

1 AN ACT concerning 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 Sections 6-16, 6-16.2, 6-20, and 10-1 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 that is not clearly labeled as  
17 containing alcoholic liquor and labeled as requiring  
18 signature of an adult of at least 21 years of age to any  
19 person in this State under the age of 21 years. An express  
20 company, common carrier, or contract carrier that carries or  
21 transports such alcoholic liquor for delivery within this  
22 State shall obtain a signature acknowledging receipt of the  
23 alcoholic liquor by an adult who is at least 21 years of age.  
24 (iii) No person, after purchasing or otherwise obtaining  
25 alcoholic liquor, shall sell, give, or deliver such alcoholic  
26 liquor to another person under the age of 21 years, except in  
27 the performance of a religious ceremony or service. Any  
28 person who violates the provisions of item (i), (ii), or  
29 (iii) of this paragraph of this subsection (a) is guilty of a  
30 Class A misdemeanor and the person's sentence shall include,  
31 but shall not be limited to, a fine of not less than \$500.

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

16           For the purpose of preventing the violation of this  
17 Section, any licensee, or his agent or employee, or a  
18 representative, agent, or employee of an express company,  
19 common carrier, or contract carrier that carries or  
20 transports alcoholic liquor for delivery within this State,  
21 may refuse to sell, deliver, or serve alcoholic beverages to  
22 any person who is unable to produce adequate written evidence  
23 of identity and of the fact that he or she is over the age of  
24 21 years.

25           Adequate written evidence of age and identity of the  
26 person is a document issued by a federal ~~or~~, state, ~~county~~,  
27 ~~or municipal~~ government, ~~or subdivision~~ ~~or~~ ~~agency~~ ~~thereof~~,  
28 including, but not limited to, a valid driver's license  
29 issued by any state that bears the photograph of the  
30 presenting person, a valid passport, or a valid  
31 identification card issued by any state agency for the  
32 purpose of identification and bearing the photograph and date  
33 of birth of the presenting person ~~motor-vehicle-operator's~~  
34 ~~license, a registration certificate issued under the Federal~~

1 ~~Selective--Service-Act,-or-an-identification-card-issued-to-a~~  
2 ~~member---of---the---Armed---Forees.~~ Proof that the  
3 defendant-licensee, or his employee or agent, or the  
4 representative, agent, or employee of the express company,  
5 common carrier, or contract carrier that carries or  
6 transports alcoholic liquor for delivery within this State  
7 demanded, was shown and reasonably relied upon such written  
8 evidence in any transaction forbidden by this Section is an  
9 affirmative defense in any criminal prosecution therefor or  
10 to any proceedings for the suspension or revocation of any  
11 license based thereon. It shall not, however, be an  
12 affirmative defense if the licensee or his or her agent or  
13 employee accepted the written evidence knowing it to be false  
14 or fraudulent or without taking such steps as were reasonably  
15 necessary to determine whether the written evidence of age  
16 was false or fraudulent. If a false or fraudulent Illinois  
17 driver's license or Illinois identification card is presented  
18 by a person less than 21 years of age to a licensee or the  
19 licensee's agent or employee for the purpose of ordering,  
20 purchasing, attempting to purchase, or otherwise obtaining or  
21 attempting to obtain the serving of any alcoholic beverage,  
22 the law enforcement officer or agency investigating the  
23 incident shall, upon the conviction of the person who  
24 presented the fraudulent license or identification, make a  
25 report of the matter to the Secretary of State on a form  
26 provided by the Secretary of State.

27 However, no agent or employee of the licensee shall be  
28 disciplined or discharged for selling or furnishing liquor to  
29 a person under 21 years of age if the agent or employee  
30 demanded and was shown, before furnishing liquor to a person  
31 under 21 years of age, adequate written evidence of age and  
32 identity of the person issued by a federal or, state, ~~county~~  
33 ~~or--municipal~~ government, ~~or-subdivision-or-agency-thereof,~~  
34 including but not limited to a valid driver's ~~motor--vehicle~~

