



Sen. Michael E. Hastings

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10400SB3394sam001

LRB104 19516 RLC 36023 a

1 AMENDMENT TO SENATE BILL 3394

2 AMENDMENT NO. _____. Amend Senate Bill 3394 by replacing
3 everything after the enacting clause with the following:

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 person who by gambling shall lose to any other
9 person, any sum of money or thing of value, amounting to the
10 sum of \$5,000 ~~\$50~~ or more and shall pay or deliver the same or
11 any part thereof, may sue for and recover the money or other
12 thing of value, so lost and paid or delivered, in a civil
13 action against the winner thereof, with costs, in the circuit
14 court. No person who accepts from another person for
15 transmission, and transmits, either in his own name or in the
16 name of such other person, any order for any transaction to be

1 made upon, or who executes any order given to him by another
2 person, or who executes any transaction for his own account
3 on, any regular board of trade or commercial, commodity or
4 stock exchange, shall, under any circumstances, be deemed a
5 "winner" of any moneys lost by such other person in or through
6 any such transactions.

7 (b) (Blank). ~~If within 6 months, such person who under the~~
8 ~~terms of Subsection 28-8(a) is entitled to initiate action to~~
9 ~~recover his losses does not in fact pursue his remedy, any~~
10 ~~person may initiate a civil action against the winner. The~~
11 ~~court or the jury, as the case may be, shall determine the~~
12 ~~amount of the loss. After such determination, the court shall~~
13 ~~enter a judgment of triple the amount so determined.~~

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

17 (d) Losses as a result of participation in any fantasy
18 contests against a fantasy contest operator, including
19 single-player fantasy contests, are not recoverable under this
20 Section. The provisions of this amendatory Act of the 104th
21 General Assembly are declarative of existing law.

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

23 Section 99. Effective date. This Act takes effect upon
24 becoming law."