



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB3625

by Rep. Michael J. Zalewski

SYNOPSIS AS INTRODUCED:

235 ILCS 5/3-4	from Ch. 43, par. 100
235 ILCS 5/3-12	
235 ILCS 5/10-1	from Ch. 43, par. 183

Amends the Liquor Control Act of 1934. Provides that investigators of the Liquor Control Commission are peace officers with jurisdiction, including arrest powers, throughout the State. Provides that no investigator shall exercise the powers of a peace officer until he or she has qualified as a peace officer according to the requirements set by the Illinois Law Enforcement Training Standards Board. Requires the Executive Director of the Liquor Control Commission to authorize each investigator and to issue a distinctive badge and identification. Provides that where an investigation has revealed a violation of the Act, the Commission may also issue a cease and desist notice or file a complaint with the Attorney General (currently, the Commission can only inform the local liquor authority or file a complaint with the State's Attorney).

LRB101 10564 HLH 55670 b

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 Sections 3-4, 3-12, and 10-1 as follows:

6 (235 ILCS 5/3-4) (from Ch. 43, par. 100)

7 Sec. 3-4. The commission shall obtain, pursuant to the
8 provisions of the "Personnel Code" enacted by the 69th General
9 Assembly, such inspectors, clerks and other employees as may be
10 necessary to carry out the provisions of this Act, or to
11 perform the duties and exercise the powers conferred by law
12 upon the commission.

13 The Commission shall have the power to appoint
14 investigators to conduct investigations, searches, seizures,
15 arrest and other duties required to enforce the provisions of
16 this Act, on behalf of the Commission, and ensure the health,
17 safety, and welfare of the People of the State of Illinois. The
18 Commission's investigators are peace officers and have all the
19 powers possessed by police officers in cities and by sheriffs.
20 Commission investigators may exercise these powers throughout
21 the State. No Commission investigator may have peace officer
22 status or may exercise police powers unless: (i) he or she
23 successfully completes the basic police training course

1 mandated and approved by the Illinois Law Enforcement Training
2 Standards Board; or (ii) the Illinois Law Enforcement Training
3 Standards Board waives the training requirement by reason of
4 the inspector's prior law enforcement experience or training or
5 both.

6 The Executive Director must authorize to each investigator
7 of the Commission and to any other employee of the Department
8 exercising the powers of a peace officer a distinct badge that,
9 on its face, (i) clearly states that the badge is authorized by
10 the Commission and (ii) contains a unique identifying number.
11 No other badge shall be authorized by the Commission. Nothing
12 in this Section prohibits the Executive Director from issuing
13 shields or other distinctive identification to employees
14 performing security or regulatory duties who are not peace
15 officers if the Executive Director determines that a shield or
16 distinctive identification is needed by the employee to carry
17 out his or her responsibilities.

18 (Source: P.A. 82-783.)

19 (235 ILCS 5/3-12)

20 Sec. 3-12. Powers and duties of State Commission.

21 (a) The State Commission shall have the following powers,
22 functions, and duties:

23 (1) To receive applications and to issue licenses to
24 manufacturers, foreign importers, importing distributors,
25 distributors, non-resident dealers, on premise consumption

1 retailers, off premise sale retailers, special event
2 retailer licensees, special use permit licenses, auction
3 liquor licenses, brew pubs, caterer retailers,
4 non-beverage users, railroads, including owners and
5 lessees of sleeping, dining and cafe cars, airplanes,
6 boats, brokers, and wine maker's premises licensees in
7 accordance with the provisions of this Act, and to suspend
8 or revoke such licenses upon the State Commission's
9 determination, upon notice after hearing, that a licensee
10 has violated any provision of this Act or any rule or
11 regulation issued pursuant thereto and in effect for 30
12 days prior to such violation. Except in the case of an
13 action taken pursuant to a violation of Section 6-3, 6-5,
14 or 6-9, any action by the State Commission to suspend or
15 revoke a licensee's license may be limited to the license
16 for the specific premises where the violation occurred. An
17 action for a violation of this Act shall be commenced by
18 the State Commission within 2 years after the date the
19 State Commission becomes aware of the violation.

