



93RD GENERAL ASSEMBLY

State of Illinois

2003 and 2004

Introduced 02/09/04, by Raymond Poe

SYNOPSIS AS INTRODUCED:

235 ILCS 5/6-16.1

Amends the Liquor Control Act of 1934. Provides that a licensee who is the subject of an enforcement action and is found to be in compliance with the Act shall be notified that he or she was found to be in compliance within 30 days of the enforcement action.

LRB093 19621 LRD 45362 b

1 AN ACT in relation to alcohol.

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 6-16.1 as follows:

6 (235 ILCS 5/6-16.1)

7 Sec. 6-16.1. Enforcement actions.

8 (a) A licensee or an officer, associate, member,
9 representative, agent, or employee of a licensee may sell,
10 give, or deliver alcoholic liquor to a person under the age of
11 21 years or authorize the sale, gift, or delivery of alcoholic
12 liquor to a person under the age of 21 years pursuant to a plan
13 or action to investigate, patrol, or otherwise conduct a "sting
14 operation" or enforcement action against a person employed by
15 the licensee or on any licensed premises if the licensee or
16 officer, associate, member, representative, agent, or employee
17 of the licensee provides written notice, at least 14 days
18 before the "sting operation" or enforcement action, unless
19 governing body of the municipality or county having
20 jurisdiction sets a shorter period by ordinance, to the law
21 enforcement agency having jurisdiction, the local liquor
22 control commissioner, or both. Notice provided under this
23 Section shall be valid for a "sting operation" or enforcement
24 action conducted within 60 days of the provision of that
25 notice, unless the governing body of the municipality or county
26 having jurisdiction sets a shorter period by ordinance.

27 (b) A local liquor control commission or unit of local
28 government that conducts alcohol and tobacco compliance
29 operations shall establish a policy and standards for alcohol
30 and tobacco compliance operations to investigate whether a
31 licensee is furnishing (1) alcoholic liquor to persons under 21
32 years of age in violation of this Act or (2) tobacco to persons

1 in violation of the Sale of Tobacco to Minors Act.

2 (c) The Illinois Law Enforcement Training Standards Board
3 shall develop a model policy and guidelines for the operation
4 of alcohol and tobacco compliance checks by local law
5 enforcement officers. The Illinois Law Enforcement Training
6 Standards Board shall also require the supervising officers of
7 such compliance checks to have met a minimum training standard
8 as determined by the Board. The Board shall have the right to
9 waive any training based on current written policies and
10 procedures for alcohol and tobacco compliance check operations
11 and in-service training already administered by the local law
12 enforcement agency, department, or office.

13 (d) The provisions of subsections (b) and (c) do not apply
14 to a home rule unit with more than 2,000,000 inhabitants.

15 (e) A home rule unit, other than a home rule unit with more
16 than 2,000,000 inhabitants, may not regulate enforcement
17 actions in a manner inconsistent with the regulation of
18 enforcement actions under this Section. This subsection (e) is
19 a limitation under subsection (i) of Section 6 of Article VII
20 of the Illinois Constitution on the concurrent exercise by home
21 rule units of powers and functions exercised by the State.

22 (f) A licensee who is the subject of an enforcement action
23 or "sting operation" under this Section and is found, pursuant
24 to the enforcement action, to be in compliance with this Act
25 shall be notified within 30 days of the enforcement action that
26 no violation was found.

27 (Source: P.A. 92-503, eff. 1-1-02.)