



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB1140

by Rep. Lou Lang

SYNOPSIS AS INTRODUCED:

230 ILCS 40/35

Amends the Video Gaming Act. Replaces language concerning devices that award credits with language providing that no person may own, operate, have in his or her possession or custody or under his or her control, or permit to be kept in any place under his or her possession or control, any game device that, for payment to participate in the game, awards replay credits and contains a circuit, meter, or switch capable of removing replay credits by means other than playing the game device and recording the removal of the replay credits when the award of replay credits is dependent upon chance. Provides that a replay credit shall be deemed something of value. Removes obsolete language regarding video gaming terminals operated for amusement only.

LRB098 07314 AMC 37377 b

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 Video Gaming Act is amended by changing
5 Section 35 as follows:

6 (230 ILCS 40/35)

7 Sec. 35. Display of license; confiscation; violation as
8 felony.

9 (a) Each video gaming terminal shall be licensed by the
10 Board before placement or operation on the premises of a
11 licensed establishment, licensed truck stop establishment,
12 licensed fraternal establishment, or licensed veterans
13 establishment. The license of each video gaming terminal shall
14 be maintained at the location where the video gaming terminal
15 is operated. Failure to do so is a petty offense with a fine
16 not to exceed \$100. Any licensed establishment, licensed truck
17 stop establishment, licensed fraternal establishment, or
18 licensed veterans establishment used for the conduct of
19 gambling games in violation of this Act shall be considered a
20 gambling place in violation of Section 28-3 of the Criminal
21 Code of 2012 ~~1961~~. Every gambling device found in a licensed
22 establishment, licensed truck stop establishment, licensed
23 fraternal establishment, or licensed veterans establishment

1 operating gambling games in violation of this Act shall be
2 subject to seizure, confiscation, and destruction as provided
3 in Section 28-5 of the Criminal Code of 2012 ~~1961~~. Any license
4 issued under the Liquor Control Act of 1934 to any owner or
5 operator of a licensed establishment, licensed truck stop
6 establishment, licensed fraternal establishment, or licensed
7 veterans establishment that operates or permits the operation
8 of a video gaming terminal within its establishment in
9 violation of this Act shall be immediately revoked.

10 No person may own, operate, have in his or her possession
11 or custody or under his or her control, or permit to be kept in
12 any place under his or her possession or control, any game
13 device that, for payment to participate in the game, awards
14 replay credits and contains a circuit, meter, or switch capable
15 of removing replay credits by means other than playing the game
16 device and recording the removal of the replay credits when the
17 award of replay credits is dependent upon chance. For the
18 purposes of this Section, for a game machine that requires
19 payment to play, "replay credit" means the extended right to
20 play the game without additional charge. For the purposes of
21 this Act, a replay credit shall be deemed something of value.

22 Nothing in this Section shall be deemed to prohibit the use
23 of a game device only if the game device is used in an activity
24 that is not gambling under subsection (b) of Section 28-1 of
25 the Criminal Code of 2012.

26 A violation of this Section is a Class 4 felony.

1 All devices that are owned, operated, or possessed in
2 violation of this Section are hereby declared to be public
3 nuisances and shall be subject to seizure, confiscation, and
4 destruction as provided in Section 28-5 of the Criminal Code of
5 2012 ~~1961~~.

6 The provisions of this Section do not apply to devices or
7 electronic video game terminals licensed pursuant to this Act.
8 ~~A video gaming terminal operated for amusement only and bearing~~
9 ~~a valid amusement tax sticker shall not be subject to this~~
10 ~~Section until 30 days after the Board establishes that the~~
11 ~~central communications system is functional.~~

12 (b) (1) The odds of winning each video game shall be posted
13 on or near each video gaming terminal. The manner in which the
14 odds are calculated and how they are posted shall be determined
15 by the Board by rule.

16 (2) No video gaming terminal licensed under this Act may be
17 played except during the legal hours of operation allowed for
18 the consumption of alcoholic beverages at the licensed
19 establishment, licensed fraternal establishment, or licensed
20 veterans establishment. A licensed establishment, licensed
21 fraternal establishment, or licensed veterans establishment
22 that violates this subsection is subject to termination of its
23 license by the Board.

24 (Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09;
25 96-1410, eff. 7-30-10.)