

Civil penalties for adults

In addition to all applicable criminal penalties, under the Drug or Alcohol Impaired Minor Responsibility Act, any adult who willfully supplies alcohol or illegal drugs which cause or contribute to the impairment of a person under 18 years of age is liable for any death or injuries to persons or property caused by the teen's impairment. Liability also attaches if the adult allows unlawful consumption of drugs or alcohol by persons under the age of 18 on non-residential property he or she controls.

Under the Act, a person, or the surviving spouse and next-of-kin of any person, who is killed or suffers an injury to his or her person or property, has a right of action in his or her own name and may recover the following damages, jointly and severally, from the adult or adults who caused or contributed to the teen's impairment in the manner described above:

- Economic damages
- Non-economic damages
- Costs related to litigation
- Punitive damages
- Attorney fees

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A Message From

Bob Berlin

**DuPage County
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When many of us were younger, society had a different view of teenage drinking than it does today. Now that we have a better understanding of the long-term health risks associated with teenage alcohol abuse and have seen the damage done to lives by young persons under the influence of alcohol, we have adopted laws which criminalize behavior that was widely tolerated up until recently and strengthened the penalties for offenses that were once resolved with a "slap on the wrist."

Today, there is no excuse for any minor to be unlawfully in possession of or consuming alcohol. There is similarly no excuse for parents or guardians to accept this dangerous, illegal behavior, let alone to facilitate it or permit it to occur under their watch. The law is crystal clear. Minors who possess or consume alcohol unlawfully or use fake IDs will be prosecuted and they will lose their driving privileges. Adults caught unlawfully providing alcohol to minors or permit underage drinking parties to occur will be prosecuted.

This guide is not intended to scare or intimidate you or your children, but rather to provide some sobering information about the legal consequences associated with underage drinking. I hope that you find it useful and will use it as an opportunity to talk to our teens about alcohol abuse.

The DuPage County State's Attorney's Office

Underage Drinking

A parents guide to the
legal consequences



**DuPage County
State's Attorney
Robert B. Berlin**

“Parents and teens need to be aware of the legal consequences of alcohol use.”

- DuPage County State’s Attorney Robert B. Berlin

Criminal consequences for minors unlawfully using alcohol or identification

Illinois takes a tough approach to combatting underage drinking. Following are some laws of which you and your teen should be aware:

Penalties for unlawful possession or consumption of alcohol by a minor—

In Illinois, the unlawful possession or consumption of alcohol by a minor is a Class A misdemeanor which is punishable by up to one year in jail and fines of up to \$2,500. Many cities and villages have adopted ordinances which impose mandatory minimum fines or community service as penalties.

Any person under age 21 who receives court supervision for violating state law or local ordinance for the purchase, possession, receipt or consumption of alcohol will have his or her driving privileges suspended for three months.

Any person under age 21 convicted of violating state or local ordinance for the illegal purchase, possession, receipt or consumption of alcohol will have his or her driving privileges suspended for 6 months for a first conviction, 12 months for a second conviction and revoked for a subsequent conviction.

These penalties apply even if there is no connection between the unlawful consumption and the minor’s operation or even presence in a motor vehicle.

Zero tolerance suspension —

It is unlawful for any person under the age of 21 to operate a motor vehicle with any amount of alcohol in their blood or breath. A minor found to have any trace of alcohol in his or her system or who refuses to submit to chemical testing will automatically receive a “zero tolerance” suspension.

A first time offender will face a 3-month suspension if he or she is found to have a blood or breath alcohol concentration greater than .00, or a 6-month suspension if he or she refuses to submit to a breath or blood test.

A second-time or subsequent offender will face a 1-year suspension if he or she is found to have a BAC greater than .00, or a 2-year suspension if he or she refuses to submit to a breath or blood test.

Unlawful use of ID —

It is a violation of Illinois law for any person:

- To display or represent as the person’s own any ID card of another.
- To lend an ID to another or knowingly allow the the use of by another.

A first offense is a Class A misdemeanor that carries a minimum \$500 fine or 50 hours of community service. A second offense is a Class 4 felony.

Unlawful use of a “fake” ID —

The possession, use or display of a fraudulent (homemade) ID or a fictitious or unlawfully altered (officially issued, but containing false information) ID card is a Class 4 felony for a first offense.

Consequences for driving privileges —

Upon receiving evidence that any person has unlawfully used an ID or has used a “fake” ID, the Secretary of State will automatically suspend or revoke that person’s driving privileges. A first offense carries a 12-month suspension while a second or subsequent offense results in a revocation. No trial or hearing is necessary.

Criminal Consequences for Adults

The changing attitude toward underage drinking has led to new laws and tougher penalties aimed at adults who allow or facilitate the unlawful consumption of alcohol by minors. As you will see below, it is illegal for anyone to host an underage drinking party at their home, in a hotel room or anywhere else—even if no one is allowed to drive home following the party.

In Illinois, it is against the law to:

- Deliver, sell or give alcohol to a minor other than as a part of a religious ceremony or to your child under your direct supervision in the privacy of the home;
- To authorize, enable or permit underage drinking by any minor guests of your children in your home;
- To permit a gathering at your home where any minor is unlawfully in possession or consuming alcohol and allow a minor to leave in an intoxicated condition;
- To rent a hotel or motel room for the purpose of or with the knowledge that the room will be used for the unlawful consumption of alcohol;

Other offenses which may apply to situations where adults illegally provide alcohol to minors include:

- Reckless conduct,
- Contributing to the delinquency of a minor, or
- Endangering the life or health of a child.

Each of these offenses is classified as at least a Class A misdemeanor punishable by up to one year in jail. Several become Class 4 felonies (or higher) punishable by a prison term of at least one year if the violation results in death or great bodily harm to any person.