20 In lieu of suspending or revoking a license, the
21 commission may impose a fine, upon the State Commission's
22 determination and notice after hearing, that a licensee has
23 violated any provision of this Act or any rule or
24 regulation issued pursuant thereto and in effect for 30
25 days prior to such violation.

26 For the purpose of this paragraph (1), when determining

1 multiple violations for the sale of alcohol to a person
2 under the age of 21, a second or subsequent violation for
3 the sale of alcohol to a person under the age of 21 shall
4 only be considered if it was committed within 5 years after
5 the date when a prior violation for the sale of alcohol to
6 a person under the age of 21 was committed.

7 The fine imposed under this paragraph may not exceed
8 \$500 for each violation. Each day that the activity, which
9 gave rise to the original fine, continues is a separate
10 violation. The maximum fine that may be levied against any
11 licensee, for the period of the license, shall not exceed
12 \$20,000. The maximum penalty that may be imposed on a
13 licensee for selling a bottle of alcoholic liquor with a
14 foreign object in it or serving from a bottle of alcoholic
15 liquor with a foreign object in it shall be the destruction
16 of that bottle of alcoholic liquor for the first 10 bottles
17 so sold or served from by the licensee. For the eleventh
18 bottle of alcoholic liquor and for each third bottle
19 thereafter sold or served from by the licensee with a
20 foreign object in it, the maximum penalty that may be
21 imposed on the licensee is the destruction of the bottle of
22 alcoholic liquor and a fine of up to \$50.

23 Any notice issued by the State Commission to a licensee
24 for a violation of this Act or any notice with respect to
25 settlement or offer in compromise shall include the field
26 report, photographs, and any other supporting

1 documentation necessary to reasonably inform the licensee
2 of the nature and extent of the violation or the conduct
3 alleged to have occurred. The failure to include such
4 required documentation shall result in the dismissal of the
5 action.

6 (2) To adopt such rules and regulations consistent with
7 the provisions of this Act which shall be necessary to
8 carry on its functions and duties to the end that the
9 health, safety and welfare of the People of the State of
10 Illinois shall be protected and temperance in the
11 consumption of alcoholic liquors shall be fostered and
12 promoted and to distribute copies of such rules and
13 regulations to all licensees affected thereby.

14 (3) To call upon other administrative departments of
15 the State, county and municipal governments, county and
16 city police departments and upon prosecuting officers for
17 such information and assistance as it deems necessary in
18 the performance of its duties.

19 (4) To recommend to local commissioners rules and
20 regulations, not inconsistent with the law, for the
21 distribution and sale of alcoholic liquors throughout the
22 State.

23 (5) To inspect, or cause to be inspected, any premises
24 in this State where alcoholic liquors are manufactured,
25 distributed, warehoused, or sold. Nothing in this Act
26 authorizes an agent of the Commission to inspect private

1 areas within the premises without reasonable suspicion or a
2 warrant during an inspection. "Private areas" include, but
3 are not limited to, safes, personal property, and closed
4 desks.

5 (5.1) Upon receipt of a complaint or upon having
6 knowledge that any person is engaged in business as a
7 manufacturer, importing distributor, distributor, or
8 retailer without a license or valid license, to conduct an
9 investigation. If, after conducting an investigation, the
10 Commission is satisfied that the alleged conduct occurred
11 or is occurring, it may issue cease and desist notice(s) as
12 provided in this Act, to notify the local liquor authority,
13 or file a complaint with the State's Attorney's Office of
14 the county where the incident occurred, or the Office of
15 the Illinois Attorney General initiate an investigation
16 with the appropriate law enforcement officials.

17 (5.2) To issue a cease and desist notice to persons
18 shipping alcoholic liquor into this State from a point
19 outside of this State if the shipment is in violation of
20 this Act or to persons engaged in business as a
21 manufacturer, importing distributor, distributor or
22 retailer without a license.

