

AN ACT concerning gaming.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The Illinois Pull Tabs and Jar Games Act is amended by changing Sections 1.1, 2, 3, 4, 5, 6, and 7 and by adding Sections 2.1, 3.1, 3.2, 7.1, 7.2, and 7.3 as follows:

(230 ILCS 20/1.1) (from Ch. 120, par. 1051.1)

Sec. 1.1. Definitions. As used in this Act:

"Pull tabs" and "jar games" means a game using single-folded or banded tickets or a card, the face of which is initially covered or otherwise hidden from view in order to conceal a number, symbol or set of symbols, some of which are winners. Players with winning tickets receive a prize stated on a promotional display or "flare". Pull tabs also means a game in which prizes are won by pulling a tab from a board thereby revealing a number which corresponds to the number for a given prize.

Each winning pull tab or slip shall be predetermined. ~~The right to participate in such games shall not cost more than \$2. No single prize shall exceed \$500. There shall be no more than 6,000 tickets in a game.~~

"Pull tabs and jar games", as used in this Act, does not include the following: numbers, policy, bolita or similar

games, dice, slot machines, bookmaking and wagering pools with respect to a sporting event, or that game commonly known as punch boards, or any other game or activity not expressly defined in this Section.

"Organization" means a corporation, agency, partnership, association, firm or other entity consisting of 2 or more persons joined by a common interest or purpose.

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

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

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

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

"Fraternal organization" means an organization of persons, ~~including but not limited to ethnic organizations,~~ having a common interest that is organized and operated exclusively to

promote the welfare of its members and to benefit the general public on a continuing and consistent basis, including but not limited to ethnic organizations.

"Veterans' organization" means an organization comprised of members of which substantially all are individuals who are veterans or spouses, widows, or widowers of veterans, the primary purpose of which is to promote the welfare of its members and to provide assistance to the general public in such a way as to confer a public benefit.

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

"Youth athletic organization" means an organization having as its exclusive purpose the promotion and provision of athletic activities for youth aged 18 and under.

"Senior citizens organization" means an organization or association comprised of members of which substantially all are individuals who are senior citizens, as defined in the Illinois Act on the Aging, the primary purpose of which is to promote the welfare of its members.

"Department" means the Department of Revenue.

"Person" means any natural individual, corporation, partnership, limited liability company, organization, licensee under this Act, or volunteer.

"Special permit" means a permit issued to a licensed organization that allows it to conduct pull tabs and jar games at other premises or on other days not exceeding 5 consecutive days.

"Supplier" means any person, firm, or corporation that sells, leases, lends, distributes, or otherwise provides any pull tabs and jar games to any organization licensed to conduct pull tabs and jar games in Illinois.

"Volunteer" means a person recruited by the licensed organization who voluntarily performs services at a pull tabs or jar games event, including participation in the management or operation of a game.

(Source: P.A. 90-536, eff. 1-1-98.)

(230 ILCS 20/2) (from Ch. 120, par. 1052)

Sec. 2. The Department of Revenue shall, upon application therefor on forms prescribed by the Department, and upon the payment of a nonrefundable ~~an~~ annual fee of \$500, and upon determination that the applicant meets all the requirements of this Act, issue a license to conduct pull tabs and jar games to any of the following:

(i) Any local fraternal mutual benefit organization chartered at least 40 years before it applies for a license under this Act.

(ii) Any bona fide religious, charitable, labor, fraternal, youth athletic, senior citizen, educational or

veterans' organization organized in Illinois which operates without profit to its members, which has been in existence in Illinois continuously for a period of 5 years immediately before making application for a license and which has had during that entire 5 year period a bona fide membership engaged in carrying out its objects. However, the 5 year requirement shall be reduced to 2 years, as applied to a local organization which is affiliated with and chartered by a national organization which meets the 5 year requirement.

Each license issued shall be in effect for one year from its date of issuance unless extended, suspended, or revoked by Department action before that date. The Department may provide by rule for an extension of any pull tabs and jar games license issued under this Act. Any extension provided shall not exceed one year. A licensee may hold only one license and that license is valid for only one location unless a special permit, as authorized in subsection (4) of Section 3, is issued. The Department may authorize by rule the filing by electronic means of any application, license, permit, return, or registration required under this Act.

All taxes and fees imposed by this Act, unless otherwise specified, shall be paid into the General Revenue Fund of the State Treasury.

~~Each license expires at midnight, June 30, following its date of issuance, except that, beginning with applicants whose~~

~~licenses expire on June 30, 1990, the Department shall stagger license expiration dates by dividing the applicants into 4 groups which are substantially equal in number. Licenses issued and license fees charged to applicants in each group shall be in accordance with the following schedule:~~

Group No.	License Expiration Date	Fee
1	December 31, 1990	\$250
2	March 31, 1991	\$375
3	June 30, 1991	\$500
4	September 30, 1991	\$625

~~Following expiration under this schedule, each renewed license shall be in effect for one year from its date of issuance unless suspended or revoked by Department action before that date. After June 30, 1990, every new license shall expire one year from the date of issuance unless suspended or revoked. A licensee may hold only one license and that license is valid for only one location.~~

~~The following are ineligible for any license under this Act:~~

~~(a) any person who has been convicted of a felony within 10 years of the date of the application;~~

~~(b) any person who has been convicted of a violation of Article 28 of the "Criminal Code of 1961";~~

~~(c) any person who has had a pull tabs and jar games, bingo or charitable games license revoked by the Department;~~

~~(d) any person who is or has been a professional gambler;~~

~~(e) any firm or corporation in which a person defined in (a), (b), (c) or (d) has any proprietary, equitable or credit interest, or in which such person is active or employed;~~

~~(f) any organization in which a person defined in (a), (b), (c) or (d) is an officer, director, or employee, whether compensated or not;~~

~~(g) any organization in which a person defined in (a), (b), (c) or (d) is to participate in the management or operation of pull tabs and jar games.~~

~~The Department of State Police shall provide the criminal background of any supplier as requested by the Department of Revenue.~~

(Source: P.A. 86-703; 87-1271.)

(230 ILCS 20/2.1 new)

Sec. 2.1. Ineligibility for a license. The following are ineligible for any license under this Act:

(1) Any person who has been convicted of a felony within the last 10 years prior to the date of the application.

(2) Any person who has been convicted of a violation of Article 28 of the Criminal Code of 1961.

(3) Any person who has had a bingo, pull tabs and jar games, or charitable games license revoked by the Department.

(4) Any person who is or has been a professional

gambler.

(5) Any person found gambling in a manner not authorized by the Illinois Pull Tabs and Jar Games Act, the Bingo License and Tax Act, or the Charitable Games Act, participating in such gambling, or knowingly permitting such gambling on premises where pull tabs and jar games are authorized to be conducted.

(6) Any firm or corporation in which a person defined in (1), (2), (3), (4), or (5) has any proprietary, equitable, or credit interest or in which such person is active or employed.

(7) Any organization in which a person defined in (1), (2), (3), (4), or (5) is an officer, director, or employee, whether compensated or not.

(8) Any organization in which a person defined in (1), (2), (3), (4), or (5) is to participate in the management or operation of pull tabs and jar games.

The Department of State Police shall provide the criminal background of any supplier as requested by the Department of Revenue.

(230 ILCS 20/3) (from Ch. 120, par. 1053)

Sec. 3. Licensing for the conducting of pull tabs and jar games is subject to the following restrictions:

(1) The license application, when submitted to the Department of Revenue, shall contain a sworn statement

attesting to the not-for-profit character of the prospective licensee organization and shall be signed by a person listed on the application as an owner, officer, or other person in charge of the necessary day-to-day operations ~~the presiding officer and the secretary~~ of that organization.

(2) The license application shall be prepared in accordance with the rules of the Department of Revenue.

(3) The licensee shall prominently display the license in the area where the licensee conducts pull tabs and jar games. The licensee shall likewise display, in the form and manner as prescribed by the Department, the provisions of Section 4 of this Act.

(4) Each license shall state the location at which the licensee is permitted to conduct pull tabs and jar games. The Department may, on special application made by a licensed organization, issue a special permit to conduct a single pull tabs or jar games event at another location. A special permit shall be displayed at the site of any pull tabs or jar games authorized by such permit.

(4.1) A license is not assignable or transferable.

(5) Any organization qualified for a license but not holding one, may upon application and payment of a nonrefundable fee of \$50 receive a limited license ~~special permit~~ to conduct pull tabs or jar games at no more than 2 indoor or outdoor festivals in a year for a maximum of 5 consecutive days on each occasion. No more than 2 limited

licenses ~~permits~~ under this subsection may be issued to any organization in any year. The limited license shall be prominently displayed at the site where pull tabs or jar games are sold.

(Source: P.A. 86-703.)

(230 ILCS 20/3.1 new)

Sec. 3.1. Suppliers' license. The Department shall issue a suppliers' license permitting a person, firm or corporation to sell or distribute to any organization licensed to conduct pull tabs and jar games supplies, devices or other equipment designed for use in the playing of pull tabs and jar games. No person, firm or corporation shall sell or distribute pull tabs and jar games supplies without having first obtained a license. Licensed suppliers shall buy pull tabs and jar games only from licensed manufacturers and shall sell pull tabs and jar games only to licensed organizations. Licensed organizations shall buy pull tabs and jar games only from licensed suppliers. Applications for suppliers' licenses shall be made in writing in accordance with Department rules. The Department shall license suppliers of pull tabs and jar games subject to a nonrefundable annual fee of \$5,000, or a nonrefundable triennial supplier's fee of \$15,000. Each suppliers' license is valid for one year from date of issuance, or 3 years from date of issuance for a triennial license, unless extended, suspended, or revoked by Department action before that date.

