



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB5139

Introduced 2/10/2026, by Rep. Daniel Didech

SYNOPSIS AS INTRODUCED:

230 ILCS 40/35

230 ILCS 40/60

230 ILCS 40/27 rep.

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. Provides that an applicant or licensee is not in violation of the Act or certain Illinois Gaming Board rules and shall not be subject to disciplinary action, delay of any Board consideration, or denial of any license for operating a gaming device if operation of the gaming device is in compliance with, and not considered gambling under, the Criminal Code of 2012. Removes language providing that nothing shall be deemed to prohibit the use of a game device only if the game device is used in an activity that is not gambling under the Criminal Code of 2012. Provides that of the tax collected on net terminal income, 80.84% (rather than 83.7%) shall be deposited into the Capital Projects Fund and 17.16% (rather than 14.3%) shall be deposited into the Local Government Video Gaming Distributive Fund. Repeals a provision regarding the prohibition of video gaming by political subdivisions. Amends the Criminal Code of 2012. Provides that a gambling offense involving a vending or other electronic machine or device, is a Class 4 felony. Makes other and conforming changes.

LRB104 17388 LNS 30813 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 35 and 60 as follows:

6 (230 ILCS 40/35)

7 Sec. 35. Display of license; confiscation; violation as
8 felony.

9 (a) Each video gaming terminal shall be licensed by the
10 Board before placement or operation on the premises of a
11 licensed establishment, licensed truck stop establishment,
12 licensed large truck stop establishment, licensed fraternal
13 establishment, or licensed veterans establishment. The license
14 of each video gaming terminal shall be maintained at the
15 location where the video gaming terminal is operated. Failure
16 to do so is a petty offense with a fine not to exceed \$100. Any
17 licensed establishment, licensed truck stop establishment,
18 licensed large truck stop establishment, licensed fraternal
19 establishment, or licensed veterans establishment used for the
20 conduct of gambling games in violation of this Act shall be
21 considered a gambling place in violation of Section 28-3 of
22 the Criminal Code of 2012. Every gambling device found in a
23 licensed establishment, licensed truck stop establishment,

1 licensed large truck stop establishment, licensed fraternal
2 establishment, or licensed veterans establishment operating
3 gambling games in violation of this Act shall be subject to
4 seizure, confiscation, and destruction as provided in Section
5 28-5 of the Criminal Code of 2012. Any license issued under the
6 Liquor Control Act of 1934 to any owner or operator of a
7 licensed establishment, licensed truck stop establishment,
8 licensed large truck stop establishment, licensed fraternal
9 establishment, or licensed veterans establishment that
10 operates or permits the operation of a video gaming terminal
11 within its establishment in violation of this Act shall be
12 immediately revoked. No person may own, operate, have in his
13 or her possession or custody or under his or her control, or
14 permit to be kept in any place under his or her possession or
15 control, any device that awards credits and contains a
16 circuit, meter, or switch capable of removing and recording
17 the removal of credits when the award of credits is dependent
18 upon chance.

19 An applicant or licensee under this Act is not in
20 violation of this Act or any of the Board rules under 11 Ill.
21 Adm. Code 1800.420 and shall not be subject to disciplinary
22 action, delay of any Board consideration, or denial of any
23 license for operating a gaming device if operation of the
24 gaming device is in compliance with, and not considered
25 gambling under, subsection (b) of Section 28-1 or item (iii)
26 of subsection (a) of Section 28-2 of the Criminal Code of 2012.

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

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

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

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

20 (2) No video gaming terminal licensed under this Act may
21 be played except during the legal hours of operation allowed
22 for the consumption of alcoholic beverages at the licensed
23 establishment, licensed fraternal establishment, or licensed
24 veterans establishment. A licensed establishment, licensed
25 fraternal establishment, or licensed veterans establishment
26 that violates this subsection is subject to termination of its

1 license by the Board.

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

3 (230 ILCS 40/60)

4 Sec. 60. Imposition and distribution of tax.

5 (a) Through June 30, 2025, a tax of 30% is imposed on net
6 terminal income and shall be collected by the Board.

7 Of the tax collected under this subsection (a),
8 five-sixths shall be deposited into the Capital Projects Fund
9 and one-sixth shall be deposited into the Local Government
10 Video Gaming Distributive Fund.

11 (b) Beginning on July 1, 2019 and through June 30, 2025, an
12 additional tax of 3% is imposed on net terminal income and
13 shall be collected by the Board.

14 Beginning on July 1, 2020 and through June 30, 2025, an
15 additional tax of 1% is imposed on net terminal income and
16 shall be collected by the Board.

17 Beginning on July 1, 2024 and through June 30, 2025, an
18 additional tax of 1% is imposed on net terminal income and
19 shall be collected by the Board.

