



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB5122

Introduced 2/10/2026, by Rep. Steven Reick

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-501

from Ch. 95 1/2, par. 11-501

Amends the Illinois Vehicle Code. Provides that every person convicted of driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof shall be guilty of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof if the person has been previously convicted of operating a watercraft under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or combination thereof. Provides that a person convicted of aggravated boating under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof is guilty of a Class 4 felony.

LRB104 19780 LNS 33230 b

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
5 changing Section 11-501 as follows:

6 (625 ILCS 5/11-501) (from Ch. 95 1/2, par. 11-501)

7 Sec. 11-501. Driving while under the influence of alcohol,
8 other drug or drugs, intoxicating compound or compounds or any
9 combination thereof.

10 (a) A person shall not drive or be in actual physical
11 control of any vehicle within this State while:

12 (1) the alcohol concentration in the person's blood,
13 other bodily substance, or breath is 0.08 or more based on
14 the definition of blood and breath units in Section
15 11-501.2;

16 (2) under the influence of alcohol;

17 (3) under the influence of any intoxicating compound
18 or combination of intoxicating compounds to a degree that
19 renders the person incapable of driving safely;

20 (4) under the influence of any other drug or
21 combination of drugs to a degree that renders the person
22 incapable of safely driving;

23 (5) under the combined influence of alcohol, other

1 drug or drugs, or intoxicating compound or compounds to a
2 degree that renders the person incapable of safely
3 driving;

4 (6) there is any amount of a drug, substance, or
5 compound in the person's breath, blood, other bodily
6 substance, or urine resulting from the unlawful use or
7 consumption of a controlled substance listed in the
8 Illinois Controlled Substances Act, an intoxicating
9 compound listed in the Use of Intoxicating Compounds Act,
10 or methamphetamine as listed in the Methamphetamine
11 Control and Community Protection Act; or

12 (7) the person has, within 2 hours of driving or being
13 in actual physical control of a vehicle, a
14 tetrahydrocannabinol concentration in the person's whole
15 blood or other bodily substance as defined in paragraph 6
16 of subsection (a) of Section 11-501.2 of this Code.
17 Subject to all other requirements and provisions under
18 this Section, this paragraph (7) does not apply to the
19 lawful consumption of cannabis by a qualifying patient
20 licensed under the Compassionate Use of Medical Cannabis
21 Program Act who is in possession of a valid registry card
22 issued under that Act, unless that person is impaired by
23 the use of cannabis.

24 (b) The fact that any person charged with violating this
25 Section is or has been legally entitled to use alcohol,
26 cannabis under the Compassionate Use of Medical Cannabis

1 Program Act, other drug or drugs, or intoxicating compound or
2 compounds, or any combination thereof, shall not constitute a
3 defense against any charge of violating this Section.

4 (c) Penalties.

5 (1) Except as otherwise provided in this Section, any
6 person convicted of violating subsection (a) of this
7 Section is guilty of a Class A misdemeanor.

8 (2) A person who violates subsection (a) or a similar
9 provision a second time shall be sentenced to a mandatory
10 minimum term of either 5 days of imprisonment or 240 hours
11 of community service in addition to any other criminal or
12 administrative sanction.

13 (3) A person who violates subsection (a) is subject to
14 6 months of imprisonment, an additional mandatory minimum
15 fine of \$1,000, and 25 days of community service in a
16 program benefiting children if the person was transporting
17 a person under the age of 16 at the time of the violation.

18 (4) A person who violates subsection (a) a first time,
19 if the alcohol concentration in his or her blood, breath,
20 other bodily substance, or urine was 0.16 or more based on
21 the definition of blood, breath, other bodily substance,
22 or urine units in Section 11-501.2, shall be subject, in
23 addition to any other penalty that may be imposed, to a
24 mandatory minimum of 100 hours of community service and a
25 mandatory minimum fine of \$500.

26 (5) A person who violates subsection (a) a second

1 time, if at the time of the second violation the alcohol
2 concentration in his or her blood, breath, other bodily
3 substance, or urine was 0.16 or more based on the
4 definition of blood, breath, other bodily substance, or
5 urine units in Section 11-501.2, shall be subject, in
6 addition to any other penalty that may be imposed, to a
7 mandatory minimum of 2 days of imprisonment and a
8 mandatory minimum fine of \$1,250.

9 (d) Aggravated driving under the influence of alcohol,
10 other drug or drugs, or intoxicating compound or compounds, or
11 any combination thereof.

