



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB3646

by Rep. Ann Williams

SYNOPSIS AS INTRODUCED:

235 ILCS 5/10-1
430 ILCS 66/65

from Ch. 43, par. 183

Amends the Liquor Control Act of 1934. Provides that any owner of an establishment that serves alcohol on its premises who maintains a retail liquor license as provided in the Act and allows for the sale and consumption of alcoholic beverages on its premises as an on premise consumption retailer, (deletes if more than 50% of the establishment's gross receipts within the prior 3 months is from the sale of alcohol) who knowingly fails to prohibit concealed firearms on its premises or who knowingly makes a false statement or record to avoid the prohibition of concealed firearms on its premises under the Firearm Concealed Carry Act shall be guilty of a business offense with a fine up to \$5,000. Amends the Firearm Concealed Carry Act. Provides that a licensee under the Act shall not knowingly carry a firearm on or into any building, real property, and parking area under the control of an establishment that maintains a retail liquor license as provided in the Liquor Control Act of 1934 and allows for the sale and consumption of alcoholic beverages on its premises as an on premise consumption retailer (rather than serves alcohol on its premises, if more than 50% of the establishment's gross receipts within the prior 3 months is from the sale of alcohol).

LRB098 12723 RLC 47205 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning safety.

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 10-1 as follows:

6 (235 ILCS 5/10-1) (from Ch. 43, par. 183)

7 Sec. 10-1. Violations; penalties. Whereas a substantial
8 threat to the sound and careful control, regulation, and
9 taxation of the manufacture, sale, and distribution of
10 alcoholic liquors exists by virtue of individuals who
11 manufacture, import, distribute, or sell alcoholic liquors
12 within the State without having first obtained a valid license
13 to do so, and whereas such threat is especially serious along
14 the borders of this State, and whereas such threat requires
15 immediate correction by this Act, by active investigation and
16 prosecution by law enforcement officials and prosecutors, and
17 by prompt and strict enforcement through the courts of this
18 State to punish violators and to deter such conduct in the
19 future:

20 (a) Any person who manufactures, imports for distribution
21 or use, or distributes or sells alcoholic liquor at any place
22 within the State without having first obtained a valid license
23 to do so under the provisions of this Act shall be guilty of a

1 business offense and fined not more than \$1,000 for the first
2 such offense and shall be guilty of a Class 4 felony for each
3 subsequent offense.

4 (b) (1) Any retailer, licensed in this State, who knowingly
5 causes to furnish, give, sell, or otherwise being within the
6 State, any alcoholic liquor destined to be used, distributed,
7 consumed or sold in another state, unless such alcoholic liquor
8 was received in this State by a duly licensed distributor, or
9 importing distributors shall have his license suspended for 7
10 days for the first offense and for the second offense, shall
11 have his license revoked by the Commission.

12 (2) In the event the Commission receives a certified copy
13 of a final order from a foreign jurisdiction that an Illinois
14 retail licensee has been found to have violated that foreign
15 jurisdiction's laws, rules, or regulations concerning the
16 importation of alcoholic liquor into that foreign
17 jurisdiction, the violation may be grounds for the Commission
18 to revoke, suspend, or refuse to issue or renew a license, to
19 impose a fine, or to take any additional action provided by
20 this Act with respect to the Illinois retail license or
21 licensee. Any such action on the part of the Commission shall
22 be in accordance with this Act and implementing rules.

23 For the purposes of paragraph (2): (i) "foreign
24 jurisdiction" means a state, territory, or possession of the
25 United States, the District of Columbia, or the Commonwealth of
26 Puerto Rico, and (ii) "final order" means an order or judgment

1 of a court or administrative body that determines the rights of
2 the parties respecting the subject matter of the proceeding,
3 that remains in full force and effect, and from which no appeal
4 can be taken.

