

1 AN ACT in relation to alcoholic liquor.

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 Sections 6-16 and 6-16.1 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 shall may refuse to sell, deliver, or serve alcoholic  
22 beverages to any person who is unable to produce adequate  
23 written evidence of identity and of the fact that he or she  
24 is over the age of 21 years, if requested by the licensee,  
25 agent, employee, or representative.

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

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

21 However, no agent or employee of the licensee shall be  
22 disciplined or discharged for selling or furnishing liquor to  
23 a person under 21 years of age if the agent or employee  
24 demanded and was shown, before furnishing liquor to a person  
25 under 21 years of age, adequate written evidence of age and  
26 identity of the person 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. This paragraph, however, shall  
32 not apply if the agent or employee accepted the written  
33 evidence knowing it to be false or fraudulent.

34 Any person who sells, gives, or furnishes to any person

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

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

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

33 (a-1) It is unlawful for any parent or guardian to  
34 permit his or her residence to be used by an invitee of the

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

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

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

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

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

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

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

1 the tenant or lessee.

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

7 (Source: P.A. 89-250, eff. 1-1-96; 90-355, eff. 8-10-97;  
8 90-432, eff. 1-1-98; 90-655, eff. 7-30-98; 90-739, eff.  
9 8-13-98.)

10 (235 ILCS 5/6-16.1)

11 Sec. 6-16.1. Enforcement actions.

12 (a) A licensee or an officer, associate, member,  
13 representative, agent, or employee of a licensee may sell,  
14 give, or deliver alcoholic liquor to a person under the age  
15 of 21 years or authorize the sale, gift, or delivery of  
16 alcoholic liquor to a person under the age of 21 years  
17 pursuant to a plan or action to investigate, patrol, or  
18 otherwise conduct a "sting operation" or enforcement action  
19 against a person employed by the licensee or on any licensed  
20 premises if the licensee or officer, associate, member,  
21 representative, agent, or employee of the licensee provides  
22 written notice, at least 14 days before the "sting operation"  
23 or enforcement action, unless governing body of the  
24 municipality or county having jurisdiction sets a shorter  
25 period by ordinance, to the law enforcement agency having  
26 jurisdiction, the local liquor control commissioner, or both.  
27 Notice provided under this Section shall be valid for a  
28 "sting operation" or enforcement action conducted within 60  
29 days of the provision of that notice, unless the governing  
30 body of the municipality or county having jurisdiction sets a  
31 shorter period by ordinance.

32 (b) A local liquor control commission or unit of local  
33 government that conducts alcohol and tobacco compliance

1 operations shall establish a policy and standards for alcohol  
2 and tobacco compliance operations to investigate whether a  
3 licensee is furnishing (1) alcoholic liquor to persons under  
4 21 years of age in violation of this Act or (2) tobacco to  
5 persons in violation of the Sale of Tobacco to Minors Act.

6 (c) The Illinois Law Enforcement Training Standards  
7 Board shall develop a model policy and guidelines for the  
8 operation of alcohol and tobacco compliance checks by local  
9 law enforcement officers. The Illinois Law Enforcement  
10 Training Standards Board shall also require the supervising  
11 officers of such compliance checks to have met a minimum  
12 training standard as determined by the Board. The Board  
13 shall have the right to waive any training based on current  
14 written policies and procedures for alcohol and tobacco  
15 compliance check operations and in-service training already  
16 administered by the local law enforcement agency, department,  
17 or office.

18 (d) The provisions of subsections (b) and (c) do not  
19 apply to a home rule unit with more than 2,000,000  
20 inhabitants.

21 (e) A home rule unit, other than a home rule unit with  
22 more than 2,000,000 inhabitants, may not regulate enforcement  
23 actions in a manner inconsistent with the regulation of  
24 enforcement actions under this Section. This subsection (e)  
25 is a limitation under subsection (i) of Section 6 of Article  
26 VII of the Illinois Constitution on the concurrent exercise  
27 by home rule units of powers and functions exercised by the  
28 State.

29 (Source: P.A. 90-355, eff. 8-10-97.)

30 Section 99. Effective date. This Act takes effect  
31 January 1, 2002.