



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

HB5582

by Rep. Dennis M. Reboletti

#### SYNOPSIS AS INTRODUCED:

20 ILCS 1605/3	from Ch. 120, par. 1153
20 ILCS 1605/21.9 new	
230 ILCS 15/1	from Ch. 85, par. 2301
720 ILCS 5/28-1	from Ch. 38, par. 28-1

Amends the Illinois Lottery Law. Authorizes the Department to create a special raffle to benefit the Illinois Veterans Assistance Fund. Defines "raffle" as a game of chance in which a limited number of tickets are sold in numeric order, each having a chance of winning a prize, and the winner or winners are determined after the conclusion of ticket sales by a computerized random number generator at a time to be referred to as the raffle drawing date. Sets forth guidelines for conducting the special raffle. Amends the Raffles Act and the Criminal Code of 2012 to make conforming changes. Effective immediately.

LRB098 17592 HLH 52702 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning State government.

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

4 Section 5. The Illinois Lottery Law is amended by changing  
5 Section 3 and by adding Section 21.9 as follows:

6 (20 ILCS 1605/3) (from Ch. 120, par. 1153)

7 Sec. 3. For the purposes of this Act:

8 a. "Lottery" or "State Lottery" means the lottery or  
9 lotteries established and operated pursuant to this Act.

10 b. "Board" means the Lottery Control Board created by this  
11 Act.

12 c. "Department" means the Department of the Lottery.

13 d. (Blank).

14 e. "Chairman" means the Chairman of the Lottery Control  
15 Board.

16 f. "Multi-state game directors" means such persons,  
17 including the Director, as may be designated by an agreement  
18 between the Department and one or more additional lotteries  
19 operated under the laws of another state or states.

20 g. (Blank).

21 h. "Director" means the Director of the Department of the  
22 Lottery.

23 i. "Management agreement" means an agreement or contract

1 between the Department on behalf of the State with a private  
2 manager, as an independent contractor, whereby the private  
3 manager provides management services to the Lottery in exchange  
4 for compensation that may consist of, among other things, a fee  
5 for services and a performance-based bonus of no more than 5%  
6 of Lottery profits so long as the Department continues to  
7 exercise actual control over all significant business  
8 decisions made by the private manager as set forth in Section  
9 9.1.

10 j. "Person" means any individual, firm, association, joint  
11 venture, partnership, estate, trust, syndicate, fiduciary,  
12 corporation, or other legal entity, group, or combination.

13 k. "Private manager" means a person that provides  
14 management services to the Lottery on behalf of the Department  
15 under a management agreement.

16 l. "Profits" means total revenues accruing from the sale of  
17 lottery tickets or shares and related proceeds minus (1) the  
18 payment of prizes and retailer bonuses and (2) the payment of  
19 costs incurred in the operation and administration of the  
20 lottery, excluding costs of services directly rendered by a  
21 private manager.

22 m. "Chief Procurement Officer" means the Chief Procurement  
23 Officer provided for under paragraph (4) of subsection (a) of  
24 Section 10-20 of the Illinois Procurement Code.

25 n. "Raffle" means a game of chance in which a limited  
26 number of tickets are sold in numeric order, each having a

1 chance of winning a prize, and the winner or winners are  
2 determined after the conclusion of ticket sales by a  
3 computerized random number generator at a time to be referred  
4 to as the raffle drawing date.

5 (Source: P.A. 97-464, eff. 8-19-11; 98-499, eff. 8-16-13.)

6 (20 ILCS 1605/21.9 new)

7 Sec. 21.9. Special raffle to benefit the Illinois Veterans  
8 Assistance Fund.

9 (a) The Department may, at least once per year, create a  
10 special raffle to benefit the Illinois Veterans Assistance  
11 Fund. Each special raffle shall be publicly announced by the  
12 Department at least one month in advance of the raffle drawing  
13 date. The Director may determine the raffle drawing date, the  
14 number and price of tickets to be sold, and the prize or prizes  
15 to be offered.

16 (b) Proceeds from the special raffle shall be deposited  
17 into the Illinois Veterans Assistance Fund for appropriation by  
18 the General Assembly for the same purposes and in accordance  
19 with the same requirements as outlined in Section 21.6 of this  
20 Act.

