



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

SB3439

Introduced 2/4/2026, by Sen. Bill Cunningham

#### SYNOPSIS AS INTRODUCED:

230 ILCS 40/35

720 ILCS 5/28-1

720 ILCS 5/28-2

from Ch. 38, par. 28-1

from Ch. 38, par. 28-2

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 a person shall not be convicted of gambling if the person participates 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, except where conducted through the use of a gambling device or by means of the Internet. Provides that a gambling offense involving such a gambling device is a Class 4 felony. Amends the Video Gaming Act. 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. Effective immediately.

LRB104 20118 LNS 33569 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 Section 35 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 ~~Nothing in this Section shall be deemed to prohibit the~~  
20 ~~use of a game device only if the game device is used in an~~  
21 ~~activity that is not gambling under subsection (b) of Section~~  
22 ~~28-1 of the Criminal Code of 2012.~~

23 A violation of this Section is a Class 4 felony. All  
24 devices that are owned, operated, or possessed in violation of  
25 this Section are hereby declared to be public nuisances and  
26 shall be subject to seizure, confiscation, and destruction as

1 provided in Section 28-5 of the Criminal Code of 2012.

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

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

12 (2) No video gaming terminal licensed under this Act may  
13 be played except during the legal hours of operation allowed  
14 for the consumption of alcoholic beverages at the licensed  
15 establishment, licensed fraternal establishment, or licensed  
16 veterans establishment. A licensed establishment, licensed  
17 fraternal establishment, or licensed veterans establishment  
18 that violates this subsection is subject to termination of its  
19 license by the Board.

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

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

23 (720 ILCS 5/28-1) (from Ch. 38, par. 28-1)

24 Sec. 28-1. Gambling.

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

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

5 (2) knowingly makes a wager upon the result of any  
6 game, contest, or any political nomination, appointment or  
7 election;

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

11 (4) contracts to have or give himself or herself or  
12 another the option to buy or sell, or contracts to buy or  
13 sell, at a future time, any grain or other commodity  
14 whatsoever, or any stock or security of any company, where  
15 it is at the time of making such contract intended by both  
16 parties thereto that the contract to buy or sell, or the  
17 option, whenever exercised, or the contract resulting  
18 therefrom, shall be settled, not by the receipt or  
19 delivery of such property, but by the payment only of  
20 differences in prices thereof; however, the issuance,  
21 purchase, sale, exercise, endorsement or guarantee, by or  
22 through a person registered with the Secretary of State  
23 pursuant to Section 8 of the Illinois Securities Law of  
24 1953, or by or through a person exempt from such  
25 registration under said Section 8, of a put, call, or  
26 other option to buy or sell securities which have been

1 registered with the Secretary of State or which are exempt  
2 from such registration under Section 3 of the Illinois  
3 Securities Law of 1953 is not gambling within the meaning  
4 of this paragraph (4);

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

10 (6) knowingly sells pools upon the result of any game  
11 or contest of skill or chance, political nomination,  
12 appointment, or election;

13 (7) knowingly sets up or promotes any lottery or  
14 sells, offers to sell, or transfers any ticket or share  
15 for any lottery;

16 (8) knowingly sets up or promotes any policy game or  
17 sells, offers to sell, or knowingly possesses or transfers  
18 any policy ticket, slip, record, document, or other  
19 similar device;

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

26 (10) knowingly advertises any lottery or policy game,

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

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

12          (12) knowingly establishes, maintains, or operates an  
13          Internet site that permits a person to play a game of  
14          chance or skill for money or other thing of value by means  
15          of the Internet or to make a wager upon the result of any  
16          game, contest, political nomination, appointment, or  
17          election by means of the Internet. This item (12) does not  
18          apply to activities referenced in items (6), (6.1), (8),  
19          (8.1), and (15) of subsection (b) of this Section.

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

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

26               (2) Offers of prizes, award, or compensation to the

1 actual contestants in any bona fide contest for the  
2 determination of skill, speed, strength, or endurance or  
3 to the owners of animals or vehicles entered in such  
4 contest.

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

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

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

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

23 (6.1) The purchase of lottery tickets through the  
24 Internet for a lottery conducted by the State of Illinois  
25 under the program established in Section 7.12 of the  
26 Illinois Lottery Law.

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

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

8           (8.1) The purchase of raffle chances for a raffle  
9 conducted in accordance with the Raffles and Poker Runs  
10 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 when authorized by the Illinois  
16 Gambling Act.

17           (12) Video gaming terminal games at a licensed  
18 establishment, licensed truck stop establishment, licensed  
19 large truck stop establishment, licensed fraternal  
20 establishment, or licensed veterans establishment when  
21 conducted in accordance with the Video 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, except where conducted through  
25 use of a gambling device or by means of the Internet.

26           (14) Savings promotion raffles authorized under

1 Section 5g of the Illinois Banking Act, Section 7008 of  
2 the Savings Bank Act, Section 42.7 of the Illinois Credit  
3 Union Act, Section 5136B of the National Bank Act (12  
4 U.S.C. 25a), or Section 4 of the Home Owners' Loan Act (12  
5 U.S.C. 1463).

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

8 (c) Sentence.

9 (1) Gambling is a Class A misdemeanor. A second or  
10 subsequent conviction under subsections (a)(3) through  
11 (a)(12), is a Class 4 felony.

12 (2) Notwithstanding paragraph (1) of this subsection  
13 (c), or anything else contained in this Section to the  
14 contrary, a gambling offense involving a device described  
15 in item (iii) of subsection (a) of Section 28-2 is a Class  
16 4 felony.

