



Sen. Steven M. Landek

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LRB098 10674 AMC 42124 a

1 AMENDMENT TO SENATE BILL 1870

2 AMENDMENT NO. _____. Amend Senate Bill 1870 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Charitable Games Act is amended by changing
5 Sections 2, 4, 5, 5.1, and 8 as follows:

6 (230 ILCS 30/2) (from Ch. 120, par. 1122)

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

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

16 "Charitable games event" or "event" means the type of

1 fundraising event authorized by the Act at which participants
2 pay to play charitable games for the chance of winning cash or
3 noncash prizes.

4 "Charitable organization" means an organization or
5 institution organized and operated to benefit an indefinite
6 number of the public.

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

10 "Department" means the Department of Revenue.

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

17 "Fraternal organization" means an organization of persons
18 having a common interest that is organized and operated
19 exclusively to promote the welfare of its members and to
20 benefit the general public on a continuing and consistent
21 basis, including but not limited to ethnic organizations.

22 "House-backed game" means a game where (1) the player is
23 playing against the sponsoring organization and (2) the
24 sponsoring organization is staking the game.

25 "Labor organization" means an organization composed of
26 labor unions or workers organized with the objective of

1 betterment of the conditions of those engaged in such pursuit
2 and the development of a higher degree of efficiency in their
3 respective occupations.

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

7 "Non-profit organization" means an organization or
8 institution organized and conducted on a not-for-profit basis
9 with no personal profit inuring to anyone as a result of the
10 operation.

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

14 "Person" means any natural individual, corporation,
15 partnership, limited liability company, organization as
16 defined in this Section, qualified organization, licensed
17 organization, licensee under this Act, or volunteer.

18 "Player-backed game" means a game where (1) the players of
19 the game are playing one another and not the sponsoring
20 organization and (2) the outcome of the game does not affect
21 the sponsoring organization because it does not have any stake
22 in the game.

23 "Premises" means a distinct parcel of land and the
24 buildings thereon.

25 "Provider" means the person or organization owning,
26 leasing, or controlling premises upon which any charitable

1 games event is to be conducted.

2 "Qualified organization" means:

3 (a) a charitable, religious, fraternal, veterans,
4 labor or educational organization or institution organized
5 and conducted on a not-for-profit basis with no personal
6 profit inuring to anyone as a result of the operation and
7 which is exempt from federal income taxation under Sections
8 501(c)(3), 501(c)(4), 501(c)(5), 501(c)(8), 501(c)(10) or
9 501(c)(19) of the Internal Revenue Code;

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

14 (c) An auxiliary organization of a veterans
15 organization.

16 "Religious organization" means any church, congregation,
17 society, or organization founded for the purpose of religious
18 worship.

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

22 "Supplier" means any person, firm, or corporation that
23 sells, leases, lends, distributes, or otherwise provides to any
24 organization licensed to conduct charitable games events in
25 Illinois any charitable games equipment.

26 "Veterans' organization" means an organization comprised

1 of members of which substantially all are individuals who are
2 veterans or spouses, widows, or widowers of veterans, the
3 primary purpose of which is to promote the welfare of its
4 members and to provide assistance to the general public in such
5 a way as to confer a public benefit.

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

10 (Source: P.A. 94-986, eff. 6-30-06; 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 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
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 4~~
16 ~~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 licensed organization ~~source~~, for participating in the
20 management or operation of the games. Any amendments to
21 this listing must 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 Department, the provisions of
9 Section 9 of this Act.

10 (6) (Blank).

11 (7) Each licensee shall obtain and maintain a bond for
12 the benefit of participants in games conducted by the
13 licensee to insure payment to the winners of such games.
14 Such bond discretionary by the Department and shall be in
15 an amount established by rule by the Department of Revenue.
16 In a county with fewer than 60,000 inhabitants, the
17 Department may waive the bond requirement upon a showing by
18 a licensee that it has sufficient funds on deposit to
19 insure payment to the winners of such games. The bond
20 requirement contained in this paragraph (7) does not apply
21 to player-backed games.

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

23 (9) Unless the premises for conducting charitable
24 games are provided by a municipality, the Department shall
25 not issue a license permitting a person, firm or
26 corporation to sponsor a charitable games night if the

1 premises for the conduct of the charitable games has been
2 previously used for 8 charitable games nights during the
3 previous 12 months.

