



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

**HB3404**

Introduced 2/17/2023, by Rep. Jeff Keicher

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-501  
750 ILCS 5/520 new

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

Amends the Illinois Marriage and Dissolution of Marriage Act. Provides that if a defendant is found guilty of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof where the violation has resulted in the death of another, the court shall order the defendant to pay an amount reasonable and necessary for support of the minor child or children of any victims. Provides for the calculation of child support for a defendant ordered to pay child support under such circumstances. Makes a corresponding change in the Illinois Vehicle Code.

LRB103 29585 MXP 55980 b

1 AN ACT concerning civil law.

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 (Text of Section before amendment by P.A. 102-982)

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

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

13 (1) the alcohol concentration in the person's blood,  
14 other bodily substance, or breath is 0.08 or more based on  
15 the definition of blood and breath units in Section  
16 11-501.2;

17 (2) under the influence of alcohol;

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

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

1           (5) under the combined influence of alcohol, other  
2 drug or drugs, or intoxicating compound or compounds to a  
3 degree that renders the person incapable of safely  
4 driving;

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

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

25           (b) The fact that any person charged with violating this  
26 Section is or has been legally entitled to use alcohol,

1 cannabis under the Compassionate Use of Medical Cannabis  
2 Program Act, other drug or drugs, or intoxicating compound or  
3 compounds, or any combination thereof, shall not constitute a  
4 defense against any charge of violating this Section.

5 (c) Penalties.

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

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

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

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

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

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

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

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

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

24           (C) the person in committing a violation of  
25 subsection (a) was involved in a motor vehicle  
26 accident that resulted in great bodily harm or

1 permanent disability or disfigurement to another, when  
2 the violation was a proximate cause of the injuries;

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

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

24 (F) the person, in committing a violation of  
25 subsection (a), was involved in a motor vehicle,  
26 snowmobile, all-terrain vehicle, or watercraft

1 accident that resulted in the death of another person,  
2 when the violation of subsection (a) was a proximate  
3 cause of the death;

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

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

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

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

26 (K) the person in committing a second violation of

1 subsection (a) or a similar provision was transporting  
2 a person under the age of 16; or

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

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

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

25 (C) A fourth violation of this Section or a similar  
26 provision is a Class 2 felony, for which a sentence of



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

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

1 be imposed in addition to any other criminal or  
2 administrative sanction.

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

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

21 (G) A violation of subparagraph (F) of paragraph (1)  
22 of this subsection (d) is a Class 2 felony, for which the  
23 defendant, unless the court determines that extraordinary  
24 circumstances exist and require probation, shall be  
25 sentenced to: (i) a term of imprisonment of not less than 3  
26 years and not more than 14 years if the violation resulted

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

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

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

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

24 (3) Any person sentenced under this subsection (d) who  
25 receives a term of probation or conditional discharge must  
26 serve a minimum term of either 480 hours of community

1 service or 10 days of imprisonment as a condition of the  
2 probation or conditional discharge in addition to any  
3 other criminal or administrative sanction.

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

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

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

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

19 (Source: P.A. 101-363, eff. 8-9-19.)

20 (Text of Section after amendment by P.A. 102-982)

21 Sec. 11-501. Driving while under the influence of alcohol,  
22 other drug or drugs, intoxicating compound or compounds or any  
23 combination thereof.

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

1           (1) the alcohol concentration in the person's blood,  
2           other bodily substance, or breath is 0.08 or more based on  
3           the definition of blood and breath units in Section  
4           11-501.2;

5           (2) under the influence of alcohol;

6           (3) under the influence of any intoxicating compound  
7           or combination of intoxicating compounds to a degree that  
8           renders the person incapable of driving safely;

9           (4) under the influence of any other drug or  
10          combination of drugs to a degree that renders the person  
11          incapable of safely driving;

12          (5) under the combined influence of alcohol, other  
13          drug or drugs, or intoxicating compound or compounds to a  
14          degree that renders the person incapable of safely  
15          driving;

16          (6) there is any amount of a drug, substance, or  
17          compound in the person's breath, blood, other bodily  
18          substance, or urine resulting from the unlawful use or  
19          consumption of a controlled substance listed in the  
20          Illinois Controlled Substances Act, an intoxicating  
21          compound listed in the Use of Intoxicating Compounds Act,  
22          or methamphetamine as listed in the Methamphetamine  
23          Control and Community Protection Act; or

24          (7) the person has, within 2 hours of driving or being  
25          in actual physical control of a vehicle, a  
26          tetrahydrocannabinol concentration in the person's whole

1 blood or other bodily substance as defined in paragraph 6  
2 of subsection (a) of Section 11-501.2 of this Code.  
3 Subject to all other requirements and provisions under  
4 this Section, this paragraph (7) does not apply to the  
5 lawful consumption of cannabis by a qualifying patient  
6 licensed under the Compassionate Use of Medical Cannabis  
7 Program Act who is in possession of a valid registry card  
8 issued under that Act, unless that person is impaired by  
9 the use of cannabis.

10 (b) The fact that any person charged with violating this  
11 Section is or has been legally entitled to use alcohol,  
12 cannabis under the Compassionate Use of Medical Cannabis  
13 Program Act, other drug or drugs, or intoxicating compound or  
14 compounds, or any combination thereof, shall not constitute a  
15 defense against any charge of violating this Section.

16 (c) Penalties.

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

20 (2) A person who violates subsection (a) or a similar  
21 provision a second time shall be sentenced to a mandatory  
22 minimum term of either 5 days of imprisonment or 240 hours  
23 of community service in addition to any other criminal or  
24 administrative sanction.

