

104TH GENERAL ASSEMBLY**State of Illinois****2025 and 2026****HB4012**

Introduced 3/5/2025, by Rep. John M. Cabello

SYNOPSIS AS INTRODUCED:

230 ILCS 40/27

230 ILCS 40/35

230 ILCS 40/65

720 ILCS 5/28-1

from Ch. 38, par. 28-1

720 ILCS 5/28-2

from Ch. 38, par. 28-2

Amends the Video Gaming Act. Prohibits a home rule unit of local government with a population of over 1,000,000 from enforcing any local ordinance passed prior to the effective date of the amendatory Act prohibiting the operation of video gaming terminals within the corporate limits of the municipality. Removes a provision allowing for the use of a game device without a license if the game device is used in an activity that is not gambling under the Criminal Code of 2012. Prohibits a home rule unit of government with a population of over 1,000,000 from imposing any fee for the operation of a video gaming terminal in excess of \$250 per year. Amends the Criminal Code of 2012. Changes the definition of "gambling device" to include any vending or other electronic machine or device, including, without limitation, a machine or device that awards credits and contains a circuit, meter, or switch capable of removing and recording the removal of credits that offers a person entry into any contest, competition, sweepstakes, scheme, plan, or other selection process that involves or is dependent upon an element of chance for which the person may receive a gift, award, or other item or service of value if that offer is incidental to or results from: (A) the purchase of an item or service of value; or (B) the purchase or gratuitous receipt of a coupon, voucher, certificate, or other similar credit that can be redeemed for or applied towards an item or service of value from such machine or device or elsewhere. Provides that participants in a game of skill or chance where money or other things of value can be won but no payment or purchase is required to participate shall not be convicted of gambling except where participation in such game of skill or chance is accomplished using a gambling device prohibited by these changes to the definition. Provides that a gambling offense involving such a gambling device is a Class 4 felony. Effective immediately.

LRB104 12635 LNS 23324 b

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 Video Gaming Act is amended by changing
5 Sections 27, 35, and 65 as follows:

6 (230 ILCS 40/27)

7 Sec. 27. Prohibition of video gaming by political
8 subdivision.

9 (a) A municipality may pass an ordinance prohibiting video
10 gaming within the corporate limits of the municipality. A
11 county board may, for the unincorporated area of the county,
12 pass an ordinance prohibiting video gaming within the
13 unincorporated area of the county.

14 (b) On and after July 1, 2022, a qualified fraternal
15 organization that derives its charter from a national
16 fraternal organization and a qualified veterans organization
17 that derives its charter from a national veterans organization
18 shall be eligible to apply to the Board for a license allowing
19 video gaming as a licensed fraternal establishment or a
20 licensed veterans establishment if the proposed fraternal
21 establishment or veterans establishment is located in:

22 (1) a municipality having a population of not more
23 than 1,000,000 that has enacted an ordinance prohibiting

1 video gaming within the corporate limits; or

2 (2) a county having a population of not more than
3 1,000,000 that has enacted an ordinance prohibiting video
4 gaming within the unincorporated area of the county.

5 If the license is granted by the Board, then the licensed
6 fraternal establishment or licensed veterans establishment may
7 operate video gaming terminals pursuant to this Act.

8 (c) No home rule unit of local government with a
9 population of over 1,000,000, based on the 2000 U.S. Census,
10 may enforce any local ordinance passed prior to the effective
11 date of this amendatory Act of the 104th General Assembly
12 prohibiting the operation of video gaming terminals within the
13 corporate limits of the municipality. This subsection (c) is a
14 denial and limitation of home rule powers and functions under
15 subsection (q) of Section 6 of Article VII of the Illinois
16 Constitution.

17 (Source: P.A. 102-689, eff. 12-17-21.)

18 (230 ILCS 40/35)

19 Sec. 35. Display of license; confiscation; violation as
20 felony.

21 (a) Each video gaming terminal shall be licensed by the
22 Board before placement or operation on the premises of a
23 licensed establishment, licensed truck stop establishment,
24 licensed large truck stop establishment, licensed fraternal
25 establishment, or licensed veterans establishment. The license

