



Sen. Gary Forby

Filed: 3/4/2014

09800SB3312sam001

LRB098 20188 ZMM 56392 a

1 AMENDMENT TO SENATE BILL 3312

2 AMENDMENT NO. _____. Amend Senate Bill 3312 by replacing
3 everything after the enacting clause with the following:

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 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

1 travel to multiple predetermined locations, including a key
2 location, drawing a playing card or equivalent item at each
3 location, in order to assemble a facsimile of a poker hand or
4 other numeric score. "Poker run" includes dice runs, marble
5 runs, or other events where the objective is to build the best
6 hand or highest score by obtaining an item at each location.

7 "Raffle" means a form of lottery, as defined in Section
8 28-2(b) of the Criminal Code of 2012, conducted by an
9 organization licensed under this Act, in which:

10 (1) the player pays or agrees to pay something of value
11 for a chance, represented and differentiated by a number or
12 by a combination of numbers or by some other medium, one or
13 more of which chances is to be designated the winning
14 chance;

15 (2) the winning chance is to be determined through a
16 drawing or by some other method based on an element of
17 chance by an act or set of acts on the part of persons
18 conducting or connected with the lottery, except that the
19 winning chance shall not be determined by the outcome of a
20 publicly exhibited sporting contest.

21 "Raffle" includes a poker run.

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

23 (230 ILCS 15/2) (from Ch. 85, par. 2302)

24 Sec. 2. Licensing.

25 (a) The governing body of any county or municipality within

1 this State may establish a system for the licensing of
2 organizations to operate raffles. The governing bodies of a
3 county and one or more municipalities may, pursuant to a
4 written contract, jointly establish a system for the licensing
5 of organizations to operate raffles within any area of
6 contiguous territory not contained within the corporate limits
7 of a municipality which is not a party to such contract. The
8 governing bodies of two or more adjacent counties or two or
9 more adjacent municipalities located within a county may,
10 pursuant to a written contract, jointly establish a system for
11 the licensing of organizations to operate raffles within the
12 corporate limits of such counties or municipalities. The
13 licensing authority may establish special categories of
14 licenses and promulgate rules relating to the various
15 categories. The licensing system shall provide for limitations
16 upon (1) the aggregate retail value of all prizes or
17 merchandise awarded by a licensee in a single raffle, (2) the
18 maximum retail value of each prize awarded by a licensee in a
19 single raffle, (3) the maximum price which may be charged for
20 each raffle chance issued or sold and (4) the maximum number of
21 days during which chances may be issued or sold. The licensing
22 system may include a fee for each license in an amount to be
23 determined by the local governing body. Licenses issued
24 pursuant to this Act shall be valid for one raffle or for a
25 specified number of raffles to be conducted during a specified
26 period not to exceed one year and may be suspended or revoked

1 for any violation of this Act. A local governing body shall act
2 on a license application within 30 days from the date of
3 application. Nothing in this Act shall be construed to prohibit
4 a county or municipality from adopting rules or ordinances for
5 the operation of raffles that are more restrictive than
6 provided for in this Act. The governing body of a municipality
7 may authorize the sale of raffle chances only within the
8 borders of the municipality. The governing body of the county
9 may authorize the sale of raffle chances only in those areas
10 which are both within the borders of the county and outside the
11 borders of any municipality.

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

24 For purposes of this Act, the following definitions apply.
25 **Non-profit:** An organization or institution organized and
26 conducted on a not-for-profit basis with no personal profit

1 inuring to any one as a result of the operation. Charitable: An
2 organization or institution organized and operated to benefit
3 an indefinite number of the public. The service rendered to
4 those eligible for benefits must also confer some benefit on
5 the public. Educational: An organization or institution
6 organized and operated to provide systematic instruction in
7 useful branches of learning by methods common to schools and
8 institutions of learning which compare favorably in their scope
9 and intensity with the course of study presented in
10 tax-supported schools. Religious: Any church, congregation,
11 society, or organization founded for the purpose of religious
12 worship. Fraternal: An organization of persons having a common
13 interest, the primary interest of which is to both promote the
14 welfare of its members and to provide assistance to the general
15 public in such a way as to lessen the burdens of government by
16 caring for those that otherwise would be cared for by the
17 government. Veterans: An organization or association comprised
18 of members of which substantially all are individuals who are
19 veterans or spouses, widows, or widowers of veterans, the
20 primary purpose of which is to promote the welfare of its
21 members and to provide assistance to the general public in such
22 a way as to confer a public benefit. Labor: An organization
23 composed of workers organized with the objective of betterment
24 of the conditions of those engaged in such pursuit and the
25 development of a higher degree of efficiency in their
26 respective occupations. Business: A voluntary organization

1 composed of individuals and businesses who have joined together
2 to advance the commercial, financial, industrial and civic
3 interests of a community.

4 (c) Poker runs shall be licensed by the governing body with
5 jurisdiction over the key location. The license granted by the
6 key location shall cover the entire poker run, including
7 locations other than the key location.

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

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

11 (230 ILCS 30/2) (from Ch. 120, par. 1122)

12 Sec. 2. Definitions. For purposes of this Act, the
13 following definitions apply:

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

21 "Charitable games event" or "event" means the type of
22 fundraising event authorized by the Act at which participants
23 pay to play charitable games for the chance of winning cash or
24 noncash prizes. ~~"Charitable games event" or "event" includes a~~

1 ~~poker run.~~

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

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

8 "Department" means the Department of Revenue.