12 (1) Every person convicted of committing a violation
13 of this Section shall be guilty of aggravated driving
14 under the influence of alcohol, other drug or drugs, or
15 intoxicating compound or compounds, or any combination
16 thereof if:

17 (A) the person committed a violation of subsection
18 (a) or a similar provision for the third or subsequent
19 time;

20 (B) the person committed a violation of subsection
21 (a) while driving a school bus with one or more
22 passengers on board;

23 (C) the person in committing a violation of
24 subsection (a) was involved in a motor vehicle crash
25 that resulted in great bodily harm or permanent
26 disability or disfigurement to another, when the

1 violation was a proximate cause of the injuries;

2 (D) the person committed a violation of subsection
3 (a) and has been previously convicted of violating
4 Section 9-3 of the Criminal Code of 1961 or the
5 Criminal Code of 2012 or a similar provision of a law
6 of another state relating to reckless homicide in
7 which the person was determined to have been under the
8 influence of alcohol, other drug or drugs, or
9 intoxicating compound or compounds as an element of
10 the offense or the person has previously been
11 convicted under subparagraph (C) or subparagraph (F)
12 of this paragraph (1);

13 (E) the person, in committing a violation of
14 subsection (a) while driving at any speed in a school
15 speed zone at a time when a speed limit of 20 miles per
16 hour was in effect under subsection (a) of Section
17 11-605 of this Code, was involved in a motor vehicle
18 crash that resulted in bodily harm, other than great
19 bodily harm or permanent disability or disfigurement,
20 to another person, when the violation of subsection
21 (a) was a proximate cause of the bodily harm;

22 (F) the person, in committing a violation of
23 subsection (a), was involved in a motor vehicle crash
24 or snowmobile, all-terrain vehicle, or watercraft
25 accident that resulted in the death of another person,
26 when the violation of subsection (a) was a proximate

1 cause of the death;

2 (G) the person committed a violation of subsection
3 (a) during a period in which the defendant's driving
4 privileges are revoked or suspended, where the
5 revocation or suspension was for a violation of
6 subsection (a) or a similar provision, Section
7 11-501.1, paragraph (b) of Section 11-401, or for
8 reckless homicide as defined in Section 9-3 of the
9 Criminal Code of 1961 or the Criminal Code of 2012;

10 (H) the person committed the violation while he or
11 she did not possess a driver's license or permit or a
12 restricted driving permit or a judicial driving permit
13 or a monitoring device driving permit;

14 (I) the person committed the violation while he or
15 she knew or should have known that the vehicle he or
16 she was driving was not covered by a liability
17 insurance policy;

18 (J) the person in committing a violation of
19 subsection (a) was involved in a motor vehicle crash
20 that resulted in bodily harm, but not great bodily
21 harm, to the child under the age of 16 being
22 transported by the person, if the violation was the
23 proximate cause of the injury;

24 (K) the person in committing a second violation of
25 subsection (a) or a similar provision was transporting
26 a person under the age of 16; ~~or~~

1 (L) the person committed a violation of subsection
2 (a) of this Section while transporting one or more
3 passengers in a vehicle for-hire; or -

4 (M) the person committed a first or subsequent
5 violation of subsection (a) and has been previously
6 convicted of violating Section 5-16 of the Boat
7 Registration and Safety Act.

8 (2) (A) Except as provided otherwise, a person
9 convicted of aggravated driving under the influence of
10 alcohol, other drug or drugs, or intoxicating compound or
11 compounds, or any combination thereof is guilty of a Class
12 4 felony.

13 (B) A third violation of this Section or a similar
14 provision is a Class 2 felony. If at the time of the third
15 violation the alcohol concentration in his or her blood,
16 breath, other bodily substance, or urine was 0.16 or more
17 based on the definition of blood, breath, other bodily
18 substance, or urine units in Section 11-501.2, a mandatory
19 minimum of 90 days of imprisonment and a mandatory minimum
20 fine of \$2,500 shall be imposed in addition to any other
21 criminal or administrative sanction. If at the time of the
22 third violation, the defendant was transporting a person
23 under the age of 16, a mandatory fine of \$25,000 and 25
24 days of community service in a program benefiting children
25 shall be imposed in addition to any other criminal or
26 administrative sanction.

