

1 AN ACT in relation to criminal law.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Criminal Code of 1961 is amended by
5 changing Sections 28-1, 28-1.1, 28-3, 28-5, and 28-7 as
6 follows:

7 (720 ILCS 5/28-1) (from Ch. 38, par. 28-1)
8 Sec. 28-1. Gambling.

9 (a) A person commits gambling when he:

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

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

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

19 (4) Contracts to have or give himself or another
20 the option to buy or sell, or contracts to buy or sell,
21 at a future time, any grain or other commodity
22 whatsoever, or any stock or security of any company,
23 where it is at the time of making such contract intended
24 by both parties thereto that the contract to buy or sell,
25 or the option, whenever exercised, or the contract
26 resulting therefrom, shall be settled, not by the receipt
27 or delivery of such property, but by the payment only of
28 differences in prices thereof; however, the issuance,
29 purchase, sale, exercise, endorsement or guarantee, by or
30 through a person registered with the Secretary of State
31 pursuant to Section 8 of the Illinois Securities Law of

1 1953, or by or through a person exempt from such
2 registration under said Section 8, of a put, call, or
3 other option to buy or sell securities which have been
4 registered with the Secretary of State or which are
5 exempt from such registration under Section 3 of the
6 Illinois Securities Law of 1953 is not gambling within
7 the meaning of this paragraph (4); or

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

13 (6) Sells pools upon the result of any game or
14 contest of skill or chance, political nomination,
15 appointment or election; or

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

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

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

29 (10) Knowingly advertises any lottery or policy
30 game, except for such activity related to lotteries,
31 bingo games and raffles authorized by and conducted in
32 accordance with the laws of Illinois or any other state;
33 or

34 (11) Knowingly transmits information as to wagers,

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

8 (12) Knowingly establishes, maintains, or operates
9 an Internet site that permits a person to play a game of
10 chance or skill for money or other thing of value by
11 means of the Internet or to make a wager upon the result
12 of any game, contest, political nomination, appointment,
13 or election by means of the Internet; or-

14 (13) Knowingly plays a game of chance or skill for
15 money or other thing of value by means of the Internet or
16 knowingly makes a wager upon the result of any game,
17 contest, political nomination, appointment, or election
18 by means of the Internet, unless excepted in subsection
19 (b) of this Section.

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

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

26 (2) Offers of prizes, award or compensation to the
27 actual contestants in any bona fide contest for the
28 determination of skill, speed, strength or endurance or
29 to the owners of animals or vehicles entered in such
30 contest;

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

33 (4) Manufacture of gambling devices, including the
34 acquisition of essential parts therefor and the assembly

1 thereof, for transportation in interstate or foreign
2 commerce to any place outside this State when such
3 transportation is not prohibited by any applicable
4 Federal law;

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

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

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

16 (8) Raffles when conducted in accordance with the
17 Raffles Act;

18 (9) Charitable games when conducted in accordance
19 with the Charitable Games Act;

20 (10) Pull tabs and jar games when conducted under
21 the Illinois Pull Tabs and Jar Games Act; or

22 (11) Gambling games conducted on riverboats when
23 authorized by the Riverboat Gambling Act.

24 (c) Sentence.

25 Gambling under subsection (a)(1) or (a)(2) of this
26 Section is a Class A misdemeanor. Gambling under any of
27 subsections (a)(3) through (a)(11) of this Section is a Class
28 A misdemeanor. A second or subsequent conviction under any
29 of subsections (a)(3) through (a)(11), is a Class 4 felony.
30 Gambling under subsection (a)(12) of this Section is a Class
31 A misdemeanor. A second or subsequent conviction under
32 subsection (a)(12) is a Class 4 felony. Gambling under
33 subsection (a)(13) of this Section is a Class A misdemeanor.
34 A second or subsequent conviction under subsection (a)(13) is

1 a Class 4 felony.

2 (d) Circumstantial evidence.

3 In prosecutions under subsection (a)(1) through
4 (a)(~~13~~)(~~12~~) of this Section circumstantial evidence shall
5 have the same validity and weight as in any criminal
6 prosecution.

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

8 (720 ILCS 5/28-1.1) (from Ch. 38, par. 28-1.1)

9 Sec. 28-1.1. Syndicated gambling.

10 (a) Declaration of Purpose. Recognizing the close
11 relationship between professional gambling and other
12 organized crime, it is declared to be the policy of the
13 legislature to restrain persons from engaging in the business
14 of gambling for profit in this State. This Section shall be
15 liberally construed and administered with a view to carrying
16 out this policy.

17 (b) A person commits syndicated gambling when he
18 operates a "policy game" or engages in the business of
19 bookmaking.