25 (3) A person who violates subsection (a) is subject to  
26 6 months of imprisonment, an additional mandatory minimum

1 fine of \$1,000, and 25 days of community service in a  
2 program benefiting children if the person was transporting  
3 a person under the age of 16 at the time of the violation.

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

12 (5) A person who violates subsection (a) a second  
13 time, if at the time of the second violation the alcohol  
14 concentration in his or her blood, breath, other bodily  
15 substance, or urine was 0.16 or more based on the  
16 definition of blood, breath, other bodily substance, or  
17 urine units in Section 11-501.2, shall be subject, in  
18 addition to any other penalty that may be imposed, to a  
19 mandatory minimum of 2 days of imprisonment and a  
20 mandatory minimum fine of \$1,250.

21 (d) Aggravated driving under the influence of alcohol,  
22 other drug or drugs, or intoxicating compound or compounds, or  
23 any combination thereof.

24 (1) Every person convicted of committing a violation  
25 of this Section shall be guilty of aggravated driving  
26 under the influence of alcohol, other drug or drugs, or

1           intoxicating compound or compounds, or any combination  
2           thereof if:

3                   (A) the person committed a violation of subsection  
4                   (a) or a similar provision for the third or subsequent  
5                   time;

6                   (B) the person committed a violation of subsection  
7                   (a) while driving a school bus with one or more  
8                   passengers on board;

9                   (C) the person in committing a violation of  
10                  subsection (a) was involved in a motor vehicle crash  
11                  that resulted in great bodily harm or permanent  
12                  disability or disfigurement to another, when the  
13                  violation was a proximate cause of the injuries;

14                  (D) the person committed a violation of subsection  
15                  (a) and has been previously convicted of violating  
16                  Section 9-3 of the Criminal Code of 1961 or the  
17                  Criminal Code of 2012 or a similar provision of a law  
18                  of another state relating to reckless homicide in  
19                  which the person was determined to have been under the  
20                  influence of alcohol, other drug or drugs, or  
21                  intoxicating compound or compounds as an element of  
22                  the offense or the person has previously been  
23                  convicted under subparagraph (C) or subparagraph (F)  
24                  of this paragraph (1);

25                  (E) the person, in committing a violation of  
26                  subsection (a) while driving at any speed in a school



1 speed zone at a time when a speed limit of 20 miles per  
2 hour was in effect under subsection (a) of Section  
3 11-605 of this Code, was involved in a motor vehicle  
4 crash that resulted in bodily harm, other than great  
5 bodily harm or permanent disability or disfigurement,  
6 to another person, when the violation of subsection  
7 (a) was a proximate cause of the bodily harm;

8 (F) the person, in committing a violation of  
9 subsection (a), was involved in a motor vehicle crash  
10 or snowmobile, all-terrain vehicle, or watercraft  
11 accident that resulted in the death of another person,  
12 when the violation of subsection (a) was a proximate  
13 cause of the death;

14 (G) the person committed a violation of subsection  
15 (a) during a period in which the defendant's driving  
16 privileges are revoked or suspended, where the  
17 revocation or suspension was for a violation of  
18 subsection (a) or a similar provision, Section  
19 11-501.1, paragraph (b) of Section 11-401, or for  
20 reckless homicide as defined in Section 9-3 of the  
21 Criminal Code of 1961 or the Criminal Code of 2012;

22 (H) the person committed the violation while he or  
23 she did not possess a driver's license or permit or a  
24 restricted driving permit or a judicial driving permit  
25 or a monitoring device driving permit;

26 (I) the person committed the violation while he or

1 she knew or should have known that the vehicle he or  
2 she was driving was not covered by a liability  
3 insurance policy;

4 (J) the person in committing a violation of  
5 subsection (a) was involved in a motor vehicle crash  
6 that resulted in bodily harm, but not great bodily  
7 harm, to the child under the age of 16 being  
8 transported by the person, if the violation was the  
9 proximate cause of the injury;

10 (K) the person in committing a second violation of  
11 subsection (a) or a similar provision was transporting  
12 a person under the age of 16; or

13 (L) the person committed a violation of subsection  
14 (a) of this Section while transporting one or more  
15 passengers in a vehicle for-hire.

16 (2) (A) Except as provided otherwise, a person  
17 convicted of aggravated driving under the influence of  
18 alcohol, other drug or drugs, or intoxicating compound or  
19 compounds, or any combination thereof is guilty of a Class  
20 4 felony.

21 (B) A third violation of this Section or a similar  
22 provision is a Class 2 felony. If at the time of the third  
23 violation the alcohol concentration in his or her blood,  
24 breath, other bodily substance, or urine was 0.16 or more  
25 based on the definition of blood, breath, other bodily  
26 substance, or urine units in Section 11-501.2, a mandatory

1 minimum of 90 days of imprisonment and a mandatory minimum  
2 fine of \$2,500 shall be imposed in addition to any other  
3 criminal or administrative sanction. If at the time of the  
4 third violation, the defendant was transporting a person  
5 under the age of 16, a mandatory fine of \$25,000 and 25  
6 days of community service in a program benefiting children  
7 shall be imposed in addition to any other criminal or  
8 administrative sanction.

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

24 (D) A fifth violation of this Section or a similar  
25 provision is a Class 1 felony, for which a sentence of  
26 probation or conditional discharge may not be imposed. If

1 at the time of the violation, the alcohol concentration in  
2 the defendant's blood, breath, other bodily substance, or  
3 urine was 0.16 or more based on the definition of blood,  
4 breath, other bodily substance, or urine units in Section  
5 11-501.2, a mandatory minimum fine of \$5,000 shall be  
6 imposed in addition to any other criminal or  
7 administrative sanction. If at the time of the fifth  
8 violation, the defendant was transporting a person under  
9 the age of 16, a mandatory fine of \$25,000, and 25 days of  
10 community service in a program benefiting children shall  
11 be imposed in addition to any other criminal or  
12 administrative sanction.

