

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12 has been revoked for a previous violation of subsection (a)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 and drug related crime and any other act related to
6 ~~alcohol related~~ criminal violence throughout the State. This
7 shall include, but is not limited to, in-car video cameras,
8 radar and laser speed detection devices, any items used for
9 alcohol testing, and vehicles and ~~alcohol breath testers~~. Any
10 moneys received by the Department of State Police under this
11 subsection (j) shall be deposited into the State Police DUI
12 Fund and shall be used to purchase law enforcement equipment
13 that will assist in the prevention of alcohol and drug related
14 crime and any other act related to ~~alcohol related~~ criminal
15 violence throughout the State.

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

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

1 evaluation or remedial education program in the individual's
2 state of residence. Programs providing treatment must be
3 licensed under existing applicable alcoholism and drug
4 treatment licensure standards.

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

22 (Source: P.A. 92-248, eff. 8-3-01; 92-418, eff. 8-17-01;
23 92-420, eff. 8-17-01; 92-429, eff. 1-1-02; 92-431, eff. 1-1-02;
24 92-651, eff. 7-11-02; 93-156, eff. 1-1-04; 93-213, eff.
25 7-18-03; 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800,
26 eff. 1-1-05; 93-840, eff. 7-30-04; 93-1093, eff. 3-29-05.)

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

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

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

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

1 (2) under the influence of alcohol;

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

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

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

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

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

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

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

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

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

35 (b-3) In addition to any other criminal or administrative
36 sanction for any second conviction of violating subsection (a)

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

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

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

16 (c) (Blank).

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

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

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

3 (2.2) A person who violates subsection (a), if the
4 violation occurs during a period in which his or her
5 driving privileges are revoked or suspended where the
6 revocation or suspension was for a violation of subsection
7 (a) or Section 11-501.1, shall also be sentenced to an
8 additional mandatory minimum term of 30 consecutive days of
9 imprisonment, 40 days of 24-hour periodic imprisonment, or
10 720 hours of community service, as may be determined by the
11 court. This mandatory term of imprisonment or assignment of
12 community service shall not be suspended or reduced by the
13 court.

14 (3) A person who violates subsection (a) a fourth or
15 subsequent time, if the fourth or subsequent violation
16 occurs during a period in which his or her driving
17 privileges are revoked or suspended where the revocation or
18 suspension was for a violation of subsection (a), Section
19 11-501.1, paragraph (b) of Section 11-401, or for reckless
20 homicide as defined in Section 9-3 of the Criminal Code of
21 1961, is guilty of a Class 2 felony and is not eligible for
22 a sentence of probation or conditional discharge.

23 (c-2) (Blank).

24 (c-3) (Blank).

25 (c-4) (Blank).

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

35 (c-5.1) A person 21 years of age or older who is convicted
36 of violating subsection (a) of this Section a first time and

1 who in committing that violation was involved in a motor
2 vehicle accident that resulted in bodily harm to the child
3 under the age of 16 being transported by the person, if the
4 violation was the proximate cause of the injury, is guilty of a
5 Class 4 felony and is subject to one year of imprisonment, a
6 mandatory fine of \$2,500, and 25 days of community service in a
7 program benefiting children. The imprisonment or assignment to
8 community service under this subsection (c-5.1) shall not be
9 subject to suspension, nor shall the person be eligible for
10 probation in order to reduce the sentence or assignment.

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

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

32 (c-7.1) A person 21 years of age or older who is convicted
33 of violating subsection (a) of this Section a second time
34 within 10 years and who in committing that violation was
35 involved in a motor vehicle accident that resulted in bodily
36 harm to the child under the age of 16 being transported, if the

1 violation was the proximate cause of the injury, is guilty of a
2 Class 4 felony and is subject to 18 months of imprisonment, a
3 mandatory fine of \$5,000, and 25 days of community service in a
4 program benefiting children. The imprisonment or assignment to
5 community service under this subsection (c-7.1) shall not be
6 subject to suspension, nor shall the person be eligible for
7 probation in order to reduce the sentence or assignment.

8 (c-8) (Blank).

9 (c-9) Any person 21 years of age or older convicted a third
10 time for violating subsection (a) or a similar provision, if at
11 the time of the third violation the person was transporting a
12 person under the age of 16, is guilty of a Class 4 felony and is
13 subject to 18 months of imprisonment, a mandatory fine of
14 \$2,500, and 25 days of community service in a program
15 benefiting children. The imprisonment or assignment of
16 community service under this subsection (c-9) is not subject to
17 suspension, nor is the person eligible for a reduced sentence.