Any extension of a suppliers' license shall not exceed one year. No licensed supplier under this Act shall sell, distribute or allow the use of any supplies, devices or equipment designed for use in the play of pull tabs and jar games for the conducting of anything other than pull tabs and jar games or to any person or organization not otherwise licensed under this Act.

The Department shall adopt by rule minimum quality production standards for pull tabs and jar games. In determining those standards, the Department shall consider the standards adopted by the National Association of Gambling Regulatory Agencies and the National Association of Fundraising Ticket Manufacturers. The standards shall include the name of the supplier which shall appear in plain view to the casual observer on the face side of each pull tab ticket and on each jar game ticket. The pull tab ticket shall contain the name of the game, the selling price of the ticket, the amount of the prize and the serial number of the ticket. The back side of a pull tab ticket shall contain a series of perforated tabs marked "open here". The logo of the manufacturer shall be clearly visible on each jar game ticket.

(230 ILCS 20/3.2 new)

Sec. 3.2. Manufacturers' license. The Department shall issue a manufacturers' license permitting a person, firm or corporation that produces, creates, constructs, assembles or

otherwise manufactures pull tab and jar games to sell or distribute to any organization licensed to supply pull tabs and jar games. No person, firm or corporation shall produce, create, construct, assemble or otherwise manufacture pull tab and jar games without having first obtained a license. Licensed manufacturers may sell pull tabs and jar games only to licensed suppliers. Applications for manufacturers' licenses shall be made in writing in accordance with Department rules. The Department of Revenue shall license manufacturers of pull tabs and jar games subject to a nonrefundable annual fee of \$5,000, or a triennial supplier's license fee of \$15,000. Each manufacturers' license is valid for one year from date of issuance, or 3 years from date of issuance for a triennial license, unless extended, suspended, or revoked by Department action before that date. Any extension of a manufacturers' license shall not exceed one year.

The Department shall adopt by rule minimum quality production standards for pull tabs and jar games. In determining those standards, the Department shall consider the standards adopted by the National Association of Gambling Regulatory Agencies and the National Association of Fundraising Ticket Manufacturers. The standards shall include the name of the supplier which shall appear in plain view to the casual observer on the face side of each pull tab ticket and on each jar game ticket. The pull tab ticket shall contain the name of the game, the selling price of the ticket, the

amount of the prize and the serial number of the ticket. The back side of a pull tab ticket shall contain a series of perforated tabs marked "open here". The logo of the manufacturer shall be clearly visible on each jar game ticket.

(230 ILCS 20/4) (from Ch. 120, par. 1054)

Sec. 4. The conducting of pull tabs and jar games is subject to the following restrictions:

(1) The entire net proceeds of any pull tabs or jar games, except as otherwise approved in this Act, must be exclusively devoted to the lawful purposes of the organization permitted to conduct such drawings.

(2) No person except a bona fide member or employee of the sponsoring organization may participate in the management or operation of such pull tabs or jar games; however, nothing herein shall conflict with pull tabs and jar games conducted under the provisions of the Charitable Games Act.

(3) No person may receive any remuneration or profit for participating in the management or operation of such pull tabs or jar games; however, nothing herein shall conflict with pull tabs and jar games conducted under the provisions of the Charitable Games Act.

(4) The price paid for a single chance or right to participate in a game licensed under this Act shall not exceed \$2. No single prize shall exceed \$500. There shall be no more than 6,000 tickets in a game. The aggregate value of all prizes

or merchandise awarded in any single day of pull tabs and jar games shall not exceed \$5,000, ~~except that in adjoining counties having 200,000 to 275,000 inhabitants each, and in counties which are adjacent to either of such adjoining counties and are adjacent to total of not more than 2 counties in this State, the value of all prizes or merchandise awarded may not exceed \$5,000 in a single day.~~

(5) No person under the age of 18 years shall play or participate in games under this Act. A person under the age of 18 years may be within the area where pull tabs and jar games are being conducted only when accompanied by his parent or guardian.

(6) Pull tabs and jar games shall be conducted only on premises owned or occupied by licensed organizations and used by its members for general activities, or on premises owned or rented for conducting the game of bingo, or as permitted in subsection (4) of Section 3.

(Source: P.A. 90-536, eff. 1-1-98; 90-808, eff. 12-1-98.)

(230 ILCS 20/5) (from Ch. 120, par. 1055)

Sec. 5. There shall be paid to the Department of Revenue 5% of the gross proceeds of any pull tabs and jar games conducted under this Act. Such payments shall be made 4 times per year, between the first and the 20th day of April, July, October and January. ~~Payment must be made by money order or certified check.~~ Accompanying each payment shall be a return, on forms

~~prescribed by the Department of Revenue report, on forms provided by the Department of Revenue, listing the number of drawings conducted, the gross income derived therefrom and such other information as the Department of Revenue may require.~~ Failure to submit either the payment or the return ~~report~~ within the specified time shall result in suspension or automatic revocation of the license. Tax returns filed pursuant to this Act shall not be confidential and shall be available for public inspection. All payments made to the Department of Revenue under this Act shall be deposited as follows:

(a) 50% shall be deposited in the Common School Fund; and

(b) 50% shall be deposited in the Illinois Gaming Law Enforcement Fund. Of the monies deposited in the Illinois Gaming Law Enforcement Fund under this Section, the General Assembly shall appropriate two-thirds to the Department of Revenue, Department of State Police and the Office of the Attorney General for State law enforcement purposes, and one-third shall be appropriated to the Department of Revenue for the purpose of distribution in the form of grants to counties or municipalities for law enforcement purposes. The amounts of grants to counties or municipalities shall bear the same ratio as the number of licenses issued in counties or municipalities bears to the total number of licenses issued in the State. In computing the number of licenses issued in a county, licenses issued for locations within a municipality's boundaries shall be excluded.

~~The Department of Revenue shall license suppliers and manufacturers of pull tabs and jar games at an annual fee of \$5,000. Suppliers and manufacturers shall meet the requirements and qualifications established by rule by the Department. Licensed manufacturers shall sell pull tabs and jar games only to licensed suppliers. Licensed suppliers shall buy pull tabs and jar games only from licensed manufacturers and shall sell pull tabs and jar games only to licensed organizations. Licensed organizations shall buy pull tabs and jar games only from licensed suppliers.~~

~~The Department of Revenue shall adopt by rule minimum quality production standards for pull tabs and jar games. In determining such standards, the Department shall consider the standards adopted by the National Association of Gambling Regulatory Agencies and the National Association of Fundraising Ticket Manufacturers. Such standards shall include the name of the supplier which shall appear in plain view to the casual observer on the face side of each pull tab ticket and on each jar game ticket. The pull tab ticket shall contain the name of the game, the selling price of the ticket, the amount of the prize and the serial number of the ticket. The back side of a pull tab ticket shall contain a series of perforated tabs marked "open here". The logo of the manufacturer shall be clearly visible on each jar game ticket.~~

~~The Department of Revenue shall adopt rules necessary to provide for the proper accounting and control of activities~~

~~under this Act, to ensure that the proper taxes are paid, that the proceeds from the activities under this Act are used lawfully, and to prevent illegal activity associated with the use of pull tabs and jar games.~~

~~The provisions of Section 2a of the Retailers' Occupation Tax Act pertaining to the furnishing of a bond or other security are incorporated by reference into this Act and are applicable to licensees under this Act as a precondition of obtaining a license under this Act.~~ The provisions of Sections 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 6, 6a, 6b, 6c, 8, 9, 10, 11 and 12 of the Retailers' Occupation Tax Act, and Section 3-7 of the Uniform Penalty and Interest Act, which are not inconsistent with this Act shall apply, as far as practicable, to the subject matter of this Act to the same extent as if such provisions were included in this Act. For the purposes of this Act, references in such incorporated Sections of the Retailers' Occupation Tax Act to retailers, sellers or persons engaged in the business of selling tangible personal property means persons engaged in conducting pull tabs and jar games and references in such incorporated Sections of the Retailers' Occupation Tax Act to sales of tangible personal property mean the conducting of pull tabs and jar games and the making of charges for participating in such drawings.

(Source: P.A. 87-205; 87-895.)

Sec. 6. Each licensee must keep a complete record of pull tabs and jar games conducted within the previous 3 years ~~in accordance with rules therefor adopted by the Department of Revenue~~. Such record shall be available for inspection by any employee of the Department of Revenue during reasonable business hours. The Department may require that any person, organization, or corporation licensed under this Act obtain from an Illinois certified public accounting firm at its own expense a certified and unqualified financial statement and verification of records of such organization. Failure of a pull tabs and jar games licensee to comply with this requirement within 90 days of receiving notice from the Department may result in suspension or revocation of the licensee's license.

The Department of Revenue may, at its discretion, suspend or revoke any license if it finds that the licensee or any person connected therewith has violated or is violating this Act ~~or that such drawings are or have been conducted by a person or persons of questionable character or affiliation~~. A suspension or revocation shall be in addition to, and not in lieu of, any other civil penalties or assessments that are authorized by this Act. No licensee under this Act, while pull tabs and jar games chances are being conducted, shall knowingly permit entry to any part of the licensed premises by ~~to~~ any person who has been convicted of a felony or a violation of Article 28 of the Criminal Code of 1961.

(Source: P.A. 85-1012.)

(230 ILCS 20/7) (from Ch. 120, par. 1057)

Sec. 7. Violations.