23 (5.3) To receive complaints from licensees, local
24 officials, law enforcement agencies, organizations, and
25 persons stating that any licensee has been or is violating
26 any provision of this Act or the rules and regulations

1 issued pursuant to this Act. Such complaints shall be in
2 writing, signed and sworn to by the person making the
3 complaint, and shall state with specificity the facts in
4 relation to the alleged violation. If the Commission has
5 reasonable grounds to believe that the complaint
6 substantially alleges a violation of this Act or rules and
7 regulations adopted pursuant to this Act, it shall conduct
8 an investigation. If, after conducting an investigation,
9 the Commission is satisfied that the alleged violation did
10 occur, it shall proceed with disciplinary action against
11 the licensee as provided in this Act.

12 (5.4) To make arrests and issue notices of civil
13 violations where necessary for the enforcement of this
14 Chapter.

15 (6) To hear and determine appeals from orders of a
16 local commission in accordance with the provisions of this
17 Act, as hereinafter set forth. Hearings under this
18 subsection shall be held in Springfield or Chicago, at
19 whichever location is the more convenient for the majority
20 of persons who are parties to the hearing.

21 (7) The commission shall establish uniform systems of
22 accounts to be kept by all retail licensees having more
23 than 4 employees, and for this purpose the commission may
24 classify all retail licensees having more than 4 employees
25 and establish a uniform system of accounts for each class
26 and prescribe the manner in which such accounts shall be

1 kept. The commission may also prescribe the forms of
2 accounts to be kept by all retail licensees having more
3 than 4 employees, including but not limited to accounts of
4 earnings and expenses and any distribution, payment, or
5 other distribution of earnings or assets, and any other
6 forms, records and memoranda which in the judgment of the
7 commission may be necessary or appropriate to carry out any
8 of the provisions of this Act, including but not limited to
9 such forms, records and memoranda as will readily and
10 accurately disclose at all times the beneficial ownership
11 of such retail licensed business. The accounts, forms,
12 records and memoranda shall be available at all reasonable
13 times for inspection by authorized representatives of the
14 State Commission or by any local liquor control
15 commissioner or his or her authorized representative. The
16 commission, may, from time to time, alter, amend or repeal,
17 in whole or in part, any uniform system of accounts, or the
18 form and manner of keeping accounts.

19 (8) In the conduct of any hearing authorized to be held
20 by the commission, to appoint, at the commission's
21 discretion, hearing officers to conduct hearings involving
22 complex issues or issues that will require a protracted
23 period of time to resolve, to examine, or cause to be
24 examined, under oath, any licensee, and to examine or cause
25 to be examined the books and records of such licensee; to
26 hear testimony and take proof material for its information

1 in the discharge of its duties hereunder; to administer or
2 cause to be administered oaths; for any such purpose to
3 issue subpoena or subpoenas to require the attendance of
4 witnesses and the production of books, which shall be
5 effective in any part of this State, and to adopt rules to
6 implement its powers under this paragraph (8).

7 Any circuit court may by order duly entered, require
8 the attendance of witnesses and the production of relevant
9 books subpoenaed by the State Commission and the court may
10 compel obedience to its order by proceedings for contempt.

11 (9) To investigate the administration of laws in
12 relation to alcoholic liquors in this and other states and
13 any foreign countries, and to recommend from time to time
14 to the Governor and through him or her to the legislature
15 of this State, such amendments to this Act, if any, as it
16 may think desirable and as will serve to further the
17 general broad purposes contained in Section 1-2 hereof.

18 (10) To adopt such rules and regulations consistent
19 with the provisions of this Act which shall be necessary
20 for the control, sale or disposition of alcoholic liquor
21 damaged as a result of an accident, wreck, flood, fire or
22 other similar occurrence.

23 (11) To develop industry educational programs related
24 to responsible serving and selling, particularly in the
25 areas of overserving consumers and illegal underage
26 purchasing and consumption of alcoholic beverages.

1 (11.1) To license persons providing education and
2 training to alcohol beverage sellers and servers for
3 mandatory and non-mandatory training under the Beverage
4 Alcohol Sellers and Servers Education and Training
5 (BASSET) programs and to develop and administer a public
6 awareness program in Illinois to reduce or eliminate the
7 illegal purchase and consumption of alcoholic beverage
8 products by persons under the age of 21. Application for a
9 license shall be made on forms provided by the State
10 Commission.

