

**SB3763**



**97TH GENERAL ASSEMBLY**

**State of Illinois**

**2011 and 2012**

**SB3763**

Introduced 2/10/2012, by Sen. Emil Jones, III

**SYNOPSIS AS INTRODUCED:**

625 ILCS 5/11-501.01

Amends the Illinois Vehicle Code. Provides that any person who is found guilty of or pleads guilty to driving while intoxicated, including any person receiving a disposition of court supervision for violating that Section, shall (instead of "may") be required to attend a victim impact panel. Adds Victim Impact Speakers to the list of organizations permitted to run victim impact panels. Effective immediately.

LRB097 19720 HEP 64979 b

**A BILL FOR**

1 AN ACT concerning transportation.

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

4 Section 5. The Illinois Vehicle Code is amended by changing  
5 Section 11-501.01 as follows:

6 (625 ILCS 5/11-501.01)

7 Sec. 11-501.01. Additional administrative sanctions.

8 (a) After a finding of guilt and prior to any final  
9 sentencing or an order for supervision, for an offense based  
10 upon an arrest for a violation of Section 11-501 or a similar  
11 provision of a local ordinance, individuals shall be required  
12 to undergo a professional evaluation to determine if an  
13 alcohol, drug, or intoxicating compound abuse problem exists  
14 and the extent of the problem, and undergo the imposition of  
15 treatment as appropriate. Programs conducting these  
16 evaluations shall be licensed by the Department of Human  
17 Services. The cost of any professional evaluation shall be paid  
18 for by the individual required to undergo the professional  
19 evaluation.

20 (b) Any person who is found guilty of or pleads guilty to  
21 violating Section 11-501, including any person receiving a  
22 disposition of court supervision for violating that Section,  
23 shall ~~may~~ be required by the Court to attend a victim impact

1 panel offered by, or under contract with, a county State's  
2 Attorney's office, a probation and court services department,  
3 Victim Impact Speakers, Mothers Against Drunk Driving, or the  
4 Alliance Against Intoxicated Motorists. All costs generated by  
5 the victim impact panel shall be paid from fees collected from  
6 the offender or as may be determined by the court.

7 (c) Every person found guilty of violating Section 11-501,  
8 whose operation of a motor vehicle while in violation of that  
9 Section proximately caused any incident resulting in an  
10 appropriate emergency response, shall be liable for the expense  
11 of an emergency response as provided in subsection (i) of this  
12 Section.

13 (d) The Secretary of State shall revoke the driving  
14 privileges of any person convicted under Section 11-501 or a  
15 similar provision of a local ordinance.

16 (e) The Secretary of State shall require the use of  
17 ignition interlock devices on all vehicles owned by a person  
18 who has been convicted of a second or subsequent offense of  
19 Section 11-501 or a similar provision of a local ordinance. The  
20 person must pay to the Secretary of State DUI Administration  
21 Fund an amount not to exceed \$30 for each month that he or she  
22 uses the device. The Secretary shall establish by rule and  
23 regulation the procedures for certification and use of the  
24 interlock system, the amount of the fee, and the procedures,  
25 terms, and conditions relating to these fees.

26 (f) In addition to any other penalties and liabilities, a

1 person who is found guilty of or pleads guilty to violating  
2 Section 11-501, including any person placed on court  
3 supervision for violating Section 11-501, shall be assessed  
4 \$750, payable to the circuit clerk, who shall distribute the  
5 money as follows: \$350 to the law enforcement agency that made  
6 the arrest, and \$400 shall be forwarded to the State Treasurer  
7 for deposit into the General Revenue Fund. If the person has  
8 been previously convicted of violating Section 11-501 or a  
9 similar provision of a local ordinance, the fine shall be  
10 \$1,000, and the circuit clerk shall distribute \$200 to the law  
11 enforcement agency that made the arrest and \$800 to the State  
12 Treasurer for deposit into the General Revenue Fund. In the  
13 event that more than one agency is responsible for the arrest,  
14 the amount payable to law enforcement agencies shall be shared  
15 equally. Any moneys received by a law enforcement agency under  
16 this subsection (f) shall be used to purchase law enforcement  
17 equipment that will assist in the prevention of alcohol related  
18 criminal violence throughout the State. This shall include, but  
19 is not limited to, in-car video cameras, radar and laser speed  
20 detection devices, and alcohol breath testers. Any moneys  
21 received by the Department of State Police under this  
22 subsection (f) shall be deposited into the State Police DUI  
23 Fund and shall be used to purchase law enforcement equipment  
24 that will assist in the prevention of alcohol related criminal  
25 violence throughout the State.

26 (g) The Secretary of State Police DUI Fund is created as a

1 special fund in the State treasury. All moneys received by the  
2 Secretary of State Police under subsection (f) of this Section  
3 shall be deposited into the Secretary of State Police DUI Fund  
4 and, subject to appropriation, shall be used to purchase law  
5 enforcement equipment to assist in the prevention of alcohol  
6 related criminal violence throughout the State.

7 (h) Whenever an individual is sentenced for an offense  
8 based upon an arrest for a violation of Section 11-501 or a  
9 similar provision of a local ordinance, and the professional  
10 evaluation recommends remedial or rehabilitative treatment or  
11 education, neither the treatment nor the education shall be the  
12 sole disposition and either or both may be imposed only in  
13 conjunction with another disposition. The court shall monitor  
14 compliance with any remedial education or treatment  
15 recommendations contained in the professional evaluation.  
16 Programs conducting alcohol or other drug evaluation or  
17 remedial education must be licensed by the Department of Human  
18 Services. If the individual is not a resident of Illinois,  
19 however, the court may accept an alcohol or other drug  
20 evaluation or remedial education program in the individual's  
21 state of residence. Programs providing treatment must be  
22 licensed under existing applicable alcoholism and drug  
23 treatment licensure standards.

24 (i) In addition to any other fine or penalty required by  
25 law, an individual convicted of a violation of Section 11-501,  
26 Section 5-7 of the Snowmobile Registration and Safety Act,

1 Section 5-16 of the Boat Registration and Safety Act, or a  
2 similar provision, whose operation of a motor vehicle,  
3 snowmobile, or watercraft while in violation of Section 11-501,  
4 Section 5-7 of the Snowmobile Registration and Safety Act,  
5 Section 5-16 of the Boat Registration and Safety Act, or a  
6 similar provision proximately caused an incident resulting in  
7 an appropriate emergency response, shall be required to make  
8 restitution to a public agency for the costs of that emergency  
9 response. The restitution may not exceed \$1,000 per public  
10 agency for each emergency response. As used in this subsection  
11 (i), "emergency response" means any incident requiring a  
12 response by a police officer, a firefighter carried on the  
13 rolls of a regularly constituted fire department, or an  
14 ambulance.

15 (Source: P.A. 95-578, eff. 6-1-08; 95-848, eff. 1-1-09;  
16 96-1342, eff. 1-1-11.)

17 Section 99. Effective date. This Act takes effect upon  
18 becoming law.