



Sen. Cheryl Axley

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09400HB4204sam001

LRB094 15277 RLC 57548 a

1 AMENDMENT TO HOUSE BILL 4204

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4204 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by  
5 changing Section 11-501 as follows:

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

7 (Text of Section 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

1 that renders the person incapable of safely driving; or

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

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

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

14 (1) Any reference to a prior violation of subsection  
15 (a) or a similar provision includes any violation of a  
16 provision of a local ordinance or a provision of a law of  
17 another state that is similar to a violation of subsection  
18 (a) of this Section.

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20 has been revoked for a previous violation of subsection (a)  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

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

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

33 (b-4) In the case of a third or subsequent violation  
34 committed within 5 years of a previous violation of subsection

1 (a) or a similar provision, in addition to any other criminal  
2 or administrative sanction, a mandatory minimum term of either  
3 10 days of imprisonment or 480 hours of community service shall  
4 be imposed.

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

9 (c) (Blank).

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

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

32 (2.2) A person who violates subsection (a), if the  
33 violation occurs during a period in which his or her  
34 driving privileges are revoked or suspended where the

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

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

18 (c-2) (Blank).

19 (c-3) (Blank).

20 (c-4) (Blank).

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

31 (2) Except as provided in subdivisions (c-5)(3) and  
32 (c-5)(4) a person who violates subsection (a) a second  
33 time, if at the time of the second violation the person was  
34 transporting a person under the age of 16, is subject to an

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

9 (3) Except as provided in subdivision (c-5)(4), any  
10 person convicted of violating subdivision (c-5)(2) or a  
11 similar provision within 10 years of a previous violation  
12 of subsection (a) or a similar provision shall receive, in  
13 addition to any other penalty imposed, a mandatory minimum  
14 12 days imprisonment, an additional 40 hours of mandatory  
15 community service in a program benefiting children, and a  
16 mandatory minimum fine of \$1,750. The imprisonment or  
17 assignment of community service under this subdivision  
18 (c-5)(3) is not subject to suspension, nor is the person  
19 eligible for a reduced sentence.

20 (4) Any person convicted of violating subdivision  
21 (c-5)(2) or a similar provision within 5 years of a  
22 previous violation of subsection (a) or a similar provision  
23 shall receive, in addition to any other penalty imposed, an  
24 additional 80 hours of mandatory community service in a  
25 program benefiting children, an additional mandatory  
26 minimum 12 days of imprisonment, and a mandatory minimum  
27 fine of \$1,750. The imprisonment or assignment of community  
28 service under this subdivision (c-5)(4) is not subject to  
29 suspension, nor is the person eligible for a reduced  
30 sentence.

31 (5) Any person convicted a third time for violating  
32 subsection (a) or a similar provision, if at the time of  
33 the third violation the person was transporting a person  
34 under the age of 16, is guilty of a Class 4 felony and

1 shall receive, in addition to any other penalty imposed, an  
2 additional mandatory fine of \$1,000, an additional  
3 mandatory 140 hours of community service, which shall  
4 include 40 hours in a program benefiting children, and a  
5 mandatory minimum 30 days of imprisonment. The  
6 imprisonment or assignment of community service under this  
7 subdivision (c-5)(5) is not subject to suspension, nor is  
8 the person eligible for a reduced sentence.

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

21 (7) Any person convicted a fourth or subsequent time  
22 for violating subsection (a) or a similar provision, if at  
23 the time of the fourth or subsequent violation the person  
24 was transporting a person under the age of 16, and if the  
25 person's 3 prior violations of subsection (a) or a similar  
26 provision occurred while transporting a person under the  
27 age of 16 or while 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 2 felony, is not eligible  
31 for probation or conditional discharge, and is subject to a  
32 minimum fine of \$3,000.

33 (c-6)(1) Any person convicted of a first violation of  
34 subsection (a) or a similar provision, if the alcohol

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

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

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

30 (4) Any person convicted of a fourth or subsequent  
31 violation of subsection (a) or a similar provision, if at  
32 the time of the fourth or subsequent violation the alcohol  
33 concentration in his or her blood, breath, or urine was  
34 0.16 or more based on the definition of blood, breath, or

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



1 or subparagraph (F) of this paragraph (1);

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

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

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

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

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

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

33 (f) Every person found guilty of violating this Section,  
34 whose operation of a motor vehicle while in violation of this

1 Section proximately caused any incident resulting in an  
2 appropriate emergency response, shall be liable for the expense  
3 of an emergency response as provided under Section 5-5-3 of the  
4 Unified Code of Corrections.

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

8 (h) (Blank).

