

1 AMENDMENT TO HOUSE BILL 3162

2 AMENDMENT NO. _____. Amend House Bill 3162 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Liquor Control Act of 1934 is amended by
5 changing Section 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

1 an adult who is at least 21 years of age. (iii) No person,
2 after purchasing or otherwise obtaining alcoholic liquor,
3 shall sell, give, or deliver such alcoholic liquor to another
4 person under the age of 21 years, except in the performance
5 of a religious ceremony or service. Any person who violates
6 the provisions of item (i), (ii), or (iii) of this paragraph
7 of this subsection (a) is guilty of a Class A misdemeanor and
8 the person's sentence shall include, but shall not be limited
9 to, a fine of not less than \$500.

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

25 For the purpose of preventing the violation of this
26 Section, any licensee, or his agent or employee, or a
27 representative, agent, or employee of an express company,
28 common carrier, or contract carrier that carries or
29 transports alcoholic liquor for delivery within this State,
30 shall may refuse to sell, deliver, or serve alcoholic
31 beverages to any person who is unable to produce adequate
32 written evidence of identity and of the fact that he or she
33 is over the age of 21 years, if requested by the licensee,
34 agent, employee, or representative.

1 Adequate written evidence of age and identity of the
2 person is a document issued by a federal, state, county, or
3 municipal government, or subdivision or agency thereof,
4 including, but not limited to, a motor vehicle operator's
5 license, a registration certificate issued under the Federal
6 Selective Service Act, or an identification card issued to a
7 member of the Armed Forces. Proof that the
8 defendant-licensee, or his employee or agent, or the
9 representative, agent, or employee of the express company,
10 common carrier, or contract carrier that carries or
11 transports alcoholic liquor for delivery within this State
12 demanded, was shown and reasonably relied upon such written
13 evidence in any transaction forbidden by this Section is an
14 affirmative defense in any criminal prosecution therefor or
15 to any proceedings for the suspension or revocation of any
16 license based thereon. It shall not, however, be an
17 affirmative defense if the agent or employee accepted the
18 written evidence knowing it to be false or fraudulent. If a
19 false or fraudulent Illinois driver's license or Illinois
20 identification card is presented by a person less than 21
21 years of age to a licensee or the licensee's agent or
22 employee for the purpose of ordering, purchasing, attempting
23 to purchase, or otherwise obtaining or attempting to obtain
24 the serving of any alcoholic beverage, the law enforcement
25 officer or agency investigating the incident shall, upon the
26 conviction of the person who presented the fraudulent license
27 or identification, make a report of the matter to the
28 Secretary of State on a form provided by the Secretary of
29 State.

30 However, no agent or employee of the licensee shall be
31 disciplined or discharged for selling or furnishing liquor to
32 a person under 21 years of age if the agent or employee
33 demanded and was shown, before furnishing liquor to a person
34 under 21 years of age, adequate written evidence of age and

1 identity of the person issued by a federal, state, county or
2 municipal government, or subdivision or agency thereof,
3 including but not limited to a motor vehicle operator's
4 license, a registration certificate issued under the Federal
5 Selective Service Act, or an identification card issued to a
6 member of the Armed Forces. This paragraph, however, shall
7 not apply if the agent or employee accepted the written
8 evidence knowing it to be false or fraudulent.

9 Any person who sells, gives, or furnishes to any person
10 under the age of 21 years any false or fraudulent written,
11 printed, or photostatic evidence of the age and identity of
12 such person or who sells, gives or furnishes to any person
13 under the age of 21 years evidence of age and identification
14 of any other person is guilty of a Class A misdemeanor and
15 the person's sentence shall include, but shall not be limited
16 to, a fine of not less than \$500.

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

34 Any person under the age of 21 years who has any

1 alcoholic beverage in his or her possession on any street or
2 highway or in any public place or in any place open to the
3 public is guilty of a Class A misdemeanor. This Section does
4 not apply to possession by a person under the age of 21 years
5 making a delivery of an alcoholic beverage in pursuance of
6 the order of his or her parent or in pursuance of his or her
7 employment.

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

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

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

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

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

4 (3) the person occupying the residence knows that
5 the person under the age of 21 leaves the residence in an
6 intoxicated condition.

7 For the purposes of this subsection (c) where the
8 residence has an owner and a tenant or lessee, there is a
9 rebuttable presumption that the residence is occupied only by
10 the tenant or lessee.

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

16 (Source: P.A. 89-250, eff. 1-1-96; 90-355, eff. 8-10-97;
17 90-432, eff. 1-1-98; 90-655, eff. 7-30-98; 90-739, eff.
18 8-13-98.)

19 (235 ILCS 5/6-16.1)

20 Sec. 6-16.1. Enforcement actions.

21 (a) A licensee or an officer, associate, member,
22 representative, agent, or employee of a licensee may sell,
23 give, or deliver alcoholic liquor to a person under the age
24 of 21 years or authorize the sale, gift, or delivery of
25 alcoholic liquor to a person under the age of 21 years
26 pursuant to a plan or action to investigate, patrol, or
27 otherwise conduct a "sting operation" or enforcement action
28 against a person employed by the licensee or on any licensed
29 premises if the licensee or officer, associate, member,
30 representative, agent, or employee of the licensee provides
31 written notice, at least 14 days before the "sting operation"
32 or enforcement action, unless governing body of the
33 municipality or county having jurisdiction sets a shorter

1 period by ordinance, to the law enforcement agency having
2 jurisdiction, the local liquor control commissioner, or both.
3 Notice provided under this Section shall be valid for a
4 "sting operation" or enforcement action conducted within 60
5 days of the provision of that notice, unless the governing
6 body of the municipality or county having jurisdiction sets a
7 shorter period by ordinance.

8 (b) A local liquor control commission or unit of local
9 government that conducts alcohol and tobacco compliance
10 operations shall establish a policy and standards for alcohol
11 and tobacco compliance operations to investigate whether a
12 licensee is furnishing (1) alcoholic liquor to persons under
13 21 years of age in violation of this Act or (2) tobacco to
14 persons in violation of the Sale of Tobacco to Minors Act.

15 (c) The Illinois Law Enforcement Training Standards
16 Board shall develop a model policy and guidelines for the
17 operation of alcohol and tobacco compliance checks by local
18 law enforcement officers. The Illinois Law Enforcement
19 Training Standards Board shall also require the supervising
20 officers of such compliance checks to have met a minimum
21 training standard as determined by the Board. The Board
22 shall have the right to waive any training based on current
23 written policies and procedures for alcohol and tobacco
24 compliance check operations and in-service training already
25 administered by the local law enforcement agency, department,
26 or office.

27 (d) A home rule unit, other than a municipality with
28 more than 2,000,000 inhabitants, may not regulate enforcement
29 actions in a manner inconsistent with the regulation of
30 enforcement actions under this Section. This subsection (d)
31 is a limitation under subsection (i) of Section 6 of Article
32 VII of the Illinois Constitution on the concurrent exercise
33 by home rule units of powers and functions exercised by the
34 State.

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

2 Section 99. Effective date. This Act takes effect

3 January 1, 2002.".