

# Troubling Situations

**City  
Ordinances**

**Criminal  
Statutes**

**Crime  
Victim**

**Student Legal Service**  
**324 Illini Union**



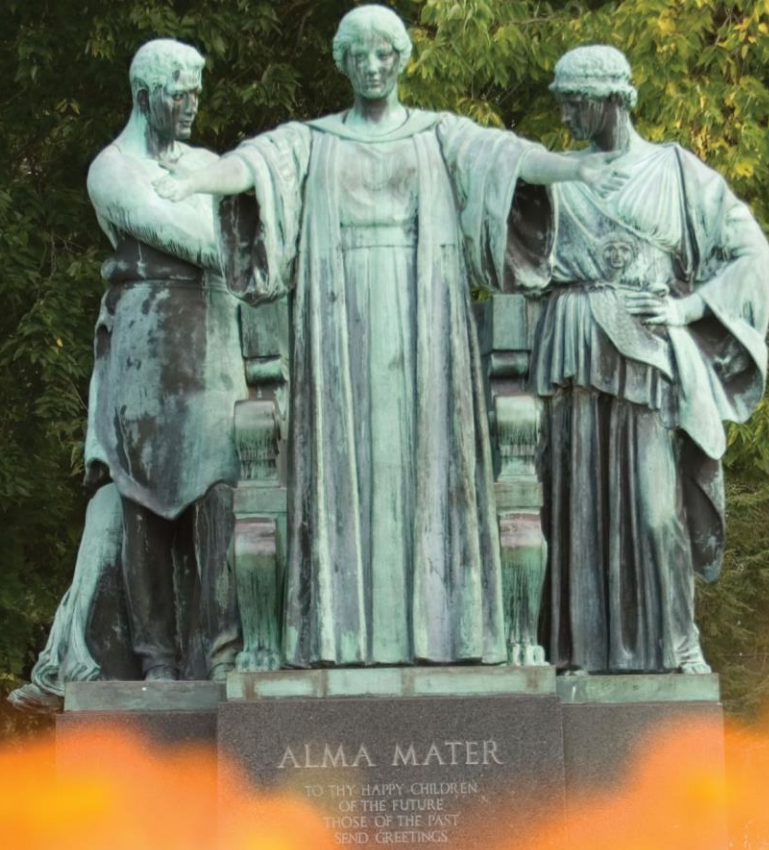
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Hours: 8:30-Noon, 1-4:30pm, M-F

# KEY

<u>Topic</u>	<u>Slide #</u>
City Ordinances, Q & A	3
Possession and Use of a Fake ID	14
Illinois Law	14-17
Penalties	18
Social Host Liability	20
Champaign-Urbana City Ordinance System	23
Criminal Statutes	27
Perpetrator	28-32
Criminal Trespass	28
Theft	29
Smoking weed/possession/paraphernalia	30-31
Victim	33





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# CITY ORDINANCES

- **Can a person consume without being in possession?**

No. One cannot consume without being in possession at some point.



**I am under 21. I cook using various forms of alcohol and need to taste the wine before I use it. Can I legally do this?**

Technically, the answer is “no” unless you are enrolled in a culinary class. You can taste but not drink.



# May I drink alcohol as part of a religious ceremony?

- Yes, but do not try to start a religion where the drinking of alcohol is the central pillar of the faith.
- A fraternity or sorority house or apartment is not going to be recognized as a bona fide religion!



# PENALTIES

If you are charged with a State Offense for possession/consumption and found guilty, the consequences can be severe.

**NOTE:** City ordinance violation charges are petty offenses where jail is not a possibility.



# I heard a misdemeanor isn't a big deal – a fine and I go home. What's the big deal?

- A finding of guilt for “minor in possession/ consumption of alcohol carries up to:
  - 364 days in county jail.
  - \$2,500.00 fine.
  - Mandatory court costs, often more than the fine.
  - Six month loss of driver's license; one year for second and subsequent offenses.
  - Where *Court Supervision* is granted, you still lose your license for three months





- In Champaign County, mandatory alcohol counseling through an online class for first offense.
- Automobile Insurance costs will likely increase.
- U of I Office for Conflict Resolution (Student Discipline) will issue sanctions against you, which can impact transcripts and admission to graduate school.
- All of these consequences will occur with an Ordinance Violation that goes to court, with the exception of jail time and such a high fine.



- Some professions will question your fitness for admission or license, but few will bar you altogether. You will have to explain yourself, which can be embarrassing.
- Most job applications ask if you have ever been convicted of a misdemeanor or felony.



- Multiple convictions are difficult to explain. One conviction for MIP; you are just unlucky.
  - Two convictions makes an employer wonder if you are more than unlucky.
  - THREE suggests a pattern of very poor judgment and possible alcohol issues.



**What if a few of my friends and I are sitting at a table in a bar. Two of us are under 21. We have bottles of beer in front of us, but when the police come to our table, we have our hands in our laps and are not touching the beer?**

The law forbids actual physical possession by those under age 21.

The possession does not have to be exclusive.



This can be proved by circumstantial evidence, sometimes called constructive possession.

In everyday terms this means that if the alcohol is within your reach, dominion or control, it will be deemed to be in your possession, unless you can prove it was not.



