



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

**HB0844**

Introduced 2/2/2005, by Rep. Paul D. Froehlich

#### SYNOPSIS AS INTRODUCED:

235 ILCS 5/6-16.2

Amends the Liquor Control Act of 1934. Prohibits a licensee from permitting a person who is under 21 years of age to enter and remain in the portion of the licensee's premises where alcoholic liquor is sold, given, or delivered (now a municipality or county may prohibit this) and prohibits persons under 21 years of age from entering licensed premises. Provides that the provisions do not apply to persons who are at least 18 years of age under certain circumstances. Provides that a violation of those provisions by a person under 21 years of age or by a licensee is a Class A misdemeanor or, if a death occurs as a result of the violation, a Class 4 felony.

LRB094 07311 LJB 37469 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

A BILL FOR

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 6-16.2 as follows:

6 (235 ILCS 5/6-16.2)

7 Sec. 6-16.2. Prohibited entry to a licensed premises. It is  
8 unlawful for a licensee or any officer, associate, member,  
9 representative, agent, or employee of a licensee to knowingly  
10 permit ~~A municipality or county may prohibit a licensee or any~~  
11 ~~officer, associate, member, representative, agent, or employee~~  
12 ~~of a licensee from permitting~~ a person under the age of 21  
13 years to enter and remain in that portion of a licensed  
14 premises that sells, gives, or delivers alcoholic liquor for  
15 consumption on the premises. It is unlawful for any person who  
16 is under 21 years of age to knowingly enter and remain in that  
17 portion of a licensed premises in which alcoholic liquor is  
18 sold, given, or delivered for consumption on the premises. No  
19 prohibition under this Section, however, shall apply to any  
20 licensed premises, such as without limitation a restaurant or  
21 food shop, where selling, giving, or delivering alcoholic  
22 liquor is not the principal business of the licensee at those  
23 premises.

24 This Section does not prohibit the presence of any person  
25 who is at least 18 years of age in a licensed premises under  
26 the following circumstances:

27 (1) if the person is accompanied by a parent, spouse,  
28 or legal guardian who is at least 21 years of age, except  
29 between the hours of 10:00 P.M. and 8:00 A.M.;

30 (2) if the person is a law enforcement officer or  
31 security guard who is entering the premises in the  
32 performance of his or her official duties;

1           (3) if the person is an employee whose duties include  
2           servicing alcoholic liquor to the customers of the  
3           establishment;

4           (4) if the person is involved in the transporting or  
5           providing of any goods or services to the establishment; or

6           (5) if the establishment is a restaurant and the  
7           primary business of the establishment consists of the sale  
8           of food and the sale of alcohol is incidental to the sale  
9           of food.

10           In those instances where a person under the age of 21 years  
11           is prohibited from entering and remaining on the premises,  
12           proof that the defendant-licensee, or his or her employee or  
13           agent, demanded, was shown, and reasonably relied upon adequate  
14           written evidence for purposes of entering and remaining on the  
15           licensed premises is an affirmative defense in any criminal  
16           prosecution therefor or to any proceedings for the suspension  
17           or revocation of any license based thereon. It shall not,  
18           however, be an affirmative defense if the defendant-licensee  
19           ~~defendant license~~, or his agent or employee, accepted the  
20           written evidence knowing it to be false or fraudulent.

21           Adequate written evidence of age and identity of the person  
22           is a document issued by a federal, state, county, or municipal  
23           government, or subdivision or agency thereof, including, but  
24           not limited to, a motor vehicle operator's license, a  
25           registration certificate issued under the Federal Selective  
26           Service Act, or an identification card issued to a member of  
27           the armed forces.

28           If a false or fraudulent Illinois driver's license or  
29           Illinois identification card is presented by a person less than  
30           21 years of age to a licensee or the licensee's agent or  
31           employee for the purpose of obtaining entry and remaining on a  
32           licensed premises, the law enforcement officer or agency  
33           investigating the incident shall, upon the conviction of the  
34           person who presented the fraudulent license or identification,  
35           make a report of the matter to the Secretary of State on a form  
36           provided by the Secretary of State.

1       If any person under the age of 21 violates the provisions  
2 of this Section, he or she is guilty of a Class A misdemeanor  
3 and the sentence shall include, but shall not be limited to, a  
4 fine of not less than \$500. If any licensee violates the  
5 provisions of this Section, he or she is guilty of a Class A  
6 misdemeanor and the sentence shall include, but shall not be  
7 limited to, a fine of not less than \$500 for a first offense  
8 and not less than \$2,000 for a second or subsequent offense,  
9 and the violation shall be grounds for suspension or revocation  
10 of the licensee's license as provided under this Act. If any  
11 person knowingly violates the provisions of this Section, he or  
12 she is guilty of a Class 4 felony if a death occurs as the  
13 result of the violation.

14 (Source: P.A. 90-617, eff. 7-10-98; revised 1-14-04.)