

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 nor any representative, agent,
14 or employee on behalf of an express company, common carrier,
15 or contract carrier that carries or transports alcoholic
16 liquor for delivery within this State shall knowingly give or
17 knowingly deliver to a residential address any shipping
18 container clearly labeled as containing alcoholic liquor and
19 labeled as requiring signature of an adult of at least 21
20 years of age to any person in this State under the age of 21
21 years. An express company, common carrier, or contract
22 carrier that carries or transports such alcoholic liquor for
23 delivery within this State shall obtain a signature at the
24 time of delivery acknowledging receipt of the alcoholic
25 liquor by an adult who is at least 21 years of age. At no
26 time while delivering alcoholic beverages within this State
27 may any representative, agent, or employee of an express
28 company, common carrier, or contract carrier that carries or
29 transports alcoholic liquor for delivery within this State
30 deliver the alcoholic liquor to a residential address without

1 the acknowledgment of the consignee and without first
2 obtaining a signature at the time of the delivery by an adult
3 who is at least 21 years of age. A signature of a person on
4 file with the express company, common carrier, or contract
5 carrier does not constitute acknowledgement of the consignee.
6 Any express company, common carrier, or contract carrier that
7 transports alcoholic liquor for delivery within this State
8 that violates this item (ii) of this subsection (a) by
9 delivering alcoholic liquor without the acknowledgement of
10 the consignee and without first obtaining a signature at the
11 time of the delivery by an adult who is at least 21 years of
12 age is guilty of a business offense for which the express
13 company, common carrier, or contract carrier that transports
14 alcoholic liquor within this State shall be fined not more
15 than \$1,001 for a first offense, not more than \$5,000 for a
16 second offense, and not more than \$10,000 for a third or
17 subsequent offense. An express company, common carrier, or
18 contract carrier shall be held vicariously liable for the
19 actions of its representatives, agents, or employees. For
20 purposes of this Act, in addition to other methods authorized
21 by law, an express company, common carrier, or contract
22 carrier shall be considered served with process when a
23 representative, agent, or employee alleged to have violated
24 this Act is personally served. Each shipment of alcoholic
25 liquor delivered in violation of this item (ii) of this
26 subsection (a) constitutes a separate offense. (iii) No
27 person, after purchasing or otherwise obtaining alcoholic
28 liquor, shall sell, give, or deliver such alcoholic liquor to
29 another person under the age of 21 years, except in the
30 performance of a religious ceremony or service. Except as
31 otherwise provided in item (ii), any express company, common
32 carrier, or contract carrier that transports alcoholic liquor
33 within this State that violates the provisions of item (i),
34 (ii), or (iii) of this paragraph of this subsection (a) is

1 guilty of a Class A misdemeanor and the sentence shall
2 include, but shall not be limited to, a fine of not less than
3 \$500. Any person who violates the provisions of item (iii) of
4 this paragraph of this subsection (a) is guilty of a Class A
5 misdemeanor and the sentence shall include, but shall not be
6 limited to a fine of not less than \$500 for a first offense
7 and not less than \$2,000 for a second or subsequent offense.
8 Any person who knowingly violates the provisions of item
9 (iii) of this paragraph of this subsection (a) is guilty of a
10 Class 4 felony if a death occurs as the result of the
11 violation.

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

27 For the purpose of preventing the violation of this
28 Section, any licensee, or his agent or employee, or a
29 representative, agent, or employee of an express company,
30 common carrier, or contract carrier that carries or
31 transports alcoholic liquor for delivery within this State,
32 shall refuse to sell, deliver, or serve alcoholic beverages
33 to any person who is unable to produce adequate written
34 evidence of identity and of the fact that he or she is over

1 the age of 21 years, if requested by the licensee, agent,
2 employee, or representative.

3 Adequate written evidence of age and identity of the
4 person is a document issued by a federal, state, county, or
5 municipal government, or subdivision or agency thereof,
6 including, but not limited to, a motor vehicle operator's
7 license, a registration certificate issued under the Federal
8 Selective Service Act, or an identification card issued to a
9 member of the Armed Forces. Proof that the
10 defendant-licensee, or his employee or agent, or the
11 representative, agent, or employee of the express company,
12 common carrier, or contract carrier that carries or
13 transports alcoholic liquor for delivery within this State
14 demanded, was shown and reasonably relied upon such written
15 evidence in any transaction forbidden by this Section is an
16 affirmative defense in any criminal prosecution therefor or
17 to any proceedings for the suspension or revocation of any
18 license based thereon. It shall not, however, be an
19 affirmative defense if the agent or employee accepted the
20 written evidence knowing it to be false or fraudulent. If a
21 false or fraudulent Illinois driver's license or Illinois
22 identification card is presented by a person less than 21
23 years of age to a licensee or the licensee's agent or
24 employee for the purpose of ordering, purchasing, attempting
25 to purchase, or otherwise obtaining or attempting to obtain
26 the serving of any alcoholic beverage, the law enforcement
27 officer or agency investigating the incident shall, upon the
28 conviction of the person who presented the fraudulent license
29 or identification, make a report of the matter to the
30 Secretary of State on a form provided by the Secretary of
31 State.

