



Rep. Katie Stuart

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1 AMENDMENT TO HOUSE BILL 3308

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3308 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the  
5 Sports Wagering Act.

6 Section 5. Definitions. As used in this Act:

7 "Adjusted gross sports wagering receipts" means a sports  
8 wagering licensee's gross sports wagering receipts, less  
9 winnings paid to wagerers in such games.

10 "Administrator" means the Administrator of the Illinois  
11 Gaming Board, appointed pursuant to Section 5 of the Riverboat  
12 Gambling Act.

13 "Board" means the Illinois Gaming Board.

14 "Collegiate sport or athletic event" means a sport or  
15 athletic event offered or sponsored by, or played in connection  
16 with, a public or private institution that offers educational

1 services beyond the secondary level.

2 "Gaming facility" means a riverboat under the Riverboat  
3 Gambling Act or a racetrack or inter-track wagering location  
4 under the Illinois Horse Racing Act of 1975.

5 "Government" means any governmental unit of a national,  
6 state, or local body exercising governmental functions, other  
7 than the United States government.

8 "Gross sports wagering receipts" means the total gross  
9 receipts received by a sports wagering licensee from sports  
10 wagering.

11 "License" means a license applied for or issued by the  
12 Board under this Act, including, but not limited to:

13 (1) a license to conduct sports wagering at a gaming  
14 facility (sports wagering license);

15 (2) a license to conduct sports wagering through an  
16 online application (online sports wagering license);

17 (3) a license to supply a sports wagering licensee with  
18 sports wagering equipment or services necessary for the  
19 operation of sports wagering (supplier license);

20 (4) a license to be employed by a sports wagering  
21 licensee when the employee works in a designated gaming  
22 area that has sports wagering or performs duties in  
23 furtherance of or associated with the operation of sports  
24 wagering by the sports wagering licensee (occupational  
25 license); or

26 (5) a license to provide management services under a

1 contract to a sports wagering licensee (management  
2 services provider license).

3 "Official league data" means statistics, results, and  
4 outcomes relating to a sporting event, as well as logos,  
5 videos, marketing materials, and demographic information that  
6 have been obtained from the relevant sports governing body or  
7 an entity expressly authorized by the sports governing body to  
8 provide such information to sports wagering licensees and  
9 online sports wagering licensees.

10 "Online sports wagering licensee" means a person, entity,  
11 corporation, or limited liability company that engages in the  
12 business of offering, by any means, including, but not limited  
13 to, the Internet, a smart phone application, or other similar  
14 electronic or digital media or communication technologies, the  
15 opportunity to place sports wagers.

16 "Sports event" means a professional sport or athletic  
17 event, a collegiate sport or athletic event, a motor race  
18 event, or any other special event authorized by the Board under  
19 this Act.

20 "Sports governing body" means the organization that  
21 prescribes final rules and enforces codes of conduct with  
22 respect to a sports event and participants therein.

23 "Sports pool" means the business of accepting wagers on a  
24 sports event by a system or method of wagering.

25 "Sports wagering" means the business of accepting wagers on  
26 sports events and other events, the individual performance

1 statistics of athletes in a sports event or other events, or a  
2 combination of any of the same by any system or method of  
3 wagering approved by the Board, including, but not limited to,  
4 mobile applications and other digital platforms that utilize  
5 communications technology to accept wagers originating within  
6 this State. "Sports wagering" includes, but is not limited to,  
7 exchange wagering, parlays, over-under, moneyline, pools, and  
8 straight bets. "Sports wagering" does not include:

9 (1) pari-mutuel wagering on the outcome of horse races  
10 authorized by the Illinois Horse Racing Act of 1975;

11 (2) lottery games authorized by the Illinois Lottery  
12 Law;

13 (3) video gaming authorized by the Video Gaming Act;

14 (4) interactive fantasy sports authorized by the  
15 Fantasy Sports Contest Act; or

16 (5) gambling games authorized by the Riverboat  
17 Gambling Act.

18 "Sports wagering account" means a financial record  
19 established by a sports wagering licensee for an individual  
20 patron in which the patron may deposit and withdraw funds  
21 within a gaming facility for sports wagering and other  
22 authorized purchases and to which the sports wagering licensee  
23 may credit winnings or other amounts due to that patron or  
24 authorized by that patron.

25 "Sports wagering equipment" means any mechanical,  
26 electronic, or other device, mechanism, or equipment and

1 related supplies used or consumed in the operation of sports  
2 wagering by a sports wagering licensee, including, but not  
3 limited to, a kiosk installed to accept sports wagers.

4 "Sports wagering licensee" means a gaming facility  
5 licensed to operate a sports pool and other authorized sports  
6 wagering activities.

7 "Supplier" means a person that requires a supplier license  
8 to provide a sports wagering licensee with goods or services to  
9 be used in connection with the operation of sports wagering.

10 "Wager" means a sum of money or thing of value risked on an  
11 uncertain occurrence.

12 Section 10. State authorization of sports wagering.  
13 Notwithstanding any provision of law to the contrary, the  
14 operation of sports wagering and ancillary activities are only  
15 lawful when conducted in accordance with the provisions of this  
16 Act and the rules of the Board.

17 Section 15. Board duties and powers.

18 (a) The Board shall have the authority to regulate sports  
19 pools and the conduct of sports wagering under this Act.

20 (b) The Board shall examine the regulations implemented in  
21 other states where sports wagering is conducted and shall, as  
22 far as practicable, adopt a similar regulatory framework  
23 through adoption of rules.

24 (c) The Board has the authority to adopt any rules the

1 Board considers necessary for the successful implementation,  
2 administration, and enforcement of this Act. Rules proposed by  
3 the Board before December 1, 2019 may be adopted as emergency  
4 rules pursuant to Section 5-45 of the Illinois Administrative  
5 Procedure Act.

6 (d) Rules adopted by the Board may include, but are not  
7 limited to, rules governing:

8 (1) the acceptance of wagers on a sports event or a  
9 series of sports events;

10 (2) maximum wagers that may be accepted by a sports  
11 wagering licensee from any one patron on any one sports  
12 event;

13 (3) type of wagering tickets that may be used;

14 (4) the method of issuing tickets;

15 (5) the method of accounting to be used by sports  
16 wagering licensees;

17 (6) types of records which shall be kept;

18 (7) the type of system for sports wagering;

19 (8) protections for patrons placing wagers; and

20 (9) the promotion of social responsibility and  
21 responsible gaming.

22 (e) The Board shall establish minimum internal control  
23 standards and approve minimum internal control standards  
24 proposed by sports wagering licensees for the administration of  
25 sports wagering operations, sports wagering equipment and  
26 systems, or other items used to conduct sports wagering, as

1 well as maintenance of financial records and other required  
2 records.

3 (f) For the examination of all mechanical,  
4 electromechanical, or electronic wagering equipment,  
5 associated equipment, and accounting systems for compliance  
6 with this Act, the Board may utilize the services of one or  
7 more independent outside testing laboratories that have been  
8 accredited by an international accreditation body and that, in  
9 the judgment of the Board, are qualified to perform the  
10 examinations.

11 (g) The Board shall adopt technical standards governing all  
12 equipment, systems, and software critical for ensuring the  
13 integrity of the wagering authorized by this Act within 180  
14 days following the effective date of this Act. Until the Board  
15 adopts such technical standards, the Board shall utilize a  
16 technical standard from an independent testing laboratory that  
17 is accredited by the International Organization for  
18 Standardization and whose standards for any category of  
19 regulated gaming equipment are recognized in 10 or more  
20 jurisdictions.

21 (h) The Board shall determine the eligibility of a person  
22 to hold or continue to hold a license, shall issue all  
23 licenses, and shall maintain a record of all licenses issued  
24 under this Act. The Board may accept applications, evaluate  
25 qualifications of applicants, and undertake initial review of  
26 licenses before adoption of emergency rules upon the effective

1 date of this Act.

2 (i) The Board shall levy and collect all fees, surcharges,  
3 civil penalties, and weekly tax on adjusted gross sports  
4 wagering receipts imposed by this Act and deposit all moneys  
5 into the Sports Wagering Fund, except as otherwise provided  
6 under this Act.

7 (j) The Board may exercise any other powers necessary to  
8 effectuate the provisions of this Act and the rules of the  
9 Board.

10 Section 20. Licenses required.

11 (a) No person may engage in any activity in connection with  
12 sports wagering in this State unless all necessary licenses  
13 have been obtained in accordance with this Act and the rules of  
14 the Board. The following licenses shall be issued pursuant to  
15 this Act:

- 16 (1) sports wagering license;
- 17 (2) online sports wagering license;
- 18 (3) supplier license;
- 19 (4) management services provider license; and
- 20 (5) occupational license.

21 No person or entity may engage in a sports wagering  
22 operation or activity without first obtaining the appropriate  
23 license.

24 (b) The Board may not grant a license until it determines  
25 that each person who has control of the applicant meets all



1 qualifications for licensure. The following persons are  
2 considered to have control of an applicant:

3 (1) each person associated with a corporate applicant,  
4 including a corporate holding company, parent company, or  
5 subsidiary company of the applicant who has the ability to  
6 control the activities of the corporate applicant or elect  
7 a majority of the board of directors of that corporation;  
8 this does not include a bank or other licensed lending  
9 institution that holds a mortgage or other lien acquired in  
10 the ordinary course of business;

11 (2) each person associated with a non-corporate  
12 applicant who directly or indirectly holds a beneficial or  
13 proprietary interest in the applicant's business operation  
14 or who the Board otherwise determines has the ability to  
15 control the applicant; and

16 (3) key personnel of an applicant, including an  
17 executive, employee, or agent, having the power to exercise  
18 significant influence over decisions concerning any part  
19 of the applicant's business operation.

