



Sen. Susan Garrett

Filed: 5/16/2012

09700HB1554sam004

LRB097 06478 AMC 69630 a

1 AMENDMENT TO HOUSE BILL 1554

2 AMENDMENT NO. _____. Amend House Bill 1554, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Liquor Control Act of 1934 is amended by
6 changing Section 6-16 as follows:

7 (235 ILCS 5/6-16) (from Ch. 43, par. 131)

8 Sec. 6-16. Prohibited sales and possession.

9 (a) (i) No licensee nor any officer, associate, member,
10 representative, agent, or employee of such licensee shall sell,
11 give, or deliver alcoholic liquor to any person under the age
12 of 21 years or to any intoxicated person, except as provided in
13 Section 6-16.1. (ii) No express company, common carrier, or
14 contract carrier nor any representative, agent, or employee on
15 behalf of an express company, common carrier, or contract
16 carrier that carries or transports alcoholic liquor for

1 delivery within this State shall knowingly give or knowingly
2 deliver to a residential address any shipping container clearly
3 labeled as containing alcoholic liquor and labeled as requiring
4 signature of an adult of at least 21 years of age to any person
5 in this State under the age of 21 years. An express company,
6 common carrier, or contract carrier that carries or transports
7 such alcoholic liquor for delivery within this State shall
8 obtain a signature at the time of delivery acknowledging
9 receipt of the alcoholic liquor by an adult who is at least 21
10 years of age. At no time while delivering alcoholic beverages
11 within this State may any representative, agent, or employee of
12 an express company, common carrier, or contract carrier that
13 carries or transports alcoholic liquor for delivery within this
14 State deliver the alcoholic liquor to a residential address
15 without the acknowledgment of the consignee and without first
16 obtaining a signature at the time of the delivery by an adult
17 who is at least 21 years of age. A signature of a person on file
18 with the express company, common carrier, or contract carrier
19 does not constitute acknowledgement of the consignee. Any
20 express company, common carrier, or contract carrier that
21 transports alcoholic liquor for delivery within this State that
22 violates this item (ii) of this subsection (a) by delivering
23 alcoholic liquor without the acknowledgement of the consignee
24 and without first obtaining a signature at the time of the
25 delivery by an adult who is at least 21 years of age is guilty
26 of a business offense for which the express company, common

1 carrier, or contract carrier that transports alcoholic liquor
2 within this State shall be fined not more than \$1,001 for a
3 first offense, not more than \$5,000 for a second offense, and
4 not more than \$10,000 for a third or subsequent offense. An
5 express company, common carrier, or contract carrier shall be
6 held vicariously liable for the actions of its representatives,
7 agents, or employees. For purposes of this Act, in addition to
8 other methods authorized by law, an express company, common
9 carrier, or contract carrier shall be considered served with
10 process when a representative, agent, or employee alleged to
11 have violated this Act is personally served. Each shipment of
12 alcoholic liquor delivered in violation of this item (ii) of
13 this subsection (a) constitutes a separate offense. (iii) No
14 person, after purchasing or otherwise obtaining alcoholic
15 liquor, shall sell, give, or deliver such alcoholic liquor to
16 another person under the age of 21 years, except in the
17 performance of a religious ceremony or service. Except as
18 otherwise provided in item (ii), any express company, common
19 carrier, or contract carrier that transports alcoholic liquor
20 within this State that violates the provisions of item (i),
21 (ii), or (iii) of this paragraph of this subsection (a) is
22 guilty of a Class A misdemeanor and the sentence shall include,
23 but shall not be limited to, a fine of not less than \$500. Any
24 person who violates the provisions of item (iii) of this
25 paragraph of this subsection (a) is guilty of a Class A
26 misdemeanor and the sentence shall include, but shall not be

1 limited to a fine of not less than \$500 for a first offense and
2 not less than \$2,000 for a second or subsequent offense. Any
3 person who knowingly violates the provisions of item (iii) of
4 this paragraph of this subsection (a) is guilty of a Class 4
5 felony if a death occurs as the result of the violation.

6 If a licensee or officer, associate, member,
7 representative, agent, or employee of the licensee, or a
8 representative, agent, or employee of an express company,
9 common carrier, or contract carrier that carries or transports
10 alcoholic liquor for delivery within this State, is prosecuted
11 under this paragraph of this subsection (a) for selling,
12 giving, or delivering alcoholic liquor to a person under the
13 age of 21 years, the person under 21 years of age who attempted
14 to buy or receive the alcoholic liquor may be prosecuted
15 pursuant to Section 6-20 of this Act, unless the person under
16 21 years of age was acting under the authority of a law
17 enforcement agency, the Illinois Liquor Control Commission, or
18 a local liquor control commissioner pursuant to a plan or
19 action to investigate, patrol, or conduct any similar
20 enforcement action.

