



Sen. Terry Link

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LRB098 10569 AMC 44609 a

1 AMENDMENT TO SENATE BILL 1738

2 AMENDMENT NO. _____. Amend Senate Bill 1738 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Video Gaming Act is amended by changing
5 Sections 5, 15, 25, 45, and 78 as follows:

6 (230 ILCS 40/5)

7 Sec. 5. Definitions. As used in this Act:

8 "Board" means the Illinois Gaming Board.

9 "Credit" means one, 5, 10, or 25 cents either won or
10 purchased by a player.

11 "Distributor" means an individual, partnership,
12 corporation, or limited liability company licensed under this
13 Act to buy, sell, lease, or distribute video gaming terminals
14 or major components or parts of video gaming terminals to or
15 from terminal operators.

16 "Electronic card" means a card purchased from a licensed

1 establishment, licensed fraternal establishment, licensed
2 veterans establishment, or licensed truck stop establishment
3 for use in that establishment as a substitute for cash in the
4 conduct of gaming on a video gaming terminal.

5 "Terminal operator" means an individual, partnership,
6 corporation, or limited liability company that is licensed
7 under this Act and that owns, services, and maintains video
8 gaming terminals for placement in licensed establishments,
9 licensed truck stop establishments, licensed fraternal
10 establishments, or licensed veterans establishments.

11 "Licensed technician" means an individual who is licensed
12 under this Act to repair, service, and maintain video gaming
13 terminals.

14 "Licensed terminal handler" means a person, including but
15 not limited to an employee or independent contractor working
16 for a manufacturer, distributor, supplier, technician, or
17 terminal operator, who is licensed under this Act to possess or
18 control a video gaming terminal or to have access to the inner
19 workings of a video gaming terminal. A licensed terminal
20 handler does not include an individual, partnership,
21 corporation, or limited liability company defined as a
22 manufacturer, distributor, supplier, technician, or terminal
23 operator under this Act.

24 "Manufacturer" means an individual, partnership,
25 corporation, or limited liability company that is licensed
26 under this Act and that manufactures or assembles video gaming

1 terminals.

2 "Supplier" means an individual, partnership, corporation,
3 or limited liability company that is licensed under this Act to
4 supply major components or parts to video gaming terminals to
5 licensed terminal operators.

6 "Net terminal income" means money put into a video gaming
7 terminal minus credits paid out to players.

8 "Video gaming terminal" means any electronic video game
9 machine that, upon insertion of cash, electronic cards or
10 vouchers or any combination thereof, is available to play or
11 simulate the play of a video game, including but not limited to
12 video poker, line up, and blackjack, as authorized by the Board
13 utilizing a video display and microprocessors in which the
14 player may receive free games or credits that can be redeemed
15 for cash. The term does not include a machine that directly
16 dispenses coins, cash, or tokens or is for amusement purposes
17 only.

18 "Licensed establishment" means any licensed retail
19 establishment where alcoholic liquor is drawn, poured, mixed,
20 or otherwise served for consumption on the premises and
21 includes any such establishment that has a contractual
22 relationship with an inter-track wagering location licensee
23 licensed under the Illinois Horse Racing Act of 1975, provided
24 any contractual relationship shall not include any transfer or
25 offer of revenue from the operation of video gaming under this
26 Act to any licensee licensed under the Illinois Horse Racing

1 Act of 1975. Provided, however, that the licensed establishment
2 that has such a contractual relationship with an inter-track
3 wagering location licensee may not, itself, be (i) an
4 inter-track wagering location licensee, (ii) the corporate
5 parent or subsidiary of any licensee licensed under the
6 Illinois Horse Racing Act of 1975, or (iii) the corporate
7 subsidiary of a corporation that is also the corporate parent
8 or subsidiary of any licensee licensed under the Illinois Horse
9 Racing Act of 1975. "Licensed establishment" does not include a
10 facility operated by an organization licensee, an inter-track
11 wagering licensee, or an inter-track wagering location
12 licensee licensed under the Illinois Horse Racing Act of 1975
13 or a riverboat licensed under the Riverboat Gambling Act,
14 except as provided in this paragraph.

15 "Licensed fraternal establishment" means the location
16 where a qualified fraternal organization that derives its
17 charter from a national fraternal organization regularly
18 meets.

19 "Licensed veterans establishment" means the location where
20 a qualified veterans organization that derives its charter from
21 a national veterans organization regularly meets.