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

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

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

15 Nothing in this Section shall be construed to prohibit a
16 licensee that conducts charitable games on its own premises
17 from also obtaining a providers' license in accordance with
18 Section 5.1. The maximum number of charitable games events that
19 may be held in any one premises is limited to 8 charitable
20 games events per calendar year; however, this limitation does
21 not apply to charitable games events held at a municipal
22 building.

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

24 (230 ILCS 30/5) (from Ch. 120, par. 1125)

25 Sec. 5. Providers' License. The Department shall issue a

1 providers' license permitting a person, firm or corporation to
2 provide premises for the conduct of charitable games. No
3 person, firm or corporation may rent or otherwise provide
4 premises without having first obtained a license. Applications
5 for providers' licenses shall be made in writing in accordance
6 with Department rules. The Department shall license providers
7 of charitable games at a nonrefundable annual fee of \$50, or
8 nonrefundable triennial license fee of \$150. Each providers'
9 license is valid for one year from the date of issuance, or 3
10 years from date of issuance for a triennial license, unless
11 extended, suspended, or revoked by Department action before
12 that date. Any extension of a providers' license shall not
13 exceed one year. A provider may receive reasonable compensation
14 for the provision of the premises. Reasonable expenses shall
15 include only those expenses defined as reasonable by rules
16 adopted by the Department. A provider, other than a
17 municipality, may not provide the same premises for conducting
18 more than 8 charitable games nights per year. A provider shall
19 not have any interest in any suppliers' business, either direct
20 or indirect. A municipality may provide the same premises for
21 conducting ~~16~~ charitable games nights every Friday, Saturday,
22 and Sunday ~~during a 12-month period~~. No employee, officer, or
23 owner of a provider may participate in the management or
24 operation of a charitable games event, even if the employee,
25 officer, or owner is also a member, volunteer, or employee of
26 the charitable games licensee. A provider may not promote or

1 solicit a charitable games event on behalf of a charitable
2 games licensee or qualified organization. Any qualified
3 organization licensed to conduct a charitable game need not
4 obtain a providers' license if such games are to be conducted
5 on the organization's premises.

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

7 (230 ILCS 30/5.1) (from Ch. 120, par. 1125.1)

8 Sec. 5.1. If a licensee conducts charitable games on its
9 own premises, the licensee may also obtain a providers' license
10 in accordance with Section 5 to allow the licensee to rent or
11 otherwise provide its premises to another licensee for the
12 conducting of an additional 4 charitable games events. The
13 maximum number of charitable games events that may be held at
14 any one premises is limited to 8 charitable games events per
15 calendar year; however, this limitation does not apply to
16 charitable games events held at a municipal building.

17 (Source: P.A. 94-986, eff. 6-30-06.)

18 (230 ILCS 30/8) (from Ch. 120, par. 1128)

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

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

24 (2) No person except a bona fide member or employee of

1 the sponsoring organization, or a volunteer recruited by
2 the sponsoring organization, may participate in the
3 management or operation of the game. A person participates
4 in the management or operation of a charitable game when he
5 or she sells admission tickets at the event; sells,
6 redeems, or in any way assists in the selling or redeeming
7 of chips, scrip, or play money; participates in the
8 conducting of any of the games played during the event, or
9 supervises, directs or instructs anyone conducting a game;
10 or at any time during the hours of the charitable games
11 event counts, handles, or supervises anyone counting or
12 handling any of the proceeds or chips, scrip, or play money
13 at the event. A person who is present to ensure that the
14 games are being conducted in conformance with the rules
15 established by the licensed organization or is present to
16 insure that the equipment is working properly is considered
17 to be participating in the management or operation of a
18 game. Setting up, cleaning up, selling food and drink, or
19 providing security for persons or property at the event
20 does not constitute participation in the management or
21 operation of the game.

22 Only bona fide members, volunteers as defined in
23 Section 2 of this Act, and employees of the sponsoring
24 organization may participate in the management or
25 operation of the games. ~~Participation in the management or~~
26 ~~operation of the games is limited to no more than 4~~

1 ~~charitable games events, either of the sponsoring~~
2 ~~organization or any other licensed organization, during a~~
3 ~~calendar year.~~

4 (3) No person may receive any remuneration or
5 compensation either directly or indirectly from any
6 licensed organization ~~source~~ for participating in the
7 management or operation of the game.