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

28 (c-11) Any person 21 years of age or older convicted a
29 fourth or subsequent time for violating subsection (a) or a
30 similar provision, if at the time of the fourth or subsequent
31 violation the person was transporting a person under the age of
32 16, and if the person's 3 prior violations of subsection (a) or
33 a similar provision occurred while transporting a person under
34 the age of 16 or while the alcohol concentration in his or her
35 blood, breath, or urine was 0.16 or more based on the
36 definition of blood, breath, or urine units in Section

1 11-501.2, is guilty of a Class 2 felony, is not eligible for
2 probation or conditional discharge, and is subject to a minimum
3 fine of \$25,000.

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

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

33 (c-15) Any person convicted of a fourth or subsequent
34 violation of subsection (a) or a similar provision, if at the
35 time of the fourth or subsequent violation the alcohol
36 concentration in his or her blood, breath, or urine was 0.16 or

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

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

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

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

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

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

36 (E) the person, in committing a violation of

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

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

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

1 or conditional discharge must serve a minimum term of
2 either 480 hours of community service or 10 days of
3 imprisonment as a condition of the probation or conditional
4 discharge. This mandatory minimum term of imprisonment or
5 assignment of community service may not be suspended or
6 reduced by the court.

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

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

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

35 (g) The Secretary of State shall revoke the driving
36 privileges of any person convicted under this Section or a

1 similar provision of a local ordinance.

2 (h) (Blank).

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

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

36 (k) The Secretary of State Police DUI Fund is created as a

1 special fund in the State treasury. All moneys received by the
2 Secretary of State Police under subsection (j) of this Section
3 shall be deposited into the Secretary of State Police DUI Fund
4 and, subject to appropriation, shall be used to purchase law
5 enforcement equipment to assist in the prevention of alcohol
6 and drug related crime and any other act related to ~~alcohol~~
7 ~~related~~ criminal violence throughout the State.

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

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

1 agency for each emergency response. As used in this subsection
2 (m), "emergency response" means any incident requiring a
3 response by a police officer, a firefighter carried on the
4 rolls of a regularly constituted fire department, or an
5 ambulance.

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

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

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

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

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

18 (2) under the influence of alcohol;

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

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

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

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

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

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

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

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

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

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

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

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

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

34 (c) (Blank).

35 (c-1) (1) A person who violates subsection (a) during a
36 period in which his or her driving privileges are revoked

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

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

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

30 (2.2) A person who violates subsection (a), if the
31 violation occurs during a period in which his or her
32 driving privileges are revoked or suspended where the
33 revocation or suspension was for a violation of subsection
34 (a) or Section 11-501.1, shall also be sentenced to an
35 additional mandatory minimum term of 30 consecutive days of
36 imprisonment, 40 days of 24-hour periodic imprisonment, or

1 720 hours of community service, as may be determined by the
2 court. This mandatory term of imprisonment or assignment of
3 community service shall not be suspended or reduced by the
4 court.

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

14 (c-2) (Blank).

15 (c-3) (Blank).

16 (c-4) (Blank).

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

26 (c-6) Except as provided in subsections (c-7) and (c-8) a
27 person who violates subsection (a) a second time, if at the
28 time of the second violation the person was transporting a
29 person under the age of 16, is subject to an additional 10 days
30 of imprisonment, an additional mandatory minimum fine of
31 \$1,000, and an additional mandatory minimum 140 hours of
32 community service, which shall include 40 hours of community
33 service in a program benefiting children. The imprisonment or
34 assignment of community service under this subsection (c-6) is
35 not subject to suspension, nor is the person eligible for a
36 reduced sentence.

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

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

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

32 (c-10) Any person convicted of violating subsection (c-9)
33 or a similar provision a third time within 20 years of a
34 previous violation of subsection (a) or a similar provision is
35 guilty of a Class 4 felony and shall receive, in addition to
36 any other penalty imposed, an additional mandatory 40 hours of

1 community service in a program benefiting children, an
2 additional mandatory fine of \$3,000, and a mandatory minimum
3 120 days of imprisonment. The imprisonment or assignment of
4 community service under this subsection (c-10) is not subject
5 to suspension, nor is the person eligible for a reduced
6 sentence.

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

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

26 (c-13) Any person convicted of a second violation of
27 subsection (a) or a similar provision committed within 10 years
28 of a previous violation of subsection (a) or a similar
29 provision committed within 10 years of a previous violation of
30 subsection (a) or a similar provision, if at the time of the
31 second violation of subsection (a) the alcohol concentration in
32 his or her blood, breath, or urine was 0.16 or more based on
33 the definition of blood, breath, or urine units in Section
34 11-501.2, shall be subject, in addition to any other penalty
35 that may be imposed, to a mandatory minimum of 2 days of
36 imprisonment and a mandatory minimum fine of \$1,250.