(a) Any person who conducts or knowingly participates in an unlicensed pull tabs and jar game commits the offense of gambling in violation of Section 28-1 of the Criminal Code of 1961, as amended. Any person who violates any other provision of this Act, or any person who knowingly fails to file a pull tabs and jar games return or who knowingly files a fraudulent application or return under this Act, or any person who wilfully violates any rule or regulation of the Department for the administration and enforcement of this Act, or any officer or agent of an organization licensed under this Act who signs a fraudulent application or return filed on behalf of such an organization, is guilty of a Class A misdemeanor.

(b) Any organization that illegally conducts pull tabs or jar games, in addition to other penalties provided for in this Act, shall be subject to a civil penalty equal to the amount of gross proceeds derived from those unlicensed games, as well as confiscation and forfeiture of all pull tabs and jar games equipment used in the conduct of those unlicensed games.

(c) Any organization licensed to conduct pull tabs and jar games which allows any form of illegal gambling to be conducted on the premises where pull tabs and jar games are being conducted, in addition to other penalties provided for in this Act, shall be subject to a civil penalty equal to the amount of

gross proceeds derived on that day from pull tabs and jar games and any illegal game that may have been conducted, as well as confiscation and forfeiture of all pull tabs and jar games equipment used in the conduct of any unlicensed or illegal games. ~~Any person who violates this Act, or any person who files a fraudulent return under this Act, or any person who wilfully violates any rule or regulation of the Department for the administration and enforcement of this Act, or any officer or agent of a corporation licensed under this Act who signs a fraudulent return filed on behalf of such corporation, is guilty of a Class A misdemeanor.~~

(Source: P.A. 85-1012.)

(230 ILCS 20/7.1 new)

Sec. 7.1. Law enforcement action. Any law enforcement agency that takes action relating to the operation of pull tabs and jar games shall notify the Department of Revenue and specify the extent of the action taken and the reasons for its action.

(230 ILCS 20/7.2 new)

Sec. 7.2. Application of the Illinois Administrative Procedure Act. The Illinois Administrative Procedure Act shall apply to all administrative rules and procedures of the Department of Revenue under this Act, except that (1) paragraph (b) of Section 5-10 of the Illinois Administrative Procedure

Act does not apply to final orders, decisions and opinions of the Department, (2) subparagraph (a)(ii) of Section 5-10 of the Illinois Administrative Procedure Act does not apply to forms established by the Department for use under this Act, (3) the provisions of Section 10-45 of the Illinois Administrative Procedure Act regarding proposals for decision are excluded and not applicable to the Department under this Act, and (4) the provisions of subsection (d) of Section 10-65 of the Illinois Administrative Procedure Act do not apply so as to prevent summary suspension of any license pending revocation or other action, which suspension shall remain in effect unless modified by the Department or unless the Department's decision is reversed on the merits in proceedings conducted pursuant to the Administrative Review Law.

(230 ILCS 20/7.3 new)

Sec. 7.3. Severability. If any clause, sentence, Section, provision, or part of this Act, or the application thereof to any person or circumstance, shall be adjudged to be unconstitutional, the remainder of this Act or its application to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

Section 10. The Bingo License and Tax Act is amended by changing Sections 1, 2, 3, 4, 5, and 5.1 and by adding Sections 1.1, 1.2, 1.3, 1.4, 1.5, and 5.2 as follows:

(230 ILCS 25/1) (from Ch. 120, par. 1101)

Sec. 1. The Department of Revenue shall, upon application therefor on forms prescribed by the ~~such~~ Department, and upon the payment of a nonrefundable ~~an~~ annual fee of \$200 ~~or a triennial fee of \$600,~~ and upon a determination by the Department that the applicant meets all of the qualifications specified in this Act ~~Section~~, issue a bingo license for the conducting of bingo to any of the following: any bona fide religious, charitable, labor, fraternal, youth athletic, senior citizen, educational or veterans' organization organized in Illinois which operates without profit to its members, which has been in existence in Illinois continuously for a period of 5 years immediately before making application for a license and which has had during that entire 5 year period a bona fide membership engaged in carrying out its objects. However, the 5 year requirement shall be reduced to 2 years, as applied to a local organization which is affiliated with and chartered by a national organization which meets the 5 year requirement. ~~Each annual license expires at midnight, June 30 following its date of issuance, except that, beginning with applicants whose licenses expire on June 30, 1983, the Department shall stagger license expiration dates by dividing the applicants into 4 groups which are substantially equal in number. Licenses issued and license fees charged to applicants in each group shall be in accordance with the following~~

~~schedule:~~

Group No.	License Expiration Date	Fee
1	December 31, 1983	\$100
2	March 31, 1984	\$150
3	June 30, 1984	\$200
4	September 30, 1984	\$250

~~Each~~ Following expiration under this schedule, each renewed license shall be in effect for one year from its date of issuance unless extended, suspended, or revoked by Department action before that date. The Department may provide by rule for an extension of any bingo license issued under this Act. Any extension provided shall not exceed one year. A licensee may hold only one license to conduct bingo and that license is valid for only one location. The Department may authorize by rule the filing by electronic means of any application, license, permit, return, or registration required under this Act. All taxes and fees imposed by this Act, unless otherwise specified, shall be paid into the General Revenue Fund of the State Treasury. After June 30, 1983, every new annual license shall expire one year from the date of issuance unless suspended or revoked and every new triennial license issued or renewed on or after July 1, 2004 shall be in effect for 3 years from its date of issuance unless suspended or revoked by Department action before that date. A licensee may hold only one license and that license is valid for only one location.

~~For purposes of this Act, the following definitions apply:~~

~~"Organization": A corporation, agency, partnership, association, firm or other entity consisting of 2 or more persons joined by a common interest or purpose. "Non-profit organization": An organization or institution organized and conducted on a not for profit basis with no personal profit inuring to any one as a result of the operation. "Charitable organization": An organization or institution organized and operated to benefit an indefinite number of the public. "Educational organization": An organization or institution organized and operated to provide systematic instruction in useful branches of learning by methods common to schools and institutions of learning which compare favorably in their scope and intensity with the course of study presented in tax-supported schools. "Religious organization": Any church, congregation, society, or organization founded for the purpose of religious worship. "Fraternal organization": An organization of persons, including but not limited to ethnic organizations, having a common interest, organized and operated exclusively to promote the welfare of its members and to benefit the general public on a continuing and consistent basis. "Veterans organization": An organization comprised of members of which substantially all are individuals who are veterans or spouses, widows, or widowers of veterans, the primary purpose of which is to promote the welfare of its members and to provide assistance to the general public in such a way as to confer a public benefit. "Labor organization": An~~

~~organization composed of labor unions or workers organized with the objective of betterment of the conditions of those engaged in such pursuit and the development of a higher degree of efficiency in their respective occupations. "Youth athletic organization": An organization having as its exclusive purpose the promotion and provision of athletic activities for youth aged 18 and under. "Senior citizens organization": An organization or association comprised of members of which substantially all are individuals who are senior citizens, as defined in Section 3.05 of the Illinois Act on the Aging, the primary purpose of which is to promote the welfare of its members.~~

~~Licensing for the conducting of bingo is subject to the following restrictions:~~

~~(1) The license application, when submitted to the Department of Revenue, must contain a sworn statement attesting to the not for profit character of the prospective licensee organization, signed by the presiding officer and the secretary of that organization.~~

~~(2) The application for license shall be prepared in accordance with the rules of the Department of Revenue.~~

~~(3) Each license shall state which day of the week and at what location the licensee is permitted to conduct bingo. The Department may, on special application made by any organization having a bingo license, issue a special operator's permit for conducting bingo at other premises~~

~~and on other days not exceeding 7 consecutive days, except that a licensee may conduct bingo at the Illinois State Fair or any county fair held in Illinois during each day that the fair is in effect; such bingo games conducted at the Illinois State Fair or a county fair shall not require a special operator's permit. No more than 2 special operator's permits may be issued in one year to any one organization. Any organization, qualified for a license but not holding one, upon application and payment of a \$50 fee may receive a limited license to conduct bingo at no more than 2 indoor or outdoor festivals in a year for a maximum of 5 days on each occasion or, upon application and payment of a \$150 fee, may receive a limited license to conduct bingo at no more than 2 indoor or outdoor festivals in a year for up to 3 years for a maximum of 5 days on each occasion. Such limited license shall be prominently displayed at the site of the bingo games.~~

~~(4) The licensee shall display a license in a prominent place in the area where it is to conduct bingo.~~

~~(5) The proceeds from the license fee imposed by this Act shall be paid into the General Revenue Fund of the State Treasury.~~

~~(6) A license authorizes the licensee to conduct the game commonly known as bingo, in which prizes are awarded on the basis of designated numbers or symbols on a card conforming to numbers or symbols selected at random.~~

~~(7) The Director has the power to issue or to refuse to issue a license permitting a person, firm or corporation to provide premises for the conduct of bingo; provided, however, that a municipality shall not be required to obtain a license to provide such premises. The fee for such providers' license is \$200. A person, firm or corporation holding such a license may receive reasonable expenses for providing premises for conducting bingo. Reasonable expenses shall include only those expenses defined as reasonable by rules promulgated by the Department.~~

~~(8) The Department may issue restricted licenses to senior citizens organizations. The fee for a restricted license is \$10 per year or \$30 for 3 years. Restricted licenses shall be subject to the following conditions:~~

~~(A) Bingo shall be conducted only at a facility which is owned by a unit of local government to which the corporate authorities have given their approval and which is used to provide social services or a meeting place to senior citizens, or in common areas in multi-unit federally assisted rental housing maintained solely for the elderly and handicapped;~~

