

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 7-5 as follows:

6 (235 ILCS 5/7-5) (from Ch. 43, par. 149)

7 Sec. 7-5. The local liquor control commissioner may revoke
8 or suspend any license issued by him if he determines that the
9 licensee has violated any of the provisions of this Act or of
10 any valid ordinance or resolution enacted by the particular
11 city council, president, or board of trustees or county board
12 (as the case may be) or any applicable rule or regulations
13 established by the local liquor control commissioner or the
14 State commission which is not inconsistent with law. Upon
15 notification by the Illinois Department of Revenue, the State
16 Commission, in accordance with Section 3-12, may refuse the
17 issuance or renewal of a license, fine a licensee, or suspend
18 or revoke any license issued by the State Commission if the
19 licensee or license applicant has violated the provisions of
20 Section 3 of the Retailers' Occupation Tax Act. In addition to
21 the suspension, the local liquor control commissioner in any
22 county or municipality may levy a fine on the licensee for such
23 violations. The fine imposed shall not exceed \$1000 for a first

1 violation within a 12-month period, \$1,500 for a second
2 violation within a 12-month period, and \$2,500 for a third or
3 subsequent violation within a 12-month period. Each day on
4 which a violation continues shall constitute a separate
5 violation. Not more than \$15,000 in fines under this Section
6 may be imposed against any licensee during the period of his
7 license. Proceeds from such fines shall be paid into the
8 general corporate fund of the county or municipal treasury, as
9 the case may be.

10 However, no such license shall be so revoked or suspended
11 and no licensee shall be fined except after a public hearing by
12 the local liquor control commissioner with a 3 day written
13 notice to the licensee affording the licensee an opportunity to
14 appear and defend. All such hearings shall be open to the
15 public and the local liquor control commissioner shall reduce
16 all evidence to writing and shall maintain an official record
17 of the proceedings. If the local liquor control commissioner
18 has reason to believe that any continued operation of a
19 particular licensed premises will immediately threaten the
20 welfare of the community he may, upon the issuance of a written
21 order stating the reason for such conclusion and without notice
22 or hearing order the licensed premises closed for not more than
23 7 days, giving the licensee an opportunity to be heard during
24 that period, except that if such licensee shall also be engaged
25 in the conduct of another business or businesses on the
26 licensed premises such order shall not be applicable to such

1 other business or businesses.

2 The local liquor control commissioner shall within 5 days
3 after such hearing, if he determines after such hearing that
4 the license should be revoked or suspended or that the licensee
5 should be fined, state the reason or reasons for such
6 determination in a written order, and either the amount of the
7 fine, the period of suspension, or that the license has been
8 revoked, and shall serve a copy of such order within the 5 days
9 upon the licensee.

10 If the premises for which the license was issued are
11 located outside of a city, village or incorporated town having
12 a population of 500,000 or more inhabitants, the licensee after
13 the receipt of such order of suspension or revocation shall
14 have the privilege within a period of 20 days after the receipt
15 of such order of suspension or revocation of appealing the
16 order to the State commission for a decision sustaining,
17 reversing or modifying the order of the local liquor control
18 commissioner. If the State commission affirms the local
19 commissioner's order to suspend or revoke the license at the
20 first hearing, the appellant shall cease to engage in the
21 business for which the license was issued, until the local
22 commissioner's order is terminated by its own provisions or
23 reversed upon rehearing or by the courts.

24 If the premises for which the license was issued are
25 located within a city, village or incorporated town having a
26 population of 500,000 or more inhabitants, the licensee shall

1 have the privilege, within a period of 20 days after the
2 receipt of such order of fine, suspension or revocation, of
3 appealing the order to the local license appeal commission and
4 upon the filing of such an appeal by the licensee the license
5 appeal commission shall determine the appeal upon certified
6 record of proceedings of the local liquor commissioner in
7 accordance with the provisions of Section 7-9. Within 30 days
8 after such appeal was heard the license appeal commission shall
9 render a decision sustaining or reversing the order of the
10 local liquor control commissioner.

11 If the premises for which a license was issued are located
12 within a city, village, or incorporated town having a
13 population of 1,000,000 or more inhabitants and the local
14 liquor control commissioner has evidence that the following
15 criminal activity has occurred inside the licensed premises:
16 the sale of or possession with intent to sell controlled
17 substances or marijuana, the sale of or possession with intent
18 to sell firearms, homicide, criminal sexual assault or criminal
19 sexual abuse, aggravated assault or aggravated battery, then
20 the local liquor control commissioner may, without notice or
21 hearing, and upon the issuance of a written order stating that
22 the continued operation of the licensed premises poses an
23 immediate threat to the health, safety, or welfare of the
24 community, order the licensed premises closed for a period of
25 not more than 30 days, giving the licensee an opportunity to be
26 heard during that period. Upon receipt of evidence of the

1 criminal activity by the local liquor control commissioner, the
2 name of the licensee and the address of the licensed premises
3 where the criminal activity is alleged to have occurred may be
4 submitted by the local liquor control commissioner to the State
5 Commission. If such information is received by the State
6 Commission, then the State Commission must post that
7 information in each of its offices in places available for
8 public inspection not later than the day following the State
9 Commission's receipt of the information. If the licensee is
10 granted a continuance during the period of time the licensed
11 premises is ordered to be closed, the licensed premises shall
12 remain closed until a judgment is entered. Notwithstanding the
13 foregoing, the licensed premises will be allowed to remain open
14 if the criminal activity is timely reported by the licensee, or
15 its agents, pursuant to local ordinance, and the criminal
16 activity shall not be used as a basis for suspension under this
17 Act. A distributor may, in coordination with the local liquor
18 control commissioner and the local police department, remove
19 any product from the licensed premises for which the
20 distributor has not received full payment from the licensee at
21 the time of the closure of the premises. The distributor shall
22 provide the local liquor control commissioner with a document
23 outlining the products for which full payment has not been
24 received.

25 (Source: P.A. 95-331, eff. 8-21-07.)

26 Section 99. Effective date. This Act takes effect upon

1 becoming law.