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

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

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

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

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

36 (C) the person in committing a violation of

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

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

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

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

30 (2) Except as provided in this paragraph (2), a person
31 convicted of aggravated driving under the influence of
32 alcohol, other drug or drugs, or intoxicating compound or
33 compounds, or any combination thereof is guilty of a Class
34 4 felony. For a violation of subparagraph (C) of paragraph
35 (1) of this subsection (d), the defendant, if sentenced to
36 a term of imprisonment, shall be sentenced to not less than

1 one year nor more than 12 years. Aggravated driving under
2 the influence of alcohol, other drug or drugs, or
3 intoxicating compound or compounds, or any combination
4 thereof as defined in subparagraph (F) of paragraph (1) of
5 this subsection (d) is a Class 2 felony, for which the
6 defendant, unless the court determines that extraordinary
7 circumstances exist and require probation, 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 and drug related crime and any other act related to
6 ~~alcohol related~~ criminal violence throughout the State. This
7 shall include, but is not limited to, in-car video cameras,
8 radar and laser speed detection devices, any items used for
9 alcohol testing, and vehicles and ~~alcohol breath testers~~. Any
10 moneys received by the Department of State Police under this
11 subsection (j) shall be deposited into the State Police DUI
12 Fund and shall be used to purchase law enforcement equipment
13 that will assist in the prevention of alcohol and drug related
14 crime and any other act related to ~~alcohol related~~ criminal
15 violence throughout the State.

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

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

1 evaluation or remedial education program in the individual's
2 state of residence. Programs providing treatment must be
3 licensed under existing applicable alcoholism and drug
4 treatment licensure standards.

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

22 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;
23 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;
24 93-840, eff. 7-30-04; 94-113, eff. 1-1-06.)

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

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

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

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

34 (2) under the influence of alcohol;

35 (3) under the influence of any intoxicating compound or

1 combination of intoxicating compounds to a degree that
2 renders the person incapable of driving safely;

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

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

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

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

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

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

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

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

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

1 defendant shall be sentenced to a mandatory minimum of 5 days
2 of imprisonment or assigned a mandatory minimum of 240 hours of
3 community service as may be determined by the court.

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

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

14 (c) (Blank).

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

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

30 (2.1) A person who violates subsection (a) a third
31 time, if the third violation occurs during a period in
32 which his or her driving privileges are revoked or
33 suspended where the revocation or suspension was for a
34 violation of subsection (a), Section 11-501.1, subsection
35 (b) of Section 11-401, or for reckless homicide as defined
36 in Section 9-3 of the Criminal Code of 1961, is guilty of a

1 Class 3 felony; and if the person receives a term of
2 probation or conditional discharge, he or she shall be
3 required to serve a mandatory minimum of 10 days of
4 imprisonment or shall be assigned a mandatory minimum of
5 480 hours of community service, as may be determined by the
6 court, as a condition of the probation or conditional
7 discharge. This mandatory minimum term of imprisonment or
8 assignment of community service shall not be suspended or
9 reduced by the court.

10 (2.2) A person who violates subsection (a), if the
11 violation occurs during a period in which his or her
12 driving privileges are revoked or suspended where the
13 revocation or suspension was for a violation of subsection
14 (a) or Section 11-501.1, shall also be sentenced to an
15 additional mandatory minimum term of 30 consecutive days of
16 imprisonment, 40 days of 24-hour periodic imprisonment, or
17 720 hours of community service, as may be determined by the
18 court. This mandatory term of imprisonment or assignment of
19 community service shall not be suspended or reduced by the
20 court.

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

30 (c-2) (Blank).

31 (c-3) (Blank).

32 (c-4) (Blank).

33 (c-5) A person who violates subsection (a), if the person
34 was transporting a person under the age of 16 at the time of
35 the violation, is subject to an additional mandatory minimum
36 fine of \$1,000, an additional mandatory minimum 140 hours of

1 community service, which shall include 40 hours of community
2 service in a program benefiting children, and an additional 2
3 days of imprisonment. The imprisonment or assignment of
4 community service under this subsection (c-5) is not subject to
5 suspension, nor is the person eligible for a reduced sentence.