22 "Licensed truck stop establishment" means a facility (i)
23 that is at least a 3-acre facility with a convenience store,
24 (ii) with separate diesel islands for fueling commercial motor
25 vehicles, (iii) that sells at retail more than 10,000 gallons
26 of diesel or biodiesel fuel per month, and (iv) with parking

1 spaces for commercial motor vehicles. "Commercial motor
2 vehicles" has the same meaning as defined in Section 18b-101 of
3 the Illinois Vehicle Code. The requirement of item (iii) of
4 this paragraph may be met by showing that estimated future
5 sales or past sales average at least 10,000 gallons per month.

6 (Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09;
7 96-1410, eff. 7-30-10; 96-1479, eff. 8-23-10; 97-333, eff.
8 8-12-11.)

9 (230 ILCS 40/15)

10 Sec. 15. Minimum requirements for licensing and
11 registration. Every video gaming terminal offered for play
12 shall first be tested and approved pursuant to the rules of the
13 Board, and each video gaming terminal offered in this State for
14 play shall conform to an approved model. The Board may utilize
15 the services of an independent outside testing laboratory for
16 the examination of video gaming machines and associated
17 equipment as required by this Section. Every video gaming
18 terminal offered in this State for play must meet minimum
19 standards set by an independent outside testing laboratory
20 approved by the Board. Each approved model shall, at a minimum,
21 meet the following criteria:

22 (1) It must conform to all requirements of federal law
23 and regulations, including FCC Class A Emissions
24 Standards.

25 (2) It must theoretically pay out a mathematically

1 demonstrable percentage during the expected lifetime of
2 the machine of all amounts played, which must not be less
3 than 80%. The Board shall establish a maximum payout
4 percentage for approved models by rule. Video gaming
5 terminals that may be affected by skill must meet this
6 standard when using a method of play that will provide the
7 greatest return to the player over a period of continuous
8 play.

9 (3) It must use a random selection process to determine
10 the outcome of each play of a game. The random selection
11 process must meet 99% confidence limits using a standard
12 chi-squared test for (randomness) goodness of fit.

13 (4) It must display an accurate representation of the
14 game outcome.

15 (5) It must not automatically alter pay tables or any
16 function of the video gaming terminal based on internal
17 computation of hold percentage or have any means of
18 manipulation that affects the random selection process or
19 probabilities of winning a game.

20 (6) It must not be adversely affected by static
21 discharge or other electromagnetic interference.

22 (7) It must be capable of detecting and displaying the
23 following conditions during idle states or on demand: power
24 reset; door open; and door just closed.

25 (8) It must have the capacity to display complete play
26 history (outcome, intermediate play steps, credits

1 available, bets placed, credits paid, and credits cashed
2 out) for the most recent game played and 10 games prior
3 thereto.

4 (9) The theoretical payback percentage of a video
5 gaming terminal must not be capable of being changed
6 without making a hardware or software change in the video
7 gaming terminal, either on site or via the central
8 communications system.

9 (10) Video gaming terminals must be designed so that
10 replacement of parts or modules required for normal
11 maintenance does not necessitate replacement of the
12 electromechanical meters.

13 (11) It must have nonresettable meters housed in a
14 locked area of the terminal that keep a permanent record of
15 all cash inserted into the machine, all winnings made by
16 the terminal printer, credits played in for video gaming
17 terminals, and credits won by video gaming players. The
18 video gaming terminal must provide the means for on-demand
19 display of stored information as determined by the Board.

20 (12) Electronically stored meter information required
21 by this Section must be preserved for a minimum of 180 days
22 after a power loss to the service.

23 (13) It must have one or more mechanisms that accept
24 cash in the form of bills. The mechanisms shall be designed
25 to prevent obtaining credits without paying by stringing,
26 slamming, drilling, or other means. If such attempts at

1 physical tampering are made, the video gaming terminal
2 shall suspend itself from operating until reset.

3 (14) It shall have accounting software that keeps an
4 electronic record which includes, but is not limited to,
5 the following: total cash inserted into the video gaming
6 terminal; the value of winning tickets claimed by players;
7 the total credits played; the total credits awarded by a
8 video gaming terminal; and pay back percentage credited to
9 players of each video game.