20 (c) An applicant for a license issued under this Act shall  
21 submit an application to the Board in the form the Board  
22 requires and submit fingerprints for a national criminal  
23 records check by the Department of State Police and the Federal  
24 Bureau of Investigation. The fingerprints shall be furnished by  
25 all persons required to be named in the application and shall  
26 be accompanied by a signed authorization for the release of

1 information by the Federal Bureau of Investigation. The Board  
2 may require additional background checks on licensees when they  
3 apply for annual license renewal, and an applicant convicted of  
4 a disqualifying offense shall not be licensed.

5 (d) Each sports wagering licensee, licensed supplier, or  
6 licensed management services provider shall display the  
7 license conspicuously in the licensee's place of business or  
8 have the license available for inspection by an agent of the  
9 Board or a law enforcement agency.

10 (e) Each holder of an occupational license shall carry the  
11 license and have some indicia of licensure prominently  
12 displayed on his or her person when present in a gaming  
13 facility licensed under this Act at all times, in accordance  
14 with the rules of the Board.

15 (f) Each person licensed under this Act shall give the  
16 Board written notice within 30 days after a change to  
17 information provided in the licensee's application for a  
18 license or renewal.

19 (g) No Board employee may be an applicant for a license  
20 issued under this Act, nor may an employee of a licensee  
21 directly or indirectly hold an ownership or a financial  
22 interest in a sports wagering license.

23 Section 25. Initial license and renewal requirements for  
24 sports wagering licenses obtained by an organization licensee.

25 (a) No sports wagering license may be awarded to or renewed

1 for any entity that is eligible for a sports wagering license  
2 because of an organization license awarded by the Illinois  
3 Racing Board, unless they meet the following criteria:

4 (1) The entity must hold a valid organization license  
5 awarded by the Illinois Racing Board for the term of the  
6 license.

7 (2) The entity must hold an inter-track wagering  
8 license awarded by the Illinois Racing Board for the term  
9 of the license.

10 (3) The entity, for the term of the license, must have  
11 a signed contract with the horsemen association  
12 representing the largest number of owners, trainers,  
13 jockeys, or standardbred drivers who race horses at that  
14 organization licensee's racing meeting, the right to  
15 execute or decline such contract being without condition,  
16 and that stipulates:

17 (A) the number of races to be conducted at the  
18 racing meeting and penalties for failure to conduct  
19 those races;

20 (B) the amounts to be distributed to purse accounts  
21 and penalties for failure to timely make such  
22 distributions; and

23 (C) the reduction and ultimate elimination of  
24 money payable from purses to organization licensees  
25 under paragraph (13) of subsection (g) of Section 26 of  
26 the Illinois Horse Racing Act of 1975, with such

1 reduction and elimination achieved as agreed either  
2 through reimbursement or non-acceptance.

3 (4) The entity may not receive any proceeds from  
4 adjusted sports wagering receipts during any period that  
5 adjusted sports wagering receipts are not being deposited  
6 into the purse accounts as provided in the signed contract  
7 with the applicable horsemen association.

8 (b) The Board shall study the viability and benefit of  
9 providing a sports wagering license to the horsemen association  
10 representing the largest number of owners, training jockeys, or  
11 standardbred drivers who race horses at an organization  
12 licensee's racing meetings and shall prepare a report for the  
13 General Assembly and the Governor no later than 12 months after  
14 the effective date of this Act. The report to the General  
15 Assembly shall be filed with the Clerk of the House of  
16 Representatives and the Secretary of the Senate in electronic  
17 form only, in the manner that the Clerk and the Secretary shall  
18 direct.

19 Section 30. Sports wagering license; requirements.

20 (a) A gaming facility may operate sports wagering upon the  
21 approval of the Board, and the Board shall have the general  
22 responsibility for the implementation of this Act and rules  
23 adopted under this Act.

24 (b) A sports wagering license granted by the Board pursuant  
25 to this Act grants a sports wagering licensee lawful authority

1 to conduct sports wagering within the terms and conditions of  
2 the license and any rules adopted under this Act.

3 (c) The Board may issue sports wagering licenses in  
4 accordance with the provisions of this Act.

5 (d) Upon application by a gaming facility and payment of a  
6 \$10,000,000 application fee, the Board shall grant a sports  
7 wagering license to a gaming facility, provided that the  
8 applicant holds a valid organization license issued by the  
9 Illinois Racing Board pursuant to the Illinois Horse Racing Act  
10 of 1975 or a valid owners license issued by the Board pursuant  
11 to the Riverboat Gambling Act, and otherwise meets the  
12 requirements for licensure under the provisions of this Act and  
13 the rules of the Board. The application fee may be prorated so  
14 that the renewal date of the organization licensee's or owners  
15 licensee's sports wagering license aligns with the renewal date  
16 of its license under the appropriate Act. The sports wagering  
17 license shall be issued for a 4-year period and may be renewed  
18 for 4-year periods upon payment of a \$500,000 renewal fee as  
19 long as the gaming facility continues to meet all qualification  
20 requirements.

21 (e) An inter-track wagering location licensee is  
22 authorized to conduct sports wagering if the organization  
23 licensee it derives its license from is issued a sports  
24 wagering license.

25 (f) A sports wagering license authorizes the operation of  
26 sports wagering at locations and through a mobile application

1 or other digital platforms approved by the Board.

2 (g) The following apply to management service contracts:

3 (1) A sports wagering licensee may not enter into a  
4 management services contract that would permit any person  
5 other than the sports wagering licensee to act as the  
6 Board's agent in operating sports wagering unless the  
7 management service contract: (A) is with a person licensed  
8 under this Act to provide management services; (B) is in  
9 writing; and (C) has been approved by the Board.

10 (2) The sports wagering licensee shall submit a  
11 material change in a management services contract,  
12 previously approved by the Board, to the Board for its  
13 approval or rejection before the material change may take  
14 effect.

15 (3) The duties and responsibilities of a management  
16 services provider under a management services contract may  
17 not be assigned, delegated, subcontracted, or transferred  
18 to a third party without the prior approval of the Board. A  
19 third party must be licensed as a management services  
20 provider under this Act before providing services.

21 (h) A sports wagering licensee shall submit to the Board  
22 documentation or information as the Board may require  
23 demonstrating to the satisfaction of the Administrator that the  
24 licensee continues to meet the requirements of this Act and the  
25 rules adopted under this Act. Required documentation or  
26 information shall be submitted no later than 4 years after

1 issuance of a sports wagering license and every 4 years  
2 thereafter or within lesser periods based on circumstances  
3 specified by the Board.

4 (i) If the sports wagering licensee fails to apply to renew  
5 its license issued before expiration, the Board shall renew its  
6 license under this Act at the time the expired license is  
7 renewed as long as the sports wagering licensee was operating  
8 in compliance with applicable requirements in the preceding  
9 license year.

10 (j) Upon application for a sports wagering license and  
11 annually thereafter, a sports wagering licensee shall submit to  
12 the Board an annual audit of the financial transactions and  
13 condition of the sports wagering licensee's total operations  
14 prepared by a certified public accountant in accordance with  
15 generally accepted accounting principles and applicable  
16 federal and State laws.

17 (k) A sports wagering licensee shall provide suitable  
18 office space at the sports wagering facility, at no cost, for  
19 the Board to perform the duties required of it by this Act and  
20 the rules of the Board.

21 (l) A sports wagering licensee shall demonstrate that its  
22 wagering will: (1) be accessible to disabled individuals, in  
23 accordance with applicable federal and State laws; (2) be  
24 licensed in accordance with this Act and all other applicable  
25 federal, State, and local laws; and (3) meet any other  
26 qualifications specified in rules adopted by the Board.

1 Section 35. Online sports wagering license; requirements.

2 (a) The Board shall issue up to 10 online sports wagering  
3 licenses to any person, firm, corporation, limited liability  
4 company, or partnership that enters into a contractual  
5 agreement with a sports wagering licensee to offer sports  
6 wagering within the physical confines of a gaming facility and  
7 meets all of the following criteria:

8 (1) has filed with the Board certified copies of all  
9 the applicant's organic business documents, as applicable,  
10 such as articles of incorporation and bylaws, articles of  
11 organization, partnership or member agreements,  
12 shareholder agreements and limited liability company  
13 management agreements, as well as the entity's Federal  
14 Employer Identification Number;

15 (2) has filed with the Board the names, addresses, and  
16 business activity of all businesses in which applicant has  
17 held an ownership interest during the past 10 years;

18 (3) has passed a full criminal background check,  
19 through a formal process established by the Board, of all  
20 principals. The Board shall ensure that all criminal  
21 background checks are conducted promptly upon filing of an  
22 application and fee, and that the background check will be  
23 completed within 90 days;

24 (4) has financial reserves of no less than \$5,000,000  
25 in liquid assets at the time of initial licensing. Proof of



1 financial reserves must be provided to the Board in the  
2 form of a signed statement from an Illinois licensed  
3 certified public accountant, dated within 30 calendar days  
4 of the date of the filing of the application, attesting  
5 that the applicant has such funds under its control;

6 (5) has filed with the Board proof of all insurance  
7 coverage required by law, including workers' compensation  
8 and liability insurance, with liability coverages of no  
9 less than \$2,000,000, and with full indemnification for the  
10 State of Illinois and its employees;

11 (6) has filed with the Board a signed notarized  
12 statement certifying that no prospective principal officer  
13 or board member has been convicted of an excluded offense  
14 in any state or country, that the applicant will register  
15 with the Illinois Department of Revenue upon licensing,  
16 that all information provided to the Board is complete and  
17 accurate, that it has actual notice of all State laws that  
18 pertain to operating a legal sports wagering business in  
19 Illinois, and that all of applicant's principal officers  
20 and vendors expressly agree to be subject to service of  
21 process in Illinois with a current Illinois address on file  
22 with the Board; and

23 (7) has posted with the Board a surety bond of  
24 \$1,000,000, issued by an insurance company authorized to  
25 transact fidelity and surety business in the State of  
26 Illinois; the bond shall be used to guarantee that the

1 licensee faithfully makes the payments, keeps books and  
2 records, makes reports, and conducts sports wagering  
3 operations in conformity with this Act.