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

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

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

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

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

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

34 (c-12) Any person convicted of a first violation of
35 subsection (a) or a similar provision, if the alcohol
36 concentration in his or her blood, breath, or urine was 0.16 or

1 more based on the definition of blood, breath, or urine units
2 in Section 11-501.2, shall be subject, in addition to any other
3 penalty that may be imposed, to a mandatory minimum of 100
4 hours of community service and a mandatory minimum fine of
5 \$500.

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

17 (c-14) Any person convicted of a third violation of
18 subsection (a) or a similar provision within 20 years of a
19 previous violation of subsection (a) or a similar provision, if
20 at the time of the third violation of subsection (a) or a
21 similar provision the alcohol concentration in his or her
22 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 4 felony and shall be subject,
25 in addition to any other penalty that may be imposed, to a
26 mandatory minimum of 90 days of imprisonment and a mandatory
27 minimum fine of \$2,500.

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

1 definition of blood, breath, or urine units in Section
2 11-501.2, is guilty of a Class 2 felony and is not eligible for
3 a sentence of probation or conditional discharge and is subject
4 to a minimum fine of \$2,500.

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

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

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

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

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

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

33 (E) the person, in committing a violation of
34 subsection (a) while driving at any speed in a school
35 speed zone at a time when a speed limit of 20 miles per
36 hour was in effect under subsection (a) of Section

1 11-605 of this Code, was involved in a motor vehicle
2 accident that resulted in bodily harm, other than great
3 bodily harm or permanent disability or disfigurement,
4 to another person, when the violation of subsection (a)
5 was a proximate cause of the bodily harm; or

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

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

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

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

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

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

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

35 (h) (Blank).

36 (i) The Secretary of State shall require the use of

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

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

33 (k) The Secretary of State Police DUI Fund is created as a
34 special fund in the State treasury. All moneys received by the
35 Secretary of State Police under subsection (j) of this Section
36 shall be deposited into the Secretary of State Police DUI Fund

1 and, subject to appropriation, shall be used to purchase law
2 enforcement equipment to assist in the prevention of alcohol
3 and drug related crime and any other act related to alcohol
4 ~~related~~ criminal violence throughout the State.

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

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

1 rolls of a regularly constituted fire department, or an
2 ambulance.

3 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;
4 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;
5 93-840, eff. 7-30-04; 94-114, eff. 1-1-06.)

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

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

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

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

15 (2) under the influence of alcohol;

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

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

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

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

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

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

2 (1) Any reference to a prior violation of subsection
3 (a) or a similar provision includes any violation of a
4 provision of a local ordinance or a provision of a law of
5 another state that is similar to a violation of subsection
6 (a) of this Section.

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

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

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

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

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

31 (c) (Blank).

32 (c-1) (1) A person who violates subsection (a) during a
33 period in which his or her driving privileges are revoked
34 or suspended, where the revocation or suspension was for a
35 violation of subsection (a), Section 11-501.1, paragraph
36 (b) of Section 11-401, or for reckless homicide as defined

1 in Section 9-3 of the Criminal Code of 1961 is guilty of a
2 Class 4 felony.

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

5 (2.1) A person who violates subsection (a) a third
6 time, if the third violation occurs during a period in
7 which his or her driving privileges are revoked or
8 suspended where the revocation or suspension was for a
9 violation of subsection (a), Section 11-501.1, subsection
10 (b) of Section 11-401, or for reckless homicide as defined
11 in Section 9-3 of the Criminal Code of 1961, is guilty of a
12 Class 2 felony; and if the person receives a term of
13 probation or conditional discharge, he or she shall be
14 required to serve a mandatory minimum of 10 days of
15 imprisonment or shall be assigned a mandatory minimum of
16 480 hours of community service, as may be determined by the
17 court, as a condition of the probation or conditional
18 discharge. This mandatory minimum term of imprisonment or
19 assignment of community service shall not be suspended or
20 reduced by the court.

21 (2.2) A person who violates subsection (a), if the
22 violation occurs during a period in which his or her
23 driving privileges are revoked or suspended where the
24 revocation or suspension was for a violation of subsection
25 (a) or Section 11-501.1, shall also be sentenced to an
26 additional mandatory minimum term of 30 consecutive days of
27 imprisonment, 40 days of 24-hour periodic imprisonment, or
28 720 hours of community service, as may be determined by the
29 court. This mandatory term of imprisonment or assignment of
30 community service shall not be suspended or reduced by the
31 court.

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

35 (4) A person who violates subsection (a) a fifth or
36 subsequent time is guilty of a Class 1 felony and is not

1 eligible for a sentence of probation or conditional
2 discharge.

3 (c-2) (Blank).

4 (c-3) (Blank).

