



Sen. James A. DeLeo

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LRB094 09354 LJB 44773 a

1 AMENDMENT TO SENATE BILL 406

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 406 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) 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

1 rehabilitation shall be on the applicant.

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

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

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7 been revoked for cause.

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

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

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

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

1       Corporation Act of 1983 or the Limited Liability Company  
2       Act to transact business in Illinois.

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

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

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

15          (14) Any law enforcing public official, including  
16      members of local liquor control commissions, any mayor,  
17      alderman, or member of the city council or commission, any  
18      president of the village board of trustees, any member of a  
19      village board of trustees, or any president or member of a  
20      county board; and no such official shall be interested  
21      directly in the manufacture, sale, or distribution of  
22      alcoholic liquor, except that a license may be granted to  
23      such official in relation to premises that are not located  
24      within the territory subject to the jurisdiction of that  
25      official if the issuance of such license is approved by the  
26      State Liquor Control Commission and except that a license  
27      may be granted, in a city or village with a population of  
28      50,000 or less, to any alderman, member of a city council,  
29      or member of a village board of trustees in relation to  
30      premises that are located within the territory subject to  
31      the jurisdiction of that official if (i) the sale of  
32      alcoholic liquor pursuant to the license is incidental to  
33      the selling of food, (ii) the issuance of the license is  
34      approved by the State Commission, (iii) the issuance of the

1 license is in accordance with all applicable local  
2 ordinances in effect where the premises are located, and  
3 (iv) the official granted a license does not vote on  
4 alcoholic liquor issues pending before the board or council  
5 to which the license holder is elected.

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

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

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

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

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

1 Commission shall determine if all provisions of this subsection  
2 (b) have been met before any action on the corporation's  
3 license is initiated.

4 (Source: P.A. 92-378, eff. 8-16-01; 93-266, eff. 1-1-04;  
5 93-1057, eff. 12-2-04.)

6 Section 99. Effective date. This Act takes effect upon  
7 becoming law.".