20 (c) A person "operates a policy game" when he knowingly
21 uses any premises or property for the purpose of receiving or
22 knowingly does receive from what is commonly called "policy":

23 (1) money from a person other than the better or
24 player whose bets or plays are represented by such money;
25 or

26 (2) written or computer accessible "policy game"
27 records, made or used over any period of time, from a
28 person other than the better or player whose bets or
29 plays are represented by such written or computer
30 accessible record.

31 (d) A person engages in bookmaking when he receives or
32 accepts more than five bets or wagers upon the result of any
33 trials or contests of skill, speed or power of endurance or

1 upon any lot, chance, casualty, unknown or contingent event
2 whatsoever, which bets or wagers shall be of such size that
3 the total of the amounts of money paid or promised to be paid
4 to such bookmaker on account thereof shall exceed \$2,000.
5 Bookmaking is the receiving or accepting of such bets or
6 wagers regardless of the form or manner in which the
7 bookmaker records them.

8 (d-5) A person commits syndicated gambling when he or
9 she accesses the Internet to operate a "policy game" or to
10 engage in the business of bookmaking.

11 (e) Participants in any of the following activities
12 shall not be convicted of syndicated gambling:

13 (1) Agreements to compensate for loss caused by the
14 happening of chance including without limitation
15 contracts of indemnity or guaranty and life or health or
16 accident insurance; and

17 (2) Offers of prizes, award or compensation to the
18 actual contestants in any bona fide contest for the
19 determination of skill, speed, strength or endurance or
20 to the owners of animals or vehicles entered in such
21 contest; and

22 (3) Pari-mutuel betting as authorized by law of
23 this State; and

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

30 (5) Raffles when conducted in accordance with the
31 Raffles Act; and

32 (6) Gambling games conducted on riverboats when
33 authorized by the Riverboat Gambling Act.

34 (f) Sentence. Syndicated gambling is a Class 3 felony.

1 (Source: P.A. 86-1029; 87-435.)

2 (720 ILCS 5/28-3) (from Ch. 38, par. 28-3)

3 Sec. 28-3. Keeping a Gambling Place. A "gambling place"
4 is any real estate, vehicle, boat or any other property
5 whatsoever used for the purposes of gambling other than
6 gambling conducted in the manner authorized by the Riverboat
7 Gambling Act. A "gambling place" includes premises or a
8 building knowingly used by the owner to conduct gambling
9 games prohibited by Section 28-1 by use of the Internet or to
10 conduct syndicated gambling under Section 28-1.1 by use of
11 the Internet. Any person who knowingly permits any premises
12 or property owned or occupied by him or under his control to
13 be used as a gambling place commits a Class A misdemeanor.
14 Each subsequent offense is a Class 4 felony. When any
15 premises is determined by the circuit court to be a gambling
16 place:

17 (a) Such premises is a public nuisance and may be
18 proceeded against as such, and

19 (b) All licenses, permits or certificates issued by the
20 State of Illinois or any subdivision or public agency thereof
21 authorizing the serving of food or liquor on such premises
22 shall be void; and no license, permit or certificate so
23 cancelled shall be reissued for such premises for a period of
24 60 days thereafter; nor shall any person convicted of keeping
25 a gambling place be reissued such license for one year from
26 his conviction and, after a second conviction of keeping a
27 gambling place, any such person shall not be reissued such
28 license, and

29 (c) Such premises of any person who knowingly permits
30 thereon a violation of any Section of this Article shall be
31 held liable for, and may be sold to pay any unsatisfied
32 judgment that may be recovered and any unsatisfied fine that
33 may be levied under any Section of this Article.

1 (Source: P.A. 86-1029.)

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

3 Sec. 28-5. Seizure of gambling devices and gambling
4 funds.

5 (a) Every device designed for gambling which is
6 incapable of lawful use or every device used unlawfully for
7 gambling including a computer or computer server used in an
8 Internet gambling operation but does not include a computer
9 used by a person to place a bet or wager if the person does
10 not use the computer for the conduct of a gambling operation,
11 shall be considered a "gambling device", and shall be subject
12 to seizure, confiscation and destruction by the Department of
13 State Police or by any municipal, or other local authority,
14 within whose jurisdiction the same may be found. As used in
15 this Section, a "gambling device" includes any slot machine,
16 and includes any machine or device constructed for the
17 reception of money or other thing of value and so constructed
18 as to return, or to cause someone to return, on chance to the
19 player thereof money, property or a right to receive money or
20 property. With the exception of any device designed for
21 gambling which is incapable of lawful use, no gambling device
22 shall be forfeited or destroyed unless an individual with a
23 property interest in said device knows of the unlawful use of
24 the device.