5 (c-4) (Blank).

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

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

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

36 (c-8) Any person convicted of violating subsection (c-6) or

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

10 (c-9) Any person convicted a third time for violating
11 subsection (a) or a similar provision, if at the time of the
12 third violation the person was transporting a person under the
13 age of 16, is guilty of a Class 2 felony and shall receive, in
14 addition to any other penalty imposed, an additional mandatory
15 fine of \$1,000, an additional mandatory 140 hours of community
16 service, which shall include 40 hours in a program benefiting
17 children, and a mandatory minimum 30 days of imprisonment. The
18 imprisonment or assignment of community service under this
19 subsection (c-9) is not subject to suspension, nor is the
20 person eligible for a reduced sentence.

21 (c-10) Any person convicted of violating subsection (c-9)
22 or a similar provision a third time within 20 years of a
23 previous violation of subsection (a) or a similar provision is
24 guilty of a Class 2 felony and shall receive, in addition to
25 any other penalty imposed, an additional mandatory 40 hours of
26 community service in a program benefiting children, an
27 additional mandatory fine of \$3,000, and a mandatory minimum
28 120 days of imprisonment. The imprisonment or assignment of
29 community service under this subsection (c-10) is not subject
30 to suspension, nor is the person eligible for a reduced
31 sentence.

32 (c-11) Any person convicted a fourth time for violating
33 subsection (a) or a similar provision, if at the time of the
34 fourth violation the person was transporting a person under the
35 age of 16, and if the person's 3 prior violations of subsection
36 (a) or a similar provision occurred while transporting a person

1 under the age of 16 or while the alcohol concentration in his
2 or her blood, breath, or urine was 0.16 or more based on the
3 definition of blood, breath, or urine units in Section
4 11-501.2, is guilty of a Class 2 felony, is not eligible for
5 probation or conditional discharge, and is subject to a minimum
6 fine of \$3,000.

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

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

26 (c-14) Any person convicted of a third violation of
27 subsection (a) or a similar provision within 20 years of a
28 previous violation of subsection (a) or a similar provision, if
29 at the time of the third violation of subsection (a) or a
30 similar provision 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 and shall be subject,
34 in addition to any other penalty that may be imposed, to a
35 mandatory minimum of 90 days of imprisonment and a mandatory
36 minimum fine of \$2,500.

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

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

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

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

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

30 (D) the person committed a violation of subsection
31 (a) for a second time and has been previously convicted
32 of violating Section 9-3 of the Criminal Code of 1961
33 or a similar provision of a law of another state
34 relating to reckless homicide in which the person was
35 determined to have been under the influence of alcohol,
36 other drug or drugs, or intoxicating compound or

1 compounds as an element of the offense or the person
2 has previously been convicted under subparagraph (C)
3 or subparagraph (F) of this paragraph (1);

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

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

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

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

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

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

1 be paid from fees collected from the offender or as may be
2 determined by the court.

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

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

12 (h) (Blank).

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

20 (j) In addition to any other penalties and liabilities, a
21 person who is found guilty of or pleads guilty to violating
22 subsection (a), including any person placed on court
23 supervision for violating subsection (a), shall be fined \$500,
24 payable to the circuit clerk, who shall distribute the money as
25 follows: 20% to the law enforcement agency that made the arrest
26 and 80% shall be forwarded to the State Treasurer for deposit
27 into the General Revenue Fund. If the person has been
28 previously convicted of violating subsection (a) or a similar
29 provision of a local ordinance, the fine shall be \$1,000. In
30 the event that more than one agency is responsible for the
31 arrest, the amount payable to law enforcement agencies shall be
32 shared equally. Any moneys received by a law enforcement agency
33 under this subsection (j) shall be used to purchase law
34 enforcement equipment that will assist in the prevention of
35 alcohol and drug related crime and any other act related to
36 ~~alcohol related~~ criminal violence throughout the State. This

1 shall include, but is not limited to, in-car video cameras,
2 radar and laser speed detection devices, any items used for
3 alcohol testing, and vehicles ~~and alcohol breath testers~~. Any
4 moneys received by the Department of State Police under this
5 subsection (j) shall be deposited into the State Police DUI
6 Fund and shall be used to purchase law enforcement equipment
7 that will assist in the prevention of alcohol and drug related
8 crime and any other act related to ~~alcohol related~~ criminal
9 violence throughout the State.

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

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

35 (m) In addition to any other fine or penalty required by
36 law, an individual convicted of a violation of subsection (a),

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

16 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;
17 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;
18 93-840, eff. 7-30-04; 94-116, eff. 1-1-06.)