1 of each video gaming terminal shall be maintained at the
2 location where the video gaming terminal is operated. Failure
3 to do so is a petty offense with a fine not to exceed \$100. Any
4 licensed establishment, licensed truck stop establishment,
5 licensed large truck stop establishment, licensed fraternal
6 establishment, or licensed veterans establishment used for the
7 conduct of gambling games in violation of this Act shall be
8 considered a gambling place in violation of Section 28-3 of
9 the Criminal Code of 2012. Every gambling device found in a
10 licensed establishment, licensed truck stop establishment,
11 licensed large truck stop establishment, licensed fraternal
12 establishment, or licensed veterans establishment operating
13 gambling games in violation of this Act shall be subject to
14 seizure, confiscation, and destruction as provided in Section
15 28-5 of the Criminal Code of 2012. Any license issued under the
16 Liquor Control Act of 1934 to any owner or operator of a
17 licensed establishment, licensed truck stop establishment,
18 licensed large truck stop establishment, licensed fraternal
19 establishment, or licensed veterans establishment that
20 operates or permits the operation of a video gaming terminal
21 within its establishment in violation of this Act shall be
22 immediately revoked. No person may own, operate, have in his
23 or her possession or custody or under his or her control, or
24 permit to be kept in any place under his or her possession or
25 control, any device that awards credits and contains a
26 circuit, meter, or switch capable of removing and recording

1 the removal of credits when the award of credits is dependent
2 upon chance.

3 ~~Nothing in this Section shall be deemed to prohibit the~~
4 ~~use of a game device only if the game device is used in an~~
5 ~~activity that is not gambling under subsection (b) of Section~~
6 ~~28-1 of the Criminal Code of 2012.~~

7 A violation of this Section is a Class 4 felony. All
8 devices that are owned, operated, or possessed in violation of
9 this Section are hereby declared to be public nuisances and
10 shall be subject to seizure, confiscation, and destruction as
11 provided in Section 28-5 of the Criminal Code of 2012.

12 The provisions of this Section do not apply to devices or
13 electronic video game terminals licensed pursuant to this Act.
14 A video gaming terminal operated for amusement only and
15 bearing a valid amusement tax sticker shall not be subject to
16 this Section until 30 days after the Board establishes that
17 the central communications system is functional.

18 (b) (1) The odds of winning each video game shall be posted
19 on or near each video gaming terminal. The manner in which the
20 odds are calculated and how they are posted shall be
21 determined by the Board by rule.

22 (2) No video gaming terminal licensed under this Act may
23 be played except during the legal hours of operation allowed
24 for the consumption of alcoholic beverages at the licensed
25 establishment, licensed fraternal establishment, or licensed
26 veterans establishment. A licensed establishment, licensed

1 fraternal establishment, or licensed veterans establishment
2 that violates this subsection is subject to termination of its
3 license by the Board.

4 (Source: P.A. 101-31, eff. 6-28-19.)

5 (230 ILCS 40/65)

6 Sec. 65. Fees.

7 (a) A non-home rule unit of government may not impose any
8 fee for the operation of a video gaming terminal in excess of
9 \$250 per year.

10 (b) A home rule unit of government with a population of
11 over 1,000,000, based on the 2000 U.S. Census, may not impose
12 any fee for the operation of a video gaming terminal in excess
13 of \$250 per year. This subsection (b) is a denial and
14 limitation of home rule powers and functions under subsection
15 (g) of Section 6 of Article VII of the Illinois Constitution.

16 (c) The cost of any fee imposed under subsections (a) and
17 (b) of this Act by any home rule unit of government or non-home
18 rule unit of government shall be shared equally between the
19 terminal operator and the applicable licensed establishment,
20 licensed veterans establishment, licensed truck stop
21 establishment, licensed large truck stop establishment, or
22 licensed fraternal establishment under this Act. This
23 subsection (c) is a denial and limitation of home rule powers
24 and functions under subsection (g) of Section 6 of Article VII
25 of the Illinois Constitution.

1 (Source: P.A. 101-337, eff. 1-1-20; 102-689, eff. 12-17-21.)