13 (E) A sixth or subsequent violation of this Section or  
14 similar provision is a Class X felony. If at the time of  
15 the violation, the alcohol concentration in the  
16 defendant's blood, breath, other bodily substance, or  
17 urine was 0.16 or more based on the definition of blood,  
18 breath, other bodily substance, or urine units in Section  
19 11-501.2, a mandatory minimum fine of \$5,000 shall be  
20 imposed in addition to any other criminal or  
21 administrative sanction. If at the time of the violation,  
22 the defendant was transporting a person under the age of  
23 16, a mandatory fine of \$25,000 and 25 days of community  
24 service in a program benefiting children shall be imposed  
25 in addition to any other criminal or administrative  
26 sanction.

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

5 (G) A violation of subparagraph (F) of paragraph (1)  
6 of this subsection (d) is a Class 2 felony, for which the  
7 defendant, unless the court determines that extraordinary  
8 circumstances exist and require probation, shall be  
9 sentenced to: (i) a term of imprisonment of not less than 3  
10 years and not more than 14 years if the violation resulted  
11 in the death of one person; or (ii) a term of imprisonment  
12 of not less than 6 years and not more than 28 years if the  
13 violation resulted in the deaths of 2 or more persons. The  
14 defendant shall also be responsible to make child support  
15 payments as determined by the court under Section 520 of  
16 the Illinois Marriage and Dissolution of Marriage Act for  
17 the minor child or children of any person or persons whose  
18 deaths resulted from the violation.

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

24 (I) A violation of subparagraph (K) of paragraph (1)  
25 of this subsection (d), is a Class 2 felony and a mandatory  
26 fine of \$2,500, and 25 days of community service in a

1 program benefiting children shall be imposed in addition  
2 to any other criminal or administrative sanction. If the  
3 child being transported suffered bodily harm, but not  
4 great bodily harm, in a motor vehicle crash, and the  
5 violation was the proximate cause of that injury, a  
6 mandatory fine of \$5,000 and 25 days of community service  
7 in a program benefiting children shall be imposed in  
8 addition to any other criminal or administrative sanction.

9 (J) A violation of subparagraph (D) of paragraph (1)  
10 of this subsection (d) is a Class 3 felony, for which a  
11 sentence of probation or conditional discharge may not be  
12 imposed.

13 (3) Any person sentenced under this subsection (d) who  
14 receives a term of probation or conditional discharge must  
15 serve a minimum term of either 480 hours of community  
16 service or 10 days of imprisonment as a condition of the  
17 probation or conditional discharge in addition to any  
18 other criminal or administrative sanction.

19 (e) Any reference to a prior violation of subsection (a)  
20 or a similar provision includes any violation of a provision  
21 of a local ordinance or a provision of a law of another state  
22 or an offense committed on a military installation that is  
23 similar to a violation of subsection (a) of this Section.

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

1 (g) Any penalty imposed for driving with a license that  
2 has been revoked for a previous violation of subsection (a) of  
3 this Section shall be in addition to the penalty imposed for  
4 any subsequent violation of subsection (a).

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

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

9 Section 10. The Illinois Marriage and Dissolution of  
10 Marriage Act is amended by adding Section 520 as follows:

11 (750 ILCS 5/520 new)

12 Sec. 520. Child support for aggravated driving under the  
13 influence.

14 (a) If a defendant is found guilty of aggravated driving  
15 under the influence of alcohol, other drug or drugs, or  
16 intoxicating compound or compounds, or any combination thereof  
17 under subparagraph (f) of paragraph (1) of subsection (d) of  
18 Section 11-501 of the Illinois Vehicle Code where the  
19 violation has resulted in the death of another, the court  
20 shall order the defendant to pay an amount reasonable and  
21 necessary for support of the minor child or children of any  
22 victims. As used in this Section, "child" includes any child  
23 under age 18 and any child age 19 or younger who is still  
24 attending high school.

1           (1) Computation of basic child support obligation. The  
2           court shall compute the basic child support obligation by  
3           taking the following steps:

4                   (A) determine the defendant's monthly net income;

5                   (B) add the defendant and surviving parent's  
6                   monthly net incomes together to determine the combined  
7                   monthly net income;

8                   (C) select the corresponding appropriate amount  
9                   from the schedule of basic child support obligation  
10                   based on the parties' combined monthly net income and  
11                   number of children; and

12                   (D) calculate each party's percentage share of the  
13                   basic child support obligation.

14           (2) Duty of support. The court shall determine child  
15           support in each case by applying the child support  
16           guidelines unless the court makes a finding that  
17           application of the guidelines would be inappropriate,  
18           after considering the best interests of the child and  
19           evidence which shows relevant factors including, but not  
20           limited to, one or more of the following:

21                   (A) the financial resources and needs of the  
22                   child;

23                   (B) the financial resources and needs of a  
24                   surviving parent;

25                   (C) the standard of living the child would have  
26                   enjoyed had the death of the parent or parents not



1 resulted; and

2 (D) the physical and emotional condition of the  
3 child and the child's educational needs.

4 (3) Income.

