



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB0681

Introduced 1/26/2017, by Sen. Pamela J. Althoff

SYNOPSIS AS INTRODUCED:

725 ILCS 5/115-7.5 new

Amends the Code of Criminal Procedure of 1963. Provides that if a defendant is accused of an offense of driving under the influence or aggravated driving under the influence as defined in the Illinois Vehicle Code, and if the defendant refused chemical testing requested by a law enforcement officer, evidence of the defendant's commission of another offense or offenses of driving under the influence or aggravated driving under the influence is admissible, and may be considered for its bearing on any matter to which it is relevant. Provides that in weighing the probative value of the evidence against undue prejudice to the defendant, the court may consider: the proximity in time to the charged or predicate offense; the degree of factual similarity to the charged or predicate offense; whether the predicate offense resulted in a finding of guilt; or other relevant facts and circumstances. Provides that if the prosecution intends to offer this evidence, it must disclose the evidence, including statements of witnesses or a summary of the substance of any testimony, at a reasonable time in advance of trial, or during trial if the court excuses pretrial notice on good cause shown. Provides that proof may be made by specific instances of conduct, testimony as to reputation, or testimony in the form of an expert opinion, except that the prosecution may offer reputation testimony only after the opposing party has offered that testimony.

LRB100 06683 SLF 16724 b

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Code of Criminal Procedure of 1963 is
5 amended by adding Section 115-7.5 as follows:

6 (725 ILCS 5/115-7.5 new)

7 Sec. 115-7.5. Driving under the influence and aggravated
8 driving under the influence; evidence.

9 (a) If the defendant is accused of an offense of driving
10 under the influence or aggravated driving under the influence
11 as defined in subsection (a) or (d) of Section 11-501 of the
12 Illinois Vehicle Code, and if the defendant refused chemical
13 testing requested by a law enforcement officer under subsection
14 (a) of Section 11-501.1 of the Illinois Vehicle Code, evidence
15 of the defendant's commission of another offense or offenses of
16 driving under the influence or aggravated driving under the
17 influence is admissible, and may be considered for its bearing
18 on any matter to which it is relevant.

19 (b) In weighing the probative value of the evidence against
20 undue prejudice to the defendant, the court may consider:

21 (1) the proximity in time to the charged or predicate
22 offense;

23 (2) the degree of factual similarity to the charged or

1 predicate offense;

2 (3) whether the predicate offense resulted in a finding
3 of guilt; or

4 (4) other relevant facts and circumstances.

5 (c) If the prosecution intends to offer evidence under this
6 Section, it must disclose the evidence, including statements of
7 witnesses or a summary of the substance of any testimony, at a
8 reasonable time in advance of trial, or during trial if the
9 court excuses pretrial notice on good cause shown.

10 (d) If evidence is offered under this Section, proof may be
11 made by specific instances of conduct, testimony as to
12 reputation, or testimony in the form of an expert opinion,
13 except that the prosecution may offer reputation testimony only
14 after the opposing party has offered that testimony.