2 Section 10. The Criminal Code of 2012 is amended by
3 changing Sections 28-1 and 28-2 as follows:

4 (720 ILCS 5/28-1) (from Ch. 38, par. 28-1)

5 Sec. 28-1. Gambling.

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

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

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

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

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

1 differences in prices thereof; however, the issuance,
2 purchase, sale, exercise, endorsement or guarantee, by or
3 through a person registered with the Secretary of State
4 pursuant to Section 8 of the Illinois Securities Law of
5 1953, or by or through a person exempt from such
6 registration under said Section 8, of a put, call, or
7 other option to buy or sell securities which have been
8 registered with the Secretary of State or which are exempt
9 from such registration under Section 3 of the Illinois
10 Securities Law of 1953 is not gambling within the meaning
11 of this paragraph (4);

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

17 (6) knowingly sells pools upon the result of any game
18 or contest of skill or chance, political nomination,
19 appointment, or election;

20 (7) knowingly sets up or promotes any lottery or
21 sells, offers to sell, or transfers any ticket or share
22 for any lottery;

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

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

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

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

(12) knowingly establishes, maintains, or operates an Internet site that permits a person to play a game of chance or skill for money or other thing of value by means of the Internet or to make a wager upon the result of any game, contest, political nomination, appointment, or election by means of the Internet. This item (12) does not apply to activities referenced in items (6), (6.1), (8), (8.1), and (15) of subsection (b) of this Section.

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

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

(2) Offers of prizes, awardu or compensation to the actual contestants in any bona fide contest for the determination of skill, speed, strengthu or endurance or to the owners of animals or vehicles entered in such contest.

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

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

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

(6) Lotteries when conducted by the State of Illinois in accordance with the Illinois Lottery Law. This

1 exemption includes any activity conducted by the
2 Department of Revenue to sell lottery tickets pursuant to
3 the provisions of the Illinois Lottery Law and its rules.

4 (6.1) The purchase of lottery tickets through the
5 Internet for a lottery conducted by the State of Illinois
6 under the program established in Section 7.12 of the
7 Illinois Lottery Law.

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

13 (8) Raffles and poker runs when conducted in
14 accordance with the Raffles and Poker Runs Act.

15 (8.1) The purchase of raffle chances for a raffle
16 conducted in accordance with the Raffles and Poker Runs
17 Act.

18 (9) Charitable games when conducted in accordance with
19 the Charitable Games Act.

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

22 (11) Gambling games when authorized by the Illinois
23 Gambling Act.

24 (12) Video gaming terminal games at a licensed
25 establishment, licensed truck stop establishment, licensed
26 large truck stop establishment, licensed fraternal

1 establishment, or licensed veterans establishment when
2 conducted in accordance with the Video Gaming Act.

3 (13) Games of skill or chance where money or other
4 things of value can be won but no payment or purchase is
5 required to participate, except where participation in
6 such game of skill or chance is accomplished using a
7 gambling device prohibited by item (iii) of subsection (a)
8 of Section 28-2.

9 (14) Savings promotion raffles authorized under
10 Section 5g of the Illinois Banking Act, Section 7008 of
11 the Savings Bank Act, Section 42.7 of the Illinois Credit
12 Union Act, Section 5136B of the National Bank Act (12
13 U.S.C. 25a), or Section 4 of the Home Owners' Loan Act (12
14 U.S.C. 1463).

15 (15) Sports wagering when conducted in accordance with
16 the Sports Wagering Act.

17 (c) Sentence.

18 (1) Gambling is a Class A misdemeanor. A second or
19 subsequent conviction under subsections (a) (3) through
20 (a) (12), is a Class 4 felony.

21 (2) Notwithstanding paragraph (1) of this subsection
22 (c), or anything else contained in this Section to the
23 contrary, a gambling offense involving a device described
24 in item (iii) of subsection (a) of Section 28-2 is a Class
25 4 felony.

26 (d) Circumstantial evidence.

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

(Source: P.A. 101-31, Article 25, Section 25-915, eff. 6-28-19; 101-31, Article 35, Section 35-80, eff. 6-28-19; 101-109, eff. 7-19-19; 102-558, eff. 8-20-21.)

(720 ILCS 5/28-2) (from Ch. 38, par. 28-2)

Sec. 28-2. Definitions.

(a) A "gambling device" is: (i) any clock, tape machine, slot machine, or other machines or device for the reception of money or other thing of value on chance or skill or upon the action of which money or other thing of value is staked, hazarded, bet, won, or lost; (ii) ~~or~~ any mechanism, furniture, fixture, equipment, or other device designed primarily for use in a gambling place; or (iii) any vending or other electronic machine or device, including, without limitation, a machine or device that awards credits and contains a circuit, meter, or switch capable of removing and recording the removal of credits that offers a person entry into any contest, competition, sweepstakes, scheme, plan, or other selection process that involves or is dependent upon an element of chance for which the person may receive a gift, award, or other item or service of value if that offer is incidental to or results from: (A) the purchase of an item or service of value; or (B) the purchase or gratuitous receipt of a coupon,

1 voucher, certificate, or other similar credit that can be
2 redeemed for or applied towards an item or service of value
3 from such machine or device or elsewhere. A "gambling device"
4 does not include:

5 (1) A coin-in-the-slot operated mechanical device
6 played for amusement which rewards the player with the
7 right to replay such mechanical device, which device is so
8 constructed or devised as to make such result of the
9 operation thereof depend in part upon the skill of the
10 player and which returns to the player thereof no money,
11 property, or right to receive money or property.

