

HB5338



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB5338

by Rep. Michael J. Madigan

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.

LRB099 17458 RPS 41816 b

A BILL FOR

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 6-16.1 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 ~~the~~ age
11 of 21 years or authorize the sale, gift, or delivery of
12 alcoholic liquor to a person under the age of 21 years pursuant
13 to a plan or action to investigate, patrol, or otherwise
14 conduct a "sting operation" or enforcement action against a
15 person employed by the licensee or on any licensed premises if
16 the licensee or officer, associate, member, representative,
17 agent, or employee of the licensee provides written notice, at
18 least 14 days before the "sting operation" or enforcement
19 action, unless governing body of the municipality or county
20 having jurisdiction sets a shorter period by ordinance, to the
21 law enforcement agency having jurisdiction, the local liquor
22 control commissioner, or both. Notice provided under this
23 Section shall be valid for a "sting operation" or enforcement

1 action conducted within 60 days of the provision of that
2 notice, unless the governing body of the municipality or county
3 having jurisdiction sets a shorter period by ordinance.

4 (b) A local liquor control commission or unit of local
5 government that conducts alcohol and tobacco compliance
6 operations shall establish a policy and standards for alcohol
7 and tobacco compliance operations to investigate whether a
8 licensee is furnishing (1) alcoholic liquor to persons under 21
9 years of age in violation of this Act or (2) tobacco to persons
10 in violation of the Prevention of Tobacco Use by Minors and
11 Sale and Distribution of Tobacco Products Act.

12 (c) The Illinois Law Enforcement Training Standards Board
13 shall develop a model policy and guidelines for the operation
14 of alcohol and tobacco compliance checks by local law
15 enforcement officers. The Illinois Law Enforcement Training
16 Standards Board shall also require the supervising officers of
17 such compliance checks to have met a minimum training standard
18 as determined by the Board. The Board shall have the right to
19 waive any training based on current written policies and
20 procedures for alcohol and tobacco compliance check operations
21 and in-service training already administered by the local law
22 enforcement agency, department, or office.

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

25 (e) A home rule unit, other than a home rule unit with more
26 than 2,000,000 inhabitants, may not regulate enforcement

1 actions in a manner inconsistent with the regulation of
2 enforcement actions under this Section. This subsection (e) is
3 a limitation under subsection (i) of Section 6 of Article VII
4 of the Illinois Constitution on the concurrent exercise by home
5 rule units of powers and functions exercised by the State.

6 (f) A licensee who is the subject of an enforcement action
7 or "sting operation" under this Section and is found, pursuant
8 to the enforcement action, to be in compliance with this Act
9 shall be notified by the enforcement agency action that no
10 violation was found within 30 days after the finding.

11 (Source: P.A. 96-179, eff. 8-10-09; 96-446, eff. 1-1-10;
12 96-1000, eff. 7-2-10.)