



Rep. Michael J. Zalewski

Filed: 3/19/2013

09800HB0311ham001

LRB098 03100 RPM 43578 a

1 AMENDMENT TO HOUSE BILL 311

2 AMENDMENT NO. _____. Amend House Bill 311 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Lottery Law is amended by changing
5 Section 3 and by adding Section 21.9 as follows:

6 (20 ILCS 1605/3) (from Ch. 120, par. 1153)

7 Sec. 3. For the purposes of this Act:

8 a. "Lottery" or "State Lottery" means the lottery or
9 lotteries established and operated pursuant to this Act.

10 b. "Board" means the Lottery Control Board created by this
11 Act.

12 c. "Department" means the Department of the Lottery.

13 d. (Blank).

14 e. "Chairman" means the Chairman of the Lottery Control
15 Board.

16 f. "Multi-state game directors" means such persons,

1 including the Superintendent, as may be designated by an
2 agreement between the Department and one or more additional
3 lotteries operated under the laws of another state or states.

4 g. (Blank).

5 h. "Superintendent" means the Superintendent of the
6 Department of the Lottery.

7 i. "Management agreement" means an agreement or contract
8 between the Department on behalf of the State with a private
9 manager, as an independent contractor, whereby the private
10 manager provides management services to the Lottery in exchange
11 for compensation that may consist of, among other things, a fee
12 for services and a performance-based bonus of no more than 5%
13 of Lottery profits so long as the Department continues to
14 exercise actual control over all significant business
15 decisions made by the private manager as set forth in Section
16 9.1.

17 j. "Person" means any individual, firm, association, joint
18 venture, partnership, estate, trust, syndicate, fiduciary,
19 corporation, or other legal entity, group, or combination.

20 k. "Private manager" means a person that provides
21 management services to the Lottery on behalf of the Department
22 under a management agreement.

23 l. "Profits" means total revenues accruing from the sale of
24 lottery tickets or shares and related proceeds minus (1) the
25 payment of prizes and retailer bonuses and (2) the payment of
26 costs incurred in the operation and administration of the

1 lottery, excluding costs of services directly rendered by a
2 private manager.

3 m. "Chief Procurement Officer" means the Chief Procurement
4 Officer provided for under paragraph (4) of subsection (a) of
5 Section 10-20 of the Illinois Procurement Code.

6 n. "Raffle" means a game of chance in which a limited
7 number of tickets are sold in numeric order, each having a
8 chance of winning a prize, and the winner or winners are
9 determined after the conclusion of ticket sales by a
10 computerized random number generator at a time to be referred
11 to as the raffle drawing date.

12 (Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09; 96-840,
13 eff. 12-23-09; 97-464, eff. 8-19-11.)

14 (20 ILCS 1605/21.9 new)

15 Sec. 21.9. Special raffles to benefit Illinois Lottery
16 scratch-off game beneficiary funds.

17 (a) The Department may, from time to time, but on no more
18 than 4 occasions per year, create special raffles to benefit
19 the various scratch-off game funds identified in Sections 21.5
20 through 21.8 of this Act and any other scratch-off game funds
21 that may be created from time to time. Each special raffle and
22 the fund to benefit from the raffle shall be publicly announced
23 by the Department at least one month in advance of the raffle
24 drawing date. The Director may determine the raffle drawing
25 date, the fund to benefit from the raffle, the number and price

1 of tickets to be sold, and the prize or prizes to be offered.

2 (b) Proceeds from the special raffle shall be deposited
3 into the designated beneficiary fund for appropriation by the
4 General Assembly for the same purposes and in accordance with
5 the same requirements as outlined in the provisions of this Act
6 creating the fund.

7 (c) The Department may sell special raffle tickets by any
8 method authorized for the sale of other Lottery tickets.

9 (d) This Section shall not limit or impair the Department's
10 ability to create raffles unrelated to the scratch-off game
11 funds.

12 (e) The Department may adopt any rules necessary to
13 implement and administer the provisions of this Section.