~~(B) The price paid for a single card shall not exceed 5 cents;~~

~~(C) The aggregate retail value of all prizes or merchandise awarded in any one game of bingo shall not exceed \$1;~~

~~(D) No person or organization shall participate in the management or operation of bingo under a restricted license if the person or organization would be ineligible for a license under this Section;~~

~~(E) No license is required to provide premises for bingo conducted under a restricted license; and~~

~~(F) The Department may, by rule, exempt restricted licensees from such requirements of this Act as the Department may deem appropriate.~~

~~The Director has the power to issue a license permitting an Illinois person, firm or corporation to sell, lease or distribute to any organization licensed to conduct bingo games or to any licensed bingo supplier all cards, boards, sheets, markers, pads and all other supplies, devices and equipment designed for use in the play of bingo. No person, firm or corporation shall sell, lease or distribute bingo supplies or equipment without having first obtained a license therefor upon written application made, verified and filed with the Department in the form prescribed by the rules and regulations of the Department. The fee for such license is \$200.~~

~~Applications for providers' and suppliers' licenses shall be made in writing in accordance with Department rules. Each providers' or suppliers' license is valid for one year from date of issuance, unless suspended or revoked by Department action before that date.~~

~~The following are ineligible for any license under this~~

~~Act:~~

~~(a) any person who has been convicted of a felony;~~

~~(b) any person who has been convicted of a violation of Article 28 of the "Criminal Code of 1961";~~

~~(c) any person found gambling, participating in gambling or knowingly permitting gambling on premises where bingo is being conducted;~~

~~(d) any firm or corporation in which a person defined in (a), (b) or (c) has a proprietary, equitable or credit interest, or in which such person is active or employed;~~

~~(e) any organization in which a person defined in (a), (b) or (c) is an officer, director, or employee, whether compensated or not;~~

~~(f) any organization in which a person defined in (a), (b) or (c) is to participate in the management or operation of a bingo game.~~

(Source: P.A. 93-742, eff. 7-15-04.)

(230 ILCS 25/1.1 new)

Sec. 1.1. Definitions. For purposes of this Act, the following definitions apply:

"Bingo" means a game in which each player has a card or board for which a consideration has been paid, containing 5 horizontal rows of spaces, with each row except the central one containing 5 figures. The central row has 4 figures with the word "free" marked in the center space. "Bingo" includes games

that otherwise qualify under this paragraph, except for the use of cards where the figures are not preprinted but are filled in by the players. A player wins a game of bingo by completing a preannounced combination of spaces or, in the absence of a preannouncement of a combination of spaces, any combination of 5 spaces in a row, vertically, horizontally, or diagonally.

"Bingo equipment" means any equipment or machinery designed or used for the play of bingo. "Bingo equipment" does not include electronic equipment.

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

"Department" means the Department of Revenue.

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

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

"Holiday" means any of the holidays listed in Section 17 of the Promissory Note and Bank Holiday Act.

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

"Licensed organization" means a qualified organization that has obtained a license to conduct bingo in conformance with the provisions of this Act.

"Limited license" means a license issued to an organization that is not a licensed organization, but that is otherwise eligible for a regular license to conduct bingo. A limited license authorizes the conduct of bingo at up to 2 indoor or outdoor festivals during the calendar year for which the license is issued for a maximum of 5 consecutive days on each occasion.

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

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

"Person" means any natural individual, corporation, partnership, limited liability company, organization (as defined in this Section), licensee under this Act, or volunteer.

"Provider" means any person or organization, except a city, village, or incorporated town that owns or leases premises to an organization for the conduct of bingo.

"Regular license" means a license authorizing its holder to conduct one session of bingo per week on the date and at the time and location stated on the license.

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

"Senior citizens organization" means an organization or association comprised of members of which substantially all are individuals who are senior citizens, as defined in the Illinois Act on the Aging, the primary purpose of which is to promote the welfare of its members.

"Special games" means bingo games that may be designated as such, played a maximum of 5 times during a bingo session and are distinguished from regular games only by the maximum price that may be charged for the bingo cards used.

"Special permit" means the ability of a licensee who currently holds a license to be granted a permit to conduct bingo at other premises or on other days not exceeding 5 consecutive days.

"Supplier" means any person, firm, or corporation that sells, leases, or distributes to any organization licensed to conduct bingo or to any licensed bingo supplier, cards, boards, sheets, markers, pads and any other supplies, devices and

equipment designed for use in the play of bingo.

"Veterans' organization" means an organization comprised of members of which substantially all are individuals who are veterans or spouses, widows, or widowers of veterans, the primary purpose of which is to promote the welfare of its members and to provide assistance to the general public in such a way as to confer a public benefit.

"Volunteer" means a person recruited by an organization who voluntarily performs services at a bingo event, including participation in the management or operation of a game.

"Youth athletic organization" means an organization having as its exclusive purpose the promotion and provision of athletic activities for youth aged 18 and under.

(230 ILCS 25/1.2 new)

Sec. 1.2. Ineligibility for licensure. The following are ineligible for any license under this Act:

(1) Any person who has been convicted of a felony within the last 10 years prior to the date of application.

(2) Any person who has been convicted of a violation of Article 28 of the Criminal Code of 1961.

(3) Any person who has had a bingo, pull tabs and jar games, or charitable games license revoked by the Department.

(4) Any person who is or has been a professional gambler.

(5) Any person found gambling in a manner not authorized by the Illinois Pull Tabs and Jar Games Act, Bingo License and Tax Act, or the Charitable Games Act, participating in such gambling, or knowingly permitting such gambling on premises where a bingo event is authorized to be conducted or has been conducted.

(6) Any organization in which a person defined in (1), (2), (3), (4), or (5) has a proprietary, equitable, or credit interest, or in which such person is active or employed.

(7) Any organization in which a person defined in (1), (2), (3), (4), or (5) is an officer, director, or employee, whether compensated or not.

(8) Any organization in which a person defined in (1), (2), (3), (4), or (5) is to participate in the management or operation of a bingo game.

The Department of State Police shall provide the criminal background of any person requested by the Department of Revenue.

(230 ILCS 25/1.3 new)

Sec. 1.3. Restrictions on licensure. Licensing for the conducting of bingo is subject to the following restrictions:

(1) The license application, when submitted to the Department, must contain a sworn statement attesting to the not-for-profit character of the prospective licensee

organization, signed by a person listed on the application as an owner, officer, or other person in charge of the necessary day-to-day operations of that organization.

(2) The license application shall be prepared in accordance with the rules of the Department.

(3) The licensee shall prominently display the license in the area where the licensee conducts bingo. The licensee shall likewise display, in the form and manner as prescribed by the Department, the provisions of Section 8 of this Act.

(4) Each license shall state the day of the week, hours and at which location the licensee is permitted to conduct bingo games.

(5) A license is not assignable or transferable.

(6) A license authorizes the licensee to conduct the game commonly known as bingo, in which prizes are awarded on the basis of designated numbers or symbols on a card conforming to numbers or symbols selected at random.

(7) The Department may, on special application made by any organization having a bingo license, issue a special permit for conducting bingo at other premises and on other days not exceeding 5 consecutive days, except that a licensee may conduct bingo at the Illinois State Fair or any county fair held in Illinois during each day that the fair is held, without a fee. Bingo games conducted at the Illinois State Fair or a county fair shall not require a

special permit. No more than 2 special permits may be issued in one year to any one organization.

(8) Any organization qualified for a license but not holding one may, upon application and payment of a nonrefundable fee of \$50, receive a limited license to conduct bingo games at no more than 2 indoor or outdoor festivals in a year for a maximum of 5 consecutive days on each occasion. No more than 2 limited licenses under this item (7) may be issued to any organization in any year. A limited license must be prominently displayed at the site where the bingo games are conducted.

(9) Senior citizens organizations may conduct bingo without a license or fee, subject to the following conditions:

(A) bingo shall be conducted only at a facility that is owned by a unit of local government to which the corporate authorities have given their approval and that is used to provide social services or a meeting place to senior citizens, or in common areas in multi-unit federally assisted rental housing maintained solely for the elderly and handicapped;

(B) the price paid for a single card shall not exceed 5 cents;

(C) the aggregate retail value of all prizes or merchandise awarded in any one game of bingo shall not exceed \$1;

(D) no person or organization shall participate in the management or operation of bingo under this item (9) if the person or organization would be ineligible for a license under this Section; and

(E) no license is required to provide premises for bingo conducted under this item (9).

(10) Bingo equipment shall not be used for any purpose other than for the play of bingo.

(230 ILCS 25/1.4 new)

Sec. 1.4. Providers' license. The Department shall issue a providers' license permitting a person, firm, or corporation to provide premises for the conduct of bingo. No person, firm or corporation may rent or otherwise provide premises without having first obtained a license. Applications for providers' licenses shall be made in writing in accordance with Department rules. The Department shall license providers of bingo at a nonrefundable annual fee of \$200, or a nonrefundable triennial fee of \$600. Each providers' license is valid for one year from date of issuance, or 3 years from date of issuance for a triennial license, unless extended, suspended, or revoked by Department action before that date. Any extension of a providers' license shall not exceed one year. A municipality shall not be required to obtain a license to provide such premises. A provider may receive reasonable expenses for providing premises for conducting bingo. Reasonable expenses

shall include only those expenses defined as reasonable by rules promulgated by the Department.