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

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

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

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

28 (2) under the influence of alcohol;

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

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

35 (5) under the combined influence of alcohol, other drug

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

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

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

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

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

16 (a) or a similar provision includes any violation of a
17 provision of a local ordinance or a provision of a law of
18 another state that is similar to a violation of subsection
19 (a) of this Section.

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

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

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

34 (b-4) In the case of a third or subsequent violation
35 committed within 5 years of a previous violation of subsection
36 (a) or a similar provision, in addition to any other criminal

1 or administrative sanction, a mandatory minimum term of either
2 10 days of imprisonment or 480 hours of community service shall
3 be imposed.

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

8 (c) (Blank).

9 (c-1) (1) A person who violates subsection (a) during a
10 period in which his or her driving privileges are revoked
11 or suspended, where the revocation or suspension was for a
12 violation of subsection (a), Section 11-501.1, paragraph
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 4 felony.

18 (2) A person who violates subsection (a) a third time,
19 if the third violation occurs during a period in which his
20 or her driving privileges are revoked or suspended where
21 the revocation or suspension was for a violation of
22 subsection (a), Section 11-501.1, paragraph (b) of Section
23 11-401, or for reckless homicide as defined in Section 9-3
24 of the Criminal Code of 1961, is guilty of aggravated
25 driving under the influence of alcohol, other drug or
26 drugs, intoxicating compound or compounds, or any
27 combination thereof and is guilty of a Class 3 felony.

28 (2.1) A person who violates subsection (a) a third
29 time, if the third violation occurs during a period in
30 which his or her driving privileges are revoked or
31 suspended where the revocation or suspension was for a
32 violation of subsection (a), Section 11-501.1, subsection
33 (b) of Section 11-401, or for reckless homicide as defined
34 in Section 9-3 of the Criminal Code of 1961, is guilty of
35 aggravated driving under the influence of alcohol, other
36 drug or drugs, intoxicating compound or compounds, or any

1 combination thereof and is guilty of a Class 3 felony; and
2 if the person receives a term of probation or conditional
3 discharge, he or she shall be required to serve a mandatory
4 minimum of 10 days of imprisonment or shall be assigned a
5 mandatory minimum of 480 hours of community service, as may
6 be determined by the court, as a condition of the probation
7 or conditional discharge. This mandatory minimum term of
8 imprisonment or assignment of community service shall not
9 be suspended or reduced by the court.

10 (2.2) A person who violates subsection (a), if the
11 violation occurs during a period in which his or her
12 driving privileges are revoked or suspended where the
13 revocation or suspension was for a violation of subsection
14 (a) or Section 11-501.1, is guilty of aggravated driving
15 under the influence of alcohol, other drug or drugs,
16 intoxicating compound or compounds, or any combination
17 thereof and shall also be sentenced to an additional
18 mandatory minimum term of 30 consecutive days of
19 imprisonment, 40 days of 24-hour periodic imprisonment, or
20 720 hours of community service, as may be determined by the
21 court. This mandatory term of imprisonment or assignment of
22 community service shall not be suspended or reduced by the
23 court.

24 (3) A person who violates subsection (a) a fourth or
25 subsequent time, if the fourth or subsequent violation
26 occurs during a period in which his or her driving
27 privileges are revoked or suspended where the revocation or
28 suspension was for a violation of subsection (a), Section
29 11-501.1, paragraph (b) of Section 11-401, or for reckless
30 homicide as defined in Section 9-3 of the Criminal Code of
31 1961, is guilty of aggravated driving under the influence
32 of alcohol, other drug or drugs, intoxicating compound or
33 compounds, or any combination thereof and is guilty of a
34 Class 2 felony, and is not eligible for a sentence of
35 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 (G) the person committed the violation while he or
17 she did not possess a driver's license or permit or a
18 restricted driving permit or a judicial driving
19 permit; or

20 (H) the person committed the violation while he or
21 she knew or should have known that the vehicle he or
22 she was driving was not covered by a liability
23 insurance policy.

24 (2) Except as provided in this paragraph (2) and in
25 paragraphs (2), (2.1), and (3) of subsection (c-1), a
26 person convicted of aggravated driving under the influence
27 of alcohol, other drug or drugs, or intoxicating compound
28 or compounds, or any combination thereof is guilty of a
29 Class 4 felony. For a violation of subparagraph (C) of
30 paragraph (1) of this subsection (d), the defendant, if
31 sentenced to a term of imprisonment, shall be sentenced to
32 not less than one year nor more than 12 years. Aggravated
33 driving under the influence of alcohol, other drug or
34 drugs, or intoxicating compound or compounds, or any
35 combination thereof as defined in subparagraph (F) of
36 paragraph (1) of this subsection (d) is a Class 2 felony,

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

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

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

1 be paid from fees collected from the offender or as may be
2 determined by the court.