10 (15) It shall be linked by a central communications
11 system to provide auditing program information as approved
12 by the Board. The central communications system shall use a
13 standard industry protocol, as defined by the Gaming
14 Standards Association, and shall have the functionality to
15 enable the Board or its designee to activate or deactivate
16 individual gaming devices from the central communications
17 system. In no event may the communications system approved
18 by the Board limit participation to only one manufacturer
19 of video gaming terminals by either the cost in
20 implementing the necessary program modifications to
21 communicate or the inability to communicate with the
22 central communications system.

23 (16) The Board, in its discretion, may require video
24 gaming terminals to display Amber Alert messages if the
25 Board makes a finding that it would be economically and
26 technically feasible and pose no risk to the integrity and

1 security of the central communications system and video
2 gaming terminals.

3 The Board may adopt rules to establish additional criteria
4 to preserve the integrity and security of video gaming in this
5 State. The central communications system vendor may be licensed
6 as a video gaming terminal manufacturer or a video gaming
7 terminal distributor, or both, but in no event shall the
8 central communications system vendor be licensed as a video
9 gaming terminal operator. ~~The central communications system~~
10 vendor may not hold any license issued by the Board under this
11 Act.

12 The Board shall not permit the development of information
13 or the use by any licensee of gaming device or individual game
14 performance data. Nothing in this Act shall inhibit or prohibit
15 the Board from the use of gaming device or individual game
16 performance data in its regulatory duties. The Board shall
17 adopt rules to ensure that all licensees are treated and all
18 licensees act in a non-discriminatory manner and develop
19 processes and penalties to enforce those rules.

20 (Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09;
21 96-1410, eff. 7-30-10.)

22 (230 ILCS 40/25)

23 Sec. 25. Restriction of licensees.

24 (a) Manufacturer. A person may not be licensed as a
25 manufacturer of a video gaming terminal in Illinois unless the

1 person has a valid manufacturer's license issued under this
2 Act. A manufacturer may only sell video gaming terminals for
3 use in Illinois to persons having a valid distributor's
4 license.

5 (b) Distributor. A person may not sell, distribute, or
6 lease or market a video gaming terminal in Illinois unless the
7 person has a valid distributor's license issued under this Act.
8 A distributor may only sell video gaming terminals for use in
9 Illinois to persons having a valid distributor's or terminal
10 operator's license.

11 (c) Terminal operator. A person may not own, maintain, or
12 place a video gaming terminal unless he has a valid terminal
13 operator's license issued under this Act. A terminal operator
14 may only place video gaming terminals for use in Illinois in
15 licensed establishments, licensed truck stop establishments,
16 licensed fraternal establishments, and licensed veterans
17 establishments. No terminal operator may give anything of
18 value, including but not limited to a loan or financing
19 arrangement, to a licensed establishment, licensed truck stop
20 establishment, licensed fraternal establishment, or licensed
21 veterans establishment as any incentive or inducement to locate
22 video terminals in that establishment. Of the after-tax profits
23 from a video gaming terminal, 50% shall be paid to the terminal
24 operator and 50% shall be paid to the licensed establishment,
25 licensed truck stop establishment, licensed fraternal
26 establishment, or licensed veterans establishment,

1 notwithstanding any agreement to the contrary. A video terminal
2 operator that violates one or more requirements of this
3 subsection is guilty of a Class 4 felony and is subject to
4 termination of his or her license by the Board.

5 (d) Licensed technician. A person may not service,
6 maintain, or repair a video gaming terminal in this State
7 unless he or she (1) has a valid technician's license issued
8 under this Act, (2) is a terminal operator, or (3) is employed
9 by a terminal operator, distributor, or manufacturer.

10 (d-5) Licensed terminal handler. No person, including, but
11 not limited to, an employee or independent contractor working
12 for a manufacturer, distributor, supplier, technician, or
13 terminal operator licensed pursuant to this Act, shall have
14 possession or control of a video gaming terminal, or access to
15 the inner workings of a video gaming terminal, unless that
16 person possesses a valid terminal handler's license issued
17 under this Act.

18 (e) Licensed establishment. No video gaming terminal may be
19 placed in any licensed establishment, licensed veterans
20 establishment, licensed truck stop establishment, or licensed
21 fraternal establishment unless the owner or agent of the owner
22 of the licensed establishment, licensed veterans
23 establishment, licensed truck stop establishment, or licensed
24 fraternal establishment has entered into a written use
25 agreement with the terminal operator for placement of the
26 terminals. A copy of the use agreement shall be on file in the

1 terminal operator's place of business and available for
2 inspection by individuals authorized by the Board. A licensed
3 establishment, licensed truck stop establishment, licensed
4 veterans establishment, or licensed fraternal establishment
5 may operate up to 5 video gaming terminals on its premises at
6 any time.