11 (12) To develop and maintain a repository of license
12 and regulatory information.

13 (13) (Blank).

14 (14) On or before April 30, 2008 and every 2 years
15 thereafter, the Commission shall present a written report
16 to the Governor and the General Assembly that shall be
17 based on a study of the impact of Public Act 95-634 on the
18 business of soliciting, selling, and shipping wine from
19 inside and outside of this State directly to residents of
20 this State. As part of its report, the Commission shall
21 provide all of the following information:

22 (A) The amount of State excise and sales tax
23 revenues generated.

24 (B) The amount of licensing fees received.

25 (C) The number of cases of wine shipped from inside
26 and outside of this State directly to residents of this

1 State.

2 (D) The number of alcohol compliance operations
3 conducted.

4 (E) The number of winery shipper's licenses
5 issued.

6 (F) The number of each of the following: reported
7 violations; cease and desist notices issued by the
8 Commission; notices of violations issued by the
9 Commission and to the Department of Revenue; and
10 notices and complaints of violations to law
11 enforcement officials, including, without limitation,
12 the Illinois Attorney General and the U.S. Department
13 of Treasury's Alcohol and Tobacco Tax and Trade Bureau.

14 (15) As a means to reduce the underage consumption of
15 alcoholic liquors, the Commission shall conduct alcohol
16 compliance operations to investigate whether businesses
17 that are soliciting, selling, and shipping wine from inside
18 or outside of this State directly to residents of this
19 State are licensed by this State or are selling or
20 attempting to sell wine to persons under 21 years of age in
21 violation of this Act.

22 (16) The Commission shall, in addition to notifying any
23 appropriate law enforcement agency, submit notices of
24 complaints or violations of Sections 6-29 and 6-29.1 by
25 persons who do not hold a winery shipper's license under
26 this Act to the Illinois Attorney General and to the U.S.

1 Department of Treasury's Alcohol and Tobacco Tax and Trade
2 Bureau.

3 (17) (A) A person licensed to make wine under the laws
4 of another state who has a winery shipper's license under
5 this Act and annually produces less than 25,000 gallons of
6 wine or a person who has a first-class or second-class wine
7 manufacturer's license, a first-class or second-class
8 wine-maker's license, or a limited wine manufacturer's
9 license under this Act and annually produces less than
10 25,000 gallons of wine may make application to the
11 Commission for a self-distribution exemption to allow the
12 sale of not more than 5,000 gallons of the exemption
13 holder's wine to retail licensees per year.

14 (B) In the application, which shall be sworn under
15 penalty of perjury, such person shall state (1) the date it
16 was established; (2) its volume of production and sales for
17 each year since its establishment; (3) its efforts to
18 establish distributor relationships; (4) that a
19 self-distribution exemption is necessary to facilitate the
20 marketing of its wine; and (5) that it will comply with the
21 liquor and revenue laws of the United States, this State,
22 and any other state where it is licensed.

23 (C) The Commission shall approve the application for a
24 self-distribution exemption if such person: (1) is in
25 compliance with State revenue and liquor laws; (2) is not a
26 member of any affiliated group that produces more than

1 25,000 gallons of wine per annum or produces any other
2 alcoholic liquor; (3) will not annually produce for sale
3 more than 25,000 gallons of wine; and (4) will not annually
4 sell more than 5,000 gallons of its wine to retail
5 licensees.

6 (D) A self-distribution exemption holder shall
7 annually certify to the Commission its production of wine
8 in the previous 12 months and its anticipated production
9 and sales for the next 12 months. The Commission may fine,
10 suspend, or revoke a self-distribution exemption after a
11 hearing if it finds that the exemption holder has made a
12 material misrepresentation in its application, violated a
13 revenue or liquor law of Illinois, exceeded production of
14 25,000 gallons of wine in any calendar year, or become part
15 of an affiliated group producing more than 25,000 gallons
16 of wine or any other alcoholic liquor.

