

HB3784



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB3784

Introduced 2/25/2009, by Rep. Kathleen A. Ryg

SYNOPSIS AS INTRODUCED:

720 ILCS 5/12-21.8 new

Amends the Criminal Code of 1961. Provides that it is a petty offense for a person to host, permit, allow, or fail to take reasonable steps to prevent an event or gathering at any residence, premises, or on any other private or public property or in any conveyance where illicit drugs or alcoholic liquor are present when the person: (1) knows or reasonably should know that a person under 21 years of age will or does consume or possess any illicit drugs or alcoholic liquor; and (2) fails to take reasonable steps to prevent possession or consumption by the person under 21 years of age.

LRB096 10097 RLC 20263 b

A BILL FOR

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Criminal Code of 1961 is amended by adding
5 Section 12-21.8 as follows:

6 (720 ILCS 5/12-21.8 new)

7 Sec. 12-21.8. Social hosting of gatherings; illicit drugs
8 and alcoholic liquor.

9 (a) In this Section:

10 "Alcoholic liquor" has the meaning ascribed to it in
11 Section 1-3.05 of the Liquor Control Act of 1934.

12 "Conveyance" means any vehicle, trailer, watercraft or
13 container operated for the transportation of persons or
14 property.

15 "Event or gathering" means any group of 3 or more
16 persons who have assembled or gathered together for a
17 social occasion or other activity.

18 "Host" means to aid, conduct, allow, entertain,
19 organize, supervise, control, or permit a gathering or
20 event.

21 "Illicit drug" means any drug, substance, or compound
22 prohibited by law, including drugs prescribed by a
23 physician which are in the possession of or used by someone

1 other than the person to whom the drug was prescribed.

2 "Parent" means any person having legal custody of a
3 minor as a: (i) natural, adoptive parent, or step-parent;
4 (ii) legal guardian; or (iii) person to whom legal custody
5 has been given by order of the court.

6 "Person" means any individual, partnership,
7 co-partnership, corporation, or any association of one or
8 more individuals.

9 "Residence or premises" means any home, yard, farm,
10 field, land, apartment, condominium, hotel or motel room,
11 or other dwelling unit, or a hall or meeting room, park, or
12 any other place of assembly, public or private, whether
13 occupied on a temporary or permanent basis, whether
14 occupied as a dwelling or specifically for a party or other
15 social function, and whether owned, leased, rented, or used
16 with or without permission or compensation.

17 "Underage person" means any individual under 21 years
18 of age.

19 "Religious ceremony" means the possession, consumption
20 and dispensation of alcoholic liquor for the purpose of
21 conducting any bona fide rite or religious ceremony.

22 "Response costs" means the costs associated with
23 responses by law enforcement, fire, and other emergency
24 response providers to an event or gathering, including but
25 not limited to:

26 (1) salaries and benefits of law enforcement, code

1 enforcement, fire, or other emergency response
2 personnel for the amount of time spent responding to,
3 remaining at, or otherwise dealing with an event or
4 gathering, and the administrative costs attributable
5 to such response;

6 (2) the cost of any medical treatment for any law
7 enforcement, code enforcement, fire, or other
8 emergency response personnel injured responding to,
9 remaining at, or leaving the scene of an event or
10 gathering;

11 (3) the cost of repairing any municipal equipment
12 or property damaged, and the cost of the use of any
13 such equipment, in responding to, remaining at, or
14 leaving the scene of an event or gathering.

15 "Reasonable steps" means controlling access to
16 alcoholic liquor at the event or gathering, controlling the
17 quantity of alcoholic liquor present at the event or
18 gathering, verifying the age of persons attending the event
19 or gathering by inspecting driver's licenses or other
20 government-issued identification cards to ensure that
21 minors do not consume alcoholic liquor while at the event
22 or gathering; and supervising the activities of minors at
23 the event or gathering, calling for police assistance in
24 the event people under 21 are in possession of alcoholic
25 liquor at the event or gathering or advising law
26 enforcement in advance of departing one's residence that

1 the owner will be away and no underage person is authorized
2 to be present and consume alcoholic liquor at the owner's
3 residence.

4 "Public place" means any place to which the public or a
5 substantial group of the public has access and includes,
6 but is not limited to, streets, highways, and the common
7 area of schools, hospitals, apartment houses, office
8 buildings, transport facilities, parks, businesses, or
9 parking lots.

10 (b) It is unlawful for any person to host, permit, allow,
11 or fail to take reasonable steps to prevent an event or
12 gathering at any residence, premises, or on any other private
13 or public property or in any conveyance where illicit drugs or
14 alcoholic liquor are present when the person:

15 (1) knows or reasonably should know that an underage
16 person will or does consume or possess any illicit drugs or
17 alcoholic liquor; and

18 (2) fails to take reasonable steps to prevent
19 possession or consumption by the underage person.

20 (c) A person is also responsible for violating subsection
21 (b) of this Section if the person intentionally aids, advises,
22 hires, counsels, conspires with, otherwise procures another to
23 commit, or knows or should have known about the prohibited act.

24 (d) A person who hosts an event or gathering is not in
25 violation of this Section if he or she:

26 (1) seeks assistance from the police department or

1 other law enforcement agency to remove any person who
2 refuses to abide by the host's performance of the duties
3 imposed by this Section, as long as such request is made
4 before any other person makes a complaint about the event
5 or gathering; and

6 (2) terminates the event or gathering because the host
7 has been unable to prevent underage persons from consuming
8 illicit drugs or alcoholic liquors despite having taken all
9 reasonable steps to do so.

10 (e) A person who hosts an event or gathering does not have
11 to be present at the event or gathering to be responsible under
12 this Section.

13 (f) This Section does not apply to conduct involving the
14 use of alcoholic liquor that occurs at a religious ceremony or
15 exclusively between an underage person and his or her parent or
16 legal guardian, as permitted under Sections 6-16 and 6-20 of
17 the Liquor Control Act of 1934.

18 (g) Sentence. Any person who violates or assists in the
19 violations of any provision of this Section is guilty of a
20 petty offence and for a first violation shall be fined not less
21 than \$250 nor more than \$750. Each day on which, or during
22 which, a violation occurs shall constitute a separate offense.
23 A second violation of this Section by the same responsible
24 person within a 12 month period is a petty offense punishable
25 by a fine of not less than \$500 nor more than \$750. A third or
26 subsequent violation of this Section by the same responsible

1 person within a 12 month period is a petty offense punishable
2 by a fine of not less than \$750.