



Sen. Terry Link

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LRB098 10569 AMC 43128 a

1 AMENDMENT TO SENATE BILL 1738

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1738 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Video Gaming Act is amended by changing  
5 Sections 5, 25, 45, and 78 as follows:

6 (230 ILCS 40/5)

7 Sec. 5. Definitions. As used in this Act:

8 "Board" means the Illinois Gaming Board.

9 "Credit" means one, 5, 10, or 25 cents either won or  
10 purchased by a player.

11 "Distributor" means an individual, partnership,  
12 corporation, or limited liability company licensed under this  
13 Act to buy, sell, lease, or distribute video gaming terminals  
14 or major components or parts of video gaming terminals to or  
15 from terminal operators.

16 "Electronic card" means a card purchased from a licensed

1 establishment, licensed fraternal establishment, licensed  
2 veterans establishment, or licensed truck stop establishment  
3 for use in that establishment as a substitute for cash in the  
4 conduct of gaming on a video gaming terminal.

5 "Terminal operator" means an individual, partnership,  
6 corporation, or limited liability company that is licensed  
7 under this Act and that owns, services, and maintains video  
8 gaming terminals for placement in licensed establishments,  
9 licensed truck stop establishments, licensed fraternal  
10 establishments, or licensed veterans establishments.

11 "Licensed technician" means an individual who is licensed  
12 under this Act to repair, service, and maintain video gaming  
13 terminals.

14 "Licensed terminal handler" means a person, including but  
15 not limited to an employee or independent contractor working  
16 for a manufacturer, distributor, supplier, technician, or  
17 terminal operator, who is licensed under this Act to possess or  
18 control a video gaming terminal or to have access to the inner  
19 workings of a video gaming terminal. A licensed terminal  
20 handler does not include an individual, partnership,  
21 corporation, or limited liability company defined as a  
22 manufacturer, distributor, supplier, technician, or terminal  
23 operator under this Act.

24 "Manufacturer" means an individual, partnership,  
25 corporation, or limited liability company that is licensed  
26 under this Act and that manufactures or assembles video gaming

1 terminals.

2 "Supplier" means an individual, partnership, corporation,  
3 or limited liability company that is licensed under this Act to  
4 supply major components or parts to video gaming terminals to  
5 licensed terminal operators.

6 "Net terminal income" means money put into a video gaming  
7 terminal minus credits paid out to players.

8 "Video gaming terminal" means any electronic video game  
9 machine that, upon insertion of cash, electronic cards or  
10 vouchers or any combination thereof, is available to play or  
11 simulate the play of a video game, including but not limited to  
12 video poker, line up, and blackjack, as authorized by the Board  
13 utilizing a video display and microprocessors in which the  
14 player may receive free games or credits that can be redeemed  
15 for cash. The term does not include a machine that directly  
16 dispenses coins, cash, or tokens or is for amusement purposes  
17 only.

18 "Licensed establishment" means any licensed retail  
19 establishment where alcoholic liquor is drawn, poured, mixed,  
20 or otherwise served for consumption on the premises and  
21 includes any such establishment that has a contractual  
22 relationship with an inter-track wagering location licensee  
23 licensed under the Illinois Horse Racing Act of 1975, provided  
24 any contractual relationship shall not include any transfer or  
25 offer of revenue from the operation of video gaming under this  
26 Act to any licensee licensed under the Illinois Horse Racing

1 Act of 1975. Provided, however, that the licensed establishment  
2 that has such a contractual relationship with an inter-track  
3 wagering location licensee may not, itself, be (i) an  
4 inter-track wagering location licensee, (ii) the corporate  
5 parent or subsidiary of any licensee licensed under the  
6 Illinois Horse Racing Act of 1975, or (iii) the corporate  
7 subsidiary of a corporation that is also the corporate parent  
8 or subsidiary of any licensee licensed under the Illinois Horse  
9 Racing Act of 1975. "Licensed establishment" does not include a  
10 facility operated by an organization licensee, an inter-track  
11 wagering licensee, or an inter-track wagering location  
12 licensee licensed under the Illinois Horse Racing Act of 1975  
13 or a riverboat licensed under the Riverboat Gambling Act,  
14 except as provided in this paragraph.

15 "Licensed fraternal establishment" means the location  
16 where a qualified fraternal organization that derives its  
17 charter from a national fraternal organization regularly  
18 meets.

