



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB3703

by Rep. Rich Brauer

SYNOPSIS AS INTRODUCED:

230 ILCS 15/1	from Ch. 85, par. 2301
230 ILCS 15/2	from Ch. 85, par. 2302
230 ILCS 30/2	from Ch. 120, par. 1122
720 ILCS 5/28-1	from Ch. 38, par. 28-1
720 ILCS 5/28-1.1	from Ch. 38, par. 28-1.1

Amends the Raffles Act and the Charitable Games Act. Provides that a poker run is included in the definition of "raffle" (rather than in the definition of "charitable games event") and that a poker run shall not be subject to the organizational licensing provisions of the Act. Amends the Criminal Code of 2012 to exempt poker runs from the provisions criminalizing gambling and syndicated gambling. Effective immediately.

LRB098 14283 AMC 48893 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning gaming.

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

4 Section 5. The Raffles Act is amended by changing Sections
5 1 and 2 as follows:

6 (230 ILCS 15/1) (from Ch. 85, par. 2301)

7 Sec. 1. Definitions. ~~For~~ For the purposes of this Act the
8 terms defined in this Section have the meanings given them.

9 "Net Proceeds" means the gross receipts from the conduct of
10 raffles, less reasonable sums expended for prizes, local
11 license fees and other reasonable operating expenses incurred
12 as a result of operating a raffle.

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

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

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

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

12 "Raffle" includes a poker run.

13 (Source: P.A. 97-1150, eff. 1-25-13.)

14 (230 ILCS 15/2) (from Ch. 85, par. 2302)

15 Sec. 2. Licensing.

16 (a) The governing body of any county or municipality within
17 this State may establish a system for the licensing of
18 organizations to operate raffles, other than poker runs. The
19 governing bodies of a county and one or more municipalities
20 may, pursuant to a written contract, jointly establish a system
21 for the licensing of organizations to operate raffles within
22 any area of contiguous territory not contained within the
23 corporate limits of a municipality which is not a party to such
24 contract. The governing bodies of two or more adjacent counties
25 or two or more adjacent municipalities located within a county

1 may, pursuant to a written contract, jointly establish a system
2 for the licensing of organizations to operate raffles within
3 the corporate limits of such counties or municipalities. The
4 licensing authority may establish special categories of
5 licenses and promulgate rules relating to the various
6 categories. The licensing system shall provide for limitations
7 upon (1) the aggregate retail value of all prizes or
8 merchandise awarded by a licensee in a single raffle, (2) the
9 maximum retail value of each prize awarded by a licensee in a
10 single raffle, (3) the maximum price which may be charged for
11 each raffle chance issued or sold and (4) the maximum number of
12 days during which chances may be issued or sold. The licensing
13 system may include a fee for each license in an amount to be
14 determined by the local governing body. Licenses issued
15 pursuant to this Act shall be valid for one raffle or for a
16 specified number of raffles to be conducted during a specified
17 period not to exceed one year and may be suspended or revoked
18 for any violation of this Act. A local governing body shall act
19 on a license application within 30 days from the date of
20 application. Nothing in this Act shall be construed to prohibit
21 a county or municipality from adopting rules or ordinances for
22 the operation of raffles that are more restrictive than
23 provided for in this Act. The governing body of a municipality
24 may authorize the sale of raffle chances only within the
25 borders of the municipality. The governing body of the county
26 may authorize the sale of raffle chances only in those areas

1 which are both within the borders of the county and outside the
2 borders of any municipality.

3 (b) Licenses shall be issued only to bona fide religious,
4 charitable, labor, business, fraternal, educational or
5 veterans' organizations that operate without profit to their
6 members and which have been in existence continuously for a
7 period of 5 years immediately before making application for a
8 license and which have had during that entire 5 year period a
9 bona fide membership engaged in carrying out their objects, or
10 to a non-profit fundraising organization that the licensing
11 authority determines is organized for the sole purpose of
12 providing financial assistance to an identified individual or
13 group of individuals suffering extreme financial hardship as
14 the result of an illness, disability, accident or disaster.

15 For purposes of this Act, the following definitions apply.
16 Non-profit: An organization or institution organized and
17 conducted on a not-for-profit basis with no personal profit
18 inuring to any one as a result of the operation. Charitable: An
19 organization or institution organized and operated to benefit
20 an indefinite number of the public. The service rendered to
21 those eligible for benefits must also confer some benefit on
22 the public. Educational: An organization or institution
23 organized and operated to provide systematic instruction in
24 useful branches of learning by methods common to schools and
25 institutions of learning which compare favorably in their scope
26 and intensity with the course of study presented in

1 tax-supported schools. Religious: Any church, congregation,
2 society, or organization founded for the purpose of religious
3 worship. Fraternal: An organization of persons having a common
4 interest, the primary interest of which is to both promote the
5 welfare of its members and to provide assistance to the general
6 public in such a way as to lessen the burdens of government by
7 caring for those that otherwise would be cared for by the
8 government. Veterans: An organization or association comprised
9 of members of which substantially all are individuals who are
10 veterans or spouses, widows, or widowers of veterans, the
11 primary purpose of which is to promote the welfare of its
12 members and to provide assistance to the general public in such
13 a way as to confer a public benefit. Labor: An organization
14 composed of workers organized with the objective of betterment
15 of the conditions of those engaged in such pursuit and the
16 development of a higher degree of efficiency in their
17 respective occupations. Business: A voluntary organization
18 composed of individuals and businesses who have joined together
19 to advance the commercial, financial, industrial and civic
20 interests of a community.