4 (b) The Board shall not issue an online sports wagering  
5 license to an applicant whose background check reveals the  
6 applicant seeking the online sports wagering license, or any  
7 principal officer or board member of the entity seeking the  
8 online sports wagering license, has been convicted, fined, or  
9 censured or has had a registration or license suspended or  
10 revoked in an administrative or judicial proceeding.

11 (c) All information, records, interviews, reports,  
12 statements, memoranda, or other data supplied to or used by the  
13 Board in the course of its review or investigation of an  
14 application for an online sports wagering license or a renewal  
15 under this Act is subject to Section 5.1 of the Riverboat  
16 Gambling Act.

17 (d) Any person, association, corporation, partnership, or  
18 entity who (i) knowingly makes materially false statements in  
19 order to obtain an online sports wagering license; (ii)  
20 knowingly advertises within the State of Illinois any game,  
21 product, or feature that is not authorized by his or her  
22 license; or (iii) violates any other provision of this Act or  
23 any rule adopted under this Act is guilty of a Class B  
24 misdemeanor for the first violation and is guilty of a Class A  
25 misdemeanor for a second or subsequent violation. In the case  
26 of an association, corporation, partnership, or entity,

1 imprisonment may be imposed upon its officers who knowingly  
2 participated in the violation.

3 (e) An online sports wagering license issued under this Act  
4 shall be valid for a period of 4 years after the date of  
5 issuance and shall be renewable thereafter for an additional 4  
6 years upon payment of a \$500,000 renewal fee based on a  
7 determination by the Board that the online sports wagering  
8 licensee continues to meet all requirements of this Act and the  
9 Board's rules. Notwithstanding any other law to the contrary,  
10 any assignment or transfer of an interest in an online sports  
11 wagering license, or a greater than 10% interest, direct or  
12 indirect, in any entity holding an online sports wagering  
13 license, is subject to the written approval by the Board.  
14 Approved transferees are subject to a nonrefundable  
15 application fee, the amount of which shall be determined by the  
16 Board by rule.

17 Section 40. Management services provider license;  
18 requirements.

19 (a) The holder of a sports wagering license may contract  
20 with an entity to conduct that operation in accordance with the  
21 rules of the Board. The license shall be issued pursuant to the  
22 provisions of this Act and any rules adopted by the Board.

23 (b) Each applicant for a management services provider  
24 license shall meet all requirements for licensure and pay a  
25 nonrefundable license and application fee of \$250,000. The

1 Board may adopt rules establishing additional requirements for  
2 an authorized management services provider. The Board may  
3 accept licensing by another jurisdiction that it specifically  
4 determines to have similar licensing requirements as evidence  
5 the applicant meets authorized management services provider  
6 licensing requirements.

7 (c) Management services provider licenses shall be renewed  
8 annually to a licensee who continues to be in compliance with  
9 all requirements and who pays the annual renewal fee of  
10 \$250,000.

11 (d) An entity or individual who shares in revenue,  
12 including an affiliate operating under a revenue share  
13 agreement, shall be licensed under this Section.

14 Section 45. Supplier license; requirements.

15 (a) The Board may issue a supplier license to a person to  
16 sell or lease sports wagering equipment, systems, or other  
17 gaming items necessary to conduct sports wagering, and offer  
18 services related to the equipment or other gaming items to a  
19 sports wagering licensee while the license is active. The Board  
20 may establish the conditions under which the Board may issue  
21 provisional licenses, pending completion of final action on an  
22 application.

23 (b) The Board may adopt rules establishing additional  
24 requirements for a supplier and any system or other equipment  
25 utilized for sports wagering. The Board may accept licensing by

1 another jurisdiction that it specifically determines to have  
2 similar licensing requirements as evidence the applicant meets  
3 supplier licensing requirements.

4 (c) An applicant for a supplier license shall demonstrate  
5 that the equipment, system, or services that the applicant  
6 plans to offer to the sports wagering licensee conforms to  
7 standards established by the Board and applicable State law.  
8 The Board may accept approval by another jurisdiction that it  
9 specifically determines have similar equipment standards as  
10 evidence the applicant meets the standards established by the  
11 Board and applicable State law.

12 (d) Applicants shall pay to the Board a nonrefundable  
13 license and application fee in the amount of \$100,000. After  
14 the initial one-year term, the Board shall renew supplier  
15 licenses annually thereafter. Renewal of a supplier license  
16 shall be granted to a renewal applicant who has continued to  
17 comply with all applicable statutory and regulatory  
18 requirements, upon submission of the Board-issued renewal form  
19 and payment of a \$100,000 renewal fee.

20 (e) A supplier shall submit to the Board a list of all  
21 sports wagering equipment and services sold, delivered to, or  
22 offered to a sports wagering licensee in this State, as  
23 required by the Board, all of which must be tested and approved  
24 by an independent testing laboratory approved by the Board. A  
25 sports wagering licensee may continue to use supplies acquired  
26 from a licensed supplier, even if a supplier's supplier license

1 expires or is otherwise canceled, unless the Board finds a  
2 defect in the supplies.

3 Section 50. Occupational license; requirements.

4 (a) All persons employed to be engaged directly in sports  
5 wagering-related activities, or otherwise conducting or  
6 operating sports wagering, shall be licensed by the Board and  
7 maintain a valid occupational license at all times, and the  
8 Board shall issue the license to be employed in the operation  
9 of sports wagering to a person who meets the requirements of  
10 this Section.

11 (b) An occupational license to be employed by a gaming  
12 facility authorized to conduct sports wagering permits the  
13 licensee to be employed in the capacity designated by the Board  
14 while the license is still active. The Board may establish, by  
15 rule, job classifications with different requirements to  
16 recognize the extent to which a particular job has the ability  
17 to impact the proper operation of sports wagering.

18 (c) Applicants shall submit any required application forms  
19 established by the Board and pay a nonrefundable application  
20 fee of \$100. The fee may be paid on behalf of an applicant by  
21 the employer.

22 (d) Each licensed employee shall pay to the Board an annual  
23 license fee of \$100 by June 30 of each year. The fee may be paid  
24 on behalf of the licensed employee by the employer. In addition  
25 to a renewal fee, each licensed employee shall annually submit

1 a renewal application on the form required by the Board.

2 Section 55. License prohibitions.

3 (a) The Board may not grant a license pursuant to the  
4 provisions of this Act if evidence satisfactory to the Board  
5 exists that the applicant:

6 (1) has knowingly made a false statement of a material  
7 fact to the Board;

8 (2) has been suspended from operating a gambling game,  
9 gaming device, or gaming operation or had a license revoked  
10 by a governmental authority responsible for regulating  
11 gaming activities; or

12 (3) has been convicted of a crime of moral turpitude, a  
13 gambling-related offense, a theft or fraud offense, or has  
14 otherwise demonstrated, either by a police record or other  
15 satisfactory evidence, a lack of respect for law and order.

16 (b) The Board may deny a license to an applicant, reprimand  
17 a licensee, or suspend or revoke a license if the applicant or  
18 licensee:

19 (1) has not demonstrated to the satisfaction of the  
20 Board financial responsibility sufficient to adequately  
21 meet the requirements of the proposed enterprise;

22 (2) is not the true owner of the business or is not the  
23 sole owner and has not disclosed the existence or identity  
24 of other persons who have an ownership interest in the  
25 business; or

1           (3) is a corporation that sells more than 5% of a  
2           licensee's voting stock or more than 5% of the voting stock  
3           of a corporation that controls the licensee or sells a  
4           licensee's assets, other than those bought and sold in the  
5           ordinary course of business, or any interest in the assets,  
6           to a person not already determined by the Board to have met  
7           the qualifications of a licensee under this Act.

8           (c) In the case of an applicant for a sports wagering  
9           license, the Board may deny a license to an applicant,  
10          reprimand a licensee, or suspend or revoke a license if an  
11          applicant has not met the requirements of this Section or any  
12          other provision of this Act.

13           Section 60. Sports wagering house rules; posting of rules.

14          (a) Each sports wagering licensee shall adopt  
15          comprehensive house rules for game play governing sports  
16          wagering transactions with its patrons. These comprehensive  
17          rules shall be published as part of the minimum internal  
18          control standards. The rules shall specify the amounts to be  
19          paid on winning wagers and the effect of schedule changes.  
20          House rules shall be approved by the Board before  
21          implementation.

22          (b) The house rules, together with any other information  
23          the Board deems appropriate, shall be conspicuously displayed  
24          and included in the terms and conditions of the sports wagering  
25          system. Copies shall be made readily available to patrons.