(230 ILCS 25/1.5 new)

Sec. 1.5. Suppliers' license. The Department shall issue a suppliers' license permitting a person, firm, or corporation to sell, lease, lend or distribute to any organization licensed to conduct bingo, supplies, devices and other equipment designed for use in the playing of bingo. No person, firm or corporation shall sell, lease, lend or distribute bingo supplies or equipment without having first obtained a license. Applications for suppliers' licenses shall be made in writing in accordance with Department rules. The Department shall license suppliers of bingo subject to a nonrefundable annual fee of \$200, or a nonrefundable triennial fee of \$600. Each suppliers' license is valid for one year from date of issuance, or 3 years from date of issuance for a triennial license, unless extended, suspended, or revoked by Department action before that date. Any extension of a providers' license shall not exceed one year. No licensed supplier under this Act shall sell, lease, lend, distribute or allow the use of any supplies, devices or equipment designed for use in the play of bingo for the conducting of anything other than bingo or to any person or organization not otherwise licensed under this Act.

(230 ILCS 25/2) (from Ch. 120, par. 1102)

Sec. 2. The conducting of bingo is subject to the following restrictions:

(1) The entire net proceeds from bingo play must be exclusively devoted to the lawful purposes of the organization permitted to conduct that game.

(2) (Blank).

(2.5) No person except a bona fide member or employee of the sponsoring organization may participate in the management or operation of bingo.

(3) No person may receive any remuneration or profit for participating in the management or operation of the game, except that if an organization licensed under this Act is associated with a school or other educational institution, that school or institution may reduce tuition or fees for a designated pupil based on participation in the management or operation of the game by any member of the organization. The extent to which tuition and fees are reduced shall relate proportionately to the amount of time volunteered by the member, as determined by the school or other educational institution.

(4) The aggregate retail value of all prizes or merchandise awarded in any single day of bingo may not exceed \$2,250, except that in adjoining counties having 200,000 to 275,000 inhabitants each, and in counties which are adjacent to either of such adjoining counties and are adjacent to a total of not more than 2 counties in this State, and in any municipality

having 2,500 or more inhabitants and within one mile of such adjoining and adjacent counties having less than 25,000 inhabitants, 2 additional bingo games may be conducted after the \$2,250 limit has been reached. The prize awarded for any one game, including any game conducted after reaching the \$2,250 limit as authorized in this paragraph (4), may not exceed \$500 cash or its equivalent.

(5) The number of games, including regular and special games, may not exceed 25 in any one day ~~including regular and special games~~, except that this restriction on the number of games shall not apply to bingo conducted at the Illinois State Fair or any county fair held in Illinois.

(6) The price paid for a single card under the license may not exceed \$1 and such card is valid for all regular games on that day of bingo. A maximum of 5 special games may be held on each bingo day, except that this restriction on the number of special games shall not apply to bingo conducted at the Illinois State Fair or any county fair held in Illinois. The price for a single special game card may not exceed 50 cents.

(7) The number of bingo days conducted by a licensee under this Act is limited to one per week, except as follows:

(i) Bingo may be conducted in accordance with the terms of a special operator's permit or limited license issued under subdivision (7) or (8) of Section 1.3 ~~(3) of Section 1.~~

(ii) Bingo may be conducted at the Illinois State Fair

or any county fair held in Illinois under subdivision (6)
of Section 1.3 ~~(3) of Section 1.~~

(iii) A licensee which cancels a day of bingo because of inclement weather or because the day is a holiday or the eve of a holiday may, after giving notice to the Department, conduct bingo on an additional date which falls on a day of the week other than the day authorized under the license. ~~As used in this subdivision (iii), "holiday" means any of the holidays listed in Section 17 of the Promissory Note and Bank Holiday Act.~~

(8) A licensee may rent a premises on which to conduct bingo only from an organization which is licensed as a provider of premises or exempt from license requirements under this Act. If the organization providing the premises is a metropolitan exposition, auditorium, and office building authority created by State law, a licensee may enter into a rental agreement with the organization authorizing the licensee and the organization to share the gross proceeds of bingo games; however, the organization shall not receive more than 50% of the gross proceeds.

(9) No person under the age of 18 years may play or participate in the conducting of bingo. Any person under the age of 18 years may be within the area where bingo is being played only when accompanied by his parent or guardian.

(10) The promoter of bingo games must have a proprietary interest in the game promoted.

(11) Raffles or other forms of gambling prohibited by law shall not be conducted on the premises where bingo is being conducted, except that pull tabs and jar games conducted under the Illinois Pull Tabs and Jar Games Act may be conducted on the premises where bingo is being conducted. Prizes awarded in pull tabs and jar games shall not be included in the bingo prize limitation.

(12) Organizations may be issued a special permit or limited license no more than 2 times in any year. An organization holding a special operator's permit or a limited license may, as one of the occasions allowed by such permit or license, conduct bingo for a maximum of 2 consecutive days. If an organization conducts bingo pursuant to a limited license or special permit, then, ~~during each day of which~~ the number of games played during each day may exceed 25, and regular game cards need not be valid for all regular games. If only noncash prizes are awarded during such occasions, the prize limits stated in subdivision ~~paragraph~~ (4) of this Section shall not apply, provided that the retail value of noncash prizes for any single game shall not exceed \$150.

(Source: P.A. 92-305, eff. 8-9-01.)

(230 ILCS 25/3) (from Ch. 120, par. 1103)

Sec. 3. There shall be paid to the Department of Revenue, 5% of the gross proceeds of any game of bingo conducted under the provision of this Act. Such payments shall be made 4 times

per year, between the first and the 20th day of April, July, October and January. ~~Payment must be by money order or certified check.~~ Accompanying each payment shall be a return report, on forms prescribed ~~provided~~ by the Department of Revenue, ~~listing the number of games conducted, the gross income derived and such other information as the Department of Revenue may require.~~ Failure to submit either the payment or the return report within the specified time may result in suspension or revocation of the license. Tax returns filed pursuant to this Act shall not be confidential and shall be available for public inspection.

All payments made to the Department of Revenue under this Section shall be deposited as follows:

(1) 50% shall be deposited in the Mental Health Fund;

and

(2) 50% shall be deposited in the Common School Fund.

~~The provisions of Section 2a of the Retailers' Occupation Tax Act pertaining to the furnishing of a bond or other security are incorporated by reference into this Act and are applicable to licensees under this Act as a precondition of obtaining a license under this Act. The Department shall establish by rule the standards and criteria it will use in determining whether to require the furnishing of a bond or other security, the amount of such bond or other security, whether to require the furnishing of an additional bond or other security by a licensee, and the amount of such additional~~

~~bond or other security. Such standards and criteria may include payment history, general financial condition or other factors which may pose risks to insuring the payment to the Department of Revenue, of applicable taxes. Such rulemaking is subject to the provisions of the Illinois Administrative Procedure Act.~~ The provisions of Sections 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5i, 5j, 6, 6a, 6b, 6c, 8, 9, 10, 11 and 12 of the Retailers' Occupation Tax Act ~~which are not inconsistent with this Act,~~ and Section 3-7 of the Uniform Penalty and Interest Act, which are not inconsistent with this Act, shall apply, as far as practicable, to the subject matter of this Act to the same extent as if such provisions were included in this Act. ~~Tax returns filed pursuant to this Act shall not be confidential and shall be available for public inspection.~~ For the purposes of this Act, references in such incorporated Sections of the Retailers' Occupation Tax Act to retailers, sellers or persons engaged in the business of selling tangible personal property means persons engaged in conducting bingo games, and references in such incorporated Sections of the Retailers' Occupation Tax Act to sales of tangible personal property mean the conducting of bingo games and the making of charges for playing such games.

~~One half of all of the sums collected under this Section shall be deposited into the Mental Health Fund and 1/2 of all of the sums collected under this Section shall be deposited in the Common School Fund.~~

(Source: P.A. 87-205; 87-895.)

(230 ILCS 25/4) (from Ch. 120, par. 1104)

Sec. 4. Each licensee must keep a complete record of bingo games conducted within the previous 3 years. Such record shall be available for ~~open to~~ inspection by any employee of the Department of Revenue during reasonable business hours.

The Department ~~Director~~ may require that any person, organization or corporation licensed under this Act obtain from an Illinois certified public accounting firm at its own expense a certified and unqualified financial statement and verification of records of such organization. Failure of a bingo licensee to comply with this requirement within 90 days of receiving notice from the Director may result in suspension or revocation of the licensee's license.

The Department of Revenue may, at its discretion, suspend or revoke any license if ~~where~~ it finds that the licensee or any person connected therewith has violated or is violating the provisions of this Act. A suspension or revocation shall be in addition to, and not in lieu of, any other civil penalties or assessments that are authorized by this Act. No licensee under this Act, while a bingo game is being conducted, shall knowingly permit ~~the~~ entry into any part of the licensed premises by any person who has been convicted of a felony or a violation of Article 28 of the "Criminal Code of 1961".

(Source: P.A. 82-967.)

(230 ILCS 25/5) (from Ch. 120, par. 1105)

Sec. 5. Penalties.

(a) Any person who conducts or knowingly participates in an unlicensed bingo game commits the offense of gambling in violation of Section 28-1 of the Criminal Code of 1961, as amended. Any person who violates any other provision of this Act, or any person who knowingly fails to file a bingo return or who knowingly files a fraudulent application or return under this Act, or any person who wilfully violates any rule or regulation of the Department for the administration and enforcement of this Act, or any officer or agent of an organization ~~or a corporation~~ licensed under this Act who signs a fraudulent application or return filed on behalf of such an organization ~~or corporation~~, is guilty of a Class A misdemeanor.

(b) ~~Any organization~~ ~~In addition to other penalties provided for in this Act, organizations or corporations that illegally~~ conducts bingo, in addition to other penalties provided for in this Act, ~~play bingo~~ shall be subject to a civil penalty equal to the gross proceeds derived from those unlicensed games, as well as confiscation and forfeiture of all bingo equipment used in the conduct of those unlicensed games.

