



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB4139

Introduced 10/25/2005, by Rep. Harry R. Ramey, Jr.

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-501

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

Amends the Illinois Vehicle Code. Provides that the additional fine collected by the circuit clerk from any person convicted of DUI shall be used to purchase law enforcement equipment that will assist in the prevention of criminal violence, rather than alcohol related criminal violence, throughout the State. Effective immediately.

LRB094 14531 DRH 49468 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 changing
5 Section 11-501 as follows:

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

7 (Text of Section from P.A. 93-1093)

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 or
14 breath is 0.08 or more based on the definition of blood and
15 breath units in Section 11-501.2;

16 (2) under the influence of alcohol;

17 (3) under the influence of any intoxicating compound or
18 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 drug
24 or drugs, or intoxicating compound or compounds to a degree
25 that renders the person incapable of safely driving; or

26 (6) there is any amount of a drug, substance, or
27 compound in the person's breath, blood, or urine resulting
28 from the unlawful use or consumption of cannabis listed in
29 the Cannabis Control Act, a controlled substance listed in
30 the Illinois Controlled Substances Act, or an intoxicating
31 compound listed in the Use of Intoxicating Compounds Act.

32 (b) The fact that any person charged with violating this

1 Section is or has been legally entitled to use alcohol, other
2 drug or drugs, or intoxicating compound or compounds, or any
3 combination thereof, shall not constitute a defense against any
4 charge of violating this Section.

5 (b-1) With regard to penalties imposed under this Section:

6 (1) Any reference to a prior violation of subsection
7 (a) or a similar provision includes any violation of a
8 provision of a local ordinance or a provision of a law of
9 another state that is similar to a violation of subsection
10 (a) of this Section.

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12 has been revoked for a previous violation of subsection (a)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

15 (b-2) Except as otherwise provided in this Section, any
16 person convicted of violating subsection (a) of this Section is
17 guilty of a Class A misdemeanor.

18 (b-3) In addition to any other criminal or administrative
19 sanction for any second conviction of violating subsection (a)
20 or a similar provision committed within 5 years of a previous
21 violation of subsection (a) or a similar provision, the
22 defendant shall be sentenced to a mandatory minimum of 5 days
23 of imprisonment or assigned a mandatory minimum of 240 hours of
24 community service as may be determined by the court.

25 (b-4) In the case of a third or subsequent violation
26 committed within 5 years of a previous violation of subsection
27 (a) or a similar provision, in addition to any other criminal
28 or administrative sanction, a mandatory minimum term of either
29 10 days of imprisonment or 480 hours of community service shall
30 be imposed.

31 (b-5) The imprisonment or assignment of community service
32 under subsections (b-3) and (b-4) shall not be subject to
33 suspension, nor shall the person be eligible for a reduced
34 sentence.

35 (c) (Blank).

36 (c-1) (1) A person who violates subsection (a) during a

1 period in which his or her driving privileges are revoked
2 or suspended, where the revocation or suspension was for a
3 violation of subsection (a), Section 11-501.1, paragraph
4 (b) of Section 11-401, or for reckless homicide as defined
5 in Section 9-3 of the Criminal Code of 1961 is guilty of a
6 Class 4 felony.

7 (2) A person who violates subsection (a) a third time,
8 if the third violation occurs during a period in which his
9 or her driving privileges are revoked or suspended where
10 the revocation or suspension was for a violation of
11 subsection (a), Section 11-501.1, paragraph (b) of Section
12 11-401, or for reckless homicide as defined in Section 9-3
13 of the Criminal Code of 1961, is guilty of a Class 3
14 felony; and if the person receives a term of probation or
15 conditional discharge, he or she shall be required to serve
16 a mandatory minimum of 10 days of imprisonment or shall be
17 assigned a mandatory minimum of 480 hours of community
18 service, as may be determined by the court, as a condition
19 of the probation or conditional discharge. This mandatory
20 minimum term of imprisonment or assignment of community
21 service shall not be suspended or reduced by the court.

22 (2.2) A person who violates subsection (a), if the
23 violation occurs during a period in which his or her
24 driving privileges are revoked or suspended where the
25 revocation or suspension was for a violation of subsection
26 (a) or Section 11-501.1, shall also be sentenced to an
27 additional mandatory minimum term of 30 consecutive days of
28 imprisonment, 40 days of 24-hour periodic imprisonment, or
29 720 hours of community service, as may be determined by the
30 court. This mandatory term of imprisonment or assignment of
31 community service shall not be suspended or reduced by the
32 court.

33 (3) A person who violates subsection (a) a fourth or
34 subsequent time, if the fourth or subsequent violation
35 occurs during a period in which his or her driving
36 privileges are revoked or suspended where the revocation or

1 suspension was for a violation of subsection (a), Section
2 11-501.1, paragraph (b) of Section 11-401, or for reckless
3 homicide as defined in Section 9-3 of the Criminal Code of
4 1961, is guilty of a Class 2 felony and is not eligible for
5 a sentence of probation or conditional discharge.

6 (c-2) (Blank).

7 (c-3) (Blank).

8 (c-4) (Blank).

9 (c-5)(1) A person who violates subsection (a), if the
10 person was transporting a person under the age of 16 at the
11 time of the violation, is subject to an additional
12 mandatory minimum fine of \$1,000, an additional mandatory
13 minimum 140 hours of community service, which shall include
14 40 hours of community service in a program benefiting
15 children, and an additional 2 days of imprisonment. The
16 imprisonment or assignment of community service under this
17 subdivision (c-5)(1) is not subject to suspension, nor is
18 the person eligible for a reduced sentence.

19 (2) Except as provided in subdivisions (c-5)(3) and
20 (c-5)(4) a person who violates subsection (a) a second
21 time, if at the time of the second violation the person was
22 transporting a person under the age of 16, is subject to an
23 additional 10 days of imprisonment, an additional
24 mandatory minimum fine of \$1,000, and an additional
25 mandatory minimum 140 hours of community service, which
26 shall include 40 hours of community service in a program
27 benefiting children. The imprisonment or assignment of
28 community service under this subdivision (c-5)(2) is not
29 subject to suspension, nor is the person eligible for a
30 reduced sentence.

31 (3) Except as provided in subdivision (c-5)(4), any
32 person convicted of violating subdivision (c-5)(2) or a
33 similar provision within 10 years of a previous violation
34 of subsection (a) or a similar provision shall receive, in
35 addition to any other penalty imposed, a mandatory minimum
36 12 days imprisonment, an additional 40 hours of mandatory

1 community service in a program benefiting children, and a
2 mandatory minimum fine of \$1,750. The imprisonment or
3 assignment of community service under this subdivision
4 (c-5)(3) is not subject to suspension, nor is the person
5 eligible for a reduced sentence.

6 (4) Any person convicted of violating subdivision
7 (c-5)(2) or a similar provision within 5 years of a
8 previous violation of subsection (a) or a similar provision
9 shall receive, in addition to any other penalty imposed, an
10 additional 80 hours of mandatory community service in a
11 program benefiting children, an additional mandatory
12 minimum 12 days of imprisonment, and a mandatory minimum
13 fine of \$1,750. The imprisonment or assignment of community
14 service under this subdivision (c-5)(4) is not subject to
15 suspension, nor is the person eligible for a reduced
16 sentence.

17 (5) Any person convicted a third time for violating
18 subsection (a) or a similar provision, if at the time of
19 the third violation the person was transporting a person
20 under the age of 16, is guilty of a Class 4 felony and
21 shall receive, in addition to any other penalty imposed, an
22 additional mandatory fine of \$1,000, an additional
23 mandatory 140 hours of community service, which shall
24 include 40 hours in a program benefiting children, and a
25 mandatory minimum 30 days of imprisonment. The
26 imprisonment or assignment of community service under this
27 subdivision (c-5)(5) is not subject to suspension, nor is
28 the person eligible for a reduced sentence.

29 (6) Any person convicted of violating subdivision
30 (c-5)(5) or a similar provision a third time within 20
31 years of a previous violation of subsection (a) or a
32 similar provision is guilty of a Class 4 felony and shall
33 receive, in addition to any other penalty imposed, an
34 additional mandatory 40 hours of community service in a
35 program benefiting children, an additional mandatory fine
36 of \$3,000, and a mandatory minimum 120 days of

1 imprisonment. The imprisonment or assignment of community
2 service under this subdivision (c-5)(6) is not subject to
3 suspension, nor is the person eligible for a reduced
4 sentence.

5 (7) Any person convicted a fourth or subsequent time
6 for violating subsection (a) or a similar provision, if at
7 the time of the fourth or subsequent violation the person
8 was transporting a person under the age of 16, and if the
9 person's 3 prior violations of subsection (a) or a similar
10 provision occurred while transporting a person under the
11 age of 16 or while the alcohol concentration in his or her
12 blood, breath, or urine was 0.16 or more based on the
13 definition of blood, breath, or urine units in Section
14 11-501.2, is guilty of a Class 2 felony, is not eligible
15 for probation or conditional discharge, and is subject to a
16 minimum fine of \$3,000.

17 (c-6)(1) Any person convicted of a first violation of
18 subsection (a) or a similar provision, if the alcohol
19 concentration in his or her blood, breath, or urine was
20 0.16 or more based on the definition of blood, breath, or
21 urine units in Section 11-501.2, shall be subject, in
22 addition to any other penalty that may be imposed, to a
23 mandatory minimum of 100 hours of community service and a
24 mandatory minimum fine of \$500.

25 (2) Any person convicted of a second violation of
26 subsection (a) or a similar provision committed within 10
27 years of a previous violation of subsection (a) or a
28 similar provision, if at the time of the second violation
29 of subsection (a) or a similar provision the alcohol
30 concentration in his or her blood, breath, or urine was
31 0.16 or more based on the definition of blood, breath, or
32 urine units in Section 11-501.2, shall be subject, in
33 addition to any other penalty that may be imposed, to a
34 mandatory minimum of 2 days of imprisonment and a mandatory
35 minimum fine of \$1,250.

36 (3) Any person convicted of a third violation of

1 subsection (a) or a similar provision within 20 years of a
2 previous violation of subsection (a) or a similar
3 provision, if at the time of the third violation of
4 subsection (a) or a similar provision the alcohol
5 concentration in his or her blood, breath, or urine was
6 0.16 or more based on the definition of blood, breath, or
7 urine units in Section 11-501.2, is guilty of a Class 4
8 felony and shall be subject, in addition to any other
9 penalty that may be imposed, to a mandatory minimum of 90
10 days of imprisonment and a mandatory minimum fine of
11 \$2,500.

12 (4) Any person convicted of a fourth or subsequent
13 violation of subsection (a) or a similar provision, if at
14 the time of the fourth or subsequent violation the alcohol
15 concentration in his or her blood, breath, or urine was
16 0.16 or more based on the definition of blood, breath, or
17 urine units in Section 11-501.2, and if the person's 3
18 prior violations of subsection (a) or a similar provision
19 occurred while transporting a person under the age of 16 or
20 while the alcohol concentration in his or her blood,
21 breath, or urine was 0.16 or more based on the definition
22 of blood, breath, or urine units in Section 11-501.2, is
23 guilty of a Class 2 felony and is not eligible for a
24 sentence of probation or conditional discharge and is
25 subject to a minimum fine of \$2,500.

26 (d) (1) Every person convicted of committing a violation of
27 this Section shall be guilty of aggravated driving under
28 the influence of alcohol, other drug or drugs, or
29 intoxicating compound or compounds, or any combination
30 thereof if:

31 (A) the person committed a violation of subsection
32 (a) or a similar provision for the third or subsequent
33 time;

34 (B) the person committed a violation of subsection
35 (a) while driving a school bus with persons 18 years of
36 age or younger on board;

1 (C) the person in committing a violation of
2 subsection (a) was involved in a motor vehicle accident
3 that resulted in great bodily harm or permanent
4 disability or disfigurement to another, when the
5 violation was a proximate cause of the injuries;

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

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

25 (F) the person, in committing a violation of
26 subsection (a), was involved in a motor vehicle,
27 snowmobile, all-terrain vehicle, or watercraft
28 accident that resulted in the death of another person,
29 when the violation of subsection (a) was a proximate
30 cause of the death.

31 (2) Except as provided in this paragraph (2), a person
32 convicted of aggravated driving under the influence of
33 alcohol, other drug or drugs, or intoxicating compound or
34 compounds, or any combination thereof is guilty of a Class
35 4 felony. For a violation of subparagraph (C) of paragraph
36 (1) of this subsection (d), the defendant, if sentenced to

1 a term of imprisonment, shall be sentenced to not less than
2 one year nor more than 12 years. Aggravated driving under
3 the influence of alcohol, other drug or drugs, or
4 intoxicating compound or compounds, or any combination
5 thereof as defined in subparagraph (F) of paragraph (1) of
6 this subsection (d) is a Class 2 felony, for which the
7 defendant, if sentenced to a term of imprisonment, shall be
8 sentenced to: (A) a term of imprisonment of not less than 3
9 years and not more than 14 years if the violation resulted
10 in the death of one person; or (B) a term of imprisonment
11 of not less than 6 years and not more than 28 years if the
12 violation resulted in the deaths of 2 or more persons. For
13 any prosecution under this subsection (d), a certified copy
14 of the driving abstract of the defendant shall be admitted
15 as proof of any prior conviction. Any person sentenced
16 under this subsection (d) who receives a term of probation
17 or conditional discharge must serve a minimum term of
18 either 480 hours of community service or 10 days of
19 imprisonment as a condition of the probation or conditional
20 discharge. This mandatory minimum term of imprisonment or
21 assignment of community service may not be suspended or
22 reduced by the court.

23 (e) After a finding of guilt and prior to any final
24 sentencing, or an order for supervision, for an offense based
25 upon an arrest for a violation of this Section or a similar
26 provision of a local ordinance, individuals shall be required
27 to undergo a professional evaluation to determine if an
28 alcohol, drug, or intoxicating compound abuse problem exists
29 and the extent of the problem, and undergo the imposition of
30 treatment as appropriate. Programs conducting these
31 evaluations shall be licensed by the Department of Human
32 Services. The cost of any professional evaluation shall be paid
33 for by the individual required to undergo the professional
34 evaluation.

35 (e-1) Any person who is found guilty of or pleads guilty to
36 violating this Section, including any person receiving a

1 disposition of court supervision for violating this Section,
2 may be required by the Court to attend a victim impact panel
3 offered by, or under contract with, a County State's Attorney's
4 office, a probation and court services department, Mothers
5 Against Drunk Driving, or the Alliance Against Intoxicated
6 Motorists. All costs generated by the victim impact panel shall
7 be paid from fees collected from the offender or as may be
8 determined by the court.

9 (f) Every person found guilty of violating this Section,
10 whose operation of a motor vehicle while in violation of this
11 Section proximately caused any incident resulting in an
12 appropriate emergency response, shall be liable for the expense
13 of an emergency response as provided under Section 5-5-3 of the
14 Unified Code of Corrections.

15 (g) The Secretary of State shall revoke the driving
16 privileges of any person convicted under this Section or a
17 similar provision of a local ordinance.

18 (h) (Blank).

19 (i) The Secretary of State shall require the use of
20 ignition interlock devices on all vehicles owned by an
21 individual who has been convicted of a second or subsequent
22 offense of this Section or a similar provision of a local
23 ordinance. The Secretary shall establish by rule and regulation
24 the procedures for certification and use of the interlock
25 system.

26 (j) In addition to any other penalties and liabilities, a
27 person who is found guilty of or pleads guilty to violating
28 subsection (a), including any person placed on court
29 supervision for violating subsection (a), shall be fined \$500,
30 payable to the circuit clerk, who shall distribute the money as
31 follows: 20% to the law enforcement agency that made the arrest
32 and 80% shall be forwarded to the State Treasurer for deposit
33 into the General Revenue Fund. If the person has been
34 previously convicted of violating subsection (a) or a similar
35 provision of a local ordinance, the fine shall be \$1,000. In
36 the event that more than one agency is responsible for the

1 arrest, the amount payable to law enforcement agencies shall be
2 shared equally. Any moneys received by a law enforcement agency
3 under this subsection (j) shall be used to purchase law
4 enforcement equipment that will assist in the prevention of
5 ~~alcohol-related~~ criminal violence throughout the State. This
6 shall include, but is not limited to, in-car video cameras,
7 radar and laser speed detection devices, and alcohol breath
8 testers. Any moneys received by the Department of State Police
9 under this subsection (j) shall be deposited into the State
10 Police DUI Fund and shall be used to purchase law enforcement
11 equipment that will assist in the prevention of ~~alcohol-related~~
12 criminal violence throughout the State.

