



Sen. John J. Cullerton

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LRB094 07766 AMC 44840 a

1 AMENDMENT TO SENATE BILL 198

2 AMENDMENT NO. _____. Amend Senate Bill 198 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Lottery Law is amended by adding
5 Sections 7.12, 7.13, 7.14, 7.15, and 7.16 as follows:

6 (20 ILCS 1605/7.12 new)

7 Sec. 7.12. Internet pilot program. The Department shall
8 create a pilot program that allows the purchase of lottery
9 tickets or shares on the Internet and that licenses agents to
10 sell lottery tickets or shares over the Internet. The
11 Department shall adopt rules necessary for the administration
12 of this program. The provisions of this Act and the rules
13 adopted under this Act shall apply to the sale of lottery
14 tickets or shares and to the licensure of Internet agents under
15 this program.

16 (20 ILCS 1605/7.13 new)

17 Sec. 7.13. Licensing of Internet agents; fees. The
18 Department shall issue a license as an agent to sell lottery
19 tickets or shares through the Internet if the applicant meets
20 all of the qualifications specified in this Act and the rules
21 adopted under this Act, except those related to the
22 accessibility of his or her place of business or activity to
23 the public and the ancillary nature of his or her business as a

1 lottery sales agent, provided that the applicant owns and
2 demonstrates that he or she can operate a secure and effective
3 Internet-based system for selling lottery tickets or shares.
4 Each application for a new Internet agent license must be
5 accompanied by a one-time application fee as established by
6 rule and not to exceed \$25,000, and each application for
7 renewal of an Internet agent license must be accompanied by a
8 renewal fee as established by rule and not to exceed \$12,500.
9 In addition to the application fee, the Department may retain
10 outside experts to evaluate the security and effectiveness of
11 each applicant's Internet-based system and may charge
12 applicants a uniform fee to recover the costs of those
13 evaluations. Each Internet agent licensee granted on-line
14 status pursuant to the Department's rules must pay a fee of
15 \$500 per month as partial reimbursement for telecommunications
16 charges incurred by the Department in providing access to the
17 Department's Internet lottery system.

18 (20 ILCS 1605/7.14 new)

19 Sec. 7.14. Posting of Internet agent license numbers and
20 notices. Each agent licensed to sell lottery tickets or shares
21 through the Internet shall prominently display his or her
22 license number on his or her Internet site or sites, as well as
23 on any portal to his or her Internet site or sites, and shall
24 appropriately display any notices or statements that are
25 required by this Act or the rules adopted under this Act to
26 appear on the back of lottery tickets or to be posted or made
27 available at a licensed non-Internet agent's place of business.

28 (20 ILCS 1605/7.15 new)

29 Sec. 7.15. Verification of age for Internet program;
30 security for on-line lottery accounts. The Department shall, by
31 rule, establish a procedure to verify that a person is 18 years
32 of age or older before he or she may establish an on-line

1 lottery account and purchase lottery tickets or shares through
2 the Internet program. By rule, the Department shall establish
3 funding procedures for on-line lottery accounts and shall
4 provide a mechanism for each on-line lottery account to have a
5 personal identification number to prevent the unauthorized use
6 of on-line lottery accounts.

7 (20 ILCS 1605/7.16 new)

8 Sec. 7.16. Residency restrictions; limits on monthly
9 Internet purchases; Internet program games. The Department
10 may, by rule, limit the persons authorized to purchase lottery
11 tickets on-line to Illinois residents and may, by rule, set a
12 limitation on the monthly purchases that may be made through
13 any individual lottery account. All Lotto and Mega Million
14 games offered by the Illinois Lottery shall be offered to
15 on-line players, but the Department is authorized to determine
16 which additional lottery games may be offered through the
17 Internet program.

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

20 (720 ILCS 5/28-1) (from Ch. 38, par. 28-1)

21 Sec. 28-1. Gambling.

22 (a) A person commits gambling when he:

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

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

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

31 (4) Contracts to have or give himself or another the

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

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

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

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

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

33 (9) Knowingly drafts, prints or publishes any lottery
34 ticket or share, or any policy ticket, slip, record,

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

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

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

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

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

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

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

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

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

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

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

14 (6.1) The purchase of lottery tickets through the
15 Internet for a lottery conducted by the State of Illinois
16 under the program established in Section 7.12 of the
17 Illinois Lottery Law.

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

23 (8) Raffles when conducted in accordance with the
24 Raffles Act.†

25 (9) Charitable games when conducted in accordance with
26 the Charitable Games Act.†

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

29 (11) Gambling games conducted on riverboats when
30 authorized by the Riverboat Gambling Act.

31 (c) Sentence.

32 Gambling under subsection (a)(1) or (a)(2) of this Section
33 is a Class A misdemeanor. Gambling under any of subsections
34 (a)(3) through (a)(11) of this Section is a Class A

1 misdemeanor. A second or subsequent conviction under any of
2 subsections (a)(3) through (a)(11), is a Class 4 felony.
3 Gambling under subsection (a)(12) of this Section is a Class A
4 misdemeanor. A second or subsequent conviction under
5 subsection (a)(12) is a Class 4 felony.

6 (d) Circumstantial evidence.

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

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

11 Section 99. Effective date. This Act takes effect upon
12 becoming law.".