



Rep. Robert S. Molaro

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09400HB5227ham002

LRB094 16114 RCE 56692 a

1 AMENDMENT TO HOUSE BILL 5227

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5227, AS AMENDED, by  
3 replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Coin-Operated Amusement Device and  
6 Redemption Machine Tax Act is amended by changing Section 3 as  
7 follows:

8 (35 ILCS 510/3) (from Ch. 120, par. 481b.3)

9 Sec. 3. Transfer of decals; affixing decals.

10 (1) All privilege tax decals herein provided for shall be  
11 transferable from one device to another device. Any such  
12 transfer from one device to another shall be reported to the  
13 Department of Revenue on forms prescribed by such Department.  
14 All privilege tax decals issued hereunder shall expire on July  
15 31 following issuance.

16 (2) All privilege tax decals must be securely affixed to  
17 the device. A decal that is attached to a device behind a  
18 transparent plate or covering that is screwed, bolted, or  
19 otherwise securely fastened to the device is deemed to be  
20 securely affixed for the purposes of this Section ~~(Blank)~~.

21 (Source: P.A. 93-32, eff. 7-1-03.)

22 Section 10. The Criminal Code of 1961 is amended by  
23 changing Sections 28-1 and 28-2 as follows:

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

2 Sec. 28-1. Gambling.

3 (a) A person commits gambling when he:

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

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

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

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

31 (5) Knowingly owns or possesses any book, instrument or  
32 apparatus by means of which bets or wagers have been, or  
33 are, recorded or registered, or knowingly possesses any

1 money which he has received in the course of a bet or  
2 wager; or

3 (6) Sells pools upon the result of any game or contest  
4 of skill or chance, political nomination, appointment or  
5 election; or

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

8 (8) Sets up or promotes any policy game or sells,  
9 offers to sell or knowingly possesses or transfers any  
10 policy ticket, slip, record, document or other similar  
11 device; or

12 (9) Knowingly drafts, prints or publishes any lottery  
13 ticket or share, or any policy ticket, slip, record,  
14 document or similar device, except for such activity  
15 related to lotteries, bingo games and raffles authorized by  
16 and conducted in accordance with the laws of Illinois or  
17 any other state or foreign government; or

18 (10) Knowingly advertises any lottery or policy game,  
19 except for such activity related to lotteries, bingo games  
20 and raffles authorized by and conducted in accordance with  
21 the laws of Illinois or any other state; or

22 (11) Knowingly transmits information as to wagers,  
23 betting odds, or changes in betting odds by telephone,  
24 telegraph, radio, semaphore or similar means; or knowingly  
25 installs or maintains equipment for the transmission or  
26 receipt of such information; except that nothing in this  
27 subdivision (11) prohibits transmission or receipt of such  
28 information for use in news reporting of sporting events or  
29 contests; or

30 (12) Knowingly establishes, maintains, or operates an  
31 Internet site that permits a person to play a game of  
32 chance or skill for money or other thing of value by means  
33 of the Internet or to make a wager upon the result of any  
34 game, contest, political nomination, appointment, or

1 election by means of the Internet.

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

4 (1) Agreements to compensate for loss caused by the  
5 happening of chance including without limitation contracts  
6 of indemnity or guaranty and life or health or accident  
7 insurance;

8 (2) Offers of prizes, award or compensation to the  
9 actual contestants in any bona fide contest for the  
10 determination of skill, speed, strength or endurance or to  
11 the owners of animals or vehicles entered in such contest;

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

14 (4) Manufacture of gambling devices, including the  
15 acquisition of essential parts therefor and the assembly  
16 thereof, for transportation in interstate or foreign  
17 commerce to any place outside this State when such  
18 transportation is not prohibited by any applicable Federal  
19 law;

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

22 (6) Lotteries when conducted by the State of Illinois  
23 in accordance with the Illinois Lottery Law;

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

29 (8) Raffles when conducted in accordance with the  
30 Raffles Act;

31 (9) Charitable games when conducted in accordance with  
32 the Charitable Games Act;

33 (10) Pull tabs and jar games when conducted under the  
34 Illinois Pull Tabs and Jar Games Act; ~~or~~

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

3 (12) Offers of prizes, awards, or compensation to the  
4 actual contestants in any bona fide contest between 2 or  
5 more individuals participating in (1) an electronic video  
6 game simulating a contest requiring skill, experience,  
7 dexterity, and precision and where the element of chance  
8 does not predominate or (2) an electronic video game  
9 requiring speed and accuracy of response to factual  
10 questions and where the element of chance does not  
11 predominate; but not including card games and simulated  
12 card games and not including any gambling game or activity  
13 of the type conducted under the Bingo Licensing Act, the  
14 Illinois Lottery Law, the Raffles Act, the Charitable Games  
15 Act, the Illinois Pull Tabs and Jar Games Act, or the  
16 Riverboat Gambling Act.