7 (f) (Blank).

8 (g) Financial interest restrictions. As used in this Act,
9 "substantial interest" in a partnership, a corporation, an
10 organization, an association, a business, or a limited
11 liability company means:

12 (A) When, with respect to a sole proprietorship, an
13 individual or his or her spouse owns, operates, manages, or
14 conducts, directly or indirectly, the organization,
15 association, or business, or any part thereof; or

16 (B) When, with respect to a partnership, the individual
17 or his or her spouse shares in any of the profits, or
18 potential profits, of the partnership activities; or

19 (C) When, with respect to a corporation, an individual
20 or his or her spouse is an officer or director, or the
21 individual or his or her spouse is a holder, directly or
22 beneficially, of 5% or more of any class of stock of the
23 corporation; or

24 (D) When, with respect to an organization not covered
25 in (A), (B) or (C) above, an individual or his or her
26 spouse is an officer or manages the business affairs, or

1 the individual or his or her spouse is the owner of or
2 otherwise controls 10% or more of the assets of the
3 organization; or

4 (E) When an individual or his or her spouse furnishes
5 5% or more of the capital, whether in cash, goods, or
6 services, for the operation of any business, association,
7 or organization during any calendar year; or

8 (F) When, with respect to a limited liability company,
9 an individual or his or her spouse is a member, or the
10 individual or his or her spouse is a holder, directly or
11 beneficially, of 5% or more of the membership interest of
12 the limited liability company.

13 For purposes of this subsection (g), "individual" includes
14 all individuals or their spouses whose combined interest would
15 qualify as a substantial interest under this subsection (g) and
16 whose activities with respect to an organization, association,
17 or business are so closely aligned or coordinated as to
18 constitute the activities of a single entity.

19 (h) Location restriction. A licensed establishment,
20 licensed truck stop establishment, licensed fraternal
21 establishment, or licensed veterans establishment that is (i)
22 located within 1,000 feet of a facility operated by an
23 organization licensee ~~or an inter-track wagering licensee~~
24 licensed under the Illinois Horse Racing Act of 1975 or the
25 home dock of a riverboat licensed under the Riverboat Gambling
26 Act or (ii) located within 100 feet of a school or a place of

1 worship under the Religious Corporation Act, is ineligible to
2 operate a video gaming terminal. The location restrictions in
3 this subsection (h) do not apply if a facility operated by an
4 organization licensee, ~~an inter-track wagering licensee, or an~~
5 ~~inter-track wagering location licensee,~~ a school, or a place of
6 worship moves to or is established within the restricted area
7 after a licensed establishment, licensed truck stop
8 establishment, licensed fraternal establishment, or licensed
9 veterans establishment becomes licensed under this Act. For the
10 purpose of this subsection, "school" means an elementary or
11 secondary public school, or an elementary or secondary private
12 school registered with or recognized by the State Board of
13 Education.

14 Notwithstanding the provisions of this subsection (h), the
15 Board may waive the requirement that a licensed establishment,
16 licensed truck stop establishment, licensed fraternal
17 establishment, or licensed veterans establishment not be
18 located within 1,000 feet from a facility operated by an
19 organization licensee, ~~an inter-track wagering licensee, or an~~
20 ~~inter-track wagering location licensee~~ licensed under the
21 Illinois Horse Racing Act of 1975 or the home dock of a
22 riverboat licensed under the Riverboat Gambling Act. The Board
23 shall not grant such waiver if there is any common ownership or
24 control, shared business activity, or contractual arrangement
25 of any type between the establishment and the organization
26 licensee, ~~inter-track wagering licensee, inter-track wagering~~

1 ~~location licensee,~~ or owners licensee of a riverboat. The Board
2 shall adopt rules to implement the provisions of this
3 paragraph.

4 (i) Undue economic concentration. In addition to
5 considering all other requirements under this Act, in deciding
6 whether to approve the operation of video gaming terminals by a
7 terminal operator in a location, the Board shall consider the
8 impact of any economic concentration of such operation of video
9 gaming terminals. The Board shall not allow a terminal operator
10 to operate video gaming terminals if the Board determines such
11 operation will result in undue economic concentration. For
12 purposes of this Section, "undue economic concentration" means
13 that a terminal operator would have such actual or potential
14 influence over video gaming terminals in Illinois as to:

15 (1) substantially impede or suppress competition among
16 terminal operators;

17 (2) adversely impact the economic stability of the
18 video gaming industry in Illinois; or

19 (3) negatively impact the purposes of the Video Gaming
20 Act.