21 (c) Notwithstanding any other provision of law, a poker run
22 shall not be subject to the organizational licensing provisions
23 of this Act.

24 (Source: P.A. 86-820.)

25 Section 10. The Charitable Games Act is amended by changing

1 Section 2 as follows:

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

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

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

12 "Charitable games event" or "event" means the type of
13 fundraising event authorized by the Act at which participants
14 pay to play charitable games for the chance of winning cash or
15 noncash prizes. ~~"Charitable games event" or "event" includes a
16 poker run.~~

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

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

23 "Department" means the Department of Revenue.

24 "Educational organization" means an organization or
25 institution organized and operated to provide systematic

1 instruction in useful branches of learning by methods common to
2 schools and institutions of learning which compare favorably in
3 their scope and intensity with the course of study presented in
4 tax-supported schools.

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

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

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

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

22 "Organization" means a:~~—A~~ corporation, agency,
23 partnership, association, firm, business, or other entity
24 consisting of 2 or more persons joined by a common interest or
25 purpose.

26 "Person" means any natural individual, corporation,

1 partnership, limited liability company, organization as
2 defined in this Section, qualified organization, licensed
3 organization, licensee under this Act, or volunteer.

4 ~~"Poker run" means an event organized by a sponsoring~~
5 ~~organization in which participants travel to 5 or more~~
6 ~~predetermined locations, drawing a playing card or equivalent~~
7 ~~item at each location, in order to assemble a facsimile of a~~
8 ~~poker hand or other numeric score. "Poker run" includes dice~~
9 ~~runs, marble runs, or other events where the objective is to~~
10 ~~build the best hand or highest score by obtaining an item at~~
11 ~~each location.~~

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

14 "Provider" means the person or organization owning,
15 leasing, or controlling premises upon which any charitable
16 games event is to be conducted.

17 "Qualified organization" means:

18 (a) a charitable, religious, fraternal, veterans,
19 labor, educational organization, or other institution
20 organized and conducted on a not-for-profit basis with no
21 personal profit inuring to anyone as a result of the
22 operation and which is exempt from federal income taxation
23 under Sections 501(c)(3), 501(c)(4), 501(c)(5), 501(c)(8),
24 501(c)(10) or 501(c)(19) of the Internal Revenue Code;

25 (b) a veterans organization as defined in Section 1.1
26 of the "Bingo License and Tax Act" organized and conducted

1 on a not-for-profit basis with no personal profit inuring
2 to anyone as a result of the operation; or

3 (c) An auxiliary organization of a veterans
4 organization.

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

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

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

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

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

25 (Source: P.A. 98-426, eff. 8-16-13.)

1 Section 15. The Criminal Code of 2012 is amended by
2 changing Sections 28-1 and 28-1.1 as follows:

3 (720 ILCS 5/28-1) (from Ch. 38, par. 28-1)

4 Sec. 28-1. Gambling.

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

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

9 (2) knowingly makes a wager upon the result of any
10 game, contest, or any political nomination, appointment or
11 election;

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

15 (4) contracts to have or give himself or herself or
16 another the option to buy or sell, or contracts to buy or
17 sell, at a future time, any grain or other commodity
18 whatsoever, or any stock or security of any company, where
19 it is at the time of making such contract intended by both
20 parties thereto that the contract to buy or sell, or the
21 option, whenever exercised, or the contract resulting
22 therefrom, shall be settled, not by the receipt or delivery
23 of such property, but by the payment only of differences in
24 prices thereof; however, the issuance, purchase, sale,
25 exercise, endorsement or guarantee, by or through a person

1 registered with the Secretary of State pursuant to Section
2 8 of the Illinois Securities Law of 1953, or by or through
3 a person exempt from such registration under said Section
4 8, of a put, call, or other option to buy or sell
5 securities which have been registered with the Secretary of
6 State or which are exempt from such registration under
7 Section 3 of the Illinois Securities Law of 1953 is not
8 gambling within the meaning of this paragraph (4);

9 (5) knowingly owns or possesses any book, instrument or
10 apparatus by means of which bets or wagers have been, or
11 are, recorded or registered, or knowingly possesses any
12 money which he has received in the course of a bet or
13 wager;

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

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

20 (8) knowingly sets up or promotes any policy game or
21 sells, offers to sell or knowingly possesses or transfers
22 any policy ticket, slip, record, document or other similar
23 device;

24 (9) knowingly drafts, prints or publishes any lottery
25 ticket or share, or any policy ticket, slip, record,
26 document or similar device, except for such activity

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

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

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

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

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

26 (1) Agreements to compensate for loss caused by the

1 happening of chance including without limitation contracts
2 of indemnity or guaranty and life or health or accident
3 insurance.

