



Sen. Antonio Muñoz

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LRB099 05865 RPS 34108 a

1 AMENDMENT TO SENATE BILL 868

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 868, AS AMENDED, by  
3 replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Liquor Control Act of 1934 is amended by  
6 changing Section 6-16 as follows:

7 (235 ILCS 5/6-16) (from Ch. 43, par. 131)

8 Sec. 6-16. Prohibited sales and possession.

9 (a) (i) No licensee nor any officer, associate, member,  
10 representative, agent, or employee of such licensee shall sell,  
11 give, or deliver alcoholic liquor to any person under the age  
12 of 21 years or to any intoxicated person, except as provided in  
13 Section 6-16.1. (ii) No express company, common carrier, or  
14 contract carrier nor any representative, agent, or employee on  
15 behalf of an express company, common carrier, or contract  
16 carrier that carries or transports alcoholic liquor for

1 delivery within this State shall knowingly give or knowingly  
2 deliver to a residential address any shipping container clearly  
3 labeled as containing alcoholic liquor and labeled as requiring  
4 signature of an adult of at least 21 years of age to any person  
5 in this State under the age of 21 years. An express company,  
6 common carrier, or contract carrier that carries or transports  
7 such alcoholic liquor for delivery within this State shall  
8 obtain a signature at the time of delivery acknowledging  
9 receipt of the alcoholic liquor by an adult who is at least 21  
10 years of age. At no time while delivering alcoholic beverages  
11 within this State may any representative, agent, or employee of  
12 an express company, common carrier, or contract carrier that  
13 carries or transports alcoholic liquor for delivery within this  
14 State deliver the alcoholic liquor to a residential address  
15 without the acknowledgment of the consignee and without first  
16 obtaining a signature at the time of the delivery by an adult  
17 who is at least 21 years of age. A signature of a person on file  
18 with the express company, common carrier, or contract carrier  
19 does not constitute acknowledgement of the consignee. Any  
20 express company, common carrier, or contract carrier that  
21 transports alcoholic liquor for delivery within this State that  
22 violates this item (ii) of this subsection (a) by delivering  
23 alcoholic liquor without the acknowledgement of the consignee  
24 and without first obtaining a signature at the time of the  
25 delivery by an adult who is at least 21 years of age is guilty  
26 of a business offense for which the express company, common

1 carrier, or contract carrier that transports alcoholic liquor  
2 within this State shall be fined not more than \$1,001 for a  
3 first offense, not more than \$5,000 for a second offense, and  
4 not more than \$10,000 for a third or subsequent offense. An  
5 express company, common carrier, or contract carrier shall be  
6 held vicariously liable for the actions of its representatives,  
7 agents, or employees. For purposes of this Act, in addition to  
8 other methods authorized by law, an express company, common  
9 carrier, or contract carrier shall be considered served with  
10 process when a representative, agent, or employee alleged to  
11 have violated this Act is personally served. Each shipment of  
12 alcoholic liquor delivered in violation of this item (ii) of  
13 this subsection (a) constitutes a separate offense. (iii) No  
14 person, after purchasing or otherwise obtaining alcoholic  
15 liquor, shall sell, give, or deliver such alcoholic liquor to  
16 another person under the age of 21 years, except in the  
17 performance of a religious ceremony or service. Except as  
18 otherwise provided in item (ii), any express company, common  
19 carrier, or contract carrier that transports alcoholic liquor  
20 within this State that violates the provisions of item (i),  
21 (ii), or (iii) of this paragraph of this subsection (a) is  
22 guilty of a Class A misdemeanor and the sentence shall include,  
23 but shall not be limited to, a fine of not less than \$500. Any  
24 person who violates the provisions of item (iii) of this  
25 paragraph of this subsection (a) is guilty of a Class A  
26 misdemeanor and the sentence shall include, but shall not be

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

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

21 For the purpose of preventing the violation of this  
22 Section, any licensee, or his agent or employee, or a  
23 representative, agent, or employee of an express company,  
24 common carrier, or contract carrier that carries or transports  
25 alcoholic liquor for delivery within this State, shall refuse  
26 to sell, deliver, or serve alcoholic beverages to any person

1 who is unable to produce adequate written evidence of identity  
2 and of the fact that he or she is over the age of 21 years, if  
3 requested by the licensee, agent, employee, or representative.

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

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

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

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

1 fine of not less than \$500.

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

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

26 (a-1) It is unlawful for any parent or guardian to

1 knowingly permit his or her residence, any other private  
2 property under his or her control, or any vehicle, conveyance,  
3 or watercraft under his or her control to be used by an invitee  
4 of the parent's child or the guardian's ward, if the invitee is  
5 under the age of 21, in a manner that constitutes a violation  
6 of this Section. A parent or guardian is deemed to have  
7 knowingly permitted his or her residence, any other private  
8 property under his or her control, or any vehicle, conveyance,  
9 or watercraft under his or her control to be used in violation  
10 of this Section if he or she knowingly authorizes or permits  
11 consumption of alcoholic liquor by underage invitees. Any  
12 person who violates this subsection (a-1) is guilty of a Class  
13 A misdemeanor and the person's sentence shall include, but  
14 shall not be limited to, a fine of not less than \$500. Where a  
15 violation of this subsection (a-1) directly or indirectly  
16 results in great bodily harm or death to any person, the person  
17 violating this subsection shall be guilty of a Class 4 felony.  
18 Nothing in this subsection (a-1) shall be construed to prohibit  
19 the giving of alcoholic liquor to a person under the age of 21  
20 years in the performance of a religious ceremony or service in  
21 observation of a religious holiday.

