

SB3394



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB3394

Introduced 2/4/2026, by Sen. Michael E. Hastings

SYNOPSIS AS INTRODUCED:

720 ILCS 5/28-8

from Ch. 38, par. 28-8

Amends the Criminal Code of 2012. In the provision of the Code that provides that a person who by illegal gambling loses \$50 or more to another person may sue for and recover the money or other thing of value, so lost and paid or delivered, in a civil action against the winner thereof, with costs, in the circuit court, applies only to a natural person with residency in the State of Illinois. Provides that losses as a result of participation in any fantasy contests against a fantasy contest operator, including single-player fantasy contests, are not recoverable under the provision. Effective immediately.

LRB104 19516 RLC 32964 b

A BILL FOR

1 AN ACT concerning criminal law.

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

4 Section 5. The Criminal Code of 2012 is amended by
5 changing Section 28-8 as follows:

6 (720 ILCS 5/28-8) (from Ch. 38, par. 28-8)

7 Sec. 28-8. Gambling losses recoverable.

8 (a) Any natural person with residency in the State of
9 Illinois who by gambling shall lose to any other person, any
10 sum of money or thing of value, amounting to the sum of \$50 or
11 more and shall pay or deliver the same or any part thereof, may
12 sue for and recover the money or other thing of value, so lost
13 and paid or delivered, in a civil action against the winner
14 thereof, with costs, in the circuit court. No person who
15 accepts from another person for transmission, and transmits,
16 either in his own name or in the name of such other person, any
17 order for any transaction to be made upon, or who executes any
18 order given to him by another person, or who executes any
19 transaction for his own account on, any regular board of trade
20 or commercial, commodity or stock exchange, shall, under any
21 circumstances, be deemed a "winner" of any moneys lost by such
22 other person in or through any such transactions.

23 (b) If within 6 months, such person who under the terms of

1 Subsection 28-8(a) is entitled to initiate action to recover
2 his losses does not in fact pursue his remedy, any person may
3 initiate a civil action against the winner. The court or the
4 jury, as the case may be, shall determine the amount of the
5 loss. After such determination, the court shall enter a
6 judgment of triple the amount so determined.

7 (c) Gambling losses as a result of gambling conducted on a
8 video gaming terminal licensed under the Video Gaming Act are
9 not recoverable under this Section.

10 (d) Losses as a result of participation in any fantasy
11 contests against a fantasy contest operator, including
12 single-player fantasy contests, are not recoverable under this
13 Section.

14 (Source: P.A. 98-31, eff. 6-24-13.)

15 Section 99. Effective date. This Act takes effect upon
16 becoming law.