

1 AN ACT in relation to schools.

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

4 Section 5. The Liquor Control Act of 1934 is amended by  
5 changing Section 6-16 as follows:

6 (235 ILCS 5/6-16) (from Ch. 43, par. 131)

7 Sec. 6-16. Prohibited sales and possession.

8 (a) (i) No licensee nor any officer, associate, member,  
9 representative, agent, or employee of such licensee shall  
10 sell, give, or deliver alcoholic liquor to any person under  
11 the age of 21 years or to any intoxicated person, except as  
12 provided in Section 6-16.1. (ii) No express company, common  
13 carrier, or contract carrier that carries or transports  
14 alcoholic liquor for delivery within this State shall  
15 knowingly give or knowingly deliver to a residential address  
16 any shipping container clearly labeled as containing  
17 alcoholic liquor and labeled as requiring signature of an  
18 adult of at least 21 years of age to any person in this State  
19 under the age of 21 years. An express company, common  
20 carrier, or contract carrier that carries or transports such  
21 alcoholic liquor for delivery within this State shall obtain  
22 a signature acknowledging receipt of the alcoholic liquor by  
23 an adult who is at least 21 years of age. (iii) No person,  
24 after purchasing or otherwise obtaining alcoholic liquor,  
25 shall sell, give, or deliver such alcoholic liquor to another  
26 person under the age of 21 years, except in the performance  
27 of a religious ceremony or service. Any person who violates  
28 the provisions of item (i), (ii), or (iii) of this paragraph  
29 of this subsection (a) is guilty of a Class A misdemeanor and  
30 the person's sentence shall include, but shall not be limited  
31 to, a fine of not less than \$500.

1           If a licensee or officer, associate, member,  
2 representative, agent, or employee of the licensee, or a  
3 representative, agent, or employee of an express company,  
4 common carrier, or contract carrier that carries or  
5 transports alcoholic liquor for delivery within this State,  
6 is prosecuted under this paragraph of this subsection (a) for  
7 selling, giving, or delivering alcoholic liquor to a person  
8 under the age of 21 years, the person under 21 years of age  
9 who attempted to buy or receive the alcoholic liquor may be  
10 prosecuted pursuant to Section 6-20 of this Act, unless the  
11 person under 21 years of age was acting under the authority  
12 of a law enforcement agency, the Illinois Liquor Control  
13 Commission, or a local liquor control commissioner pursuant  
14 to a plan or action to investigate, patrol, or conduct any  
15 similar enforcement action.

16           For the purpose of preventing the violation of this  
17 Section, any licensee, or his agent or employee, or a  
18 representative, agent, or employee of an express company,  
19 common carrier, or contract carrier that carries or  
20 transports alcoholic liquor for delivery within this State,  
21 may refuse to sell, deliver, or serve alcoholic beverages to  
22 any person who is unable to produce adequate written evidence  
23 of identity and of the fact that he or she is over the age of  
24 21 years.

25           Adequate written evidence of age and identity of the  
26 person is a document issued by a federal, state, county, or  
27 municipal government, or subdivision or agency thereof,  
28 including, but not limited to, a motor vehicle operator's  
29 license, a registration certificate issued under the Federal  
30 Selective Service Act, or an identification card issued to a  
31 member of the Armed Forces. Proof that the  
32 defendant-licensee, or his employee or agent, or the  
33 representative, agent, or employee of the express company,  
34 common carrier, or contract carrier that carries or

1 transports alcoholic liquor for delivery within this State  
2 demanded, was shown and reasonably relied upon such written  
3 evidence in any transaction forbidden by this Section is an  
4 affirmative defense in any criminal prosecution therefor or  
5 to any proceedings for the suspension or revocation of any  
6 license based thereon. It shall not, however, be an  
7 affirmative defense if the agent or employee accepted the  
8 written evidence knowing it to be false or fraudulent. If a  
9 false or fraudulent Illinois driver's license or Illinois  
10 identification card is presented by a person less than 21  
11 years of age to a licensee or the licensee's agent or  
12 employee for the purpose of ordering, purchasing, attempting  
13 to purchase, or otherwise obtaining or attempting to obtain  
14 the serving of any alcoholic beverage, the law enforcement  
15 officer or agency investigating the incident shall, upon the  
16 conviction of the person who presented the fraudulent license  
17 or identification, make a report of the matter to the  
18 Secretary of State on a form provided by the Secretary of  
19 State.

20 However, no agent or employee of the licensee shall be  
21 disciplined or discharged for selling or furnishing liquor to  
22 a person under 21 years of age if the agent or employee  
23 demanded and was shown, before furnishing liquor to a person  
24 under 21 years of age, adequate written evidence of age and  
25 identity of the person issued by a federal, state, county or  
26 municipal government, or subdivision or agency thereof,  
27 including but not limited to a motor vehicle operator's  
28 license, a registration certificate issued under the Federal  
29 Selective Service Act, or an identification card issued to a  
30 member of the Armed Forces. This paragraph, however, shall  
31 not apply if the agent or employee accepted the written  
32 evidence knowing it to be false or fraudulent.