22 For the purposes of this subsection (a-1) where the  
23 residence or other property has an owner and a tenant or  
24 lessee, the trier of fact may infer that the residence or other  
25 property is occupied only by the tenant or lessee.

26 (b) Except as otherwise provided in this Section whoever



1 violates this Section shall, in addition to other penalties  
2 provided for in this Act, be guilty of a Class A misdemeanor.

3 (c) Any person shall be guilty of a Class A misdemeanor  
4 where he or she knowingly authorizes or permits a residence  
5 which he or she occupies to be used by an invitee under 21  
6 years of age and:

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

10 (2) the possession or consumption of the alcohol by the  
11 person under 21 is not otherwise permitted by this Act.

12 For the purposes of this subsection (c) where the residence  
13 has an owner and a tenant or lessee, the trier of fact may  
14 infer that the residence is occupied only by the tenant or  
15 lessee. The sentence of any person who violates this subsection  
16 (c) shall include, but shall not be limited to, a fine of not  
17 less than \$500. Where a violation of this subsection (c)  
18 directly or indirectly results in great bodily harm or death to  
19 any person, the person violating this subsection (c) shall be  
20 guilty of a Class 4 felony. Nothing in this subsection (c)  
21 shall be construed to prohibit the giving of alcoholic liquor  
22 to a person under the age of 21 years in the performance of a  
23 religious ceremony or service in observation of a religious  
24 holiday.

25 A person shall not be in violation of this subsection (c)  
26 if (A) he or she requests assistance from the police department

1 or other law enforcement agency to either (i) remove any person  
2 who refuses to abide by the person's performance of the duties  
3 imposed by this subsection (c) or (ii) terminate the activity  
4 because the person has been unable to prevent a person under  
5 the age of 21 years from consuming alcohol despite having taken  
6 all reasonable steps to do so and (B) this assistance is  
7 requested before any other person makes a formal complaint to  
8 the police department or other law enforcement agency about the  
9 activity.

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

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

25 (f) A licensee may bring a civil action against a person  
26 who:

1           (1) is over the age of 18 years but under the age of 21  
2           years;

3           (2) has been previously convicted of or received a  
4           citation for an alcohol-related offense on at least 2  
5           different occasions; and

6           (3) procures or attempts to procure alcoholic liquor  
7           from the licensee or possesses or consumes alcoholic liquor  
8           on the licensee's premises.

9           If judgment is entered in favor of the licensee, the court  
10          shall award damages to the licensee in the amount of \$1,000  
11          plus the costs of the action, including reasonable attorney's  
12          fees. A licensee may bring an action under this subsection (f)  
13          regardless of whether the person has been convicted of or  
14          received a citation for engaging in the conduct specified in  
15          paragraph (3) of this subsection (f), but the licensee has the  
16          burden of proving, by a preponderance of the evidence, that the  
17          person engaged in the conduct specified in paragraph (3) of  
18          this subsection (f).

19          A licensee may not bring a civil action under this  
20          subsection (f) unless the licensee has first provided notice of  
21          the licensee's intent to bring a civil action under this  
22          subsection (f) to the person. The notice shall be mailed to the  
23          last-known address of that person at least 15 days prior to  
24          filing the action and shall include a demand for the relief  
25          described in this subsection (f). The State Commission may, by  
26          rule, prescribe a form for this notice.

1       This subsection (f) does not apply to enforcement actions  
2       conducted pursuant to Section 6-16.1 of this Act.

3       (Source: P.A. 97-1049, eff. 1-1-13; 98-1017, eff. 1-1-15.)

4       Section 10. The Video Gaming Act is amended by changing  
5       Section 40 as follows:

6           (230 ILCS 40/40)

7           Sec. 40. Video gaming terminal use by minors prohibited.

8           (a) No licensee shall cause or permit any person under the  
9           age of 21 years to use or play a video gaming terminal. Any  
10          licensee who knowingly permits a person under the age of 21  
11          years to use or play a video gaming terminal is guilty of a  
12          business offense and shall be fined an amount not to exceed  
13          \$5,000.

14          (b) A licensee may bring a civil action against a person  
15          who:

16           (1) is over the age of 18 years but under the age of 21  
17           years;

18           (2) has previously been convicted of or received a  
19           citation for a gambling-related offense on at least 2  
20           different occasions; and

21           (3) uses or plays or attempts to use or play a video  
22           gaming terminal on the licensee's premises.

23          If judgment is entered in favor of the licensee, the court  
24          shall award damages to the licensee in the amount of \$1,000

1 plus the costs of the action, including reasonable attorney's  
2 fees.

3 A licensee may not bring a civil action under this  
4 subsection (b) unless the licensee has first provided notice of  
5 the licensee's intent to bring a civil action under this  
6 subsection (b) to the person. The notice shall be mailed to the  
7 last-known address of that person at least 15 days prior to  
8 filing the action and shall include a demand for the relief  
9 described in this subsection (b). The Board may, by rule,  
10 prescribe a form for this notice.

11 (Source: P.A. 96-34, eff. 7-13-09.)".