1 operator's license issued by any state and bearing the  
 2 photograph of the presenting person, a valid passport, or a  
 3 valid identification card issued by any state agency for the  
 4 purpose of identification that bears the photograph of the  
 5 presenting person,~~---a---registration-certificate-issued-under~~  
 6 ~~the-Federal-Selective-Service-Act,~~~~---or---an-identification---card~~  
 7 ~~issued---to---a---member---of---the---Armed-Forces.~~ This paragraph,  
 8 however, shall not apply if the agent or employee accepted  
 9 the written evidence knowing it to be false or fraudulent or  
 10 without taking such steps as were reasonably necessary to  
 11 determine whether the written evidence of age was false or  
 12 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 For the purpose of assisting in the prevention of  
 22 violations of this Section, every retail licensee or his or  
 23 her agent or employee may cause a sign with the following  
 24 message to be framed and hung in plain view in his or her  
 25 licensed establishment:

26 "THE LAW REQUIRES THAT YOU MUST BE AT LEAST 21 YEARS OLD  
 27 BEFORE YOU CAN PURCHASE OR CONSUME ALCOHOLIC BEVERAGES.  
 28 IF, IN OUR OPINION, YOU APPEAR YOUNGER THAN 21 YEARS OF  
 29 AGE OR IF THE AUTHENTICITY OF YOUR IDENTIFICATION IS IN  
 30 QUESTION, WE WILL ASK YOU TO PREPARE AND SIGN A  
 31 DECLARATION OF AGE PRIOR TO ANY PURCHASE, POSSESSION, OR  
 32 CONSUMPTION OF ALCOHOLIC BEVERAGES."

33 A copy of the current Declaration of Age form in use must  
 34 be contained on the sign. These signs shall be no smaller

1 than 8.5 by 14 inches and shall be given to new licensees  
2 upon issuance of their licenses and to current licensees at  
3 their next agent inspections.

4 If a retail licensee or his or her employee or agent is  
5 presented with identification that appears legitimate, but  
6 may be false, fraudulent, or not the identification of the  
7 person presenting it or if the retail licensee is not  
8 reasonably satisfied that the presenter is at least 21 years  
9 of age, the licensee may require the person to complete a  
10 Declaration of Age form. Proof that a retail licensee or his  
11 or her employee or agent secured a completed and signed  
12 Declaration of Age form is admissible as evidence in  
13 mitigation of a fine or penalty in any criminal prosecution  
14 therefore or any proceedings for the discipline of any  
15 license based thereon.

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

33 Any person under the age of 21 years who has any  
34 alcoholic beverage in his or her possession on any street or

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

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

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

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

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

34 (2) the possession or consumption of the alcohol by

1 the person under 21 is not otherwise permitted by this  
2 Act; and

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

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

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  
14 be guilty of a Class A misdemeanor.

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

18 (235 ILCS 5/6-16.2)

19 Sec. 6-16.2. Prohibited entry to a licensed premises. A  
20 municipality or county may prohibit a licensee or any  
21 officer, associate, member, representative, agent, or  
22 employee of a licensee from permitting a person under the age  
23 of 21 years to enter and remain in that portion of a licensed  
24 premises that sells, gives, or delivers alcoholic liquor for  
25 consumption on the premises. No prohibition under this  
26 Section, however, shall apply to any licensed premises, such  
27 as without limitation a restaurant or food shop, where  
28 selling, giving, or delivering alcoholic liquor is not the  
29 principal business of the licensee at those premises.

30 In those instances where a person under the age of 21  
31 years is prohibited from entering and remaining on the  
32 premises, proof that the defendant-licensee, or his employee  
33 or agent, demanded, was shown, and reasonably relied upon

1 adequate written evidence, as defined in Section 6-16, for  
2 purposes of entering and remaining on the licensed premises  
3 is an affirmative defense in any criminal prosecution  
4 therefor or to any proceedings for the suspension or  
5 revocation of any license based thereon. It shall not,  
6 however, be an affirmative defense if the defendant-licensee  
7 defendant-license, or his agent or employee, accepted the  
8 written evidence knowing it to be false or fraudulent or  
9 without taking such steps as were reasonably necessary to  
10 determine whether the written evidence of age was false or  
11 fraudulent.

