



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

HB0888

Introduced 2/2/2005, by Rep. John J. Millner

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-303

from Ch. 95 1/2, par. 6-303

Amends the Illinois Vehicle Code. Provides that any person convicted of a fifth, sixth, seventh, eighth, or ninth (rather than a fifth or subsequent) offense of driving on a revoked or suspended license or permit is guilty of a Class 4 felony if the revocation or suspension was for a hit-and-run or a DUI violation of the Code or a similar out-of-state offense or a similar provision of a local ordinance or reckless homicide or a statutory summary suspension under the Code. Provides that a person convicted of a tenth, eleventh, twelfth, thirteenth, or fourteenth offense is guilty of a Class 3 felony, and is not eligible for probation or conditional discharge, if the revocation or suspension was for one of those violations. Provides that person convicted of a fifteenth or subsequent offense is guilty of a Class 2 felony, and is not eligible for probation or conditional discharge, if the revocation or suspension was for one of those violations.

LRB094 05938 DRH 35993 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

1 AN ACT concerning transportation.

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

4 Section 5. The Illinois Vehicle Code is amended by changing  
5 Section 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) Any person who drives or is in actual physical control  
10 of a motor vehicle on any highway of this State at a time when  
11 such person's driver's license, permit or privilege to do so or  
12 the privilege to obtain a driver's license or permit is revoked  
13 or suspended as provided by this Code or the law of another  
14 state, except as may be specifically allowed by a judicial  
15 driving permit, family financial responsibility driving  
16 permit, probationary license to drive, or a restricted driving  
17 permit issued pursuant to this Code or under the law of another  
18 state, shall be guilty of a Class A misdemeanor.

19 (b) The Secretary of State upon receiving a report of the  
20 conviction of any violation indicating a person was operating a  
21 motor vehicle during the time when said person's driver's  
22 license, permit or privilege was suspended by the Secretary, by  
23 the appropriate authority of another state, or pursuant to  
24 Section 11-501.1; except as may be specifically allowed by a  
25 probationary license to drive, judicial driving permit or  
26 restricted driving permit issued pursuant to this Code or the  
27 law of another state; shall extend the suspension for the same  
28 period of time as the originally imposed suspension; however,  
29 if the period of suspension has then expired, the Secretary  
30 shall be authorized to suspend said person's driving privileges  
31 for the same period of time as the originally imposed  
32 suspension; and if the conviction was upon a charge which

1 indicated that a vehicle was operated during the time when the  
2 person's driver's license, permit or privilege was revoked;  
3 except as may be allowed by a restricted driving permit issued  
4 pursuant to this Code or the law of another state; the  
5 Secretary shall not issue a driver's license for an additional  
6 period of one year from the date of such conviction indicating  
7 such person was operating a vehicle during such period of  
8 revocation.

9 (c) Any person convicted of violating this Section shall  
10 serve a minimum term of imprisonment of 10 consecutive days or  
11 30 days of community service when the person's driving  
12 privilege was revoked or suspended as a result of:

13 (1) a violation of Section 11-501 of this Code or a  
14 similar provision of a local ordinance relating to the  
15 offense of operating or being in physical control of a  
16 vehicle while under the influence of alcohol, any other  
17 drug or any combination thereof; or

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

22 (3) a violation of Section 9-3 of the Criminal Code of  
23 1961, as amended, relating to the offense of reckless  
24 homicide; or

25 (4) a statutory summary suspension under Section  
26 11-501.1 of this Code.

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

29 (c-1) Except as provided in subsection (d), any person  
30 convicted of a second violation of this Section shall be  
31 ordered by the court to serve a minimum of 100 hours of  
32 community service.

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

36 (1) Seizure of the license plates of the person's

1 vehicle.

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

4 (d) Any person convicted of a second violation of this  
5 Section shall be guilty of a Class 4 felony and shall serve a  
6 minimum term of imprisonment of 30 days or 300 hours of  
7 community service, as determined by the court, if the  
8 revocation or suspension was for a violation of Section 11-401  
9 or 11-501 of this Code, or a similar out-of-state offense, or a  
10 similar provision of a local ordinance, a violation of Section  
11 9-3 of the Criminal Code of 1961, relating to the offense of  
12 reckless homicide, or a similar out-of-state offense, or a  
13 statutory summary suspension under Section 11-501.1 of this  
14 Code.

