

STATE OF ILLINOIS
OFFICE OF THE GOVERNOR
SPRINGFIELD, 62706GEORGE H. RYAN
GOVERNOR

August 3, 2001

To the Honorable Members of the
Illinois House of Representatives
92nd General Assembly

Pursuant to the authority vested in the Governor by Article IV, Section 9(e) of the Illinois Constitution of 1970, and re-affirmed by the People of the State of Illinois by popular referendum in 1974, and conforming to the standard articulated by the Illinois Supreme Court in People ex Rel. Klinger v. Howlett, 50 Ill. 2d 242 (1972), Continental Illinois National Bank and Trust Co. v. Zagel, 78 Ill. 2d 387 (1979), People ex Rel. City of Canton v. Crouch, 79 Ill. 2d 356 (1980), and County of Kane v. Carlson, 116 Ill. 2d 186 (1987), that gubernatorial action be consistent with the fundamental purposes and the intent of the bill, I hereby return House Bill 445, entitled "AN ACT in relation to schools," with my specific recommendations for change.

House Bill 445 makes it a petty offense for any person to have alcoholic liquor in his or her possession on public school district property on school days or at events when children are present. It exempts possession of alcoholic liquor in the original container with the seal unbroken by a person who is not otherwise legally prohibited from possessing the alcoholic liquor, and possession by a person in or for the performance of a religious service or ceremony authorized by the school board.

I agree with the intent of House Bill 445. The bill applies a petty offense to possession of alcohol by any person on school property, except under limited circumstances. The current Liquor Control Act applies a Class A misdemeanor to possession of alcohol by a person under 21. The current law's additional element of being under 21 years of age may be enough to avoid the petty offense becoming the sole penalty for possession of alcohol on school property; however, to avoid any court from so interpreting these two laws I am suggesting a change. Also, the provision covering possession of alcohol at an event where children are present was intended to cover only events on school property and I suggest language to make that clear.

For these reasons, I return House Bill 445 with the following recommendations for change:

On page 6, line 6, by replacing "Any" with "Except as otherwise provided in this this Act, any"; and

On page 6, line 8, by inserting "on public school district property" between "events" and "when".

With these specific recommendations for change, House Bill 445 will have my approval. I respectfully request your concurrence.

Sincerely,
s/GEORGE H. RYAN
Governor