21 The Board shall adopt rules concerning undue economic
22 concentration with respect to the operation of video gaming
23 terminals in Illinois. The rules shall include, but not be
24 limited to, (i) limitations on the number of video gaming
25 terminals operated by any terminal operator within a defined
26 geographic radius and (ii) guidelines on the discontinuation of

1 operation of any such video gaming terminals the Board
2 determines will cause undue economic concentration.

3 (j) The provisions of the Illinois Antitrust Act are fully
4 and equally applicable to the activities of any licensee under
5 this Act.

6 (Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09; 96-38,
7 eff. 7-13-09; 96-1000, eff. 7-2-10; 96-1410, eff. 7-30-10;
8 96-1479, eff. 8-23-10; 97-333, eff. 8-12-11.)

9 (230 ILCS 40/45)

10 Sec. 45. Issuance of license.

11 (a) The burden is upon each applicant to demonstrate his
12 suitability for licensure. Each video gaming terminal
13 manufacturer, distributor, supplier, operator, handler,
14 licensed establishment, licensed truck stop establishment,
15 licensed fraternal establishment, and licensed veterans
16 establishment shall be licensed by the Board. The Board may
17 issue or deny a license under this Act to any person pursuant
18 to the same criteria set forth in Section 9 of the Riverboat
19 Gambling Act.

20 (a-5) The Board shall not grant a license to a person who
21 has facilitated, enabled, or participated in the use of
22 coin-operated devices for gambling purposes or who is under the
23 significant influence or control of such a person. For the
24 purposes of this Act, "facilitated, enabled, or participated in
25 the use of coin-operated amusement devices for gambling

1 purposes" means that the person has been convicted of any
2 violation of Article 28 of the Criminal Code of 1961 or the
3 Criminal Code of 2012. If there is pending legal action against
4 a person for any such violation, then the Board shall delay the
5 licensure of that person until the legal action is resolved.

6 (b) Each person seeking and possessing a license as a video
7 gaming terminal manufacturer, distributor, supplier, operator,
8 handler, licensed establishment, licensed truck stop
9 establishment, licensed fraternal establishment, or licensed
10 veterans establishment shall submit to a background
11 investigation conducted by the Board with the assistance of the
12 State Police or other law enforcement. The background
13 investigation shall include each beneficiary of a trust, each
14 partner of a partnership, and each director and officer and all
15 stockholders of 5% or more in a parent or subsidiary
16 corporation of a video gaming terminal manufacturer,
17 distributor, supplier, operator, or licensed establishment,
18 licensed truck stop establishment, licensed fraternal
19 establishment, or licensed veterans establishment.

20 (c) Each person seeking and possessing a license as a video
21 gaming terminal manufacturer, distributor, supplier, operator,
22 handler, licensed establishment, licensed truck stop
23 establishment, licensed fraternal establishment, or licensed
24 veterans establishment shall disclose the identity of every
25 person, association, trust, corporation, or limited liability
26 company having a greater than 1% direct or indirect pecuniary

1 interest in the video gaming terminal operation for which the
2 license is sought. If the disclosed entity is a trust, the
3 application shall disclose the names and addresses of the
4 beneficiaries; if a corporation, the names and addresses of all
5 stockholders and directors; if a limited liability company, the
6 names and addresses of all members; or if a partnership, the
7 names and addresses of all partners, both general and limited.

8 (d) No person may be licensed as a video gaming terminal
9 manufacturer, distributor, supplier, operator, handler,
10 licensed establishment, licensed truck stop establishment,
11 licensed fraternal establishment, or licensed veterans
12 establishment if that person has been found by the Board to:

13 (1) have a background, including a criminal record,
14 reputation, habits, social or business associations, or
15 prior activities that pose a threat to the public interests
16 of the State or to the security and integrity of video
17 gaming;

18 (2) create or enhance the dangers of unsuitable,
19 unfair, or illegal practices, methods, and activities in
20 the conduct of video gaming; or

21 (3) present questionable business practices and
22 financial arrangements incidental to the conduct of video
23 gaming activities.

24 (e) Any applicant for any license under this Act has the
25 burden of proving his or her qualifications to the satisfaction
26 of the Board. The Board may adopt rules to establish additional

1 qualifications and requirements to preserve the integrity and
2 security of video gaming in this State.

