



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB4223

by Rep. Rich Brauer

SYNOPSIS AS INTRODUCED:

230 ILCS 15/1	from Ch. 85, par. 2301
230 ILCS 15/2	from Ch. 85, par. 2302
230 ILCS 30/2	from Ch. 120, par. 1122
720 ILCS 5/28-1	from Ch. 38, par. 28-1
720 ILCS 5/28-1.1	from Ch. 38, par. 28-1.1

Amends the Raffles Act and the Charitable Games Act. Provides for the regulation of poker runs as raffles rather than as charitable games events. Provides that poker runs shall be licensed by the governing body with jurisdiction over the key location and the license granted by the key location shall cover the entire poker run. Amends the Criminal Code of 2012 to make corresponding changes. Effective immediately.

LRB098 16841 ZMM 51912 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 Raffles Act is amended by changing Sections
5 1 and 2 as follows:

6 (230 ILCS 15/1) (from Ch. 85, par. 2301)

7 Sec. 1. Definitions. ~~For~~ For the purposes of this Act the
8 terms defined in this Section have the meanings given them.

9 "Net Proceeds" means the gross receipts from the conduct of
10 raffles, less reasonable sums expended for prizes, local
11 license fees and other reasonable operating expenses incurred
12 as a result of operating a raffle.

13 "Key location" means the location where the poker run
14 concludes and the prize or prizes are awarded.

15 "Poker run" means a raffle event organized by an
16 organization licensed under this Act in which participants
17 travel to multiple predetermined locations, including a key
18 location, drawing a playing card or equivalent item at each
19 location, in order to assemble a facsimile of a poker hand or
20 other numeric score. "Poker run" includes dice runs, marble
21 runs, or other events where the objective is to build the best
22 hand or highest score by obtaining an item at each location.

23 "Raffle" means a form of lottery, as defined in Section

1 28-2(b) of the Criminal Code of 2012, conducted by an
2 organization licensed under this Act, in which:

3 (1) the player pays or agrees to pay something of value
4 for a chance, represented and differentiated by a number or
5 by a combination of numbers or by some other medium, one or
6 more of which chances is to be designated the winning
7 chance;

8 (2) the winning chance is to be determined through a
9 drawing or by some other method based on an element of
10 chance by an act or set of acts on the part of persons
11 conducting or connected with the lottery, except that the
12 winning chance shall not be determined by the outcome of a
13 publicly exhibited sporting contest.

14 "Raffle" includes a poker run.

15 (Source: P.A. 97-1150, eff. 1-25-13.)

16 (230 ILCS 15/2) (from Ch. 85, par. 2302)

17 Sec. 2. Licensing.

18 (a) The governing body of any county or municipality within
19 this State may establish a system for the licensing of
20 organizations to operate raffles. The governing bodies of a
21 county and one or more municipalities may, pursuant to a
22 written contract, jointly establish a system for the licensing
23 of organizations to operate raffles within any area of
24 contiguous territory not contained within the corporate limits
25 of a municipality which is not a party to such contract. The

1 governing bodies of two or more adjacent counties or two or
2 more adjacent municipalities located within a county may,
3 pursuant to a written contract, jointly establish a system for
4 the licensing of organizations to operate raffles within the
5 corporate limits of such counties or municipalities. The
6 licensing authority may establish special categories of
7 licenses and promulgate rules relating to the various
8 categories. The licensing system shall provide for limitations
9 upon (1) the aggregate retail value of all prizes or
10 merchandise awarded by a licensee in a single raffle, (2) the
11 maximum retail value of each prize awarded by a licensee in a
12 single raffle, (3) the maximum price which may be charged for
13 each raffle chance issued or sold and (4) the maximum number of
14 days during which chances may be issued or sold. The licensing
15 system may include a fee for each license in an amount to be
16 determined by the local governing body. Licenses issued
17 pursuant to this Act shall be valid for one raffle or for a
18 specified number of raffles to be conducted during a specified
19 period not to exceed one year and may be suspended or revoked
20 for any violation of this Act. A local governing body shall act
21 on a license application within 30 days from the date of
22 application. Nothing in this Act shall be construed to prohibit
23 a county or municipality from adopting rules or ordinances for
24 the operation of raffles that are more restrictive than
25 provided for in this Act. The governing body of a municipality
26 may authorize the sale of raffle chances only within the

1 borders of the municipality. The governing body of the county
2 may authorize the sale of raffle chances only in those areas
3 which are both within the borders of the county and outside the
4 borders of any municipality.

5 (b) Licenses shall be issued only to bona fide religious,
6 charitable, labor, business, fraternal, educational or
7 veterans' organizations that operate without profit to their
8 members and which have been in existence continuously for a
9 period of 5 years immediately before making application for a
10 license and which have had during that entire 5 year period a
11 bona fide membership engaged in carrying out their objects, or
12 to a non-profit fundraising organization that the licensing
13 authority determines is organized for the sole purpose of
14 providing financial assistance to an identified individual or
15 group of individuals suffering extreme financial hardship as
16 the result of an illness, disability, accident or disaster.