19 "Licensed veterans establishment" means the location where  
20 a qualified veterans organization that derives its charter from  
21 a national veterans organization regularly meets.

22 "Licensed truck stop establishment" means a facility (i)  
23 that is at least a 3-acre facility with a convenience store,  
24 (ii) with separate diesel islands for fueling commercial motor  
25 vehicles, (iii) that sells at retail more than 10,000 gallons  
26 of diesel or biodiesel fuel per month, and (iv) with parking

1 spaces for commercial motor vehicles. "Commercial motor  
2 vehicles" has the same meaning as defined in Section 18b-101 of  
3 the Illinois Vehicle Code. The requirement of item (iii) of  
4 this paragraph may be met by showing that estimated future  
5 sales or past sales average at least 10,000 gallons per month.

6 (Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09;  
7 96-1410, eff. 7-30-10; 96-1479, eff. 8-23-10; 97-333, eff.  
8 8-12-11.)

9 (230 ILCS 40/25)

10 Sec. 25. Restriction of licensees.

11 (a) Manufacturer. A person may not be licensed as a  
12 manufacturer of a video gaming terminal in Illinois unless the  
13 person has a valid manufacturer's license issued under this  
14 Act. A manufacturer may only sell video gaming terminals for  
15 use in Illinois to persons having a valid distributor's  
16 license.

17 (b) Distributor. A person may not sell, distribute, or  
18 lease or market a video gaming terminal in Illinois unless the  
19 person has a valid distributor's license issued under this Act.  
20 A distributor may only sell video gaming terminals for use in  
21 Illinois to persons having a valid distributor's or terminal  
22 operator's license.

23 (c) Terminal operator. A person may not own, maintain, or  
24 place a video gaming terminal unless he has a valid terminal  
25 operator's license issued under this Act. A terminal operator

1 may only place video gaming terminals for use in Illinois in  
2 licensed establishments, licensed truck stop establishments,  
3 licensed fraternal establishments, and licensed veterans  
4 establishments. No terminal operator may give anything of  
5 value, including but not limited to a loan or financing  
6 arrangement, to a licensed establishment, licensed truck stop  
7 establishment, licensed fraternal establishment, or licensed  
8 veterans establishment as any incentive or inducement to locate  
9 video terminals in that establishment. Of the after-tax profits  
10 from a video gaming terminal, 50% shall be paid to the terminal  
11 operator and 50% shall be paid to the licensed establishment,  
12 licensed truck stop establishment, licensed fraternal  
13 establishment, or licensed veterans establishment,  
14 notwithstanding any agreement to the contrary. A video terminal  
15 operator that violates one or more requirements of this  
16 subsection is guilty of a Class 4 felony and is subject to  
17 termination of his or her license by the Board.

18 (d) Licensed technician. A person may not service,  
19 maintain, or repair a video gaming terminal in this State  
20 unless he or she (1) has a valid technician's license issued  
21 under this Act, (2) is a terminal operator, or (3) is employed  
22 by a terminal operator, distributor, or manufacturer.

23 (d-5) Licensed terminal handler. No person, including, but  
24 not limited to, an employee or independent contractor working  
25 for a manufacturer, distributor, supplier, technician, or  
26 terminal operator licensed pursuant to this Act, shall have

1 possession or control of a video gaming terminal, or access to  
2 the inner workings of a video gaming terminal, unless that  
3 person possesses a valid terminal handler's license issued  
4 under this Act.

5 (e) Licensed establishment. No video gaming terminal may be  
6 placed in any licensed establishment, licensed veterans  
7 establishment, licensed truck stop establishment, or licensed  
8 fraternal establishment unless the owner or agent of the owner  
9 of the licensed establishment, licensed veterans  
10 establishment, licensed truck stop establishment, or licensed  
11 fraternal establishment has entered into a written use  
12 agreement with the terminal operator for placement of the  
13 terminals. A copy of the use agreement shall be on file in the  
14 terminal operator's place of business and available for  
15 inspection by individuals authorized by the Board. A licensed  
16 establishment, licensed truck stop establishment, licensed  
17 veterans establishment, or licensed fraternal establishment  
18 may operate up to 5 video gaming terminals on its premises at  
19 any time.

20 (f) (Blank).