13 (k) The Secretary of State Police DUI Fund is created as a
14 special fund in the State treasury. All moneys received by the
15 Secretary of State Police under subsection (j) of this Section
16 shall be deposited into the Secretary of State Police DUI Fund
17 and, subject to appropriation, shall be used to purchase law
18 enforcement equipment to assist in the prevention of alcohol
19 related criminal violence throughout the State.

20 (l) Whenever an individual is sentenced for an offense
21 based upon an arrest for a violation of subsection (a) or a
22 similar provision of a local ordinance, and the professional
23 evaluation recommends remedial or rehabilitative treatment or
24 education, neither the treatment nor the education shall be the
25 sole disposition and either or both may be imposed only in
26 conjunction with another disposition. The court shall monitor
27 compliance with any remedial education or treatment
28 recommendations contained in the professional evaluation.
29 Programs conducting alcohol or other drug evaluation or
30 remedial education must be licensed by the Department of Human
31 Services. If the individual is not a resident of Illinois,
32 however, the court may accept an alcohol or other drug
33 evaluation or remedial education program in the individual's
34 state of residence. Programs providing treatment must be
35 licensed under existing applicable alcoholism and drug
36 treatment licensure standards.

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

18 (Source: P.A. 92-248, eff. 8-3-01; 92-418, eff. 8-17-01;
19 92-420, eff. 8-17-01; 92-429, eff. 1-1-02; 92-431, eff. 1-1-02;
20 92-651, eff. 7-11-02; 93-156, eff. 1-1-04; 93-213, eff.
21 7-18-03; 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800,
22 eff. 1-1-05; 93-840, eff. 7-30-04; 93-1093, eff. 3-29-05.)

23 (Text of Section from P.A. 94-110)

24 Sec. 11-501. Driving while under the influence of alcohol,
25 other drug or drugs, intoxicating compound or compounds or any
26 combination thereof.

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

29 (1) the alcohol concentration in the person's blood or
30 breath is 0.08 or more based on the definition of blood and
31 breath units in Section 11-501.2;

32 (2) under the influence of alcohol;

33 (3) under the influence of any intoxicating compound or
34 combination of intoxicating compounds to a degree that
35 renders the person incapable of driving safely;

1 (4) under the influence of any other drug or
2 combination of drugs to a degree that renders the person
3 incapable of safely driving;

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

7 (6) there is any amount of a drug, substance, or
8 compound in the person's breath, blood, or urine resulting
9 from the unlawful use or consumption of cannabis listed in
10 the Cannabis Control Act, a controlled substance listed in
11 the Illinois Controlled Substances Act, or an intoxicating
12 compound listed in the Use of Intoxicating Compounds Act.

13 (b) The fact that any person charged with violating this
14 Section is or has been legally entitled to use alcohol, other
15 drug or drugs, or intoxicating compound or compounds, or any
16 combination thereof, shall not constitute a defense against any
17 charge of violating this Section.

18 (b-1) With regard to penalties imposed under this Section:

19 (1) Any reference to a prior violation of subsection
20 (a) or a similar provision includes any violation of a
21 provision of a local ordinance or a provision of a law of
22 another state that is similar to a violation of subsection
23 (a) of this Section.

24 (2) Any penalty imposed for driving with a license that
25 has been revoked for a previous violation of subsection (a)
26 of this Section shall be in addition to the penalty imposed
27 for any subsequent violation of subsection (a).

28 (b-2) Except as otherwise provided in this Section, any
29 person convicted of violating subsection (a) of this Section is
30 guilty of a Class A misdemeanor.

31 (b-3) In addition to any other criminal or administrative
32 sanction for any second conviction of violating subsection (a)
33 or a similar provision committed within 5 years of a previous
34 violation of subsection (a) or a similar provision, the
35 defendant shall be sentenced to a mandatory minimum of 5 days
36 of imprisonment or assigned a mandatory minimum of 240 hours of

1 community service as may be determined by the court.

2 (b-4) In the case of a third or subsequent violation
3 committed within 5 years of a previous violation of subsection
4 (a) or a similar provision, in addition to any other criminal
5 or administrative sanction, a mandatory minimum term of either
6 10 days of imprisonment or 480 hours of community service shall
7 be imposed.

8 (b-5) The imprisonment or assignment of community service
9 under subsections (b-3) and (b-4) shall not be subject to
10 suspension, nor shall the person be eligible for a reduced
11 sentence.

12 (c) (Blank).

13 (c-1) (1) A person who violates subsection (a) during a
14 period in which his or her driving privileges are revoked
15 or suspended, where the revocation or suspension was for a
16 violation of subsection (a), Section 11-501.1, paragraph
17 (b) of Section 11-401, or for reckless homicide as defined
18 in Section 9-3 of the Criminal Code of 1961 is guilty of a
19 Class 4 felony.

20 (2) A person who violates subsection (a) a third time,
21 if the third violation occurs during a period in which his
22 or her driving privileges are revoked or suspended where
23 the revocation or suspension was for a violation of
24 subsection (a), Section 11-501.1, paragraph (b) of Section
25 11-401, or for reckless homicide as defined in Section 9-3
26 of the Criminal Code of 1961, is guilty of a Class 3
27 felony; and if the person receives a term of probation or
28 conditional discharge, he or she shall be required to serve
29 a mandatory minimum of 10 days of imprisonment or shall be
30 assigned a mandatory minimum of 480 hours of community
31 service, as may be determined by the court, as a condition
32 of the probation or conditional discharge. This mandatory
33 minimum term of imprisonment or assignment of community
34 service shall not be suspended or reduced by the court.

35 (2.2) A person who violates subsection (a), if the
36 violation occurs during a period in which his or her

1 driving privileges are revoked or suspended where the
2 revocation or suspension was for a violation of subsection
3 (a) or Section 11-501.1, shall also be sentenced to an
4 additional mandatory minimum term of 30 consecutive days of
5 imprisonment, 40 days of 24-hour periodic imprisonment, or
6 720 hours of community service, as may be determined by the
7 court. This mandatory term of imprisonment or assignment of
8 community service shall not be suspended or reduced by the
9 court.

10 (3) A person who violates subsection (a) a fourth or
11 subsequent time, if the fourth or subsequent violation
12 occurs during a period in which his or her driving
13 privileges are revoked or suspended where the revocation or
14 suspension was for a violation of subsection (a), Section
15 11-501.1, paragraph (b) of Section 11-401, or for reckless
16 homicide as defined in Section 9-3 of the Criminal Code of
17 1961, is guilty of a Class 2 felony and is not eligible for
18 a sentence of probation or conditional discharge.

19 (c-2) (Blank).

20 (c-3) (Blank).

21 (c-4) (Blank).

22 (c-5) Except as provided in subsection (c-5.1), a person 21
23 years of age or older who violates subsection (a), if the
24 person was transporting a person under the age of 16 at the
25 time of the violation, is subject to 6 months of imprisonment,
26 an additional mandatory minimum fine of \$1,000, and 25 days of
27 community service in a program benefiting children. The
28 imprisonment or assignment of community service under this
29 subsection (c-5) is not subject to suspension, nor is the
30 person eligible for a reduced sentence.

31 (c-5.1) A person 21 years of age or older who is convicted
32 of violating subsection (a) of this Section a first time and
33 who in committing that violation was involved in a motor
34 vehicle accident that resulted in bodily harm to the child
35 under the age of 16 being transported by the person, if the
36 violation was the proximate cause of the injury, is guilty of a

1 Class 4 felony and is subject to one year of imprisonment, a
2 mandatory fine of \$2,500, and 25 days of community service in a
3 program benefiting children. The imprisonment or assignment to
4 community service under this subsection (c-5.1) shall not be
5 subject to suspension, nor shall the person be eligible for
6 probation in order to reduce the sentence or assignment.

7 (c-6) Except as provided in subsections (c-7) and (c-7.1),
8 a person 21 years of age or older who violates subsection (a) a
9 second time, if at the time of the second violation the person
10 was transporting a person under the age of 16, is subject to 6
11 months of imprisonment, an additional mandatory minimum fine of
12 \$1,000, and an additional mandatory minimum 140 hours of
13 community service, which shall include 40 hours of community
14 service in a program benefiting children. The imprisonment or
15 assignment of community service under this subsection (c-6) is
16 not subject to suspension, nor is the person eligible for a
17 reduced sentence.

18 (c-7) Except as provided in subsection (c-7.1), any person
19 21 years of age or older convicted of violating subsection
20 (c-6) or a similar provision within 10 years of a previous
21 violation of subsection (a) or a similar provision is guilty of
22 a Class 4 felony and, in addition to any other penalty imposed,
23 is subject to one year of imprisonment, 25 days of mandatory
24 community service in a program benefiting children, and a
25 mandatory fine of \$2,500. The imprisonment or assignment of
26 community service under this subsection (c-7) is not subject to
27 suspension, nor is the person eligible for a reduced sentence.

28 (c-7.1) A person 21 years of age or older who is convicted
29 of violating subsection (a) of this Section a second time
30 within 10 years and who in committing that violation was
31 involved in a motor vehicle accident that resulted in bodily
32 harm to the child under the age of 16 being transported, if the
33 violation was the proximate cause of the injury, is guilty of a
34 Class 4 felony and is subject to 18 months of imprisonment, a
35 mandatory fine of \$5,000, and 25 days of community service in a
36 program benefiting children. The imprisonment or assignment to

1 community service under this subsection (c-7.1) shall not be
2 subject to suspension, nor shall the person be eligible for
3 probation in order to reduce the sentence or assignment.

4 (c-8) (Blank).

5 (c-9) Any person 21 years of age or older convicted a third
6 time for violating subsection (a) or a similar provision, if at
7 the time of the third violation the person was transporting a
8 person under the age of 16, is guilty of a Class 4 felony and is
9 subject to 18 months of imprisonment, a mandatory fine of
10 \$2,500, and 25 days of community service in a program
11 benefiting children. The imprisonment or assignment of
12 community service under this subsection (c-9) is not subject to
13 suspension, nor is the person eligible for a reduced sentence.

14 (c-10) Any person 21 years of age or older convicted of
15 violating subsection (c-9) or a similar provision a third time
16 within 20 years of a previous violation of subsection (a) or a
17 similar provision is guilty of a Class 3 felony and, in
18 addition to any other penalty imposed, is subject to 3 years of
19 imprisonment, 25 days of community service in a program
20 benefiting children, and a mandatory fine of \$25,000. The
21 imprisonment or assignment of community service under this
22 subsection (c-10) is not subject to suspension, nor is the
23 person eligible for a reduced sentence.

24 (c-11) Any person 21 years of age or older convicted a
25 fourth or subsequent time for violating subsection (a) or a
26 similar provision, if at the time of the fourth or subsequent
27 violation the person was transporting a person under the age of
28 16, and if the person's 3 prior violations of subsection (a) or
29 a similar provision occurred while transporting a person under
30 the age of 16 or while the alcohol concentration in his or her
31 blood, breath, or urine was 0.16 or more based on the
32 definition of blood, breath, or urine units in Section
33 11-501.2, is guilty of a Class 2 felony, is not eligible for
34 probation or conditional discharge, and is subject to a minimum
35 fine of \$25,000.

36 (c-12) Any person convicted of a first violation of

1 subsection (a) or a similar provision, if the alcohol
2 concentration in his or her blood, breath, or urine was 0.16 or
3 more based on the definition of blood, breath, or urine units
4 in Section 11-501.2, shall be subject, in addition to any other
5 penalty that may be imposed, to a mandatory minimum of 100
6 hours of community service and a mandatory minimum fine of
7 \$500.

8 (c-13) Any person convicted of a second violation of
9 subsection (a) or a similar provision committed within 10 years
10 of a previous violation of subsection (a) or a similar
11 provision, if at the time of the second violation of subsection
12 (a) or a similar provision the alcohol concentration in his or
13 her blood, breath, or urine was 0.16 or more based on the
14 definition of blood, breath, or urine units in Section
15 11-501.2, shall be subject, in addition to any other penalty
16 that may be imposed, to a mandatory minimum of 2 days of
17 imprisonment and a mandatory minimum fine of \$1,250.

18 (c-14) Any person convicted of a third violation of
19 subsection (a) or a similar provision within 20 years of a
20 previous violation of subsection (a) or a similar provision, if
21 at the time of the third violation of subsection (a) or a
22 similar provision the alcohol concentration in his or her
23 blood, breath, or urine was 0.16 or more based on the
24 definition of blood, breath, or urine units in Section
25 11-501.2, is guilty of a Class 4 felony and shall be subject,
26 in addition to any other penalty that may be imposed, to a
27 mandatory minimum of 90 days of imprisonment and a mandatory
28 minimum fine of \$2,500.

29 (c-15) Any person convicted of a fourth or subsequent
30 violation of subsection (a) or a similar provision, if at the
31 time of the fourth or subsequent violation the alcohol
32 concentration in his or her blood, breath, or urine was 0.16 or
33 more based on the definition of blood, breath, or urine units
34 in Section 11-501.2, and if the person's 3 prior violations of
35 subsection (a) or a similar provision occurred while
36 transporting a person under the age of 16 or while the alcohol

1 concentration in his or her blood, breath, or urine was 0.16 or
2 more based on the definition of blood, breath, or urine units
3 in Section 11-501.2, is guilty of a Class 2 felony and is not
4 eligible for a sentence of probation or conditional discharge
5 and is subject to a minimum fine of \$2,500.

6 (d) (1) Every person convicted of committing a violation of
7 this Section shall be guilty of aggravated driving under
8 the influence of alcohol, other drug or drugs, or
9 intoxicating compound or compounds, or any combination
10 thereof if:

11 (A) the person committed a violation of subsection
12 (a) or a similar provision for the third or subsequent
13 time;

14 (B) the person committed a violation of subsection
15 (a) while driving a school bus with persons 18 years of
16 age or younger on board;

17 (C) the person in committing a violation of
18 subsection (a) was involved in a motor vehicle accident
19 that resulted in great bodily harm or permanent
20 disability or disfigurement to another, when the
21 violation was a proximate cause of the injuries;

22 (D) the person committed a violation of subsection
23 (a) for a second time and has been previously convicted
24 of violating Section 9-3 of the Criminal Code of 1961
25 or a similar provision of a law of another state
26 relating to reckless homicide in which the person was
27 determined to have been under the influence of alcohol,
28 other drug or drugs, or intoxicating compound or
29 compounds as an element of the offense or the person
30 has previously been convicted under subparagraph (C)
31 or subparagraph (F) of this paragraph (1);

32 (E) the person, in committing a violation of
33 subsection (a) while driving at any speed in a school
34 speed zone at a time when a speed limit of 20 miles per
35 hour was in effect under subsection (a) of Section
36 11-605 of this Code, was involved in a motor vehicle

1 accident that resulted in bodily harm, other than great
2 bodily harm or permanent disability or disfigurement,
3 to another person, when the violation of subsection (a)
4 was a proximate cause of the bodily harm; or

5 (F) the person, in committing a violation of
6 subsection (a), was involved in a motor vehicle,
7 snowmobile, all-terrain vehicle, or watercraft
8 accident that resulted in the death of another person,
9 when the violation of subsection (a) was a proximate
10 cause of the death.

11 (2) Except as provided in this paragraph (2), a person
12 convicted of aggravated driving under the influence of
13 alcohol, other drug or drugs, or intoxicating compound or
14 compounds, or any combination thereof is guilty of a Class
15 4 felony. For a violation of subparagraph (C) of paragraph
16 (1) of this subsection (d), the defendant, if sentenced to
17 a term of imprisonment, shall be sentenced to not less than
18 one year nor more than 12 years. Aggravated driving under
19 the influence of alcohol, other drug or drugs, or
20 intoxicating compound or compounds, or any combination
21 thereof as defined in subparagraph (F) of paragraph (1) of
22 this subsection (d) is a Class 2 felony, for which the
23 defendant, if sentenced to a term of imprisonment, shall be
24 sentenced to: (A) a term of imprisonment of not less than 3
25 years and not more than 14 years if the violation resulted
26 in the death of one person; or (B) a term of imprisonment
27 of not less than 6 years and not more than 28 years if the
28 violation resulted in the deaths of 2 or more persons. For
29 any prosecution under this subsection (d), a certified copy
30 of the driving abstract of the defendant shall be admitted
31 as proof of any prior conviction. Any person sentenced
32 under this subsection (d) who receives a term of probation
33 or conditional discharge must serve a minimum term of
34 either 480 hours of community service or 10 days of
35 imprisonment as a condition of the probation or conditional
36 discharge. This mandatory minimum term of imprisonment or

1 assignment of community service may not be suspended or
2 reduced by the court.