32 However, no agent or employee of the licensee or employee
33 of an express company, common carrier, or contract carrier
34 that carries or transports alcoholic liquor for delivery

1 within this State shall be disciplined or discharged for
2 selling or furnishing liquor to a person under 21 years of
3 age if the agent or employee demanded and was shown, before
4 furnishing liquor to a person under 21 years of age, adequate
5 written evidence of age and identity of the person issued by
6 a federal, state, county or municipal government, or
7 subdivision or agency thereof, including but not limited to a
8 motor vehicle operator's license, a registration certificate
9 issued under the Federal Selective Service Act, or an
10 identification card issued to a member of the Armed Forces.
11 This paragraph, however, shall not apply if the agent or
12 employee accepted the written evidence knowing it to be false
13 or fraudulent.

14 Any person who sells, gives, or furnishes to any person
15 under the age of 21 years any false or fraudulent written,
16 printed, or photostatic evidence of the age and identity of
17 such person or who sells, gives or furnishes to any person
18 under the age of 21 years evidence of age and identification
19 of any other person is guilty of a Class A misdemeanor and
20 the person's sentence shall include, but shall not be limited
21 to, a fine of not less than \$500.

22 Any person under the age of 21 years who presents or
23 offers to any licensee, his agent or employee, any written,
24 printed or photostatic evidence of age and identity that is
25 false, fraudulent, or not actually his or her own for the
26 purpose of ordering, purchasing, attempting to purchase or
27 otherwise procuring or attempting to procure, the serving of
28 any alcoholic beverage, who falsely states in writing that he
29 or she is at least 21 years of age when receiving alcoholic
30 liquor from a representative, agent, or employee of an
31 express company, common carrier, or contract carrier, or who
32 has in his or her possession any false or fraudulent written,
33 printed, or photostatic evidence of age and identity, is
34 guilty of a Class A misdemeanor and the person's sentence

1 shall include, but shall not be limited to, the following: a
2 fine of not less than \$500 and at least 25 hours of community
3 service. If possible, any community service shall be
4 performed for an alcohol abuse prevention program.

5 Any person under the age of 21 years who has any
6 alcoholic beverage in his or her possession on any street or
7 highway or in any public place or in any place open to the
8 public is guilty of a Class A misdemeanor. This Section does
9 not apply to possession by a person under the age of 21 years
10 making a delivery of an alcoholic beverage in pursuance of
11 the order of his or her parent or in pursuance of his or her
12 employment.

13 (a-1) It is unlawful for any parent or guardian to
14 permit his or her residence to be used by an invitee of the
15 parent's child or the guardian's ward, if the invitee is
16 under the age of 21, in a manner that constitutes a violation
17 of this Section. A parent or guardian is deemed to have
18 permitted his or her residence to be used in violation of
19 this Section if he or she knowingly authorizes, enables, or
20 permits such use to occur by failing to control access to
21 either the residence or the alcoholic liquor maintained in
22 the residence. Any person who violates this subsection (a-1)
23 is guilty of a Class A misdemeanor and the person's sentence
24 shall include, but shall not be limited to, a fine of not
25 less than \$500. Nothing in this subsection (a-1) shall be
26 construed to prohibit the giving of alcoholic liquor to a
27 person under the age of 21 years in the performance of a
28 religious ceremony or service.

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

32 (c) Any person shall be guilty of a Class A misdemeanor
33 where he or she knowingly permits a gathering at a residence
34 which he or she occupies of two or more persons where any one

1 or more of the persons is under 21 years of age and the
2 following factors also apply:

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

6 (2) the possession or consumption of the alcohol by
7 the person under 21 is not otherwise permitted by this
8 Act; and

9 (3) the person occupying the residence knows that
10 the person under the age of 21 leaves the residence in an
11 intoxicated condition.

12 For the purposes of this subsection (c) where the
13 residence has an owner and a tenant or lessee, there is a
14 rebuttable presumption that the residence is occupied only by
15 the tenant or lessee.

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

21 (e) Except as otherwise provided in this Act, any person
22 who has alcoholic liquor in his or her possession on public
23 school district property on school days or at events on
24 public school district property when children are present is
25 guilty of a petty offense, unless the alcoholic liquor (i) is
26 in the original container with the seal unbroken and is in
27 the possession of a person who is not otherwise legally
28 prohibited from possessing the alcoholic liquor or (ii) is in
29 the possession of a person in or for the performance of a
30 religious service or ceremony authorized by the school board.

31 (Source: P.A.. 92-380, eff. 1-1-02; 92-503, eff. 1-1-02;

1 92-507, eff. 1-1-02; revised 1-7-02.)