5 (A) As used in this Section, "gross income" means  
6 the total of all income from all sources, except  
7 "gross income" does not include (i) benefits received  
8 from means-tested public assistance programs,  
9 including, but not limited to, Temporary Assistance  
10 for Needy Families, Supplemental Security Income, and  
11 the Supplemental Nutrition Assistance Program or (ii)  
12 benefits and income received for other children in the  
13 household, including, but not limited to, child  
14 support, survivor benefits, and foster care payments.  
15 "Gross income" includes maintenance treated as taxable  
16 income for federal income tax purposes to the payee  
17 and received pursuant to a court order in the pending  
18 proceedings or any other proceedings and shall be  
19 included in the payee's gross income for purposes of  
20 calculating the child support obligation.

21 (B) As used in this Section, "net income" means  
22 gross income minus either the standardized tax amount  
23 calculated pursuant to subparagraph (C) or the  
24 individualized tax amount calculated pursuant to  
25 subparagraph (D), and minus any adjustments pursuant  
26 to subparagraph (F). The standardized tax amount shall

1 be used unless the requirements for an individualized  
2 tax amount set forth in subparagraph (E) are met. "Net  
3 income" includes maintenance not includable in the  
4 gross taxable income of the payee for federal income  
5 tax purposes under a court order in the pending  
6 proceedings or any other proceedings and shall be  
7 included in the payee's net income for purposes of  
8 calculating the child support obligation.

9 (C) As used in this Section, "standardized tax  
10 amount" means the total of federal and State income  
11 taxes for a single person claiming the standard tax  
12 deduction, one personal exemption, and the applicable  
13 number of dependency exemptions for the minor child or  
14 children of the parties, and Social Security and  
15 Medicare tax calculated at the Federal Insurance  
16 Contributions Act rate.

17 (D) As used in this Section, "individualized tax  
18 amount" means the aggregate of the following taxes:

19 (I) federal income tax (properly calculated  
20 withholding or estimated payments);

21 (II) State income tax (properly calculated  
22 withholding or estimated payments); and

23 (III) Social Security or self-employment tax,  
24 if applicable (or, if none, mandatory retirement  
25 contributions required by law or as a condition of  
26 employment) and Medicare tax calculated at the

1           Federal Insurance Contributions Act rate.

2           (E) In lieu of a standardized tax amount, a  
3 determination of an individualized tax amount may be  
4 made under item (I), (II), or (III). If an  
5 individualized tax amount determination is made under  
6 this subparagraph, all relevant tax attributes  
7 (including filing status, allocation of dependency  
8 exemptions, and whether a party is to claim the use of  
9 the standard deduction or itemized deductions for  
10 federal income tax purposes) shall be as the parties  
11 agree or as the court determines. To determine a  
12 party's reported income, the court may order the party  
13 to complete an Internal Revenue Service Form 4506-T,  
14 Request for Tax Transcript.

15           (I) Agreement. Irrespective of whether the  
16 parties agree on any other issue before the court,  
17 if they jointly stipulate for the record the  
18 parties' concurrence on a computation method for  
19 the individualized tax amount that is different  
20 from the method set forth under subparagraph (D),  
21 the stipulated method shall be used by the court  
22 unless the court rejects the proposed stipulated  
23 method for good cause.

24           (II) Summary hearing. If the court determines  
25 child support in a summary hearing under Section  
26 501 and an eligible party opts in to the

1 individualized tax amount method under this item  
2 (II), the individualized tax amount shall be  
3 determined by the court on the basis of  
4 information contained in one or both parties'  
5 Supreme Court approved financial affidavit and  
6 relevant supporting documents under applicable  
7 court rules. No party, however, is eligible to opt  
8 in unless the party, under applicable court rules,  
9 has served the other party with the required  
10 Supreme Court approved financial affidavit and has  
11 substantially produced supporting documents  
12 required by the applicable court rules.

13 (III) Evidentiary hearing. If the court  
14 determines child support in an evidentiary  
15 hearing, whether for purposes of a temporary order  
16 or at the conclusion of a proceeding, item (II)  
17 does not apply. In each such case (unless item (I)  
18 governs), the individualized tax amount shall be  
19 as determined by the court on the basis of the  
20 record established.

21 (F) Adjustments to income.

22 (I) Multifamily adjustment. If the defendant  
23 is also legally responsible for support of the  
24 defendant's own child and not subject to the  
25 present proceeding, there shall be an adjustment  
26 to net income as follows:

1                   (i) Multifamily adjustment with court  
2                   order. The court shall deduct from the  
3                   defendant's net income the amount of child  
4                   support actually paid by the defendant  
5                   pursuant to a support order unless the court  
6                   makes a finding that it would cause economic  
7                   hardship to the child.

8                   (ii) Multifamily adjustment without court  
9                   order. Upon the request or application of a  
10                   defendant actually supporting a presumed,  
11                   acknowledged, or adjudicated child living in  
12                   or outside of that defendant's household,  
13                   there shall be an adjustment to child support.  
14                   The court shall deduct from the defendant's  
15                   net income the amount of financial support  
16                   actually paid by the defendant for the child  
17                   or 75% of the support the defendant should pay  
18                   under the child support guidelines (before  
19                   this adjustment), whichever is less, unless  
20                   the court makes a finding that it would cause  
21                   economic hardship to the child. The adjustment  
22                   shall be calculated using the defendant's  
23                   income alone.

24                   (3.1) Business income. For purposes of calculating  
25                   child support, "net business income from the operation of  
26                   a business" means gross receipts minus ordinary and

1 necessary expenses required to carry on the trade or  
2 business. As used in this paragraph, "business" includes,  
3 but is not limited to, sole proprietorships, closely held  
4 corporations, partnerships, other flow-through business  
5 entities, and self-employment. The court shall apply the  
6 following:

7 (A) The accelerated component of depreciation and  
8 any business expenses determined either judicially or  
9 administratively to be inappropriate or excessive  
10 shall be excluded from the total of ordinary and  
11 necessary business expenses to be deducted in the  
12 determination of net business income from gross  
13 business income.