12 Adequate written evidence of age and identity of the  
13 person is a document issued by a federal, state, county, or  
14 municipal government, or subdivision or agency thereof,  
15 including, but not limited to, a motor vehicle operator's  
16 license, a registration certificate issued under the Federal  
17 Selective Service Act, or an identification card issued to a  
18 member of the armed forces.

19 If a false or fraudulent Illinois driver's license or  
20 Illinois identification card is presented by a person less  
21 than 21 years of age to a licensee or the licensee's agent or  
22 employee for the purpose of obtaining entry and remaining on  
23 a licensed premises, the law enforcement officer or agency  
24 investigating the incident shall, upon the conviction of the  
25 person who presented the fraudulent license or  
26 identification, make a report of the matter to the Secretary  
27 of State on a form provided by the Secretary of State.

28 (Source: P.A. 90-617, eff. 7-10-98.)

29 (235 ILCS 5/6-20) (from Ch. 43, par. 134a)

30 Sec. 6-20. Any person to whom the sale, gift or delivery  
31 of any alcoholic liquor is prohibited because of age shall  
32 not purchase, or accept a gift of such alcoholic liquor or  
33 have such alcoholic liquor in his possession.

1           If a licensee or his or her agents or employees believes  
2 or has reason to believe that a sale or delivery of any  
3 alcoholic liquor is prohibited because of the non-age of the  
4 prospective recipient, he or she shall, before making such  
5 sale or delivery demand presentation of some form of positive  
6 identification, containing proof of age, as defined in  
7 Section 6-16 ~~issued-by-a-public-officer-in-the-performance-of~~  
8 ~~his-or-her-official-duties.~~

9           No person shall transfer, alter, or deface such an  
10 identification card; use the identification card of another;  
11 carry or use a false or forged identification card; or obtain  
12 an identification card by means of false information. No  
13 person shall purchase, accept delivery or have possession of  
14 alcoholic liquor in violation of this Section. The  
15 consumption of alcoholic liquor by any person under 21 years  
16 of age is forbidden. Whoever violates any provisions of this  
17 Section shall be guilty of a Class A misdemeanor.

18           The possession and dispensing, or consumption by a person  
19 under 21 years of age of alcoholic liquor in the performance  
20 of a religious service or ceremony, or the consumption by a  
21 person under 21 years of age under the direct supervision and  
22 approval of the parents or parent or those persons standing  
23 in loco parentis of such person under 21 years of age in the  
24 privacy of a home, is not prohibited by this Act.

25           (Source: P.A. 90-432, eff. 1-1-98.)

26           (235 ILCS 5/10-1) (from Ch. 43, par. 183)

27           Sec. 10-1. Violations; penalties. Whereas a substantial  
28 threat to the sound and careful control, regulation, and  
29 taxation of the manufacture, sale, and distribution of  
30 alcoholic liquors exists by virtue of individuals who  
31 manufacture, import, distribute, or sell alcoholic liquors  
32 within the State without having first obtained a valid  
33 license to do so, and whereas such threat is especially

1 serious along the borders of this State, and whereas such  
2 threat requires immediate correction by this Act, by active  
3 investigation and prosecution by law enforcement officials  
4 and prosecutors, and by prompt and strict enforcement through  
5 the courts of this State to punish violators and to deter  
6 such conduct in the future:

7 (a) Any person who manufactures, imports for  
8 distribution or use, or distributes or sells alcoholic liquor  
9 at any place within the State without having first obtained a  
10 valid license to do so under the provisions of this Act shall  
11 be guilty of a business offense and fined not more than  
12 \$1,000 for the first such offense and shall be guilty of a  
13 Class 4 felony for each subsequent offense.

14 (b) (1) Any retailer, licensed in this State, who  
15 knowingly causes to furnish, give, sell, or otherwise being  
16 within the State, any alcoholic liquor destined to be used,  
17 distributed, consumed or sold in another state, unless such  
18 alcoholic liquor was received in this State by a duly  
19 licensed distributor, or importing distributors shall have  
20 his license suspended for 7 days for the first offense and  
21 for the second offense, shall have his license revoked by the  
22 Commission.

