



Sen. Kirk W. Dillard

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LRB094 10872 LJB 56918 a

1 AMENDMENT TO SENATE BILL 1835

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1835 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Liquor Control Act of 1934 is amended by  
5 changing Section 6-16 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 sell,  
10 give, or deliver alcoholic liquor to any person under the age  
11 of 21 years or to any intoxicated person, except as provided in  
12 Section 6-16.1. (ii) No express company, common carrier, or  
13 contract carrier nor any representative, agent, or employee on  
14 behalf of an express company, common carrier, or contract  
15 carrier that carries or transports alcoholic liquor for  
16 delivery within this State shall knowingly give or knowingly  
17 deliver to a residential address any shipping container clearly  
18 labeled as containing alcoholic liquor and labeled as requiring  
19 signature of an adult of at least 21 years of age to any person  
20 in this State under the age of 21 years. An express company,  
21 common carrier, or contract carrier that carries or transports  
22 such alcoholic liquor for delivery within this State shall  
23 obtain a signature at the time of delivery acknowledging  
24 receipt of the alcoholic liquor by an adult who is at least 21

1 years of age. At no time while delivering alcoholic beverages  
2 within this State may any representative, agent, or employee of  
3 an express company, common carrier, or contract carrier that  
4 carries or transports alcoholic liquor for delivery within this  
5 State deliver the alcoholic liquor to a residential address  
6 without the acknowledgment of the consignee and without first  
7 obtaining a signature at the time of the delivery by an adult  
8 who is at least 21 years of age. A signature of a person on file  
9 with the express company, common carrier, or contract carrier  
10 does not constitute acknowledgement of the consignee. Any  
11 express company, common carrier, or contract carrier that  
12 transports alcoholic liquor for delivery within this State that  
13 violates this item (ii) of this subsection (a) by delivering  
14 alcoholic liquor without the acknowledgement of the consignee  
15 and without first obtaining a signature at the time of the  
16 delivery by an adult who is at least 21 years of age is guilty  
17 of a business offense for which the express company, common  
18 carrier, or contract carrier that transports alcoholic liquor  
19 within this State shall be fined not more than \$1,001 for a  
20 first offense, not more than \$5,000 for a second offense, and  
21 not more than \$10,000 for a third or subsequent offense. An  
22 express company, common carrier, or contract carrier shall be  
23 held vicariously liable for the actions of its representatives,  
24 agents, or employees. For purposes of this Act, in addition to  
25 other methods authorized by law, an express company, common  
26 carrier, or contract carrier shall be considered served with  
27 process when a representative, agent, or employee alleged to  
28 have violated this Act is personally served. Each shipment of  
29 alcoholic liquor delivered in violation of this item (ii) of  
30 this subsection (a) constitutes a separate offense. (iii) No  
31 person, after purchasing or otherwise obtaining alcoholic  
32 liquor, shall sell, give, or deliver such alcoholic liquor to  
33 another person under the age of 21 years, except (1) in the  
34 performance of a religious ceremony or service or (2) in the

1 course of instruction by a person who is an authorized  
2 instructor of the culinary arts of an accredited college or  
3 university, as defined by the State Commission, and is 21 years  
4 of age or older. Except as otherwise provided in item (ii), any  
5 express company, common carrier, or contract carrier that  
6 transports alcoholic liquor within this State that violates the  
7 provisions of item (i), (ii), or (iii) of this paragraph of  
8 this subsection (a) is guilty of a Class A misdemeanor and the  
9 sentence shall include, but shall not be limited to, a fine of  
10 not less than \$500. Any person who violates the provisions of  
11 item (iii) of this paragraph of this subsection (a) is guilty  
12 of a Class A misdemeanor and the sentence shall include, but  
13 shall not be limited to a fine of not less than \$500 for a first  
14 offense and not less than \$2,000 for a second or subsequent  
15 offense. Any person who knowingly violates the provisions of  
16 item (iii) of this paragraph of this subsection (a) is guilty  
17 of a Class 4 felony if a death occurs as the result of the  
18 violation.