17 For purposes of this Act, the following definitions apply.
18 **Non-profit:** An organization or institution organized and
19 conducted on a not-for-profit basis with no personal profit
20 inuring to any one as a result of the operation. **Charitable:** An
21 organization or institution organized and operated to benefit
22 an indefinite number of the public. The service rendered to
23 those eligible for benefits must also confer some benefit on
24 the public. **Educational:** An organization or institution
25 organized and operated to provide systematic instruction in
26 useful branches of learning by methods common to schools and

1 institutions of learning which compare favorably in their scope
2 and intensity with the course of study presented in
3 tax-supported schools. Religious: Any church, congregation,
4 society, or organization founded for the purpose of religious
5 worship. Fraternal: An organization of persons having a common
6 interest, the primary interest of which is to both promote the
7 welfare of its members and to provide assistance to the general
8 public in such a way as to lessen the burdens of government by
9 caring for those that otherwise would be cared for by the
10 government. Veterans: An organization or association comprised
11 of members of which substantially all are individuals who are
12 veterans or spouses, widows, or widowers of veterans, the
13 primary purpose of which is to promote the welfare of its
14 members and to provide assistance to the general public in such
15 a way as to confer a public benefit. Labor: An organization
16 composed of workers organized with the objective of betterment
17 of the conditions of those engaged in such pursuit and the
18 development of a higher degree of efficiency in their
19 respective occupations. Business: A voluntary organization
20 composed of individuals and businesses who have joined together
21 to advance the commercial, financial, industrial and civic
22 interests of a community.

23 (c) Poker runs shall be licensed by the governing body with
24 jurisdiction over the key location. The license granted by the
25 key location shall cover the entire poker run, including
26 locations other than the key location.

1 (Source: P.A. 86-820.)

2 Section 10. The Charitable Games Act is amended by changing
3 Section 2 as follows:

4 (230 ILCS 30/2) (from Ch. 120, par. 1122)

5 Sec. 2. Definitions. For purposes of this Act, the
6 following definitions apply:

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

14 "Charitable games event" or "event" means the type of
15 fundraising event authorized by the Act at which participants
16 pay to play charitable games for the chance of winning cash or
17 noncash prizes. ~~"Charitable games event" or "event" includes a
18 poker run.~~

19 "Charitable organization" means an organization or
20 institution organized and operated to benefit an indefinite
21 number of the public.

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

1 "Department" means the Department of Revenue.

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

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

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

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

21 "Non-profit organization" means an organization or
22 institution organized and conducted on a not-for-profit basis
23 with no personal profit inuring to anyone as a result of the
24 operation.

25 "Organization" means a ~~+~~ ~~A~~ corporation, agency,
26 partnership, association, firm, business, or other entity

1 consisting of 2 or more persons joined by a common interest or
2 purpose.

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

7 ~~"Poker run" means an event organized by a sponsoring
8 organization in which participants travel to 5 or more
9 predetermined locations, drawing a playing card or equivalent
10 item at each location, in order to assemble a facsimile of a
11 poker hand or other numeric score. "Poker run" includes dice
12 runs, marble runs, or other events where the objective is to
13 build the best hand or highest score by obtaining an item at
14 each location.~~

15 "Premises" means a distinct parcel of land and the
16 buildings thereon.

17 "Provider" means the person or organization owning,
18 leasing, or controlling premises upon which any charitable
19 games event is to be conducted.

20 "Qualified organization" means:

21 (a) a charitable, religious, fraternal, veterans,
22 labor, educational organization, or other institution
23 organized and conducted on a not-for-profit basis with no
24 personal profit inuring to anyone as a result of the
25 operation and which is exempt from federal income taxation
26 under Sections 501(c)(3), 501(c)(4), 501(c)(5), 501(c)(8),

1 501(c)(10) or 501(c)(19) of the Internal Revenue Code;

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

6 (c) An auxiliary organization of a veterans
7 organization.

8 "Religious organization" means any church, congregation,
9 society, or organization founded for the purpose of religious
10 worship.

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

14 "Supplier" means any person, firm, or corporation that
15 sells, leases, lends, distributes, or otherwise provides to any
16 organization licensed to conduct charitable games events in
17 Illinois any charitable games equipment.

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

24 "Volunteer" means a person recruited by a licensed
25 organization who voluntarily performs services at a charitable
26 games event, including participation in the management or

1 operation of a game, as defined in Section 8.

2 (Source: P.A. 98-426, eff. 8-16-13.)

