

CHAPTER 135: GAMBLING OFFENSES

Section

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§ 135.01 DEFINITIONS.

For the purposes of this chapter the following words and phrases shall have the following meanings ascribed to them respectively.

ACCESS. The same meaning ascribed in ILCS Ch. 720, Act 5, § 16D-2.

COMPUTER. The same meaning ascribed in ILCS Ch. 720, Act 5, § 16D-2.

GAMBLING DEVICE. Any clock, tape machine, slot machine or other machines or device for the reception of money or other thing of value on chance or skill or upon the action of which money or other thing of value is staked, hazarded, bet, won or lost; or any mechanism, furniture, fixture, equipment or other device designed primarily for use in a gambling place. A **GAMBLING DEVICE** does not include:

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

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

(3) A crane game. For the purposes of this division (3), a **CRANE GAME** is an amusement device involving skill, if it rewards the player exclusively with merchandise contained within the amusement device proper and limited to toys, novelties and prizes other than currency, each having a wholesale value which is not more than \$25.

(4) A redemption machine. For the purposes of this division (4), a **REDEMPTION MACHINE** is a single-player or multi-player amusement device involving a game, the object of which is throwing, rolling, bowling, shooting, placing, or propelling a ball or other object into, upon, or against a hole or other target, provided that all of the following conditions are met:

- (a) The outcome of the game is predominantly determined by the skill of the player.
- (b) The award of the prize is based solely upon the player's achieving the object of the game or otherwise upon the player's score.
- (c) Only merchandise prizes are awarded.
- (d) The wholesale value of prizes awarded in lieu of tickets or tokens for single play of the device does not exceed \$25.
- (e) The redemption value of tickets, tokens, and other representations of value, which may be accumulated by players to redeem prizes of greater value, does not exceed the amount charged for a single play of the device.

INTERNET. An interactive computer service or system or an information service, or access software provider that provides or enables computer access multiple users to a computer server, and includes, but is not limited to, an information service, system, or access software provider that provides access to a network system commonly known as the Internet, or any comparable system or service and also includes, but is not limited to, a World Wide Web page, newsgroup, message board, mailing list, or chat area on any interactive computer service or system or online service.

LOTTERY. Any scheme or procedure whereby one or more prizes are distributed by chance among persons who have paid or promised consideration for a chance to win such prizes, whether such scheme or procedure is called a lottery, raffle, gift, sale, or some other name.

POLICY GAME. Any scheme or procedure whereby a person promises or guarantees by any instrument, bill, certificate, writing, token, or other device that any particular number, character, ticket, or certificate shall in the event of any contingency in the nature of a lottery entitle the purchaser or holder to receive money, property, or evidence of debt.
(ILCS Ch. 720, Act 5, § 28-2)

§ 135.02 GAMBLING.

- (A) A person commits gambling when, within the corporate limits of the village, he:
 - (1) Plays a game of chance or skill for money or other thing of value, unless excepted in division (B);
 - (2) Makes a wager upon the result of any game, contest, or any political nomination, appointment, or election;
 - (3) Operates, keeps, owns, uses, purchases, exhibits, rents, sells, bargains for the sale or lease of, manufactures, or distributes any gambling device;

(4) Contracts to have or give himself or another the option to buy or sell, or contracts to buy or sell, at a future time, any grain or other commodity whatsoever, or any stock or security of any company, as described in ILCS Ch. 720, Act 5, § 28-1 (a)(4);

(5) Knowingly owns or possesses any book, instrument, or apparatus by means of which bets or wagers have been, or are, recorded or registered, or knowingly possesses any money which he/she has received in the courses of a bet or wager;

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

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

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

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

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

(11) Knowingly transmits information as to wagers, betting odds, or changes in betting odds by telephone, telegraph, radio, semaphore, or similar means; or knowingly installs or maintains equipment for the transmission or receipt of such information; except that nothing in this division prohibits transmission or receipt of such information for use in news reporting of sporting events or contests.

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

(B) Participants in any of the following activities shall not be convicted of gambling:

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

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

(3) Pari-mutuel betting as authorized by the law of this state;

(4) Manufacture of gambling devices, including the acquisition of essential parts therefor and the assembly thereof, for transportation in interstate or foreign commerce to any place outside this state when such transportation is not prohibited by any applicable federal law;

(5) The game commonly known as “bingo,” when conducted in accordance with ILCS Ch. 230, Act 25, §§ 1 *et seq.*;

(6) Lotteries when conducted by the state in accordance with ILCS Ch. 20, Act 1605, §§ 1 *et seq.*;

(7) Possession of an antique slot machine that is neither used nor intended to be used in the operation or promotion of any unlawful gambling activity or enterprise. For the purpose of this division, an **ANTIQUÉ SLOT MACHINE** is one manufactured 25 years ago or earlier;

(8) Raffles when conducted in accordance with ILCS Ch. 230, Act 15, §§ 1 *et seq.*;

(9) Charitable games when conducted in accordance with ILCS Ch. 230, Act 30, §§ 1 *et seq.*; and

(10) Pull tabs and jar games when conducted under ILCS Ch. 230, Act 20, §§ 1 *et seq.*; and

(11) Gambling games conducted on riverboats when authorized under ILCS Ch. 230, Act 10, §§ 1 *et seq.*

(C) *Circumstantial evidence.* In prosecutions under division (A) of this section, circumstantial evidence shall have the same validity and weight as in any criminal prosecution. (ILCS Ch. 720, Act 5, § 28-1) Penalty, see § 130.99

§ 135.03 KEEPING A GAMBLING PLACE.

(A) For purposes of this section, a **GAMBLING PLACE** is any real estate, vehicle, boat, or any other property whatsoever used for the purposes of gambling. No person shall knowingly permit any premises or property owned or occupied by him/her or under his/her control to be used as a gambling place.

(B) When any premises is determined by the circuit court to be a gambling place:

(1) The premises is hereby declared to be a public nuisance and may be proceeded against as such; and

(2) The premises of any person who knowingly permits thereon a violation of any section of this chapter shall be held liable for and may be sold to pay any unsatisfied judgment that may be recovered and any unsatisfied fine that may be levied under any section of this chapter. (ILCS Ch. 720, Act 5, § 28-3) Penalty, see § 130.99

§ 135.04 SEIZURE OF GAMBLING DEVICES AND GAMBLING FUNDS.

(A) Every device designed for gambling which is incapable of lawful use or every device used unlawfully for gambling shall be considered a gambling device and shall be subject to seizure, confiscation, and destruction by village authorities. As used in this section, a ***GAMBLING DEVICE*** includes any slot machine and includes any machine or device constructed for the reception of money or other thing of value and so constructed as to return or cause someone to return on chance to the player thereof money, property, or a right to receive money or property. With the exception of any device designed for gambling which is incapable of lawful use, no gambling device shall be forfeited or destroyed unless an individual with a property interest in the device knows of the unlawful use thereof.

(B) Every gambling device shall be seized and forfeited as contraband to the county wherein the seizure occurs. Any money or other thing of value integrally related to acts of gambling shall be seized and forfeited as contraband to the county wherein the seizure occurs. (ILCS Ch. 720, Act 5, § 28-5(a),(b))