21 (c) The Department may sell special raffle tickets by any  
22 method authorized for the sale of other Lottery tickets.

23 (d) This Section shall not limit or impair the Department's  
24 ability to create raffles unrelated to the Illinois Veterans  
25 Assistance Fund.

1       (e) The Department may adopt any rules necessary to  
2       implement and administer the provisions of this Section.

3       Section 10. The Raffles Act is amended by changing Section  
4       1 as follows:

5               (230 ILCS 15/1) (from Ch. 85, par. 2301)

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

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

12       "Raffle" means a form of lottery, as defined in Section  
13       28-2(b) of the Criminal Code of 2012, conducted by an  
14       organization licensed under this Act, in which:

15               (1) the player pays or agrees to pay something of value  
16       for a chance, represented and differentiated by a number or  
17       by a combination of numbers or by some other medium, one or  
18       more of which chances is to be designated the winning  
19       chance;

20               (2) the winning chance is to be determined through a  
21       drawing or by some other method based on an element of  
22       chance by an act or set of acts on the part of persons  
23       conducting or connected with the lottery, except that the  
24       winning chance shall not be determined by the outcome of a

1 publicly exhibited sporting contest.

2 "Raffle" does not include a special raffle conducted by the  
3 Department of the Lottery under Section 21.9 of the Illinois  
4 Lottery Law.

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

6 Section 15. The Criminal Code of 2012 is amended by  
7 changing Section 28-1 as follows:

8 (720 ILCS 5/28-1) (from Ch. 38, par. 28-1)

9 Sec. 28-1. Gambling.

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

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

14 (2) knowingly makes a wager upon the result of any  
15 game, contest, or any political nomination, appointment or  
16 election;

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

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

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

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

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

23 (7) knowingly sets up or promotes any lottery or sells,  
24 offers to sell or transfers any ticket or share for any  
25 lottery;

26 (8) knowingly sets up or promotes any policy game or

1 sells, offers to sell or knowingly possesses or transfers  
2 any policy ticket, slip, record, document or other similar  
3 device;

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

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

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

22 (12) knowingly establishes, maintains, or operates an  
23 Internet site that permits a person to play a game of  
24 chance or skill for money or other thing of value by means  
25 of the Internet or to make a wager upon the result of any  
26 game, contest, political nomination, appointment, or



1 election by means of the Internet. This item (12) does not  
2 apply to activities referenced in items (6) and (6.1) of  
3 subsection (b) of this Section.

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

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; or the manufacture, distribution, or possession of  
22 video gaming terminals, as defined in the Video Gaming Act,  
23 by manufacturers, distributors, and terminal operators  
24 licensed to do so under the Video Gaming Act.

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

1           (6) Lotteries and raffles when conducted by the State  
2 of Illinois in accordance with the Illinois Lottery Law.  
3 This exemption includes any activity conducted by the  
4 Department of the Lottery Revenue to sell lottery or raffle  
5 tickets pursuant to the provisions of the Illinois Lottery  
6 Law and its rules.

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

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

16           (8) Raffles when conducted in accordance with the  
17 Raffles Act.

18           (9) Charitable games when conducted in accordance with  
19 the Charitable Games Act.

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

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

24           (12) Video gaming terminal games at a licensed  
25 establishment, licensed truck stop establishment, licensed  
26 fraternal establishment, or licensed veterans

1 establishment when conducted in accordance with the Video  
2 Gaming Act.

3 (13) Games of skill or chance where money or other  
4 things of value can be won but no payment or purchase is  
5 required to participate.

6 (c) Sentence.

7 Gambling is a Class A misdemeanor. A second or subsequent  
8 conviction under subsections (a) (3) through (a) (12), is a Class  
9 4 felony.

10 (d) Circumstantial evidence.

11 In prosecutions under this Section circumstantial evidence  
12 shall have the same validity and weight as in any criminal  
13 prosecution.

14 (Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09;  
15 96-1203, eff. 7-22-10; 97-1108, eff. 1-1-13.)

16 Section 99. Effective date. This Act takes effect upon  
17 becoming law.