



Rep. Daniel Didech

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10300HB0394ham001

LRB103 03961 LNS 73462 a

1 AMENDMENT TO HOUSE BILL 394

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 394 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the  
5 Family Amusement Wagering Prohibition Act.

6 Section 5. Definitions. As used in this Act:

7 "Advertise" means to engage in promotional activities,  
8 including, but not limited to, newspaper, radio, Internet and  
9 electronic media, and television advertising, the distribution  
10 of fliers and circulars, billboard advertising, and the  
11 display of window and interior signs.

12 "Amusement device" means a game or machine which a person  
13 activates by inserting or using currency or a coin, card,  
14 coupon, slug, token, or similar device, and the person playing  
15 or operating the game or machine impacts the outcome of the  
16 game. "Amusement device" includes games of skill, games of

1 chance, and games of a combination of skill and chance.  
2 "Amusement device" does not include a device certified by the  
3 Illinois Gaming Board to be operated by an Illinois Gaming  
4 Board licensee.

5 "Crane game" means an amusement device involving skill, if  
6 it rewards the player exclusively with merchandise contained  
7 within the amusement device proper and limited to toys,  
8 novelties, and prizes other than currency, each having a  
9 wholesale value which is not more than \$25.

10 "Family amusement establishment" means a place of business  
11 with amusement devices on the premises.

12 "Merchandise" means noncash prizes maintained on the  
13 premises by the family amusement establishment, including toys  
14 and novelties. "Merchandise" does not include any prize or  
15 other item, if the exchange or conversion to cash or a cash  
16 equivalent is facilitated or permitted by the family amusement  
17 establishment.

18 "Redemption machine" means a single-player or multi-player  
19 amusement device involving a game, the object of which is  
20 throwing, rolling, bowling, shooting, placing, or propelling a  
21 ball or other object that is either physical or computer  
22 generated on a display or with lights into, upon, or against a  
23 hole or other target that is either physical or computer  
24 generated on a display or with lights, or stopping, by  
25 physical, mechanical, or electronic means, a moving object  
26 that is either physical or computer generated on a display or

1 with lights into, upon, or against a hole or other target that  
2 is either physical or computer generated on a display or with  
3 lights, if all of the following conditions are met:

4 (1) The outcome of the game is predominantly  
5 determined by the skill of the player.

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

9 (3) Only merchandise prizes are awarded.

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

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

17 "Wager" means a sum of money or thing of value risked on an  
18 uncertain outcome.

19 Section 10. Wagering facilitation prohibited. No family  
20 amusement establishment shall facilitate wagering on amusement  
21 devices. Facilitating wagering on amusement devices includes,  
22 but is not limited to, taking any action that knowingly allows  
23 any entity to facilitate wagering on amusement devices on the  
24 family amusement establishment's premises.

1           Section 15. Wagering advertising prohibited. No family  
2 amusement establishment shall engage in advertising that  
3 promotes wagering on amusement devices.

4           Section 20. Exemptions. Nothing in this Act shall prohibit  
5 a family amusement establishment from offering:

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

13           (2) a vending machine by which full and adequate  
14 return is made for the money invested and in which there is  
15 no element of chance or hazard;

16           (3) a crane game; or

17           (4) a redemption machine.

18           Section 25. The Criminal Code of 2012 is amended by  
19 changing Section 28-1 as follows:

20           (720 ILCS 5/28-1) (from Ch. 38, par. 28-1)

21           Sec. 28-1. Gambling.

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

23           (1) knowingly plays a game of chance or skill for

1 money or other thing of value, unless excepted in  
2 subsection (b) of this Section;

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

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

9 (4) contracts to have or give himself or herself or  
10 another the option to buy or sell, or contracts to buy or  
11 sell, at a future time, any grain or other commodity  
12 whatsoever, or any stock or security of any company, where  
13 it is at the time of making such contract intended by both  
14 parties thereto that the contract to buy or sell, or the  
15 option, whenever exercised, or the contract resulting  
16 therefrom, shall be settled, not by the receipt or  
17 delivery of such property, but by the payment only of  
18 differences in prices thereof; however, the issuance,  
19 purchase, sale, exercise, endorsement or guarantee, by or  
20 through a person registered with the Secretary of State  
21 pursuant to Section 8 of the Illinois Securities Law of  
22 1953, or by or through a person exempt from such  
23 registration under said Section 8, of a put, call, or  
24 other option to buy or sell securities which have been  
25 registered with the Secretary of State or which are exempt  
26 from such registration under Section 3 of the Illinois

1 Securities Law of 1953 is not gambling within the meaning  
2 of this paragraph (4);

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

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

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

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

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

24 (10) knowingly advertises any lottery or policy game,  
25 except for such activity related to lotteries, bingo games  
26 and raffles authorized by and conducted in accordance with

1 the laws of Illinois or any other state;

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

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

18 (13) knowingly facilitates wagering on amusement  
19 devices or knowingly engages in advertising that promotes  
20 wagering on amusement devices in violation of the Family  
21 Amusement Wagering Prohibition Act.

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

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

1 insurance.

2 (2) Unless prohibited by the Family Amusement Wagering  
3 Prohibition Act, offers ~~Offers~~ of prizes, award or  
4 compensation to the actual contestants in any bona fide  
5 contest for the determination of skill, speed, strength or  
6 endurance or to the owners of animals or vehicles entered  
7 in such contest.

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

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

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

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

26 (6.1) The purchase of lottery tickets through the



1 Internet for a lottery conducted by the State of Illinois  
2 under the program established in Section 7.12 of the  
3 Illinois Lottery Law.

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

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

11 (8.1) The purchase of raffle chances for a raffle  
12 conducted in accordance with the Raffles and Poker Runs  
13 Act.

14 (9) Charitable games when conducted in accordance with  
15 the Charitable Games Act.

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

18 (11) Gambling games when authorized by the Illinois  
19 Gambling Act.

20 (12) Video gaming terminal games at a licensed  
21 establishment, licensed truck stop establishment, licensed  
22 large truck stop establishment, licensed fraternal  
23 establishment, or licensed veterans establishment when  
24 conducted in accordance with the Video Gaming Act.

25 (13) Games of skill or chance where money or other  
26 things of value can be won but no payment or purchase is

1 required to participate.

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

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

10 (c) Sentence.

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

14 (d) Circumstantial evidence.

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

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