1 (C) A fourth violation of this Section or a similar
2 provision is a Class 2 felony, for which a sentence of
3 probation or conditional discharge may not be imposed. If
4 at the time of the violation, the alcohol concentration in
5 the defendant's blood, breath, other bodily substance, or
6 urine was 0.16 or more based on the definition of blood,
7 breath, other bodily substance, or urine units in Section
8 11-501.2, a mandatory minimum fine of \$5,000 shall be
9 imposed in addition to any other criminal or
10 administrative sanction. If at the time of the fourth
11 violation, the defendant was transporting a person under
12 the age of 16 a mandatory fine of \$25,000 and 25 days of
13 community service in a program benefiting children shall
14 be imposed in addition to any other criminal or
15 administrative sanction.

16 (D) A fifth violation of this Section or a similar
17 provision is a Class 1 felony, for which a sentence of
18 probation or conditional discharge may not be imposed. If
19 at the time of the violation, the alcohol concentration in
20 the defendant's blood, breath, other bodily substance, or
21 urine was 0.16 or more based on the definition of blood,
22 breath, other bodily substance, or urine units in Section
23 11-501.2, a mandatory minimum fine of \$5,000 shall be
24 imposed in addition to any other criminal or
25 administrative sanction. If at the time of the fifth
26 violation, the defendant was transporting a person under

1 the age of 16, a mandatory fine of \$25,000, and 25 days of
2 community service in a program benefiting children shall
3 be imposed in addition to any other criminal or
4 administrative sanction.

5 (E) A sixth or subsequent violation of this Section or
6 similar provision is a Class X felony. If at the time of
7 the violation, the alcohol concentration in the
8 defendant's blood, breath, other bodily substance, or
9 urine was 0.16 or more based on the definition of blood,
10 breath, other bodily substance, or urine units in Section
11 11-501.2, a mandatory minimum fine of \$5,000 shall be
12 imposed in addition to any other criminal or
13 administrative sanction. If at the time of the violation,
14 the defendant was transporting a person under the age of
15 16, a mandatory fine of \$25,000 and 25 days of community
16 service in a program benefiting children shall be imposed
17 in addition to any other criminal or administrative
18 sanction.

19 (F) For a violation of subparagraph (C) of paragraph
20 (1) of this subsection (d), the defendant, if sentenced to
21 a term of imprisonment, shall be sentenced to not less
22 than one year nor more than 12 years.

23 (G) A violation of subparagraph (F) of paragraph (1)
24 of this subsection (d) is a Class 2 felony, for which the
25 defendant, unless the court determines that extraordinary
26 circumstances exist and require probation, shall be

1 sentenced to: (i) a term of imprisonment of not less than 3
2 years and not more than 14 years if the violation resulted
3 in the death of one person; or (ii) a term of imprisonment
4 of not less than 6 years and not more than 28 years if the
5 violation resulted in the deaths of 2 or more persons.

6 (H) For a violation of subparagraph (J) of paragraph
7 (1) of this subsection (d), a mandatory fine of \$2,500,
8 and 25 days of community service in a program benefiting
9 children shall be imposed in addition to any other
10 criminal or administrative sanction.

11 (I) A violation of subparagraph (K) of paragraph (1)
12 of this subsection (d), is a Class 2 felony and a mandatory
13 fine of \$2,500, and 25 days of community service in a
14 program benefiting children shall be imposed in addition
15 to any other criminal or administrative sanction. If the
16 child being transported suffered bodily harm, but not
17 great bodily harm, in a motor vehicle crash, and the
18 violation was the proximate cause of that injury, a
19 mandatory fine of \$5,000 and 25 days of community service
20 in a program benefiting children shall be imposed in
21 addition to any other criminal or administrative sanction.

22 (J) A violation of subparagraph (D) of paragraph (1)
23 of this subsection (d) is a Class 3 felony, for which a
24 sentence of probation or conditional discharge may not be
25 imposed.

26 (3) Any person sentenced under this subsection (d) who

1 receives a term of probation or conditional discharge must
2 serve a minimum term of either 480 hours of community
3 service or 10 days of imprisonment as a condition of the
4 probation or conditional discharge in addition to any
5 other criminal or administrative sanction.

6 (e) Any reference to a prior violation of subsection (a)
7 or a similar provision includes any violation of a provision
8 of a local ordinance or a provision of a law of another state
9 or an offense committed on a military installation that is
10 similar to a violation of subsection (a) of this Section.

11 (f) The imposition of a mandatory term of imprisonment or
12 assignment of community service for a violation of this
13 Section shall not be suspended or reduced by the court.

14 (g) Any penalty imposed for driving with a license that
15 has been revoked for a previous violation of subsection (a) of
16 this Section shall be in addition to the penalty imposed for
17 any subsequent violation of subsection (a).

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

21 (Source: P.A. 101-363, eff. 8-9-19; 102-982, eff. 7-1-23.)