17 (E) Except in hearings for violations of this Act or
18 Public Act 95-634 or a bona fide investigation by duly
19 sworn law enforcement officials, the Commission, or its
20 agents, the Commission shall maintain the production and
21 sales information of a self-distribution exemption holder
22 as confidential and shall not release such information to
23 any person.

24 (F) The Commission shall issue regulations governing
25 self-distribution exemptions consistent with this Section
26 and this Act.

1 (G) Nothing in this paragraph ~~subsection~~ (17) shall
2 prohibit a self-distribution exemption holder from
3 entering into or simultaneously having a distribution
4 agreement with a licensed Illinois distributor.

5 (H) It is the intent of this paragraph ~~subsection~~ (17)
6 to promote and continue orderly markets. The General
7 Assembly finds that in order to preserve Illinois'
8 regulatory distribution system it is necessary to create an
9 exception for smaller makers of wine as their wines are
10 frequently adjusted in varietals, mixes, vintages, and
11 taste to find and create market niches sometimes too small
12 for distributor or importing distributor business
13 strategies. Limited self-distribution rights will afford
14 and allow smaller makers of wine access to the marketplace
15 in order to develop a customer base without impairing the
16 integrity of the 3-tier system.

17 (18)(A) A class 1 brewer licensee, who must also be
18 either a licensed brewer or licensed non-resident dealer
19 and annually manufacture less than 930,000 gallons of beer,
20 may make application to the State Commission for a
21 self-distribution exemption to allow the sale of not more
22 than 232,500 gallons of the exemption holder's beer per
23 year to retail licensees and to brewers, class 1 brewers,
24 and class 2 brewers that, pursuant to subsection (e) of
25 Section 6-4 of this Act, sell beer, cider, or both beer and
26 cider to non-licensees at their breweries.

1 (B) In the application, which shall be sworn under
2 penalty of perjury, the class 1 brewer licensee shall state
3 (1) the date it was established; (2) its volume of beer
4 manufactured and sold for each year since its
5 establishment; (3) its efforts to establish distributor
6 relationships; (4) that a self-distribution exemption is
7 necessary to facilitate the marketing of its beer; and (5)
8 that it will comply with the alcoholic beverage and revenue
9 laws of the United States, this State, and any other state
10 where it is licensed.

11 (C) Any application submitted shall be posted on the
12 State Commission's website at least 45 days prior to action
13 by the State Commission. The State Commission shall approve
14 the application for a self-distribution exemption if the
15 class 1 brewer licensee: (1) is in compliance with the
16 State, revenue, and alcoholic beverage laws; (2) is not a
17 member of any affiliated group that manufactures more than
18 930,000 gallons of beer per annum or produces any other
19 alcoholic beverages; (3) shall not annually manufacture
20 for sale more than 930,000 gallons of beer; (4) shall not
21 annually sell more than 232,500 gallons of its beer to
22 retail licensees or to brewers, class 1 brewers, and class
23 2 brewers that, pursuant to subsection (e) of Section 6-4
24 of this Act, sell beer, cider, or both beer and cider to
25 non-licensees at their breweries; and (5) has relinquished
26 any brew pub license held by the licensee, including any

1 ownership interest it held in the licensed brew pub.

2 (D) A self-distribution exemption holder shall
3 annually certify to the State Commission its manufacture of
4 beer during the previous 12 months and its anticipated
5 manufacture and sales of beer for the next 12 months. The
6 State Commission may fine, suspend, or revoke a
7 self-distribution exemption after a hearing if it finds
8 that the exemption holder has made a material
9 misrepresentation in its application, violated a revenue
10 or alcoholic beverage law of Illinois, exceeded the
11 manufacture of 930,000 gallons of beer in any calendar year
12 or became part of an affiliated group manufacturing more
13 than 930,000 gallons of beer or any other alcoholic
14 beverage.

15 (E) The State Commission shall issue rules and
16 regulations governing self-distribution exemptions
17 consistent with this Act.

18 (F) Nothing in this paragraph (18) shall prohibit a
19 self-distribution exemption holder from entering into or
20 simultaneously having a distribution agreement with a
21 licensed Illinois importing distributor or a distributor.
22 If a self-distribution exemption holder enters into a
23 distribution agreement and has assigned distribution
24 rights to an importing distributor or distributor, then the
25 self-distribution exemption holder's distribution rights
26 in the assigned territories shall cease in a reasonable

1 time not to exceed 60 days.