21 (g) Financial interest restrictions. As used in this Act,  
22 "substantial interest" in a partnership, a corporation, an  
23 organization, an association, a business, or a limited  
24 liability company means:

25 (A) When, with respect to a sole proprietorship, an  
26 individual or his or her spouse owns, operates, manages, or

1 conducts, directly or indirectly, the organization,  
2 association, or business, or any part thereof; or

3 (B) When, with respect to a partnership, the individual  
4 or his or her spouse shares in any of the profits, or  
5 potential profits, of the partnership activities; or

6 (C) When, with respect to a corporation, an individual  
7 or his or her spouse is an officer or director, or the  
8 individual or his or her spouse is a holder, directly or  
9 beneficially, of 5% or more of any class of stock of the  
10 corporation; or

11 (D) When, with respect to an organization not covered  
12 in (A), (B) or (C) above, an individual or his or her  
13 spouse is an officer or manages the business affairs, or  
14 the individual or his or her spouse is the owner of or  
15 otherwise controls 10% or more of the assets of the  
16 organization; or

17 (E) When an individual or his or her spouse furnishes  
18 5% or more of the capital, whether in cash, goods, or  
19 services, for the operation of any business, association,  
20 or organization during any calendar year; or

21 (F) When, with respect to a limited liability company,  
22 an individual or his or her spouse is a member, or the  
23 individual or his or her spouse is a holder, directly or  
24 beneficially, of 5% or more of the membership interest of  
25 the limited liability company.

26 For purposes of this subsection (g), "individual" includes



1 all individuals or their spouses whose combined interest would  
2 qualify as a substantial interest under this subsection (g) and  
3 whose activities with respect to an organization, association,  
4 or business are so closely aligned or coordinated as to  
5 constitute the activities of a single entity.

6 (h) Location restriction. A licensed establishment,  
7 licensed truck stop establishment, licensed fraternal  
8 establishment, or licensed veterans establishment that is (i)  
9 located within 1,000 feet of a facility operated by an  
10 organization licensee ~~or an inter track wagering licensee~~  
11 licensed under the Illinois Horse Racing Act of 1975 or the  
12 home dock of a riverboat licensed under the Riverboat Gambling  
13 Act or (ii) located within 100 feet of a school or a place of  
14 worship under the Religious Corporation Act, is ineligible to  
15 operate a video gaming terminal. The location restrictions in  
16 this subsection (h) do not apply if a facility operated by an  
17 organization licensee, ~~an inter track wagering licensee, or an~~  
18 ~~inter track wagering location licensee,~~ a school, or a place of  
19 worship moves to or is established within the restricted area  
20 after a licensed establishment, licensed truck stop  
21 establishment, licensed fraternal establishment, or licensed  
22 veterans establishment becomes licensed under this Act. For the  
23 purpose of this subsection, "school" means an elementary or  
24 secondary public school, or an elementary or secondary private  
25 school registered with or recognized by the State Board of  
26 Education.

1           Notwithstanding the provisions of this subsection (h), the  
2 Board may waive the requirement that a licensed establishment,  
3 licensed truck stop establishment, licensed fraternal  
4 establishment, or licensed veterans establishment not be  
5 located within 1,000 feet from a facility operated by an  
6 organization licensee, ~~an inter track wagering licensee, or an~~  
7 ~~inter track wagering location licensee~~ licensed under the  
8 Illinois Horse Racing Act of 1975 or the home dock of a  
9 riverboat licensed under the Riverboat Gambling Act. The Board  
10 shall not grant such waiver if there is any common ownership or  
11 control, shared business activity, or contractual arrangement  
12 of any type between the establishment and the organization  
13 licensee, ~~inter track wagering licensee, inter track wagering~~  
14 ~~location licensee,~~ or owners licensee of a riverboat. The Board  
15 shall adopt rules to implement the provisions of this  
16 paragraph.

17           (i) Undue economic concentration. In addition to  
18 considering all other requirements under this Act, in deciding  
19 whether to approve the operation of video gaming terminals by a  
20 terminal operator in a location, the Board shall consider the  
21 impact of any economic concentration of such operation of video  
22 gaming terminals. The Board shall not allow a terminal operator  
23 to operate video gaming terminals if the Board determines such  
24 operation will result in undue economic concentration. For  
25 purposes of this Section, "undue economic concentration" means  
26 that a terminal operator would have such actual or potential

1 influence over video gaming terminals in Illinois as to:

2 (1) substantially impede or suppress competition among  
3 terminal operators;

4 (2) adversely impact the economic stability of the  
5 video gaming industry in Illinois; or

6 (3) negatively impact the purposes of the Video Gaming  
7 Act.