1 Section 65. Sports wagering licensee duties; sports  
2 wagering at a gaming facility.

3 (a) Sports wagering licensees shall:

4 (1) employ a monitoring system utilizing software to  
5 identify non-normal irregularities in volume or odds  
6 swings that could signal suspicious activities that should  
7 require further investigation that shall be immediately  
8 reported and investigated by the Board; system  
9 requirements and specifications shall be developed  
10 according to industry standards and implemented by the  
11 Board as part of the minimum internal control standards;

12 (2) promptly report to the Board any facts or  
13 circumstances related to the operation of a sports wagering  
14 licensee that constitute a violation of State or federal  
15 law and immediately report any suspicious betting over a  
16 threshold set by the sports wagering licensee that has been  
17 approved by the Board to the appropriate State or federal  
18 authorities;

19 (3) conduct all sports wagering activities and  
20 functions in a manner that does not pose a threat to the  
21 public health, safety, or welfare of the citizens of this  
22 State;

23 (4) hold the Board and this State harmless from and  
24 defend and pay for the defense of any and all claims that  
25 may be asserted against a licensee, the Board, this State,

1 or employees thereof, arising from the licensee's actions  
2 or omission while acting as an agent of the Board operating  
3 sports wagering pursuant to this Act;

4 (5) assist the Board in maximizing sports wagering  
5 revenues; and

6 (6) keep current in all payments and obligations to the  
7 Board.

8 (b) All sports wagering licensees shall:

9 (1) acquire sports wagering equipment by purchase,  
10 lease, or other assignment from licensed suppliers and  
11 provide a secure location for the placement, operation, and  
12 play of sports wagering equipment;

13 (2) prevent a person from tampering with or interfering  
14 with the operation of sports wagering;

15 (3) ensure that sports wagering conducted at a gaming  
16 facility is within the sight and control of designated  
17 employees of the licensee and the sports wagering at the  
18 facility or otherwise available by the licensee is  
19 conducted under continuous observation by security  
20 equipment in conformity with specifications and  
21 requirements of the Board;

22 (4) ensure that sports wagering occurs only in the  
23 specific locations within designated gaming areas approved  
24 by the Board or using a Board-approved mobile application  
25 or other digital platform that utilizes communications  
26 technology to accept wagers originating within this State

1 or on a sports wagering device; sports wagering shall only  
2 be relocated or offered in additional authorized manners in  
3 accordance with the rules of the Board;

4 (5) maintain sufficient cash and other supplies to  
5 conduct sports wagering at all times; and

6 (6) maintain daily records showing the gross sports  
7 wagering receipts and adjusted gross sports wagering  
8 receipts of the licensee from sports wagering and timely  
9 file with the Board any additional reports required by rule  
10 or by other provisions of this Act.

11 Section 70. Posting of betting limits. A sports wagering  
12 licensee shall conspicuously post a sign at each sports  
13 wagering location indicating the minimum and maximum wagers  
14 permitted at that location and shall comply with the same.

15 Section 75. Compulsive gambling. Each online sports  
16 wagering licensee shall include a statement regarding  
17 obtaining assistance with gambling problems, the text of which  
18 shall be determined by rule by the Department of Human  
19 Services, on the online sports wagering licensee's online  
20 application.

21 Section 80. Authorization of sports wagering;  
22 requirements.

23 (a) A person placing a wager with a sports wagering

1 licensee or online sports wagering licensee shall be at least  
2 21 years of age.

3 (b) A patron must deposit funds into and withdraw funds  
4 from a sports wagering account within a gaming facility.

5 (c) The Board or a sports wagering licensee may ban a  
6 person from entering a gaming area of a gaming facility  
7 conducting sports wagering or the grounds of a gaming facility  
8 licensed under this Act or from participating in the play or  
9 operation of sports wagering. A log of all excluded players  
10 shall be kept by the Board and each licensee, and no player on  
11 the Board's exclusion list or the sports wagering licensee's  
12 exclusion list shall wager on sports wagering under this Act.

13 (d) No Board employee may knowingly wager or be paid a  
14 prize from a wager placed at a gaming facility licensed under  
15 this Act within this State or at any facility outside this  
16 jurisdiction that is directly or indirectly owned or operated  
17 by a sports wagering licensee.

18 Section 85. Recordkeeping; information sharing.

19 (a) Sports wagering licensees and online sports wagering  
20 licensees shall maintain records of all bets and wagers placed,  
21 including personally identifiable information of the bettor,  
22 amount and type of bet, time the bet was placed, location of  
23 the bet, the outcome of the bet, records of abnormal betting  
24 activity, and video camera recordings in the case of in-person  
25 wagers for at least 3 years after the sporting event occurs and

1 make the data available for inspection upon request of the  
2 Board or as required by a court order.

3 (b) If a sports governing body has notified the Board that  
4 real-time information sharing for wagers placed on its sporting  
5 events is necessary and desirable, sports wagering licensees  
6 and online sports wagering licensees shall share in real time  
7 the information required to be retained pursuant to this  
8 Section (other than video files) with the sports governing body  
9 or its designee respecting wagers on its sporting events.

10 (c) If the Board adopts rules requiring a royalty, a sports  
11 wagering licensee or online sports wagering licensee shall  
12 remit to a sports governing body that has provided notice to  
13 the Board pursuant to subsection (b) a royalty of 0.20% of the  
14 amount wagered on its sporting events. The sports wagering  
15 licensee or online sports wagering licensee shall remit the  
16 royalty only after the sports governing body has provided the  
17 sports wagering licensee or online sports wagering licensee  
18 access to official league data. The sports wagering licensee or  
19 online sports wagering licensee shall remit royalties to the  
20 sports governing body at least once per calendar quarter.

21 (d) The Board shall cooperate with a sports governing body  
22 and licensees to ensure the timely, efficient, and accurate  
23 sharing of information and the remittance of proceedings of the  
24 royalty to the sports governing body.

25 (e) A sports wagering licensee or online sports wagering  
26 licensee is prohibited from entering into an independent

1 contractual relationship with a sports governing body for  
2 access to official league data.

3 Section 90. Sports wagering revenues; accounting for the  
4 State's share of revenue imposed for the privilege of offering  
5 sports wagering.

6 (a) For the privilege of holding a license to operate  
7 sports wagering under this Act, this State shall impose and  
8 collect 15% of the sports wagering licensee's adjusted gross  
9 sports wagering receipts. The accrual method of accounting  
10 shall be used for purposes of calculating the amount of the tax  
11 owed by the licensee.

12 (b) For the privilege of holding a license to operate  
13 sports wagering under this Act, this State shall impose and  
14 collect 15% of the online sports wagering licensee's adjusted  
15 gross sports wagering receipts. The accrual method of  
16 accounting shall be used for purposes of calculating the amount  
17 of the tax owed by the licensee.

18 (c) The calculation of gross sports wagering receipts or  
19 adjusted gross sports wagering receipts, for the purposes of  
20 this Section, shall not include the dollar amount of  
21 non-cashable vouchers, coupons, and electronic promotions  
22 redeemed by wagerers up to and including an amount not to  
23 exceed 10% of a sports wagering licensee's or online sports  
24 wagering licensee's adjusted gross sports wagering receipts.

25 The Board shall submit to the General Assembly a

1 comprehensive report no later than March 31, 2021 detailing, at  
2 a minimum, the effect of removing non-cashable vouchers,  
3 coupons, and electronic promotions from this calculation on net  
4 gaming revenues to the State in calendar years 2018 through  
5 2020, the increase or reduction in wagers as a result of  
6 removing non-cashable vouchers, coupons, and electronic  
7 promotions from this calculation, the effect of the tax rates  
8 in subsections (a) and (b) on net gaming revenues to the State,  
9 and proposed modifications to the calculation.

10 (d) The taxes levied and collected pursuant to subsections  
11 (a) and (b) are due and payable to the Board in weekly  
12 installments on or before the Wednesday following the calendar  
13 week in which the adjusted gross sports wagering receipts were  
14 received and the tax obligation was accrued.

15 (e) The sports wagering licensee or online sports wagering  
16 licensee shall complete and submit the return for the preceding  
17 week by electronic communication to the Board, on or before  
18 Wednesday of each week, in the form prescribed by the Board  
19 that provides:

20 (1) the total gross sports wagering receipts and  
21 adjusted gross sports wagering receipts from operation of  
22 sports wagering during that week;

23 (2) the tax amount for which the sports wagering  
24 licensee or online sports wagering licensee is liable; and

25 (3) any additional information necessary in the  
26 computation and collection of the tax on adjusted gross

1 sports wagering receipts required by the Board.

2 (f) The tax amount shown to be due shall be remitted by  
3 electronic funds transfer simultaneously with the filing of the  
4 return. All moneys received by the Board pursuant to this  
5 Section shall be deposited into the Sports Wagering Fund in  
6 accordance with the provisions of this Act.

7 Section 95. Sports Wagering Fund; distribution of funds.

8 (a) The Sports Wagering Fund is hereby created as a special  
9 fund in the State treasury and all moneys collected under this  
10 Act by the Board shall be deposited with the State Treasurer to  
11 the Sports Wagering Fund. The Fund shall be an interest-bearing  
12 account with all interest or other return earned on the money  
13 of the Fund credited to and deposited into the Fund. All  
14 expenses of the Board incurred in the administration and  
15 enforcement of this Act shall be paid from the Fund pursuant to  
16 subsection (b).

17 (b) The Board shall deduct an amount sufficient to  
18 reimburse its actual costs and expenses incurred in  
19 administering sports wagering at licensed gaming facilities  
20 from the gross deposits into the Sports Wagering Fund.

21 (c) The Board shall retain up to 15% of gross deposits for  
22 the Fund operation and its administrative expenses. If the  
23 percentage allotted for operations and administration  
24 generates a surplus, the surplus shall be allowed to accumulate  
25 but may not exceed \$250,000. The amount remaining after the



1 deduction for administrative expenses is the net profit. In  
2 each fiscal year, the net profit shall be deposited in equal  
3 amounts to the State Construction Account Fund, the Pension  
4 Stabilization Fund, and the Common School Fund.