14 Section 10. The Raffles Act is amended by changing Section
15 1 as follows:

16 (230 ILCS 15/1) (from Ch. 85, par. 2301)

17 Sec. 1. Definitions.) For the purposes of this Act the
18 terms defined in this Section have the meanings given them.

19 "Net Proceeds" means the gross receipts from the conduct of
20 raffles, less reasonable sums expended for prizes, local
21 license fees and other reasonable operating expenses incurred
22 as a result of operating a raffle.

23 "Raffle" means a form of lottery, as defined in Section
24 28-2(b) of the Criminal Code of 2012, conducted by an

1 organization licensed under this Act, in which:

2 (1) the player pays or agrees to pay something of value
3 for a chance, represented and differentiated by a number or
4 by a combination of numbers or by some other medium, one or
5 more of which chances is to be designated the winning
6 chance;

7 (2) the winning chance is to be determined through a
8 drawing or by some other method based on an element of
9 chance by an act or set of acts on the part of persons
10 conducting or connected with the lottery, except that the
11 winning chance shall not be determined by the outcome of a
12 publicly exhibited sporting contest.

13 "Raffle" does not include a special raffle conducted by the
14 Department of the Lottery under Section 21.9 of the Illinois
15 Lottery Law.

16 (Source: P.A. 97-1150, eff. 1-25-13.)

17 Section 15. The Criminal Code of 2012 is amended by
18 changing Section 28-1 as follows:

19 (720 ILCS 5/28-1) (from Ch. 38, par. 28-1)

20 Sec. 28-1. Gambling.

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

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

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

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

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

26 (5) knowingly owns or possesses any book, instrument or

1 apparatus by means of which bets or wagers have been, or
2 are, recorded or registered, or knowingly possesses any
3 money which he has received in the course of a bet or
4 wager;

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

8 (7) knowingly sets up or promotes any lottery or sells,
9 offers to sell or transfers any ticket or share for any
10 lottery;

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

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

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

25 (11) knowingly transmits information as to wagers,
26 betting odds, or changes in betting odds by telephone,

1 telegraph, radio, semaphore or similar means; or knowingly
2 installs or maintains equipment for the transmission or
3 receipt of such information; except that nothing in this
4 subdivision (11) prohibits transmission or receipt of such
5 information for use in news reporting of sporting events or
6 contests; or

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

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

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

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

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

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

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

12 (6) Lotteries and raffles when conducted by the State
13 of Illinois in accordance with the Illinois Lottery Law.
14 This exemption includes any activity conducted by the
15 Department of Revenue to sell lottery or raffle tickets
16 pursuant to the provisions of the Illinois Lottery Law and
17 its rules.

18 (6.1) The purchase of lottery tickets through the
19 Internet for a lottery conducted by the State of Illinois
20 under the program established in Section 7.12 of the
21 Illinois Lottery Law.

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

1 (8) Raffles when conducted in accordance with the
2 Raffles Act.

3 (9) Charitable games when conducted in accordance with
4 the Charitable Games Act.

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

7 (11) Gambling games conducted on riverboats when
8 authorized by the Riverboat Gambling Act.

9 (12) Video gaming terminal games at a licensed
10 establishment, licensed truck stop establishment, licensed
11 fraternal establishment, or licensed veterans
12 establishment when conducted in accordance with the Video
13 Gaming Act.

14 (13) Games of skill or chance where money or other
15 things of value can be won but no payment or purchase is
16 required to participate.

17 (c) Sentence.

18 Gambling is a Class A misdemeanor. A second or subsequent
19 conviction under subsections (a) (3) through (a) (12), is a Class
20 4 felony.

21 (d) Circumstantial evidence.

22 In prosecutions under this Section circumstantial evidence
23 shall have the same validity and weight as in any criminal
24 prosecution.

25 (Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09;
26 96-1203, eff. 7-22-10; 97-1108, eff. 1-1-13.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.".