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

15 (e-1) Any person who is found guilty of or pleads guilty to
16 violating this Section, including any person receiving a
17 disposition of court supervision for violating this Section,
18 may be required by the Court to attend a victim impact panel
19 offered by, or under contract with, a County State's Attorney's
20 office, a probation and court services department, Mothers
21 Against Drunk Driving, or the Alliance Against Intoxicated
22 Motorists. All costs generated by the victim impact panel shall
23 be paid from fees collected from the offender or as may be
24 determined by the court.

25 (f) Every person found guilty of violating this Section,
26 whose operation of a motor vehicle while in violation of this
27 Section proximately caused any incident resulting in an
28 appropriate emergency response, shall be liable for the expense
29 of an emergency response as provided under Section 5-5-3 of the
30 Unified Code of Corrections.

31 (g) The Secretary of State shall revoke the driving
32 privileges of any person convicted under this Section or a
33 similar provision of a local ordinance.

34 (h) (Blank).

35 (i) The Secretary of State shall require the use of
36 ignition interlock devices on all vehicles owned by an

1 individual who has been convicted of a second or subsequent
2 offense of this Section or a similar provision of a local
3 ordinance. The Secretary shall establish by rule and regulation
4 the procedures for certification and use of the interlock
5 system.

6 (j) In addition to any other penalties and liabilities, a
7 person who is found guilty of or pleads guilty to violating
8 subsection (a), including any person placed on court
9 supervision for violating subsection (a), shall be fined \$500,
10 payable to the circuit clerk, who shall distribute the money as
11 follows: 20% to the law enforcement agency that made the arrest
12 and 80% shall be forwarded to the State Treasurer for deposit
13 into the General Revenue Fund. If the person has been
14 previously convicted of violating subsection (a) or a similar
15 provision of a local ordinance, the fine shall be \$1,000. In
16 the event that more than one agency is responsible for the
17 arrest, the amount payable to law enforcement agencies shall be
18 shared equally. Any moneys received by a law enforcement agency
19 under this subsection (j) shall be used to purchase law
20 enforcement equipment that will assist in the prevention of
21 ~~alcohol-related~~ criminal violence throughout the State. This
22 shall include, but is not limited to, in-car video cameras,
23 radar and laser speed detection devices, and alcohol breath
24 testers. Any moneys received by the Department of State Police
25 under this subsection (j) shall be deposited into the State
26 Police DUI Fund and shall be used to purchase law enforcement
27 equipment that will assist in the prevention of ~~alcohol-related~~
28 criminal violence throughout the State.

29 (k) The Secretary of State Police DUI Fund is created as a
30 special fund in the State treasury. All moneys received by the
31 Secretary of State Police under subsection (j) of this Section
32 shall be deposited into the Secretary of State Police DUI Fund
33 and, subject to appropriation, shall be used to purchase law
34 enforcement equipment to assist in the prevention of alcohol
35 related criminal violence throughout the State.

36 (l) Whenever an individual is sentenced for an offense

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

17 (m) In addition to any other fine or penalty required by
18 law, an individual convicted of a violation of subsection (a),
19 Section 5-7 of the Snowmobile Registration and Safety Act,
20 Section 5-16 of the Boat Registration and Safety Act, or a
21 similar provision, whose operation of a motor vehicle,
22 snowmobile, or watercraft while in violation of subsection (a),
23 Section 5-7 of the Snowmobile Registration and Safety Act,
24 Section 5-16 of the Boat Registration and Safety Act, or a
25 similar provision proximately caused an incident resulting in
26 an appropriate emergency response, shall be required to make
27 restitution to a public agency for the costs of that emergency
28 response. The restitution may not exceed \$1,000 per public
29 agency for each emergency response. As used in this subsection
30 (m), "emergency response" means any incident requiring a
31 response by a police officer, a firefighter carried on the
32 rolls of a regularly constituted fire department, or an
33 ambulance.

34 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;
35 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;
36 93-840, eff. 7-30-04; 94-110, eff. 1-1-06.)

1 (Text of Section from P.A. 94-113)

2 Sec. 11-501. Driving while under the influence of alcohol,
3 other drug or drugs, intoxicating compound or compounds or any
4 combination thereof.

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

7 (1) the alcohol concentration in the person's blood or
8 breath is 0.08 or more based on the definition of blood and
9 breath units in Section 11-501.2;

10 (2) under the influence of alcohol;

11 (3) under the influence of any intoxicating compound or
12 combination of intoxicating compounds to a degree that
13 renders the person incapable of driving safely;

14 (4) under the influence of any other drug or
15 combination of drugs to a degree that renders the person
16 incapable of safely driving;

17 (5) under the combined influence of alcohol, other drug
18 or drugs, or intoxicating compound or compounds to a degree
19 that renders the person incapable of safely driving; or

20 (6) there is any amount of a drug, substance, or
21 compound in the person's breath, blood, or urine resulting
22 from the unlawful use or consumption of cannabis listed in
23 the Cannabis Control Act, a controlled substance listed in
24 the Illinois Controlled Substances Act, or an intoxicating
25 compound listed in the Use of Intoxicating Compounds Act.

26 (b) The fact that any person charged with violating this
27 Section is or has been legally entitled to use alcohol, other
28 drug or drugs, or intoxicating compound or compounds, or any
29 combination thereof, shall not constitute a defense against any
30 charge of violating this Section.

31 (b-1) With regard to penalties imposed under this Section:

32 (1) Any reference to a prior violation of subsection
33 (a) or a similar provision includes any violation of a
34 provision of a local ordinance or a provision of a law of
35 another state that is similar to a violation of subsection

1 (a) of this Section.

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

6 (b-2) Except as otherwise provided in this Section, any
7 person convicted of violating subsection (a) of this Section is
8 guilty of a Class A misdemeanor.

9 (b-3) In addition to any other criminal or administrative
10 sanction for any second conviction of violating subsection (a)
11 or a similar provision committed within 5 years of a previous
12 violation of subsection (a) or a similar provision, the
13 defendant shall be sentenced to a mandatory minimum of 5 days
14 of imprisonment or assigned a mandatory minimum of 240 hours of
15 community service as may be determined by the court.

16 (b-4) In the case of a third or subsequent violation
17 committed within 5 years of a previous violation of subsection
18 (a) or a similar provision, in addition to any other criminal
19 or administrative sanction, a mandatory minimum term of either
20 10 days of imprisonment or 480 hours of community service shall
21 be imposed.

22 (b-5) The imprisonment or assignment of community service
23 under subsections (b-3) and (b-4) shall not be subject to
24 suspension, nor shall the person be eligible for a reduced
25 sentence.

26 (c) (Blank).

27 (c-1) (1) A person who violates subsection (a) during a
28 period in which his or her driving privileges are revoked
29 or suspended, where the revocation or suspension was for a
30 violation of subsection (a), Section 11-501.1, paragraph
31 (b) of Section 11-401, or for reckless homicide as defined
32 in Section 9-3 of the Criminal Code of 1961 is guilty of a
33 Class 4 felony.

34 (2) A person who violates subsection (a) a third time,
35 if the third violation occurs during a period in which his
36 or her driving privileges are revoked or suspended where

1 the revocation or suspension was for a violation of
2 subsection (a), Section 11-501.1, paragraph (b) of Section
3 11-401, or for reckless homicide as defined in Section 9-3
4 of the Criminal Code of 1961, is guilty of a Class 3
5 felony.

6 (2.1) A person who violates subsection (a) a third
7 time, if the third violation occurs during a period in
8 which his or her driving privileges are revoked or
9 suspended where the revocation or suspension was for a
10 violation of subsection (a), Section 11-501.1, subsection
11 (b) of Section 11-401, or for reckless homicide as defined
12 in Section 9-3 of the Criminal Code of 1961, is guilty of a
13 Class 3 felony; and if the person receives a term of
14 probation or conditional discharge, he or she shall be
15 required to serve a mandatory minimum of 10 days of
16 imprisonment or shall be assigned a mandatory minimum of
17 480 hours of community service, as may be determined by the
18 court, as a condition of the probation or conditional
19 discharge. This mandatory minimum term of imprisonment or
20 assignment of community service shall not be suspended or
21 reduced by the court.

22 (2.2) A person who violates subsection (a), if the
23 violation occurs during a period in which his or her
24 driving privileges are revoked or suspended where the
25 revocation or suspension was for a violation of subsection
26 (a) or Section 11-501.1, shall also be sentenced to an
27 additional mandatory minimum term of 30 consecutive days of
28 imprisonment, 40 days of 24-hour periodic imprisonment, or
29 720 hours of community service, as may be determined by the
30 court. This mandatory term of imprisonment or assignment of
31 community service shall not be suspended or reduced by the
32 court.

33 (3) A person who violates subsection (a) a fourth or
34 subsequent time, if the fourth or subsequent violation
35 occurs during a period in which his or her driving
36 privileges are revoked or suspended where the revocation or

1 suspension was for a violation of subsection (a), Section
2 11-501.1, paragraph (b) of Section 11-401, or for reckless
3 homicide as defined in Section 9-3 of the Criminal Code of
4 1961, is guilty of a Class 2 felony and is not eligible for
5 a sentence of probation or conditional discharge.

6 (c-2) (Blank).

7 (c-3) (Blank).

8 (c-4) (Blank).

9 (c-5) A person who violates subsection (a), if the person
10 was transporting a person under the age of 16 at the time of
11 the violation, is subject to an additional mandatory minimum
12 fine of \$1,000, an additional mandatory minimum 140 hours of
13 community service, which shall include 40 hours of community
14 service in a program benefiting children, and an additional 2
15 days of imprisonment. The imprisonment or assignment of
16 community service under this subsection (c-5) is not subject to
17 suspension, nor is the person eligible for a reduced sentence.

18 (c-6) Except as provided in subsections (c-7) and (c-8) a
19 person who violates subsection (a) a second time, if at the
20 time of the second violation the person was transporting a
21 person under the age of 16, is subject to an additional 10 days
22 of imprisonment, an additional mandatory minimum fine of
23 \$1,000, and an additional mandatory minimum 140 hours of
24 community service, which shall include 40 hours of community
25 service in a program benefiting children. The imprisonment or
26 assignment of community service under this subsection (c-6) is
27 not subject to suspension, nor is the person eligible for a
28 reduced sentence.

29 (c-7) Except as provided in subsection (c-8), any person
30 convicted of violating subsection (c-6) or a similar provision
31 within 10 years of a previous violation of subsection (a) or a
32 similar provision shall receive, in addition to any other
33 penalty imposed, a mandatory minimum 12 days imprisonment, an
34 additional 40 hours of mandatory community service in a program
35 benefiting children, and a mandatory minimum fine of \$1,750.
36 The imprisonment or assignment of community service under this

1 subsection (c-7) is not subject to suspension, nor is the
2 person eligible for a reduced sentence.

3 (c-8) Any person convicted of violating subsection (c-6) or
4 a similar provision within 5 years of a previous violation of
5 subsection (a) or a similar provision shall receive, in
6 addition to any other penalty imposed, an additional 80 hours
7 of mandatory community service in a program benefiting
8 children, an additional mandatory minimum 12 days of
9 imprisonment, and a mandatory minimum fine of \$1,750. The
10 imprisonment or assignment of community service under this
11 subsection (c-8) is not subject to suspension, nor is the
12 person eligible for a reduced sentence.

13 (c-9) Any person convicted a third time for violating
14 subsection (a) or a similar provision, if at the time of the
15 third violation the person was transporting a person under the
16 age of 16, is guilty of a Class 4 felony and shall receive, in
17 addition to any other penalty imposed, an additional mandatory
18 fine of \$1,000, an additional mandatory 140 hours of community
19 service, which shall include 40 hours in a program benefiting
20 children, and a mandatory minimum 30 days of imprisonment. The
21 imprisonment or assignment of community service under this
22 subsection (c-9) is not subject to suspension, nor is the
23 person eligible for a reduced sentence.

24 (c-10) Any person convicted of violating subsection (c-9)
25 or a similar provision a third time within 20 years of a
26 previous violation of subsection (a) or a similar provision is
27 guilty of a Class 4 felony and shall receive, in addition to
28 any other penalty imposed, an additional mandatory 40 hours of
29 community service in a program benefiting children, an
30 additional mandatory fine of \$3,000, and a mandatory minimum
31 120 days of imprisonment. The imprisonment or assignment of
32 community service under this subsection (c-10) is not subject
33 to suspension, nor is the person eligible for a reduced
34 sentence.

35 (c-11) Any person convicted a fourth or subsequent time for
36 violating subsection (a) or a similar provision, if at the time

1 of the fourth or subsequent violation the person was
2 transporting a person under the age of 16, and if the person's
3 3 prior violations of subsection (a) or a similar provision
4 occurred while transporting a person under the age of 16 or
5 while the alcohol concentration in his or her blood, breath, or
6 urine was 0.16 or more based on the definition of blood,
7 breath, or urine units in Section 11-501.2, is guilty of a
8 Class 2 felony, is not eligible for probation or conditional
9 discharge, and is subject to a minimum fine of \$3,000.

10 (c-12) Any person convicted of a first violation of
11 subsection (a) or a similar provision, if the alcohol
12 concentration in his or her blood, breath, or urine was 0.16 or
13 more based on the definition of blood, breath, or urine units
14 in Section 11-501.2, shall be subject, in addition to any other
15 penalty that may be imposed, to a mandatory minimum of 100
16 hours of community service and a mandatory minimum fine of
17 \$500.

18 (c-13) Any person convicted of a second violation of
19 subsection (a) or a similar provision committed within 10 years
20 of a previous violation of subsection (a) or a similar
21 provision committed within 10 years of a previous violation of
22 subsection (a) or a similar provision, if at the time of the
23 second violation of subsection (a) the alcohol concentration in
24 his or her blood, breath, or urine was 0.16 or more based on
25 the definition of blood, breath, or urine units in Section
26 11-501.2, shall be subject, in addition to any other penalty
27 that may be imposed, to a mandatory minimum of 2 days of
28 imprisonment and a mandatory minimum fine of \$1,250.

29 (c-14) Any person convicted of a third violation of
30 subsection (a) or a similar provision within 20 years of a
31 previous violation of subsection (a) or a similar provision, if
32 at the time of the third violation of subsection (a) or a
33 similar provision the alcohol concentration in his or her
34 blood, breath, or urine was 0.16 or more based on the
35 definition of blood, breath, or urine units in Section
36 11-501.2, is guilty of a Class 4 felony and shall be subject,

1 in addition to any other penalty that may be imposed, to a
2 mandatory minimum of 90 days of imprisonment and a mandatory
3 minimum fine of \$2,500.

4 (c-15) Any person convicted of a fourth or subsequent
5 violation of subsection (a) or a similar provision, if at the
6 time of the fourth or subsequent violation the alcohol
7 concentration in his or her blood, breath, or urine was 0.16 or
8 more based on the definition of blood, breath, or urine units
9 in Section 11-501.2, and if the person's 3 prior violations of
10 subsection (a) or a similar provision occurred while
11 transporting a person under the age of 16 or while the alcohol
12 concentration in his or her blood, breath, or urine was 0.16 or
13 more based on the definition of blood, breath, or urine units
14 in Section 11-501.2, is guilty of a Class 2 felony and is not
15 eligible for a sentence of probation or conditional discharge
16 and is subject to a minimum fine of \$2,500.