# POSSESSION AND USE OF FAKE ID

## Illinois Law



**235 ILCS 5/10-1(e)** Any person under the age of 21 years who, for the purpose of buying, accepting or receiving alcoholic liquor from a licensee, represents that he is 21 years of age or over shall be guilty of a *Class A Misdemeanor*.

Note: Urbana and Champaign have similar city ordinances which carry lesser penalties as they are *petty offenses*.



**ILCS 335/14(a)** (from Ch. 124, par. 34)

**Sec. 14. Unlawful use of identification card.**

(a) It is a violation of this Section for any person:

1. To possess, display, or cause to be displayed any cancelled or revoked identification card;
2. To display or represent as the person's own any identification card issued to another;





3. To allow any unlawful use of an identification card issued to the person;
4. To lend an identification card to another or knowingly allow the use thereof by another;
5. To fail or refuse to surrender to the Secretary of State, the Secretary's agent or any peace officer upon lawful demand, any identification card which has been revoked or cancelled;



## PENALTIES

- Up to 364 days in jail.
- Mandatory \$500.00 fine plus court costs.
- Loss of driver's license for one year.
- U of I Student Discipline – local police forward all reports to U of I.
- Having to explain why you can't drive for your summer job.
- Explaining “Fraudulent Use/Possession of ID” to employer is awkward and implicates notions of Identity Theft, which makes employers very cautious about hiring you.



# I am 21 years old. I “lost” my ID and learned that somebody used it to get into a bar. Am I guilty of something?

- Potentially. If you lost your ID and reported it lost to police and/or Driver’s Services, and had it replaced prior to learning about the use by another, you will have a strong legal defense.
- The tale of the “lost” or “stolen” ID seems to be a phenomenon that largely occurs on college campuses. Police and prosecutors are naturally skeptical about this version of events. Rarely does it work.



# SOCIAL HOST LIABILITY



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# **I have four roommates who regularly party, and there are almost always underage students drinking. What can I do to avoid being charged with a crime?**

The strongest action you can take is to call the police and ask for the removal of those who are underage. This must be done before the neighbors have made a complaint.

Realistically, few students are going to take this action as they have to deal with the other roommates the rest of the year and do not want to become social outcasts.



A more practical action is to leave the apartment during the gathering and have proof that you were not present.

This is NOT 100% guaranteed to protect you, however.



# CHAMPAIGN / URBANA CITY ORDINANCE SYSTEM

19-year-olds are allowed to be present in bars but cannot possess or drink alcohol. This is the rule in Champaign and Urbana, but, as a general rule, not outside the twin cities, where 21 is the effective law.

# PAY BY MAIL

Both Champaign and Urbana have a system where police will usually issue a city ordinance TICKET for offenses such as:

- Minor's Purchase/Possession of Alcohol
- Possession of Alcohol on Public Property
- Minor (under age 19) in a liquor establishment
- Fake ID, etc.

These are quasi-criminal offenses, not CRIMINAL charges although many could be called Criminal Misdemeanors if charged under State law.





- Pay By Mail is a frequently an option, and keeps the matter out of the court system.
- What does the city have to prove in order to find you liable for a city ordinance violation ticket?
  - By a clear preponderance of evidence that you committed the offense.
  - Under state charges, the state must prove guilt “beyond a reasonable doubt”.
  - With city tickets, it amounts to “more likely than not”, a bit more than 50%, for a finding of guilt.



- Conviction is much easier in city cases.
- You will receive a fine and court costs if you are found guilty at trial. There are no fines or court costs if you are found not guilty.





ALMA MATER

TO THY HAPPY CHILDREN  
OF THE FUTURE  
THOSE OF THE PAST  
SEND GREETINGS

UNIVERSITY OF ILLINOIS  
AT URBANA-CHAMPAIGN

# CRIMINAL STATUTES



# Perpetrator

Common criminal acts students commit:

- Criminal Trespass:
  - Climbing on buildings
  - Entering closed buildings/facilities
    - Memorial Stadium
    - State Farm Center

- Theft
  - Street signs (High St. in Urbana)
  - Shoplifting
    - Grocery stores
    - Market Place Mall
    - Wal-Mart
    - IUB – they are prosecuting.

- Smoking weed / possession / paraphernalia
  - Illinois is a smoke-free campus. This includes weed. Never smoke:
    - In a residence hall room
      - RAs always report the smell; incense and air spray are ineffective, so is duct taping door gaps or putting a towel up against the door.
    - Outside the residence hall
      - Police patrol regularly and frequently catch students doing this.

- In Illini Grove or Frat Park
  - Police patrol here, too.
- Anywhere on campus
  - Now that the campus is smoke-free, you can't even smoke tobacco anywhere on campus property. It follows that you cannot smoke weed anywhere on campus either.

# PENALTIES

It depends on how police want to charge:

- City ordinance violation

- Misdemeanor

Urbana generally gives a city ordinance violation for small amounts; current proposed ordinance change would decriminalize up to 30 grams.





# Victim

- Victim of theft
  - NEVER leaves your things unattended!
    - Cell phone in pocket or out, courtside at ARC
    - Laptop in a library, Courtyard Café or food court in the Illini Union, in a lounge, etc.
    - Keep your apartment/room door locked!
- Victim of violence
  - Don't walk alone late at night, especially when inebriated
  - Be aware of your surroundings

# STUDENT LEGAL SERVICE

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