

# HB0408



**94TH GENERAL ASSEMBLY**  
**State of Illinois**  
**2005 and 2006**  
**HB0408**

Introduced 01/26/05, by Rep. Mr. Frank J. Mautino

**SYNOPSIS AS INTRODUCED:**

235 ILCS 5/6-16.1

Amends the Liquor Control Act of 1934. Makes a technical change in a Section concerning enforcement actions.

LRB094 05743 LJB 35795 b

A BILL FOR

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 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 ~~the~~ age  
11 of 21 years or authorize the sale, gift, or delivery of  
12 alcoholic liquor to a person under the age of 21 years pursuant  
13 to a plan or action to investigate, patrol, or otherwise  
14 conduct a "sting operation" or enforcement action against a  
15 person employed by the licensee or on any licensed premises if  
16 the licensee or officer, associate, member, representative,  
17 agent, or employee of the licensee provides written notice, at  
18 least 14 days before the "sting operation" or enforcement  
19 action, unless governing body of the municipality or county  
20 having jurisdiction sets a shorter period by ordinance, to the  
21 law 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 by the enforcement agency action that no  
26 violation was found within 30 days after the finding.

27 (Source: P.A. 92-503, eff. 1-1-02; 93-1057, eff. 12-2-04.)