



Rep. Litesa E. Wallace

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LRB100 11433 AXK 24295 a

1 AMENDMENT TO HOUSE BILL 3920

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3920 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by  
5 changing Section 6-303 as follows:

6 (625 ILCS 5/6-303) (from Ch. 95 1/2, par. 6-303)

7 Sec. 6-303. Driving while driver's license, permit or  
8 privilege to operate a motor vehicle is suspended or revoked.

9 (a) Except as otherwise provided in subsection (a-5) or  
10 (a-7), any person who drives or is in actual physical control  
11 of a motor vehicle on any highway of this State at a time when  
12 such person's driver's license, permit or privilege to do so or  
13 the privilege to obtain a driver's license or permit is revoked  
14 or suspended as provided by this Code or the law of another  
15 state, except as may be specifically allowed by a judicial  
16 driving permit issued prior to January 1, 2009, monitoring

1 device driving permit, family financial responsibility driving  
2 permit, probationary license to drive, or a restricted driving  
3 permit issued pursuant to this Code or under the law of another  
4 state, shall be guilty of a Class A misdemeanor.

5 (a-3) A second or subsequent violation of subsection (a) of  
6 this Section is a Class 4 felony if committed by a person whose  
7 driving or operation of a motor vehicle is the proximate cause  
8 of a motor vehicle accident that causes personal injury or  
9 death to another. For purposes of this subsection, a personal  
10 injury includes any Type A injury as indicated on the traffic  
11 accident report completed by a law enforcement officer that  
12 requires immediate professional attention in either a doctor's  
13 office or a medical facility. A Type A injury includes severe  
14 bleeding wounds, distorted extremities, and injuries that  
15 require the injured party to be carried from the scene.

16 (a-5) Any person who violates this Section as provided in  
17 subsection (a) while his or her driver's license, permit or  
18 privilege is revoked because of a violation of Section 9-3 of  
19 the Criminal Code of 1961 or the Criminal Code of 2012,  
20 relating to the offense of reckless homicide or a similar  
21 provision of a law of another state, is guilty of a Class 4  
22 felony. The person shall be required to undergo a professional  
23 evaluation, as provided in Section 11-501 of this Code, to  
24 determine if an alcohol, drug, or intoxicating compound problem  
25 exists and the extent of the problem, and to undergo the  
26 imposition of treatment as appropriate.

1       (a-7) Any person who violates this Section as provided in  
2 subsection (a) while his or her driver's license, permit, or  
3 privilege to drive is revoked or suspended under paragraph 42  
4 of subsection (a) of Section 6-206 of this Code or Section  
5 6-306.5 or 7-702 of this Code shall receive a notice of  
6 violation from the local law enforcement officer. A person who  
7 fails to pay any fees associated with the notice of violation  
8 shall be guilty of a petty offense. A person found guilty of 3  
9 petty offenses under this subsection (a-7) shall have his or  
10 her driver's license revoked for a period of up to one year.

11       (a-10) A person's driver's license, permit, or privilege to  
12 obtain a driver's license or permit may be subject to multiple  
13 revocations, multiple suspensions, or any combination of both  
14 simultaneously. No revocation or suspension shall serve to  
15 negate, invalidate, cancel, postpone, or in any way lessen the  
16 effect of any other revocation or suspension entered prior or  
17 subsequent to any other revocation or suspension.

18       (b) (Blank).

19       (b-1) Except for a person under subsection (a-7) of this  
20 Section, upon ~~Upon~~ receiving a report of the conviction of any  
21 violation indicating a person was operating a motor vehicle  
22 during the time when the person's driver's license, permit or  
23 privilege was suspended by the Secretary of State or the  
24 driver's licensing administrator of another state, except as  
25 specifically allowed by a probationary license, judicial  
26 driving permit, restricted driving permit or monitoring device

1 driving permit the Secretary shall extend the suspension for  
2 the same period of time as the originally imposed suspension  
3 unless the suspension has already expired, in which case the  
4 Secretary shall be authorized to suspend the person's driving  
5 privileges for the same period of time as the originally  
6 imposed suspension.

7 (b-2) Except as provided in subsection (b-6) or (a-7), upon  
8 receiving a report of the conviction of any violation  
9 indicating a person was operating a motor vehicle when the  
10 person's driver's license, permit or privilege was revoked by  
11 the Secretary of State or the driver's license administrator of  
12 any other state, except as specifically allowed by a restricted  
13 driving permit issued pursuant to this Code or the law of  
14 another state, the Secretary shall not issue a driver's license  
15 for an additional period of one year from the date of such  
16 conviction indicating such person was operating a vehicle  
17 during such period of revocation.

18 (b-3) (Blank).