33 Any person who sells, gives, or furnishes to any person  
34 under the age of 21 years any false or fraudulent written,

1 printed, or photostatic evidence of the age and identity of  
2 such person or who sells, gives or furnishes to any person  
3 under the age of 21 years evidence of age and identification  
4 of any other person is guilty of a Class A misdemeanor and  
5 the person's sentence shall include, but shall not be limited  
6 to, a fine of not less than \$500.

7 Any person under the age of 21 years who presents or  
8 offers to any licensee, his agent or employee, any written,  
9 printed or photostatic evidence of age and identity that is  
10 false, fraudulent, or not actually his or her own for the  
11 purpose of ordering, purchasing, attempting to purchase or  
12 otherwise procuring or attempting to procure, the serving of  
13 any alcoholic beverage, who falsely states in writing that he  
14 or she is at least 21 years of age when receiving alcoholic  
15 liquor from a representative, agent, or employee of an  
16 express company, common carrier, or contract carrier, or who  
17 has in his or her possession any false or fraudulent written,  
18 printed, or photostatic evidence of age and identity, is  
19 guilty of a Class A misdemeanor and the person's sentence  
20 shall include, but shall not be limited to, the following: a  
21 fine of not less than \$500 and at least 25 hours of community  
22 service. If possible, any community service shall be  
23 performed for an alcohol abuse prevention program.

24 Any person under the age of 21 years who has any  
25 alcoholic beverage in his or her possession on any street or  
26 highway or in any public place or in any place open to the  
27 public is guilty of a Class A misdemeanor. This Section does  
28 not apply to possession by a person under the age of 21 years  
29 making a delivery of an alcoholic beverage in pursuance of  
30 the order of his or her parent or in pursuance of his or her  
31 employment.

32 (a-1) It is unlawful for any parent or guardian to  
33 permit his or her residence to be used by an invitee of the  
34 parent's child or the guardian's ward, if the invitee is

1 under the age of 21, in a manner that constitutes a violation  
2 of this Section. A parent or guardian is deemed to have  
3 permitted his or her residence to be used in violation of  
4 this Section if he or she knowingly authorizes, enables, or  
5 permits such use to occur by failing to control access to  
6 either the residence or the alcoholic liquor maintained in  
7 the residence. Any person who violates this subsection (a-1)  
8 is guilty of a Class A misdemeanor and the person's sentence  
9 shall include, but shall not be limited to, a fine of not  
10 less than \$500. Nothing in this subsection (a-1) shall be  
11 construed to prohibit the giving of alcoholic liquor to a  
12 person under the age of 21 years in the performance of a  
13 religious ceremony or service.

14 (b) Except as otherwise provided in this Section whoever  
15 violates this Section shall, in addition to other penalties  
16 provided for in this Act, be guilty of a Class A misdemeanor.

17 (c) Any person shall be guilty of a Class A misdemeanor  
18 where he or she knowingly permits a gathering at a residence  
19 which he or she occupies of two or more persons where any one  
20 or more of the persons is under 21 years of age and the  
21 following factors also apply:

22 (1) the person occupying the residence knows that  
23 any such person under the age of 21 is in possession of  
24 or is consuming any alcoholic beverage; and

25 (2) the possession or consumption of the alcohol by  
26 the person under 21 is not otherwise permitted by this  
27 Act; and

28 (3) the person occupying the residence knows that  
29 the person under the age of 21 leaves the residence in an  
30 intoxicated condition.

31 For the purposes of this subsection (c) where the  
32 residence has an owner and a tenant or lessee, there is a  
33 rebuttable presumption that the residence is occupied only by  
34 the tenant or lessee.

1           (d) Any person who rents a hotel or motel room from the  
2 proprietor or agent thereof for the purpose of or with the  
3 knowledge that such room shall be used for the consumption of  
4 alcoholic liquor by persons under the age of 21 years shall  
5 be guilty of a Class A misdemeanor.

6           (e) Any person who has alcoholic liquor in his or her  
7 possession on public school district property on school days  
8 or at events when children are present is guilty of a petty  
9 offense, unless the alcoholic liquor (i) is in the original  
10 container with the seal unbroken and is in the possession of  
11 a person who is not otherwise legally prohibited from  
12 possessing the alcoholic liquor or (ii) is in the possession  
13 of a person in or for the performance of a religious service  
14 or ceremony authorized by the school board.

15 (Source: P.A. 89-250, eff. 1-1-96; 90-355, eff. 8-10-97;  
16 90-432, eff. 1-1-98; 90-655, eff. 7-30-98; 90-739, eff.  
17 8-13-98.)

18           Section 99. Effective date. This Act takes effect upon  
19 becoming law.