



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
SB0198

Introduced 2/2/2005, by Sen. John J. Cullerton

SYNOPSIS AS INTRODUCED:

20 ILCS 1605/7.12 new
720 ILCS 5/28-1

from Ch. 38, par. 28-1

Amends the Illinois Lottery Law. Provides that the Department of Revenue shall create a pilot program that allows Illinois residents to purchase Illinois lottery tickets on the Internet. Provides that the Act and the rules adopted pursuant to the Act pertaining to the sale of lottery tickets apply to the sale of lottery tickets under this program. Amends the Criminal Code of 1961. Provides that the exemption from conviction of gambling for lotteries when conducted by the State of Illinois in accordance with the Illinois Lottery Law includes any activity conducted by the Department of Revenue to sell lottery tickets pursuant to the provisions of the Illinois Lottery Law and its rules. Provides that persons who purchase lottery tickets through the Internet in connection with the Department of Revenue's pilot program shall not be convicted of gambling.

LRB094 07766 AMC 37944 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning the lottery.

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

4 Section 5. The Illinois Lottery Law is amended by adding
5 Section 7.12 as follows:

6 (20 ILCS 1605/7.12 new)

7 Sec. 7.12. Internet pilot program. The Department of
8 Revenue shall create a pilot program that allows Illinois
9 residents to purchase Illinois lottery tickets on the Internet.
10 The provisions of this Act and the rules adopted pursuant to
11 this Act pertaining to the sale of lottery tickets shall apply
12 to the sale of lottery tickets under this program. The
13 Department shall adopt any rules necessary for the
14 administration of this program.

15 Section 10. The Criminal Code of 1961 is amended by
16 changing Section 28-1 as follows:

17 (720 ILCS 5/28-1) (from Ch. 38, par. 28-1)

18 Sec. 28-1. Gambling.

19 (a) A person commits gambling when he:

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

23 (2) Makes a wager upon the result of any game, contest,
24 or any political nomination, appointment or election; or

25 (3) Operates, keeps, owns, uses, purchases, exhibits,
26 rents, sells, bargains for the sale or lease of,
27 manufactures or distributes any gambling device; or

28 (4) Contracts to have or give himself or another the
29 option to buy or sell, or contracts to buy or sell, at a
30 future time, any grain or other commodity whatsoever, or

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

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

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

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

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

31 (9) Knowingly drafts, prints or publishes any lottery
32 ticket or share, or any policy ticket, slip, record,
33 document or similar device, except for such activity
34 related to lotteries, bingo games and raffles authorized by
35 and conducted in accordance with the laws of Illinois or
36 any other state or foreign government; or

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

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

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

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

21 (1) Agreements to compensate for loss caused by the
22 happening of chance including without limitation contracts
23 of indemnity or guaranty and life or health or accident
24 insurance.†

25 (2) Offers of prizes, award or compensation to the
26 actual contestants in any bona fide contest for the
27 determination of skill, speed, strength or endurance or to
28 the owners of animals or vehicles entered in such contest.†

29 (3) Pari-mutuel betting as authorized by the law of
30 this State.†

31 (4) Manufacture of gambling devices, including the
32 acquisition of essential parts therefor and the assembly
33 thereof, for transportation in interstate or foreign
34 commerce to any place outside this State when such
35 transportation is not prohibited by any applicable Federal
36 law.†

1 (5) The game commonly known as "bingo", when conducted
2 in accordance with the Bingo License and Tax Act.~~†~~

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

8 (6.1) The purchase of lottery tickets through the
9 Internet for a lottery conducted by the State of Illinois
10 under the program established in Section 7.12 of the
11 Illinois Lottery Law.

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

17 (8) Raffles when conducted in accordance with the
18 Raffles Act.~~†~~

19 (9) Charitable games when conducted in accordance with
20 the Charitable Games Act.~~†~~

21 (10) Pull tabs and jar games when conducted under the
22 Illinois Pull Tabs and Jar Games Act.~~†~~~~or~~

23 (11) Gambling games conducted on riverboats when
24 authorized by the Riverboat Gambling Act.

25 (c) Sentence.

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

34 (d) Circumstantial evidence.

35 In prosecutions under subsection (a) (1) through (a) (12) of
36 this Section circumstantial evidence shall have the same

1 validity and weight as in any criminal prosecution.

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