14 (B) Any item of reimbursement or in-kind payment  
15 received by a defendant from a business, including,  
16 but not limited to, a company car, reimbursed meals,  
17 free housing, or a housing allowance, shall be counted  
18 as income if not otherwise included in the defendant's  
19 gross income, if the item is significant in amount and  
20 reduces personal expenses.

21 (3.2) Unemployment or underemployment. If the  
22 defendant is voluntarily unemployed or underemployed,  
23 child support shall be calculated based on a determination  
24 of potential income. A determination of potential income  
25 shall be made by determining employment potential and  
26 probable earnings level based on the defendant's work

1 history, occupational qualifications, prevailing job  
2 opportunities, the ownership by a defendant of a  
3 substantial non-income producing asset, and earnings  
4 levels in the community. If there is insufficient work  
5 history to determine employment potential and probable  
6 earnings level, there shall be a rebuttable presumption  
7 that the defendant's potential income is 75% of the most  
8 recent United States Department of Health and Human  
9 Services Federal Poverty Guidelines for a family of one  
10 person.

11 (3.3) Rebuttable presumption in favor of guidelines.  
12 There is a rebuttable presumption in any judicial or  
13 administrative proceeding for child support that the  
14 amount of the child support obligation that would result  
15 from the application of the child support guidelines is  
16 the correct amount of child support.

17 (3.3a) Minimum child support obligation. There is a  
18 rebuttable presumption that a minimum child support  
19 obligation of \$40 per month, per child, will be entered  
20 for a defendant who has actual or imputed gross income at  
21 or less than 75% of the most recent United States  
22 Department of Health and Human Services Federal Poverty  
23 Guidelines for a family of one person, with a maximum  
24 total child support obligation for the defendant of \$120  
25 per month to be divided equally among all of the  
26 defendant's children.

1           (3.3b) Zero dollar child support order. For a  
2           defendant with no gross income who receives only  
3           means-tested assistance, or who cannot work due to a  
4           medically proven disability, incarceration, or  
5           institutionalization, there is a rebuttable presumption  
6           that the \$40 per month minimum support order is  
7           inapplicable and a zero dollar order shall be entered.

8           (3.4) Deviation factors. In any action to establish or  
9           modify child support, whether pursuant to a temporary or  
10           final administrative or court order, the child support  
11           guidelines shall be used as a rebuttable presumption for  
12           the establishment or modification of the amount of child  
13           support. The court may deviate from the child support  
14           guidelines if the application would be inequitable,  
15           unjust, or inappropriate. Any deviation from the  
16           guidelines shall be accompanied by written findings by the  
17           court specifying the reasons for the deviation and the  
18           presumed amount under the child support guidelines without  
19           a deviation. These reasons may include:

20                   (A) extraordinary medical expenditures necessary  
21                   to preserve the life or health of a surviving parent or  
22                   a child subject to the child support order;

23                   (B) additional expenses incurred for a child  
24                   subject to the child support order who has special  
25                   medical, physical, or developmental needs; and

26                   (C) any other factor the court determines should



1           be applied upon a finding that the application of the  
2           child support guidelines would be inappropriate, after  
3           considering the best interests of the child.

4           (3.5) Income in excess of the schedule of basic child  
5           support obligation. A court may use its discretion to  
6           determine child support if the combined adjusted net  
7           income exceeds the highest level of the schedule of basic  
8           child support obligation, except that the basic child  
9           support obligation shall not be less than the highest  
10           level of combined net income set forth in the schedule of  
11           basic child support obligation.

12           (3.6) Extracurricular activities and school expenses.  
13           The court, in its discretion, in addition to the basic  
14           child support obligation, may order the defendant to  
15           contribute to the reasonable school and extracurricular  
16           activity expenses incurred which are intended to enhance  
17           the educational, athletic, social, or cultural development  
18           of the child.

19           (3.7) Child care expenses. The court, in its  
20           discretion, in addition to the basic child support  
21           obligation, may order the defendant to contribute to the  
22           reasonable child care expenses of the child. The child  
23           care expenses shall be made payable directly to a party or  
24           directly to the child care provider at the time of child  
25           care services.

26           (A) "Child care expenses" means actual expenses

1 reasonably necessary to enable a parent or nonparent  
2 custodian to be employed, to attend educational or  
3 vocational training programs to improve employment  
4 opportunities, or to search for employment. "Child  
5 care expenses" includes deposits for securing  
6 placement in a child care program and the cost of  
7 before and after school care and camps when school is  
8 not in session. A child's special needs shall be a  
9 consideration in determining reasonable child care  
10 expenses.

11 (B) Child care expenses shall be prorated in  
12 proportion to each party's percentage share of  
13 combined net income, and may be added to the basic  
14 child support obligation if not paid directly by each  
15 party to the provider of child care services. The  
16 obligor's and obligee's portion of actual child care  
17 expenses shall appear in the support order. If  
18 allowed, the value of the federal income tax credit  
19 for child care shall be subtracted from the actual  
20 cost to determine the net child care costs.

21 (C) The amount of child care expenses shall be  
22 adequate to obtain reasonable and necessary child  
23 care. The actual child care expenses shall be used to  
24 calculate the child care expenses, if available. When  
25 actual child care expenses vary, the actual child care  
26 expenses may be averaged over the most recent 12-month

1 period. When a party is temporarily unemployed or  
2 temporarily not attending educational or vocational  
3 training programs, future child care expenses shall be  
4 based upon prospective expenses to be incurred upon  
5 return to employment or educational or vocational  
6 training programs.

