



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB5832

Introduced 5/2/2024, by Rep. Daniel Didech - Michelle Mussman - Jeff Keicher - Abdelnasser Rashid, Diane Blair-Sherlock, et al.

#### SYNOPSIS AS INTRODUCED:

New Act  
720 ILCS 5/28-1

from Ch. 38, par. 28-1

Creates the Family Amusement Wagering Prohibition Act. Prohibits a family amusement establishment from facilitating wagering on amusement games. Prohibits a family amusement establishment from engaging in advertising that promotes wagering on amusement games. Provides that nothing in the Act shall prohibit a family amusement establishment from offering: (1) an amusement game that entitles or enables a single player to receive a coupon or a point that may only be redeemed onsite for merchandise and the coupon or point has no value other than for redemption onsite for merchandise; or (2) an amusement game that allows a single player to manipulate a claw or similar device within an enclosure that entitles or enables a person to receive merchandise directly from the amusement game. Defines terms. Amends the Criminal Code of 2012. Provides that a person commits gambling, and is guilty of a Class A misdemeanor, when he or she knowingly facilitates wagering on amusement games or knowingly engages in advertising that promotes wagering on amusement games in violation of the Family Amusement Wagering Prohibition Act.

LRB103 40514 LNS 72998 b

1 AN ACT concerning gaming.

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

4 Section 1. Short title. This Act may be cited as the Family  
5 Amusement Wagering Prohibition Act.

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

7 "Advertise" means to engage in promotional activities,  
8 including, but not limited to, newspaper, radio, Internet and  
9 electronic media, and television advertising, the distribution  
10 of fliers and circulars, billboard advertising, and the  
11 display of window and interior signs.

12 "Amusement game" means a game or machine which a person  
13 activates by inserting or using currency or a coin, card,  
14 coupon, slug, token, or similar device, and the person playing  
15 or operating the game or machine impacts the outcome of the  
16 game. "Amusement game" includes games of skill, games of  
17 chance, and games of a combination of skill and chance.  
18 "Amusement game" does not include video gaming terminals  
19 operating in compliance with the Video Gaming Act.

20 "Family amusement establishment" means a place of business  
21 with amusement games on the premises.

22 "Merchandise" means noncash prizes maintained on the  
23 premises by the family amusement establishment, including toys

1 and novelties. "Merchandise" does not include any prize or  
2 other item, if the exchange or conversion to cash or a cash  
3 equivalent is facilitated or permitted by the family amusement  
4 establishment.

5 "Wager" means a sum of money or thing of value risked on an  
6 uncertain outcome.

7 Section 10. Wagering facilitation prohibited. No family  
8 amusement establishment shall facilitate wagering on amusement  
9 games. Facilitating wagering on amusement games includes, but  
10 is not limited to, taking any action that knowingly allows any  
11 entity to facilitate gambling on amusement games on the family  
12 amusement establishment's premises.

13 Section 15. Wagering advertising prohibited. No family  
14 amusement establishment shall engage in advertising that  
15 promotes wagering on amusement games.

16 Section 20. Merchandise prizes. Nothing in this Act shall  
17 prohibit a family amusement establishment from offering:

18 (1) an amusement game that, upon activation and game  
19 play, entitles or enables a single player to receive a  
20 coupon or a point that may only be redeemed onsite for  
21 merchandise and the coupon or point has no value other  
22 than for redemption onsite for merchandise; or

23 (2) an amusement game that allows a single player to

1           manipulate a claw or similar device within an enclosure  
2           that entitles or enables a person to receive merchandise  
3           directly from the amusement game.

4           Section 25. The Criminal Code of 2012 is amended by  
5           changing Section 28-1 as follows:

6           (720 ILCS 5/28-1) (from Ch. 38, par. 28-1)

7           Sec. 28-1. Gambling.

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

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

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

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

18               (4) contracts to have or give himself or herself or  
19                another the option to buy or sell, or contracts to buy or  
20                sell, at a future time, any grain or other commodity  
21                whatsoever, or any stock or security of any company, where  
22                it is at the time of making such contract intended by both  
23                parties thereto that the contract to buy or sell, or the  
24                option, whenever exercised, or the contract resulting

1           therefrom, shall be settled, not by the receipt or  
2           delivery of such property, but by the payment only of  
3           differences in prices thereof; however, the issuance,  
4           purchase, sale, exercise, endorsement or guarantee, by or  
5           through a person registered with the Secretary of State  
6           pursuant to Section 8 of the Illinois Securities Law of  
7           1953, or by or through a person exempt from such  
8           registration under said Section 8, of a put, call, or  
9           other option to buy or sell securities which have been  
10          registered with the Secretary of State or which are exempt  
11          from such registration under Section 3 of the Illinois  
12          Securities Law of 1953 is not gambling within the meaning  
13          of this paragraph (4);

14           (5) knowingly owns or possesses any book, instrument  
15          or apparatus by means of which bets or wagers have been, or  
16          are, recorded or registered, or knowingly possesses any  
17          money which he has received in the course of a bet or  
18          wager;

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

22           (7) knowingly sets up or promotes any lottery or  
23          sells, offers to sell or transfers any ticket or share for  
24          any lottery;

25           (8) knowingly sets up or promotes any policy game or  
26          sells, offers to sell or knowingly possesses or transfers

1 any policy ticket, slip, record, document or other similar  
2 device;

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

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

13 (11) knowingly transmits information as to wagers,  
14 betting odds, or changes in betting odds by telephone,  
15 telegraph, radio, semaphore or similar means; or knowingly  
16 installs or maintains equipment for the transmission or  
17 receipt of such information; except that nothing in this  
18 subdivision (11) prohibits transmission or receipt of such  
19 information for use in news reporting of sporting events  
20 or contests; ~~or~~

21 (12) knowingly establishes, maintains, or operates an  
22 Internet site that permits a person to play a game of  
23 chance or skill for money or other thing of value by means  
24 of the Internet or to make a wager upon the result of any  
25 game, contest, political nomination, appointment, or  
26 election by means of the Internet. This item (12) does not

1 apply to activities referenced in items (6), (6.1), (8),  
2 (8.1), and (15) of subsection (b) of this Section; or ~~or~~

3 (13) knowingly facilitates wagering on amusement games  
4 or knowingly engages in advertising that promotes wagering  
5 on amusement games in violation of the Family Amusement  
6 Wagering Prohibition Act.

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

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

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

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

19 (4) Manufacture of gambling devices, including the  
20 acquisition of essential parts therefor and the assembly  
21 thereof, for transportation in interstate or foreign  
22 commerce to any place outside this State when such  
23 transportation is not prohibited by any applicable Federal  
24 law; or the manufacture, distribution, or possession of  
25 video gaming terminals, as defined in the Video Gaming  
26 Act, by manufacturers, distributors, and terminal

1 operators licensed to do so under the Video Gaming Act.

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

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

9 (6.1) The purchase of lottery tickets through the  
10 Internet for a lottery conducted by the State of Illinois  
11 under the program established in Section 7.12 of the  
12 Illinois Lottery Law.

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

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

20 (8.1) The purchase of raffle chances for a raffle  
21 conducted in accordance with the Raffles and Poker Runs  
22 Act.

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

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



1           (11) Gambling games when authorized by the Illinois  
2 Gambling Act.

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

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

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

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

19           (c) Sentence.

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

23           (d) Circumstantial evidence.

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

1 (Source: P.A. 101-31, Article 25, Section 25-915, eff.  
2 6-28-19; 101-31, Article 35, Section 35-80, eff. 6-28-19;  
3 101-109, eff. 7-19-19; 102-558, eff. 8-20-21.)