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

16 (j) In addition to any other penalties and liabilities, a  
17 person who is found guilty of or pleads guilty to violating  
18 subsection (a), including any person placed on court  
19 supervision for violating subsection (a), shall be fined \$500,  
20 payable to the circuit clerk, who shall distribute the money as  
21 follows: 20% to the law enforcement agency that made the arrest  
22 and 80% shall be forwarded to the State Treasurer for deposit  
23 into the General Revenue Fund. If the person has been  
24 previously convicted of violating subsection (a) or a similar  
25 provision of a local ordinance, the fine shall be \$1,000. In  
26 the event that more than one agency is responsible for the  
27 arrest, the amount payable to law enforcement agencies shall be  
28 shared equally. Any moneys received by a law enforcement agency  
29 under this subsection (j) shall be used for enforcement and  
30 prevention of driving while under the influence of alcohol,  
31 other drug or drugs, intoxicating compound or compounds or any  
32 combination thereof, as defined by this Section, including but  
33 not limited to the ~~to~~ purchase of law enforcement equipment and  
34 commodities that will assist in the prevention of alcohol

1 related criminal violence throughout the State; police officer  
2 training and education in areas related to alcohol related  
3 crime, including but not limited to DUI training; and police  
4 officer salaries, including but not limited to salaries for  
5 hire back funding for safety checkpoints, saturation patrols,  
6 and liquor store sting operations. Equipment and commodities.  
7 ~~This~~ shall include, but are ~~is~~ not limited to, in-car video  
8 cameras, radar and laser speed detection devices, and alcohol  
9 breath testers. Any moneys received by the Department of State  
10 Police under this subsection (j) shall be deposited into the  
11 State Police DUI Fund and shall be used for enforcement and  
12 prevention of driving while under the influence of alcohol,  
13 other drug or drugs, intoxicating compound or compounds or any  
14 combination thereof, as defined by this Section, including but  
15 not limited to the ~~to~~ purchase of law enforcement equipment and  
16 commodities that will assist in the prevention of alcohol  
17 related criminal violence throughout the State; police officer  
18 training and education in areas related to alcohol related  
19 crime, including but not limited to DUI training; and police  
20 officer salaries, including but not limited to salaries for  
21 hire back funding for safety checkpoints, saturation patrols,  
22 and liquor store sting operations.

23 (k) The Secretary of State Police DUI Fund is created as a  
24 special fund in the State treasury. All moneys received by the  
25 Secretary of State Police under subsection (j) of this Section  
26 shall be deposited into the Secretary of State Police DUI Fund  
27 and, subject to appropriation, shall be used for enforcement  
28 and prevention of driving while under the influence of alcohol,  
29 other drug or drugs, intoxicating compound or compounds or any  
30 combination thereof, as defined by this Section, including but  
31 not limited to the ~~to~~ purchase of law enforcement equipment and  
32 commodities to assist in the prevention of alcohol related  
33 criminal violence throughout the State; police officer  
34 training and education in areas related to alcohol related

1 crime, including but not limited to DUI training; and police  
2 officer salaries, including but not limited to salaries for  
3 hire back funding for safety checkpoints, saturation patrols,  
4 and liquor store sting operations.

5 (1) 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

1 (m), "emergency response" means any incident requiring a  
2 response by a police officer, a firefighter carried on the  
3 rolls of a regularly constituted fire department, or an  
4 ambulance.

5 (Source: P.A. 92-248, eff. 8-3-01; 92-418, eff. 8-17-01;  
6 92-420, eff. 8-17-01; 92-429, eff. 1-1-02; 92-431, eff. 1-1-02;  
7 92-651, eff. 7-11-02; 93-156, eff. 1-1-04; 93-213, eff.  
8 7-18-03; 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800,  
9 eff. 1-1-05; 93-840, eff. 7-30-04; 93-1093, eff. 3-29-05.)

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

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

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

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

19 (2) under the influence of alcohol;

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

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

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

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

1 compound listed in the Use of Intoxicating Compounds Act.

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

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

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

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

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

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

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

33 (b-5) The imprisonment or assignment of community service  
34 under subsections (b-3) and (b-4) shall not be subject to

1 suspension, nor shall the person be eligible for a reduced  
2 sentence.

3 (c) (Blank).

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

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

26 (2.2) A person who violates subsection (a), if the  
27 violation occurs during a period in which his or her  
28 driving privileges are revoked or suspended where the  
29 revocation or suspension was for a violation of subsection  
30 (a) or Section 11-501.1, shall also be sentenced to an  
31 additional mandatory minimum term of 30 consecutive days of  
32 imprisonment, 40 days of 24-hour periodic imprisonment, or  
33 720 hours of community service, as may be determined by the  
34 court. This mandatory term of imprisonment or assignment of



1 community service shall not be suspended or reduced by the  
2 court.

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

12 (c-2) (Blank).

13 (c-3) (Blank).

14 (c-4) (Blank).