21 For the purpose of preventing the violation of this
22 Section, any licensee, or his agent or employee, or a
23 representative, agent, or employee of an express company,
24 common carrier, or contract carrier that carries or transports
25 alcoholic liquor for delivery within this State, shall refuse
26 to sell, deliver, or serve alcoholic beverages to any person

1 who is unable to produce adequate written evidence of identity
2 and of the fact that he or she is over the age of 21 years, if
3 requested by the licensee, agent, employee, or representative.

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

1 the incident shall, upon the conviction of the person who
2 presented the fraudulent license or identification, make a
3 report of the matter to the Secretary of State on a form
4 provided by the Secretary of State.

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

20 Any person who sells, gives, or furnishes to any person
21 under the age of 21 years any false or fraudulent written,
22 printed, or photostatic evidence of the age and identity of
23 such person or who sells, gives or furnishes to any person
24 under the age of 21 years evidence of age and identification of
25 any other person is guilty of a Class A misdemeanor and the
26 person's sentence shall include, but shall not be limited to, a

1 fine of not less than \$500.

2 Any person under the age of 21 years who presents or offers
3 to any licensee, his agent or employee, any written, printed or
4 photostatic evidence of age and identity that is false,
5 fraudulent, or not actually his or her own for the purpose of
6 ordering, purchasing, attempting to purchase or otherwise
7 procuring or attempting to procure, the serving of any
8 alcoholic beverage, who falsely states in writing that he or
9 she is at least 21 years of age when receiving alcoholic liquor
10 from a representative, agent, or employee of an express
11 company, common carrier, or contract carrier, or who has in his
12 or her possession any false or fraudulent written, printed, or
13 photostatic evidence of age and identity, is guilty of a Class
14 A misdemeanor and the person's sentence shall include, but
15 shall not be limited to, the following: a fine of not less than
16 \$500 and at least 25 hours of community service. If possible,
17 any community service shall be performed for an alcohol abuse
18 prevention program.

19 Any person under the age of 21 years who has any alcoholic
20 beverage in his or her possession on any street or highway or
21 in any public place or in any place open to the public is
22 guilty of a Class A misdemeanor. This Section does not apply to
23 possession by a person under the age of 21 years making a
24 delivery of an alcoholic beverage in pursuance of the order of
25 his or her parent or in pursuance of his or her employment.

26 (a-1) It is unlawful for any parent or guardian to

1 knowingly permit his or her residence, or any other private
2 property under his or her control, to be used by an invitee of
3 the parent's child or the guardian's ward, if the invitee is
4 under the age of 21, in a manner that constitutes a violation
5 of this Section. A parent or guardian is deemed to have
6 knowingly permitted his or her residence, or any other private
7 property under his or her control, to be used in violation of
8 this Section if he or she knowingly authorizes, ~~enables,~~ or
9 permits consumption of alcoholic liquor by underage invitees.
10 Any person who violates this subsection (a-1) is guilty of a
11 Class A misdemeanor and the person's sentence shall include,
12 but shall not be limited to, a fine of not less than \$500.
13 Where a violation of this subsection (a-1) directly or
14 indirectly results in great bodily harm or death to any person,
15 the person violating this subsection shall be guilty of a Class
16 4 felony. Nothing in this subsection (a-1) shall be construed
17 to prohibit the giving of alcoholic liquor to a person under
18 the age of 21 years in the performance of a religious ceremony
19 or service in observation of a religious holiday.

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

23 (c) Any person shall be guilty of a Class A misdemeanor
24 where he or she knowingly authorizes or permits ~~a gathering at~~
25 a residence which he or she occupies to be used by an invitee
26 ~~of two or more persons where any one or more of the persons is~~

1 under 21 years of age and ~~the following factors also apply:~~

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

5 (2) the possession or consumption of the alcohol by the
6 person under 21 is not otherwise permitted by this Act. ~~†~~
7 ~~and~~

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

11 For the purposes of this subsection (c) where the residence
12 has an owner and a tenant or lessee, there is a rebuttable
13 presumption that the residence is occupied only by the tenant
14 or lessee. The sentence of any person who violates this
15 subsection (c) shall include, but shall not be limited to, a
16 fine of not less than \$500. Where a violation of this
17 subsection (c) directly or indirectly results in great bodily
18 harm or death to any person, the person violating this
19 subsection (c) shall be guilty of a Class 4 felony. Nothing in
20 this subsection (c) shall be construed to prohibit the giving
21 of alcoholic liquor to a person under the age of 21 years in
22 the performance of a religious ceremony or service in
23 observation of a religious holiday.

24 A person shall not be in violation of this subsection (c)
25 if (A) he or she requests assistance from the police department
26 or other law enforcement agency to either (i) remove any person

1 who refuses to abide by the person's performance of the duties
2 imposed by this subsection (c) or (ii) terminate the activity
3 because the person has been unable to prevent a person under
4 the age of 21 years from consuming alcohol despite having taken
5 all reasonable steps to do so and (B) this assistance is
6 requested before any other person makes a formal complaint to
7 the police department or other law enforcement agency about the
8 activity.

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

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

24 (Source: P.A. 95-563, eff. 8-31-07.)".