



Sen. Dan Kotowski

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09800SB1764sam001

LRB098 04205 MLW 43171 a

1 AMENDMENT TO SENATE BILL 1764

2 AMENDMENT NO. _____. Amend Senate Bill 1764 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), any
10 person who drives or is in actual physical control of a motor
11 vehicle on any highway of this State at a time when such
12 person's driver's license, permit or privilege to do so or the
13 privilege to obtain a driver's license or permit is revoked or
14 suspended as provided by this Code or the law of another state,
15 except as may be specifically allowed by a judicial driving
16 permit issued prior to January 1, 2009, monitoring device

1 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-5) Any person who violates this Section as provided in
6 subsection (a) while his or her driver's license, permit or
7 privilege is revoked because of a violation of Section 9-3 of
8 the Criminal Code of 1961 or the Criminal Code of 2012,
9 relating to the offense of reckless homicide or a similar
10 provision of a law of another state, is guilty of a Class 4
11 felony. The person shall be required to undergo a professional
12 evaluation, as provided in Section 11-501 of this Code, to
13 determine if an alcohol, drug, or intoxicating compound problem
14 exists and the extent of the problem, and to undergo the
15 imposition of treatment as appropriate.

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

23 (b) (Blank).

24 (b-1) Upon receiving a report of the conviction of any
25 violation indicating a person was operating a motor vehicle
26 during the time when the person's driver's license, permit or

1 privilege was suspended by the Secretary of State or the
2 driver's licensing administrator of another state, except as
3 specifically allowed by a probationary license, judicial
4 driving permit, restricted driving permit or monitoring device
5 driving permit the Secretary shall extend the suspension for
6 the same period of time as the originally imposed suspension
7 unless the suspension has already expired, in which case the
8 Secretary shall be authorized to suspend the person's driving
9 privileges for the same period of time as the originally
10 imposed suspension.

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

22 (b-3) (Blank).

23 (b-4) When the Secretary of State receives a report of a
24 conviction of any violation indicating a person was operating a
25 motor vehicle that was not equipped with an ignition interlock
26 device during a time when the person was prohibited from

1 operating a motor vehicle not equipped with such a device, the
2 Secretary shall not issue a driver's license to that person for
3 an additional period of one year from the date of the
4 conviction.

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

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

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

25 (1) a violation of Section 11-501 of this Code or a
26 similar provision of a local ordinance relating to the

1 offense of operating or being in physical control of a
2 vehicle while under the influence of alcohol, any other
3 drug or any combination thereof; or

4 (2) a violation of paragraph (b) of Section 11-401 of
5 this Code or a similar provision of a local ordinance
6 relating to the offense of leaving the scene of a motor
7 vehicle accident involving personal injury or death; or

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

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

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

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

19 (1) Seizure of the license plates of the person's
20 vehicle.

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

23 (c-3) Any person convicted of a violation of this Section
24 during a period of summary suspension imposed pursuant to
25 Section 11-501.1 when the person was eligible for a MDDP shall
26 be guilty of a Class 4 felony and shall serve a minimum term of

1 imprisonment of 30 days.

2 (c-4) Any person who has been issued a MDDP and who is
3 convicted of a violation of this Section as a result of
4 operating or being in actual physical control of a motor
5 vehicle not equipped with an ignition interlock device at the
6 time of the offense shall be guilty of a Class 4 felony and
7 shall serve a minimum term of imprisonment of 30 days.

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

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

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

1 under Section 11-501.1 of this Code.

2 (d) Any person convicted of a second violation of this
3 Section shall be guilty of a Class 4 felony and shall serve a
4 minimum term of imprisonment of 30 days or 300 hours of
5 community service, as determined by the court, if:

6 (1) the current violation occurred when the person's
7 driver's license was suspended or revoked ~~the original~~
8 ~~revocation or suspension was~~ for a violation of Section
9 11-401 or 11-501 of this Code, ~~or~~ a similar out-of-state
10 offense, ~~or~~ a similar provision of a local ordinance, or a
11 statutory summary suspension or revocation under Section
12 11-501.1 of this Code; and

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

22 (d-1) Except as provided in subsections (d-2), (d-2.5), and
23 (d-3), any person convicted of a third or subsequent violation
24 of this Section shall serve a minimum term of imprisonment of
25 30 days or 300 hours of community service, as determined by the
26 court.

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

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

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

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

24 (1) the current violation occurred while the person's
25 driver's license was suspended or revoked ~~the revocation or~~
26 ~~suspension was~~ for a violation of Section 9-3 of the

1 Criminal Code of 1961 or the Criminal Code of 2012,
2 relating to the offense of reckless homicide, or a similar
3 out-of-state offense. The person's driving privileges
4 shall be revoked for the remainder of the person's life;
5 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 9-3 of the Criminal Code
9 of 1961 or the Criminal Code of 2012, relating to the
10 offense of reckless homicide, or a similar out-of-state
11 offense, or was suspended or revoked for a violation of
12 Section 11-401 or 11-501 of this Code, a similar
13 out-of-state offense, a similar provision of a local
14 ordinance, or a statutory summary suspension or revocation
15 under Section 11-501.1 of this Code.

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

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

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

11 (d-3.5) Any person convicted of a fourth or subsequent
12 violation of this Section is guilty of a Class 1 felony, is not
13 eligible for probation or conditional discharge, and must serve
14 a mandatory term of imprisonment, and is eligible for an
15 extended term, if:

16 (1) the current violation occurred when the person's
17 driver's license was suspended or revoked ~~the revocation or~~
18 ~~suspension was~~ for a violation of Section 9-3 of the
19 Criminal Code of 1961 or the Criminal Code of 2012,
20 relating to the offense of reckless homicide, or a similar
21 out-of-state offense; and

22 (2) the prior convictions under this Section occurred
23 while the person's driver's license was suspended or
24 revoked for a violation of Section 9-3 of the Criminal Code
25 of 1961 or the Criminal Code of 2012, relating to the
26 offense of reckless homicide, or a similar out-of-state

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

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

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

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

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

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

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

20 (e) Any person in violation of this Section who is also in
21 violation of Section 7-601 of this Code relating to mandatory
22 insurance requirements, in addition to other penalties imposed
23 under this Section, shall have his or her motor vehicle
24 immediately impounded by the arresting law enforcement
25 officer. The motor vehicle may be released to any licensed
26 driver upon a showing of proof of insurance for the vehicle

1 that was impounded and the notarized written consent for the
2 release by the vehicle owner.

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

6 (g) The motor vehicle used in a violation of this Section
7 is subject to seizure and forfeiture as provided in Sections
8 36-1 and 36-2 of the Criminal Code of 2012 if the person's
9 driving privilege was revoked or suspended as a result of:

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

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

16 (3) a statutory summary suspension or revocation under
17 Section 11-501.1 of this Code or a similar provision of a
18 law of another state; or

19 (4) a violation of Section 9-3 of the Criminal Code of
20 1961 or the Criminal Code of 2012 relating to the offense
21 of reckless homicide, or a similar provision of a law of
22 another state.

23 (Source: P.A. 96-502, eff. 1-1-10; 96-607, eff. 8-24-09;
24 96-1000, eff. 7-2-10; 96-1344, eff. 7-1-11; 97-984, eff.
25 1-1-13; 97-1150, eff. 1-25-13.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.".