

1 AN ACT in relation to alcoholic 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 as follows:

6 (235 ILCS 5/6-16) (from Ch. 43, par. 131)

7 Sec. 6-16. Prohibited sales and possession.

8 (a) (i) No licensee nor any officer, associate, member,
9 representative, agent, or employee of such licensee shall
10 sell, give, or deliver alcoholic liquor to any person under
11 the age of 21 years or to any intoxicated person, except as
12 provided in Section 6-16.1. (ii) No express company, common
13 carrier, or contract carrier that carries or transports
14 alcoholic liquor for delivery within this State shall
15 knowingly give or knowingly deliver to a residential address
16 any shipping container clearly labeled as containing
17 alcoholic liquor and labeled as requiring signature of an
18 adult of at least 21 years of age to any person in this State
19 under the age of 21 years. An express company, common
20 carrier, or contract carrier that carries or transports such
21 alcoholic liquor for delivery within this State shall obtain
22 a signature acknowledging receipt of the alcoholic liquor by
23 an adult who is at least 21 years of age. (iii) No person,
24 after purchasing or otherwise obtaining alcoholic liquor,
25 shall sell, give, or deliver such alcoholic liquor to another
26 person under the age of 21 years, except in the performance
27 of a religious ceremony or service. Any person who violates
28 the provisions of item (i), (ii), or (iii) of this paragraph
29 of this subsection (a) is guilty of a Class A misdemeanor and
30 the person's sentence shall include, but shall not be limited
31 to, a fine of not less than \$500.

1 If a licensee or officer, associate, member,
2 representative, agent, or employee of the licensee, or a
3 representative, agent, or employee of an express company,
4 common carrier, or contract carrier that carries or
5 transports alcoholic liquor for delivery within this State,
6 is prosecuted under this paragraph of this subsection (a) for
7 selling, giving, or delivering alcoholic liquor to a person
8 under the age of 21 years, the person under 21 years of age
9 who attempted to buy or receive the alcoholic liquor may be
10 prosecuted pursuant to Section 6-20 of this Act, unless the
11 person under 21 years of age was acting under the authority
12 of a law enforcement agency, the Illinois Liquor Control
13 Commission, or a local liquor control commissioner pursuant
14 to a plan or action to investigate, patrol, or conduct any
15 similar enforcement action.

16 For the purpose of preventing the violation of this
17 Section, any licensee, or his agent or employee, or a
18 representative, agent, or employee of an express company,
19 common carrier, or contract carrier that carries or
20 transports alcoholic liquor for delivery within this State,
21 may refuse to sell, deliver, or serve alcoholic beverages to
22 any person who is unable to produce adequate written evidence
23 of identity and of the fact that he or she is over the age of
24 21 years.

25 Adequate written evidence of age and identity of the
26 person is a document issued by a federal, state, county, or
27 municipal government, or subdivision or agency thereof,
28 including, but not limited to, a motor vehicle operator's
29 license, a registration certificate issued under the Federal
30 Selective Service Act, or an identification card issued to a
31 member of the Armed Forces. Proof that the
32 defendant-licensee, or his employee or agent, or the
33 representative, agent, or employee of the express company,
34 common carrier, or contract carrier that carries or

1 transports alcoholic liquor for delivery within this State
2 demanded, was shown and reasonably relied upon such written
3 evidence in any transaction forbidden by this Section is an
4 affirmative defense in any criminal prosecution therefor or
5 to any proceedings for the suspension or revocation of any
6 license based thereon. It shall not, however, be an
7 affirmative defense if the agent or employee accepted the
8 written evidence knowing it to be false or fraudulent. If a
9 false or fraudulent Illinois driver's license or Illinois
10 identification card is presented by a person less than 21
11 years of age to a licensee or the licensee's agent or
12 employee for the purpose of ordering, purchasing, attempting
13 to purchase, or otherwise obtaining or attempting to obtain
14 the serving of any alcoholic beverage, the law enforcement
15 officer or agency investigating the incident shall, upon the
16 conviction of the person who presented the fraudulent license
17 or identification, make a report of the matter to the
18 Secretary of State on a form provided by the Secretary of
19 State.

20 However, no agent or employee of the licensee shall be
21 disciplined or discharged for selling or furnishing liquor to
22 a person under 21 years of age if the agent or employee
23 demanded and was shown, before furnishing liquor to a person
24 under 21 years of age, adequate written evidence of age and
25 identity of the person issued by a federal, state, county or
26 municipal government, or subdivision or agency thereof,
27 including but not limited to a motor vehicle operator's
28 license, a registration certificate issued under the Federal
29 Selective Service Act, or an identification card issued to a
30 member of the Armed Forces. This paragraph, however, shall
31 not apply if the agent or employee accepted the written
32 evidence knowing it to be false or fraudulent.