5 Section 100. Law enforcement. Notwithstanding any  
6 provision of law to the contrary, the Board shall, by contract  
7 or cooperative agreement with the Department of State Police,  
8 arrange for those law enforcement services uniquely related to  
9 gaming, as such occurs at facilities of the type authorized by  
10 this Act, that are necessary to enforce the provisions of this  
11 Act that are not subject to federal jurisdiction. However, the  
12 Department of State Police shall only have exclusive  
13 jurisdiction over offenses committed on the grounds of a gaming  
14 facility licensed under this Act that are offenses relating to  
15 gaming.

16 Section 105. Civil penalties. The Board may impose on any  
17 person who violates the provisions of this Act a civil penalty  
18 not to exceed \$50,000 for each violation. The penalty shall be  
19 imposed on all individuals and is not limited to individuals  
20 licensed under this Act. This provision shall not be construed  
21 as applicable to office pools.

22 Section 110. Crimes and penalties related to unauthorized  
23 sports wagering operations.

1           (a) Any person, other than a licensee under this Act, who  
2 engages in accepting, facilitating, or operating a sports  
3 wagering operation is guilty of a Class A misdemeanor with the  
4 applicable fines and confinement.

5           (b) Notwithstanding the penalty provisions of subsection  
6 (a), a person convicted of a second violation of subsection (a)  
7 is guilty of a Class A misdemeanor with the applicable fines  
8 and confinement.

9           (c) Notwithstanding the penalty provisions of subsection  
10 (a) or (b), a person convicted of a third or subsequent  
11 violation of subsection (a) is guilty of a Class 4 felony with  
12 the applicable fines and confinement.

13           Section 115. Crimes and penalties related to authorized  
14 sports wagering operation.

15           (a) A sports wagering licensee is guilty of unlawful  
16 operation and is guilty of a Class A misdemeanor if:

17               (1) the licensee operates sports wagering without  
18 authority of the Board to do so;

19               (2) the licensee operates sports wagering in a location  
20 or by a manner that is not approved by the Board;

21               (3) the licensee knowingly conducts, carries on,  
22 operates, or allows sports wagering to occur on premises or  
23 through any other device if equipment or material has been  
24 tampered with or exposed to conditions in which it will be  
25 operated in a manner designed to deceive the public;

1           (4) the licensee employs an individual who does not  
2 hold a valid occupational license in a position for which a  
3 license is required or otherwise allows an individual to  
4 perform duties for which a license is required or continues  
5 to employ an individual after the employee's occupational  
6 license is no longer valid;

7           (5) the licensee acts or employs another person to act  
8 as if he or she is not an agent or employee of the licensee  
9 in order to encourage participation in sports wagering at  
10 the gaming facility licensed under this Act;

11           (6) the licensee knowingly permits an individual under  
12 the age of 21 to enter or remain in a designated gaming  
13 area or to engage in sports wagering at a licensed gaming  
14 facility; or

15           (7) the licensee exchanges tokens, chips, electronic  
16 media, or other forms of credit used for sports wagering  
17 for anything of value except money or credits applied to a  
18 sports wagering account at a gaming facility licensed under  
19 this Act.

20           (b) A person is guilty of a felony if:

21           (1) a person offers, promises, or gives anything of  
22 value to anyone for the purpose of influencing the outcome  
23 of a race, sports event, contest, or game upon which a  
24 wager may be made or a person places, increases, or  
25 decreases a wager after acquiring knowledge, not available  
26 to the general public, that anyone has been offered,

1 promised, or given anything of value for the purpose of  
2 influencing the outcome of the race, sports event, contest,  
3 or game upon which the wager is placed, increased, or  
4 decreased or attempts to do any of the same;

5 (2) a person changes or alters the normal outcome of a  
6 game played on a mobile or other digital platform,  
7 including an interactive gaming system used to monitor the  
8 same or the way in which the outcome is reported to a  
9 participant in the game;

10 (3) the person manufactures, sells, or distributes a  
11 device that is intended by that person to be used to  
12 violate any provision of this Act or the sports wagering  
13 laws of any other state;

14 (4) the person places a bet or aids any other  
15 individual in placing a bet on a sports event or other  
16 sports wagering game or offering authorized under this Act  
17 after unlawfully acquiring knowledge of the outcome on  
18 which winnings from that bet are contingent;

19 (5) the person claims, collects, or takes anything of  
20 value from a wagering with intent to defraud or attempts  
21 such action without having made a wager in which the amount  
22 or value is legitimately won or owed;

23 (6) the person knowingly places a wager using  
24 counterfeit currency or other counterfeit form of credit  
25 for sports wagering at a wagering; or

26 (7) the person, not a sports wagering licensee or an

1 employee or agent of a sports wagering licensee acting in  
2 furtherance of the sports wagering licensee's interest,  
3 has in his or her possession on grounds owned by the gaming  
4 facility licensed under this Act or on grounds contiguous  
5 to the gaming facility licensed under this Act, any device  
6 intended to be used to violate a provision of this Act or  
7 any rule of the Board.

8 (c) A person who violates a provision of subsection (a) is  
9 guilty of a Class A misdemeanor and, upon conviction thereof,  
10 shall be fined not more than \$1,000 or confined in jail for not  
11 more than 6 months, or both fined and confined, except any  
12 violation that is not committed by a natural person may result  
13 in a fine of not more than \$25,000.

14 (d) A person who violates a provision of subsection (b) is  
15 guilty of a Class 4 felony and, upon conviction thereof, shall  
16 be fined not less than \$5,000 nor more than \$10,000 or confined  
17 in a State correctional facility for not less than one year nor  
18 more than 5 years, or both fined and confined.

19 (e) With regard to subsection (a), each sports wagering  
20 licensee shall post notice of the prohibitions and penalties of  
21 this Section in a manner determined by the rules of the Board.

22 Section 120. Home rule. The regulation of sports wagering  
23 is an exclusive power and function of the State. A home rule  
24 unit may not regulate sports wagering. This Section is a denial  
25 and limitation of home rule powers and functions under

1 subsection (h) of Section 6 of Article VII of the Illinois  
2 Constitution.

3 Section 125. Exemption from federal law. Pursuant to  
4 Section 2 of Chapter 1194, 64 Stat. 1134, 15 U.S.C. 1172,  
5 approved January 2, 1951, the State of Illinois, acting by and  
6 through duly elected and qualified members of the General  
7 Assembly, declares and proclaims that this State is exempt from  
8 Chapter 1194, 64 Stat. 1134, 15 U.S.C. 1171-1178.

9 Section 130. Shipment of gambling devices. All shipments of  
10 gambling devices, including sports wagering devices or related  
11 materials, to licensed gaming facilities in this State are  
12 legal shipments of gambling devices into the State of Illinois,  
13 as long as the registering, recording, and labeling of which  
14 have been completed by the supplier thereof in accordance with  
15 Chapter 1194, 64 Stat. 1134, 15 U.S.C. 1171-1178.

16 Section 900. The Illinois Administrative Procedure Act is  
17 amended by changing Section 5-45 as follows:

18 (5 ILCS 100/5-45) (from Ch. 127, par. 1005-45)

19 Sec. 5-45. Emergency rulemaking.

20 (a) "Emergency" means the existence of any situation that  
21 any agency finds reasonably constitutes a threat to the public  
22 interest, safety, or welfare.

1 (b) If any agency finds that an emergency exists that  
2 requires adoption of a rule upon fewer days than is required by  
3 Section 5-40 and states in writing its reasons for that  
4 finding, the agency may adopt an emergency rule without prior  
5 notice or hearing upon filing a notice of emergency rulemaking  
6 with the Secretary of State under Section 5-70. The notice  
7 shall include the text of the emergency rule and shall be  
8 published in the Illinois Register. Consent orders or other  
9 court orders adopting settlements negotiated by an agency may  
10 be adopted under this Section. Subject to applicable  
11 constitutional or statutory provisions, an emergency rule  
12 becomes effective immediately upon filing under Section 5-65 or  
13 at a stated date less than 10 days thereafter. The agency's  
14 finding and a statement of the specific reasons for the finding  
15 shall be filed with the rule. The agency shall take reasonable  
16 and appropriate measures to make emergency rules known to the  
17 persons who may be affected by them.

18 (c) An emergency rule may be effective for a period of not  
19 longer than 150 days, but the agency's authority to adopt an  
20 identical rule under Section 5-40 is not precluded. No  
21 emergency rule may be adopted more than once in any 24-month  
22 period, except that this limitation on the number of emergency  
23 rules that may be adopted in a 24-month period does not apply  
24 to (i) emergency rules that make additions to and deletions  
25 from the Drug Manual under Section 5-5.16 of the Illinois  
26 Public Aid Code or the generic drug formulary under Section

1 3.14 of the Illinois Food, Drug and Cosmetic Act, (ii)  
2 emergency rules adopted by the Pollution Control Board before  
3 July 1, 1997 to implement portions of the Livestock Management  
4 Facilities Act, (iii) emergency rules adopted by the Illinois  
5 Department of Public Health under subsections (a) through (i)  
6 of Section 2 of the Department of Public Health Act when  
7 necessary to protect the public's health, (iv) emergency rules  
8 adopted pursuant to subsection (n) of this Section, (v)  
9 emergency rules adopted pursuant to subsection (o) of this  
10 Section, or (vi) emergency rules adopted pursuant to subsection  
11 (c-5) of this Section. Two or more emergency rules having  
12 substantially the same purpose and effect shall be deemed to be  
13 a single rule for purposes of this Section.