20 The tax collected under this subsection (b) shall be
21 deposited into the Capital Projects Fund.

22 (b-5) Beginning on July 1, 2025, a tax of 35% is imposed on
23 net terminal income and shall be collected by the Board.

24 Until December 31, 2026, of ~~of~~ the tax collected under
25 this subsection (b-5), 83.7% shall be deposited into the

1 Capital Projects Fund, 14.3% shall be deposited into the Local
2 Government Video Gaming Distributive Fund, and 2% shall be
3 deposited into the State Gaming Fund. Beginning on January 1,
4 2027, of the tax collected under this subsection (b-5), 80.84%
5 shall be deposited into the Capital Projects Fund, 17.16%
6 shall be deposited into the Local Government Video Gaming
7 Distributive Fund, and 2% shall be deposited into the State
8 Gaming Fund.

9 (c) Revenues generated from the play of video gaming
10 terminals shall be deposited by the terminal operator, who is
11 responsible for tax payments, in a specially created, separate
12 bank account maintained by the video gaming terminal operator
13 to allow for electronic fund transfers of moneys for tax
14 payment.

15 (d) Each licensed establishment, licensed truck stop
16 establishment, licensed large truck stop establishment,
17 licensed fraternal establishment, and licensed veterans
18 establishment shall maintain an adequate video gaming fund,
19 with the amount to be determined by the Board.

20 (e) The State's percentage of net terminal income shall be
21 reported and remitted to the Board within 15 days after the
22 15th day of each month and within 15 days after the end of each
23 month by the video terminal operator. A video terminal
24 operator who falsely reports or fails to report the amount due
25 required by this Section is guilty of a Class 4 felony and is
26 subject to termination of his or her license by the Board. Each

1 video terminal operator shall keep a record of net terminal
2 income in such form as the Board may require. All payments not
3 remitted when due shall be paid together with a penalty
4 assessment on the unpaid balance at a rate of 1.5% per month.
5 (Source: P.A. 103-592, eff. 6-7-24; 104-2, eff. 6-16-25.)

6 (230 ILCS 40/27 rep.)

7 Section 15. The Video Gaming Act is amended by repealing
8 Section 27.

9 Section 20. The Criminal Code of 2012 is amended by
10 changing Sections 28-1 and 28-2 as follows:

11 (720 ILCS 5/28-1) (from Ch. 38, par. 28-1)

12 Sec. 28-1. Gambling.

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

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

17 (2) knowingly makes a wager upon the result of any
18 game, contest, or any political nomination, appointment or
19 election;

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

23 (4) contracts to have or give himself or herself or

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

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

25 (6) knowingly sells pools upon the result of any game
26 or contest of skill or chance, political nomination,

1 appointment, or election;

2 (7) knowingly sets up or promotes any lottery or
3 sells, offers to sell, or transfers any ticket or share
4 for any lottery;

5 (8) knowingly sets up or promotes any policy game or
6 sells, offers to sell, or knowingly possesses or transfers
7 any policy ticket, slip, record, document, or other
8 similar device;

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

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

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

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

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

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

15 (2) Offers of prizes, award, or compensation to the
16 actual contestants in any bona fide contest for the
17 determination of skill, speed, strength, or endurance or
18 to the owners of animals or vehicles entered in such
19 contest.

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

22 (4) Manufacture of gambling devices, including the
23 acquisition of essential parts therefor and the assembly
24 thereof, for transportation in interstate or foreign
25 commerce to any place outside this State when such
26 transportation is not prohibited by any applicable Federal

1 law; or the manufacture, distribution, or possession of
2 video gaming terminals, as defined in the Video Gaming
3 Act, by manufacturers, distributors, and terminal
4 operators licensed to do so under the Video Gaming Act.

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

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

12 (6.1) The purchase of lottery tickets through the
13 Internet for a lottery conducted by the State of Illinois
14 under the program established in Section 7.12 of the
15 Illinois Lottery Law.

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

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

23 (8.1) The purchase of raffle chances for a raffle
24 conducted in accordance with the Raffles and Poker Runs
25 Act.

26 (9) Charitable games when conducted in accordance with

1 the Charitable Games Act.

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

4 (11) Gambling games when authorized by the Illinois
5 Gambling Act.

6 (12) Video gaming terminal games at a licensed
7 establishment, licensed truck stop establishment, licensed
8 large truck stop establishment, licensed fraternal
9 establishment, or licensed veterans establishment when
10 conducted in accordance with the Video Gaming Act.

11 (13) Games of skill or chance where money or other
12 things of value can be won but no payment or purchase is
13 required to participate, except where conducted through
14 use of a gambling device or by means of the Internet.

15 (14) Savings promotion raffles authorized under
16 Section 5g of the Illinois Banking Act, Section 7008 of
17 the Savings Bank Act, Section 42.7 of the Illinois Credit
18 Union Act, Section 5136B of the National Bank Act (12
19 U.S.C. 25a), or Section 4 of the Home Owners' Loan Act (12
20 U.S.C. 1463).

