

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

1 person, after purchasing or otherwise obtaining alcoholic
2 liquor, shall sell, give, or deliver such alcoholic liquor to
3 another person under the age of 21 years, except in the
4 performance of a religious ceremony or service. Except as
5 otherwise provided in item (ii), any express company, common
6 carrier, or contract carrier that transports alcoholic liquor
7 within this State that violates the provisions of item (i),
8 (ii), or (iii) of this paragraph of this subsection (a) is
9 guilty of a Class A misdemeanor and the sentence shall
10 include, but shall not be limited to, a fine of not less than
11 \$500. Any person who violates the provisions of item (iii) of
12 this paragraph of this subsection (a) is guilty of a Class A
13 misdemeanor and the sentence shall include, but shall not
14 limited to a fine of not less than \$500 for a first offense
15 and not less than \$2,000 for a second or subsequent offense.
16 Any person who knowingly violates the provisions of item
17 (iii) of this paragraph of this subsection (a) is guilty of a
18 Class 4 felony if a death occurs as the result of the
19 violation.

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

1 For the purpose of preventing the violation of this
2 Section, any licensee, or his agent or employee, 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 shall refuse to sell, deliver, or serve alcoholic beverages
7 to any person who is unable to produce adequate written
8 evidence of identity and of the fact that he or she is over
9 the age of 21 years, if requested by the licensee, agent,
10 employee, or representative.

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

1 officer or agency investigating the incident shall, upon the
2 conviction of the person who presented the fraudulent license
3 or identification, make a report of the matter to the
4 Secretary of State on a form provided by the Secretary of
5 State.

6 However, no agent or employee of the licensee or employee
7 of an express company, common carrier, or contract carrier
8 that carries or transports alcoholic liquor for delivery
9 within this State shall be disciplined or discharged for
10 selling or furnishing liquor to a person under 21 years of
11 age if the agent or employee demanded and was shown, before
12 furnishing liquor to a person under 21 years of age, adequate
13 written evidence of age and identity of the person issued by
14 a federal, state, county or municipal government, or
15 subdivision or agency thereof, including but not limited to a
16 motor vehicle operator's license, a registration certificate
17 issued under the Federal Selective Service Act, or an
18 identification card issued to a member of the Armed Forces.
19 This paragraph, however, shall not apply if the agent or
20 employee accepted the written evidence knowing it to be false
21 or fraudulent.

22 Any person who sells, gives, or furnishes to any person
23 under the age of 21 years any false or fraudulent written,
24 printed, or photostatic evidence of the age and identity of
25 such person or who sells, gives or furnishes to any person
26 under the age of 21 years evidence of age and identification
27 of any other person is guilty of a Class A misdemeanor and
28 the person's sentence shall include, but shall not be limited
29 to, a fine of not less than \$500.

30 Any person under the age of 21 years who presents or
31 offers to any licensee, his agent or employee, any written,
32 printed or photostatic evidence of age and identity that is
33 false, fraudulent, or not actually his or her own for the
34 purpose of ordering, purchasing, attempting to purchase or

1 otherwise procuring or attempting to procure, the serving of
2 any alcoholic beverage, who falsely states in writing that he
3 or she is at least 21 years of age when receiving alcoholic
4 liquor from a representative, agent, or employee of an
5 express company, common carrier, or contract carrier, or who
6 has in his or her possession any false or fraudulent written,
7 printed, or photostatic evidence of age and identity, is
8 guilty of a Class A misdemeanor and the person's sentence
9 shall include, but shall not be limited to, the following: a
10 fine of not less than \$500 and at least 25 hours of community
11 service. If possible, any community service shall be
12 performed for an alcohol abuse prevention program.

13 Any person under the age of 21 years who has any
14 alcoholic beverage in his or her possession on any street or
15 highway or in any public place or in any place open to the
16 public is guilty of a Class A misdemeanor. This Section does
17 not apply to possession by a person under the age of 21 years
18 making a delivery of an alcoholic beverage in pursuance of
19 the order of his or her parent or in pursuance of his or her
20 employment.

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

1 person under the age of 21 years in the performance of a
2 religious ceremony or service.

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

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

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

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

17 (3) the person occupying the residence knows that
18 the person under the age of 21 leaves the residence in an
19 intoxicated condition.

20 For the purposes of this subsection (c) where the
21 residence has an owner and a tenant or lessee, there is a
22 rebuttable presumption that the residence is occupied only by
23 the tenant or lessee.

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

29 (e) Except as otherwise provided in this Act, any person
30 who has alcoholic liquor in his or her possession on public
31 school district property on school days or at events on
32 public school district property when children are present is
33 guilty of a petty offense, unless the alcoholic liquor (i) is
34 in the original container with the seal unbroken and is in

1 the possession of a person who is not otherwise legally
2 prohibited from possessing the alcoholic liquor or (ii) is in
3 the possession of a person in or for the performance of a
4 religious service or ceremony authorized by the school board.
5 (Source: P.A.. 92-380, eff. 1-1-02; 92-503, eff. 1-1-02;
6 92-507, eff. 1-1-02; revised 1-7-02.)".