(c) Any organization licensed to conduct bingo which allows any form of illegal gambling to be conducted on the premises where bingo is being conducted, in addition to other penalties

provided for in this Act, shall be subject to a civil penalty equal to the amount of gross proceeds derived on that day from bingo and any illegal game that may have been conducted, as well as confiscation and forfeiture of all bingo equipment used in the conduct of any unlicensed or illegal games.

(d) Any person or organization, in addition to other penalties provided for in this Act, shall be subject to a civil penalty not to exceed \$5,000 for any of the following violations:

(1) Providing premises for the conduct of bingo without first obtaining a license or a special permit to do so.

(2) Allowing unlicensed organizations to conduct bingo on its premises.

(3) Allowing any form of illegal gambling to be conducted on the premises where bingo is being conducted.

(Source: P.A. 84-221.)

(230 ILCS 25/5.1) (from Ch. 120, par. 1105.1)

Sec. 5.1. The Illinois Administrative Procedure Act is hereby expressly adopted and shall apply to all administrative rules and procedures of the Department of Revenue under this Act, except that (1) paragraph (b) of Section 5-10 of the Illinois Administrative Procedure Act does not apply to final orders, decisions and opinions of the Department, (2) subparagraph (a)(ii) of Section 5-10 of the Illinois Administrative Procedure Act does not apply to forms

established by the Department for use under this Act, ~~and~~ (3) the provisions of Section 10-45 of the Illinois Administrative Procedure Act regarding proposals for decision are excluded and not applicable to the Department under this Act, and (4) the provisions of subsection (d) of Section 10-65 of the Illinois Administrative Procedure Act do not apply so as to prevent summary suspension of any license pending revocation or other action, which suspension shall remain in effect unless modified by the Department or unless the Department's decision is reversed on the merits in proceedings conducted pursuant to the Administrative Review Law.

(Source: P.A. 91-357, eff. 7-29-99.)

(230 ILCS 25/5.2 new)

Sec. 5.2. Law enforcement action. Any law enforcement agency that takes action relating to the operation of a bingo game shall notify the Department of Revenue and specify the extent of the action taken and the reasons for the action.

Section 15. The Charitable Games Act is amended by changing Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, and 12 and by adding Section 14.1 as follows:

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

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

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

"Charitable games event" or "event" means the type of fundraising event authorized by the Act at which participants pay to play charitable games for the chance of winning cash or noncash prizes.

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

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

"Department" means the Department of Revenue.

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

"Fraternal organization" means an organization of persons having a common interest that is organized and operated

exclusively to promote the welfare of its members and to benefit the general public on a continuing and consistent basis, including but not limited to ethnic organizations.

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

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

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

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

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

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

"Provider" means the person or organization owning,

leasing, or controlling premises upon which any charitable games event is to be conducted.

~~"Sponsoring organization": A qualified organization that has obtained a license to conduct a charitable games event in conformance with the provisions of this Act.~~

"Qualified organization" means:

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

(b) a veterans organization as defined in Section 1.1 ~~±~~ of the "Bingo License and Tax Act", ~~approved July 22, 1971, as amended,~~ organized and conducted on a not-for-profit basis with no personal profit inuring to anyone as a result of the operation; or

(c) An auxiliary organization of a veterans organization.

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

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

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

"Veterans' organization" means an organization comprised of members of which substantially all are individuals who are veterans or spouses, widows, or widowers of veterans, the primary purpose of which is to promote the welfare of its members and to provide assistance to the general public in such a way as to confer a public benefit.

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

~~"Fraternal organization": A civic, service or charitable organization in this State except a college or high school fraternity or sorority, not for pecuniary profit, which is a branch, lodge or chapter of a national or State organization and exists for the common business, brotherhood, or other interest of its members.~~

~~"Veterans organization": An organization comprised of members of which substantially all are individuals who are veterans or spouses, widows, or widowers of veterans, the primary purpose of which is to promote the welfare of its members and to provide assistance to the general public in such a way as to confer a public benefit.~~

~~"Labor organization": An organization composed of labor unions or workers organized with the objective of betterment of the conditions of those engaged in such pursuit and the development of a higher degree of efficiency in their respective occupations.~~

~~"Department": The Department of Revenue.~~

~~"Volunteer": A person recruited by the sponsoring organization who voluntarily performs services at a charitable games event, including participation in the management or operation of a game, as defined in Section 8.~~

~~"Person": Any natural individual, a corporation, a partnership, a limited liability company, an organization as defined in this Section, a qualified organization, a sponsoring organization, any other licensee under this Act, or a volunteer.~~

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

(230 ILCS 30/3) (from Ch. 120, par. 1123)

Sec. 3. The Department of Revenue shall, upon application therefor on forms prescribed by the ~~such~~ Department, and upon the payment of a nonrefundable ~~an~~ annual fee of \$200, and upon a determination by the Department that the applicant meets all of the qualifications specified in this Act ~~Section~~, issue a charitable games license for the conducting of charitable games to any of the following:

- (i) Any local fraternal mutual benefit organization

chartered at least 40 years before it applies for a license under this Act.

(ii) Any qualified organization organized in Illinois which operates without profit to its members, which has been in existence in Illinois continuously for a period of 5 years immediately before making application for a license and which has had during that 5 year period a bona fide membership engaged in carrying out its objects. However, the 5 year requirement shall be reduced to 2 years, as applied to a local organization which is affiliated with and chartered by a national organization which meets the 5 year requirement. The period of existence specified above shall not apply to a qualified organization, organized for charitable purpose, created by a fraternal organization that meets the existence requirements if the charitable organization has the same officers and directors as the fraternal organization. Only one charitable organization created by a branch lodge or chapter of a fraternal organization may be licensed under this provision.

The application shall be signed by a person listed on the application as an owner, officer, or other person in charge of the necessary day-to-day operations of the applicant organization, who shall attest under penalties of perjury that the information contained in the application is true, correct, and complete.

Each license shall be in effect for one year from its date

of issuance unless extended, suspended, or revoked by Department action before that date. Any extension shall not exceed one year. The Department may by rule authorize the filing by electronic means of any application, license, permit, return, or registration required under this Act. A licensee may hold only one license. Each license must be applied for at least 30 days prior to the night or nights the licensee wishes to conduct such games. The Department may issue a license to a licensee that applies less than 30 days prior to the night or nights the licensee wishes to conduct the games if all other requirements of this Act are met and the Department has sufficient time and resources to issue the license in a timely manner. The Department may provide by rule for an extension of any charitable games license issued under this Act. If a licensee wishes to conduct games at a location other than the locations originally specified in the license, the licensee shall notify the Department of the proposed alternate location at least 30 ~~60~~ days before the night on which the licensee wishes to conduct games at the alternate location. The Department may accept an applicant's change in location with less than 30 days' notice if all other requirements of this Act are met and the Department has sufficient time and resources to process the change in a timely manner.

All taxes and fees imposed by this Act, unless otherwise specified, shall be paid into the Illinois Gaming Law Enforcement Fund of the State Treasury.

(Source: P.A. 87-758; 87-1271.)

(230 ILCS 30/4) (from Ch. 120, par. 1124)

Sec. 4. Licensing Restrictions. Licensing for the conducting of charitable games is subject to the following restrictions:

(1) The license application, when submitted to the Department of Revenue, must contain a sworn statement attesting to the not-for-profit character of the prospective licensee organization, signed by a person listed on the application as an owner, officer, or other person in charge of the necessary day-to-day operations ~~the presiding officer and the secretary of that organization.~~ The application shall contain the name of the person in charge of and primarily responsible for the conduct of the charitable games. The person so designated shall be present on the premises continuously during charitable games. ~~Any wilful misstatements contained in such application constitute perjury.~~

(2) The license application ~~for license~~ shall be prepared by the prospective licensee organization or its duly authorized representative in accordance with the rules of the Department of Revenue.

(2.1) The organization ~~application for a license~~ shall maintain among its books and records ~~contain~~ a list of the names, addresses, social security numbers, and dates of

birth of all persons who will participate in the management or operation of the games, along with a sworn statement made under penalties of perjury, signed by a person listed on the application as an owner, officer, or other person in charge of the necessary day-to-day operations ~~the presiding officer and secretary of the applicant~~, that the persons listed as participating in the management or operation of the games are bona fide members, volunteers as defined in Section 2, or employees of the applicant, that these persons have not participated in the management or operation of more than 4 charitable games events conducted by any licensee in the calendar year, and that these persons will receive no remuneration or compensation, directly or indirectly from any source, for participating in the management or operation of the games. Any amendments to this listing must contain an identical sworn statement.

(2.2) (Blank). ~~The application shall be signed by the presiding officer and the secretary of the applicant organization, who shall attest under penalties of perjury that the information contained in the application is true, correct, and complete.~~

(3) Each license shall state the date ~~which day of the week~~, hours and at what locations the licensee is permitted to conduct charitable games.

(4) Each licensee shall file a copy of the license with each police department or, if in unincorporated areas, each

sheriff's office whose jurisdiction includes the premises on which the charitable games are authorized under the license.

(5) The licensee shall prominently display the license ~~in a prominent place~~ in the area where the licensee ~~it~~ is to conduct charitable games. The licensee shall likewise display, in the form and manner prescribed by the Department, the provisions of Section 9 of this Act.