17 (d) (1) Every person convicted of committing a violation of
18 this Section shall be guilty of aggravated driving under
19 the influence of alcohol, other drug or drugs, or
20 intoxicating compound or compounds, or any combination
21 thereof if:

22 (A) the person committed a violation of subsection
23 (a) or a similar provision for the third or subsequent
24 time;

25 (B) the person committed a violation of subsection
26 (a) while driving a school bus with persons 18 years of
27 age or younger on board;

28 (C) the person in committing a violation of
29 subsection (a) was involved in a motor vehicle accident
30 that resulted in great bodily harm or permanent
31 disability or disfigurement to another, when the
32 violation was a proximate cause of the injuries;

33 (D) the person committed a violation of subsection
34 (a) for a second time and has been previously convicted
35 of violating Section 9-3 of the Criminal Code of 1961
36 or a similar provision of a law of another state

1 relating to reckless homicide in which the person was
2 determined to have been under the influence of alcohol,
3 other drug or drugs, or intoxicating compound or
4 compounds as an element of the offense or the person
5 has previously been convicted under subparagraph (C)
6 or subparagraph (F) of this paragraph (1);

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

16 (F) the person, in committing a violation of
17 subsection (a), was involved in a motor vehicle,
18 snowmobile, all-terrain vehicle, or watercraft
19 accident that resulted in the death of another person,
20 when the violation of subsection (a) was a proximate
21 cause of the death.

22 (2) Except as provided in this paragraph (2), a person
23 convicted of aggravated driving under the influence of
24 alcohol, other drug or drugs, or intoxicating compound or
25 compounds, or any combination thereof is guilty of a Class
26 4 felony. For a violation of subparagraph (C) of paragraph
27 (1) of this subsection (d), the defendant, if sentenced to
28 a term of imprisonment, shall be sentenced to not less than
29 one year nor more than 12 years. Aggravated driving under
30 the influence of alcohol, other drug or drugs, or
31 intoxicating compound or compounds, or any combination
32 thereof as defined in subparagraph (F) of paragraph (1) of
33 this subsection (d) is a Class 2 felony, for which the
34 defendant, unless the court determines that extraordinary
35 circumstances exist and require probation, shall be
36 sentenced to: (A) a term of imprisonment of not less than 3

1 years and not more than 14 years if the violation resulted
2 in the death of one person; or (B) a term of imprisonment
3 of not less than 6 years and not more than 28 years if the
4 violation resulted in the deaths of 2 or more persons. For
5 any prosecution under this subsection (d), a certified copy
6 of the driving abstract of the defendant shall be admitted
7 as proof of any prior conviction. Any person sentenced
8 under this subsection (d) who receives a term of probation
9 or conditional discharge must serve a minimum term of
10 either 480 hours of community service or 10 days of
11 imprisonment as a condition of the probation or conditional
12 discharge. This mandatory minimum term of imprisonment or
13 assignment of community service may not be suspended or
14 reduced by the court.

15 (e) After a finding of guilt and prior to any final
16 sentencing, or an order for supervision, for an offense based
17 upon an arrest for a violation of this Section or a similar
18 provision of a local ordinance, individuals shall be required
19 to undergo a professional evaluation to determine if an
20 alcohol, drug, or intoxicating compound abuse problem exists
21 and the extent of the problem, and undergo the imposition of
22 treatment as appropriate. Programs conducting these
23 evaluations shall be licensed by the Department of Human
24 Services. The cost of any professional evaluation shall be paid
25 for by the individual required to undergo the professional
26 evaluation.

27 (e-1) Any person who is found guilty of or pleads guilty to
28 violating this Section, including any person receiving a
29 disposition of court supervision for violating this Section,
30 may be required by the Court to attend a victim impact panel
31 offered by, or under contract with, a County State's Attorney's
32 office, a probation and court services department, Mothers
33 Against Drunk Driving, or the Alliance Against Intoxicated
34 Motorists. All costs generated by the victim impact panel shall
35 be paid from fees collected from the offender or as may be
36 determined by the court.

1 (f) Every person found guilty of violating this Section,
2 whose operation of a motor vehicle while in violation of this
3 Section proximately caused any incident resulting in an
4 appropriate emergency response, shall be liable for the expense
5 of an emergency response as provided under Section 5-5-3 of the
6 Unified Code of Corrections.

7 (g) The Secretary of State shall revoke the driving
8 privileges of any person convicted under this Section or a
9 similar provision of a local ordinance.

10 (h) (Blank).

11 (i) The Secretary of State shall require the use of
12 ignition interlock devices on all vehicles owned by an
13 individual who has been convicted of a second or subsequent
14 offense of this Section or a similar provision of a local
15 ordinance. The Secretary shall establish by rule and regulation
16 the procedures for certification and use of the interlock
17 system.

18 (j) In addition to any other penalties and liabilities, a
19 person who is found guilty of or pleads guilty to violating
20 subsection (a), including any person placed on court
21 supervision for violating subsection (a), shall be fined \$500,
22 payable to the circuit clerk, who shall distribute the money as
23 follows: 20% to the law enforcement agency that made the arrest
24 and 80% shall be forwarded to the State Treasurer for deposit
25 into the General Revenue Fund. If the person has been
26 previously convicted of violating subsection (a) or a similar
27 provision of a local ordinance, the fine shall be \$1,000. In
28 the event that more than one agency is responsible for the
29 arrest, the amount payable to law enforcement agencies shall be
30 shared equally. Any moneys received by a law enforcement agency
31 under this subsection (j) shall be used to purchase law
32 enforcement equipment that will assist in the prevention of
33 ~~alcohol-related~~ criminal violence throughout the State. This
34 shall include, but is not limited to, in-car video cameras,
35 radar and laser speed detection devices, and alcohol breath
36 testers. Any moneys received by the Department of State Police

1 under this subsection (j) shall be deposited into the State
2 Police DUI Fund and shall be used to purchase law enforcement
3 equipment that will assist in the prevention of ~~alcohol related~~
4 criminal violence throughout the State.

5 (k) The Secretary of State Police DUI Fund is created as a
6 special fund in the State treasury. All moneys received by the
7 Secretary of State Police under subsection (j) of this Section
8 shall be deposited into the Secretary of State Police DUI Fund
9 and, subject to appropriation, shall be used to purchase law
10 enforcement equipment to assist in the prevention of alcohol
11 related criminal violence throughout the State.

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

29 (m) In addition to any other fine or penalty required by
30 law, an individual convicted of a violation of subsection (a),
31 Section 5-7 of the Snowmobile Registration and Safety Act,
32 Section 5-16 of the Boat Registration and Safety Act, or a
33 similar provision, whose operation of a motor vehicle,
34 snowmobile, or watercraft while in violation of subsection (a),
35 Section 5-7 of the Snowmobile Registration and Safety Act,
36 Section 5-16 of the Boat Registration and Safety Act, or a

1 similar provision proximately caused an incident resulting in
2 an appropriate emergency response, shall be required to make
3 restitution to a public agency for the costs of that emergency
4 response. The restitution may not exceed \$1,000 per public
5 agency for each emergency response. As used in this subsection
6 (m), "emergency response" means any incident requiring a
7 response by a police officer, a firefighter carried on the
8 rolls of a regularly constituted fire department, or an
9 ambulance.

10 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;
11 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;
12 93-840, eff. 7-30-04; 94-113, eff. 1-1-06.)

13 (Text of Section from P.A. 94-114)

14 Sec. 11-501. Driving while under the influence of alcohol,
15 other drug or drugs, intoxicating compound or compounds or any
16 combination thereof.

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

19 (1) the alcohol concentration in the person's blood or
20 breath is 0.08 or more based on the definition of blood and
21 breath units in Section 11-501.2;

22 (2) under the influence of alcohol;

23 (3) under the influence of any intoxicating compound or
24 combination of intoxicating compounds to a degree that
25 renders the person incapable of driving safely;

26 (4) under the influence of any other drug or
27 combination of drugs to a degree that renders the person
28 incapable of safely driving;

29 (5) under the combined influence of alcohol, other drug
30 or drugs, or intoxicating compound or compounds to a degree
31 that renders the person incapable of safely driving; or

32 (6) there is any amount of a drug, substance, or
33 compound in the person's breath, blood, or urine resulting
34 from the unlawful use or consumption of cannabis listed in
35 the Cannabis Control Act, a controlled substance listed in

1 the Illinois Controlled Substances Act, or an intoxicating
2 compound listed in the Use of Intoxicating Compounds Act.

3 (b) The fact that any person charged with violating this
4 Section is or has been legally entitled to use alcohol, other
5 drug or drugs, or intoxicating compound or compounds, or any
6 combination thereof, shall not constitute a defense against any
7 charge of violating this Section.

8 (b-1) With regard to penalties imposed under this Section:

9 (1) Any reference to a prior violation of subsection
10 (a) or a similar provision includes any violation of a
11 provision of a local ordinance or a provision of a law of
12 another state that is similar to a violation of subsection
13 (a) of this Section.

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

18 (b-2) Except as otherwise provided in this Section, any
19 person convicted of violating subsection (a) of this Section is
20 guilty of a Class A misdemeanor.

21 (b-3) In addition to any other criminal or administrative
22 sanction for any second conviction of violating subsection (a)
23 or a similar provision committed within 5 years of a previous
24 violation of subsection (a) or a similar provision, the
25 defendant shall be sentenced to a mandatory minimum of 5 days
26 of imprisonment or assigned a mandatory minimum of 240 hours of
27 community service as may be determined by the court.

28 (b-4) In the case of a third or subsequent violation
29 committed within 5 years of a previous violation of subsection
30 (a) or a similar provision, in addition to any other criminal
31 or administrative sanction, a mandatory minimum term of either
32 10 days of imprisonment or 480 hours of community service shall
33 be imposed.

34 (b-5) The imprisonment or assignment of community service
35 under subsections (b-3) and (b-4) shall not be subject to
36 suspension, nor shall the person be eligible for a reduced

1 sentence.

2 (c) (Blank).

3 (c-1) (1) A person who violates subsection (a) during a
4 period in which his or her driving privileges are revoked
5 or suspended, where the revocation or suspension was for a
6 violation of subsection (a), Section 11-501.1, paragraph
7 (b) of Section 11-401, or for reckless homicide as defined
8 in Section 9-3 of the Criminal Code of 1961 is guilty of a
9 Class 4 felony.

10 (2) A person who violates subsection (a) a third time,
11 if the third violation occurs during a period in which his
12 or her driving privileges are revoked or suspended where
13 the revocation or suspension was for a violation of
14 subsection (a), Section 11-501.1, paragraph (b) of Section
15 11-401, or for reckless homicide as defined in Section 9-3
16 of the Criminal Code of 1961, is guilty of a Class 3
17 felony.

18 (2.1) A person who violates subsection (a) a third
19 time, if the third violation occurs during a period in
20 which his or her driving privileges are revoked or
21 suspended where the revocation or suspension was for a
22 violation of subsection (a), Section 11-501.1, subsection
23 (b) of Section 11-401, or for reckless homicide as defined
24 in Section 9-3 of the Criminal Code of 1961, is guilty of a
25 Class 3 felony; and if the person receives a term of
26 probation or conditional discharge, he or she shall be
27 required to serve a mandatory minimum of 10 days of
28 imprisonment or shall be assigned a mandatory minimum of
29 480 hours of community service, as may be determined by the
30 court, as a condition of the probation or conditional
31 discharge. This mandatory minimum term of imprisonment or
32 assignment of community service shall not be suspended or
33 reduced by the court.

34 (2.2) A person who violates subsection (a), if the
35 violation occurs during a period in which his or her
36 driving privileges are revoked or suspended where the

1 revocation or suspension was for a violation of subsection
2 (a) or Section 11-501.1, shall also be sentenced to an
3 additional mandatory minimum term of 30 consecutive days of
4 imprisonment, 40 days of 24-hour periodic imprisonment, or
5 720 hours of community service, as may be determined by the
6 court. This mandatory term of imprisonment or assignment of
7 community service shall not be suspended or reduced by the
8 court.

9 (3) A person who violates subsection (a) a fourth or
10 fifth time, if the fourth or fifth violation occurs during
11 a period in which his or her driving privileges are revoked
12 or suspended where the revocation or suspension was for a
13 violation of subsection (a), Section 11-501.1, paragraph
14 (b) of Section 11-401, or for reckless homicide as defined
15 in Section 9-3 of the Criminal Code of 1961, is guilty of a
16 Class 2 felony and is not eligible for a sentence of
17 probation or conditional discharge.

18 (c-2) (Blank).

19 (c-3) (Blank).

20 (c-4) (Blank).

21 (c-5) A person who violates subsection (a), if the person
22 was transporting a person under the age of 16 at the time of
23 the violation, is subject to an additional mandatory minimum
24 fine of \$1,000, an additional mandatory minimum 140 hours of
25 community service, which shall include 40 hours of community
26 service in a program benefiting children, and an additional 2
27 days of imprisonment. The imprisonment or assignment of
28 community service under this subsection (c-5) is not subject to
29 suspension, nor is the person eligible for a reduced sentence.

30 (c-6) Except as provided in subsections (c-7) and (c-8) a
31 person who violates subsection (a) a second time, if at the
32 time of the second violation the person was transporting a
33 person under the age of 16, is subject to an additional 10 days
34 of imprisonment, an additional mandatory minimum fine of
35 \$1,000, and an additional mandatory minimum 140 hours of
36 community service, which shall include 40 hours of community

1 service in a program benefiting children. The imprisonment or
2 assignment of community service under this subsection (c-6) is
3 not subject to suspension, nor is the person eligible for a
4 reduced sentence.

5 (c-7) Except as provided in subsection (c-8), any person
6 convicted of violating subsection (c-6) or a similar provision
7 within 10 years of a previous violation of subsection (a) or a
8 similar provision shall receive, in addition to any other
9 penalty imposed, a mandatory minimum 12 days imprisonment, an
10 additional 40 hours of mandatory community service in a program
11 benefiting children, and a mandatory minimum fine of \$1,750.
12 The imprisonment or assignment of community service under this
13 subsection (c-7) is not subject to suspension, nor is the
14 person eligible for a reduced sentence.

15 (c-8) Any person convicted of violating subsection (c-6) or
16 a similar provision within 5 years of a previous violation of
17 subsection (a) or a similar provision shall receive, in
18 addition to any other penalty imposed, an additional 80 hours
19 of mandatory community service in a program benefiting
20 children, an additional mandatory minimum 12 days of
21 imprisonment, and a mandatory minimum fine of \$1,750. The
22 imprisonment or assignment of community service under this
23 subsection (c-8) is not subject to suspension, nor is the
24 person eligible for a reduced sentence.

25 (c-9) Any person convicted a third time for violating
26 subsection (a) or a similar provision, if at the time of the
27 third violation the person was transporting a person under the
28 age of 16, is guilty of a Class 4 felony and shall receive, in
29 addition to any other penalty imposed, an additional mandatory
30 fine of \$1,000, an additional mandatory 140 hours of community
31 service, which shall include 40 hours in a program benefiting
32 children, and a mandatory minimum 30 days of imprisonment. The
33 imprisonment or assignment of community service under this
34 subsection (c-9) is not subject to suspension, nor is the
35 person eligible for a reduced sentence.

36 (c-10) Any person convicted of violating subsection (c-9)

1 or a similar provision a third time within 20 years of a
2 previous violation of subsection (a) or a similar provision is
3 guilty of a Class 4 felony and shall receive, in addition to
4 any other penalty imposed, an additional mandatory 40 hours of
5 community service in a program benefiting children, an
6 additional mandatory fine of \$3,000, and a mandatory minimum
7 120 days of imprisonment. The imprisonment or assignment of
8 community service under this subsection (c-10) is not subject
9 to suspension, nor is the person eligible for a reduced
10 sentence.

11 (c-11) Any person convicted a fourth or fifth time for
12 violating subsection (a) or a similar provision, if at the time
13 of the fourth or fifth violation the person was transporting a
14 person under the age of 16, and if the person's 3 prior
15 violations of subsection (a) or a similar provision occurred
16 while transporting a person under the age of 16 or while the
17 alcohol concentration in his or her blood, breath, or urine was
18 0.16 or more based on the definition of blood, breath, or urine
19 units in Section 11-501.2, is guilty of a Class 2 felony, is
20 not eligible for probation or conditional discharge, and is
21 subject to a minimum fine of \$3,000.