8 The Board shall adopt rules concerning undue economic  
9 concentration with respect to the operation of video gaming  
10 terminals in Illinois. The rules shall include, but not be  
11 limited to, (i) limitations on the number of video gaming  
12 terminals operated by any terminal operator within a defined  
13 geographic radius and (ii) guidelines on the discontinuation of  
14 operation of any such video gaming terminals the Board  
15 determines will cause undue economic concentration.

16 (j) The provisions of the Illinois Antitrust Act are fully  
17 and equally applicable to the activities of any licensee under  
18 this Act.

19 (Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09; 96-38,  
20 eff. 7-13-09; 96-1000, eff. 7-2-10; 96-1410, eff. 7-30-10;  
21 96-1479, eff. 8-23-10; 97-333, eff. 8-12-11.)

22 (230 ILCS 40/45)

23 Sec. 45. Issuance of license.

24 (a) The burden is upon each applicant to demonstrate his  
25 suitability for licensure. Each video gaming terminal

1 manufacturer, distributor, supplier, operator, handler,  
2 licensed establishment, licensed truck stop establishment,  
3 licensed fraternal establishment, and licensed veterans  
4 establishment shall be licensed by the Board. The Board may  
5 issue or deny a license under this Act to any person pursuant  
6 to the same criteria set forth in Section 9 of the Riverboat  
7 Gambling Act.

8 (a-5) The Board shall not grant a license to a person who  
9 has facilitated, enabled, or participated in the use of  
10 coin-operated devices for gambling purposes or who is under the  
11 significant influence or control of such a person. For the  
12 purposes of this Act, "facilitated, enabled, or participated in  
13 the use of coin-operated amusement devices for gambling  
14 purposes" means that the person has been convicted of any  
15 violation of Article 28 of the Criminal Code of 1961 or the  
16 Criminal Code of 2012. If there is pending legal action against  
17 a person for any such violation, then the Board shall delay the  
18 licensure of that person until the legal action is resolved.

19 (b) Each person seeking and possessing a license as a video  
20 gaming terminal manufacturer, distributor, supplier, operator,  
21 handler, licensed establishment, licensed truck stop  
22 establishment, licensed fraternal establishment, or licensed  
23 veterans establishment shall submit to a background  
24 investigation conducted by the Board with the assistance of the  
25 State Police or other law enforcement. The background  
26 investigation shall include each beneficiary of a trust, each

1 partner of a partnership, and each director and officer and all  
2 stockholders of 5% or more in a parent or subsidiary  
3 corporation of a video gaming terminal manufacturer,  
4 distributor, supplier, operator, or licensed establishment,  
5 licensed truck stop establishment, licensed fraternal  
6 establishment, or licensed veterans establishment.

7 (c) Each person seeking and possessing a license as a video  
8 gaming terminal manufacturer, distributor, supplier, operator,  
9 handler, licensed establishment, licensed truck stop  
10 establishment, licensed fraternal establishment, or licensed  
11 veterans establishment shall disclose the identity of every  
12 person, association, trust, corporation, or limited liability  
13 company having a greater than 1% direct or indirect pecuniary  
14 interest in the video gaming terminal operation for which the  
15 license is sought. If the disclosed entity is a trust, the  
16 application shall disclose the names and addresses of the  
17 beneficiaries; if a corporation, the names and addresses of all  
18 stockholders and directors; if a limited liability company, the  
19 names and addresses of all members; or if a partnership, the  
20 names and addresses of all partners, both general and limited.

21 (d) No person may be licensed as a video gaming terminal  
22 manufacturer, distributor, supplier, operator, handler,  
23 licensed establishment, licensed truck stop establishment,  
24 licensed fraternal establishment, or licensed veterans  
25 establishment if that person has been found by the Board to:

26 (1) have a background, including a criminal record,

1 reputation, habits, social or business associations, or  
 2 prior activities that pose a threat to the public interests  
 3 of the State or to the security and integrity of video  
 4 gaming;

5 (2) create or enhance the dangers of unsuitable,  
 6 unfair, or illegal practices, methods, and activities in  
 7 the conduct of video gaming; or

8 (3) present questionable business practices and  
 9 financial arrangements incidental to the conduct of video  
 10 gaming activities.

