragraph is guilty of a Class A misdemeanor, the fine for
8 which shall not exceed \$50,000.

9 (Source: P.A. 94-986, eff. 6-30-06; 95-228, eff. 8-16-07.)

10 (230 ILCS 30/13) (from Ch. 120, par. 1133)

11 Sec. 13. The Illinois Administrative Procedure Act shall
12 apply to all administrative rules and procedures of the Board
13 ~~Department of Revenue~~ under this Act, except that (1) paragraph
14 (b) of Section 5-10 of the Illinois Administrative Procedure
15 Act does not apply to final orders, decisions and opinions of
16 the Board ~~Department~~, (2) subparagraph (a)(ii) of Section 5-10
17 of the Illinois Administrative Procedure Act does not apply to
18 forms established by the Board ~~Department~~ for use under this
19 Act, (3) the provisions of Section 10-45 of the Illinois
20 Administrative Procedure Act regarding proposals for decision
21 are excluded and not applicable to the Board ~~Department~~ under
22 this Act, and (4) the provisions of subsection (d) of Section
23 10-65 of the Illinois Administrative Procedure Act do not apply
24 so as to prevent summary suspension of any license pending
25 revocation or other action, which suspension shall remain in

1 effect unless modified by the Board ~~Department~~ or unless the
2 Board's ~~Department's~~ decision is reversed on the merits in
3 proceedings conducted pursuant to the Administrative Review
4 Law.

5 (Source: P.A. 91-357, eff. 7-29-99.)

6 (230 ILCS 30/14) (from Ch. 120, par. 1134)

7 Sec. 14. (a) There is hereby created the Illinois Gaming
8 Law Enforcement Fund, a special fund in the State Treasury.

9 (b) The General Assembly shall appropriate two-thirds of
10 the monies in such fund to the Board ~~Department of Revenue,~~
11 Department of State Police and the Office of the Attorney
12 General for State law enforcement purposes. The remaining
13 one-third of the monies in such fund shall be appropriated to
14 the Board ~~Department of Revenue~~ for the purpose of distribution
15 in the form of grants to counties or municipalities for law
16 enforcement purposes.

17 The amount of a grant to counties or municipalities shall
18 bear the same ratio to the total amount of grants made as the
19 number of licenses issued in counties or municipalities bears
20 to the total number of licenses issued in the State. In
21 computing the number of licenses issued in a county, licenses
22 issued for locations within a municipality's boundaries shall
23 be excluded.

24 (c) (Blank).

25 (Source: P.A. 90-372, eff. 7-1-98.)

1 (230 ILCS 30/15) (from Ch. 120, par. 1135)

2 Sec. 15. Any law enforcement agency that takes action
3 relating to the operation of a charitable game shall notify the
4 Board ~~Department of Revenue~~ and specify the extent of the
5 action taken and the reasons for such action.

6 (Source: P.A. 84-1303.)

7 (230 ILCS 30/16 new)

8 Sec. 16. The Illinois Gaming Board.

9 (a) On the effective date of this amendatory Act of the
10 97th General Assembly, all powers, duties, rights, and
11 responsibilities of the Department of Revenue under this Act
12 shall be transferred to the Illinois Gaming Board.

13 (b) The personnel of the Department of Revenue that is
14 responsible for enforcing this Act shall be transferred to the
15 Illinois Gaming Board. The status and rights of such employees
16 under the Personnel Code shall not be affected by the transfer.
17 The rights of the employees and the State of Illinois and its
18 agencies under the Personnel Code and applicable collective
19 bargaining agreements or under any pension, retirement, or
20 annuity plan shall not be affected by this amendatory Act of
21 the 97th General Assembly. To the extent that an employee
22 performs any other duties for the Department of Revenue that do
23 not relate to the enforcement of this Act, that employee shall
24 be transferred at the Governor's discretion.

1 (c) All books, records, papers, documents, property (real
2 and personal), contracts, causes of action, and pending
3 business pertaining to the powers, duties, rights, and
4 responsibilities transferred by this amendatory Act of the 97th
5 General Assembly from the Department of Revenue to the Illinois
6 Gaming Board, including, but not limited to, material in
7 electronic or magnetic format and necessary computer hardware
8 and software, shall be transferred to the Illinois Gaming
9 Board.

10 (d) All unexpended appropriations and balances and other
11 funds available for use by the Department of Revenue for the
12 specific purposes under this Act shall be transferred for use
13 by the Illinois Gaming Board pursuant to the direction of the
14 Governor. Unexpended balances so transferred shall be expended
15 only for the purpose for which the appropriations were
16 originally made.

17 (e) The powers, duties, rights, and responsibilities
18 transferred from the Department of Revenue by this amendatory
19 Act of the 97th General Assembly shall be vested in and shall
20 be exercised by the Illinois Gaming Board.

21 (f) Whenever reports or notices are now required to be made
22 or given or papers or documents furnished or served by any
23 person to or upon the Department of Revenue in connection with
24 any of the powers, duties, rights, and responsibilities
25 transferred by this amendatory Act of the 97th General
26 Assembly, the same shall be made, given, furnished, or served

1 in the same manner to or upon the Illinois Gaming Board.

2 (g) This amendatory Act of the 97th General Assembly does
3 not affect any act done, ratified, or canceled or any right
4 occurring or established or any action or proceeding had or
5 commenced in an administrative, civil, or criminal cause by the
6 Department of Revenue before this amendatory Act of the 97th
7 General Assembly takes effect; such actions or proceedings may
8 be prosecuted and continued by the Illinois Gaming Board.

9 (h) Any rules of the Department of Revenue adopted under
10 this Act that relate to its powers, duties, rights, and
11 responsibilities and are in full force on the effective date of
12 this amendatory Act of the 97th General Assembly shall become
13 the rules of the Illinois Gaming Board. This amendatory Act of
14 the 97th General Assembly does not affect the legality of any
15 such rules in the Illinois Administrative Code.

16 Any proposed rules filed with the Secretary of State by the
17 Department of Revenue that are pending in the rulemaking
18 process on the effective date of this amendatory Act of the
19 97th General Assembly and pertain to the powers, duties,
20 rights, and responsibilities transferred, shall be deemed to
21 have been filed by the Illinois Gaming Board. As soon as
22 practicable hereafter, the Illinois Gaming Board shall revise
23 and clarify the rules transferred to it under this amendatory
24 Act of the 97th General Assembly to reflect the reorganization
25 of powers, duties, rights, and responsibilities affected by
26 this amendatory Act, using the procedures for recodification of

1 rules available under the Illinois Administrative Procedure
2 Act, except that existing title, part, and section numbering
3 for the affected rules may be retained. The Illinois Gaming
4 Board may propose and adopt under the Illinois Administrative
5 Procedure Act such other rules of the Department of Revenue
6 that will now be administered by the Illinois Gaming Board.

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