22 (c-12) Any person convicted of a first violation of
23 subsection (a) or a similar provision, if the alcohol
24 concentration in his or her blood, breath, or urine was 0.16 or
25 more based on the definition of blood, breath, or urine units
26 in Section 11-501.2, shall be subject, in addition to any other
27 penalty that may be imposed, to a mandatory minimum of 100
28 hours of community service and a mandatory minimum fine of
29 \$500.

30 (c-13) Any person convicted of a second violation of
31 subsection (a) or a similar provision committed within 10 years
32 of a previous violation of subsection (a) or a similar
33 provision committed within 10 years of a previous violation of
34 subsection (a) or a similar provision, if at the time of the
35 second violation of subsection (a) the alcohol concentration in
36 his or her blood, breath, or urine was 0.16 or more based on

1 the definition of blood, breath, or urine units in Section
2 11-501.2, shall be subject, in addition to any other penalty
3 that may be imposed, to a mandatory minimum of 2 days of
4 imprisonment and a mandatory minimum fine of \$1,250.

5 (c-14) Any person convicted of a third violation of
6 subsection (a) or a similar provision within 20 years of a
7 previous violation of subsection (a) or a similar provision, if
8 at the time of the third violation of subsection (a) or a
9 similar provision the alcohol concentration in his or her
10 blood, breath, or urine was 0.16 or more based on the
11 definition of blood, breath, or urine units in Section
12 11-501.2, is guilty of a Class 4 felony and shall be subject,
13 in addition to any other penalty that may be imposed, to a
14 mandatory minimum of 90 days of imprisonment and a mandatory
15 minimum fine of \$2,500.

16 (c-15) Any person convicted of a fourth or fifth violation
17 of subsection (a) or a similar provision, if at the time of the
18 fourth or fifth violation the alcohol concentration in his or
19 her blood, breath, or urine was 0.16 or more based on the
20 definition of blood, breath, or urine units in Section
21 11-501.2, and if the person's 3 prior violations of subsection
22 (a) or a similar provision occurred while transporting a person
23 under the age of 16 or while the alcohol concentration in his
24 or her blood, breath, or urine was 0.16 or more based on the
25 definition of blood, breath, or urine units in Section
26 11-501.2, is guilty of a Class 2 felony and is not eligible for
27 a sentence of probation or conditional discharge and is subject
28 to a minimum fine of \$2,500.

29 (c-16) Any person convicted of a sixth or subsequent
30 violation of subsection (a) is guilty of a Class X felony.

31 (d) (1) Every person convicted of committing a violation of
32 this Section shall be guilty of aggravated driving under
33 the influence of alcohol, other drug or drugs, or
34 intoxicating compound or compounds, or any combination
35 thereof if:

36 (A) the person committed a violation of subsection

1 (a) or a similar provision for the third or subsequent
2 time;

3 (B) the person committed a violation of subsection
4 (a) while driving a school bus with persons 18 years of
5 age or younger on board;

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

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

21 (E) the person, in committing a violation of
22 subsection (a) while driving at any speed in a school
23 speed zone at a time when a speed limit of 20 miles per
24 hour was in effect under subsection (a) of Section
25 11-605 of this Code, was involved in a motor vehicle
26 accident that resulted in bodily harm, other than great
27 bodily harm or permanent disability or disfigurement,
28 to another person, when the violation of subsection (a)
29 was a proximate cause of the bodily harm; or

30 (F) the person, in committing a violation of
31 subsection (a), was involved in a motor vehicle,
32 snowmobile, all-terrain vehicle, or watercraft
33 accident that resulted in the death of another person,
34 when the violation of subsection (a) was a proximate
35 cause of the death.

36 (2) Except as provided in this paragraph (2), a person

1 convicted of aggravated driving under the influence of
2 alcohol, other drug or drugs, or intoxicating compound or
3 compounds, or any combination thereof is guilty of a Class
4 4 felony. For a violation of subparagraph (C) of paragraph
5 (1) of this subsection (d), the defendant, if sentenced to
6 a term of imprisonment, shall be sentenced to not less than
7 one year nor more than 12 years. Aggravated driving under
8 the influence of alcohol, other drug or drugs, or
9 intoxicating compound or compounds, or any combination
10 thereof as defined in subparagraph (F) of paragraph (1) of
11 this subsection (d) is a Class 2 felony, for which the
12 defendant, if sentenced to a term of imprisonment, shall be
13 sentenced to: (A) a term of imprisonment of not less than 3
14 years and not more than 14 years if the violation resulted
15 in the death of one person; or (B) a term of imprisonment
16 of not less than 6 years and not more than 28 years if the
17 violation resulted in the deaths of 2 or more persons. For
18 any prosecution under this subsection (d), a certified copy
19 of the driving abstract of the defendant shall be admitted
20 as proof of any prior conviction. Any person sentenced
21 under this subsection (d) who receives a term of probation
22 or conditional discharge must serve a minimum term of
23 either 480 hours of community service or 10 days of
24 imprisonment as a condition of the probation or conditional
25 discharge. This mandatory minimum term of imprisonment or
26 assignment of community service may not be suspended or
27 reduced by the court.

28 (e) After a finding of guilt and prior to any final
29 sentencing, or an order for supervision, for an offense based
30 upon an arrest for a violation of this Section or a similar
31 provision of a local ordinance, individuals shall be required
32 to undergo a professional evaluation to determine if an
33 alcohol, drug, or intoxicating compound abuse problem exists
34 and the extent of the problem, and undergo the imposition of
35 treatment as appropriate. Programs conducting these
36 evaluations shall be licensed by the Department of Human

1 Services. The cost of any professional evaluation shall be paid
2 for by the individual required to undergo the professional
3 evaluation.

4 (e-1) Any person who is found guilty of or pleads guilty to
5 violating this Section, including any person receiving a
6 disposition of court supervision for violating this Section,
7 may be required by the Court to attend a victim impact panel
8 offered by, or under contract with, a County State's Attorney's
9 office, a probation and court services department, Mothers
10 Against Drunk Driving, or the Alliance Against Intoxicated
11 Motorists. All costs generated by the victim impact panel shall
12 be paid from fees collected from the offender or as may be
13 determined by the court.

14 (f) Every person found guilty of violating this Section,
15 whose operation of a motor vehicle while in violation of this
16 Section proximately caused any incident resulting in an
17 appropriate emergency response, shall be liable for the expense
18 of an emergency response as provided under Section 5-5-3 of the
19 Unified Code of Corrections.

20 (g) The Secretary of State shall revoke the driving
21 privileges of any person convicted under this Section or a
22 similar provision of a local ordinance.

23 (h) (Blank).

24 (i) The Secretary of State shall require the use of
25 ignition interlock devices on all vehicles owned by an
26 individual who has been convicted of a second or subsequent
27 offense of this Section or a similar provision of a local
28 ordinance. The Secretary shall establish by rule and regulation
29 the procedures for certification and use of the interlock
30 system.

31 (j) In addition to any other penalties and liabilities, a
32 person who is found guilty of or pleads guilty to violating
33 subsection (a), including any person placed on court
34 supervision for violating subsection (a), shall be fined \$500,
35 payable to the circuit clerk, who shall distribute the money as
36 follows: 20% to the law enforcement agency that made the arrest

1 and 80% shall be forwarded to the State Treasurer for deposit
2 into the General Revenue Fund. If the person has been
3 previously convicted of violating subsection (a) or a similar
4 provision of a local ordinance, the fine shall be \$1,000. In
5 the event that more than one agency is responsible for the
6 arrest, the amount payable to law enforcement agencies shall be
7 shared equally. Any moneys received by a law enforcement agency
8 under this subsection (j) shall be used to purchase law
9 enforcement equipment that will assist in the prevention of
10 ~~alcohol-related~~ criminal violence throughout the State. This
11 shall include, but is not limited to, in-car video cameras,
12 radar and laser speed detection devices, and alcohol breath
13 testers. Any moneys received by the Department of State Police
14 under this subsection (j) shall be deposited into the State
15 Police DUI Fund and shall be used to purchase law enforcement
16 equipment that will assist in the prevention of ~~alcohol-related~~
17 criminal violence throughout the State.

18 (k) The Secretary of State Police DUI Fund is created as a
19 special fund in the State treasury. All moneys received by the
20 Secretary of State Police under subsection (j) of this Section
21 shall be deposited into the Secretary of State Police DUI Fund
22 and, subject to appropriation, shall be used to purchase law
23 enforcement equipment to assist in the prevention of alcohol
24 related criminal violence throughout the State.

25 (l) Whenever an individual is sentenced for an offense
26 based upon an arrest for a violation of subsection (a) or a
27 similar provision of a local ordinance, and the professional
28 evaluation recommends remedial or rehabilitative treatment or
29 education, neither the treatment nor the education shall be the
30 sole disposition and either or both may be imposed only in
31 conjunction with another disposition. The court shall monitor
32 compliance with any remedial education or treatment
33 recommendations contained in the professional evaluation.
34 Programs conducting alcohol or other drug evaluation or
35 remedial education must be licensed by the Department of Human
36 Services. If the individual is not a resident of Illinois,

1 however, the court may accept an alcohol or other drug
2 evaluation or remedial education program in the individual's
3 state of residence. Programs providing treatment must be
4 licensed under existing applicable alcoholism and drug
5 treatment licensure standards.

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

23 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;
24 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;
25 93-840, eff. 7-30-04; 94-114, eff. 1-1-06.)

26 (Text of Section from P.A. 94-116)

27 Sec. 11-501. Driving while under the influence of alcohol,
28 other drug or drugs, intoxicating compound or compounds or any
29 combination thereof.

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

32 (1) the alcohol concentration in the person's blood or
33 breath is 0.08 or more based on the definition of blood and
34 breath units in Section 11-501.2;

35 (2) under the influence of alcohol;

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

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

7 (5) under the combined influence of alcohol, other drug
8 or drugs, or intoxicating compound or compounds to a degree
9 that renders the person incapable of safely driving; or

10 (6) there is any amount of a drug, substance, or
11 compound in the person's breath, blood, or urine resulting
12 from the unlawful use or consumption of cannabis listed in
13 the Cannabis Control Act, a controlled substance listed in
14 the Illinois Controlled Substances Act, or an intoxicating
15 compound listed in the Use of Intoxicating Compounds Act.

16 (b) The fact that any person charged with violating this
17 Section is or has been legally entitled to use alcohol, other
18 drug or drugs, or intoxicating compound or compounds, or any
19 combination thereof, shall not constitute a defense against any
20 charge of violating this Section.

21 (b-1) With regard to penalties imposed under this Section:

22 (1) Any reference to a prior violation of subsection
23 (a) or a similar provision includes any violation of a
24 provision of a local ordinance or a provision of a law of
25 another state that is similar to a violation of subsection
26 (a) of this Section.

27 (2) Any penalty imposed for driving with a license that
28 has been revoked for a previous violation of subsection (a)
29 of this Section shall be in addition to the penalty imposed
30 for any subsequent violation of subsection (a).

31 (b-2) Except as otherwise provided in this Section, any
32 person convicted of violating subsection (a) of this Section is
33 guilty of a Class A misdemeanor.

34 (b-3) In addition to any other criminal or administrative
35 sanction for any second conviction of violating subsection (a)
36 or a similar provision committed within 5 years of a previous

1 violation of subsection (a) or a similar provision, the
2 defendant shall be sentenced to a mandatory minimum of 5 days
3 of imprisonment or assigned a mandatory minimum of 240 hours of
4 community service as may be determined by the court.

5 (b-4) In the case of a third violation committed within 5
6 years of a previous violation of subsection (a) or a similar
7 provision, the defendant is guilty of a Class 2 felony, and in
8 addition to any other criminal or administrative sanction, a
9 mandatory minimum term of either 10 days of imprisonment or 480
10 hours of community service shall be imposed.

11 (b-5) The imprisonment or assignment of community service
12 under subsections (b-3) and (b-4) shall not be subject to
13 suspension, nor shall the person be eligible for a reduced
14 sentence.

15 (c) (Blank).

16 (c-1) (1) A person who violates subsection (a) during a
17 period in which his or her driving privileges are revoked
18 or suspended, where the revocation or suspension was for a
19 violation of subsection (a), Section 11-501.1, paragraph
20 (b) of Section 11-401, or for reckless homicide as defined
21 in Section 9-3 of the Criminal Code of 1961 is guilty of a
22 Class 4 felony.

23 (2) A person who violates subsection (a) a third time
24 is guilty of a Class 2 felony.

25 (2.1) A person who violates subsection (a) a third
26 time, if the third violation occurs during a period in
27 which his or her driving privileges are revoked or
28 suspended where the revocation or suspension was for a
29 violation of subsection (a), Section 11-501.1, subsection
30 (b) of Section 11-401, or for reckless homicide as defined
31 in Section 9-3 of the Criminal Code of 1961, is guilty of a
32 Class 2 felony; and if the person receives a term of
33 probation or conditional discharge, he or she shall be
34 required to serve a mandatory minimum of 10 days of
35 imprisonment or shall be assigned a mandatory minimum of
36 480 hours of community service, as may be determined by the

1 court, as a condition of the probation or conditional
2 discharge. This mandatory minimum term of imprisonment or
3 assignment of community service shall not be suspended or
4 reduced by the court.

5 (2.2) A person who violates subsection (a), if the
6 violation occurs during a period in which his or her
7 driving privileges are revoked or suspended where the
8 revocation or suspension was for a violation of subsection
9 (a) or Section 11-501.1, shall also be sentenced to an
10 additional mandatory minimum term of 30 consecutive days of
11 imprisonment, 40 days of 24-hour periodic imprisonment, or
12 720 hours of community service, as may be determined by the
13 court. This mandatory term of imprisonment or assignment of
14 community service shall not be suspended or reduced by the
15 court.

16 (3) A person who violates subsection (a) a fourth time
17 is guilty of a Class 2 felony and is not eligible for a
18 sentence of probation or conditional discharge.

19 (4) A person who violates subsection (a) a fifth or
20 subsequent time is guilty of a Class 1 felony and is not
21 eligible for a sentence of probation or conditional
22 discharge.

23 (c-2) (Blank).

24 (c-3) (Blank).

25 (c-4) (Blank).

26 (c-5) A person who violates subsection (a), if the person
27 was transporting a person under the age of 16 at the time of
28 the violation, is subject to an additional mandatory minimum
29 fine of \$1,000, an additional mandatory minimum 140 hours of
30 community service, which shall include 40 hours of community
31 service in a program benefiting children, and an additional 2
32 days of imprisonment. The imprisonment or assignment of
33 community service under this subsection (c-5) is not subject to
34 suspension, nor is the person eligible for a reduced sentence.

35 (c-6) Except as provided in subsections (c-7) and (c-8) a
36 person who violates subsection (a) a second time, if at the

1 time of the second violation the person was transporting a
2 person under the age of 16, is subject to an additional 10 days
3 of imprisonment, an additional mandatory minimum fine of
4 \$1,000, and an additional mandatory minimum 140 hours of
5 community service, which shall include 40 hours of community
6 service in a program benefiting children. The imprisonment or
7 assignment of community service under this subsection (c-6) is
8 not subject to suspension, nor is the person eligible for a
9 reduced sentence.

10 (c-7) Except as provided in subsection (c-8), any person
11 convicted of violating subsection (c-6) or a similar provision
12 within 10 years of a previous violation of subsection (a) or a
13 similar provision shall receive, in addition to any other
14 penalty imposed, a mandatory minimum 12 days imprisonment, an
15 additional 40 hours of mandatory community service in a program
16 benefiting children, and a mandatory minimum fine of \$1,750.
17 The imprisonment or assignment of community service under this
18 subsection (c-7) is not subject to suspension, nor is the
19 person eligible for a reduced sentence.

20 (c-8) Any person convicted of violating subsection (c-6) or
21 a similar provision within 5 years of a previous violation of
22 subsection (a) or a similar provision shall receive, in
23 addition to any other penalty imposed, an additional 80 hours
24 of mandatory community service in a program benefiting
25 children, an additional mandatory minimum 12 days of
26 imprisonment, and a mandatory minimum fine of \$1,750. The
27 imprisonment or assignment of community service under this
28 subsection (c-8) is not subject to suspension, nor is the
29 person eligible for a reduced sentence.

