



Sen. Kirk W. Dillard

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09400HB4132sam001

LRB094 14522 RLC 57327 a

1 AMENDMENT TO HOUSE BILL 4132

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4132 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 1961 is amended by  
5 changing Section 28-1 as follows:

6 (720 ILCS 5/28-1) (from Ch. 38, par. 28-1)

7 Sec. 28-1. Gambling.

8 (a) A person commits gambling when he:

9 (1) Plays a game of chance or skill for money or other  
10 thing of value, unless excepted in subsection (b) of this  
11 Section; or

12 (2) Makes a wager upon the result of any game, contest,  
13 or any political nomination, appointment or election; or

14 (3) Operates, keeps, owns, uses, purchases, exhibits,  
15 rents, sells, bargains for the sale or lease of,  
16 manufactures or distributes any gambling device; or

17 (4) Contracts to have or give himself or another the  
18 option to buy or sell, or contracts to buy or sell, at a  
19 future time, any grain or other commodity whatsoever, or  
20 any stock or security of any company, where it is at the  
21 time of making such contract intended by both parties  
22 thereto that the contract to buy or sell, or the option,  
23 whenever exercised, or the contract resulting therefrom,  
24 shall be settled, not by the receipt or delivery of such

1 property, but by the payment only of differences in prices  
2 thereof; however, the issuance, purchase, sale, exercise,  
3 endorsement or guarantee, by or through a person registered  
4 with the Secretary of State pursuant to Section 8 of the  
5 Illinois Securities Law of 1953, or by or through a person  
6 exempt from such registration under said Section 8, of a  
7 put, call, or other option to buy or sell securities which  
8 have been registered with the Secretary of State or which  
9 are exempt from such registration under Section 3 of the  
10 Illinois Securities Law of 1953 is not gambling within the  
11 meaning of this paragraph (4); or

12 (5) Knowingly owns or possesses any book, instrument or  
13 apparatus by means of which bets or wagers have been, or  
14 are, recorded or registered, or knowingly possesses any  
15 money which he has received in the course of a bet or  
16 wager; or

17 (6) Sells pools upon the result of any game or contest  
18 of skill or chance, political nomination, appointment or  
19 election; or

20 (7) Sets up or promotes any lottery or sells, offers to  
21 sell or transfers any ticket or share for any lottery; or

22 (8) Sets up or promotes any policy game or sells,  
23 offers to sell or knowingly possesses or transfers any  
24 policy ticket, slip, record, document or other similar  
25 device; or

26 (9) Knowingly drafts, prints or publishes any lottery  
27 ticket or share, or any policy ticket, slip, record,  
28 document or similar device, except for such activity  
29 related to lotteries, bingo games and raffles authorized by  
30 and conducted in accordance with the laws of Illinois or  
31 any other state or foreign government; or

32 (10) Knowingly advertises any lottery or policy game,  
33 except for such activity related to lotteries, bingo games  
34 and raffles authorized by and conducted in accordance with

1 the laws of Illinois or any other state; or

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 or  
9 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.

16 (b) Participants in any of the following activities shall  
17 not be convicted of gambling therefor:

18 (1) Agreements to compensate for loss caused by the  
19 happening of chance including without limitation contracts  
20 of indemnity or guaranty and life or health or accident  
21 insurance;

22 (2) Offers of prizes, award or compensation to the  
23 actual contestants in any bona fide contest for the  
24 determination of skill, speed, strength or endurance or to  
25 the owners of animals or vehicles entered in such contest;

26 (3) Pari-mutuel betting as authorized by the law of  
27 this State;

28 (4) Manufacture of gambling devices, including the  
29 acquisition of essential parts therefor and the assembly  
30 thereof, for transportation in interstate or foreign  
31 commerce to any place outside this State when such  
32 transportation is not prohibited by any applicable Federal  
33 law;

34 (5) The game commonly known as "bingo", when conducted

1 in accordance with the Bingo License and Tax Act;

2 (6) Lotteries when conducted by the State of Illinois  
3 in accordance with the 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 when conducted in accordance with the  
10 Raffles 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; ~~or~~

15 (11) Gambling games conducted on riverboats when  
16 authorized by the Riverboat Gambling Act; or

17 (12) Offers of prizes, awards, or compensation to the  
18 actual contestants in any bona fide contest between 2 or  
19 more individuals participating in (1) an electronic video  
20 game simulating a contest requiring skill, experience,  
21 dexterity, and precision and where the element of chance  
22 does not predominate or (2) an electronic video game  
23 requiring speed and accuracy of response to factual  
24 questions and where the element of chance does not  
25 predominate; but not including card games and simulated  
26 card games and not including any gambling game or activity  
27 of the type conducted under the Bingo Licensing Act, the  
28 Illinois Lottery Law, the Raffles Act, the Charitable Games  
29 Act, the Illinois Pull Tabs and Jar Games Act, or the  
30 Riverboat Gambling Act.

31 (c) Sentence.

32 Gambling under subsection (a)(1) or (a)(2) of this Section  
33 is a Class A misdemeanor. Gambling under any of subsections  
34 (a)(3) through (a)(11) of this Section is a Class A

1 misdemeanor. A second or subsequent conviction under any of  
2 subsections (a)(3) through (a)(11), is a Class 4 felony.  
3 Gambling under subsection (a)(12) of this Section is a Class A  
4 misdemeanor. A second or subsequent conviction under  
5 subsection (a)(12) is a Class 4 felony.

6 (d) Circumstantial evidence.

7 In prosecutions under subsection (a)(1) through (a)(12) of  
8 this Section circumstantial evidence shall have the same  
9 validity and weight as in any criminal prosecution.

10 (Source: P.A. 91-257, eff. 1-1-00.)

11 Section 99. Effective date. This Act takes effect upon  
12 becoming law."