8 (4) No single bet at any house-backed game may exceed
9 \$10.

10 (5) A bank shall be established on the premises to
11 convert currency into chips, scrip, or other form of play
12 money which shall then be used to play at games of chance
13 which the participant chooses. Chips, scrip, or play money
14 must be permanently monogrammed with the logo of the
15 licensed organization or of the supplier. Each participant
16 must be issued a receipt indicating the amount of chips,
17 scrip, or play money purchased.

18 (6) At the conclusion of the event or when the
19 participant leaves, he may cash in his chips, scrip, or
20 play money in exchange for currency ~~not to exceed \$250~~ or
21 noncash prizes. However, when house-backed games are
22 played at an event, participants may cash in for currency
23 not to exceed \$250 or noncash prizes. Each participant
24 shall sign for any receipt of prizes. The licensee shall
25 provide the Department of Revenue with a listing of all
26 prizes awarded, including the retail value of all prizes

1 awarded.

2 (7) Each licensee shall be permitted to conduct
3 charitable games on not more than 6 4 days each year.
4 Nothing in this Section shall be construed to prohibit a
5 licensee that conducts charitable games on its own premises
6 from also obtaining a providers' license in accordance with
7 Section 7 of this Act.

8 (8) Unless the provider of the premises is a
9 municipality, the provider of the premises may not rent or
10 otherwise provide the premises for the conducting of more
11 than 8 charitable games nights per year.

12 (9) A charitable games event is considered to be a
13 one-day event and charitable games may not be played
14 between the hours of 2:00 a.m. and noon.

15 (10) No person under the age of 18 years may play or
16 participate in the conducting of charitable games. Any
17 person under the age of 18 years may be within the area
18 where charitable games are being played only when
19 accompanied by his parent or guardian.

20 (11) No one other than the sponsoring organization of
21 charitable games must have a proprietary interest in the
22 game promoted.

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

26 (13) Such games are not expressly prohibited by county

1 ordinance for charitable games conducted in the
2 unincorporated areas of the county or municipal ordinance
3 for charitable games conducted in the municipality and the
4 ordinance is filed with the Department of Revenue. The
5 Department shall provide each county or municipality with a
6 list of organizations licensed or subsequently authorized
7 by the Department to conduct charitable games in their
8 jurisdiction.

9 (14) The sale of tangible personal property at
10 charitable games is subject to all State and local taxes
11 and obligations.

12 (15) Each licensee may offer or conduct only the games
13 listed below, which must be conducted in accordance with
14 rules posted by the organization. The organization
15 sponsoring charitable games shall promulgate rules, and
16 make printed copies available to participants, for the
17 following games: (a) roulette; (b) blackjack; (c) poker;
18 (d) pull tabs; (e) craps; (f) bang; (g) beat the dealer;
19 (h) big six; (i) gin rummy; (j) five card stud poker; (k)
20 chuck-a-luck; (l) keno; (m) hold-em poker; and (n)
21 merchandise wheel. A licensee need not offer or conduct
22 every game permitted by law. The conducting of games not
23 listed above is prohibited by this Act.

24 (16) No unlicensed slot machines or
25 coin-in-the-slot-operated devices that allow a participant
26 to play games of chance shall be permitted to be used at

1 the location and during the time at which the charitable
2 games are being conducted.

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

7 (18) No credit shall be extended to any of the
8 participants.

9 (19) (Blank).

10 (20) A supplier may have only one representative
11 present at the charitable games event, for the exclusive
12 purpose of ensuring that its equipment is not damaged.

13 (21) No employee, owner, or officer of a consultant
14 service hired by a licensed organization to perform
15 services at the event including, but not limited to,
16 security for persons or property at the event or services
17 before the event including, but not limited to, training
18 for volunteers or advertising may participate in the
19 management or operation of the games. However, a consultant
20 hired by a licensed organization may attend the event to
21 consult and advise his or her client. Advice and on-site
22 training does not constitute management of an event.

23 (22) (Blank).

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