14 (c-5) To facilitate the maintenance of the program of group  
15 health benefits provided to annuitants, survivors, and retired  
16 employees under the State Employees Group Insurance Act of  
17 1971, rules to alter the contributions to be paid by the State,  
18 annuitants, survivors, retired employees, or any combination  
19 of those entities, for that program of group health benefits,  
20 shall be adopted as emergency rules. The adoption of those  
21 rules shall be considered an emergency and necessary for the  
22 public interest, safety, and welfare.

23 (d) In order to provide for the expeditious and timely  
24 implementation of the State's fiscal year 1999 budget,  
25 emergency rules to implement any provision of Public Act 90-587  
26 or 90-588 or any other budget initiative for fiscal year 1999



1 may be adopted in accordance with this Section by the agency  
2 charged with administering that provision or initiative,  
3 except that the 24-month limitation on the adoption of  
4 emergency rules and the provisions of Sections 5-115 and 5-125  
5 do not apply to rules adopted under this subsection (d). The  
6 adoption of emergency rules authorized by this subsection (d)  
7 shall be deemed to be necessary for the public interest,  
8 safety, and welfare.

9 (e) In order to provide for the expeditious and timely  
10 implementation of the State's fiscal year 2000 budget,  
11 emergency rules to implement any provision of Public Act 91-24  
12 or any other budget initiative for fiscal year 2000 may be  
13 adopted in accordance with this Section by the agency charged  
14 with administering that provision or initiative, except that  
15 the 24-month limitation on the adoption of emergency rules and  
16 the provisions of Sections 5-115 and 5-125 do not apply to  
17 rules adopted under this subsection (e). The adoption of  
18 emergency rules authorized by this subsection (e) shall be  
19 deemed to be necessary for the public interest, safety, and  
20 welfare.

21 (f) In order to provide for the expeditious and timely  
22 implementation of the State's fiscal year 2001 budget,  
23 emergency rules to implement any provision of Public Act 91-712  
24 or any other budget initiative for fiscal year 2001 may be  
25 adopted in accordance with this Section by the agency charged  
26 with administering that provision or initiative, except that

1 the 24-month limitation on the adoption of emergency rules and  
2 the provisions of Sections 5-115 and 5-125 do not apply to  
3 rules adopted under this subsection (f). The adoption of  
4 emergency rules authorized by this subsection (f) shall be  
5 deemed to be necessary for the public interest, safety, and  
6 welfare.

7 (g) In order to provide for the expeditious and timely  
8 implementation of the State's fiscal year 2002 budget,  
9 emergency rules to implement any provision of Public Act 92-10  
10 or any other budget initiative for fiscal year 2002 may be  
11 adopted in accordance with this Section by the agency charged  
12 with administering that provision or initiative, except that  
13 the 24-month limitation on the adoption of emergency rules and  
14 the provisions of Sections 5-115 and 5-125 do not apply to  
15 rules adopted under this subsection (g). The adoption of  
16 emergency rules authorized by this subsection (g) shall be  
17 deemed to be necessary for the public interest, safety, and  
18 welfare.

19 (h) In order to provide for the expeditious and timely  
20 implementation of the State's fiscal year 2003 budget,  
21 emergency rules to implement any provision of Public Act 92-597  
22 or any other budget initiative for fiscal year 2003 may be  
23 adopted in accordance with this Section by the agency charged  
24 with administering that provision or initiative, except that  
25 the 24-month limitation on the adoption of emergency rules and  
26 the provisions of Sections 5-115 and 5-125 do not apply to

1 rules adopted under this subsection (h). The adoption of  
2 emergency rules authorized by this subsection (h) shall be  
3 deemed to be necessary for the public interest, safety, and  
4 welfare.

5 (i) In order to provide for the expeditious and timely  
6 implementation of the State's fiscal year 2004 budget,  
7 emergency rules to implement any provision of Public Act 93-20  
8 or any other budget initiative for fiscal year 2004 may be  
9 adopted in accordance with this Section by the agency charged  
10 with administering that provision or initiative, except that  
11 the 24-month limitation on the adoption of emergency rules and  
12 the provisions of Sections 5-115 and 5-125 do not apply to  
13 rules adopted under this subsection (i). The adoption of  
14 emergency rules authorized by this subsection (i) shall be  
15 deemed to be necessary for the public interest, safety, and  
16 welfare.

17 (j) In order to provide for the expeditious and timely  
18 implementation of the provisions of the State's fiscal year  
19 2005 budget as provided under the Fiscal Year 2005 Budget  
20 Implementation (Human Services) Act, emergency rules to  
21 implement any provision of the Fiscal Year 2005 Budget  
22 Implementation (Human Services) Act may be adopted in  
23 accordance with this Section by the agency charged with  
24 administering that provision, except that the 24-month  
25 limitation on the adoption of emergency rules and the  
26 provisions of Sections 5-115 and 5-125 do not apply to rules

1 adopted under this subsection (j). The Department of Public Aid  
2 may also adopt rules under this subsection (j) necessary to  
3 administer the Illinois Public Aid Code and the Children's  
4 Health Insurance Program Act. The adoption of emergency rules  
5 authorized by this subsection (j) shall be deemed to be  
6 necessary for the public interest, safety, and welfare.

7 (k) In order to provide for the expeditious and timely  
8 implementation of the provisions of the State's fiscal year  
9 2006 budget, emergency rules to implement any provision of  
10 Public Act 94-48 or any other budget initiative for fiscal year  
11 2006 may be adopted in accordance with this Section by the  
12 agency charged with administering that provision or  
13 initiative, except that the 24-month limitation on the adoption  
14 of emergency rules and the provisions of Sections 5-115 and  
15 5-125 do not apply to rules adopted under this subsection (k).  
16 The Department of Healthcare and Family Services may also adopt  
17 rules under this subsection (k) necessary to administer the  
18 Illinois Public Aid Code, the Senior Citizens and Persons with  
19 Disabilities Property Tax Relief Act, the Senior Citizens and  
20 Disabled Persons Prescription Drug Discount Program Act (now  
21 the Illinois Prescription Drug Discount Program Act), and the  
22 Children's Health Insurance Program Act. The adoption of  
23 emergency rules authorized by this subsection (k) shall be  
24 deemed to be necessary for the public interest, safety, and  
25 welfare.

26 (l) In order to provide for the expeditious and timely

1 implementation of the provisions of the State's fiscal year  
2 2007 budget, the Department of Healthcare and Family Services  
3 may adopt emergency rules during fiscal year 2007, including  
4 rules effective July 1, 2007, in accordance with this  
5 subsection to the extent necessary to administer the  
6 Department's responsibilities with respect to amendments to  
7 the State plans and Illinois waivers approved by the federal  
8 Centers for Medicare and Medicaid Services necessitated by the  
9 requirements of Title XIX and Title XXI of the federal Social  
10 Security Act. The adoption of emergency rules authorized by  
11 this subsection (l) shall be deemed to be necessary for the  
12 public interest, safety, and welfare.

13 (m) In order to provide for the expeditious and timely  
14 implementation of the provisions of the State's fiscal year  
15 2008 budget, the Department of Healthcare and Family Services  
16 may adopt emergency rules during fiscal year 2008, including  
17 rules effective July 1, 2008, in accordance with this  
18 subsection to the extent necessary to administer the  
19 Department's responsibilities with respect to amendments to  
20 the State plans and Illinois waivers approved by the federal  
21 Centers for Medicare and Medicaid Services necessitated by the  
22 requirements of Title XIX and Title XXI of the federal Social  
23 Security Act. The adoption of emergency rules authorized by  
24 this subsection (m) shall be deemed to be necessary for the  
25 public interest, safety, and welfare.

26 (n) In order to provide for the expeditious and timely

1 implementation of the provisions of the State's fiscal year  
2 2010 budget, emergency rules to implement any provision of  
3 Public Act 96-45 or any other budget initiative authorized by  
4 the 96th General Assembly for fiscal year 2010 may be adopted  
5 in accordance with this Section by the agency charged with  
6 administering that provision or initiative. The adoption of  
7 emergency rules authorized by this subsection (n) shall be  
8 deemed to be necessary for the public interest, safety, and  
9 welfare. The rulemaking authority granted in this subsection  
10 (n) shall apply only to rules promulgated during Fiscal Year  
11 2010.

12 (o) In order to provide for the expeditious and timely  
13 implementation of the provisions of the State's fiscal year  
14 2011 budget, emergency rules to implement any provision of  
15 Public Act 96-958 or any other budget initiative authorized by  
16 the 96th General Assembly for fiscal year 2011 may be adopted  
17 in accordance with this Section by the agency charged with  
18 administering that provision or initiative. The adoption of  
19 emergency rules authorized by this subsection (o) is deemed to  
20 be necessary for the public interest, safety, and welfare. The  
21 rulemaking authority granted in this subsection (o) applies  
22 only to rules promulgated on or after July 1, 2010 (the  
23 effective date of Public Act 96-958) through June 30, 2011.

24 (p) In order to provide for the expeditious and timely  
25 implementation of the provisions of Public Act 97-689,  
26 emergency rules to implement any provision of Public Act 97-689

1 may be adopted in accordance with this subsection (p) by the  
2 agency charged with administering that provision or  
3 initiative. The 150-day limitation of the effective period of  
4 emergency rules does not apply to rules adopted under this  
5 subsection (p), and the effective period may continue through  
6 June 30, 2013. The 24-month limitation on the adoption of  
7 emergency rules does not apply to rules adopted under this  
8 subsection (p). The adoption of emergency rules authorized by  
9 this subsection (p) is deemed to be necessary for the public  
10 interest, safety, and welfare.