(6) (Blank). ~~The proceeds from the license fee imposed by this Act shall be paid into the Illinois Gaming Law Enforcement Fund of the State Treasury.~~

(7) Each licensee shall obtain and maintain a bond for the benefit of participants in games conducted by the licensee to insure payment to the winners of such games. Such bond discretionary by the Department and shall be in an amount established by rule by the Department of Revenue. In a county with fewer than 60,000 inhabitants, the Department may waive the bond requirement upon a showing by a licensee that it has sufficient funds on deposit to insure payment to the winners of such games.

(8) A license is not assignable or transferable.

(9) Unless the premises for conducting charitable games are provided by a municipality, the Department shall not issue a license permitting a person, firm or corporation to sponsor a charitable games night if the premises for the conduct of the charitable games has been

previously used for 8 charitable games nights during the previous 12 months.

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

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

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

Nothing in this Section shall be construed to prohibit a licensee that conducts charitable games on its own premises from also obtaining a providers' license in accordance with Section 5.1. The maximum number of charitable games events that may be held in any one premises is limited to 8 charitable games events per calendar year.

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

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

Sec. 5. Providers' License. The Department shall issue a providers' license permitting a person, firm or corporation to provide premises for the conduct of charitable games. No person, firm or corporation may rent or otherwise provide

premises without having first obtained a license. Applications for providers' licenses shall be made in writing in accordance with Department rules. The Department shall license providers of charitable games at a nonrefundable annual fee of \$50, or nonrefundable triennial license fee of \$150. ~~therefor upon written application made, verified and filed with the Department in the form prescribed by the rules and regulations of the Department.~~ Each providers' license is valid for one year from the date of issuance, or 3 years from date of issuance for a triennial license, unless extended, suspended, or revoked by Department action before that date. Any extension of a providers' license shall not exceed one year. ~~The annual fee for such providers' license is \$50.~~ A provider may receive reasonable compensation for the provision of the premises. Reasonable expenses shall include only those expenses defined as reasonable by rules adopted by the Department. ~~The compensation shall not be based upon a percentage of the gross proceeds from the charitable games.~~ A provider, other than a municipality, may not provide the same premises for conducting more than 8 charitable games nights per year. A provider shall not have any interest in any suppliers' business, either direct or indirect. A municipality may provide the same premises for conducting 16 charitable games nights during a 12-month period. No employee, officer, or owner of a provider may participate in the management or operation of a charitable games event, even if the employee, officer, or owner is also a member, volunteer,

or employee of the charitable games licensee. A provider may not promote or solicit a charitable games event on behalf of a charitable games licensee or qualified organization. Any qualified organization licensed to conduct a charitable game need not obtain a providers' license if such games are to be conducted on the organization's premises.

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

(230 ILCS 30/6) (from Ch. 120, par. 1126)

Sec. 6. Supplier's license. The Department shall issue a supplier's license permitting a person, firm, or corporation to sell, lease, lend or distribute to any organization licensed to conduct charitable games, supplies, devices, and other equipment designed for use in the playing of charitable games. No person, firm, or corporation shall sell, lease, lend, or distribute charitable games supplies or equipment without having first obtained a license. Applications for suppliers' licenses shall be made in writing in accordance with Department rules. The Department shall license suppliers of charitable games subject to a nonrefundable annual fee of \$500, or a nonrefundable triennial fee of \$1,500. ~~therefor upon written application made, verified and filed with the Department in the form prescribed by the rules and regulations of the Department.~~ Each supplier's license is valid for ~~a period of~~ one year from the date of issuance, or 3 years from date of issuance for a triennial license, unless extended, suspended, or revoked by

Department action before that date. Any extension of a supplier's license shall not exceed one year. No licensed supplier under this Act shall lease, lend, or distribute charitable gaming equipment, supplies, or other devices to persons not otherwise licensed to conduct charitable games under this Act. ~~The annual fee for such license is \$500.~~ The Department may require by rule for the provision of surety bonds by suppliers. A supplier shall keep among its books and records and make available for inspection by the Department ~~furnish the Department with~~ a list of all products and equipment offered for sale or lease to any organization licensed to conduct charitable games, and all such products and equipment shall be sold or leased at the prices shown on the books and records ~~on file with the Department~~. A supplier shall keep all such products and equipment segregated and separate from any other products, materials or equipment that it might own, sell, or lease. A supplier must include in its application for a license the exact location of the storage of the products, materials, or equipment. A supplier, as a condition of licensure, must consent to permitting the Department's employees to enter supplier's premises to inspect and test all equipment and devices. A supplier shall keep books and records for the furnishing of products and equipment to charitable games separate and distinct from any other business the supplier might operate. All products and equipment supplied must be in accord with the Department's rules and regulations.

A supplier shall not alter or modify any equipment or supplies, or possess any equipment or supplies so altered or modified, so as to allow the possessor or operator of the equipment to obtain a greater chance of winning a game other than as under normal rules of play of such games. The supplier shall not require an organization to pay a percentage of the proceeds from the charitable games for the use of the products or equipment. The supplier shall file a quarterly return with the Department listing all sales or leases for such quarter and the gross proceeds from such sales or leases. A supplier shall permanently affix his name to all charitable games equipment, supplies and pull tabs. A supplier shall not have any interest in any providers' business, either direct or indirect. If the supplier leases his equipment for use at an unlicensed charitable games or to an unlicensed sponsoring group, all equipment so leased is forfeited to the State.

~~No person, firm or corporation shall sell, lease or distribute for compensation within this State, or possess with intent to sell, lease or distribute for compensation within this State, any chips, representations of money, wheels or any devices or equipment designed for use or used in the play of charitable games without first having obtained a license to do so from the Department of Revenue. Any person, firm or corporation which knowingly violates this paragraph shall be guilty of a Class A misdemeanor, the fine for which shall not exceed \$50,000.~~

Organizations licensed to conduct charitable games may own their own equipment. Such organizations must apply to the Department for an ownership permit. Any such application must be accompanied by a one-time, nonrefundable fee of \$50 ~~fee~~. Such organizations shall file an annual report listing their inventory of charitable games equipment. Such organizations may lend such equipment without compensation to other licensed organizations without applying for a suppliers license.

No employee, owner, or officer of a supplier may participate in the management or operation of a charitable games event, even if the employee, owner, or officer is also a member, volunteer, or employee of the charitable games licensee. A supplier may not promote or solicit a charitable games event on behalf of a charitable games licensee or qualified organization.

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

(230 ILCS 30/7) (from Ch. 120, par. 1127)

Sec. 7. Ineligible Persons. The following are ineligible for any license under this Act:

(a) any person who has been convicted of a felony within the last 10 years before ~~of~~ the date of the application;

(b) any person who has been convicted of a violation of Article 28 of the Criminal Code of 1961;

(c) any person who has had a bingo, pull tabs and jar

games, or charitable games license revoked by the Department;

(d) any person who is or has been a professional gambler;

(d-1) any person found gambling in a manner not authorized by this Act, the Illinois Pull Tabs and Jar Games Act, or the Bingo License and Tax Act participating in such gambling, or knowingly permitting such gambling on premises where an authorized charitable games event is authorized to be conducted ~~being~~ or has been conducted;

(e) any ~~business or~~ organization in which a person defined in (a), (b), (c), (d), or (d-1) has a proprietary, equitable, or credit interest, or in which the person is active or employed;

(f) any ~~business or~~ organization in which a person defined in (a), (b), (c), (d), or (d-1) is an officer, director, or employee, whether compensated or not;

(g) any organization in which a person defined in (a), (b), (c), (d), or (d-1) is to participate in the management or operation of charitable games.

The Department of State Police shall provide the criminal background of any person requested by the Department of Revenue.

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

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

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

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

(2) No person except a bona fide member or employee of the sponsoring organization, or a volunteer recruited by the sponsoring organization, may participate in the management or operation of the game. A person participates in the management or operation of a charitable game when he or she sells admission tickets at the event; sells, redeems, or in any way assists in the selling or redeeming of chips, scrip, or play money; participates in the conducting of any of the games played during the event, or supervises, directs or instructs anyone conducting a game; or at any time during the hours of the charitable games event counts, handles, or supervises anyone counting or handling any of the proceeds or chips, scrip, or play money at the event. A person who is present to ensure that the games are being conducted in conformance with the rules established by the licensed organization or is present to insure that the equipment is working properly is considered to be participating in the management or operation of a game. Setting up, cleaning up, selling food and drink, or providing security for persons or property at the event does not constitute participation in the management or

operation of the game.

Only bona fide members, volunteers as defined in Section 2 of this Act, and employees of the sponsoring organization may participate in the management or operation of the games. Participation ~~A person who participates~~ in the management or operation of the games is limited to no more than 4 charitable games events, either of the sponsoring organization or any other licensed organization, during a calendar year. ~~and who is not a bona fide member, volunteer as defined in Section 2 of this Act, or employee of the sponsoring organization, or who receives remuneration or other compensation either directly or indirectly from any source for participating in the management or operation of the games, or who has participated in the management or operation of more than 4 charitable games events in the calendar year, commits a violation of this Act. In addition, a licensed organization that utilizes any person described in the preceding sentence commits a violation of this Act.~~

(3) No person may receive any remuneration or compensation either directly or indirectly from any source for participating in the management or operation of the game.

(4) No single bet at any game may exceed \$10.

(5) A bank shall be established on the premises to convert currency into chips, scrip, or other form of play

money which shall then be used to play at games of chance which the participant chooses. Chips, scrip, or play money must be permanently monogrammed with the logo of the licensed organization or of the supplier. Each participant must be issued a receipt indicating the amount of chips, scrip, or play money purchased.

