



POLICE DEPARTMENT

3 S 245 Warren Avenue • Warrenville, IL 60555
630/393-2131 • FAX 630/393-4071

December 14, 2012

Underage Drinking and Parental Responsibilities

Public Act 97-1049 takes effect on January 1, 2013, targeting underage drinking by cracking down on parents who allow young people to drink on their property. This law expands upon the current law, which already states it is illegal for parents or guardians to allow underage drinkers to consume alcohol at their residence. The new law takes that law one step further, specifying that it is also a crime to allow the minors to drink on any property under the parent's or guardian's control – including barns, cabins, boathouses, guest houses, etc.

The expanded law makes it a misdemeanor, carrying a \$500 fine, for any adult to knowingly permit minors under the age of 21 to drink alcohol on their property or in their home. If the violation results in bodily harm or death, the adult will be charged with a felony.

It further provides that a parent or guardian who knowingly permits his or her residence, or any other private property under his or her control (*instead of knowingly permit his or her residence*) to be used by an invitee, under the age of 21, of the parent's child or the guardian's ward in a manner that constitutes a violation of the Act's prohibited sales and possession provisions, is guilty of a Class A misdemeanor.

This change also provides that a parent or guardian is deemed to have knowingly permitted his or her residence, or any other private property under his or her control, to be used in violation of the Act if he or she knowingly authorizes or permits (*instead of knowingly authorizes, enables, or permits*) consumption of alcohol by underage invitees.

The provisions about use of a residence by an underage invitee, modifies some of the elements of the offense by (i) providing that any person, including a tenant or lessee, who knowingly authorizes or permits (instead of permits) a residence (instead of a gathering at a residence) which he or she occupies to be used by an invitee under 21 years of age, for possession or use of an alcoholic beverage, violates the Act, if other specified conditions are met; and (ii) by striking the requirement that the person occupying the residence know that the underage person who possesses or consumes alcohol left the residence intoxicated.

Finally, this law change provides that a person shall not be in violation of the provisions of this Act concerning prohibited underage alcohol consumption at a residence if (A) he or she requests assistance from the police department or other law enforcement agency to either: (i) remove any person who refuses to abide by the person's performance of his or her legal duties under this Act or (ii) terminate the activity because the person has been unable to prevent a person under the age of 21 years from consuming alcohol despite having taken all reasonable steps to do so; and (B) this assistance is requested before any other person makes a formal complaint to the police department or other law enforcement agency about the activity.

<http://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=097-1049>