33 Any person who sells, gives, or furnishes to any person
34 under the age of 21 years any false or fraudulent written,

1 printed, or photostatic evidence of the age and identity of
2 such person or who sells, gives or furnishes to any person
3 under the age of 21 years evidence of age and identification
4 of any other person is guilty of a Class A misdemeanor and
5 the person's sentence shall include, but shall not be limited
6 to, a fine of not less than \$500.

7 Any person under the age of 21 years who presents or
8 offers to any licensee, his agent or employee, any written,
9 printed or photostatic evidence of age and identity that is
10 false, fraudulent, or not actually his or her own for the
11 purpose of ordering, purchasing, attempting to purchase or
12 otherwise procuring or attempting to procure, the serving of
13 any alcoholic beverage, who falsely states in writing that he
14 or she is at least 21 years of age when receiving alcoholic
15 liquor from a representative, agent, or employee of an
16 express company, common carrier, or contract carrier, or who
17 has in his or her possession any false or fraudulent written,
18 printed, or photostatic evidence of age and identity, is
19 guilty of a Class A misdemeanor and the person's sentence
20 shall include, but shall not be limited to, the following: a
21 fine of not less than \$500 and at least 25 hours of community
22 service. If possible, any community service shall be
23 performed for an alcohol abuse prevention program.

24 Any person under the age of 21 years who has any
25 alcoholic beverage in his or her possession on any street or
26 highway or in any public place or in any place open to the
27 public is guilty of a Class A misdemeanor. This Section does
28 not apply to possession by a person under the age of 21 years
29 making a delivery of an alcoholic beverage in pursuance of
30 the order of his or her parent or in pursuance of his or her
31 employment.

32 (a-1) It is unlawful for any parent or guardian to
33 permit his or her residence to be used by an invitee of the
34 parent's child or the guardian's ward, if the invitee is

1 under the age of 21, in a manner that constitutes a violation
2 of this Section. A parent or guardian is deemed to have
3 permitted his or her residence to be used in violation of
4 this Section if he or she knowingly authorizes, enables, or
5 permits such use to occur by failing to control access to
6 either the residence or the alcoholic liquor maintained in
7 the residence. Any person who violates this subsection (a-1)
8 is guilty of a Class A misdemeanor and the person's sentence
9 shall include, but shall not be limited to, a fine of not
10 less than \$500. Nothing in this subsection (a-1) shall be
11 construed to prohibit the giving of alcoholic liquor to a
12 person under the age of 21 years in the performance of a
13 religious ceremony or service.

14 (b) Except as otherwise provided in this Section whoever
15 violates this Section shall, in addition to other penalties
16 provided for in this Act, be guilty of a Class A misdemeanor.

17 (c) Any person shall be guilty of a Class A misdemeanor
18 where he or she knowingly permits a gathering at a residence
19 which he or she occupies of two or more persons where any one
20 or more of the persons is under 21 years of age and the
21 following factors also apply:

22 (1) the person occupying the residence knows that
23 any such person under the age of 21 is in possession of
24 or is consuming any alcoholic beverage; and

25 (2) the possession or consumption of the alcohol by
26 the person under 21 is not otherwise permitted by this
27 Act; and

28 (3) the person occupying the residence knows that
29 the person under the age of 21 leaves the residence in an
30 intoxicated condition.

31 For the purposes of this subsection (c) where the
32 residence has an owner and a tenant or lessee, there is a
33 rebuttable presumption that the residence is occupied only by
34 the tenant or lessee.

1 (d) Any person who rents a hotel or motel room from the
2 proprietor or agent thereof for the purpose of or with the
3 knowledge that such room shall be used for the consumption of
4 alcoholic liquor by persons under the age of 21 years shall
5 be guilty of a Class A misdemeanor.

6 (e) It shall be unlawful for any person who is not
7 licensed under this Act to sell alcoholic liquor to knowingly
8 sell or dispense or facilitate the dispensing of alcoholic
9 liquor to a person who is under 21 years of age in exchange
10 for any type of remuneration.

11 Any person who violates this subsection (e) commits a
12 Class 4 felony.

13 (Source: P.A. 89-250, eff. 1-1-96; 90-355, eff. 8-10-97;
14 90-432, eff. 1-1-98; 90-655, eff. 7-30-98; 90-739, eff.
15 8-13-98.)