7 (D) An order for child care expenses may be  
8 modified upon a showing of a substantial change in  
9 circumstances. The party incurring child care expenses  
10 shall notify the other party within 14 days of any  
11 change in the amount of child care expenses that would  
12 affect the annualized child care amount as determined  
13 in the support order.

14 (4) Health care.

15 (A) A portion of the basic child support  
16 obligation is intended to cover basic ordinary  
17 out-of-pocket medical expenses. The court, in its  
18 discretion, in addition to the basic child support  
19 obligation, shall also provide for the child's current  
20 and future medical needs by the defendant to initiate  
21 health insurance coverage for the child through  
22 currently effective health insurance policies held by  
23 the parent, purchase one or more or all health,  
24 dental, or vision insurance policies for the child, or  
25 provide for the child's current and future medical  
26 needs through some other manner.

1           (B) The court, in its discretion, may order the  
2 defendant to contribute to the reasonable health care  
3 needs of the child not covered by insurance,  
4 including, but not limited to, unreimbursed medical,  
5 dental, orthodontic, or vision expenses and any  
6 prescription medication for the child not covered  
7 under the child's health insurance.

8           (C) If neither the child nor children have access  
9 to appropriate private health insurance coverage, the  
10 court may order the defendant to:

11                   (I) provide health insurance coverage at any  
12 time it becomes available at a reasonable cost; or

13                   (II) apply for public health insurance  
14 coverage for the child and pay a reasonable amount  
15 of the cost of health insurance for the child.

16 The order may also provide that any time private  
17 health insurance coverage is available at a reasonable  
18 cost it will be provided instead of cash medical  
19 support. As used in this Section, "cash medical  
20 support" means an amount ordered to be paid toward the  
21 cost of health insurance provided by a public entity  
22 or by another person through employment or otherwise  
23 or for other medical costs not covered by insurance.

24           (D) The amount to be added to the basic child  
25 support obligation shall be the actual amount of the  
26 total health insurance premium that is attributable to

1 the child who is the subject of the order. If this  
2 amount is not available or cannot be verified, the  
3 total cost of the health insurance premium shall be  
4 divided by the total number of persons covered by the  
5 policy. The cost per person derived from this  
6 calculation shall be multiplied by the number of  
7 children who are the subject of the order and who are  
8 covered under the health insurance policy. This amount  
9 shall be added to the basic child support obligation  
10 and shall be allocated between the parties in  
11 proportion to the parties' respective net incomes.

12 (E) After the health insurance premium for the  
13 child is added to the basic child support obligation  
14 and allocated between the parties in proportion to the  
15 parties' respective incomes for child support  
16 purposes, if the defendant is paying the premium, the  
17 amount calculated for the obligee's share of the  
18 health insurance premium for the child shall be  
19 deducted from the defendant's share of the total child  
20 support obligation. If the obligee is paying for  
21 private health insurance for the child, the child  
22 support obligation shall be increased by the  
23 defendant's share of the premium payment. The  
24 defendant's and obligee's portion of health insurance  
25 costs shall appear in the support order.

26 (F) Prior to allowing the health insurance

1 adjustment, the defendant requesting the adjustment  
2 must submit proof that the child has been enrolled in a  
3 health insurance plan and must submit proof of the  
4 cost of the premium. The court shall require the  
5 defendant receiving the adjustment to annually submit  
6 proof of continued coverage of the child to the  
7 obligee, or as designated by the court.

8 (G) A reasonable cost for providing health  
9 insurance coverage for the child may not exceed 5% of  
10 the defendant's gross income. A defendant with a net  
11 income below 133% of the most recent United States  
12 Department of Health and Human Services Federal  
13 Poverty Guidelines or whose child is covered by  
14 Medicaid based on the defendant's income may not be  
15 ordered to contribute toward or provide private  
16 coverage, unless private coverage is obtainable  
17 without any financial contribution by the defendant.

18 (H) If dental or vision insurance is included as  
19 part of the employer's medical plan, the coverage  
20 shall be maintained for the child. If not included in  
21 the employer's medical plan, adding the dental or  
22 vision insurance for the child is at the discretion of  
23 the court.

24 (5) If the net income cannot be determined because of  
25 default or any other reason, the court shall order support  
26 in an amount considered reasonable in the particular case.

1       The final order in all cases shall state the support level  
2       in dollar amounts. However, if the court finds that the  
3       child support amount cannot be expressed exclusively as a  
4       dollar amount because all or a portion of the defendant's  
5       net income is uncertain as to source, time of payment, or  
6       amount, the court may order a percentage amount of support  
7       in addition to a specific dollar amount and enter such  
8       other orders as may be necessary to determine and enforce,  
9       on a timely basis, the applicable support ordered.

10       (6) If (i) the defendant was properly served with a  
11       request for discovery of financial information relating to  
12       the defendant's ability to provide child support, (ii) the  
13       defendant failed to comply with the request, despite  
14       having been ordered to do so by the court, and (iii) the  
15       defendant is not present at the hearing to determine  
16       support despite having received proper notice, then any  
17       relevant financial information concerning the defendant's  
18       ability to provide child support that was obtained  
19       pursuant to subpoena and proper notice shall be admitted  
20       into evidence without the need to establish any further  
21       foundation for its admission.

22       (a-5) In an action to enforce an order for child support  
23       based on the defendant's failure to make support payments as  
24       required by the order, notice of proceedings to hold the  
25       defendant in contempt for that failure may be served on the  
26       defendant by personal service or by regular mail addressed to

1 the last known address of the defendant. The last known  
2 address of the defendant may be determined from records of the  
3 clerk of the court, from the Federal Case Registry of Child  
4 Support Orders, or by any other reasonable means.

