

FAST FACTS

MINOR IN POSSESSION STATE STATUTES



Overview of Illinois State Minor in Possession Laws

The Illinois Liquor Code contains many useful laws to deal with minors who are in possession of alcoholic beverages. They are as follows:

| Law | Description | Charge/Penalty |
|---|--|--|
| ILCS 235 5/6-20 (a) & (d) | Prohibits anyone under the age of 21 from purchasing or possessing any alcoholic liquor | Class A Misdemeanor |
| ILCS 235 5/6-16(a) 235 5/6-20(a) | Prohibits anyone under the age of 21 from possessing any alcoholic liquor | Class A Misdemeanor |
| ILCS 235 5/6-20(e) | Prohibits anyone under the age of 21 from consuming any alcoholic liquor | Class A Misdemeanor |
| ILCS 235 5/6-16 (a) & 235 5/10(1) (e) - Misrepresentation of Age | Prohibits anyone under the age of 21 from misrepresenting their age in an attempt to gain access to alcoholic beverages | Class A Misdemeanor – Upon conviction statute mandates a minimum fine of \$500 and 25 hours of community service |
| ILCS 235 5/6-16(a) & 235 5/6-20(c) Possession of False Identification | Prohibits anyone under the age of 21 from possessing any false or fraudulent form of identification | Class A Misdemeanor – Upon conviction statute mandates a minimum fine of \$500 and 25 hours of community service |
| ILCS 235 5/6-16(a) Sale Furnishing of a false identification | Prohibits any person from selling, giving, or furnishing any fraudulent document or evidence of age to any person under the age of 21. | Class A Misdemeanor - Upon conviction statute mandates a minimum fine of \$500 |
| ILCS 235 5/6-16 | Use of false identification may result in suspension of driving privileges – Duty of investigating agency to report upon conviction | |

NOTE: There are two exemptions under the statute: minors may be in possession of alcoholic beverages when used during religious ceremonies and when consumed in the presence of their parents within the home.

In addition to the above noted mandatory fines, the penalty options available to the judge for a Class A Misdemeanor can also include:

- A fine up to \$2500
- Supervision
- Restitution
- A jail sentence up to 364 days
- Probation
- Community Service

Additional sanctions are available under the Illinois Vehicle Code for violations involving minors in possession of alcohol – See 625 ILCS 5/6-206 (26), (27), & (38). These are administrative penalties assessed against the minors' driving privileges and do not require the minor to be operating a motor vehicle at the time of the violation.

The Goal of Minor in Possession Laws

The goal of these laws is two-fold:

1. It is to protect youth from the negative consequences of engaging in behavior for which they are not prepared
2. It is to deter usage

Why Minor in Possession Ordinances are Important to Communities

For deterrence to be effective it has to be swift and certain and there must be a consequence. "Deterrence through threatened sanctions, both legal and social, is needed. Enforcement and public awareness of enforcement are essential if restrictions on youth access to alcohol are to be effectively implemented."¹ A 2005 research study found that "...communities with increased levels of enforcement tended to have lower community levels of binge drinking and drinking in general. These effects are consistent with the notion that perceived negative consequences (being caught by the police, if broad and severe enough, could be a deterrent to behavior.)"² Some experts believe that "administrative penalties are more certain to be imposed swiftly than criminal sanctions and thus have greater potential for creating a deterrent effect."³

Considerations for Minor in Possession Statutes

It is the responsibility of local police officers to enforce the State Statutes pertaining to minors in possession of alcoholic beverages. There are numerous barriers to enforcement of underage drinking laws that include, but are not limited to; lack of monetary resources, lack of personnel, lack of knowledge, officer resistance due to competing demands, and perceived lack of prosecution. Coalitions should work to reduce the barriers to enforcement and advocate for increased resources to address underage drinking. Coalitions should work with law enforcement, prosecutors, and judges to streamline processes and ensure consistent prosecution that imposes appropriate and meaningful sanctions for violators. As previously noted, the judge has a range of penalties available to address these violations. In addition, the coalition should work with funding sources at the local, state, and national level to increase funding for addressing underage drinking.

Helpful Tips and Suggestions

Solicit input from youth to determine what they view as meaningful sanctions and what might have a deterrent effect on their behavior. In addition, you should work with law enforcement and local attorneys to address potential loopholes and implementation pitfalls. It will also be important to educate all parties regarding the State laws and the negative consequences of underage drinking as well as the importance of increased enforcement of the laws. An ongoing media campaign to educate the community can serve to change community norms regarding underage drinking. In addition, providing targeted educational seminars for specific populations will be necessary to include; youth, parents, educators, health care professionals, and law enforcement.

Resources and Tools

235 ILCS Liquor Code

625 ILCS Motor Vehicle Code

[Illinois DUI Guide](#)

References

1. National Research Council and Institute of Medicine (2004). Reducing Underage Drinking: A Collective Responsibility. Committee on Developing a Strategy to Reduce and Prevent Underage Drinking, Richard J. Bonnie and Mary Ellen O'Connell, Editors. Board on Children, Youth, and Families, Division of Behavioral and Social Sciences and Education. Washington DC: The National Academies Press.
2. "Community Level Alcohol Availability and Enforcement of Possession Laws as Predictors of Youth Drinking" *Prev Med* 2005 Mar; 40(3); 355-362 Clyde Dent, Joel W. Grube and Anthony Biglan
3. "Regulatory Strategies for Preventing Youth Access to Alcohol: Best Practices" Prepared by Pacific Institute for Research and Evaluation in Support of the OJJDP Enforcing the Underage Drinking Laws Program, December 1999 page 41