17 (d) Circumstantial evidence.

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

21 (Source: P.A. 101-31, Article 25, Section 25-915, eff.  
22 6-28-19; 101-31, Article 35, Section 35-80, eff. 6-28-19;  
23 101-109, eff. 7-19-19; 102-558, eff. 8-20-21.)

24 (720 ILCS 5/28-2) (from Ch. 38, par. 28-2)

25 Sec. 28-2. Definitions.

1 (a) A "gambling device" is: (i) any clock, tape machine,  
2 slot machine, or other machines or device for the reception of  
3 money or other thing of value on chance or skill or upon the  
4 action of which money or other thing of value is staked,  
5 hazarded, bet, won, or lost; (ii) ~~or~~ any mechanism, furniture,  
6 fixture, equipment, or other device designed primarily for use  
7 in a gambling place; or (iii) any vending or other electronic  
8 machine or device, including, without limitation, a machine or  
9 device that awards credits and contains a circuit, meter, or  
10 switch capable of removing and recording the removal of  
11 credits that offers a person entry into any contest,  
12 competition, sweepstakes, scheme, plan, or other selection  
13 process that involves or is dependent upon an element of  
14 chance for which the person may receive a gift, award, or other  
15 item or service of value if that offer is incidental to or  
16 results from: (A) the purchase of an item or service of value;  
17 or (B) the purchase or gratuitous receipt of a coupon,  
18 voucher, certificate, or other similar credit that can be  
19 redeemed for or applied towards an item or service of value  
20 from such machine or device or elsewhere. A "gambling device"  
21 does not include:

22 (1) A coin-in-the-slot operated mechanical device  
23 played for amusement which rewards the player with the  
24 right to replay such mechanical device, which device is so  
25 constructed or devised as to make such result of the  
26 operation thereof depend in part upon the skill of the

1 player and which returns to the player thereof no money,  
2 property, or right to receive money or property.

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

7 (3) A crane game. For the purposes of this paragraph  
8 (3), a "crane game" is an amusement device involving  
9 skill, if it rewards the player exclusively with  
10 merchandise contained within the amusement device proper  
11 and limited to toys, novelties, and prizes other than  
12 currency, each having a wholesale value which is not more  
13 than \$25.

14 (4) A redemption machine. For the purposes of this  
15 paragraph (4), a "redemption machine" is a single-player  
16 or multi-player amusement device involving a game, the  
17 object of which is throwing, rolling, bowling, shooting,  
18 placing, or propelling a ball or other object that is  
19 either physical or computer generated on a display or with  
20 lights into, upon, or against a hole or other target that  
21 is either physical or computer generated on a display or  
22 with lights, or stopping, by physical, mechanical, or  
23 electronic means, a moving object that is either physical  
24 or computer generated on a display or with lights into,  
25 upon, or against a hole or other target that is either  
26 physical or computer generated on a display or with

1 lights, provided that all of the following conditions are  
2 met:

3 (A) The outcome of the game is predominantly  
4 determined by the skill of the player.

5 (B) The award of the prize is based solely upon the  
6 player's achieving the object of the game or otherwise  
7 upon the player's score.

8 (C) Only merchandise prizes are awarded.

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

12 (E) The redemption value of tickets, tokens, and  
13 other representations of value, which may be  
14 accumulated by players to redeem prizes of greater  
15 value, for a single play of the device does not exceed  
16 \$25.

17 (5) Video gaming terminals at a licensed  
18 establishment, licensed truck stop establishment, licensed  
19 large truck stop establishment, licensed fraternal  
20 establishment, or licensed veterans establishment licensed  
21 in accordance with the Video Gaming Act.

22 (a-5) "Internet" means an interactive computer service or  
23 system or an information service, system, or access software  
24 provider that provides or enables computer access by multiple  
25 users to a computer server, and includes, but is not limited  
26 to, an information service, system, or access software

1 provider that provides access to a network system commonly  
2 known as the Internet, or any comparable system or service and  
3 also includes, but is not limited to, a World Wide Web page,  
4 newsgroup, message board, mailing list, or chat area on any  
5 interactive computer service or system or other online  
6 service.

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

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

11 (b) A "lottery" is any scheme or procedure whereby one or  
12 more prizes are distributed by chance among persons who have  
13 paid or promised consideration for a chance to win such  
14 prizes, whether such scheme or procedure is called a lottery,  
15 raffle, gift, sale, or some other name, excluding savings  
16 promotion raffles authorized under Section 5g of the Illinois  
17 Banking Act, Section 7008 of the Savings Bank Act, Section  
18 42.7 of the Illinois Credit Union Act, Section 5136B of the  
19 National Bank Act (12 U.S.C. 25a), or Section 4 of the Home  
20 Owners' Loan Act (12 U.S.C. 1463).

21 (c) A "policy game" is any scheme or procedure whereby a  
22 person promises or guarantees by any instrument, bill,  
23 certificate, writing, token, or other device that any  
24 particular number, character, ticket, or certificate shall in  
25 the event of any contingency in the nature of a lottery entitle  
26 the purchaser or holder to receive money, property, or

1 evidence of debt.

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

6 (Source: P.A. 101-31, eff. 6-28-19; 101-87, eff. 1-1-20;  
7 102-558, eff. 8-20-21.)

8 Section 99. Effective date. This Act takes effect upon  
9 becoming law.