12 (2) Except as otherwise provided in this subsection
13 (a), a vending machine ~~Vending machines~~ by which full and
14 adequate return is made for the money invested and in
15 which there is no element of chance or hazard.

16 (3) A crane game. For the purposes of this paragraph
17 (3), a "crane game" is an amusement device involving
18 skill, if it rewards the player exclusively with
19 merchandise contained within the amusement device proper
20 and limited to toys, novelties, and prizes other than
21 currency, each having a wholesale value which is not more
22 than \$25.

23 (4) A redemption machine. For the purposes of this
24 paragraph (4), a "redemption machine" is a single-player
25 or multi-player amusement device involving a game, the
26 object of which is throwing, rolling, bowling, shooting,

1 placing, or propelling a ball or other object that is
2 either physical or computer generated on a display or with
3 lights into, upon, or against a hole or other target that
4 is either physical or computer generated on a display or
5 with lights, or stopping, by physical, mechanical, or
6 electronic means, a moving object that is either physical
7 or computer generated on a display or with lights into,
8 upon, or against a hole or other target that is either
9 physical or computer generated on a display or with
10 lights, provided that all of the following conditions are
11 met:

12 (A) The outcome of the game is predominantly
13 determined by the skill of the player.

14 (B) The award of the prize is based solely upon the
15 player's achieving the object of the game or otherwise
16 upon the player's score.

17 (C) Only merchandise prizes are awarded.

18 (D) The wholesale value of prizes awarded in lieu
19 of tickets or tokens for single play of the device does
20 not exceed \$25.

21 (E) The redemption value of tickets, tokens, and
22 other representations of value, which may be
23 accumulated by players to redeem prizes of greater
24 value, for a single play of the device does not exceed
25 \$25.

26 (5) Video gaming terminals at a licensed

1 establishment, licensed truck stop establishment, licensed
2 large truck stop establishment, licensed fraternal
3 establishment, or licensed veterans establishment licensed
4 in accordance with the Video Gaming Act.

5 (a-5) "Internet" means an interactive computer service or
6 system or an information service, system, or access software
7 provider that provides or enables computer access by multiple
8 users to a computer server, and includes, but is not limited
9 to, an information service, system, or access software
10 provider that provides access to a network system commonly
11 known as the Internet, or any comparable system or service and
12 also includes, but is not limited to, a World Wide Web page,
13 newsgroup, message board, mailing list, or chat area on any
14 interactive computer service or system or other online
15 service.

16 (a-6) "Access" has the meaning ascribed to the term in
17 Section 17-55.

18 (a-7) "Computer" has the meaning ascribed to the term in
19 Section 17-0.5.

20 (b) A "lottery" is any scheme or procedure whereby one or
21 more prizes are distributed by chance among persons who have
22 paid or promised consideration for a chance to win such
23 prizes, whether such scheme or procedure is called a lottery,
24 raffle, gift, sale, or some other name, excluding savings
25 promotion raffles authorized under Section 5g of the Illinois
26 Banking Act, Section 7008 of the Savings Bank Act, Section

1 42.7 of the Illinois Credit Union Act, Section 5136B of the
2 National Bank Act (12 U.S.C. 25a), or Section 4 of the Home
3 Owners' Loan Act (12 U.S.C. 1463).

4 (c) A "policy game" is any scheme or procedure whereby a
5 person promises or guarantees by any instrument, bill,
6 certificate, writing, token, or other device that any
7 particular number, character, ticket, or certificate shall in
8 the event of any contingency in the nature of a lottery entitle
9 the purchaser or holder to receive money, property, or
10 evidence of debt.

11 (d) It is the intent of item (iii) of subsection (a) of
12 this Section to prohibit any mechanism that seeks to avoid
13 being considered a gambling device through the use of any
14 subterfuge or pretense whatsoever.

15 (Source: P.A. 101-31, eff. 6-28-19; 101-87, eff. 1-1-20;
16 102-558, eff. 8-20-21.)

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