30 (c-9) Any person convicted a third time for violating
31 subsection (a) or a similar provision, if at the time of the
32 third violation the person was transporting a person under the
33 age of 16, is guilty of a Class 2 felony and shall receive, in
34 addition to any other penalty imposed, an additional mandatory
35 fine of \$1,000, an additional mandatory 140 hours of community
36 service, which shall include 40 hours in a program benefiting

1 children, and a mandatory minimum 30 days of imprisonment. The
2 imprisonment or assignment of community service under this
3 subsection (c-9) is not subject to suspension, nor is the
4 person eligible for a reduced sentence.

5 (c-10) Any person convicted of violating subsection (c-9)
6 or a similar provision a third time within 20 years of a
7 previous violation of subsection (a) or a similar provision is
8 guilty of a Class 2 felony and shall receive, in addition to
9 any other penalty imposed, an additional mandatory 40 hours of
10 community service in a program benefiting children, an
11 additional mandatory fine of \$3,000, and a mandatory minimum
12 120 days of imprisonment. The imprisonment or assignment of
13 community service under this subsection (c-10) is not subject
14 to suspension, nor is the person eligible for a reduced
15 sentence.

16 (c-11) Any person convicted a fourth time for violating
17 subsection (a) or a similar provision, if at the time of the
18 fourth violation the person was transporting a person under the
19 age of 16, and if the person's 3 prior violations of subsection
20 (a) or a similar provision occurred while transporting a person
21 under the age of 16 or while the alcohol concentration in his
22 or her blood, breath, or urine was 0.16 or more based on the
23 definition of blood, breath, or urine units in Section
24 11-501.2, is guilty of a Class 2 felony, is not eligible for
25 probation or conditional discharge, and is subject to a minimum
26 fine of \$3,000.

27 (c-12) Any person convicted of a first violation of
28 subsection (a) or a similar provision, if the alcohol
29 concentration in his or her blood, breath, or urine was 0.16 or
30 more based on the definition of blood, breath, or urine units
31 in Section 11-501.2, shall be subject, in addition to any other
32 penalty that may be imposed, to a mandatory minimum of 100
33 hours of community service and a mandatory minimum fine of
34 \$500.

35 (c-13) Any person convicted of a second violation of
36 subsection (a) or a similar provision committed within 10 years

1 of a previous violation of subsection (a) or a similar
2 provision committed within 10 years of a previous violation of
3 subsection (a) or a similar provision, if at the time of the
4 second violation of subsection (a) the alcohol concentration in
5 his or her blood, breath, or urine was 0.16 or more based on
6 the definition of blood, breath, or urine units in Section
7 11-501.2, shall be subject, in addition to any other penalty
8 that may be imposed, to a mandatory minimum of 2 days of
9 imprisonment and a mandatory minimum fine of \$1,250.

10 (c-14) Any person convicted of a third violation of
11 subsection (a) or a similar provision within 20 years of a
12 previous violation of subsection (a) or a similar provision, if
13 at the time of the third violation of subsection (a) or a
14 similar provision the alcohol concentration in his or her
15 blood, breath, or urine was 0.16 or more based on the
16 definition of blood, breath, or urine units in Section
17 11-501.2, is guilty of a Class 2 felony and shall be subject,
18 in addition to any other penalty that may be imposed, to a
19 mandatory minimum of 90 days of imprisonment and a mandatory
20 minimum fine of \$2,500.

21 (c-15) Any person convicted of a fourth violation of
22 subsection (a) or a similar provision, if at the time of the
23 fourth violation the alcohol concentration in his or her blood,
24 breath, or urine was 0.16 or more based on the definition of
25 blood, breath, or urine units in Section 11-501.2, and if the
26 person's 3 prior violations of subsection (a) or a similar
27 provision occurred while transporting a person under the age of
28 16 or while the alcohol concentration in his or her blood,
29 breath, or urine was 0.16 or more based on the definition of
30 blood, breath, or urine units in Section 11-501.2, is guilty of
31 a Class 2 felony and is not eligible for a sentence of
32 probation or conditional discharge and is subject to a minimum
33 fine of \$2,500.

34 (d) (1) Every person convicted of committing a violation of
35 this Section shall be guilty of aggravated driving under
36 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 persons 18 years of
8 age or younger on board;

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

24 (E) the person, in committing a violation of
25 subsection (a) while driving at any speed in a school
26 speed zone at a time when a speed limit of 20 miles per
27 hour was in effect under subsection (a) of Section
28 11-605 of this Code, was involved in a motor vehicle
29 accident that resulted in bodily harm, other than great
30 bodily harm or permanent disability or disfigurement,
31 to another person, when the violation of subsection (a)
32 was a proximate cause of the bodily harm; or

33 (F) the person, in committing a violation of
34 subsection (a), was involved in a motor vehicle,
35 snowmobile, all-terrain vehicle, or watercraft
36 accident that resulted in the death of another person,

1 when the violation of subsection (a) was a proximate
2 cause of the death.

3 (2) Except as provided in this paragraph (2) and in
4 paragraphs (3) and (4) of subsection (c-1), a person
5 convicted of aggravated driving under the influence of
6 alcohol, other drug or drugs, or intoxicating compound or
7 compounds, or any combination thereof is guilty of a Class
8 4 felony. For a violation of subparagraph (C) of paragraph
9 (1) of this subsection (d), the defendant, if sentenced to
10 a term of imprisonment, shall be sentenced to not less than
11 one year nor more than 12 years. Except as provided in
12 paragraph (4) of subsection (c-1), aggravated driving
13 under the influence of alcohol, other drug, or drugs,
14 intoxicating compounds or compounds, or any combination
15 thereof as defined in subparagraph (A) of paragraph (1) of
16 this subsection (d) is a Class 2 felony. Aggravated driving
17 under the influence of alcohol, other drug or drugs, or
18 intoxicating compound or compounds, or any combination
19 thereof as defined in subparagraph (F) of paragraph (1) of
20 this subsection (d) is a Class 2 felony, for which the
21 defendant, if sentenced to a term of imprisonment, shall be
22 sentenced to: (A) a term of imprisonment of not less than 3
23 years and not more than 14 years if the violation resulted
24 in the death of one person; or (B) a term of imprisonment
25 of not less than 6 years and not more than 28 years if the
26 violation resulted in the deaths of 2 or more persons. For
27 any prosecution under this subsection (d), a certified copy
28 of the driving abstract of the defendant shall be admitted
29 as proof of any prior conviction. Any person sentenced
30 under this subsection (d) who receives a term of probation
31 or conditional discharge must serve a minimum term of
32 either 480 hours of community service or 10 days of
33 imprisonment as a condition of the probation or conditional
34 discharge. This mandatory minimum term of imprisonment or
35 assignment of community service may not be suspended or
36 reduced by the court.

1 (e) After a finding of guilt and prior to any final
2 sentencing, or an order for supervision, for an offense based
3 upon an arrest for a violation of this Section or a similar
4 provision of a local ordinance, individuals shall be required
5 to undergo a professional evaluation to determine if an
6 alcohol, drug, or intoxicating compound abuse problem exists
7 and the extent of the problem, and undergo the imposition of
8 treatment as appropriate. Programs conducting these
9 evaluations shall be licensed by the Department of Human
10 Services. The cost of any professional evaluation shall be paid
11 for by the individual required to undergo the professional
12 evaluation.

13 (e-1) Any person who is found guilty of or pleads guilty to
14 violating this Section, including any person receiving a
15 disposition of court supervision for violating this Section,
16 may be required by the Court to attend a victim impact panel
17 offered by, or under contract with, a County State's Attorney's
18 office, a probation and court services department, Mothers
19 Against Drunk Driving, or the Alliance Against Intoxicated
20 Motorists. All costs generated by the victim impact panel shall
21 be paid from fees collected from the offender or as may be
22 determined by the court.

23 (f) Every person found guilty of violating this Section,
24 whose operation of a motor vehicle while in violation of this
25 Section proximately caused any incident resulting in an
26 appropriate emergency response, shall be liable for the expense
27 of an emergency response as provided under Section 5-5-3 of the
28 Unified Code of Corrections.

29 (g) The Secretary of State shall revoke the driving
30 privileges of any person convicted under this Section or a
31 similar provision of a local ordinance.

32 (h) (Blank).

33 (i) The Secretary of State shall require the use of
34 ignition interlock devices on all vehicles owned by an
35 individual who has been convicted of a second or subsequent
36 offense of this Section or a similar provision of a local

1 ordinance. The Secretary shall establish by rule and regulation
2 the procedures for certification and use of the interlock
3 system.

4 (j) In addition to any other penalties and liabilities, a
5 person who is found guilty of or pleads guilty to violating
6 subsection (a), including any person placed on court
7 supervision for violating subsection (a), shall be fined \$500,
8 payable to the circuit clerk, who shall distribute the money as
9 follows: 20% to the law enforcement agency that made the arrest
10 and 80% shall be forwarded to the State Treasurer for deposit
11 into the General Revenue Fund. If the person has been
12 previously convicted of violating subsection (a) or a similar
13 provision of a local ordinance, the fine shall be \$1,000. In
14 the event that more than one agency is responsible for the
15 arrest, the amount payable to law enforcement agencies shall be
16 shared equally. Any moneys received by a law enforcement agency
17 under this subsection (j) shall be used to purchase law
18 enforcement equipment that will assist in the prevention of
19 ~~alcohol-related~~ criminal violence throughout the State. This
20 shall include, but is not limited to, in-car video cameras,
21 radar and laser speed detection devices, and alcohol breath
22 testers. Any moneys received by the Department of State Police
23 under this subsection (j) shall be deposited into the State
24 Police DUI Fund and shall be used to purchase law enforcement
25 equipment that will assist in the prevention of ~~alcohol-related~~
26 criminal violence throughout the State.

27 (k) The Secretary of State Police DUI Fund is created as a
28 special fund in the State treasury. All moneys received by the
29 Secretary of State Police under subsection (j) of this Section
30 shall be deposited into the Secretary of State Police DUI Fund
31 and, subject to appropriation, shall be used to purchase law
32 enforcement equipment to assist in the prevention of alcohol
33 related criminal violence throughout the State.

34 (l) Whenever an individual is sentenced for an offense
35 based upon an arrest for a violation of subsection (a) or a
36 similar provision of a local ordinance, and the professional

1 evaluation recommends remedial or rehabilitative treatment or
2 education, neither the treatment nor the education shall be the
3 sole disposition and either or both may be imposed only in
4 conjunction with another disposition. The court shall monitor
5 compliance with any remedial education or treatment
6 recommendations contained in the professional evaluation.
7 Programs conducting alcohol or other drug evaluation or
8 remedial education must be licensed by the Department of Human
9 Services. If the individual is not a resident of Illinois,
10 however, the court may accept an alcohol or other drug
11 evaluation or remedial education program in the individual's
12 state of residence. Programs providing treatment must be
13 licensed under existing applicable alcoholism and drug
14 treatment licensure standards.

15 (m) In addition to any other fine or penalty required by
16 law, an individual convicted of a violation of subsection (a),
17 Section 5-7 of the Snowmobile Registration and Safety Act,
18 Section 5-16 of the Boat Registration and Safety Act, or a
19 similar provision, whose operation of a motor vehicle,
20 snowmobile, or watercraft while in violation of subsection (a),
21 Section 5-7 of the Snowmobile Registration and Safety Act,
22 Section 5-16 of the Boat Registration and Safety Act, or a
23 similar provision proximately caused an incident resulting in
24 an appropriate emergency response, shall be required to make
25 restitution to a public agency for the costs of that emergency
26 response. The restitution may not exceed \$1,000 per public
27 agency for each emergency response. As used in this subsection
28 (m), "emergency response" means any incident requiring a
29 response by a police officer, a firefighter carried on the
30 rolls of a regularly constituted fire department, or an
31 ambulance.

32 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;
33 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;
34 93-840, eff. 7-30-04; 94-116, eff. 1-1-06.)

35 (Text of Section from P.A. 94-329)

1 Sec. 11-501. Driving while under the influence of alcohol,
2 other drug or drugs, intoxicating compound or compounds or any
3 combination thereof.

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

6 (1) the alcohol concentration in the person's blood or
7 breath is 0.08 or more based on the definition of blood and
8 breath units in Section 11-501.2;

9 (2) under the influence of alcohol;

10 (3) under the influence of any intoxicating compound or
11 combination of intoxicating compounds to a degree that
12 renders the person incapable of driving safely;

13 (4) under the influence of any other drug or
14 combination of drugs to a degree that renders the person
15 incapable of safely driving;

16 (5) under the combined influence of alcohol, other drug
17 or drugs, or intoxicating compound or compounds to a degree
18 that renders the person incapable of safely driving; or

19 (6) there is any amount of a drug, substance, or
20 compound in the person's breath, blood, or urine resulting
21 from the unlawful use or consumption of cannabis listed in
22 the Cannabis Control Act, a controlled substance listed in
23 the Illinois Controlled Substances Act, or an intoxicating
24 compound listed in the Use of Intoxicating Compounds Act.

25 (b) The fact that any person charged with violating this
26 Section is or has been legally entitled to use alcohol, other
27 drug or drugs, or intoxicating compound or compounds, or any
28 combination thereof, shall not constitute a defense against any
29 charge of violating this Section.

30 (b-1) With regard to penalties imposed under this Section:

31 (1) Any reference to a prior violation of subsection

32 (a) or a similar provision includes any violation of a
33 provision of a local ordinance or a provision of a law of
34 another state that is similar to a violation of subsection
35 (a) of this Section.

36 (2) Any penalty imposed for driving with a license that

1 has been revoked for a previous violation of subsection (a)
2 of this Section shall be in addition to the penalty imposed
3 for any subsequent violation of subsection (a).

4 (b-2) Except as otherwise provided in this Section, any
5 person convicted of violating subsection (a) of this Section is
6 guilty of a Class A misdemeanor.

7 (b-3) In addition to any other criminal or administrative
8 sanction for any second conviction of violating subsection (a)
9 or a similar provision committed within 5 years of a previous
10 violation of subsection (a) or a similar provision, the
11 defendant shall be sentenced to a mandatory minimum of 5 days
12 of imprisonment or assigned a mandatory minimum of 240 hours of
13 community service as may be determined by the court.

14 (b-4) In the case of a third or subsequent violation
15 committed within 5 years of a previous violation of subsection
16 (a) or a similar provision, in addition to any other criminal
17 or administrative sanction, a mandatory minimum term of either
18 10 days of imprisonment or 480 hours of community service shall
19 be imposed.

20 (b-5) The imprisonment or assignment of community service
21 under subsections (b-3) and (b-4) shall not be subject to
22 suspension, nor shall the person be eligible for a reduced
23 sentence.

24 (c) (Blank).

25 (c-1) (1) A person who violates subsection (a) during a
26 period in which his or her driving privileges are revoked
27 or suspended, where the revocation or suspension was for a
28 violation of subsection (a), Section 11-501.1, paragraph
29 (b) of Section 11-401, or for reckless homicide as defined
30 in Section 9-3 of the Criminal Code of 1961 is guilty of
31 aggravated driving under the influence of alcohol, other
32 drug or drugs, intoxicating compound or compounds, or any
33 combination thereof and is guilty of a Class 4 felony.

34 (2) A person who violates subsection (a) a third time,
35 if the third violation occurs during a period in which his
36 or her driving privileges are revoked or suspended where

1 the revocation or suspension was for a violation of
2 subsection (a), Section 11-501.1, paragraph (b) of Section
3 11-401, or for reckless homicide as defined in Section 9-3
4 of the Criminal Code of 1961, is guilty of aggravated
5 driving under the influence of alcohol, other drug or
6 drugs, intoxicating compound or compounds, or any
7 combination thereof and is guilty of a Class 3 felony.

8 (2.1) A person who violates subsection (a) a third
9 time, if the third violation occurs during a period in
10 which his or her driving privileges are revoked or
11 suspended where the revocation or suspension was for a
12 violation of subsection (a), Section 11-501.1, subsection
13 (b) of Section 11-401, or for reckless homicide as defined
14 in Section 9-3 of the Criminal Code of 1961, is guilty of
15 aggravated driving under the influence of alcohol, other
16 drug or drugs, intoxicating compound or compounds, or any
17 combination thereof and is guilty of a Class 3 felony; and
18 if the person receives a term of probation or conditional
19 discharge, he or she shall be required to serve a mandatory
20 minimum of 10 days of imprisonment or shall be assigned a
21 mandatory minimum of 480 hours of community service, as may
22 be determined by the court, as a condition of the probation
23 or conditional discharge. This mandatory minimum term of
24 imprisonment or assignment of community service shall not
25 be suspended or reduced by the court.