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

23 (c) Sentence.

24 (1) Gambling is a Class A misdemeanor. A second or
25 subsequent conviction under subsections (a)(3) through
26 (a)(12), is a Class 4 felony.

1 (2) Notwithstanding paragraph (1) of this subsection
2 (c), or anything else contained in this Section to the
3 contrary, a gambling offense involving a device described
4 in item (iii) of subsection (a) of Section 28-2 is a Class
5 4 felony.

6 (d) Circumstantial evidence.

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

10 (Source: P.A. 101-31, Article 25, Section 25-915, eff.
11 6-28-19; 101-31, Article 35, Section 35-80, eff. 6-28-19;
12 101-109, eff. 7-19-19; 102-558, eff. 8-20-21.)

13 (720 ILCS 5/28-2) (from Ch. 38, par. 28-2)

14 Sec. 28-2. Definitions.

15 (a) A "gambling device" is: (i) any clock, tape machine,
16 slot machine, or other machines or device for the reception of
17 money or other thing of value on chance or skill or upon the
18 action of which money or other thing of value is staked,
19 hazarded, bet, won, or lost; (ii) ~~or~~ any mechanism, furniture,
20 fixture, equipment, or other device designed primarily for use
21 in a gambling place; or (iii) any vending or other electronic
22 machine or device, including, without limitation, a machine or
23 device that awards credits and contains a circuit, meter, or
24 switch capable of removing and recording the removal of
25 credits that offers a person entry into any contest,

1 competition, sweepstakes, scheme, plan, or other selection
2 process that involves or is dependent upon an element of
3 chance for which the person may receive a gift, award, or other
4 item or service of value if that offer is incidental to or
5 results from: (A) the purchase of an item or service of value;
6 or (B) the purchase or gratuitous receipt of a coupon,
7 voucher, certificate, or other similar credit that can be
8 redeemed for or applied towards an item or service of value
9 from such machine or device or elsewhere. A "gambling device"
10 does not include:

11 (1) A coin-in-the-slot operated mechanical device
12 played for amusement which rewards the player with the
13 right to replay such mechanical device, which device is so
14 constructed or devised as to make such result of the
15 operation thereof depend in part upon the skill of the
16 player and which returns to the player thereof no money,
17 property, or right to receive money or property.

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

22 (3) A crane game. For the purposes of this paragraph
23 (3), a "crane game" is an amusement device involving
24 skill, if it rewards the player exclusively with
25 merchandise contained within the amusement device proper
26 and limited to toys, novelties, and prizes other than

1 currency, each having a wholesale value which is not more
2 than \$25.

3 (4) A redemption machine. For the purposes of this
4 paragraph (4), a "redemption machine" is a single-player
5 or multi-player amusement device involving a game, the
6 object of which is throwing, rolling, bowling, shooting,
7 placing, or propelling a ball or other object that is
8 either physical or computer generated on a display or with
9 lights into, upon, or against a hole or other target that
10 is either physical or computer generated on a display or
11 with lights, or stopping, by physical, mechanical, or
12 electronic means, a moving object that is either physical
13 or computer generated on a display or with lights into,
14 upon, or against a hole or other target that is either
15 physical or computer generated on a display or with
16 lights, provided that all of the following conditions are
17 met:

18 (A) The outcome of the game is predominantly
19 determined by the skill of the player.

20 (B) The award of the prize is based solely upon the
21 player's achieving the object of the game or otherwise
22 upon the player's score.

23 (C) Only merchandise prizes are awarded.

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

1 (E) The redemption value of tickets, tokens, and
2 other representations of value, which may be
3 accumulated by players to redeem prizes of greater
4 value, for a single play of the device does not exceed
5 \$25.

6 (5) Video gaming terminals at a licensed
7 establishment, licensed truck stop establishment, licensed
8 large truck stop establishment, licensed fraternal
9 establishment, or licensed veterans establishment licensed
10 in accordance with the Video Gaming Act.

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

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

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

26 (b) A "lottery" is any scheme or procedure whereby one or

1 more prizes are distributed by chance among persons who have
2 paid or promised consideration for a chance to win such
3 prizes, whether such scheme or procedure is called a lottery,
4 raffle, gift, sale, or some other name, excluding savings
5 promotion raffles authorized under Section 5g of the Illinois
6 Banking Act, Section 7008 of the Savings Bank Act, Section
7 42.7 of the Illinois Credit Union Act, Section 5136B of the
8 National Bank Act (12 U.S.C. 25a), or Section 4 of the Home
9 Owners' Loan Act (12 U.S.C. 1463).

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

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

21 (Source: P.A. 101-31, eff. 6-28-19; 101-87, eff. 1-1-20;
22 102-558, eff. 8-20-21.)