19 (b-4) When the Secretary of State receives a report of a  
20 conviction of any violation indicating a person was operating a  
21 motor vehicle that was not equipped with an ignition interlock  
22 device during a time when the person was prohibited from  
23 operating a motor vehicle not equipped with such a device, the  
24 Secretary shall not issue a driver's license to that person for  
25 an additional period of one year from the date of the  
26 conviction.

1 (b-5) Any person convicted of violating this Section shall  
2 serve a minimum term of imprisonment of 30 consecutive days or  
3 300 hours of community service when the person's driving  
4 privilege was revoked or suspended as a result of a violation  
5 of Section 9-3 of the Criminal Code of 1961 or the Criminal  
6 Code of 2012, relating to the offense of reckless homicide, or  
7 a similar provision of a law of another state.

8 (b-6) Upon receiving a report of a first conviction of  
9 operating a motor vehicle while the person's driver's license,  
10 permit or privilege was revoked where the revocation was for a  
11 violation of Section 9-3 of the Criminal Code of 1961 or the  
12 Criminal Code of 2012 relating to the offense of reckless  
13 homicide or a similar out-of-state offense, the Secretary shall  
14 not issue a driver's license for an additional period of three  
15 years from the date of such conviction.

16 (c) Except as provided in subsections (a-7), (c-3), and  
17 (c-4), any person convicted of violating this Section shall  
18 serve a minimum term of imprisonment of 10 consecutive days or  
19 30 days of community service when the person's driving  
20 privilege was revoked or suspended as a result of:

21 (1) a violation of Section 11-501 of this Code or a  
22 similar provision of a local ordinance relating to the  
23 offense of operating or being in physical control of a  
24 vehicle while under the influence of alcohol, any other  
25 drug or any combination thereof; or

26 (2) a violation of paragraph (b) of Section 11-401 of

1 this Code or a similar provision of a local ordinance  
2 relating to the offense of leaving the scene of a motor  
3 vehicle accident involving personal injury or death; or

4 (3) a statutory summary suspension or revocation under  
5 Section 11-501.1 of this Code.

6 Such sentence of imprisonment or community service shall  
7 not be subject to suspension in order to reduce such sentence.

8 (c-1) Except as provided in subsections (a-7), (c-5), and  
9 (d), any person convicted of a second violation of this Section  
10 shall be ordered by the court to serve a minimum of 100 hours  
11 of community service.

12 (c-2) In addition to other penalties imposed under this  
13 Section, the court may impose on any person convicted a fourth  
14 time of violating this Section any of the following:

15 (1) Seizure of the license plates of the person's  
16 vehicle.

17 (2) Immobilization of the person's vehicle for a period  
18 of time to be determined by the court.

19 (c-3) Any person convicted of a violation of this Section  
20 during a period of summary suspension imposed pursuant to  
21 Section 11-501.1 when the person was eligible for a MDDP shall  
22 be guilty of a Class 4 felony and shall serve a minimum term of  
23 imprisonment of 30 days.

24 (c-4) Any person who has been issued a MDDP or a restricted  
25 driving permit which requires the person to operate only motor  
26 vehicles equipped with an ignition interlock device and who is

1 convicted of a violation of this Section as a result of  
2 operating or being in actual physical control of a motor  
3 vehicle not equipped with an ignition interlock device at the  
4 time of the offense shall be guilty of a Class 4 felony and  
5 shall serve a minimum term of imprisonment of 30 days.

6 (c-5) Any person convicted of a second violation of this  
7 Section is guilty of a Class 2 felony, is not eligible for  
8 probation or conditional discharge, and shall serve a mandatory  
9 term of imprisonment, if:

10 (1) the current violation occurred when the person's  
11 driver's license was suspended or revoked for a violation  
12 of Section 9-3 of the Criminal Code of 1961 or the Criminal  
13 Code of 2012, relating to the offense of reckless homicide,  
14 or a similar out-of-state offense; and

15 (2) the prior conviction under this Section occurred  
16 while the person's driver's license was suspended or  
17 revoked for a violation of Section 9-3 of the Criminal Code  
18 of 1961 or the Criminal Code of 2012 relating to the  
19 offense of reckless homicide, or a similar out-of-state  
20 offense, or was suspended or revoked for a violation of  
21 Section 11-401 or 11-501 of this Code, a similar  
22 out-of-state offense, a similar provision of a local  
23 ordinance, or a statutory summary suspension or revocation  
24 under Section 11-501.1 of this Code.

