

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 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 nor any representative, agent,
14 or employee on behalf of an express company, common carrier,
15 or contract carrier that carries or transports alcoholic
16 liquor for delivery within this State shall knowingly give or
17 knowingly deliver to a residential address any shipping
18 container clearly labeled as containing alcoholic liquor and
19 labeled as requiring signature of an adult of at least 21
20 years of age to any person in this State under the age of 21
21 years. An express company, common carrier, or contract
22 carrier that carries or transports such alcoholic liquor for
23 delivery within this State shall obtain a signature at the
24 time of delivery acknowledging receipt of the alcoholic
25 liquor by an adult who is at least 21 years of age. At no
26 time while delivering alcoholic beverages within this State
27 may any representative, agent, or employee of an express
28 company, common carrier, or contract carrier that carries or
29 transports alcoholic liquor for delivery within this State
30 deliver the alcoholic liquor to a residential address without
31 the acknowledgment of the consignee and without first

1 obtaining a signature at the time of the delivery by an adult
2 who is at least 21 years of age. A signature of a person on
3 file with the express company, common carrier, or contract
4 carrier does not constitute acknowledgement of the consignee.
5 Any express company, common carrier, or contract carrier that
6 transports alcoholic liquor for delivery within this State
7 that violates this item (ii) of this subsection (a) by
8 delivering alcoholic liquor without the acknowledgement of
9 the consignee and without first obtaining a signature at the
10 time of the delivery by an adult who is at least 21 years of
11 age is guilty of a business offense for which the express
12 company, common carrier, or contract carrier that transports
13 alcoholic liquor within this State shall be fined not more
14 than \$1,001 for a first offense, not more than \$5,000 for a
15 second offense, and not more than \$10,000 for a third or
16 subsequent offense. An express company, common carrier, or
17 contract carrier shall be held vicariously liable for the
18 actions of its representatives, agents, or employees. For
19 purposes of this Act, in addition to other methods authorized
20 by law, an express company, common carrier, or contract
21 carrier shall be considered served with process when a
22 representative, agent, or employee alleged to have violated
23 this Act is personally served. Each shipment of alcoholic
24 liquor delivered in violation of this item (ii) of this
25 subsection (a) constitutes a separate offense. (iii) No
26 person, after purchasing or otherwise obtaining alcoholic
27 liquor, shall sell, give, or deliver such alcoholic liquor to
28 another person under the age of 21 years, except in the
29 performance of a religious ceremony or service. Except as
30 otherwise provided in item (ii), any express company, common
31 carrier, or contract carrier that transports alcoholic liquor
32 within this State that violates the provisions of item (i),
33 (ii), or (iii) of this paragraph of this subsection (a) is
34 guilty of a Class A misdemeanor and the sentence shall

1 include, but shall not be limited to, a fine of not less than
2 \$500. Any person who violates the provisions of item (iii) of
3 this paragraph of this subsection (a) is guilty of a Class A
4 misdemeanor and the sentence shall include, but shall not be
5 limited to a fine of not less than \$500 for a first offense
6 and not less than \$2,000 for a second or subsequent offense.
7 Any person who knowingly violates the provisions of item
8 (iii) of this paragraph of this subsection (a) is guilty of a
9 Class 4 felony if a death occurs as the result of the
10 violation.

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

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

1 employee, or representative.

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

31 However, no agent or employee of the licensee or employee
32 of an express company, common carrier, or contract carrier
33 that carries or transports alcoholic liquor for delivery
34 within this State shall be disciplined or discharged for

1 selling or furnishing liquor to a person under 21 years of
2 age if the agent or employee demanded and was shown, before
3 furnishing liquor to a person under 21 years of age, adequate
4 written evidence of age and identity of the person issued by
5 a federal, state, county or municipal government, or
6 subdivision or agency thereof, including but not limited to a
7 motor vehicle operator's license, a registration certificate
8 issued under the Federal Selective Service Act, or an
9 identification card issued to a member of the Armed Forces.
10 This paragraph, however, shall not apply if the agent or
11 employee accepted the written evidence knowing it to be false
12 or fraudulent.

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

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

1 fine of not less than \$500 and at least 25 hours of community
2 service. If possible, any community service shall be
3 performed for an alcohol abuse prevention program.

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

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

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

31 (c) Any person shall be guilty of a Class A misdemeanor
32 where he or she knowingly permits a gathering at a residence
33 which he or she occupies of two or more persons where any one
34 or more of the persons is under 21 years of age and the

1 following factors also apply:

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

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

8 (3) the person occupying the residence knows that
9 the person under the age of 21 leaves the residence in an
10 intoxicated condition.

11 For the purposes of this subsection (c) where the
12 residence has an owner and a tenant or lessee, there is a
13 rebuttable presumption that the residence is occupied only by
14 the tenant or lessee.

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

20 (e) Except as otherwise provided in this Act, any person
21 who has alcoholic liquor in his or her possession on public
22 school district property on school days or at events on
23 public school district property when children are present is
24 guilty of a petty offense, unless the alcoholic liquor (i) is
25 in the original container with the seal unbroken and is in
26 the possession of a person who is not otherwise legally
27 prohibited from possessing the alcoholic liquor or (ii) is in
28 the possession of a person in or for the performance of a
29 religious service or ceremony authorized by the school board.

30 (Source: P.A.. 92-380, eff. 1-1-02; 92-503, eff. 1-1-02;
31 92-507, eff. 1-1-02; revised 1-7-02.)