



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

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

22 (6) Sells pools upon the result of any game or  
23 contest of skill or chance, political nomination,  
24 appointment or election; or

25 (7) Sets up or promotes any lottery or sells,  
26 offers to sell or transfers any ticket or share for any  
27 lottery; or

28 (8) Sets up or promotes any policy game or sells,  
29 offers to sell or knowingly possesses or transfers any  
30 policy ticket, slip, record, document or other similar  
31 device; or

32 (9) Knowingly drafts, prints or publishes any  
33 lottery ticket or share, or any policy ticket, slip,  
34 record, document or similar device, except for such

1 activity related to lotteries, bingo games and raffles  
2 authorized by and conducted in accordance with the laws  
3 of Illinois or any other state or foreign government; or

4 (10) Knowingly advertises any lottery or policy  
5 game, except for such activity related to lotteries,  
6 bingo games and raffles authorized by and conducted in  
7 accordance with the laws of Illinois or any other state;  
8 or

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

17 (12) Knowingly establishes, maintains, or operates  
18 an Internet site that permits a person to play a game of  
19 chance or skill for money or other thing of value by  
20 means of the Internet or to make a wager upon the result  
21 of any game, contest, political nomination, appointment,  
22 or election by means of the Internet.

23 (b) Participants in any of the following activities  
24 shall not be convicted of gambling therefor:

25 (1) Agreements to compensate for loss caused by the  
26 happening of chance including without limitation  
27 contracts of indemnity or guaranty and life or health or  
28 accident insurance;

29 (2) Offers of prizes, award or compensation to the  
30 actual contestants in any bona fide contest for the  
31 determination of skill, speed, strength or endurance or  
32 to the owners of animals or vehicles entered in such  
33 contest;

34 (3) Pari-mutuel betting as authorized by the law of

1 this State;

2 (4) Manufacture of gambling devices, including the  
3 acquisition of essential parts therefor and the assembly  
4 thereof, for transportation in interstate or foreign  
5 commerce to any place outside this State when such  
6 transportation is not prohibited by any applicable  
7 Federal law;

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

11 (6) Lotteries when conducted by the State of  
12 Illinois in accordance with the Illinois Lottery Law;

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

19 (8) Raffles when conducted in accordance with the  
20 Raffles Act;

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

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

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

27 (c) Sentence.

28 Gambling under subsection (a)(1) or (a)(2) of this  
29 Section is a Class A misdemeanor. Gambling under any of  
30 subsections (a)(3) through (a)(11) of this Section is a Class  
31 A misdemeanor. A second or subsequent conviction under any  
32 of subsections (a)(3) through (a)(11), is a Class 4 felony.  
33 Gambling under subsection (a)(12) of this Section is a Class  
34 A misdemeanor. A second or subsequent conviction under

1 subsection (a)(12) is a Class 4 felony.

2 (d) Circumstantial evidence.

3 In prosecutions under subsection (a)(1) through (a)(12)  
4 of this Section circumstantial evidence shall have the same  
5 validity and weight as in any criminal prosecution.

6 (Source: P.A. 91-257, eff. 1-1-00.)".