5 (c) Any person who shall make any false statement or
6 otherwise violates any of the provisions of this Act in
7 obtaining any license hereunder, or who having obtained a
8 license hereunder shall violate any of the provisions of this
9 Act with respect to the manufacture, possession, distribution
10 or sale of alcoholic liquor, or with respect to the maintenance
11 of the licensed premises, or shall violate any other provision
12 of this Act, shall for a first offense be guilty of a petty
13 offense and fined not more than \$500, and for a second or
14 subsequent offense shall be guilty of a Class B misdemeanor.

15 (c-5) Any owner of an establishment that serves alcohol on
16 its premises who maintains a retail liquor license as provided
17 in subsection (d) of Section 5-1 of this Act and allows for the
18 sale and consumption of alcoholic beverages on its premises as
19 an on premise consumption retailer ~~, if more than 50% of the~~
20 ~~establishment's gross receipts within the prior 3 months is~~
21 ~~from the sale of alcohol~~, who knowingly fails to prohibit
22 concealed firearms on its premises or who knowingly makes a
23 false statement or record to avoid the prohibition of concealed
24 firearms on its premises under the Firearm Concealed Carry Act
25 shall be guilty of a business offense with a fine up to \$5,000.

26 (d) Each day any person engages in business as a

1 manufacturer, foreign importer, importing distributor,
2 distributor or retailer in violation of the provisions of this
3 Act shall constitute a separate offense.

4 (e) Any person, under the age of 21 years who, for the
5 purpose of buying, accepting or receiving alcoholic liquor from
6 a licensee, represents that he is 21 years of age or over shall
7 be guilty of a Class A misdemeanor.

8 (f) In addition to the penalties herein provided, any
9 person licensed as a wine-maker in either class who
10 manufactures more wine than authorized by his license shall be
11 guilty of a business offense and shall be fined \$1 for each
12 gallon so manufactured.

13 (g) A person shall be exempt from prosecution for a
14 violation of this Act if he is a peace officer in the
15 enforcement of the criminal laws and such activity is approved
16 in writing by one of the following:

17 (1) In all counties, the respective State's Attorney;

18 (2) The Director of State Police under Section 2605-10,
19 2605-15, 2605-75, 2605-100, 2605-105, 2605-110, 2605-115,
20 2605-120, 2605-130, 2605-140, 2605-190, 2605-200,
21 2605-205, 2605-210, 2605-215, 2605-250, 2605-275,
22 2605-300, 2605-305, 2605-315, 2605-325, 2605-335,
23 2605-340, 2605-350, 2605-355, 2605-360, 2605-365,
24 2605-375, 2605-390, 2605-400, 2605-405, 2605-420,
25 2605-430, 2605-435, 2605-500, 2605-525, or 2605-550 of the
26 Department of State Police Law (20 ILCS 2605/2605-10,

1 2605/2605-15, 2605/2605-75, 2605/2605-100, 2605/2605-105,
2 2605/2605-110, 2605/2605-115, 2605/2605-120,
3 2605/2605-130, 2605/2605-140, 2605/2605-190,
4 2605/2605-200, 2605/2605-205, 2605/2605-210,
5 2605/2605-215, 2605/2605-250, 2605/2605-275,
6 2605/2605-300, 2605/2605-305, 2605/2605-315,
7 2605/2605-325, 2605/2605-335, 2605/2605-340,
8 2605/2605-350, 2605/2605-355, 2605/2605-360,
9 2605/2605-365, 2605/2605-375, 2605/2605-390,
10 2605/2605-400, 2605/2605-405, 2605/2605-420,
11 2605/2605-430, 2605/2605-435, 2605/2605-500,
12 2605/2605-525, or 2605/2605-550); or

13 (3) In cities over 1,000,000, the Superintendent of
14 Police.

15 (Source: P.A. 98-63, eff. 7-9-13.)

16 Section 10. The Firearm Concealed Carry Act is amended by
17 changing Section 65 as follows:

18 (430 ILCS 66/65)

19 Sec. 65. Prohibited areas.

20 (a) A licensee under this Act shall not knowingly carry a
21 firearm on or into:

22 (1) Any building, real property, and parking area under
23 the control of a public or private elementary or secondary
24 school.