15 (d-1) Except as provided in subsection (d-2) and subsection  
16 (d-3), any person convicted of a third or subsequent violation  
17 of this Section shall serve a minimum term of imprisonment of  
18 30 days or 300 hours of community service, as determined by the  
19 court.

20 (d-2) Any person convicted of a third violation of this  
21 Section is guilty of a Class 4 felony and must serve a minimum  
22 term of imprisonment of 30 days if the revocation or suspension  
23 was for a violation of Section 11-401 or 11-501 of this Code,  
24 or a similar out-of-state offense, or a similar provision of a  
25 local ordinance, a violation of Section 9-3 of the Criminal  
26 Code of 1961, relating to the offense of reckless homicide, or  
27 a similar out-of-state offense, or a statutory summary  
28 suspension under Section 11-501.1 of this Code.

29 (d-3) Any person convicted of a fourth, fifth, sixth,  
30 seventh, eighth, or ninth ~~or subsequent~~ violation of this  
31 Section is guilty of a Class 4 felony and must serve a minimum  
32 term of imprisonment of 180 days if the revocation or  
33 suspension was for a violation of Section 11-401 or 11-501 of  
34 this Code, or a similar out-of-state offense, or a similar  
35 provision of a local ordinance, a violation of Section 9-3 of  
36 the Criminal Code of 1961, relating to the offense of reckless

1 homicide, or a similar out-of-state offense, or a statutory  
2 summary suspension under Section 11-501.1 of this Code.

3 (d-4) Any person convicted of a tenth, eleventh, twelfth,  
4 thirteenth, or fourteenth violation of this Section is guilty  
5 of a Class 3 felony, and is not eligible for probation or  
6 conditional discharge, if the revocation or suspension was for  
7 a violation of Section 11-401 or 11-501 of this Code, or a  
8 similar out-of-state offense, or a similar provision of a local  
9 ordinance, a violation of Section 9-3 of the Criminal Code of  
10 1961, relating to the offense of reckless homicide, or a  
11 similar out-of-state offense, or a statutory summary  
12 suspension under Section 11-501.1 of this Code.

13 (d-5) Any person convicted of a fifteenth or subsequent  
14 violation of this Section is guilty of a Class 2 felony, and is  
15 not eligible for probation or conditional discharge, if the  
16 revocation or suspension was for a violation of Section 11-401  
17 or 11-501 of this Code, or a similar out-of-state offense, or a  
18 similar provision of a local ordinance, a violation of Section  
19 9-3 of the Criminal Code of 1961, relating to the offense of  
20 reckless homicide, or a similar out-of-state offense, or a  
21 statutory summary suspension under Section 11-501.1 of this  
22 Code.

23 (e) Any person in violation of this Section who is also in  
24 violation of Section 7-601 of this Code relating to mandatory  
25 insurance requirements, in addition to other penalties imposed  
26 under this Section, shall have his or her motor vehicle  
27 immediately impounded by the arresting law enforcement  
28 officer. The motor vehicle may be released to any licensed  
29 driver upon a showing of proof of insurance for the vehicle  
30 that was impounded and the notarized written consent for the  
31 release by the vehicle owner.

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

35 (g) The motor vehicle used in a violation of this Section  
36 is subject to seizure and forfeiture as provided in Sections

1 36-1 and 36-2 of the Criminal Code of 1961 if the person's  
2 driving privilege was revoked or suspended as a result of a  
3 violation listed in paragraph (1), (2), or (3) of subsection  
4 (c) of this Section or as a result of a summary suspension as  
5 provided in paragraph (4) of subsection (c) of this Section.

6 (Source: P.A. 91-692, eff. 4-13-00; 92-340, eff. 8-10-01;  
7 92-688, eff. 7-16-02.)