4 (2) Offers of prizes, award or compensation to the
5 actual contestants in any bona fide contest for the
6 determination of skill, speed, strength or endurance or to
7 the owners of animals or vehicles entered in such contest.

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

10 (4) Manufacture of gambling devices, including the
11 acquisition of essential parts therefor and the assembly
12 thereof, for transportation in interstate or foreign
13 commerce to any place outside this State when such
14 transportation is not prohibited by any applicable Federal
15 law; or the manufacture, distribution, or possession of
16 video gaming terminals, as defined in the Video Gaming Act,
17 by manufacturers, distributors, and terminal operators
18 licensed to do so under the Video Gaming Act.

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

21 (6) Lotteries when conducted by the State of Illinois
22 in accordance with the Illinois Lottery Law. This exemption
23 includes any activity conducted by the Department of
24 Revenue to sell lottery tickets pursuant to the provisions
25 of the Illinois Lottery Law and its rules.

26 (6.1) The purchase of lottery tickets through the

1 Internet for a lottery conducted by the State of Illinois
2 under the program established in Section 7.12 of the
3 Illinois Lottery Law.

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

9 (8) Raffles, including poker runs, when conducted in
10 accordance with the Raffles Act.

11 (9) Charitable games when conducted in accordance with
12 the Charitable Games Act.

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

15 (11) Gambling games conducted on riverboats when
16 authorized by the Riverboat Gambling Act.

17 (12) Video gaming terminal games at a licensed
18 establishment, licensed truck stop establishment, licensed
19 fraternal establishment, or licensed veterans
20 establishment when conducted in accordance with the Video
21 Gaming Act.

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

25 (c) Sentence.

26 Gambling is a Class A misdemeanor. A second or subsequent

1 conviction under subsections (a) (3) through (a) (12), is a Class
2 4 felony.

3 (d) Circumstantial evidence.

4 In prosecutions under this Section circumstantial evidence
5 shall have the same validity and weight as in any criminal
6 prosecution.

7 (Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09;
8 96-1203, eff. 7-22-10; 97-1108, eff. 1-1-13.)

9 (720 ILCS 5/28-1.1) (from Ch. 38, par. 28-1.1)

10 Sec. 28-1.1. Syndicated gambling.

11 (a) Declaration of Purpose. Recognizing the close
12 relationship between professional gambling and other organized
13 crime, it is declared to be the policy of the legislature to
14 restrain persons from engaging in the business of gambling for
15 profit in this State. This Section shall be liberally construed
16 and administered with a view to carrying out this policy.

17 (b) A person commits syndicated gambling when he or she
18 operates a "policy game" or engages in the business of
19 bookmaking.

20 (c) A person "operates a policy game" when he or she
21 knowingly uses any premises or property for the purpose of
22 receiving or knowingly does receive from what is commonly
23 called "policy":

24 (1) money from a person other than the bettor or player
25 whose bets or plays are represented by the money; or

1 (2) written "policy game" records, made or used over
2 any period of time, from a person other than the bettor or
3 player whose bets or plays are represented by the written
4 record.

5 (d) A person engages in bookmaking when he or she knowingly
6 receives or accepts more than five bets or wagers upon the
7 result of any trials or contests of skill, speed or power of
8 endurance or upon any lot, chance, casualty, unknown or
9 contingent event whatsoever, which bets or wagers shall be of
10 such size that the total of the amounts of money paid or
11 promised to be paid to the bookmaker on account thereof shall
12 exceed \$2,000. Bookmaking is the receiving or accepting of bets
13 or wagers regardless of the form or manner in which the
14 bookmaker records them.

15 (e) Participants in any of the following activities shall
16 not be convicted of syndicated gambling:

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

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

25 (3) Pari-mutuel betting as authorized by law of this
26 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 the
5 transportation is not prohibited by any applicable Federal
6 law;

7 (5) Raffles, including poker runs, when conducted in
8 accordance with the Raffles Act;

9 (6) Gambling games conducted on riverboats when
10 authorized by the Riverboat Gambling Act; and

11 (7) Video gaming terminal games at a licensed
12 establishment, licensed truck stop establishment, licensed
13 fraternal establishment, or licensed veterans
14 establishment when conducted in accordance with the Video
15 Gaming Act.

16 (f) Sentence. Syndicated gambling is a Class 3 felony.

17 (Source: P.A. 96-34, eff. 7-13-09; 97-1108, eff. 1-1-13.)

18 Section 99. Effective date. This Act takes effect upon
19 becoming law.