1 (2) Any building, real property, and parking area under
2 the control of a pre-school or child care facility,
3 including any room or portion of a building under the
4 control of a pre-school or child care facility. Nothing in
5 this paragraph shall prevent the operator of a child care
6 facility in a family home from owning or possessing a
7 firearm in the home or license under this Act, if no child
8 under child care at the home is present in the home or the
9 firearm in the home is stored in a locked container when a
10 child under child care at the home is present in the home.

11 (3) Any building, parking area, or portion of a
12 building under the control of an officer of the executive
13 or legislative branch of government, provided that nothing
14 in this paragraph shall prohibit a licensee from carrying a
15 concealed firearm onto the real property, bikeway, or trail
16 in a park regulated by the Department of Natural Resources
17 or any other designated public hunting area or building
18 where firearm possession is permitted as established by the
19 Department of Natural Resources under Section 1.8 of the
20 Wildlife Code.

21 (4) Any building designated for matters before a
22 circuit court, appellate court, or the Supreme Court, or
23 any building or portion of a building under the control of
24 the Supreme Court.

25 (5) Any building or portion of a building under the
26 control of a unit of local government.

1 (6) Any building, real property, and parking area under
2 the control of an adult or juvenile detention or
3 correctional institution, prison, or jail.

4 (7) Any building, real property, and parking area under
5 the control of a public or private hospital or hospital
6 affiliate, mental health facility, or nursing home.

7 (8) Any bus, train, or form of transportation paid for
8 in whole or in part with public funds, and any building,
9 real property, and parking area under the control of a
10 public transportation facility paid for in whole or in part
11 with public funds.

12 (9) Any building, real property, and parking area under
13 the control of an establishment that maintains a retail
14 liquor license as provided in subsection (d) of Section 5-1
15 of the Liquor Control Act of 1934 and allows for the sale
16 and consumption of alcoholic beverages on its premises as
17 an on premise consumption retailer. ~~serves alcohol on its~~
18 ~~premises, if more than 50% of the establishment's gross~~
19 ~~receipts within the prior 3 months is from the sale of~~
20 ~~alcohol. The owner of an establishment who knowingly fails~~
21 ~~to prohibit concealed firearms on its premises as provided~~
22 ~~in this paragraph or who knowingly makes a false statement~~
23 ~~or record to avoid the prohibition on concealed firearms~~
24 ~~under this paragraph is subject to the penalty under~~
25 ~~subsection (c-5) of Section 10-1 of the Liquor Control Act~~
26 ~~of 1934.~~

1 (10) Any public gathering or special event conducted on
2 property open to the public that requires the issuance of a
3 permit from the unit of local government, provided this
4 prohibition shall not apply to a licensee who must walk
5 through a public gathering in order to access his or her
6 residence, place of business, or vehicle.

7 (11) Any building or real property that has been issued
8 a Special Event Retailer's license as defined in Section
9 1-3.17.1 of the Liquor Control Act during the time
10 designated for the sale of alcohol by the Special Event
11 Retailer's license, or a Special use permit license as
12 defined in subsection (q) of Section 5-1 of the Liquor
13 Control Act during the time designated for the sale of
14 alcohol by the Special use permit license.

15 (12) Any public playground.

16 (13) Any public park, athletic area, or athletic
17 facility under the control of a municipality or park
18 district, provided nothing in this Section shall prohibit a
19 licensee from carrying a concealed firearm while on a trail
20 or bikeway if only a portion of the trail or bikeway
21 includes a public park.

22 (14) Any real property under the control of the Cook
23 County Forest Preserve District.

24 (15) Any building, classroom, laboratory, medical
25 clinic, hospital, artistic venue, athletic venue,
26 entertainment venue, officially recognized

1 university-related organization property, whether owned or
2 leased, and any real property, including parking areas,
3 sidewalks, and common areas under the control of a public
4 or private community college, college, or university.

5 (16) Any building, real property, or parking area under
6 the control of a gaming facility licensed under the
7 Riverboat Gambling Act or the Illinois Horse Racing Act of
8 1975, including an inter-track wagering location licensee.