19 If a licensee or officer, associate, member,  
20 representative, agent, or employee of the licensee, or a  
21 representative, agent, or employee of an express company,  
22 common carrier, or contract carrier that carries or transports  
23 alcoholic liquor for delivery within this State, is prosecuted  
24 under this paragraph of this subsection (a) for selling,  
25 giving, or delivering alcoholic liquor to a person under the  
26 age of 21 years, the person under 21 years of age who attempted  
27 to buy or receive the alcoholic liquor may be prosecuted  
28 pursuant to Section 6-20 of this Act, unless the person under  
29 21 years of age was acting under the authority of a law  
30 enforcement agency, the Illinois Liquor Control Commission, or  
31 a local liquor control commissioner pursuant to a plan or  
32 action to investigate, patrol, or conduct any similar  
33 enforcement action.

34 For the purpose of preventing the violation of this

1 Section, any licensee, or his agent or employee, or a  
2 representative, agent, or employee of an express company,  
3 common carrier, or contract carrier that carries or transports  
4 alcoholic liquor for delivery within this State, shall refuse  
5 to sell, deliver, or serve alcoholic beverages to any person  
6 who is unable to produce adequate written evidence of identity  
7 and of the fact that he or she is over the age of 21 years, if  
8 requested by the licensee, agent, employee, or representative.

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

1 provided by the Secretary of State.

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

17       Any person who sells, gives, or furnishes to any person  
18 under the age of 21 years any false or fraudulent written,  
19 printed, or photostatic evidence of the age and identity of  
20 such person or who sells, gives or furnishes to any person  
21 under the age of 21 years evidence of age and identification of  
22 any other person is guilty of a Class A misdemeanor and the  
23 person's sentence shall include, but shall not be limited to, a  
24 fine of not less than \$500.

25       Any person under the age of 21 years who presents or offers  
26 to any licensee, his agent or employee, any written, printed or  
27 photostatic evidence of age and identity that is false,  
28 fraudulent, or not actually his or her own for the purpose of  
29 ordering, purchasing, attempting to purchase or otherwise  
30 procuring or attempting to procure, the serving of any  
31 alcoholic beverage, who falsely states in writing that he or  
32 she is at least 21 years of age when receiving alcoholic liquor  
33 from a representative, agent, or employee of an express  
34 company, common carrier, or contract carrier, or who has in his

1 or her possession any false or fraudulent written, printed, or  
2 photostatic evidence of age and identity, is guilty of a Class  
3 A misdemeanor and the person's sentence shall include, but  
4 shall not be limited to, the following: a fine of not less than  
5 \$500 and at least 25 hours of community service. If possible,  
6 any community service shall be performed for an alcohol abuse  
7 prevention program.

8 Any person under the age of 21 years who has any alcoholic  
9 beverage in his or her possession on any street or highway or  
10 in any public place or in any place open to the public is  
11 guilty of a Class A misdemeanor. This Section does not apply to  
12 possession by a person under the age of 21 years making a  
13 delivery of an alcoholic beverage in pursuance of the order of  
14 his or her parent or in pursuance of his or her employment.

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

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

33 (c) Any person shall be guilty of a Class A misdemeanor  
34 where he or she knowingly permits a gathering at a residence

1 which he or she occupies of two or more persons where any one  
2 or more of the persons is under 21 years of age and the  
3 following factors also apply:

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

7 (2) the possession or consumption of the alcohol by the  
8 person under 21 is not otherwise permitted by this Act; and

9 (3) the person occupying the residence knows that the  
10 person under the age of 21 leaves the residence in an  
11 intoxicated condition.

12 For the purposes of this subsection (c) where the residence  
13 has an owner and a tenant or lessee, there is a rebuttable  
14 presumption that the residence is occupied only by the tenant  
15 or lessee.

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

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

31 (f) The clerk of the court shall forward to the Secretary  
32 of State any conviction entered under this Section within 5  
33 days after the conviction in a form or manner as prescribed by  
34 the Secretary of State.

1 (Source: P.A. 92-380, eff. 1-1-02; 92-503, eff. 1-1-02; 92-507,  
2 eff. 1-1-02; 92-651, eff. 7-11-02; 92-687, eff. 1-1-03.)

3 Section 99. Effective date. This Act takes effect January  
4 1, 2007."