26 (2.2) A person who violates subsection (a), if the
27 violation occurs during a period in which his or her
28 driving privileges are revoked or suspended where the
29 revocation or suspension was for a violation of subsection
30 (a) or Section 11-501.1, is guilty of aggravated driving
31 under the influence of alcohol, other drug or drugs,
32 intoxicating compound or compounds, or any combination
33 thereof and shall also be sentenced to an additional
34 mandatory minimum term of 30 consecutive days of
35 imprisonment, 40 days of 24-hour periodic imprisonment, or
36 720 hours of community service, as may be determined by the

1 court. This mandatory term of imprisonment or assignment of
2 community service shall not be suspended or reduced by the
3 court.

4 (3) A person who violates subsection (a) a fourth or
5 subsequent time, if the fourth or subsequent violation
6 occurs during a period in which his or her driving
7 privileges are revoked or suspended where the revocation or
8 suspension was for a violation of subsection (a), Section
9 11-501.1, paragraph (b) of Section 11-401, or for reckless
10 homicide as defined in Section 9-3 of the Criminal Code of
11 1961, is guilty of aggravated driving under the influence
12 of alcohol, other drug or drugs, intoxicating compound or
13 compounds, or any combination thereof and is guilty of a
14 Class 2 felony, and is not eligible for a sentence of
15 probation or conditional discharge.

16 (c-2) (Blank).

17 (c-3) (Blank).

18 (c-4) (Blank).

19 (c-5) A person who violates subsection (a), if the person
20 was transporting a person under the age of 16 at the time of
21 the violation, is subject to an additional mandatory minimum
22 fine of \$1,000, an additional mandatory minimum 140 hours of
23 community service, which shall include 40 hours of community
24 service in a program benefiting children, and an additional 2
25 days of imprisonment. The imprisonment or assignment of
26 community service under this subsection (c-5) is not subject to
27 suspension, nor is the person eligible for a reduced sentence.

28 (c-6) Except as provided in subsections (c-7) and (c-8) a
29 person who violates subsection (a) a second time, if at the
30 time of the second violation the person was transporting a
31 person under the age of 16, is subject to an additional 10 days
32 of imprisonment, an additional mandatory minimum fine of
33 \$1,000, and an additional mandatory minimum 140 hours of
34 community service, which shall include 40 hours of community
35 service in a program benefiting children. The imprisonment or
36 assignment of community service under this subsection (c-6) is

1 not subject to suspension, nor is the person eligible for a
2 reduced sentence.

3 (c-7) Except as provided in subsection (c-8), any person
4 convicted of violating subsection (c-6) or a similar provision
5 within 10 years of a previous violation of subsection (a) or a
6 similar provision shall receive, in addition to any other
7 penalty imposed, a mandatory minimum 12 days imprisonment, an
8 additional 40 hours of mandatory community service in a program
9 benefiting children, and a mandatory minimum fine of \$1,750.
10 The imprisonment or assignment of community service under this
11 subsection (c-7) is not subject to suspension, nor is the
12 person eligible for a reduced sentence.

13 (c-8) Any person convicted of violating subsection (c-6) or
14 a similar provision within 5 years of a previous violation of
15 subsection (a) or a similar provision shall receive, in
16 addition to any other penalty imposed, an additional 80 hours
17 of mandatory community service in a program benefiting
18 children, an additional mandatory minimum 12 days of
19 imprisonment, and a mandatory minimum fine of \$1,750. The
20 imprisonment or assignment of community service under this
21 subsection (c-8) is not subject to suspension, nor is the
22 person eligible for a reduced sentence.

23 (c-9) Any person convicted a third time for violating
24 subsection (a) or a similar provision, if at the time of the
25 third violation the person was transporting a person under the
26 age of 16, is guilty of a Class 4 felony and shall receive, in
27 addition to any other penalty imposed, an additional mandatory
28 fine of \$1,000, an additional mandatory 140 hours of community
29 service, which shall include 40 hours in a program benefiting
30 children, and a mandatory minimum 30 days of imprisonment. The
31 imprisonment or assignment of community service under this
32 subsection (c-9) is not subject to suspension, nor is the
33 person eligible for a reduced sentence.

34 (c-10) Any person convicted of violating subsection (c-9)
35 or a similar provision a third time within 20 years of a
36 previous violation of subsection (a) or a similar provision is

1 guilty of a Class 4 felony and shall receive, in addition to
2 any other penalty imposed, an additional mandatory 40 hours of
3 community service in a program benefiting children, an
4 additional mandatory fine of \$3,000, and a mandatory minimum
5 120 days of imprisonment. The imprisonment or assignment of
6 community service under this subsection (c-10) is not subject
7 to suspension, nor is the person eligible for a reduced
8 sentence.

9 (c-11) Any person convicted a fourth or subsequent time for
10 violating subsection (a) or a similar provision, if at the time
11 of the fourth or subsequent violation the person was
12 transporting a person under the age of 16, and if the person's
13 3 prior violations of subsection (a) or a similar provision
14 occurred while transporting a person under the age of 16 or
15 while the alcohol concentration in his or her blood, breath, or
16 urine was 0.16 or more based on the definition of blood,
17 breath, or urine units in Section 11-501.2, is guilty of a
18 Class 2 felony, is not eligible for probation or conditional
19 discharge, and is subject to a minimum fine of \$3,000.

20 (c-12) Any person convicted of a first violation of
21 subsection (a) or a similar provision, if the alcohol
22 concentration in his or her blood, breath, or urine was 0.16 or
23 more based on the definition of blood, breath, or urine units
24 in Section 11-501.2, shall be subject, in addition to any other
25 penalty that may be imposed, to a mandatory minimum of 100
26 hours of community service and a mandatory minimum fine of
27 \$500.

28 (c-13) Any person convicted of a second violation of
29 subsection (a) or a similar provision committed within 10 years
30 of a previous violation of subsection (a) or a similar
31 provision committed within 10 years of a previous violation of
32 subsection (a) or a similar provision, if at the time of the
33 second violation of subsection (a) the alcohol concentration in
34 his or her blood, breath, or urine was 0.16 or more based on
35 the definition of blood, breath, or urine units in Section
36 11-501.2, shall be subject, in addition to any other penalty

1 that may be imposed, to a mandatory minimum of 2 days of
2 imprisonment and a mandatory minimum fine of \$1,250.

3 (c-14) Any person convicted of a third violation of
4 subsection (a) or a similar provision within 20 years of a
5 previous violation of subsection (a) or a similar provision, if
6 at the time of the third violation of subsection (a) or a
7 similar provision the alcohol concentration in his or her
8 blood, breath, or urine was 0.16 or more based on the
9 definition of blood, breath, or urine units in Section
10 11-501.2, is guilty of a Class 4 felony and shall be subject,
11 in addition to any other penalty that may be imposed, to a
12 mandatory minimum of 90 days of imprisonment and a mandatory
13 minimum fine of \$2,500.

14 (c-15) Any person convicted of a fourth or subsequent
15 violation of subsection (a) or a similar provision, if at the
16 time of the fourth or subsequent violation the alcohol
17 concentration in his or her blood, breath, or urine was 0.16 or
18 more based on the definition of blood, breath, or urine units
19 in Section 11-501.2, and if the person's 3 prior violations of
20 subsection (a) or a similar provision occurred while
21 transporting a person under the age of 16 or while the alcohol
22 concentration in his or her blood, breath, or urine was 0.16 or
23 more based on the definition of blood, breath, or urine units
24 in Section 11-501.2, is guilty of a Class 2 felony and is not
25 eligible for a sentence of probation or conditional discharge
26 and is subject to a minimum fine of \$2,500.

27 (d) (1) Every person convicted of committing a violation of
28 this Section shall be guilty of aggravated driving under
29 the influence of alcohol, other drug or drugs, or
30 intoxicating compound or compounds, or any combination
31 thereof if:

32 (A) the person committed a violation of subsection
33 (a) or a similar provision for the third or subsequent
34 time;

35 (B) the person committed a violation of subsection
36 (a) while driving a school bus with persons 18 years of

1 age or younger on board;

2 (C) the person in committing a violation of
3 subsection (a) was involved in a motor vehicle accident
4 that resulted in great bodily harm or permanent
5 disability or disfigurement to another, when the
6 violation was a proximate cause of the injuries;

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

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

26 (F) the person, in committing a violation of
27 subsection (a), was involved in a motor vehicle,
28 snowmobile, all-terrain vehicle, or watercraft
29 accident that resulted in the death of another person,
30 when the violation of subsection (a) was a proximate
31 cause of the death;

32 (G) the person committed the violation while he or
33 she did not possess a driver's license or permit or a
34 restricted driving permit or a judicial driving
35 permit; or

36 (H) 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 (2) Except as provided in this paragraph (2) and in
5 paragraphs (2), (2.1), and (3) of subsection (c-1), a
6 person convicted of aggravated driving under the influence
7 of alcohol, other drug or drugs, or intoxicating compound
8 or compounds, or any combination thereof is guilty of a
9 Class 4 felony. For a violation of subparagraph (C) of
10 paragraph (1) of this subsection (d), the defendant, if
11 sentenced to a term of imprisonment, shall be sentenced to
12 not less than one year nor more than 12 years. Aggravated
13 driving under the influence of alcohol, other drug or
14 drugs, or intoxicating compound or compounds, or any
15 combination thereof as defined in subparagraph (F) of
16 paragraph (1) of this subsection (d) is a Class 2 felony,
17 for which the defendant, if sentenced to a term of
18 imprisonment, shall be sentenced to: (A) a term of
19 imprisonment of not less than 3 years and not more than 14
20 years if the violation resulted in the death of one person;
21 or (B) a term of imprisonment of not less than 6 years and
22 not more than 28 years if the violation resulted in the
23 deaths of 2 or more persons. For any prosecution under this
24 subsection (d), a certified copy of the driving abstract of
25 the defendant shall be admitted as proof of any prior
26 conviction. Any person sentenced under this subsection (d)
27 who receives a term of probation or conditional discharge
28 must serve a minimum term of either 480 hours of community
29 service or 10 days of imprisonment as a condition of the
30 probation or conditional discharge. This mandatory minimum
31 term of imprisonment or assignment of community service may
32 not be suspended or reduced by the court.

33 (e) After a finding of guilt and prior to any final
34 sentencing, or an order for supervision, for an offense based
35 upon an arrest for a violation of this Section or a similar
36 provision of a local ordinance, individuals shall be required

1 to undergo a professional evaluation to determine if an
2 alcohol, drug, or intoxicating compound abuse problem exists
3 and the extent of the problem, and undergo the imposition of
4 treatment as appropriate. Programs conducting these
5 evaluations shall be licensed by the Department of Human
6 Services. The cost of any professional evaluation shall be paid
7 for by the individual required to undergo the professional
8 evaluation.

9 (e-1) Any person who is found guilty of or pleads guilty to
10 violating this Section, including any person receiving a
11 disposition of court supervision for violating this Section,
12 may be required by the Court to attend a victim impact panel
13 offered by, or under contract with, a County State's Attorney's
14 office, a probation and court services department, Mothers
15 Against Drunk Driving, or the Alliance Against Intoxicated
16 Motorists. All costs generated by the victim impact panel shall
17 be paid from fees collected from the offender or as may be
18 determined by the court.

19 (f) Every person found guilty of violating this Section,
20 whose operation of a motor vehicle while in violation of this
21 Section proximately caused any incident resulting in an
22 appropriate emergency response, shall be liable for the expense
23 of an emergency response as provided under Section 5-5-3 of the
24 Unified Code of Corrections.

25 (g) The Secretary of State shall revoke the driving
26 privileges of any person convicted under this Section or a
27 similar provision of a local ordinance.

28 (h) (Blank).

29 (i) The Secretary of State shall require the use of
30 ignition interlock devices on all vehicles owned by an
31 individual who has been convicted of a second or subsequent
32 offense of this Section or a similar provision of a local
33 ordinance. The Secretary shall establish by rule and regulation
34 the procedures for certification and use of the interlock
35 system.

36 (j) In addition to any other penalties and liabilities, a

1 person who is found guilty of or pleads guilty to violating
2 subsection (a), including any person placed on court
3 supervision for violating subsection (a), shall be fined \$500,
4 payable to the circuit clerk, who shall distribute the money as
5 follows: 20% to the law enforcement agency that made the arrest
6 and 80% shall be forwarded to the State Treasurer for deposit
7 into the General Revenue Fund. If the person has been
8 previously convicted of violating subsection (a) or a similar
9 provision of a local ordinance, the fine shall be \$1,000. In
10 the event that more than one agency is responsible for the
11 arrest, the amount payable to law enforcement agencies shall be
12 shared equally. Any moneys received by a law enforcement agency
13 under this subsection (j) shall be used to purchase law
14 enforcement equipment that will assist in the prevention of
15 ~~alcohol-related~~ criminal violence throughout the State. This
16 shall include, but is not limited to, in-car video cameras,
17 radar and laser speed detection devices, and alcohol breath
18 testers. Any moneys received by the Department of State Police
19 under this subsection (j) shall be deposited into the State
20 Police DUI Fund and shall be used to purchase law enforcement
21 equipment that will assist in the prevention of ~~alcohol-related~~
22 criminal violence throughout the State.

23 (k) The Secretary of State Police DUI Fund is created as a
24 special fund in the State treasury. All moneys received by the
25 Secretary of State Police under subsection (j) of this Section
26 shall be deposited into the Secretary of State Police DUI Fund
27 and, subject to appropriation, shall be used to purchase law
28 enforcement equipment to assist in the prevention of alcohol
29 related criminal violence throughout the State.

30 (l) Whenever an individual is sentenced for an offense
31 based upon an arrest for a violation of subsection (a) or a
32 similar provision of a local ordinance, and the professional
33 evaluation recommends remedial or rehabilitative treatment or
34 education, neither the treatment nor the education shall be the
35 sole disposition and either or both may be imposed only in
36 conjunction with another disposition. The court shall monitor

1 compliance with any remedial education or treatment
2 recommendations contained in the professional evaluation.
3 Programs conducting alcohol or other drug evaluation or
4 remedial education must be licensed by the Department of Human
5 Services. If the individual is not a resident of Illinois,
6 however, the court may accept an alcohol or other drug
7 evaluation or remedial education program in the individual's
8 state of residence. Programs providing treatment must be
9 licensed under existing applicable alcoholism and drug
10 treatment licensure standards.

11 (m) In addition to any other fine or penalty required by
12 law, an individual convicted of a violation of subsection (a),
13 Section 5-7 of the Snowmobile Registration and Safety Act,
14 Section 5-16 of the Boat Registration and Safety Act, or a
15 similar provision, whose operation of a motor vehicle,
16 snowmobile, or watercraft while in violation of subsection (a),
17 Section 5-7 of the Snowmobile Registration and Safety Act,
18 Section 5-16 of the Boat Registration and Safety Act, or a
19 similar provision proximately caused an incident resulting in
20 an appropriate emergency response, shall be required to make
21 restitution to a public agency for the costs of that emergency
22 response. The restitution may not exceed \$1,000 per public
23 agency for each emergency response. As used in this subsection
24 (m), "emergency response" means any incident requiring a
25 response by a police officer, a firefighter carried on the
26 rolls of a regularly constituted fire department, or an
27 ambulance.

28 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;
29 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;
30 93-840, eff. 7-30-04; 94-329, eff. 1-1-06.)

31 (Text of Section from P.A. 94-609)

32 Sec. 11-501. Driving while under the influence of alcohol,
33 other drug or drugs, intoxicating compound or compounds or any
34 combination thereof.

35 (a) A person shall not drive or be in actual physical

1 control of any vehicle within this State while:

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

5 (2) under the influence of alcohol;

6 (3) under the influence of any intoxicating compound or
7 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 drug
13 or drugs, or intoxicating compound or compounds to a degree
14 that renders the person incapable of safely driving; or

15 (6) there is any amount of a drug, substance, or
16 compound in the person's breath, blood, or urine resulting
17 from the unlawful use or consumption of cannabis listed in
18 the Cannabis Control Act, a controlled substance listed in
19 the Illinois Controlled Substances Act, or an intoxicating
20 compound listed in the Use of Intoxicating Compounds Act.