(6) At the conclusion of the event or when the participant leaves, he may cash in his chips, scrip, or play money in exchange for currency not to exceed \$250 or noncash prizes. Each participant shall sign for any receipt of prizes. The licensee shall provide the Department of Revenue with a listing of all prizes awarded, including the retail value of all prizes awarded.

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

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

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

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

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

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

(13) Such games are not expressly prohibited by county ordinance for charitable games conducted in the unincorporated areas of the county or municipal ordinance for charitable games conducted in the municipality and the ordinance is filed with the Department of Revenue. The Department shall provide each county or municipality with a list of organizations licensed or subsequently authorized by the Department to conduct charitable games in their jurisdiction.

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

(15) Each licensee may offer or conduct only the games listed below, which must be conducted in accordance with rules posted by the organization. The organization

sponsoring charitable games shall promulgate rules, and make printed copies available to participants, for the following games: (a) roulette; (b) blackjack; (c) poker; (d) pull tabs; (e) craps; (f) bang; (g) beat the dealer; (h) big six; (i) gin rummy; (j) five card stud poker; (k) chuck-a-luck; (l) keno; (m) hold-em poker; and (n) merchandise wheel. A licensee need not offer or conduct every game permitted by law. The conducting of games not listed above is prohibited by this Act.

(16) No slot machines or coin-in-the-slot-operated devices that allow a participant to play games of chance shall be permitted to be used at the location and during the time at which the charitable games are being conducted ~~based upon cards or dice shall be permitted to be used at the location and during the time at which the charitable games are being conducted.~~

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

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

(19) (Blank). ~~No person may participate in the management or operation of games at more than 4 charitable games events in any calendar year.~~

(20) A supplier may have only one representative

present at the charitable games event, for the exclusive purpose of ensuring that its equipment is not damaged.

(21) No employee, owner, or officer of a consultant service hired by a licensed organization to perform services at the event including, but not limited to, security for persons or property at the event or services before the event including, but not limited to, training for volunteers or advertising may participate in the management or operation of the games.

(22) ~~(Blank). Volunteers as defined in Section 2 of this Act and bona fide members and employees of a sponsoring organization may not receive remuneration or compensation, either directly or indirectly from any source, for participating in the management or operation of games. They may participate in the management or operation of no more than 4 charitable games events, either of the sponsoring organization or any other licensed organization, during a calendar year.~~

~~Nothing in this Section shall be construed to prohibit a licensee that conducts charitable games on its own premises from also obtaining a providers' license in accordance with Section 5.1.~~

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

(230 ILCS 30/9) (from Ch. 120, par. 1129)

Sec. 9. There shall be paid to the Department of Revenue,

3% of the gross proceeds of charitable games conducted under the provisions of this Act. Such payments shall be made within 30 days after the completion of the games. ~~Payment must be by money order or certified check.~~ Accompanying each payment shall be a return report, on forms prescribed ~~provided~~ by the Department of Revenue, ~~listing the games conducted, the gross income derived and such other information as the Department of Revenue may require.~~ Failure to submit either the payment or the return report within the specified time may result in suspension or revocation of the license. Tax returns filed pursuant to this Act shall not be confidential and shall be available for public inspection. ~~and may be used in future considerations for renewal of the license.~~

~~The provisions of Section 2a of the Retailers' Occupation Tax Act pertaining to the furnishing of a bond or other security are incorporated by reference into this Act and are applicable to licensees under this Act as a precondition of obtaining a license under this Act. For purposes of this Act gross proceeds shall be defined as all chips, scrip or other form of play money purchased or any fee or donation for admission or entry into such games. The Department shall establish by rule the standards and criteria it will use in determining whether to require the furnishing of a bond or other security, the amount of such bond or other security, whether to require the furnishing of an additional bond or other security by a licensee, and the amount of such additional~~

~~bond or other security. Such standards and criteria may include payment history, general financial condition or other factors which may pose risks to insuring the payment to the Department of Revenue, of applicable taxes. Such rulemaking is subject to the provisions of the Illinois Administrative Procedure Act.~~

The provisions of Sections 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5i, 5j, 6, 6a, 6b, 6c, 8, 9, 10, 11 and 12 of the Retailers' Occupation Tax Act, and Section 3-7 of the Uniform Penalty and Interest Act, which are not inconsistent with this Act shall apply, as far as practicable, to the subject matter of this Act to the same extent as if such provisions were included in this Act. ~~Financial reports filed pursuant to this Act shall not be confidential and shall be available for public inspection.~~ For the purposes of this Act, references in such incorporated Sections of the Retailers' Occupation Tax Act to retailers, sellers or persons engaged in the business of selling tangible personal property means persons engaged in conducting charitable games, and references in such incorporated Sections of the Retailers' Occupation Tax Act to sales of tangible personal property mean the conducting of charitable games and the making of charges for playing such games.

All payments made to the Department of Revenue ~~of the sums collected~~ under this Section shall be deposited into the Illinois Gaming Law Enforcement Fund of the State Treasury.

(Source: P.A. 87-205; 87-895.)

(230 ILCS 30/10) (from Ch. 120, par. 1130)

Sec. 10. Each licensee must keep a complete record of charitable games conducted within the previous 3 years. Such record shall be open to inspection by any employee of the Department of Revenue during reasonable business hours. ~~Any employee of the Department may visit the premises and inspect such record during, and for a reasonable time before and after, charitable games. Gross proceeds of charitable games shall be segregated from other revenues of the licensee, including bingo receipts, and shall be placed in a separate account.~~

The Department may require that any person, organization or corporation licensed under this Act obtain from an Illinois certified public accounting firm at its own expense a certified and unqualified financial statement and verification of records of such organization. Failure of a charitable games licensee to comply with this requirement within 90 days of receiving notice from the Department may result in suspension or revocation of the licensee's license ~~and forfeiture of all proceeds.~~

The Department of Revenue may, at its discretion, suspend or shall revoke any license if when it finds that the licensee or any person connected therewith has violated or is violating the provisions of this Act ~~or any rule promulgated under this Act. However, in his or her discretion, the Director may review the offenses subjecting the licensee to revocation and may issue a suspension. The decision to reduce a revocation to a~~

~~suspension, and the duration of the suspension, shall be made by taking into account factors that include, but are not limited to, the licensee's previous history of compliance with the Act and its rules, the number, seriousness, and duration of the violations, and the licensee's cooperation in discontinuing and correcting the violations. Violations of Sections 4, 5, 6, 7, and subsection (2) of Section 8 of this Act are considered to be more serious in nature than other violations under this Act.~~ A revocation or suspension shall be in addition to, and not in lieu of, any other civil penalties or assessments that are authorized by this Act. No licensee under this Act, while a charitable game is being conducted, shall knowingly permit the entry into any part of the licensed premises by any person who has been convicted of a violation of Article 28 of the Criminal Code of 1961.

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

(230 ILCS 30/12) (from Ch. 120, par. 1132)

Sec. 12. Penalties.

(1) Any person who conducts or knowingly participates in an unlicensed charitable game commits the offense of gambling in violation of Section 28-1 of the Criminal Code of 1961, as amended. Any person who violates any provision of this Act, or any person who fails to file a charitable games return or who files a fraudulent return or application under this Act, or any person who willfully ~~knowingly~~ violates any rule or regulation

of the Department for the administration and enforcement of this Act, or any officer or agent of an organization ~~or a corporation~~ licensed under this Act who signs a fraudulent return or application filed on behalf of such an organization ~~or corporation~~, is guilty of a Class A misdemeanor. Any second or subsequent violation of this Act constitutes a Class 4 felony.

(2) Any organization that illegally conducts charitable games, in addition to other penalties provided for in this Act, shall be subject to a civil penalty equal to the amount of gross proceeds derived from those unlicensed games, as well as confiscation and forfeiture of all charitable games equipment used in the conduct of those unlicensed games.

(3) Any organization licensed to conduct charitable games that allows any form of illegal gambling to be conducted on the premises where charitable games are being conducted, in addition to other penalties provided for in this Act, shall be subject to a civil penalty equal to the amount of gross proceeds derived on that day from charitable games and any illegal game that may have been conducted, as well as confiscation and forfeiture of all charitable games equipment used in the conduct of any unlicensed or illegal games.

(4) Any person who violates any provision of this Act or knowingly violates any rule of the Department for the administration of this Act, in addition to other penalties provided, shall be subject to a civil penalty not to exceed

\$250 for each separate violation.

(5) No person shall sell, lease, or distribute for compensation within this State, or possess with intent to sell, lease, or distribute for compensation within this State, any chips, representations of money, wheels, or any devices or equipment designed for use or used in the play of charitable games without first having obtained a license to do so from the Department of Revenue. Any person that knowingly violates this paragraph is guilty of a Class A misdemeanor, the fine for which shall not exceed \$50,000.

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

(230 ILCS 30/14.1 new)

Sec. 14.1. Severability. If any clause, sentence, Section, provision, or part of this Act, or the application thereof to any person or circumstance, shall be adjudged to be unconstitutional, the remainder of this Act or its application to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

(230 ILCS 25/4.1 rep.)

(230 ILCS 25/4.2 rep.)

Section 20. The Bingo License and Tax Act is amended by repealing Sections 4.1 and 4.2.

(230 ILCS 30/11 rep.)

Public Act 095-0228

HB3649 Enrolled

LRB095 09703 AMC 32310 b

Section 25. The Charitable Games Act is amended by
repealing Section 11.

Section 99. Effective date. This Act takes effect July 1,
2007.

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Statutes amended in order of appearance

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230 ILCS 20/3.1 new	
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230 ILCS 20/4	from Ch. 120, par. 1054
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