



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB3751

by Rep. John D. Anthony

SYNOPSIS AS INTRODUCED:

20 ILCS 1605/3	from Ch. 120, par. 1153
20 ILCS 1605/21.10 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.

LRB099 07256 MLM 27357 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 21.10 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 1605/21.10 new)

7 Sec. 21.10. 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 terms
7 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 or poker run.

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

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

22 "Raffle" means a form of lottery, as defined in Section
23 28-2(b) of the Criminal Code of 2012, conducted by an
24 organization licensed under this Act, in which:

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

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

12 "Raffle" does not include a special raffle conducted by the
13 Department of the Lottery under Section 21.10 of the Illinois
14 Lottery Law.

15 (Source: P.A. 97-1150, eff. 1-25-13; 98-644, eff. 6-10-14.)

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

18 (720 ILCS 5/28-1) (from Ch. 38, par. 28-1)

19 Sec. 28-1. Gambling.

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

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

24 (2) knowingly makes a wager upon the result of any

1 game, contest, or any political nomination, appointment or
2 election;

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

6 (4) contracts to have or give himself or herself or
7 another the option to buy or sell, or contracts to buy or
8 sell, at a future time, any grain or other commodity
9 whatsoever, or any stock or security of any company, where
10 it is at the time of making such contract intended by both
11 parties thereto that the contract to buy or sell, or the
12 option, whenever exercised, or the contract resulting
13 therefrom, shall be settled, not by the receipt or delivery
14 of such property, but by the payment only of differences in
15 prices thereof; however, the issuance, purchase, sale,
16 exercise, endorsement or guarantee, by or through a person
17 registered with the Secretary of State pursuant to Section
18 8 of the Illinois Securities Law of 1953, or by or through
19 a person exempt from such registration under said Section
20 8, of a put, call, or other option to buy or sell
21 securities which have been registered with the Secretary of
22 State or which are exempt from such registration under
23 Section 3 of the Illinois Securities Law of 1953 is not
24 gambling within the meaning of this paragraph (4);

25 (5) knowingly owns or possesses any book, instrument or
26 apparatus by means of which bets or wagers have been, or

1 are, recorded or registered, or knowingly possesses any
2 money which he has received in the course of a bet or
3 wager;

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

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

10 (8) knowingly sets up or promotes any policy game or
11 sells, offers to sell or knowingly possesses or transfers
12 any policy ticket, slip, record, document or other similar
13 device;

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

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

24 (11) knowingly transmits information as to wagers,
25 betting odds, or changes in betting odds by telephone,
26 telegraph, radio, semaphore or similar means; or knowingly

1 installs or maintains equipment for the transmission or
2 receipt of such information; except that nothing in this
3 subdivision (11) prohibits transmission or receipt of such
4 information for use in news reporting of sporting events or
5 contests; or

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

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

16 (1) Agreements to compensate for loss caused by the
17 happening of chance including without limitation contracts
18 of indemnity or guaranty and life or health or accident
19 insurance.

20 (2) Offers of prizes, award or compensation to the
21 actual contestants in any bona fide contest for the
22 determination of skill, speed, strength or endurance or to
23 the owners of animals or vehicles entered in such contest.

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

26 (4) Manufacture of gambling devices, including the

1 acquisition of essential parts therefor and the assembly
2 thereof, for transportation in interstate or foreign
3 commerce to any place outside this State when such
4 transportation is not prohibited by any applicable Federal
5 law; or the manufacture, distribution, or possession of
6 video gaming terminals, as defined in the Video Gaming Act,
7 by manufacturers, distributors, and terminal operators
8 licensed to do so under the Video Gaming Act.

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

11 (6) Lotteries and raffles when conducted by the State
12 of Illinois in accordance with the Illinois Lottery Law.
13 This exemption includes any activity conducted by the
14 Department of the Lottery Revenue to sell lottery or raffle
15 tickets pursuant to the provisions of the Illinois Lottery
16 Law and its rules.

17 (6.1) The purchase of lottery tickets through the
18 Internet for a lottery conducted by the State of Illinois
19 under the program established in Section 7.12 of the
20 Illinois Lottery Law.

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

26 (8) Raffles and poker runs when conducted in accordance

1 with the Raffles and Poker Runs Act.

2 (9) Charitable games when conducted in accordance with
3 the Charitable Games Act.

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

6 (11) Gambling games conducted on riverboats when
7 authorized by the Riverboat Gambling Act.

8 (12) Video gaming terminal games at a licensed
9 establishment, licensed truck stop establishment, licensed
10 fraternal establishment, or licensed veterans
11 establishment when conducted in accordance with the Video
12 Gaming Act.

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

16 (c) Sentence.

17 Gambling is a Class A misdemeanor. A second or subsequent
18 conviction under subsections (a)(3) through (a)(12), is a Class
19 4 felony.

20 (d) Circumstantial evidence.

21 In prosecutions under this Section circumstantial evidence
22 shall have the same validity and weight as in any criminal
23 prosecution.

24 (Source: P.A. 97-1108, eff. 1-1-13; 98-644, eff. 6-10-14.)

25 Section 99. Effective date. This Act takes effect upon
26 becoming law.