3 (f) A non-refundable application fee shall be paid at the
4 time an application for a license is filed with the Board in
5 the following amounts:

- 6 (1) Manufacturer \$5,000
- 7 (2) Distributor..... \$5,000
- 8 (3) Terminal operator..... \$5,000
- 9 (4) Supplier \$2,500
- 10 (5) Technician \$100
- 11 (6) Terminal Handler \$50

12 (g) The Board shall establish an annual fee for each
13 license not to exceed the following:

- 14 (1) Manufacturer \$10,000
- 15 (2) Distributor..... \$10,000
- 16 (3) Terminal operator..... \$5,000
- 17 (4) Supplier \$2,000
- 18 (5) Technician \$100
- 19 (6) Licensed establishment, licensed truck stop
20 establishment, licensed fraternal establishment,
21 or licensed veterans establishment \$100
- 22 (7) Video gaming terminal..... \$100
- 23 (8) Terminal Handler \$50

24 (h) A terminal operator and a licensed establishment,
25 licensed truck stop establishment, licensed fraternal
26 establishment, or licensed veterans establishment shall

1 equally split the fees specified in item (7) of subsection (g).

2 (Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09; 96-38,
3 eff. 7-13-09; 96-1000, eff. 7-2-10; 96-1410, eff. 7-30-10;
4 97-1150, eff. 1-25-13.)

5 (230 ILCS 40/78)

6 Sec. 78. Authority of the Illinois Gaming Board.

7 (a) The Board shall have jurisdiction over and shall
8 supervise all gaming operations governed by this Act. The Board
9 shall have all powers necessary and proper to fully and
10 effectively execute the provisions of this Act, including, but
11 not limited to, the following:

12 (1) To investigate applicants and determine the
13 eligibility of applicants for licenses and to select among
14 competing applicants the applicants which best serve the
15 interests of the citizens of Illinois.

16 (2) To have jurisdiction and supervision over all video
17 gaming operations in this State and all persons in
18 establishments where video gaming operations are
19 conducted.

20 (3) To adopt rules for the purpose of administering the
21 provisions of this Act and to prescribe rules, regulations,
22 and conditions under which all video gaming in the State
23 shall be conducted. Such rules and regulations are to
24 provide for the prevention of practices detrimental to the
25 public interest and for the best interests of video gaming,

1 including rules and regulations (i) regarding the
2 inspection of such establishments and the review of any
3 permits or licenses necessary to operate an establishment
4 under any laws or regulations applicable to
5 establishments, (ii) ~~and~~ to impose penalties for
6 violations of this Act and its rules, and (iii)
7 establishing standards for advertising video gaming.

8 (b) The Board shall adopt emergency rules to administer
9 this Act in accordance with Section 5-45 of the Illinois
10 Administrative Procedure Act. For the purposes of the Illinois
11 Administrative Procedure Act, the General Assembly finds that
12 the adoption of rules to implement this Act is deemed an
13 emergency and necessary to the public interest, safety, and
14 welfare.

15 (Source: P.A. 96-38, eff. 7-13-09; 96-1410, eff. 7-30-10.)

16 Section 10. The Criminal Code of 2012 is amended by
17 changing Sections 28-2, 28-5, and 28-8 as follows:

18 (720 ILCS 5/28-2) (from Ch. 38, par. 28-2)

19 Sec. 28-2. Definitions.

20 (a) A "gambling device" is any clock, tape machine, slot
21 machine or other machines or device for the reception of money
22 or other thing of value on chance or skill or upon the action
23 of which money or other thing of value is staked, hazarded,
24 bet, won or lost; or any mechanism, furniture, fixture,

1 equipment or other device designed primarily for use in a
2 gambling place. A "gambling device" does not include:

3 (1) A coin-in-the-slot operated mechanical device
4 played for amusement which rewards the player with the
5 right to replay such mechanical device, which device is so
6 constructed or devised as to make such result of the
7 operation thereof depend in part upon the skill of the
8 player and which returns to the player thereof no money,
9 property or right to receive money or property.

10 (2) Vending machines by which full and adequate return
11 is made for the money invested and in which there is no
12 element of chance or hazard.

13 (3) A crane game. For the purposes of this paragraph
14 (3), a "crane game" is an amusement device involving skill,
15 if it rewards the player exclusively with merchandise
16 contained within the amusement device proper and limited to
17 toys, novelties and prizes other than currency, each having
18 a wholesale value which is not more than \$25.