25 (b) Every gambling device shall be seized and forfeited
26 to the county wherein such seizure occurs. Any money or
27 other thing of value integrally related to acts of gambling
28 shall be seized and forfeited to the county wherein such
29 seizure occurs.

30 (c) If, within 60 days after any seizure pursuant to
31 subparagraph (b) of this Section, a person having any
32 property interest in the seized property is charged with an
33 offense, the court which renders judgment upon such charge

1 shall, within 30 days after such judgment, conduct a
2 forfeiture hearing to determine whether such property was a
3 gambling device at the time of seizure. Such hearing shall
4 be commenced by a written petition by the State, including
5 material allegations of fact, the name and address of every
6 person determined by the State to have any property interest
7 in the seized property, a representation that written notice
8 of the date, time and place of such hearing has been mailed
9 to every such person by certified mail at least 10 days
10 before such date, and a request for forfeiture. Every such
11 person may appear as a party and present evidence at such
12 hearing. The quantum of proof required shall be a
13 preponderance of the evidence, and the burden of proof shall
14 be on the State. If the court determines that the seized
15 property was a gambling device at the time of seizure, an
16 order of forfeiture and disposition of the seized property
17 shall be entered: a gambling device shall be received by the
18 State's Attorney, who shall effect its destruction, except
19 that valuable parts thereof may be liquidated and the
20 resultant money shall be deposited in the general fund of the
21 county wherein such seizure occurred; money and other things
22 of value shall be received by the State's Attorney and, upon
23 liquidation, shall be deposited in the general fund of the
24 county wherein such seizure occurred. However, in the event
25 that a defendant raises the defense that the seized slot
26 machine is an antique slot machine described in subparagraph
27 (b) (7) of Section 28-1 of this Code and therefore he is
28 exempt from the charge of a gambling activity participant,
29 the seized antique slot machine shall not be destroyed or
30 otherwise altered until a final determination is made by the
31 Court as to whether it is such an antique slot machine. Upon
32 a final determination by the Court of this question in favor
33 of the defendant, such slot machine shall be immediately
34 returned to the defendant. Such order of forfeiture and

1 disposition shall, for the purposes of appeal, be a final
2 order and judgment in a civil proceeding.

3 (d) If a seizure pursuant to subparagraph (b) of this
4 Section is not followed by a charge pursuant to subparagraph
5 (c) of this Section, or if the prosecution of such charge is
6 permanently terminated or indefinitely discontinued without
7 any judgment of conviction or acquittal (1) the State's
8 Attorney shall commence an in rem proceeding for the
9 forfeiture and destruction of a gambling device, or for the
10 forfeiture and deposit in the general fund of the county of
11 any seized money or other things of value, or both, in the
12 circuit court and (2) any person having any property interest
13 in such seized gambling device, money or other thing of value
14 may commence separate civil proceedings in the manner
15 provided by law.

16 (e) Any gambling device displayed for sale to a
17 riverboat gambling operation or used to train occupational
18 licensees of a riverboat gambling operation as authorized
19 under the Riverboat Gambling Act is exempt from seizure under
20 this Section.

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

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

26 (720 ILCS 5/28-7) (from Ch. 38, par. 28-7)

27 Sec. 28-7. Gambling contracts void.

28 (a) All promises, notes, bills, bonds, covenants,
29 contracts, agreements, judgments, mortgages, or other
30 securities or conveyances made, given, granted, drawn, or
31 entered into, or executed by any person whatsoever, where the
32 whole or any part of the consideration thereof is for any
33 money or thing of value, won or obtained in violation of any

1 Section of this Article are null and void, including
2 contracts, debts, or obligations incurred by Internet
3 gambling.

4 (b) Any obligation void under this Section may be set
5 aside and vacated by any court of competent jurisdiction,
6 upon a complaint filed for that purpose, by the person so
7 granting, giving, entering into, or executing the same, or by
8 his executors or administrators, or by any creditor, heir,
9 legatee, purchaser or other person interested therein; or if
10 a judgment, the same may be set aside on motion of any person
11 stated above, on due notice thereof given.

12 (c) No assignment of any obligation void under this
13 Section may in any manner affect the defense of the person
14 giving, granting, drawing, entering into or executing such
15 obligation, or the remedies of any person interested therein.

16 (d) This Section shall not prevent a licensed owner of a
17 riverboat gambling operation from instituting a cause of
18 action to collect any amount due and owing under an extension
19 of credit to a riverboat gambling patron as authorized under
20 the Riverboat Gambling Act.

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