

1 AN ACT concerning 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 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
10 other thing of value, unless excepted in subsection (b)
11 of this Section; or

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

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

18 (4) Contracts to have or give himself or another
19 the option to buy or sell, or contracts to buy or sell,
20 at a future time, any grain or other commodity
21 whatsoever, or any stock or security of any company,
22 where it is at the time of making such contract intended
23 by both parties thereto that the contract to buy or sell,
24 or the option, whenever exercised, or the contract
25 resulting therefrom, shall be settled, not by the receipt
26 or delivery of such property, but by the payment only of
27 differences in prices thereof; however, the issuance,
28 purchase, sale, exercise, endorsement or guarantee, by or
29 through a person registered with the Secretary of State
30 pursuant to Section 8 of the Illinois Securities Law of
31 1953, or by or through a person exempt from such

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

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

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

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

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

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

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

33 (11) Knowingly transmits information as to wagers,
34 betting odds, or changes in betting odds by telephone,

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

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

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

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

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

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

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

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

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

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

9 (8) Raffles when conducted in accordance with the
10 Raffles Act;

11 (9) Charitable games when conducted in accordance
12 with the Charitable Games Act;

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

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

17 (c) Sentence.

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