5 (b) Failure to comply with an order to pay support shall be  
6 punishable as in other cases of contempt. In addition to other  
7 penalties provided by law the court may, after finding the  
8 defendant guilty of contempt, order that the defendant be:

9 (1) placed on probation with such conditions of  
10 probation as the court deems advisable;

11 (2) sentenced to periodic imprisonment for a period  
12 not to exceed 6 months; provided, however, that the court  
13 may permit the defendant to be released for periods of  
14 time during the day or night to:

15 (A) work; or

16 (B) conduct a business or other self-employed  
17 occupation.

18 If a defendant who is found guilty of contempt for failure  
19 to comply with an order to pay support is a person who conducts  
20 a business or who is self-employed, the court in addition to  
21 other penalties provided by law may order that the defendant  
22 do one or more of the following: (i) provide to the court  
23 monthly financial statements showing income and expenses from  
24 the business or the self-employment; (ii) seek employment and  
25 report periodically to the court with a diary, listing, or  
26 other memorandum of his or her employment search efforts; or



1 (iii) report to the Department of Employment Security for job  
2 search services to find employment that will be subject to  
3 withholding for child support.

4 If there is a unity of interest and ownership sufficient  
5 to render no financial separation between a defendant and  
6 another person or persons or business entity, the court may  
7 pierce the ownership veil of the person, persons, or business  
8 entity to discover assets of the defendant held in the name of  
9 that person, those persons, or that business entity. The  
10 following circumstances are sufficient to authorize a court to  
11 order discovery of the assets of a person, persons, or  
12 business entity and to compel the application of any  
13 discovered assets toward payment on the judgment for support:

14 (1) the defendant and the person, persons, or business  
15 entity maintain records together.

16 (2) the defendant and the person, persons, or business  
17 entity fail to maintain an arm's length relationship  
18 between themselves with regard to any assets.

19 (3) the defendant transfers assets to the person,  
20 persons, or business entity with the intent to perpetrate  
21 a fraud on the obligee.

22 With respect to assets which are real property, no order  
23 entered under this paragraph shall affect the rights of bona  
24 fide purchasers, mortgagees, judgment creditors, or other lien  
25 holders who acquire their interests in the property prior to  
26 the time a notice of lis pendens pursuant to the Code of Civil

1 Procedure or a copy of the order is placed of record in the  
2 office of the recorder of deeds for the county in which the  
3 real property is located.

4 The court may also order in cases where the defendant is 90  
5 days or more delinquent in payment of support or has been  
6 adjudicated in arrears in an amount equal to 90 days  
7 obligation or more, that the defendant's Illinois driving  
8 privileges be suspended until the court determines that the  
9 defendant is in compliance with the order of support. The  
10 court may also order that the defendant be issued a family  
11 financial responsibility driving permit that would allow  
12 limited driving privileges for employment and medical purposes  
13 in accordance with Section 7-702.1 of the Illinois Vehicle  
14 Code. The clerk of the circuit court shall certify the order  
15 suspending the driving privileges of the defendant or granting  
16 the issuance of a family financial responsibility driving  
17 permit to the Secretary of State on forms prescribed by the  
18 Secretary of State. Upon receipt of the authenticated  
19 documents, the Secretary of State shall suspend the  
20 defendant's driving privileges until further order of the  
21 court and shall, if ordered by the court, subject to the  
22 provisions of Section 7-702.1 of the Illinois Vehicle Code,  
23 issue a family financial responsibility driving permit to the  
24 defendant.

25 In addition to the penalties or punishment that may be  
26 imposed under this Section, any person whose conduct

1 constitutes a violation of Section 15 of the Non-Support  
2 Punishment Act may be prosecuted under the Non-Support  
3 Punishment Act, and a person convicted under the Non-Support  
4 Punishment Act may be sentenced in accordance with the  
5 Non-Support Punishment Act. The sentence may include, but need  
6 not be limited to, a requirement that the person perform  
7 community service under Section 50 of the Non-Support  
8 Punishment or participate in a work alternative program under  
9 Section 50 of the Non-Support Punishment. A person may not be  
10 required to participate in a work alternative program under  
11 Section 50 of the Non-Support Punishment Act if the person is  
12 currently participating in a work program pursuant to Section  
13 505.1 of this Act.

14 A support obligation, or any portion of a support  
15 obligation, which becomes due and remains unpaid as of the end  
16 of each month, excluding the child support that was due for  
17 that month to the extent that it was not paid in that month,  
18 shall accrue simple interest as set forth in Section 12-109 of  
19 the Code of Civil Procedure. An order for support shall  
20 contain a statement that a support obligation required under  
21 the order, or any portion of a support obligation required  
22 under the order, that becomes due and remains unpaid as of the  
23 end of each month, excluding the child support that was due for  
24 that month to the extent that it was not paid in that month,  
25 shall accrue simple interest as set forth in Section 12-109 of  
26 the Code of Civil Procedure. Failure to include the statement

1 in the order for support does not affect the validity of the  
2 order or the accrual of interest as provided in this Section.

3 (c) Any new or existing support order entered by the court  
4 under this Section shall be deemed to be a series of judgments  
5 against the person obligated to pay support thereunder, each  
6 such judgment to be in the amount of each payment or  
7 installment of support and each such judgment to be deemed  
8 entered as of the date the corresponding payment or  
9 installment becomes due under the terms of the support order.  
10 Each such judgment shall have the full force, effect, and  
11 attributes of any other judgment of this State, including the  
12 ability to be enforced. Notwithstanding any other State or  
13 local law to the contrary, a lien arises by operation of law  
14 against the real and personal property of the defendant for  
15 each installment of overdue support owed by the defendant.