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

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

12 (h) (Blank).

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

20 (j) In addition to any other penalties and liabilities, a
21 person who is found guilty of or pleads guilty to violating
22 subsection (a), including any person placed on court
23 supervision for violating subsection (a), shall be fined \$500,
24 payable to the circuit clerk, who shall distribute the money as
25 follows: 20% to the law enforcement agency that made the arrest
26 and 80% shall be forwarded to the State Treasurer for deposit
27 into the General Revenue Fund. If the person has been
28 previously convicted of violating subsection (a) or a similar
29 provision of a local ordinance, the fine shall be \$1,000. In
30 the event that more than one agency is responsible for the
31 arrest, the amount payable to law enforcement agencies shall be
32 shared equally. Any moneys received by a law enforcement agency
33 under this subsection (j) shall be used to purchase law
34 enforcement equipment that will assist in the prevention of
35 alcohol and drug related crime and any other act related to
36 ~~alcohol related~~ criminal violence throughout the State. This

1 shall include, but is not limited to, in-car video cameras,
2 radar and laser speed detection devices, any items used for
3 alcohol testing, and vehicles ~~and alcohol breath testers~~. Any
4 moneys received by the Department of State Police under this
5 subsection (j) shall be deposited into the State Police DUI
6 Fund and shall be used to purchase law enforcement equipment
7 that will assist in the prevention of alcohol and drug related
8 crime and any other act related to ~~alcohol related~~ criminal
9 violence throughout the State.

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

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

35 (m) In addition to any other fine or penalty required by
36 law, an individual convicted of a violation of subsection (a),

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

16 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;
17 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;
18 93-840, eff. 7-30-04; 94-329, eff. 1-1-06.)

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

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

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

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

28 (2) under the influence of alcohol;

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

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

35 (5) under the combined influence of alcohol, other drug

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

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

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

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

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

16 (a) or a similar provision includes any violation of a
17 provision of a local ordinance or a provision of a law of
18 another state that is similar to a violation of subsection
19 (a) of this Section.

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

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

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

34 (b-4) In the case of a third or subsequent violation
35 committed within 5 years of a previous violation of subsection
36 (a) or a similar provision, in addition to any other criminal

1 or administrative sanction, a mandatory minimum term of either
2 10 days of imprisonment or 480 hours of community service shall
3 be imposed.

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

8 (c) (Blank).

9 (c-1) (1) A person who violates subsection (a) during a
10 period in which his or her driving privileges are revoked
11 or suspended, where the revocation or suspension was for a
12 violation of subsection (a), Section 11-501.1, paragraph
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 a
15 Class 4 felony.

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

24 (2.1) A person who violates subsection (a) a third
25 time, if the third violation occurs during a period in
26 which his or her driving privileges are revoked or
27 suspended where the revocation or suspension was for a
28 violation of subsection (a), Section 11-501.1, subsection
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 a
31 Class 3 felony; and if the person receives a term of
32 probation or conditional discharge, he or she shall be
33 required to serve a mandatory minimum of 10 days of
34 imprisonment or shall be assigned a mandatory minimum of
35 480 hours of community service, as may be determined by the
36 court, as a condition of the probation or conditional

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

4 (2.2) A person who violates subsection (a), if the
5 violation occurs during a period in which his or her
6 driving privileges are revoked or suspended where the
7 revocation or suspension was for a violation of subsection
8 (a) or Section 11-501.1, shall also be sentenced to an
9 additional mandatory minimum term of 30 consecutive days of
10 imprisonment, 40 days of 24-hour periodic imprisonment, or
11 720 hours of community service, as may be determined by the
12 court. This mandatory term of imprisonment or assignment of
13 community service shall not be suspended or reduced by the
14 court.

15 (3) A person who violates subsection (a) a fourth or
16 subsequent time, if the fourth or subsequent violation
17 occurs during a period in which his or her driving
18 privileges are revoked or suspended where the revocation or
19 suspension was for a violation of subsection (a), Section
20 11-501.1, paragraph (b) of Section 11-401, or for reckless
21 homicide as defined in Section 9-3 of the Criminal Code of
22 1961, is guilty of a Class 2 felony and is not eligible for
23 a sentence of probation or conditional discharge.

24 (c-2) (Blank).

25 (c-3) (Blank).