17 (c) Sentence.

18 Gambling under subsection (a) (1) or (a) (2) of this Section  
19 is a Class A misdemeanor. Gambling under any of subsections  
20 (a) (3) through (a) (11) of this Section is a Class A  
21 misdemeanor. A second or subsequent conviction under any of  
22 subsections (a) (3) through (a) (11), is a Class 4 felony.  
23 Gambling under subsection (a) (12) of this Section is a Class A  
24 misdemeanor. A second or subsequent conviction under  
25 subsection (a) (12) is a Class 4 felony.

26 (d) Circumstantial evidence.

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

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

31 (720 ILCS 5/28-2) (from Ch. 38, par. 28-2)

32 Sec. 28-2. Definitions.

33 (a) A "gambling device" is any clock, tape machine, slot

1 machine or other machines or device for the reception of money  
2 or other thing of value on chance or skill or upon the action  
3 of which money or other thing of value is staked, hazarded,  
4 bet, won or lost; or any mechanism, furniture, fixture,  
5 equipment or other device designed primarily for use in a  
6 gambling place. A "gambling device" does not include:

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

14 (2) Vending machines by which full and adequate return  
15 is made for the money invested and in which there is no  
16 element of chance or hazard.

17 (3) A crane game. For the purposes of this paragraph  
18 (3), a "crane game" is an amusement device involving skill,  
19 if it rewards the player exclusively with merchandise  
20 contained within the amusement device proper and limited to  
21 toys, novelties and prizes other than currency, each having  
22 a wholesale value which is not more than \$100 ~~7 times the~~  
23 ~~cost charged to play the amusement device once or \$5,~~  
24 ~~whichever is less.~~

25 (4) A redemption machine. For the purposes of this  
26 paragraph (4), a "redemption machine" is a single-player or  
27 multi-player amusement device involving a game, the object  
28 of which is throwing, rolling, bowling, shooting, placing,  
29 or propelling a ball or other object into, upon, or against  
30 a hole or other target, provided that all of the following  
31 conditions are met:

32 (A) The outcome of the game is predominantly  
33 determined by the skill of the player.

34 (B) The award of the prize is based solely upon the

1 player's achieving the object of the game or otherwise  
2 upon the player's score.

3 (C) Only merchandise prizes are awarded.

4 (D) The ~~average~~ wholesale value of prizes awarded  
5 in lieu of tickets or tokens for single play of the  
6 device does not exceed \$100 ~~the lesser of \$5 or 7 times~~  
7 ~~the cost charged for a single play of the device.~~

8 (E) The redemption value of tickets, tokens, and  
9 other representations of value, which may be  
10 accumulated by players to redeem prizes of greater  
11 value, does not exceed the amount charged for a single  
12 play of the device.

13 (a-5) "Internet" means an interactive computer service or  
14 system or an information service, system, or access software  
15 provider that provides or enables computer access by multiple  
16 users to a computer server, and includes, but is not limited  
17 to, an information service, system, or access software provider  
18 that provides access to a network system commonly known as the  
19 Internet, or any comparable system or service and also  
20 includes, but is not limited to, a World Wide Web page,  
21 newsgroup, message board, mailing list, or chat area on any  
22 interactive computer service or system or other online service.

23 (a-6) "Access" and "computer" have the meanings ascribed to  
24 them in Section 16D-2 of this Code.

25 (b) A "lottery" is any scheme or procedure whereby one or  
26 more prizes are distributed by chance among persons who have  
27 paid or promised consideration for a chance to win such prizes,  
28 whether such scheme or procedure is called a lottery, raffle,  
29 gift, sale or some other name.

30 (c) A "policy game" is any scheme or procedure whereby a  
31 person promises or guarantees by any instrument, bill,  
32 certificate, writing, token or other device that any particular  
33 number, character, ticket or certificate shall in the event of  
34 any contingency in the nature of a lottery entitle the

1 purchaser or holder to receive money, property or evidence of  
2 debt.

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

4 Section 99. Effective date. This Act takes effect upon  
5 becoming law.".