



Sen. Terry Link

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09300SB3053sam001

LRB093 20915 LRD 47963 a

1 AMENDMENT TO SENATE BILL 3053

2 AMENDMENT NO. _____. Amend Senate Bill 3053 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 6-2 as follows:

6 (235 ILCS 5/6-2) (from Ch. 43, par. 120)

7 Sec. 6-2. Issuance of licenses to certain persons
8 prohibited.

9 (a) Except as otherwise provided in subsection (b), no
10 license of any kind issued by the State Commission or any local
11 commission shall be issued to:

12 (1) A person who is not a resident of any city, village
13 or county in which the premises covered by the license are
14 located; except in case of railroad or boat licenses.

15 (2) A person who is not of good character and
16 reputation in the community in which he resides.

17 (3) A person who is not a citizen of the United States.

18 (4) A person who has been convicted of a felony under
19 any Federal or State law, unless the Commission determines
20 that such person has been sufficiently rehabilitated to
21 warrant the public trust after considering matters set
22 forth in such person's application and the Commission's
23 investigation. The burden of proof of sufficient
24 rehabilitation shall be on the applicant.

1 (5) A person who has been convicted of being the keeper
2 or is keeping a house of ill fame.

3 (6) A person who has been convicted of pandering or
4 other crime or misdemeanor opposed to decency and morality.

5 (7) A person whose license issued under this Act has
6 been revoked for cause.

7 (8) A person who at the time of application for renewal
8 of any license issued hereunder would not be eligible for
9 such license upon a first application.

10 (9) A copartnership, if any general partnership
11 thereof, or any limited partnership thereof, owning more
12 than 5% of the aggregate limited partner interest in such
13 copartnership would not be eligible to receive a license
14 hereunder for any reason other than residence within the
15 political subdivision, unless residency is required by
16 local ordinance.

17 (10) A corporation, if any officer, manager or director
18 thereof, or any stockholder or stockholders owning in the
19 aggregate more than 5% of the stock of such corporation,
20 would not be eligible to receive a license hereunder for
21 any reason other than citizenship and residence within the
22 political subdivision.

23 (10a) A corporation unless it is incorporated in
24 Illinois, or unless it is a foreign corporation which is
25 qualified under the Business Corporation Act of 1983 to
26 transact business in Illinois.

27 (11) A person whose place of business is conducted by a
28 manager or agent unless the manager or agent possesses the
29 same qualifications required by the licensee.

30 (12) A person who has been convicted of a violation of
31 any Federal or State law concerning the manufacture,
32 possession or sale of alcoholic liquor, subsequent to the
33 passage of this Act or has forfeited his bond to appear in
34 court to answer charges for any such violation.

1 (13) A person who does not beneficially own the
2 premises for which a license is sought, or does not have a
3 lease thereon for the full period for which the license is
4 to be issued.

5 (14) Any law enforcing public official, including
6 members of local liquor control commissions, any mayor,
7 alderman, or member of the city council or commission, any
8 president of the village board of trustees, any member of a
9 village board of trustees, or any president or member of a
10 county board; and no such official shall have a direct
11 interest ~~be interested directly~~ in the retail manufacture,
12 ~~sale, or distribution~~ of alcoholic liquor, except that a
13 license may be granted to such official in relation to
14 premises that are not located within the territory subject
15 to the jurisdiction of that official if the issuance of
16 such license is approved by the State Liquor Control
17 Commission and except that a license may be granted, in a
18 city or village with a population of 50,000 or less, to any
19 alderman, member of a city council, or member of a village
20 board of trustees in relation to premises that are located
21 within the territory subject to the jurisdiction of that
22 official if (i) the sale of alcoholic liquor pursuant to
23 the license is incidental to the selling of food, (ii) the
24 issuance of the license is approved by the State
25 Commission, (iii) the issuance of the license is in
26 accordance with all applicable local ordinances in effect
27 where the premises are located, and (iv) the official
28 granted a license does not vote on alcoholic liquor issues
29 pending before the board or council to which the license
30 holder is elected. Notwithstanding any provision of this
31 paragraph (14) to the contrary, an alderman or member of a
32 city council or commission, a member of a village board of
33 trustees, other than the president of the village board of
34 trustees, or a member of a county board, other than the

1 president of a county board, may have a direct interest in
2 the manufacture or distribution of alcoholic liquor,
3 provided that he or she is not a law enforcing public
4 official or a mayor.

5 (15) A person who is not a beneficial owner of the
6 business to be operated by the licensee.

7 (16) A person who has been convicted of a gambling
8 offense as proscribed by any of subsections (a) (3) through
9 (a) (11) of Section 28-1 of, or as proscribed by Section
10 28-1.1 or 28-3 of, the Criminal Code of 1961, or as
11 proscribed by a statute replaced by any of the aforesaid
12 statutory provisions.

13 (17) A person or entity to whom a federal wagering
14 stamp has been issued by the federal government, unless the
15 person or entity is eligible to be issued a license under
16 the Raffles Act or the Illinois Pull Tabs and Jar Games
17 Act.

18 (18) A person who intends to sell alcoholic liquors for
19 use or consumption on his or her licensed retail premises
20 who does not have liquor liability insurance coverage for
21 that premises in an amount that is at least equal to the
22 maximum liability amounts set out in subsection (a) of
23 Section 6-21.

24 (b) A criminal conviction of a corporation is not grounds
25 for the denial, suspension, or revocation of a license applied
26 for or held by the corporation if the criminal conviction was
27 not the result of a violation of any federal or State law
28 concerning the manufacture, possession or sale of alcoholic
29 liquor, the offense that led to the conviction did not result
30 in any financial gain to the corporation and the corporation
31 has terminated its relationship with each director, officer,
32 employee, or controlling shareholder whose actions directly
33 contributed to the conviction of the corporation. The
34 Commission shall determine if all provisions of this subsection

1 (b) have been met before any action on the corporation's
2 license is initiated.

3 (Source: P.A. 92-378, eff. 8-16-01; 93-266, eff. 1-1-04.)

4 Section 99. Effective date. This Act takes effect upon
5 becoming law. "