25 (d) Any person convicted of a second violation of this  
26 Section shall be guilty of a Class 4 felony and shall serve a

1 minimum term of imprisonment of 30 days or 300 hours of  
2 community service, as determined by the court, if:

3 (1) the current violation occurred when the person's  
4 driver's license was suspended or revoked for a violation  
5 of Section 11-401 or 11-501 of this Code, a similar  
6 out-of-state offense, a similar provision of a local  
7 ordinance, or a statutory summary suspension or revocation  
8 under Section 11-501.1 of this Code; and

9 (2) the prior conviction under this Section occurred  
10 while the person's driver's license was suspended or  
11 revoked for a violation of Section 11-401 or 11-501 of this  
12 Code, a similar out-of-state offense, a similar provision  
13 of a local ordinance, or a statutory summary suspension or  
14 revocation under Section 11-501.1 of this Code, or for a  
15 violation of Section 9-3 of the Criminal Code of 1961 or  
16 the Criminal Code of 2012, relating to the offense of  
17 reckless homicide, or a similar out-of-state offense.

18 (d-1) Except as provided in subsections (a-7), (d-2),  
19 (d-2.5), and (d-3), any person convicted of a third or  
20 subsequent violation of this Section shall serve a minimum term  
21 of imprisonment of 30 days or 300 hours of community service,  
22 as determined by the court.

23 (d-2) Any person convicted of a third violation of this  
24 Section is guilty of a Class 4 felony and must serve a minimum  
25 term of imprisonment of 30 days, if:

26 (1) the current violation occurred when the person's



1 driver's license was suspended or revoked for a violation  
2 of Section 11-401 or 11-501 of this Code, or a similar  
3 out-of-state offense, or a similar provision of a local  
4 ordinance, or a statutory summary suspension or revocation  
5 under Section 11-501.1 of this Code; and

6 (2) the prior convictions under this Section occurred  
7 while the person's driver's license was suspended or  
8 revoked for a violation of Section 11-401 or 11-501 of this  
9 Code, a similar out-of-state offense, a similar provision  
10 of a local ordinance, or a statutory summary suspension or  
11 revocation under Section 11-501.1 of this Code, or for a  
12 violation of Section 9-3 of the Criminal Code of 1961 or  
13 the Criminal Code of 2012, relating to the offense of  
14 reckless homicide, or a similar out-of-state offense.

15 (d-2.5) Any person convicted of a third violation of this  
16 Section is guilty of a Class 1 felony, is not eligible for  
17 probation or conditional discharge, and must serve a mandatory  
18 term of imprisonment, if:

19 (1) the current violation occurred while the person's  
20 driver's license was suspended or revoked for a violation  
21 of Section 9-3 of the Criminal Code of 1961 or the Criminal  
22 Code of 2012, relating to the offense of reckless homicide,  
23 or a similar out-of-state offense. The person's driving  
24 privileges shall be revoked for the remainder of the  
25 person's life; and

26 (2) the prior convictions under this Section occurred

1 while the person's driver's license was suspended or  
2 revoked for a violation of Section 9-3 of the Criminal Code  
3 of 1961 or the Criminal Code of 2012, relating to the  
4 offense of reckless homicide, or a similar out-of-state  
5 offense, or was suspended or revoked for a violation of  
6 Section 11-401 or 11-501 of this Code, a similar  
7 out-of-state offense, a similar provision of a local  
8 ordinance, or a statutory summary suspension or revocation  
9 under Section 11-501.1 of this Code.

10 (d-3) Any person convicted of a fourth, fifth, sixth,  
11 seventh, eighth, or ninth violation of this Section is guilty  
12 of a Class 4 felony and must serve a minimum term of  
13 imprisonment of 180 days, if:

14 (1) the current violation occurred when the person's  
15 driver's license was suspended or revoked for a violation  
16 of Section 11-401 or 11-501 of this Code, a similar  
17 out-of-state offense, a similar provision of a local  
18 ordinance, or a statutory summary suspension or revocation  
19 under Section 11-501.1 of this Code; and

20 (2) the prior convictions under this Section occurred  
21 while the person's driver's license was suspended or  
22 revoked for a violation of Section 11-401 or 11-501 of this  
23 Code, a similar out-of-state offense, a similar provision  
24 of a local ordinance, or a statutory summary suspension or  
25 revocation under Section 11-501.1 of this Code, or for a  
26 violation of Section 9-3 of the Criminal Code of 1961 or

1 the Criminal Code of 2012, relating to the offense of  
2 reckless homicide, or a similar out-of-state offense.