11 (e) Any applicant for any license under this Act has the  
 12 burden of proving his or her qualifications to the satisfaction  
 13 of the Board. The Board may adopt rules to establish additional  
 14 qualifications and requirements to preserve the integrity and  
 15 security of video gaming in this State.

16 (f) A non-refundable application fee shall be paid at the  
 17 time an application for a license is filed with the Board in  
 18 the following amounts:

- 19 (1) Manufacturer ..... \$5,000
- 20 (2) Distributor..... \$5,000
- 21 (3) Terminal operator..... \$5,000
- 22 (4) Supplier ..... \$2,500
- 23 (5) Technician ..... \$100
- 24 (6) Terminal Handler ..... \$50

25 (g) The Board shall establish an annual fee for each  
 26 license not to exceed the following:

- 1 (1) Manufacturer ..... \$10,000
- 2 (2) Distributor..... \$10,000
- 3 (3) Terminal operator..... \$5,000
- 4 (4) Supplier ..... \$2,000
- 5 (5) Technician ..... \$100
- 6 (6) Licensed establishment, licensed truck stop
- 7 establishment, licensed fraternal establishment,
- 8 or licensed veterans establishment ..... \$100
- 9 (7) Video gaming terminal..... \$100
- 10 (8) Terminal Handler ..... \$50

11 (h) A terminal operator and a licensed establishment,  
 12 licensed truck stop establishment, licensed fraternal  
 13 establishment, or licensed veterans establishment shall  
 14 equally split the fees specified in item (7) of subsection (g).

15 (Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09; 96-38,  
 16 eff. 7-13-09; 96-1000, eff. 7-2-10; 96-1410, eff. 7-30-10;  
 17 97-1150, eff. 1-25-13.)

18 (230 ILCS 40/78)

19 Sec. 78. Authority of the Illinois Gaming Board.

20 (a) The Board shall have jurisdiction over and shall  
 21 supervise all gaming operations governed by this Act. The Board  
 22 shall have all powers necessary and proper to fully and  
 23 effectively execute the provisions of this Act, including, but  
 24 not limited to, the following:

- 25 (1) To investigate applicants and determine the

1 eligibility of applicants for licenses and to select among  
2 competing applicants the applicants which best serve the  
3 interests of the citizens of Illinois.

4 (2) To have jurisdiction and supervision over all video  
5 gaming operations in this State and all persons in  
6 establishments where video gaming operations are  
7 conducted.

8 (3) To adopt rules for the purpose of administering the  
9 provisions of this Act and to prescribe rules, regulations,  
10 and conditions under which all video gaming in the State  
11 shall be conducted. Such rules and regulations are to  
12 provide for the prevention of practices detrimental to the  
13 public interest and for the best interests of video gaming,  
14 including rules and regulations (i) regarding the  
15 inspection of such establishments and the review of any  
16 permits or licenses necessary to operate an establishment  
17 under any laws or regulations applicable to  
18 establishments, (ii) ~~and~~ to impose penalties for  
19 violations of this Act and its rules, and (iii)  
20 establishing standards for advertising video gaming.

21 (b) The Board shall adopt emergency rules to administer  
22 this Act in accordance with Section 5-45 of the Illinois  
23 Administrative Procedure Act. For the purposes of the Illinois  
24 Administrative Procedure Act, the General Assembly finds that  
25 the adoption of rules to implement this Act is deemed an  
26 emergency and necessary to the public interest, safety, and



1 welfare.

2 (Source: P.A. 96-38, eff. 7-13-09; 96-1410, eff. 7-30-10.)

3 Section 10. The Criminal Code of 2012 is amended by  
4 changing Sections 28-2, 28-5, and 28-8 as follows:

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

6 Sec. 28-2. Definitions.

7 (a) A "gambling device" is any clock, tape machine, slot  
8 machine or other machines or device for the reception of money  
9 or other thing of value on chance or skill or upon the action  
10 of which money or other thing of value is staked, hazarded,  
11 bet, won or lost; or any mechanism, furniture, fixture,  
12 equipment or other device designed primarily for use in a  
13 gambling place. A "gambling device" does not include:

14 (1) A coin-in-the-slot operated mechanical device  
15 played for amusement which rewards the player with the  
16 right to replay such mechanical device, which device is so  
17 constructed or devised as to make such result of the  
18 operation thereof depend in part upon the skill of the  
19 player and which returns to the player thereof no money,  
20 property or right to receive money or property.