9 (17) Any stadium, arena, or the real property or
10 parking area under the control of a stadium, arena, or any
11 collegiate or professional sporting event.

12 (18) Any building, real property, or parking area under
13 the control of a public library.

14 (19) Any building, real property, or parking area under
15 the control of an airport.

16 (20) Any building, real property, or parking area under
17 the control of an amusement park.

18 (21) Any building, real property, or parking area under
19 the control of a zoo or museum.

20 (22) Any street, driveway, parking area, property,
21 building, or facility, owned, leased, controlled, or used
22 by a nuclear energy, storage, weapons, or development site
23 or facility regulated by the federal Nuclear Regulatory
24 Commission. The licensee shall not under any circumstance
25 store a firearm or ammunition in his or her vehicle or in a
26 compartment or container within a vehicle located anywhere

1 in or on the street, driveway, parking area, property,
2 building, or facility described in this paragraph.

3 (23) Any area where firearms are prohibited under
4 federal law.

5 (a-5) Nothing in this Act shall prohibit a public or
6 private community college, college, or university from:

7 (1) prohibiting persons from carrying a firearm within
8 a vehicle owned, leased, or controlled by the college or
9 university;

10 (2) developing resolutions, regulations, or policies
11 regarding student, employee, or visitor misconduct and
12 discipline, including suspension and expulsion;

13 (3) developing resolutions, regulations, or policies
14 regarding the storage or maintenance of firearms, which
15 must include designated areas where persons can park
16 vehicles that carry firearms; and

17 (4) permitting the carrying or use of firearms for the
18 purpose of instruction and curriculum of officially
19 recognized programs, including but not limited to military
20 science and law enforcement training programs, or in any
21 designated area used for hunting purposes or target
22 shooting.

23 (a-10) The owner of private real property of any type may
24 prohibit the carrying of concealed firearms on the property
25 under his or her control. The owner must post a sign in
26 accordance with subsection (d) of this Section indicating that

1 firearms are prohibited on the property, unless the property is
2 a private residence.

3 (b) Notwithstanding subsections (a), (a-5), and (a-10) of
4 this Section except under paragraph (22) or (23) of subsection
5 (a), any licensee prohibited from carrying a concealed firearm
6 into the parking area of a prohibited location specified in
7 subsection (a), (a-5), or (a-10) of this Section shall be
8 permitted to carry a concealed firearm on or about his or her
9 person within a vehicle into the parking area and may store a
10 firearm or ammunition concealed in a case within a locked
11 vehicle or locked container out of plain view within the
12 vehicle in the parking area. A licensee may carry a concealed
13 firearm in the immediate area surrounding his or her vehicle
14 within a prohibited parking lot area only for the limited
15 purpose of storing or retrieving a firearm within the vehicle's
16 trunk, provided the licensee ensures the concealed firearm is
17 unloaded prior to exiting the vehicle. For purposes of this
18 subsection, "case" includes a glove compartment or console that
19 completely encloses the concealed firearm or ammunition, the
20 trunk of the vehicle, or a firearm carrying box, shipping box,
21 or other container.

22 (c) A licensee shall not be in violation of this Section
23 while he or she is traveling along a public right of way that
24 touches or crosses any of the premises under subsection (a),
25 (a-5), or (a-10) of this Section if the concealed firearm is
26 carried on his or her person in accordance with the provisions

1 of this Act or is being transported in a vehicle by the
2 licensee in accordance with all other applicable provisions of
3 law.

4 (d) Signs stating that the carrying of firearms is
5 prohibited shall be clearly and conspicuously posted at the
6 entrance of a building, premises, or real property specified in
7 this Section as a prohibited area, unless the building or
8 premises is a private residence. Signs shall be of a uniform
9 design as established by the Department and shall be 4 inches
10 by 6 inches in size. The Department shall adopt rules for
11 standardized signs to be used under this subsection.

12 (Source: P.A. 98-63, eff. 7-9-13.)