

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 6-2 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) of this
10 Section and in paragraph (1) of subsection (a) of Section 3-12,
11 no license of any kind issued by the State Commission or any
12 local commission shall be issued to:

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

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

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

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

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

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

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31 been revoked for cause.

32 (8) A person who at the time of application for renewal

1 of any license issued hereunder would not be eligible for
2 such license upon a first application.

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

10 (10) A corporation or limited liability company, if any
11 member, officer, manager or director thereof, or any
12 stockholder or stockholders owning in the aggregate more
13 than 5% of the stock of such corporation, would not be
14 eligible to receive a license hereunder for any reason
15 other than citizenship and residence within the political
16 subdivision.

17 (10a) A corporation or limited liability company
18 unless it is incorporated or organized in Illinois, or
19 unless it is a foreign corporation or foreign limited
20 liability company which is qualified under the Business
21 Corporation Act of 1983 or the Limited Liability Company
22 Act to transact business in Illinois. The Commission shall
23 permit and accept from an applicant for a license under
24 this Act proof prepared from the Secretary of State's
25 website that the corporation or limited liability company
26 is in good standing and is qualified under the Business
27 Corporation Act of 1983 or the Limited Liability Company
28 Act to transact business in Illinois.

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

32 (12) A person who has been convicted of a violation of
33 any Federal or State law concerning the manufacture,
34 possession or sale of alcoholic liquor, subsequent to the
35 passage of this Act or has forfeited his bond to appear in
36 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 be interested
11 directly in the manufacture, sale, or distribution of
12 alcoholic liquor, except that a license may be granted to
13 such official in relation to premises that are not located
14 within the territory subject to the jurisdiction of that
15 official if the issuance of such license is approved by the
16 State Liquor Control Commission and except that a license
17 may be granted, in a city or village with a population of
18 50,000 or less, to any alderman, member of a city council,
19 or member of a village board of trustees in relation to
20 premises that are located within the territory subject to
21 the jurisdiction of that official if (i) the sale of
22 alcoholic liquor pursuant to the license is incidental to
23 the selling of food, (ii) the issuance of the license is
24 approved by the State Commission, (iii) the issuance of the
25 license is in accordance with all applicable local
26 ordinances in effect where the premises are located, and
27 (iv) the official granted a license does not vote on
28 alcoholic liquor issues pending before the board or council
29 to which the license holder is elected.

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

32 (16) A person who has been convicted of a gambling
33 offense as proscribed by any of subsections (a) (3) through
34 (a) (11) of Section 28-1 of, or as proscribed by Section
35 28-1.1 or 28-3 of, the Criminal Code of 1961, or as
36 proscribed by a statute replaced by any of the aforesaid

1 statutory provisions.

2 (17) A person or entity to whom a federal wagering
3 stamp has been issued by the federal government, unless the
4 person or entity is eligible to be issued a license under
5 the Raffles Act or the Illinois Pull Tabs and Jar Games
6 Act.

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

13 (b) A criminal conviction of a corporation is not grounds
14 for the denial, suspension, or revocation of a license applied
15 for or held by the corporation if the criminal conviction was
16 not the result of a violation of any federal or State law
17 concerning the manufacture, possession or sale of alcoholic
18 liquor, the offense that led to the conviction did not result
19 in any financial gain to the corporation and the corporation
20 has terminated its relationship with each director, officer,
21 employee, or controlling shareholder whose actions directly
22 contributed to the conviction of the corporation. The
23 Commission shall determine if all provisions of this subsection
24 (b) have been met before any action on the corporation's
25 license is initiated.

26 (Source: P.A. 92-378, eff. 8-16-01; 93-266, eff. 1-1-04;
27 93-1057, eff. 12-2-04.)

28 Section 99. Effective date. This Act takes effect upon
29 becoming law.