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

24 (3) A crane game. For the purposes of this paragraph

1 (3), a "crane game" is an amusement device involving skill,  
2 if it rewards the player exclusively with merchandise  
3 contained within the amusement device proper and limited to  
4 toys, novelties and prizes other than currency, each having  
5 a wholesale value which is not more than \$25.

6 (4) A redemption machine. For the purposes of this  
7 paragraph (4), a "redemption machine" is a single-player or  
8 multi-player amusement device involving a game, the object  
9 of which is throwing, rolling, bowling, shooting, placing,  
10 or propelling a ball or other object that is either  
11 physical or computer generated on a display or with lights  
12 into, upon, or against a hole or other target that is  
13 either physical or computer generated on a display or with  
14 lights, or stopping, by physical, mechanical, or  
15 electronic means, a moving object that is either physical  
16 or computer generated on a display or with lights into,  
17 upon, or against a hole or other target that is either  
18 physical or computer generated on a display or with lights,  
19 provided that all of the following conditions are met:

20 (A) The outcome of the game is predominantly  
21 determined by the skill of the player.

22 (B) The award of the prize is based solely upon the  
23 player's achieving the object of the game or otherwise  
24 upon the player's score.

25 (C) Only merchandise prizes are awarded.

26 (D) The wholesale value of prizes awarded in lieu

1 of tickets or tokens for single play of the device does  
2 not exceed \$25.

3 (E) The redemption value of tickets, tokens, and  
4 other representations of value, which may be  
5 accumulated by players to redeem prizes of greater  
6 value, for a single play of the device does not exceed  
7 \$25.

8 (5) Video gaming terminals at a licensed  
9 establishment, licensed truck stop establishment, licensed  
10 fraternal establishment, or licensed veterans  
11 establishment licensed in accordance with the Video Gaming  
12 Act.

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

1 paid or promised consideration for a chance to win such prizes,  
2 whether such scheme or procedure is called a lottery, raffle,  
3 gift, sale or some other name.

4 (c) A "policy game" is any scheme or procedure whereby a  
5 person promises or guarantees by any instrument, bill,  
6 certificate, writing, token or other device that any particular  
7 number, character, ticket or certificate shall in the event of  
8 any contingency in the nature of a lottery entitle the  
9 purchaser or holder to receive money, property or evidence of  
10 debt.

11 (Source: P.A. 97-1126, eff. 1-1-13.)

12 (720 ILCS 5/28-5) (from Ch. 38, par. 28-5)

13 Sec. 28-5. Seizure of gambling devices and gambling funds.

14 (a) Every device designed for gambling which is incapable  
15 of lawful use or every device used unlawfully for gambling  
16 shall be considered a "gambling device", and shall be subject  
17 to seizure, confiscation and destruction by the Department of  
18 State Police or by any municipal, or other local authority,  
19 within whose jurisdiction the same may be found. As used in  
20 this Section, a "gambling device" includes any slot machine,  
21 and includes any machine or device constructed for the  
22 reception of money or other thing of value and so constructed  
23 as to return, or to cause someone to return, on chance to the  
24 player thereof money, property or a right to receive money or  
25 property. With the exception of any device designed for

1 gambling which is incapable of lawful use, no gambling device  
2 shall be forfeited or destroyed unless an individual with a  
3 property interest in said device knows of the unlawful use of  
4 the device.

5 (b) Every gambling device shall be seized and forfeited to  
6 the county wherein such seizure occurs. Any money or other  
7 thing of value integrally related to acts of gambling shall be  
8 seized and forfeited to the county wherein such seizure occurs.

9 (c) If, within 60 days after any seizure pursuant to  
10 subparagraph (b) of this Section, a person having any property  
11 interest in the seized property is charged with an offense, the  
12 court which renders judgment upon such charge shall, within 30  
13 days after such judgment, conduct a forfeiture hearing to  
14 determine whether such property was a gambling device at the  
15 time of seizure. Such hearing shall be commenced by a written  
16 petition by the State, including material allegations of fact,  
17 the name and address of every person determined by the State to  
18 have any property interest in the seized property, a  
19 representation that written notice of the date, time and place  
20 of such hearing has been mailed to every such person by  
21 certified mail at least 10 days before such date, and a request  
22 for forfeiture. Every such person may appear as a party and  
23 present evidence at such hearing. The quantum of proof required  
24 shall be a preponderance of the evidence, and the burden of  
25 proof shall be on the State. If the court determines that the  
26 seized property was a gambling device at the time of seizure,