2 (G) It is the intent of this paragraph (18) to promote
3 and continue orderly markets. The General Assembly finds
4 that in order to preserve Illinois' regulatory
5 distribution system, it is necessary to create an exception
6 for smaller manufacturers in order to afford and allow such
7 smaller manufacturers of beer access to the marketplace in
8 order to develop a customer base without impairing the
9 integrity of the 3-tier system.

10 (b) On or before April 30, 1999, the Commission shall
11 present a written report to the Governor and the General
12 Assembly that shall be based on a study of the impact of Public
13 Act 90-739 on the business of soliciting, selling, and shipping
14 alcoholic liquor from outside of this State directly to
15 residents of this State.

16 As part of its report, the Commission shall provide the
17 following information:

18 (i) the amount of State excise and sales tax revenues
19 generated as a result of Public Act 90-739;

20 (ii) the amount of licensing fees received as a result
21 of Public Act 90-739;

22 (iii) the number of reported violations, the number of
23 cease and desist notices issued by the Commission, the
24 number of notices of violations issued to the Department of
25 Revenue, and the number of notices and complaints of
26 violations to law enforcement officials.

1 (Source: P.A. 99-78, eff. 7-20-15; 99-448, eff. 8-24-15;
2 100-134, eff. 8-18-17; 100-201, eff. 8-18-17; 100-816, eff.
3 8-13-18; 100-1012, eff. 8-21-18; 100-1050, eff. 8-23-18;
4 revised 10-24-18.)

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

6 Sec. 10-1. Violations; penalties. Whereas a substantial
7 threat to the sound and careful control, regulation, and
8 taxation of the manufacture, sale, and distribution of
9 alcoholic liquors exists by virtue of individuals who
10 manufacture, import, distribute, or sell alcoholic liquors
11 within the State without having first obtained a valid license
12 to do so, and whereas such threat is especially serious along
13 the borders of this State, and whereas such threat requires
14 immediate correction by this Act, by active investigation and
15 prosecution by the Commission, law enforcement officials and
16 prosecutors, and by prompt and strict enforcement through the
17 courts of this State to punish violators and to deter such
18 conduct in the future:

19 (a) Any person who manufactures, imports for distribution
20 or use, transports from outside this State into this State, or
21 distributes or sells 108 liters (28.53 gallons) or more of
22 wine, 45 liters (11.88 gallons) or more of distilled spirits,
23 or 118 liters (31.17 gallons) or more of beer at any place
24 within the State without having first obtained a valid license
25 to do so under the provisions of this Act shall be guilty of a

1 Class 4 felony for each offense. However, any person who was
2 duly licensed under this Act and whose license expired within
3 30 days prior to a violation shall be guilty of a business
4 offense and fined not more than \$1,000 for the first such
5 offense and shall be guilty of a Class 4 felony for each
6 subsequent offense.

7 Any person who manufactures, imports for distribution,
8 transports from outside this State into this State for sale or
9 resale in this State, or distributes or sells less than 108
10 liters (28.53 gallons) of wine, less than 45 liters (11.88
11 gallons) of distilled spirits, or less than 118 liters (31.17
12 gallons) of beer at any place within the State without having
13 first obtained a valid license to do so under the provisions of
14 this Act shall be guilty of a business offense and fined not
15 more than \$1,000 for the first such offense and shall be guilty
16 of a Class 4 felony for each subsequent offense. This
17 subsection does not apply to a motor carrier or freight
18 forwarder, as defined in Section 13102 of Title 49 of the
19 United States Code, an air carrier, as defined in Section 40102
20 of Title 49 of the United States Code, or a rail carrier, as
21 defined in Section 10102 of Title 49 of the United States Code.

22 Any person who both has been issued an initial cease and
23 desist notice from the State Commission and for compensation
24 ships alcoholic liquor into this State without a license
25 authorized by Section 5-1 issued by the State Commission or in
26 violation of that license is guilty of a Class 4 felony for

1 each offense.