23 (2) In the event the Commission receives a certified  
24 copy of a final order from a foreign jurisdiction that an  
25 Illinois retail licensee has been found to have violated that  
26 foreign jurisdiction's laws, rules, or regulations concerning  
27 the importation of alcoholic liquor into that foreign  
28 jurisdiction, the violation may be grounds for the Commission  
29 to revoke, suspend, or refuse to issue or renew a license, to  
30 impose a fine, or to take any additional action provided by  
31 this Act with respect to the Illinois retail license or  
32 licensee. Any such action on the part of the Commission  
33 shall be in accordance with this Act and implementing rules.

34 For the purposes of paragraph (2): (i) "foreign

1 jurisdiction" means a state, territory, or possession of the  
2 United States, the District of Columbia, or the Commonwealth  
3 of Puerto Rico, and (ii) "final order" means an order or  
4 judgment of a court or administrative body that determines  
5 the rights of the parties respecting the subject matter of  
6 the proceeding, that remains in full force and effect, and  
7 from which no appeal can be taken.

8 (c) Any person who shall make any false statement or  
9 otherwise violates any of the provisions of this Act in  
10 obtaining any license hereunder, or who having obtained a  
11 license hereunder shall violate any of the provisions of this  
12 Act with respect to the manufacture, possession, distribution  
13 or sale of alcoholic liquor, or with respect to the  
14 maintenance of the licensed premises, or shall violate any  
15 other provision of this Act, shall for a first offense be  
16 guilty of a petty offense and fined not more than \$500, and  
17 for a second or subsequent offense shall be guilty of a Class  
18 B misdemeanor.

19 (d) Each day any person engages in business as a  
20 manufacturer, foreign importer, importing distributor,  
21 distributor or retailer in violation of the provisions of  
22 this Act shall constitute a separate offense.

23 (e) ~~(Blank). Any person, under the age of 21 years who,~~  
24 ~~for the purpose of buying, accepting or receiving alcoholic~~  
25 ~~liquor from a licensee, represents that he is 21 years of age~~  
26 ~~or over shall be guilty of a Class A misdemeanor.~~

27 (f) In addition to the penalties herein provided, any  
28 person licensed as a wine-maker in either class who  
29 manufactures more wine than authorized by his license shall  
30 be guilty of a business offense and shall be fined \$1 for  
31 each gallon so manufactured.

32 (g) A person shall be exempt from prosecution for a  
33 violation of this Act if he is a peace officer in the  
34 enforcement of the criminal laws and such activity is

1 approved in writing by one of the following:

2 (1) In all counties, the respective State's  
3 Attorney;

4 (2) The Director of State Police under Section  
5 2605-10, 2605-15, 2605-75, 2605-100, 2605-105, 2605-110,  
6 2605-115, 2605-120, 2605-130, 2605-140, 2605-190,  
7 2605-200, 2605-205, 2605-210, 2605-215, 2605-250,  
8 2605-275, 2605-300, 2605-305, 2605-315, 2605-325,  
9 2605-335, 2605-340, 2605-350, 2605-355, 2605-360,  
10 2605-365, 2605-375, 2605-390, 2605-400, 2605-405,  
11 2605-420, 2605-430, 2605-435, 2605-500, 2605-525, or  
12 2605-550 of the Department of State Police Law (20 ILCS  
13 2605/2605-10, 2605/2605-15, 2605/2605-75, 2605/2605-100,  
14 2605/2605-105, 2605/2605-110, 2605/2605-115,  
15 2605/2605-120, 2605/2605-130, 2605/2605-140,  
16 2605/2605-190, 2605/2605-200, 2605/2605-205,  
17 2605/2605-210, 2605/2605-215, 2605/2605-250,  
18 2605/2605-275, 2605/2605-300, 2605/2605-305,  
19 2605/2605-315, 2605/2605-325, 2605/2605-335,  
20 2605/2605-340, 2605/2605-350, 2605/2605-355,  
21 2605/2605-360, 2605/2605-365, 2605/2605-375,  
22 2605/2605-390, 2605/2605-400, 2605/2605-405,  
23 2605/2605-420, 2605/2605-430, 2605/2605-435,  
24 2605/2605-500, 2605/2605-525, or 2605/2605-550); or

25 (3) In cities over 1,000,000, the Superintendent of  
26 Police.

27 (Source: P.A. 90-739, eff. 8-13-98; 91-239, eff. 1-1-00.)