21 (b) The fact that any person charged with violating this
22 Section is or has been legally entitled to use alcohol, other
23 drug or drugs, or intoxicating compound or compounds, or any
24 combination thereof, shall not constitute a defense against any
25 charge of violating this Section.

26 (b-1) With regard to penalties imposed under this Section:

27 (1) Any reference to a prior violation of subsection
28 (a) or a similar provision includes any violation of a
29 provision of a local ordinance or a provision of a law of
30 another state that is similar to a violation of subsection
31 (a) of this Section.

32 (2) Any penalty imposed for driving with a license that
33 has been revoked for a previous violation of subsection (a)
34 of this Section shall be in addition to the penalty imposed
35 for any subsequent violation of subsection (a).

36 (b-2) Except as otherwise provided in this Section, any

1 person convicted of violating subsection (a) of this Section is
2 guilty of a Class A misdemeanor.

3 (b-3) In addition to any other criminal or administrative
4 sanction for any second conviction of violating subsection (a)
5 or a similar provision committed within 5 years of a previous
6 violation of subsection (a) or a similar provision, the
7 defendant shall be sentenced to a mandatory minimum of 5 days
8 of imprisonment or assigned a mandatory minimum of 240 hours of
9 community service as may be determined by the court.

10 (b-4) In the case of a third or subsequent violation
11 committed within 5 years of a previous violation of subsection
12 (a) or a similar provision, in addition to any other criminal
13 or administrative sanction, a mandatory minimum term of either
14 10 days of imprisonment or 480 hours of community service shall
15 be imposed.

16 (b-5) The imprisonment or assignment of community service
17 under subsections (b-3) and (b-4) shall not be subject to
18 suspension, nor shall the person be eligible for a reduced
19 sentence.

20 (c) (Blank).

21 (c-1) (1) A person who violates subsection (a) during a
22 period in which his or her driving privileges are revoked
23 or suspended, where the revocation or suspension was for a
24 violation of subsection (a), Section 11-501.1, paragraph
25 (b) of Section 11-401, or for reckless homicide as defined
26 in Section 9-3 of the Criminal Code of 1961 is guilty of a
27 Class 4 felony.

28 (2) A person who violates subsection (a) a third time,
29 if the third violation occurs during a period in which his
30 or her driving privileges are revoked or suspended where
31 the revocation or suspension was for a violation of
32 subsection (a), Section 11-501.1, paragraph (b) of Section
33 11-401, or for reckless homicide as defined in Section 9-3
34 of the Criminal Code of 1961, is guilty of a Class 3
35 felony.

36 (2.1) A person who violates subsection (a) a third

1 time, if the third violation occurs during a period in
2 which his or her driving privileges are revoked or
3 suspended where the revocation or suspension was for a
4 violation of subsection (a), Section 11-501.1, subsection
5 (b) of Section 11-401, or for reckless homicide as defined
6 in Section 9-3 of the Criminal Code of 1961, is guilty of a
7 Class 3 felony; and if the person receives a term of
8 probation or conditional discharge, he or she shall be
9 required to serve a mandatory minimum of 10 days of
10 imprisonment or shall be assigned a mandatory minimum of
11 480 hours of community service, as may be determined by the
12 court, as a condition of the probation or conditional
13 discharge. This mandatory minimum term of imprisonment or
14 assignment of community service shall not be suspended or
15 reduced by the court.

16 (2.2) A person who violates subsection (a), if the
17 violation occurs during a period in which his or her
18 driving privileges are revoked or suspended where the
19 revocation or suspension was for a violation of subsection
20 (a) or Section 11-501.1, shall also be sentenced to an
21 additional mandatory minimum term of 30 consecutive days of
22 imprisonment, 40 days of 24-hour periodic imprisonment, or
23 720 hours of community service, as may be determined by the
24 court. This mandatory term of imprisonment or assignment of
25 community service shall not be suspended or reduced by the
26 court.

27 (3) A person who violates subsection (a) a fourth or
28 subsequent time, if the fourth or subsequent violation
29 occurs during a period in which his or her driving
30 privileges are revoked or suspended where the revocation or
31 suspension was for a violation of subsection (a), Section
32 11-501.1, paragraph (b) of Section 11-401, or for reckless
33 homicide as defined in Section 9-3 of the Criminal Code of
34 1961, is guilty of a Class 2 felony and is not eligible for
35 a sentence of probation or conditional discharge.

36 (c-2) (Blank).

1 (c-3) (Blank).

2 (c-4) (Blank).

3 (c-5) A person who violates subsection (a), if the person
4 was transporting a person under the age of 16 at the time of
5 the violation, is subject to an additional mandatory minimum
6 fine of \$1,000, an additional mandatory minimum 140 hours of
7 community service, which shall include 40 hours of community
8 service in a program benefiting children, and an additional 2
9 days of imprisonment. The imprisonment or assignment of
10 community service under this subsection (c-5) is not subject to
11 suspension, nor is the person eligible for a reduced sentence.

12 (c-6) Except as provided in subsections (c-7) and (c-8) a
13 person who violates subsection (a) a second time, if at the
14 time of the second violation the person was transporting a
15 person under the age of 16, is subject to an additional 10 days
16 of imprisonment, an additional mandatory minimum fine of
17 \$1,000, and an additional mandatory minimum 140 hours of
18 community service, which shall include 40 hours of community
19 service in a program benefiting children. The imprisonment or
20 assignment of community service under this subsection (c-6) is
21 not subject to suspension, nor is the person eligible for a
22 reduced sentence.

23 (c-7) Except as provided in subsection (c-8), any person
24 convicted of violating subsection (c-6) or a similar provision
25 within 10 years of a previous violation of subsection (a) or a
26 similar provision shall receive, in addition to any other
27 penalty imposed, a mandatory minimum 12 days imprisonment, an
28 additional 40 hours of mandatory community service in a program
29 benefiting children, and a mandatory minimum fine of \$1,750.
30 The imprisonment or assignment of community service under this
31 subsection (c-7) is not subject to suspension, nor is the
32 person eligible for a reduced sentence.

33 (c-8) Any person convicted of violating subsection (c-6) or
34 a similar provision within 5 years of a previous violation of
35 subsection (a) or a similar provision shall receive, in
36 addition to any other penalty imposed, an additional 80 hours

1 of mandatory community service in a program benefiting
2 children, an additional mandatory minimum 12 days of
3 imprisonment, and a mandatory minimum fine of \$1,750. The
4 imprisonment or assignment of community service under this
5 subsection (c-8) is not subject to suspension, nor is the
6 person eligible for a reduced sentence.

7 (c-9) Any person convicted a third time for violating
8 subsection (a) or a similar provision, if at the time of the
9 third violation the person was transporting a person under the
10 age of 16, is guilty of a Class 4 felony and shall receive, in
11 addition to any other penalty imposed, an additional mandatory
12 fine of \$1,000, an additional mandatory 140 hours of community
13 service, which shall include 40 hours in a program benefiting
14 children, and a mandatory minimum 30 days of imprisonment. The
15 imprisonment or assignment of community service under this
16 subsection (c-9) is not subject to suspension, nor is the
17 person eligible for a reduced sentence.

18 (c-10) Any person convicted of violating subsection (c-9)
19 or a similar provision a third time within 20 years of a
20 previous violation of subsection (a) or a similar provision is
21 guilty of a Class 4 felony and shall receive, in addition to
22 any other penalty imposed, an additional mandatory 40 hours of
23 community service in a program benefiting children, an
24 additional mandatory fine of \$3,000, and a mandatory minimum
25 120 days of imprisonment. The imprisonment or assignment of
26 community service under this subsection (c-10) is not subject
27 to suspension, nor is the person eligible for a reduced
28 sentence.

29 (c-11) Any person convicted a fourth or subsequent time for
30 violating subsection (a) or a similar provision, if at the time
31 of the fourth or subsequent violation the person was
32 transporting a person under the age of 16, and if the person's
33 3 prior violations of subsection (a) or a similar provision
34 occurred while transporting a person under the age of 16 or
35 while the alcohol concentration in his or her blood, breath, or
36 urine was 0.16 or more based on the definition of blood,

1 breath, or urine units in Section 11-501.2, is guilty of a
2 Class 2 felony, is not eligible for probation or conditional
3 discharge, and is subject to a minimum fine of \$3,000.

4 (c-12) Any person convicted of a first violation of
5 subsection (a) or a similar provision, if the alcohol
6 concentration in his or her blood, breath, or urine was 0.16 or
7 more based on the definition of blood, breath, or urine units
8 in Section 11-501.2, shall be subject, in addition to any other
9 penalty that may be imposed, to a mandatory minimum of 100
10 hours of community service and a mandatory minimum fine of
11 \$500.

12 (c-13) Any person convicted of a second violation of
13 subsection (a) or a similar provision committed within 10 years
14 of a previous violation of subsection (a) or a similar
15 provision committed within 10 years of a previous violation of
16 subsection (a) or a similar provision, if at the time of the
17 second violation of subsection (a) the alcohol concentration in
18 his or her blood, breath, or urine was 0.16 or more based on
19 the definition of blood, breath, or urine units in Section
20 11-501.2, shall be subject, in addition to any other penalty
21 that may be imposed, to a mandatory minimum of 2 days of
22 imprisonment and a mandatory minimum fine of \$1,250.

23 (c-14) Any person convicted of a third violation of
24 subsection (a) or a similar provision within 20 years of a
25 previous violation of subsection (a) or a similar provision, if
26 at the time of the third violation of subsection (a) or a
27 similar provision the alcohol concentration in his or her
28 blood, breath, or urine was 0.16 or more based on the
29 definition of blood, breath, or urine units in Section
30 11-501.2, is guilty of a Class 4 felony and shall be subject,
31 in addition to any other penalty that may be imposed, to a
32 mandatory minimum of 90 days of imprisonment and a mandatory
33 minimum fine of \$2,500.

34 (c-15) Any person convicted of a fourth or subsequent
35 violation of subsection (a) or a similar provision, if at the
36 time of the fourth or subsequent violation the alcohol

1 concentration in his or her blood, breath, or urine was 0.16 or
2 more based on the definition of blood, breath, or urine units
3 in Section 11-501.2, and if the person's 3 prior violations of
4 subsection (a) or a similar provision occurred while
5 transporting a person under the age of 16 or while the alcohol
6 concentration in his or her blood, breath, or urine was 0.16 or
7 more based on the definition of blood, breath, or urine units
8 in Section 11-501.2, is guilty of a Class 2 felony and is not
9 eligible for a sentence of probation or conditional discharge
10 and is subject to a minimum fine of \$2,500.

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

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

19 (B) the person committed a violation of subsection
20 (a) while driving a school bus with persons 18 years of
21 age or younger on board;

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

27 (D) the person committed a violation of subsection
28 (a) for a second time and has been previously convicted
29 of violating Section 9-3 of the Criminal Code of 1961
30 or a similar provision of a law of another state
31 relating to reckless homicide in which the person was
32 determined to have been under the influence of alcohol,
33 other drug or drugs, or intoxicating compound or
34 compounds as an element of the offense or the person
35 has previously been convicted under subparagraph (C)
36 or subparagraph (F) of this paragraph (1);

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

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

16 (2) Except as provided in this paragraph (2), 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. For a violation of subparagraph (C) of paragraph
21 (1) of this subsection (d), the defendant, if sentenced to
22 a term of imprisonment, shall be sentenced to not less than
23 one year nor more than 12 years. Aggravated driving under
24 the influence of alcohol, other drug or drugs, or
25 intoxicating compound or compounds, or any combination
26 thereof as defined in subparagraph (F) of paragraph (1) of
27 this subsection (d) is a Class 2 felony, for which the
28 defendant, unless the court determines that extraordinary
29 circumstances exist and require probation, shall be
30 sentenced to: (A) a term of imprisonment of not less than 3
31 years and not more than 14 years if the violation resulted
32 in the death of one person; or (B) a term of imprisonment
33 of not less than 6 years and not more than 28 years if the
34 violation resulted in the deaths of 2 or more persons. For
35 any prosecution under this subsection (d), a certified copy
36 of the driving abstract of the defendant shall be admitted

1 as proof of any prior conviction. Any person sentenced
2 under this subsection (d) who receives a term of probation
3 or conditional discharge must serve a minimum term of
4 either 480 hours of community service or 10 days of
5 imprisonment as a condition of the probation or conditional
6 discharge. This mandatory minimum term of imprisonment or
7 assignment of community service may not be suspended or
8 reduced by the court.

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

21 (e-1) Any person who is found guilty of or pleads guilty to
22 violating this Section, including any person receiving a
23 disposition of court supervision for violating this Section,
24 may be required by the Court to attend a victim impact panel
25 offered by, or under contract with, a County State's Attorney's
26 office, a probation and court services department, Mothers
27 Against Drunk Driving, or the Alliance Against Intoxicated
28 Motorists. All costs generated by the victim impact panel shall
29 be paid from fees collected from the offender or as may be
30 determined by the court.

31 (f) Every person found guilty of violating this Section,
32 whose operation of a motor vehicle while in violation of this
33 Section proximately caused any incident resulting in an
34 appropriate emergency response, shall be liable for the expense
35 of an emergency response as provided under Section 5-5-3 of the
36 Unified Code of Corrections.

1 (g) The Secretary of State shall revoke the driving
2 privileges of any person convicted under this Section or a
3 similar provision of a local ordinance.

4 (h) (Blank).

5 (i) The Secretary of State shall require the use of
6 ignition interlock devices on all vehicles owned by an
7 individual who has been convicted of a second or subsequent
8 offense of this Section or a similar provision of a local
9 ordinance. The Secretary shall establish by rule and regulation
10 the procedures for certification and use of the interlock
11 system.

12 (j) In addition to any other penalties and liabilities, a
13 person who is found guilty of or pleads guilty to violating
14 subsection (a), including any person placed on court
15 supervision for violating subsection (a), shall be fined \$500,
16 payable to the circuit clerk, who shall distribute the money as
17 follows: 20% to the law enforcement agency that made the arrest
18 and 80% shall be forwarded to the State Treasurer for deposit
19 into the General Revenue Fund. If the person has been
20 previously convicted of violating subsection (a) or a similar
21 provision of a local ordinance, the fine shall be \$1,000. In
22 the event that more than one agency is responsible for the
23 arrest, the amount payable to law enforcement agencies shall be
24 shared equally. Any moneys received by a law enforcement agency
25 under this subsection (j) shall be used to purchase law
26 enforcement equipment that will assist in the prevention of
27 ~~alcohol-related~~ criminal violence throughout the State. This
28 shall include, but is not limited to, in-car video cameras,
29 radar and laser speed detection devices, and alcohol breath
30 testers. Any moneys received by the Department of State Police
31 under this subsection (j) shall be deposited into the State
32 Police DUI Fund and shall be used to purchase law enforcement
33 equipment that will assist in the prevention of ~~alcohol-related~~
34 criminal violence throughout the State.

35 (k) The Secretary of State Police DUI Fund is created as a
36 special fund in the State treasury. All moneys received by the

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

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

23 (m) In addition to any other fine or penalty required by
24 law, an individual convicted of a violation of subsection (a),
25 Section 5-7 of the Snowmobile Registration and Safety Act,
26 Section 5-16 of the Boat Registration and Safety Act, or a
27 similar provision, whose operation of a motor vehicle,
28 snowmobile, or watercraft while in violation of subsection (a),
29 Section 5-7 of the Snowmobile Registration and Safety Act,
30 Section 5-16 of the Boat Registration and Safety Act, or a
31 similar provision proximately caused an incident resulting in
32 an appropriate emergency response, shall be required to make
33 restitution to a public agency for the costs of that emergency
34 response. The restitution may not exceed \$1,000 per public
35 agency for each emergency response. As used in this subsection
36 (m), "emergency response" means any incident requiring a

1 response by a police officer, a firefighter carried on the
2 rolls of a regularly constituted fire department, or an
3 ambulance.

4 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;
5 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;
6 93-840, eff. 7-30-04; 94-609, eff. 1-1-06.)

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

14 Section 99. Effective date. This Act takes effect upon
15 becoming law.