3 (d-3.5) Any person convicted of a fourth or subsequent  
4 violation of this Section is guilty of a Class 1 felony, is not  
5 eligible for probation or conditional discharge, and must serve  
6 a mandatory term of imprisonment, and is eligible for an  
7 extended term, if:

8 (1) the current violation occurred when the person's  
9 driver's license was suspended or revoked for a violation  
10 of Section 9-3 of the Criminal Code of 1961 or the Criminal  
11 Code of 2012, relating to the offense of reckless homicide,  
12 or a similar out-of-state offense; and

13 (2) the prior convictions under this Section occurred  
14 while the person's driver's license was suspended or  
15 revoked for a violation of Section 9-3 of the Criminal Code  
16 of 1961 or the Criminal Code of 2012, relating to the  
17 offense of reckless homicide, or a similar out-of-state  
18 offense, or was suspended or revoked for a violation of  
19 Section 11-401 or 11-501 of this Code, a similar  
20 out-of-state offense, a similar provision of a local  
21 ordinance, or a statutory summary suspension or revocation  
22 under Section 11-501.1 of this Code.

23 (d-4) Any person convicted of a tenth, eleventh, twelfth,  
24 thirteenth, or fourteenth violation of this Section is guilty  
25 of a Class 3 felony, and is not eligible for probation or  
26 conditional discharge, if:

1           (1) the current violation occurred when the person's  
2 driver's license was suspended or revoked for a violation  
3 of Section 11-401 or 11-501 of this Code, or a similar  
4 out-of-state offense, or a similar provision of a local  
5 ordinance, or a statutory summary suspension or revocation  
6 under Section 11-501.1 of this Code; and

7           (2) the prior convictions under this Section occurred  
8 while the person's driver's license was suspended or  
9 revoked for a violation of Section 11-401 or 11-501 of this  
10 Code, a similar out-of-state offense, a similar provision  
11 of a local ordinance, or a statutory suspension or  
12 revocation under Section 11-501.1 of this Code, or for a  
13 violation of Section 9-3 of the Criminal Code of 1961 or  
14 the Criminal Code of 2012, relating to the offense of  
15 reckless homicide, or a similar out-of-state offense.

16           (d-5) Any person convicted of a fifteenth or subsequent  
17 violation of this Section is guilty of a Class 2 felony, and is  
18 not eligible for probation or conditional discharge, if:

19           (1) the current violation occurred when the person's  
20 driver's license was suspended or revoked for a violation  
21 of Section 11-401 or 11-501 of this Code, or a similar  
22 out-of-state offense, or a similar provision of a local  
23 ordinance, or a statutory summary suspension or revocation  
24 under Section 11-501.1 of this Code; and

25           (2) the prior convictions under this Section occurred  
26 while the person's driver's license was suspended or

1           revoked for a violation of Section 11-401 or 11-501 of this  
2           Code, a similar out-of-state offense, a similar provision  
3           of a local ordinance, or a statutory summary suspension or  
4           revocation under Section 11-501.1 of this Code, or for a  
5           violation of Section 9-3 of the Criminal Code of 1961 or  
6           the Criminal Code of 2012, relating to the offense of  
7           reckless homicide, or a similar out-of-state offense.

8           (e) Any person in violation of this Section who is also in  
9           violation of Section 7-601 of this Code relating to mandatory  
10          insurance requirements, in addition to other penalties imposed  
11          under this Section, shall have his or her motor vehicle  
12          immediately impounded by the arresting law enforcement  
13          officer. The motor vehicle may be released to any licensed  
14          driver upon a showing of proof of insurance for the vehicle  
15          that was impounded and the notarized written consent for the  
16          release by the vehicle owner.

17          (f) For any prosecution under this Section, a certified  
18          copy of the driving abstract of the defendant shall be admitted  
19          as proof of any prior conviction.

20          (g) The motor vehicle used in a violation of this Section  
21          is subject to seizure and forfeiture as provided in Sections  
22          36-1 and 36-2 of the Criminal Code of 2012 if the person's  
23          driving privilege was revoked or suspended as a result of:

24                 (1) a violation of Section 11-501 of this Code, a  
25                 similar provision of a local ordinance, or a similar  
26                 provision of a law of another state;

1           (2) a violation of paragraph (b) of Section 11-401 of  
2 this Code, a similar provision of a local ordinance, or a  
3 similar provision of a law of another state;

4           (3) a statutory summary suspension or revocation under  
5 Section 11-501.1 of this Code or a similar provision of a  
6 law of another state; or

7           (4) a violation of Section 9-3 of the Criminal Code of  
8 1961 or the Criminal Code of 2012 relating to the offense  
9 of reckless homicide, or a similar provision of a law of  
10 another state.

11 (Source: P.A. 98-285, eff. 1-1-14; 98-418, eff. 8-16-13;  
12 98-573, eff. 8-27-13; 98-756, eff. 7-16-14; 99-290, eff.  
13 1-1-16.)".