

1 AN ACT concerning 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 6-2 as follows:

6 (235 ILCS 5/6-2) (from Ch. 43, par. 120)

7 Sec. 6-2. Issuance of licenses to certain persons
8 prohibited.

9 (a) Except as otherwise provided in subsection (b) of this
10 Section and in paragraph (1) of subsection (a) of Section 3-12,
11 no license of any kind issued by the State Commission or any
12 local commission shall be issued to:

13 (1) A person who is not a resident of any city, village
14 or county in which the premises covered by the license are
15 located; except in case of railroad or boat licenses.

16 (2) A person who is not of good character and
17 reputation in the community in which he resides.

18 (3) A person who is not a citizen of the United States.

19 (4) A person who has been convicted of a felony under
20 any Federal or State law, unless the Commission determines
21 that such person has been sufficiently rehabilitated to
22 warrant the public trust after considering matters set
23 forth in such person's application and the Commission's
24 investigation. The burden of proof of sufficient
25 rehabilitation shall be on the applicant.

26 (5) A person who has been convicted of being the keeper
27 or is keeping a house of ill fame.

28 (6) A person who has been convicted of pandering or
29 other crime or misdemeanor opposed to decency and morality.

30 (7) A person whose license issued under this Act has
31 been revoked for cause.

32 (8) A person who at the time of application for renewal

1 of any license issued hereunder would not be eligible for
2 such license upon a first application.

3 (9) A copartnership, if any general partnership
4 thereof, or any limited partnership thereof, owning more
5 than 5% of the aggregate limited partner interest in such
6 copartnership would not be eligible to receive a license
7 hereunder for any reason other than residence within the
8 political subdivision, unless residency is required by
9 local ordinance.

10 (10) A corporation, if any officer, manager or director
11 thereof, or any stockholder or stockholders owning in the
12 aggregate more than 5% of the stock of such corporation,
13 would not be eligible to receive a license hereunder for
14 any reason other than citizenship and residence within the
15 political subdivision.

16 (10a) A corporation unless it is incorporated in
17 Illinois, or unless it is a foreign corporation which is
18 qualified under the Business Corporation Act of 1983 to
19 transact business in Illinois.

20 (11) A person whose place of business is conducted by a
21 manager or agent unless the manager or agent possesses the
22 same qualifications required by the licensee.

23 (12) A person who has been convicted of a violation of
24 any Federal or State law concerning the manufacture,
25 possession or sale of alcoholic liquor, subsequent to the
26 passage of this Act or has forfeited his bond to appear in
27 court to answer charges for any such violation.

28 (13) A person who does not beneficially own the
29 premises for which a license is sought, or does not have a
30 lease thereon for the full period for which the license is
31 to be issued.

32 (14) Any law enforcing public official, including
33 members of local liquor control commissions, any mayor,
34 alderman, or member of the city council or commission, any
35 president of the village board of trustees, any member of a
36 village board of trustees, or any president or member of a

1 county board; and no such official shall have a direct
2 interest ~~be interested directly~~ in the manufacture, sale,
3 or distribution of alcoholic liquor, except that a license
4 may be granted to such official in relation to premises
5 that are not located within the territory subject to the
6 jurisdiction of that official if the issuance of such
7 license is approved by the State Liquor Control Commission
8 and except that a license may be granted, in a city or
9 village with a population of 50,000 or less, to any
10 alderman, member of a city council, or member of a village
11 board of trustees in relation to premises that are located
12 within the territory subject to the jurisdiction of that
13 official if (i) the sale of alcoholic liquor pursuant to
14 the license is incidental to the selling of food, (ii) the
15 issuance of the license is approved by the State
16 Commission, (iii) the issuance of the license is in
17 accordance with all applicable local ordinances in effect
18 where the premises are located, and (iv) the official
19 granted a license does not vote on alcoholic liquor issues
20 pending before the board or council to which the license
21 holder is elected. Notwithstanding any provision of this
22 paragraph (14) to the contrary, an alderman or member of a
23 city council or commission, a member of a village board of
24 trustees other than the president of the village board of
25 trustees, or a member of a county board other than the
26 president of a county board may have a direct interest in
27 the manufacture, sale, or distribution of alcoholic liquor
28 as long as he or she is not a law enforcing public
29 official, a mayor, a village board president, or president
30 of a county board. To prevent any conflict of interest, the
31 elected official with the direct interest in the
32 manufacture, sale, or distribution of alcoholic liquor
33 cannot participate in any meetings, hearings, or decisions
34 on matters impacting the manufacture, sale, or
35 distribution of alcoholic liquor.

36 (15) A person who is not a beneficial owner of the

1 business to be operated by the licensee.

2 (16) A person who has been convicted of a gambling
3 offense as proscribed by any of subsections (a) (3) through
4 (a) (11) of Section 28-1 of, or as proscribed by Section
5 28-1.1 or 28-3 of, the Criminal Code of 1961, or as
6 proscribed by a statute replaced by any of the aforesaid
7 statutory provisions.

8 (17) A person or entity to whom a federal wagering
9 stamp has been issued by the federal government, unless the
10 person or entity is eligible to be issued a license under
11 the Raffles Act or the Illinois Pull Tabs and Jar Games
12 Act.

13 (18) A person who intends to sell alcoholic liquors for
14 use or consumption on his or her licensed retail premises
15 who does not have liquor liability insurance coverage for
16 that premises in an amount that is at least equal to the
17 maximum liability amounts set out in subsection (a) of
18 Section 6-21.

19 (b) A criminal conviction of a corporation is not grounds
20 for the denial, suspension, or revocation of a license applied
21 for or held by the corporation if the criminal conviction was
22 not the result of a violation of any federal or State law
23 concerning the manufacture, possession or sale of alcoholic
24 liquor, the offense that led to the conviction did not result
25 in any financial gain to the corporation and the corporation
26 has terminated its relationship with each director, officer,
27 employee, or controlling shareholder whose actions directly
28 contributed to the conviction of the corporation. The
29 Commission shall determine if all provisions of this subsection
30 (b) have been met before any action on the corporation's
31 license is initiated.

32 (Source: P.A. 92-378, eff. 8-16-01; 93-266, eff. 1-1-04;
33 93-1057, eff. 12-2-04.)