



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004
HB4170

Introduced 1/22/2004, by Ralph C. Capparelli

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.

LRB093 18388 LRD 44096 b

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

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

1 years of age in violation of this Act or (2) tobacco to persons
2 in violation of the Sale of Tobacco to Minors Act.

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

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

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

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