16 (d) When child support is to be paid through the clerk of  
17 the court in a county of 500,000 inhabitants or less, the order  
18 shall direct the defendant to pay to the clerk, in addition to  
19 the child support payments, all fees imposed by the county  
20 board under paragraph (4) of subsection (bb) of Section 27.1a  
21 of the Clerks of Courts Act. When child support is to be paid  
22 through the clerk of the court in a county of more than 500,000  
23 but less than 3,000,000 inhabitants, the order shall direct  
24 the defendant to pay to the clerk, in addition to the child  
25 support payments, all fees imposed by the county board under  
26 paragraph (4) of subsection (bb) of Section 27.2 of the Clerks

1 of Courts Act. Unless paid pursuant to an Income Withholding  
2 Order or Notice for Support, the payment of the fee shall be by  
3 payment acceptable to the clerk and shall be made to the order  
4 of the clerk.

5 (e) All orders for support, when entered or modified,  
6 shall include a provision requiring the defendant to notify  
7 the court and, in cases in which a party is receiving child and  
8 spouse services under Article X of the Illinois Public Aid  
9 Code, the Department of Healthcare and Family Services, within  
10 7 days, (i) of the name and address of any new employer of the  
11 defendant, (ii) whether the defendant has access to health  
12 insurance coverage through the employer or other group  
13 coverage and, if so, the policy name and number and the names  
14 of persons covered under the policy, except only the initials  
15 of any covered minors shall be included, and (iii) of any new  
16 residential or mailing address or telephone number of the  
17 defendant. In any subsequent action to enforce a support  
18 order, upon a sufficient showing that a diligent effort has  
19 been made to ascertain the location of the defendant, service  
20 of process or provision of notice necessary in the case may be  
21 made at the last known address of the defendant in any manner  
22 expressly provided by the Code of Civil Procedure or this Act,  
23 which service shall be sufficient for purposes of due process.

24 (f) An order for support shall include a date on which the  
25 current support obligation terminates. The termination date  
26 shall be no earlier than the date on which the child covered by

1 the order will attain the age of 18. However, if the child will  
2 not graduate from high school until after attaining the age of  
3 18, then the termination date shall be no earlier than the  
4 earlier of the date on which the child's high school  
5 graduation will occur or the date on which the child will  
6 attain the age of 19. The order for support shall state that  
7 the termination date does not apply to any arrearage that may  
8 remain unpaid on that date. Nothing in this subsection shall  
9 be construed to prevent the court from modifying the order or  
10 terminating the order if the child is otherwise emancipated.

11 (g) If there is an unpaid arrearage or delinquency (as  
12 those terms are defined in the Income Withholding for Support  
13 Act) equal to at least one month's support obligation on the  
14 termination date stated in the order for support or, if there  
15 is no termination date stated in the order, on the date the  
16 child attains the age of majority or is otherwise emancipated,  
17 the periodic amount required to be paid for current support of  
18 that child immediately prior to that date shall automatically  
19 continue to be an obligation, not as current support but as  
20 periodic payment toward satisfaction of the unpaid arrearage  
21 or delinquency. The periodic payment shall be in addition to  
22 any periodic payment previously required for satisfaction of  
23 the arrearage or delinquency. The total periodic amount to be  
24 paid toward satisfaction of the arrearage or delinquency may  
25 be enforced and collected by any method provided by law for  
26 enforcement and collection of child support, including, but

1 not limited to, income withholding under the Income  
2 Withholding for Support Act. Each order for support must  
3 contain a statement notifying the parties of the requirements  
4 of this subsection. Failure to include the statement in the  
5 order for support does not affect the validity of the order or  
6 the operation of the provisions of this subsection with regard  
7 to the order. This subsection shall not be construed to  
8 prevent or affect the establishment or modification of an  
9 order for support of a minor child or the establishment or  
10 modification of an order for support of a nonminor child or  
11 educational expenses under Section 513.

12 (h) An order entered under this Section shall include a  
13 provision requiring a defendant to report to the surviving  
14 parent or nonparent custodian and to the clerk of court within  
15 10 days each time he or she obtains new employment, and each  
16 time his or her employment is terminated for any reason. The  
17 report shall be in writing and shall, in the case of new  
18 employment, include the name and address of the new employer.  
19 Failure to report new employment or the termination of current  
20 employment, if coupled with nonpayment of support for a period  
21 in excess of 60 days, is indirect criminal contempt. For an  
22 arrest for failure to report new employment, bond shall be set  
23 in the amount of the child support that should have been paid  
24 during the period of unreported employment. An order entered  
25 under this Section shall also include a provision requiring  
26 either the defendant and the obligee to advise the other of a

1 change in residence within 5 days of the change except when the  
2 court finds that the physical, mental, or emotional health of  
3 a party or that of a child, or both, would be seriously  
4 endangered by disclosure of the party's address.

5 (i) The court does not lose the powers of contempt,  
6 driver's license suspension, or other child support  
7 enforcement mechanisms, including, but not limited to,  
8 criminal prosecution as set forth in this Act, upon the  
9 emancipation of the minor child.

10 Section 95. No acceleration or delay. Where this Act makes  
11 changes in a statute that is represented in this Act by text  
12 that is not yet or no longer in effect (for example, a Section  
13 represented by multiple versions), the use of that text does  
14 not accelerate or delay the taking effect of (i) the changes  
15 made by this Act or (ii) provisions derived from any other  
16 Public Act.