

# HB0740



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

**HB0740**

Introduced 01/31/11, 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.

LRB097 03569 ASK 43606 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.)