3 Section 15. The Criminal Code of 2012 is amended by
4 changing Sections 28-1 and 28-1.1 as follows:

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

6 Sec. 28-1. Gambling.

7 (a) A person commits gambling when he or she:

8 (1) knowingly plays a game of chance or skill for money
9 or other thing of value, unless excepted in subsection (b)
10 of this Section;

11 (2) knowingly makes a wager upon the result of any
12 game, contest, or any political nomination, appointment or
13 election;

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

17 (4) contracts to have or give himself or herself or
18 another the option to buy or sell, or contracts to buy or
19 sell, at a future time, any grain or other commodity
20 whatsoever, or any stock or security of any company, where
21 it is at the time of making such contract intended by both
22 parties thereto that the contract to buy or sell, or the
23 option, whenever exercised, or the contract resulting
24 therefrom, shall be settled, not by the receipt or delivery

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

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

17 (6) knowingly sells pools upon the result of any game
18 or contest of skill or chance, political nomination,
19 appointment or election;

20 (7) knowingly sets up or promotes any lottery or sells,
21 offers to sell or transfers any ticket or share for any
22 lottery;

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

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

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

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

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

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

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

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

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

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

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. This exemption
26 includes any activity conducted by the Department of

1 Revenue to sell lottery tickets pursuant to the provisions
2 of the Illinois Lottery Law and its rules.

3 (6.1) The purchase of lottery tickets through the
4 Internet for a lottery conducted by the State of Illinois
5 under the program established in Section 7.12 of the
6 Illinois Lottery Law.

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

12 (8) Raffles, including poker runs, when conducted in
13 accordance with the Raffles Act.

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

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

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

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

25 (13) Games of skill or chance where money or other
26 things of value can be won but no payment or purchase is

1 required to participate.

2 (c) Sentence.

3 Gambling is a Class A misdemeanor. A second or subsequent
4 conviction under subsections (a) (3) through (a) (12), is a Class
5 4 felony.

6 (d) Circumstantial evidence.

7 In prosecutions under this Section circumstantial evidence
8 shall have the same validity and weight as in any criminal
9 prosecution.

10 (Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09;
11 96-1203, eff. 7-22-10; 97-1108, eff. 1-1-13.)

12 (720 ILCS 5/28-1.1) (from Ch. 38, par. 28-1.1)

13 Sec. 28-1.1. Syndicated gambling.

14 (a) Declaration of Purpose. Recognizing the close
15 relationship between professional gambling and other organized
16 crime, it is declared to be the policy of the legislature to
17 restrain persons from engaging in the business of gambling for
18 profit in this State. This Section shall be liberally construed
19 and administered with a view to carrying out this policy.

20 (b) A person commits syndicated gambling when he or she
21 operates a "policy game" or engages in the business of
22 bookmaking.

23 (c) A person "operates a policy game" when he or she
24 knowingly uses any premises or property for the purpose of
25 receiving or knowingly does receive from what is commonly

1 called "policy":

2 (1) money from a person other than the bettor or player
3 whose bets or plays are represented by the money; or

4 (2) written "policy game" records, made or used over
5 any period of time, from a person other than the bettor or
6 player whose bets or plays are represented by the written
7 record.

8 (d) A person engages in bookmaking when he or she knowingly
9 receives or accepts more than five bets or wagers upon the
10 result of any trials or contests of skill, speed or power of
11 endurance or upon any lot, chance, casualty, unknown or
12 contingent event whatsoever, which bets or wagers shall be of
13 such size that the total of the amounts of money paid or
14 promised to be paid to the bookmaker on account thereof shall
15 exceed \$2,000. Bookmaking is the receiving or accepting of bets
16 or wagers regardless of the form or manner in which the
17 bookmaker records them.

18 (e) Participants in any of the following activities shall
19 not be convicted of syndicated gambling:

20 (1) Agreements to compensate for loss caused by the
21 happening of chance including without limitation contracts
22 of indemnity or guaranty and life or health or accident
23 insurance;

24 (2) Offers of prizes, award or compensation to the
25 actual contestants in any bona fide contest for the
26 determination of skill, speed, strength or endurance or to

1 the owners of animals or vehicles entered in the contest;

2 (3) Pari-mutuel betting as authorized by law of this
3 State;

4 (4) Manufacture of gambling devices, including the
5 acquisition of essential parts therefor and the assembly
6 thereof, for transportation in interstate or foreign
7 commerce to any place outside this State when the
8 transportation is not prohibited by any applicable Federal
9 law;

10 (5) Raffles, including poker runs, when conducted in
11 accordance with the Raffles Act;

12 (6) Gambling games conducted on riverboats when
13 authorized by the Riverboat Gambling Act; and

14 (7) Video gaming terminal games at a licensed
15 establishment, licensed truck stop establishment, licensed
16 fraternal establishment, or licensed veterans
17 establishment when conducted in accordance with the Video
18 Gaming Act.

19 (f) Sentence. Syndicated gambling is a Class 3 felony.

20 (Source: P.A. 96-34, eff. 7-13-09; 97-1108, eff. 1-1-13.)

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