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

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

20 "Labor organization" means an organization composed of
21 labor unions or workers organized with the objective of
22 betterment of the conditions of those engaged in such pursuit
23 and the development of a higher degree of efficiency in their
24 respective occupations.

25 "Licensed organization" means a qualified organization
26 that has obtained a license to conduct a charitable games event

1 in conformance with the provisions of this Act.

2 "Non-profit organization" means an organization or
3 institution organized and conducted on a not-for-profit basis
4 with no personal profit inuring to anyone as a result of the
5 operation.

6 "Organization" means a ~~at~~ ~~A~~ corporation, agency,
7 partnership, association, firm, business, or other entity
8 consisting of 2 or more persons joined by a common interest or
9 purpose.

10 "Person" means any natural individual, corporation,
11 partnership, limited liability company, organization as
12 defined in this Section, qualified organization, licensed
13 organization, licensee under this Act, or volunteer.

14 ~~"Poker run" means an event organized by a sponsoring~~
15 ~~organization in which participants travel to 5 or more~~
16 ~~predetermined locations, drawing a playing card or equivalent~~
17 ~~item at each location, in order to assemble a facsimile of a~~
18 ~~poker hand or other numeric score. "Poker run" includes dice~~
19 ~~runs, marble runs, or other events where the objective is to~~
20 ~~build the best hand or highest score by obtaining an item at~~
21 ~~each location.~~

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

24 "Provider" means the person or organization owning,
25 leasing, or controlling premises upon which any charitable
26 games event is to be conducted.

1 "Qualified organization" means:

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

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

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

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

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

25 "Veterans' organization" means an organization comprised
26 of members of which substantially all are individuals who are

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

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

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

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

12 (720 ILCS 5/28-1) (from Ch. 38, par. 28-1)

13 Sec. 28-1. Gambling.

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

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

18 (2) knowingly makes a wager upon the result of any
19 game, contest, or any political nomination, appointment or
20 election;

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

24 (4) contracts to have or give himself or herself or

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

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

24 (6) knowingly sells pools upon the result of any game
25 or contest of skill or chance, political nomination,
26 appointment or election;

1 (7) knowingly sets up or promotes any lottery or sells,
2 offers to sell or transfers any ticket or share for any
3 lottery;

4 (8) knowingly sets up or promotes any policy game or
5 sells, offers to sell or knowingly possesses or transfers
6 any policy ticket, slip, record, document or other similar
7 device;

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

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

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

26 (12) knowingly establishes, maintains, or operates an

1 Internet site that permits a person to play a game of
2 chance or skill for money or other thing of value by means
3 of the Internet or to make a wager upon the result of any
4 game, contest, political nomination, appointment, or
5 election by means of the Internet. This item (12) does not
6 apply to activities referenced in items (6) and (6.1) of
7 subsection (b) of this Section.

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

10 (1) Agreements to compensate for loss caused by the
11 happening of chance including without limitation contracts
12 of indemnity or guaranty and life or health or accident
13 insurance.

14 (2) Offers of prizes, award or compensation to the
15 actual contestants in any bona fide contest for the
16 determination of skill, speed, strength or endurance or to
17 the owners of animals or vehicles entered in such contest.

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

20 (4) Manufacture of gambling devices, including the
21 acquisition of essential parts therefor and the assembly
22 thereof, for transportation in interstate or foreign
23 commerce to any place outside this State when such
24 transportation is not prohibited by any applicable Federal
25 law; or the manufacture, distribution, or possession of
26 video gaming terminals, as defined in the Video Gaming Act,

1 by manufacturers, distributors, and terminal operators
2 licensed to do so under the Video Gaming Act.

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

5 (6) Lotteries when conducted by the State of Illinois
6 in accordance with the Illinois Lottery Law. This exemption
7 includes any activity conducted by the Department of
8 Revenue to sell lottery tickets pursuant to the provisions
9 of the Illinois Lottery Law and its rules.

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

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

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

21 (9) Charitable games when conducted in accordance with
22 the Charitable Games Act.

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

25 (11) Gambling games conducted on riverboats when
26 authorized by the Riverboat Gambling Act.

1 (12) Video gaming terminal games at a licensed
2 establishment, licensed truck stop establishment, licensed
3 fraternal establishment, or licensed veterans
4 establishment when conducted in accordance with the Video
5 Gaming Act.

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

9 (c) Sentence.

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

13 (d) Circumstantial evidence.

14 In prosecutions under this Section circumstantial evidence
15 shall have the same validity and weight as in any criminal
16 prosecution.

17 (Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09;
18 96-1203, eff. 7-22-10; 97-1108, eff. 1-1-13.)

19 (720 ILCS 5/28-1.1) (from Ch. 38, par. 28-1.1)

20 Sec. 28-1.1. Syndicated gambling.

21 (a) Declaration of Purpose. Recognizing the close
22 relationship between professional gambling and other organized
23 crime, it is declared to be the policy of the legislature to
24 restrain persons from engaging in the business of gambling for
25 profit in this State. This Section shall be liberally construed

1 and administered with a view to carrying out this policy.

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

5 (c) A person "operates a policy game" when he or she
6 knowingly uses any premises or property for the purpose of
7 receiving or knowingly does receive from what is commonly
8 called "policy":

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

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

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

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

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

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

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

11 (4) Manufacture of gambling devices, including the
12 acquisition of essential parts therefor and the assembly
13 thereof, for transportation in interstate or foreign
14 commerce to any place outside this State when the
15 transportation is not prohibited by any applicable Federal
16 law;

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

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

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

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

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

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.".