1 an order of forfeiture and disposition of the seized property  
2 shall be entered: a gambling device shall be received by the  
3 State's Attorney, who shall effect its destruction, except that  
4 valuable parts thereof may be liquidated and the resultant  
5 money shall be deposited in the general fund of the county  
6 wherein such seizure occurred; money and other things of value  
7 shall be received by the State's Attorney and, upon  
8 liquidation, shall be deposited in the general fund of the  
9 county wherein such seizure occurred. However, in the event  
10 that a defendant raises the defense that the seized slot  
11 machine is an antique slot machine described in subparagraph  
12 (b) (7) of Section 28-1 of this Code and therefore he is exempt  
13 from the charge of a gambling activity participant, the seized  
14 antique slot machine shall not be destroyed or otherwise  
15 altered until a final determination is made by the Court as to  
16 whether it is such an antique slot machine. Upon a final  
17 determination by the Court of this question in favor of the  
18 defendant, such slot machine shall be immediately returned to  
19 the defendant. Such order of forfeiture and disposition shall,  
20 for the purposes of appeal, be a final order and judgment in a  
21 civil proceeding.

22 (d) If a seizure pursuant to subparagraph (b) of this  
23 Section is not followed by a charge pursuant to subparagraph  
24 (c) of this Section, or if the prosecution of such charge is  
25 permanently terminated or indefinitely discontinued without  
26 any judgment of conviction or acquittal (1) the State's

1 Attorney shall commence an in rem proceeding for the forfeiture  
2 and destruction of a gambling device, or for the forfeiture and  
3 deposit in the general fund of the county of any seized money  
4 or other things of value, or both, in the circuit court and (2)  
5 any person having any property interest in such seized gambling  
6 device, money or other thing of value may commence separate  
7 civil proceedings in the manner provided by law.

8 (e) Any gambling device displayed for sale to a riverboat  
9 gambling operation or used to train occupational licensees of a  
10 riverboat gambling operation as authorized under the Riverboat  
11 Gambling Act is exempt from seizure under this Section.

12 (f) Any gambling equipment, devices and supplies provided  
13 by a licensed supplier in accordance with the Riverboat  
14 Gambling Act which are removed from the riverboat for repair  
15 are exempt from seizure under this Section.

16 (g) The following video gaming terminals are exempt from  
17 seizure under this Section:

18 (1) Video gaming terminals for sale to a licensed  
19 distributor or operator under the Video Gaming Act.

20 (2) Video gaming terminals used to train licensed  
21 technicians or licensed terminal handlers.

22 (3) Video gaming terminals that are removed from a  
23 licensed establishment, licensed truck stop establishment,  
24 licensed fraternal establishment, or licensed veterans  
25 establishment for repair.

26 (Source: P.A. 87-826.)

1 (720 ILCS 5/28-8) (from Ch. 38, par. 28-8)

2 Sec. 28-8. Gambling losses recoverable.

3 (a) Any person who by gambling shall lose to any other  
4 person, any sum of money or thing of value, amounting to the  
5 sum of \$50 or more and shall pay or deliver the same or any part  
6 thereof, may sue for and recover the money or other thing of  
7 value, so lost and paid or delivered, in a civil action against  
8 the winner thereof, with costs, in the circuit court. No person  
9 who accepts from another person for transmission, and  
10 transmits, either in his own name or in the name of such other  
11 person, any order for any transaction to be made upon, or who  
12 executes any order given to him by another person, or who  
13 executes any transaction for his own account on, any regular  
14 board of trade or commercial, commodity or stock exchange,  
15 shall, under any circumstances, be deemed a "winner" of any  
16 moneys lost by such other person in or through any such  
17 transactions.

18 (b) If within 6 months, such person who under the terms of  
19 Subsection 28-8(a) is entitled to initiate action to recover  
20 his losses does not in fact pursue his remedy, any person may  
21 initiate a civil action against the winner. The court or the  
22 jury, as the case may be, shall determine the amount of the  
23 loss. After such determination, the court shall enter a  
24 judgment of triple the amount so determined.

25 (c) Gambling losses as a result of gambling conducted on a



1 video gaming terminal licensed under the Video Gaming Act are  
2 not recoverable under this Section.

3 (Source: P.A. 79-1360.)

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