19 (4) A redemption machine. For the purposes of this
20 paragraph (4), a "redemption machine" is a single-player or
21 multi-player amusement device involving a game, the object
22 of which is throwing, rolling, bowling, shooting, placing,
23 or propelling a ball or other object that is either
24 physical or computer generated on a display or with lights
25 into, upon, or against a hole or other target that is
26 either physical or computer generated on a display or with

1 lights, or stopping, by physical, mechanical, or
2 electronic means, a moving object that is either physical
3 or computer generated on a display or with lights into,
4 upon, or against a hole or other target that is either
5 physical or computer generated on a display or with lights,
6 provided that all of the following conditions are met:

7 (A) The outcome of the game is predominantly
8 determined by the skill of the player.

9 (B) The award of the prize is based solely upon the
10 player's achieving the object of the game or otherwise
11 upon the player's score.

12 (C) Only merchandise prizes are awarded.

13 (D) The wholesale value of prizes awarded in lieu
14 of tickets or tokens for single play of the device does
15 not exceed \$25.

16 (E) The redemption value of tickets, tokens, and
17 other representations of value, which may be
18 accumulated by players to redeem prizes of greater
19 value, for a single play of the device does not exceed
20 \$25.

21 (5) Video gaming terminals at a licensed
22 establishment, licensed truck stop establishment, licensed
23 fraternal establishment, or licensed veterans
24 establishment licensed in accordance with the Video Gaming
25 Act.

26 (a-5) "Internet" means an interactive computer service or

1 system or an information service, system, or access software
2 provider that provides or enables computer access by multiple
3 users to a computer server, and includes, but is not limited
4 to, an information service, system, or access software provider
5 that provides access to a network system commonly known as the
6 Internet, or any comparable system or service and also
7 includes, but is not limited to, a World Wide Web page,
8 newsgroup, message board, mailing list, or chat area on any
9 interactive computer service or system or other online service.

10 (a-6) "Access" and "computer" have the meanings ascribed to
11 them in Section 16D-2 of this Code.

12 (b) A "lottery" is any scheme or procedure whereby one or
13 more prizes are distributed by chance among persons who have
14 paid or promised consideration for a chance to win such prizes,
15 whether such scheme or procedure is called a lottery, raffle,
16 gift, sale or some other name.

17 (c) A "policy game" is any scheme or procedure whereby a
18 person promises or guarantees by any instrument, bill,
19 certificate, writing, token or other device that any particular
20 number, character, ticket or certificate shall in the event of
21 any contingency in the nature of a lottery entitle the
22 purchaser or holder to receive money, property or evidence of
23 debt.

24 (Source: P.A. 97-1126, eff. 1-1-13.)

1 Sec. 28-5. Seizure of gambling devices and gambling funds.

2 (a) Every device designed for gambling which is incapable
3 of lawful use or every device used unlawfully for gambling
4 shall be considered a "gambling device", and shall be subject
5 to seizure, confiscation and destruction by the Department of
6 State Police or by any municipal, or other local authority,
7 within whose jurisdiction the same may be found. As used in
8 this Section, a "gambling device" includes any slot machine,
9 and includes any machine or device constructed for the
10 reception of money or other thing of value and so constructed
11 as to return, or to cause someone to return, on chance to the
12 player thereof money, property or a right to receive money or
13 property. With the exception of any device designed for
14 gambling which is incapable of lawful use, no gambling device
15 shall be forfeited or destroyed unless an individual with a
16 property interest in said device knows of the unlawful use of
17 the device.

18 (b) Every gambling device shall be seized and forfeited to
19 the county wherein such seizure occurs. Any money or other
20 thing of value integrally related to acts of gambling shall be
21 seized and forfeited to the county wherein such seizure occurs.