11 (q) In order to provide for the expeditious and timely  
12 implementation of the provisions of Articles 7, 8, 9, 11, and  
13 12 of Public Act 98-104, emergency rules to implement any  
14 provision of Articles 7, 8, 9, 11, and 12 of Public Act 98-104  
15 may be adopted in accordance with this subsection (q) by the  
16 agency charged with administering that provision or  
17 initiative. The 24-month limitation on the adoption of  
18 emergency rules does not apply to rules adopted under this  
19 subsection (q). The adoption of emergency rules authorized by  
20 this subsection (q) is deemed to be necessary for the public  
21 interest, safety, and welfare.

22 (r) In order to provide for the expeditious and timely  
23 implementation of the provisions of Public Act 98-651,  
24 emergency rules to implement Public Act 98-651 may be adopted  
25 in accordance with this subsection (r) by the Department of  
26 Healthcare and Family Services. The 24-month limitation on the

1 adoption of emergency rules does not apply to rules adopted  
2 under this subsection (r). The adoption of emergency rules  
3 authorized by this subsection (r) is deemed to be necessary for  
4 the public interest, safety, and welfare.

5 (s) In order to provide for the expeditious and timely  
6 implementation of the provisions of Sections 5-5b.1 and 5A-2 of  
7 the Illinois Public Aid Code, emergency rules to implement any  
8 provision of Section 5-5b.1 or Section 5A-2 of the Illinois  
9 Public Aid Code may be adopted in accordance with this  
10 subsection (s) by the Department of Healthcare and Family  
11 Services. The rulemaking authority granted in this subsection  
12 (s) shall apply only to those rules adopted prior to July 1,  
13 2015. Notwithstanding any other provision of this Section, any  
14 emergency rule adopted under this subsection (s) shall only  
15 apply to payments made for State fiscal year 2015. The adoption  
16 of emergency rules authorized by this subsection (s) is deemed  
17 to be necessary for the public interest, safety, and welfare.

18 (t) In order to provide for the expeditious and timely  
19 implementation of the provisions of Article II of Public Act  
20 99-6, emergency rules to implement the changes made by Article  
21 II of Public Act 99-6 to the Emergency Telephone System Act may  
22 be adopted in accordance with this subsection (t) by the  
23 Department of State Police. The rulemaking authority granted in  
24 this subsection (t) shall apply only to those rules adopted  
25 prior to July 1, 2016. The 24-month limitation on the adoption  
26 of emergency rules does not apply to rules adopted under this



1 subsection (t). The adoption of emergency rules authorized by  
2 this subsection (t) is deemed to be necessary for the public  
3 interest, safety, and welfare.

4 (u) In order to provide for the expeditious and timely  
5 implementation of the provisions of the Burn Victims Relief  
6 Act, emergency rules to implement any provision of the Act may  
7 be adopted in accordance with this subsection (u) by the  
8 Department of Insurance. The rulemaking authority granted in  
9 this subsection (u) shall apply only to those rules adopted  
10 prior to December 31, 2015. The adoption of emergency rules  
11 authorized by this subsection (u) is deemed to be necessary for  
12 the public interest, safety, and welfare.

13 (v) In order to provide for the expeditious and timely  
14 implementation of the provisions of Public Act 99-516,  
15 emergency rules to implement Public Act 99-516 may be adopted  
16 in accordance with this subsection (v) by the Department of  
17 Healthcare and Family Services. The 24-month limitation on the  
18 adoption of emergency rules does not apply to rules adopted  
19 under this subsection (v). The adoption of emergency rules  
20 authorized by this subsection (v) is deemed to be necessary for  
21 the public interest, safety, and welfare.

22 (w) In order to provide for the expeditious and timely  
23 implementation of the provisions of Public Act 99-796,  
24 emergency rules to implement the changes made by Public Act  
25 99-796 may be adopted in accordance with this subsection (w) by  
26 the Adjutant General. The adoption of emergency rules

1 authorized by this subsection (w) is deemed to be necessary for  
2 the public interest, safety, and welfare.

3 (x) In order to provide for the expeditious and timely  
4 implementation of the provisions of Public Act 99-906,  
5 emergency rules to implement subsection (i) of Section 16-115D,  
6 subsection (g) of Section 16-128A, and subsection (a) of  
7 Section 16-128B of the Public Utilities Act may be adopted in  
8 accordance with this subsection (x) by the Illinois Commerce  
9 Commission. The rulemaking authority granted in this  
10 subsection (x) shall apply only to those rules adopted within  
11 180 days after June 1, 2017 (the effective date of Public Act  
12 99-906). The adoption of emergency rules authorized by this  
13 subsection (x) is deemed to be necessary for the public  
14 interest, safety, and welfare.

15 (y) In order to provide for the expeditious and timely  
16 implementation of the provisions of Public Act 100-23,  
17 emergency rules to implement the changes made by Public Act  
18 100-23 to Section 4.02 of the Illinois Act on the Aging,  
19 Sections 5.5.4 and 5-5.4i of the Illinois Public Aid Code,  
20 Section 55-30 of the Alcoholism and Other Drug Abuse and  
21 Dependency Act, and Sections 74 and 75 of the Mental Health and  
22 Developmental Disabilities Administrative Act may be adopted  
23 in accordance with this subsection (y) by the respective  
24 Department. The adoption of emergency rules authorized by this  
25 subsection (y) is deemed to be necessary for the public  
26 interest, safety, and welfare.

1           (z) In order to provide for the expeditious and timely  
2 implementation of the provisions of Public Act 100-554,  
3 emergency rules to implement the changes made by Public Act  
4 100-554 to Section 4.7 of the Lobbyist Registration Act may be  
5 adopted in accordance with this subsection (z) by the Secretary  
6 of State. The adoption of emergency rules authorized by this  
7 subsection (z) is deemed to be necessary for the public  
8 interest, safety, and welfare.

9           (aa) In order to provide for the expeditious and timely  
10 initial implementation of the changes made to Articles 5, 5A,  
11 12, and 14 of the Illinois Public Aid Code under the provisions  
12 of Public Act 100-581, the Department of Healthcare and Family  
13 Services may adopt emergency rules in accordance with this  
14 subsection (aa). The 24-month limitation on the adoption of  
15 emergency rules does not apply to rules to initially implement  
16 the changes made to Articles 5, 5A, 12, and 14 of the Illinois  
17 Public Aid Code adopted under this subsection (aa). The  
18 adoption of emergency rules authorized by this subsection (aa)  
19 is deemed to be necessary for the public interest, safety, and  
20 welfare.

21           (bb) In order to provide for the expeditious and timely  
22 implementation of the provisions of Public Act 100-587,  
23 emergency rules to implement the changes made by Public Act  
24 100-587 to Section 4.02 of the Illinois Act on the Aging,  
25 Sections 5.5.4 and 5-5.4i of the Illinois Public Aid Code,  
26 subsection (b) of Section 55-30 of the Alcoholism and Other

1 Drug Abuse and Dependency Act, Section 5-104 of the Specialized  
2 Mental Health Rehabilitation Act of 2013, and Section 75 and  
3 subsection (b) of Section 74 of the Mental Health and  
4 Developmental Disabilities Administrative Act may be adopted  
5 in accordance with this subsection (bb) by the respective  
6 Department. The adoption of emergency rules authorized by this  
7 subsection (bb) is deemed to be necessary for the public  
8 interest, safety, and welfare.

9 (cc) In order to provide for the expeditious and timely  
10 implementation of the provisions of Public Act 100-587,  
11 emergency rules may be adopted in accordance with this  
12 subsection (cc) to implement the changes made by Public Act  
13 100-587 to: Sections 14-147.5 and 14-147.6 of the Illinois  
14 Pension Code by the Board created under Article 14 of the Code;  
15 Sections 15-185.5 and 15-185.6 of the Illinois Pension Code by  
16 the Board created under Article 15 of the Code; and Sections  
17 16-190.5 and 16-190.6 of the Illinois Pension Code by the Board  
18 created under Article 16 of the Code. The adoption of emergency  
19 rules authorized by this subsection (cc) is deemed to be  
20 necessary for the public interest, safety, and welfare.

21 (dd) In order to provide for the expeditious and timely  
22 implementation of the provisions of Public Act 100-864,  
23 emergency rules to implement the changes made by Public Act  
24 100-864 to Section 3.35 of the Newborn Metabolic Screening Act  
25 may be adopted in accordance with this subsection (dd) by the  
26 Secretary of State. The adoption of emergency rules authorized

1 by this subsection (dd) is deemed to be necessary for the  
2 public interest, safety, and welfare.

3 (ee) In order to provide for the expeditious and timely  
4 implementation of the provisions of this amendatory Act of the  
5 100th General Assembly, emergency rules implementing the  
6 Illinois Underground Natural Gas Storage Safety Act may be  
7 adopted in accordance with this subsection by the Department of  
8 Natural Resources. The adoption of emergency rules authorized  
9 by this subsection is deemed to be necessary for the public  
10 interest, safety, and welfare.

11 (ff) In order to provide for the expeditious and timely  
12 implementation of the provisions of this amendatory Act of the  
13 101st General Assembly, emergency rules may be adopted by the  
14 Department of Labor in accordance with this subsection (ff) to  
15 implement the changes made by this amendatory Act of the 101st  
16 General Assembly to the Minimum Wage Law. The adoption of  
17 emergency rules authorized by this subsection (ff) is deemed to  
18 be necessary for the public interest, safety, and welfare.

