



Sen. Terry Link

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09400SB0945sam001

LRB094 04604 LJB 46881 a

1 AMENDMENT TO SENATE BILL 945

2 AMENDMENT NO. _____. Amend Senate Bill 945 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Liquor Control Act of 1934 is amended by
5 changing Section 6-2 as follows:

6 (235 ILCS 5/6-2) (from Ch. 43, par. 120)

7 Sec. 6-2. Issuance of licenses to certain persons
8 prohibited.

9 (a) Except as otherwise provided in subsection (b) of this
10 Section and in paragraph (1) of subsection (a) of Section 3-12,
11 no license of any kind issued by the State Commission or any
12 local commission shall be issued to:

13 (1) A person who is not a resident of any city, village
14 or county in which the premises covered by the license are
15 located; except in case of railroad or boat licenses.

16 (2) A person who is not of good character and
17 reputation in the community in which he resides.

18 (3) A person who is not a citizen of the United States.

19 (4) A person who has been convicted of a felony under
20 any Federal or State law, unless the Commission determines
21 that such person has been sufficiently rehabilitated to
22 warrant the public trust after considering matters set
23 forth in such person's application and the Commission's
24 investigation. The burden of proof of sufficient

1 rehabilitation shall be on the applicant.

2 (5) A person who has been convicted of being the keeper
3 or is keeping a house of ill fame.

4 (6) A person who has been convicted of pandering or
5 other crime or misdemeanor opposed to decency and morality.

6 (7) A person whose license issued under this Act has
7 been revoked for cause.

8 (8) A person who at the time of application for renewal
9 of any license issued hereunder would not be eligible for
10 such license upon a first application.

11 (9) A copartnership, if any general partnership
12 thereof, or any limited partnership thereof, owning more
13 than 5% of the aggregate limited partner interest in such
14 copartnership would not be eligible to receive a license
15 hereunder for any reason other than residence within the
16 political subdivision, unless residency is required by
17 local ordinance.

18 (10) A corporation, if any officer, manager or director
19 thereof, or any stockholder or stockholders owning in the
20 aggregate more than 5% of the stock of such corporation,
21 would not be eligible to receive a license hereunder for
22 any reason other than citizenship and residence within the
23 political subdivision.

24 (10a) A corporation unless it is incorporated in
25 Illinois, or unless it is a foreign corporation which is
26 qualified under the Business Corporation Act of 1983 to
27 transact business in Illinois.

28 (11) A person whose place of business is conducted by a
29 manager or agent unless the manager or agent possesses the
30 same qualifications required by the licensee.

31 (12) A person who has been convicted of a violation of
32 any Federal or State law concerning the manufacture,
33 possession or sale of alcoholic liquor, subsequent to the
34 passage of this Act or has forfeited his bond to appear in

1 court to answer charges for any such violation.

2 (13) A person who does not beneficially own the
3 premises for which a license is sought, or does not have a
4 lease thereon for the full period for which the license is
5 to be issued.

6 (14) Any law enforcing public official, including
7 members of local liquor control commissions, any mayor,
8 alderman, or member of the city council or commission, any
9 president of the village board of trustees, any member of a
10 village board of trustees, or any president or member of a
11 county board; and no such official shall have a direct
12 interest ~~be interested directly~~ in the manufacture, sale,
13 or distribution of alcoholic liquor, except that a license
14 may be granted to such official in relation to premises
15 that are not located within the territory subject to the
16 jurisdiction of that official if the issuance of such
17 license is approved by the State Liquor Control Commission
18 and except that a license may be granted, in a city or
19 village with a population of 50,000 or less, to any
20 alderman, member of a city council, or member of a village
21 board of trustees in relation to premises that are located
22 within the territory subject to the jurisdiction of that
23 official if (i) the sale of alcoholic liquor pursuant to
24 the license is incidental to the selling of food, (ii) the
25 issuance of the license is approved by the State
26 Commission, (iii) the issuance of the license is in
27 accordance with all applicable local ordinances in effect
28 where the premises are located, and (iv) the official
29 granted a license does not vote on alcoholic liquor issues
30 pending before the board or council to which the license
31 holder is elected. Notwithstanding any provision of this
32 paragraph (14) to the contrary, an alderman or member of a
33 city council or commission, a member of a village board of
34 trustees other than the president of the village board of

1 trustees, or a member of a county board other than the
2 president of a county board may have a direct interest in
3 the manufacture, sale, or distribution of alcoholic liquor
4 as long as he or she is not a law enforcing public
5 official, a mayor, a village board president, or president
6 of a county board. To prevent any conflict of interest, the
7 elected official with the direct interest in the
8 manufacture, sale, or distribution of alcoholic liquor
9 cannot participate in any meetings, hearings, or decisions
10 on matters impacting the manufacture, sale, or
11 distribution of alcoholic liquor.

12 (15) A person who is not a beneficial owner of the
13 business to be operated by the licensee.

14 (16) A person who has been convicted of a gambling
15 offense as proscribed by any of subsections (a) (3) through
16 (a) (11) of Section 28-1 of, or as proscribed by Section
17 28-1.1 or 28-3 of, the Criminal Code of 1961, or as
18 proscribed by a statute replaced by any of the aforesaid
19 statutory provisions.

20 (17) A person or entity to whom a federal wagering
21 stamp has been issued by the federal government, unless the
22 person or entity is eligible to be issued a license under
23 the Raffles Act or the Illinois Pull Tabs and Jar Games
24 Act.

25 (18) A person who intends to sell alcoholic liquors for
26 use or consumption on his or her licensed retail premises
27 who does not have liquor liability insurance coverage for
28 that premises in an amount that is at least equal to the
29 maximum liability amounts set out in subsection (a) of
30 Section 6-21.

31 (b) A criminal conviction of a corporation is not grounds
32 for the denial, suspension, or revocation of a license applied
33 for or held by the corporation if the criminal conviction was
34 not the result of a violation of any federal or State law

1 concerning the manufacture, possession or sale of alcoholic
2 liquor, the offense that led to the conviction did not result
3 in any financial gain to the corporation and the corporation
4 has terminated its relationship with each director, officer,
5 employee, or controlling shareholder whose actions directly
6 contributed to the conviction of the corporation. The
7 Commission shall determine if all provisions of this subsection
8 (b) have been met before any action on the corporation's
9 license is initiated.

10 (Source: P.A. 92-378, eff. 8-16-01; 93-266, eff. 1-1-04;
11 93-1057, eff. 12-2-04.)

12 Section 99. Effective date. This Act takes effect upon
13 becoming law."