22 (c) If, within 60 days after any seizure pursuant to
23 subparagraph (b) of this Section, a person having any property
24 interest in the seized property is charged with an offense, the
25 court which renders judgment upon such charge shall, within 30
26 days after such judgment, conduct a forfeiture hearing to

1 determine whether such property was a gambling device at the
2 time of seizure. Such hearing shall be commenced by a written
3 petition by the State, including material allegations of fact,
4 the name and address of every person determined by the State to
5 have any property interest in the seized property, a
6 representation that written notice of the date, time and place
7 of such hearing has been mailed to every such person by
8 certified mail at least 10 days before such date, and a request
9 for forfeiture. Every such person may appear as a party and
10 present evidence at such hearing. The quantum of proof required
11 shall be a preponderance of the evidence, and the burden of
12 proof shall be on the State. If the court determines that the
13 seized property was a gambling device at the time of seizure,
14 an order of forfeiture and disposition of the seized property
15 shall be entered: a gambling device shall be received by the
16 State's Attorney, who shall effect its destruction, except that
17 valuable parts thereof may be liquidated and the resultant
18 money shall be deposited in the general fund of the county
19 wherein such seizure occurred; money and other things of value
20 shall be received by the State's Attorney and, upon
21 liquidation, shall be deposited in the general fund of the
22 county wherein such seizure occurred. However, in the event
23 that a defendant raises the defense that the seized slot
24 machine is an antique slot machine described in subparagraph
25 (b) (7) of Section 28-1 of this Code and therefore he is exempt
26 from the charge of a gambling activity participant, the seized

1 antique slot machine shall not be destroyed or otherwise
2 altered until a final determination is made by the Court as to
3 whether it is such an antique slot machine. Upon a final
4 determination by the Court of this question in favor of the
5 defendant, such slot machine shall be immediately returned to
6 the defendant. Such order of forfeiture and disposition shall,
7 for the purposes of appeal, be a final order and judgment in a
8 civil proceeding.

9 (d) If a seizure pursuant to subparagraph (b) of this
10 Section is not followed by a charge pursuant to subparagraph
11 (c) of this Section, or if the prosecution of such charge is
12 permanently terminated or indefinitely discontinued without
13 any judgment of conviction or acquittal (1) the State's
14 Attorney shall commence an in rem proceeding for the forfeiture
15 and destruction of a gambling device, or for the forfeiture and
16 deposit in the general fund of the county of any seized money
17 or other things of value, or both, in the circuit court and (2)
18 any person having any property interest in such seized gambling
19 device, money or other thing of value may commence separate
20 civil proceedings in the manner provided by law.

21 (e) Any gambling device displayed for sale to a riverboat
22 gambling operation or used to train occupational licensees of a
23 riverboat gambling operation as authorized under the Riverboat
24 Gambling Act is exempt from seizure under this Section.

25 (f) Any gambling equipment, devices and supplies provided
26 by a licensed supplier in accordance with the Riverboat

1 Gambling Act which are removed from the riverboat for repair
2 are exempt from seizure under this Section.

3 (g) The following video gaming terminals are exempt from
4 seizure under this Section:

5 (1) Video gaming terminals for sale to a licensed
6 distributor or operator under the Video Gaming Act.

7 (2) Video gaming terminals used to train licensed
8 technicians or licensed terminal handlers.

9 (3) Video gaming terminals that are removed from a
10 licensed establishment, licensed truck stop establishment,
11 licensed fraternal establishment, or licensed veterans
12 establishment for repair.

13 (Source: P.A. 87-826.)

14 (720 ILCS 5/28-8) (from Ch. 38, par. 28-8)

15 Sec. 28-8. Gambling losses recoverable.

16 (a) Any person who by gambling shall lose to any other
17 person, any sum of money or thing of value, amounting to the
18 sum of \$50 or more and shall pay or deliver the same or any part
19 thereof, may sue for and recover the money or other thing of
20 value, so lost and paid or delivered, in a civil action against
21 the winner thereof, with costs, in the circuit court. No person
22 who accepts from another person for transmission, and
23 transmits, either in his own name or in the name of such other
24 person, any order for any transaction to be made upon, or who
25 executes any order given to him by another person, or who

1 executes any transaction for his own account on, any regular
2 board of trade or commercial, commodity or stock exchange,
3 shall, under any circumstances, be deemed a "winner" of any
4 moneys lost by such other person in or through any such
5 transactions.

6 (b) If within 6 months, such person who under the terms of
7 Subsection 28-8(a) is entitled to initiate action to recover
8 his losses does not in fact pursue his remedy, any person may
9 initiate a civil action against the winner. The court or the
10 jury, as the case may be, shall determine the amount of the
11 loss. After such determination, the court shall enter a
12 judgment of triple the amount so determined.

13 (c) Gambling losses as a result of gambling conducted on a
14 video gaming terminal licensed under the Video Gaming Act are
15 not recoverable under this Section.

16 (Source: P.A. 79-1360.)

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