

HB4083



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB4083

Introduced 2/27/2009, by Rep. Kathleen A. Ryg

SYNOPSIS AS INTRODUCED:

235 ILCS 5/10-8

from Ch. 43, par. 190

Amends the Liquor Control Act of 1934. Allows the issuance of a search warrant for premises in use for residence purposes. Effective immediately.

LRB096 08976 ASK 19115 b

A BILL FOR

1 AN ACT concerning.

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 10-8 as follows:

6 (235 ILCS 5/10-8) (from Ch. 43, par. 190)

7 Sec. 10-8. Whenever complaint is made in writing, verified
8 by affidavit, to any judge of the circuit court, that
9 complainant has just and reasonable grounds to believe and does
10 believe that alcoholic liquor is manufactured, possessed, kept
11 for sale, used or transported, in violation of this Act, or any
12 mash, still or other property designed for the manufacture of
13 alcoholic liquor is possessed in any premises which are not
14 licensed hereunder, (particularly describing and designating
15 such property in the complaint), the judge may issue a search
16 warrant as hereinafter provided; provided, however, no search
17 warrant shall be necessary for the inspection or search of any
18 premises licensed under this Act, ~~and provided, further, that~~
19 ~~no search warrant shall be issued for the search of premises in~~
20 ~~use for residence purposes.~~ The property seized on any such
21 warrant shall not be taken from the officer seizing the same on
22 any order of replevin or other like process.

23 Each complaint shall be substantially in the following

1 form:

2 State of Illinois,)

3) ss.

4 County of Cook.)

5 Complaint for Search Warrant.

6 The complaint and affidavit of (name of complainant),
7 of (his residence), made before (name of officer) one
8 of the (official title of officer), in and for the
9 (county, city or village, as the case may be), on (insert
10 date), being first duly sworn, upon his oath says: That he has
11 just and reasonable grounds to believe, and does believe that
12 alcoholic liquor is now unlawfully (manufactured, possessed,
13 used, disposed of or kept for sale, or any mash, still or other
14 property designed for the illegal manufacture of alcoholic
15 liquor is possessed therein, as the case may be), to-wit: At
16 and within a certain (here describe the house, building,
17 premises, boat, vehicle, receptacle or other place to be
18 searched, with particulars as to the location sufficiently to
19 identify it, stating the name of the person occupying the same,
20 if known), in the (city, village or town of), in the
21 county and state set out above; that the following are the
22 reasons for his or her belief, to-wit (here insert the
23 facts upon which such belief is based). Wherefore complainant
24 prays that a search warrant may issue according to law.

25

26 (Signature of complainant.)