26 (c-4) (Blank).

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

36 (c-6) Except as provided in subsections (c-7) and (c-8) a

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

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

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

31 (c-9) Any person convicted a third time for violating
32 subsection (a) or a similar provision, if at the time of the
33 third violation the person was transporting a person under the
34 age of 16, is guilty of a Class 4 felony and shall receive, in
35 addition to any other penalty imposed, an additional mandatory
36 fine of \$1,000, an additional mandatory 140 hours of community

1 service, which shall include 40 hours in a program benefiting
2 children, and a mandatory minimum 30 days of imprisonment. The
3 imprisonment or assignment of community service under this
4 subsection (c-9) is not subject to suspension, nor is the
5 person eligible for a reduced sentence.

6 (c-10) Any person convicted of violating subsection (c-9)
7 or a similar provision a third time within 20 years of a
8 previous violation of subsection (a) or a similar provision is
9 guilty of a Class 4 felony and shall receive, in addition to
10 any other penalty imposed, an additional mandatory 40 hours of
11 community service in a program benefiting children, an
12 additional mandatory fine of \$3,000, and a mandatory minimum
13 120 days of imprisonment. The imprisonment or assignment of
14 community service under this subsection (c-10) is not subject
15 to suspension, nor is the person eligible for a reduced
16 sentence.

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

28 (c-12) Any person convicted of a first violation of
29 subsection (a) or a similar provision, if the alcohol
30 concentration in his or her blood, breath, or urine was 0.16 or
31 more based on the definition of blood, breath, or urine units
32 in Section 11-501.2, shall be subject, in addition to any other
33 penalty that may be imposed, to a mandatory minimum of 100
34 hours of community service and a mandatory minimum fine of
35 \$500.

36 (c-13) Any person convicted of a second violation of

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

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

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

35 (d) (1) Every person convicted of committing a violation of
36 this Section shall be guilty of aggravated driving under

1 the influence of alcohol, other drug or drugs, or
2 intoxicating compound or compounds, or any combination
3 thereof if:

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

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

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

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

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

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

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

4 (2) Except as provided in this paragraph (2), 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. Aggravated driving under
12 the influence of alcohol, other drug or drugs, or
13 intoxicating compound or compounds, or any combination
14 thereof as defined in subparagraph (F) of paragraph (1) of
15 this subsection (d) is a Class 2 felony, for which the
16 defendant, unless the court determines that extraordinary
17 circumstances exist and require probation, shall be
18 sentenced to: (A) a term of imprisonment of not less than 3
19 years and not more than 14 years if the violation resulted
20 in the death of one person; or (B) a term of imprisonment
21 of not less than 6 years and not more than 28 years if the
22 violation resulted in the deaths of 2 or more persons. For
23 any prosecution under this subsection (d), a certified copy
24 of the driving abstract of the defendant shall be admitted
25 as proof of any prior conviction. Any person sentenced
26 under this subsection (d) who receives a term of probation
27 or conditional discharge must serve a minimum term of
28 either 480 hours of community service or 10 days of
29 imprisonment as a condition of the probation or conditional
30 discharge. This mandatory minimum term of imprisonment or
31 assignment of community service may not be suspended or
32 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 and drug related crime and any other act related to
16 ~~alcohol-related~~ criminal violence throughout the State. This
17 shall include, but is not limited to, in-car video cameras,
18 radar and laser speed detection devices, any items used for
19 alcohol testing, and vehicles ~~and alcohol breath testers~~. Any
20 moneys received by the Department of State Police under this
21 subsection (j) shall be deposited into the State Police DUI
22 Fund and shall be used to purchase law enforcement equipment
23 that will assist in the prevention of alcohol and drug related
24 crime and any other act related to ~~alcohol-related~~ criminal
25 violence throughout the State.

26 (k) The Secretary of State Police DUI Fund is created as a
27 special fund in the State treasury. All moneys received by the
28 Secretary of State Police under subsection (j) of this Section
29 shall be deposited into the Secretary of State Police DUI Fund
30 and, subject to appropriation, shall be used to purchase law
31 enforcement equipment to assist in the prevention of alcohol
32 and drug related crime and any other act related to ~~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; 94-609, eff. 1-1-06.)

35 Section 95. No acceleration or delay. Where this Act makes

1 changes in a statute that is represented in this Act by text
2 that is not yet or no longer in effect (for example, a Section
3 represented by multiple versions), the use of that text does
4 not accelerate or delay the taking effect of (i) the changes
5 made by this Act or (ii) provisions derived from any other
6 Public Act.

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.