19 (gg) In order to provide for the expeditious and timely  
20 implementation of the provisions of the Sports Wagering Act,  
21 emergency rules to implement the Sports Wagering Act may be  
22 adopted in accordance with this subsection (gg) by the Illinois  
23 Gaming Board. The adoption of emergency rules authorized by  
24 this subsection (gg) is deemed to be necessary for the public  
25 interest, safety, and welfare.

26 (Source: P.A. 100-23, eff. 7-6-17; 100-554, eff. 11-16-17;

1 100-581, eff. 3-12-18; 100-587, Article 95, Section 95-5, eff.  
2 6-4-18; 100-587, Article 110, Section 110-5, eff. 6-4-18;  
3 100-864, eff. 8-14-18; 100-1172, eff. 1-4-19; 101-1, eff.  
4 2-19-19.)

5 Section 905. The State Finance Act is amended by adding  
6 Section 5.891 as follows:

7 (30 ILCS 105/5.891 new)

8 Sec. 5.891. The Sports Wagering Fund.

9 Section 910. The Criminal Code of 2012 is amended by  
10 changing Sections 28-1, 28-3, and 28-5 as follows:

11 (720 ILCS 5/28-1) (from Ch. 38, par. 28-1)

12 Sec. 28-1. Gambling.

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

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

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

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

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

20           (5) knowingly owns or possesses any book, instrument or  
21 apparatus by means of which bets or wagers have been, or  
22 are, recorded or registered, or knowingly possesses any  
23 money which he has received in the course of a bet or  
24 wager;

25           (6) knowingly sells pools upon the result of any game  
26 or contest of skill or chance, political nomination,

1 appointment or election;

2 (7) knowingly sets up or promotes any lottery or sells,  
3 offers to sell or transfers any ticket or share for any  
4 lottery;

5 (8) knowingly sets up or promotes any policy game or  
6 sells, offers to sell or knowingly possesses or transfers  
7 any policy ticket, slip, record, document or other similar  
8 device;

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

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

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



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

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

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

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

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

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

1 video gaming terminals, as defined in the Video Gaming Act,  
2 by manufacturers, distributors, and terminal operators  
3 licensed to do so under the Video Gaming Act.

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

6 (6) Lotteries when conducted by the State of Illinois  
7 in accordance with the Illinois Lottery Law. This exemption  
8 includes any activity conducted by the Department of  
9 Revenue to sell lottery tickets pursuant to the provisions  
10 of the Illinois Lottery Law and its rules.

11 (6.1) The purchase of lottery tickets through the  
12 Internet for a lottery conducted by the State of Illinois  
13 under the program established in Section 7.12 of the  
14 Illinois Lottery Law.

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

20 (8) Raffles and poker runs when conducted in accordance  
21 with the Raffles and Poker Runs Act.

22 (9) Charitable games when conducted in accordance with  
23 the Charitable Games Act.

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

26 (11) Gambling games conducted on riverboats when

1 authorized by the Riverboat Gambling Act.

2 (12) Video gaming terminal games at a licensed  
3 establishment, licensed truck stop establishment, licensed  
4 fraternal establishment, or licensed veterans  
5 establishment when conducted in accordance with the Video  
6 Gaming Act.

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

10 (14) Savings promotion raffles authorized under  
11 Section 5g of the Illinois Banking Act, Section 7008 of the  
12 Savings Bank Act, Section 42.7 of the Illinois Credit Union  
13 Act, Section 5136B of the National Bank Act (12 U.S.C.  
14 25a), or Section 4 of the Home Owners' Loan Act (12 U.S.C.  
15 1463).

16 (15) Sports wagering when conducted in accordance with  
17 the Sports Wagering Act.

18 (c) Sentence.

19 Gambling is a Class A misdemeanor. A second or subsequent  
20 conviction under subsections (a) (3) through (a) (12), is a Class  
21 4 felony.

22 (d) Circumstantial evidence.

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

26 (Source: P.A. 98-644, eff. 6-10-14; 99-149, eff. 1-1-16.)

1 (720 ILCS 5/28-3) (from Ch. 38, par. 28-3)

2 Sec. 28-3. Keeping a Gambling Place. A "gambling place" is  
3 any real estate, vehicle, boat or any other property whatsoever  
4 used for the purposes of gambling other than gambling conducted  
5 in the manner authorized by the Riverboat Gambling Act, the  
6 Sports Wagering Act, or the Video Gaming Act. Any person who  
7 knowingly permits any premises or property owned or occupied by  
8 him or under his control to be used as a gambling place commits  
9 a Class A misdemeanor. Each subsequent offense is a Class 4  
10 felony. When any premises is determined by the circuit court to  
11 be a gambling place:

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

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

23 (c) Such premises of any person who knowingly permits  
24 thereon a violation of any Section of this Article shall be  
25 held liable for, and may be sold to pay any unsatisfied

1 judgment that may be recovered and any unsatisfied fine that  
2 may be levied under any Section of this Article.

3 (Source: P.A. 96-34, eff. 7-13-09.)

4 (720 ILCS 5/28-5) (from Ch. 38, par. 28-5)

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

6 (a) Every device designed for gambling which is incapable  
7 of lawful use or every device used unlawfully for gambling  
8 shall be considered a "gambling device", and shall be subject  
9 to seizure, confiscation and destruction by the Department of  
10 State Police or by any municipal, or other local authority,  
11 within whose jurisdiction the same may be found. As used in  
12 this Section, a "gambling device" includes any slot machine,  
13 and includes any machine or device constructed for the  
14 reception of money or other thing of value and so constructed  
15 as to return, or to cause someone to return, on chance to the  
16 player thereof money, property or a right to receive money or  
17 property. With the exception of any device designed for  
18 gambling which is incapable of lawful use, no gambling device  
19 shall be forfeited or destroyed unless an individual with a  
20 property interest in said device knows of the unlawful use of  
21 the device.

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

1 (c) If, within 60 days after any seizure pursuant to  
2 subparagraph (b) of this Section, a person having any property  
3 interest in the seized property is charged with an offense, the  
4 court which renders judgment upon such charge shall, within 30  
5 days after such judgment, conduct a forfeiture hearing to  
6 determine whether such property was a gambling device at the  
7 time of seizure. Such hearing shall be commenced by a written  
8 petition by the State, including material allegations of fact,  
9 the name and address of every person determined by the State to  
10 have any property interest in the seized property, a  
11 representation that written notice of the date, time and place  
12 of such hearing has been mailed to every such person by  
13 certified mail at least 10 days before such date, and a request  
14 for forfeiture. Every such person may appear as a party and  
15 present evidence at such hearing. The quantum of proof required  
16 shall be a preponderance of the evidence, and the burden of  
17 proof shall be on the State. If the court determines that the  
18 seized property was a gambling device at the time of seizure,  
19 an order of forfeiture and disposition of the seized property  
20 shall be entered: a gambling device shall be received by the  
21 State's Attorney, who shall effect its destruction, except that  
22 valuable parts thereof may be liquidated and the resultant  
23 money shall be deposited in the general fund of the county  
24 wherein such seizure occurred; money and other things of value  
25 shall be received by the State's Attorney and, upon  
26 liquidation, shall be deposited in the general fund of the

1 county wherein such seizure occurred. However, in the event  
2 that a defendant raises the defense that the seized slot  
3 machine is an antique slot machine described in subparagraph  
4 (b) (7) of Section 28-1 of this Code and therefore he is exempt  
5 from the charge of a gambling activity participant, the seized  
6 antique slot machine shall not be destroyed or otherwise  
7 altered until a final determination is made by the Court as to  
8 whether it is such an antique slot machine. Upon a final  
9 determination by the Court of this question in favor of the  
10 defendant, such slot machine shall be immediately returned to  
11 the defendant. Such order of forfeiture and disposition shall,  
12 for the purposes of appeal, be a final order and judgment in a  
13 civil proceeding.

14 (d) If a seizure pursuant to subparagraph (b) of this  
15 Section is not followed by a charge pursuant to subparagraph  
16 (c) of this Section, or if the prosecution of such charge is  
17 permanently terminated or indefinitely discontinued without  
18 any judgment of conviction or acquittal (1) the State's  
19 Attorney shall commence an in rem proceeding for the forfeiture  
20 and destruction of a gambling device, or for the forfeiture and  
21 deposit in the general fund of the county of any seized money  
22 or other things of value, or both, in the circuit court and (2)  
23 any person having any property interest in such seized gambling  
24 device, money or other thing of value may commence separate  
25 civil proceedings in the manner provided by law.

26 (e) Any gambling device displayed for sale to a riverboat

1 gambling operation or used to train occupational licensees of a  
2 riverboat gambling operation as authorized under the Riverboat  
3 Gambling Act is exempt from seizure under this Section.

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

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

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

12 (2) Video gaming terminals used to train licensed  
13 technicians or licensed terminal handlers.

14 (3) Video gaming terminals that are removed from a  
15 licensed establishment, licensed truck stop establishment,  
16 licensed fraternal establishment, or licensed veterans  
17 establishment for repair.

18 (h) Property seized or forfeited under this Section is  
19 subject to reporting under the Seizure and Forfeiture Reporting  
20 Act.

21 (i) Any sports wagering equipment, devices, and supplies  
22 provided by a licensed supplier that are removed from a gaming  
23 facility for repair under the Sports Wagering Act are exempt  
24 from seizure under this Section.

25 (Source: P.A. 100-512, eff. 7-1-18.)



1           Section 999. Effective date. This Act takes effect upon  
2    becoming law.".