2 (b) (1) Any retailer, licensed in this State, who knowingly
3 causes to furnish, give, sell, or otherwise being within the
4 State, any alcoholic liquor destined to be used, distributed,
5 consumed or sold in another state, unless such alcoholic liquor
6 was received in this State by a duly licensed distributor, or
7 importing distributors shall have his license suspended for 7
8 days for the first offense and for the second offense, shall
9 have his license revoked by the Commission.

10 (2) In the event the Commission receives a certified copy
11 of a final order from a foreign jurisdiction that an Illinois
12 retail licensee has been found to have violated that foreign
13 jurisdiction's laws, rules, or regulations concerning the
14 importation of alcoholic liquor into that foreign
15 jurisdiction, the violation may be grounds for the Commission
16 to revoke, suspend, or refuse to issue or renew a license, to
17 impose a fine, or to take any additional action provided by
18 this Act with respect to the Illinois retail license or
19 licensee. Any such action on the part of the Commission shall
20 be in accordance with this Act and implementing rules.

21 For the purposes of paragraph (2): (i) "foreign
22 jurisdiction" means a state, territory, or possession of the
23 United States, the District of Columbia, or the Commonwealth of
24 Puerto Rico, and (ii) "final order" means an order or judgment
25 of a court or administrative body that determines the rights of
26 the parties respecting the subject matter of the proceeding,

1 that remains in full force and effect, and from which no appeal
2 can be taken.

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

13 (c-5) Any owner of an establishment that serves alcohol on
14 its premises, if more than 50% of the establishment's gross
15 receipts within the prior 3 months is from the sale of alcohol,
16 who knowingly fails to prohibit concealed firearms on its
17 premises or who knowingly makes a false statement or record to
18 avoid the prohibition of concealed firearms on its premises
19 under the Firearm Concealed Carry Act shall be guilty of a
20 business offense with a fine up to \$5,000.

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

25 (e) Any person, under the age of 21 years who, for the
26 purpose of buying, accepting or receiving alcoholic liquor from

1 a licensee, represents that he is 21 years of age or over shall
2 be guilty of a Class A misdemeanor.

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

8 (g) A person shall be exempt from prosecution for a
9 violation of this Act if he is a peace officer in the
10 enforcement of the criminal laws and such activity is approved
11 in writing by one of the following:

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

13 (2) The Director of State Police under Section 2605-10,
14 2605-15, 2605-75, 2605-100, 2605-105, 2605-110, 2605-115,
15 2605-120, 2605-130, 2605-140, 2605-190, 2605-200,
16 2605-205, 2605-210, 2605-215, 2605-250, 2605-275,
17 2605-300, 2605-305, 2605-315, 2605-325, 2605-335,
18 2605-340, 2605-350, 2605-355, 2605-360, 2605-365,
19 2605-375, 2605-390, 2605-400, 2605-405, 2605-420,
20 2605-430, 2605-435, 2605-500, 2605-525, or 2605-550 of the
21 Department of State Police Law (20 ILCS 2605/2605-10,
22 2605/2605-15, 2605/2605-75, 2605/2605-100, 2605/2605-105,
23 2605/2605-110, 2605/2605-115, 2605/2605-120,
24 2605/2605-130, 2605/2605-140, 2605/2605-190,
25 2605/2605-200, 2605/2605-205, 2605/2605-210,
26 2605/2605-215, 2605/2605-250, 2605/2605-275,

1 2605/2605-300, 2605/2605-305, 2605/2605-315,
2 2605/2605-325, 2605/2605-335, 2605/2605-340,
3 2605/2605-350, 2605/2605-355, 2605/2605-360,
4 2605/2605-365, 2605/2605-375, 2605/2605-390,
5 2605/2605-400, 2605/2605-405, 2605/2605-420,
6 2605/2605-430, 2605/2605-435, 2605/2605-500,
7 2605/2605-525, or 2605/2605-550); or

8 (3) In cities over 1,000,000, the Superintendent of
9 Police.

10 (Source: P.A. 98-63, eff. 7-9-13; 99-904, eff. 1-1-17.)