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

24 (c-5.1) A person 21 years of age or older who is convicted  
25 of violating subsection (a) of this Section a first time and  
26 who in committing that violation was involved in a motor  
27 vehicle accident that resulted in bodily harm to the child  
28 under the age of 16 being transported by the person, if the  
29 violation was the proximate cause of the injury, is guilty of a  
30 Class 4 felony and is subject to one year of imprisonment, a  
31 mandatory fine of \$2,500, and 25 days of community service in a  
32 program benefiting children. The imprisonment or assignment to  
33 community service under this subsection (c-5.1) shall not be  
34 subject to suspension, nor shall the person be eligible for

1 probation in order to reduce the sentence or assignment.

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

13 (c-7) Except as provided in subsection (c-7.1), any person  
14 21 years of age or older convicted of violating subsection  
15 (c-6) or a similar provision within 10 years of a previous  
16 violation of subsection (a) or a similar provision is guilty of  
17 a Class 4 felony and, in addition to any other penalty imposed,  
18 is subject to one year of imprisonment, 25 days of mandatory  
19 community service in a program benefiting children, and a  
20 mandatory fine of \$2,500. The imprisonment or assignment of  
21 community service under this subsection (c-7) is not subject to  
22 suspension, nor is the person eligible for a reduced sentence.

23 (c-7.1) A person 21 years of age or older who is convicted  
24 of violating subsection (a) of this Section a second time  
25 within 10 years and who in committing that violation was  
26 involved in a motor vehicle accident that resulted in bodily  
27 harm to the child under the age of 16 being transported, if the  
28 violation was the proximate cause of the injury, is guilty of a  
29 Class 4 felony and is subject to 18 months of imprisonment, a  
30 mandatory fine of \$5,000, and 25 days of community service in a  
31 program benefiting children. The imprisonment or assignment to  
32 community service under this subsection (c-7.1) shall not be  
33 subject to suspension, nor shall the person be eligible for  
34 probation in order to reduce the sentence or assignment.

1 (c-8) (Blank).

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

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

21 (c-11) Any person 21 years of age or older convicted a  
22 fourth or subsequent time for violating subsection (a) or a  
23 similar provision, if at the time of the fourth or subsequent  
24 violation the person was transporting a person under the age of  
25 16, and if the person's 3 prior violations of subsection (a) or  
26 a similar provision occurred while transporting a person under  
27 the age of 16 or while 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 2 felony, is not eligible for  
31 probation or conditional discharge, and is subject to a minimum  
32 fine of \$25,000.

33 (c-12) Any person convicted of a first violation of  
34 subsection (a) or a similar provision, if 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, shall be subject, in addition to any other  
4 penalty that may be imposed, to a mandatory minimum of 100  
5 hours of community service and a mandatory minimum fine of  
6 \$500.

7 (c-13) Any person convicted of a second violation of  
8 subsection (a) or a similar provision committed within 10 years  
9 of a previous violation of subsection (a) or a similar  
10 provision, if at the time of the second violation of subsection  
11 (a) or a similar provision the alcohol concentration in his or  
12 her 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, 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 subsequent  
29 violation of subsection (a) or a similar provision, if at the  
30 time of the fourth or subsequent violation the alcohol  
31 concentration in his or her blood, breath, or urine was 0.16 or  
32 more based on the definition of blood, breath, or urine units  
33 in Section 11-501.2, and if the person's 3 prior violations of  
34 subsection (a) or a similar provision occurred while

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

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

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

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

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

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

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

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

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

1 Unified Code of Corrections.

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

5 (h) (Blank).

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

13 (j) In addition to any other penalties and liabilities, a  
14 person who is found guilty of or pleads guilty to violating  
15 subsection (a), including any person placed on court  
16 supervision for violating subsection (a), shall be fined \$500,  
17 payable to the circuit clerk, who shall distribute the money as  
18 follows: 20% to the law enforcement agency that made the arrest  
19 and 80% shall be forwarded to the State Treasurer for deposit  
20 into the General Revenue Fund. If the person has been  
21 previously convicted of violating subsection (a) or a similar  
22 provision of a local ordinance, the fine shall be \$1,000. In  
23 the event that more than one agency is responsible for the  
24 arrest, the amount payable to law enforcement agencies shall be  
25 shared equally. Any moneys received by a law enforcement agency  
26 under this subsection (j) shall be used for enforcement and  
27 prevention of driving while under the influence of alcohol,  
28 other drug or drugs, intoxicating compound or compounds or any  
29 combination thereof, as defined by this Section, including but  
30 not limited to the ~~to~~ purchase of law enforcement equipment and  
31 commodities that will assist in the prevention of alcohol  
32 related criminal violence throughout the State; police officer  
33 training and education in areas related to alcohol related  
34 crime, including but not limited to DUI training; and police



1 officer salaries, including but not limited to salaries for  
2 hire back funding for safety checkpoints, saturation patrols,  
3 and liquor store sting operations. Equipment and commodities.  
4 ~~This~~ shall include, but are ~~is~~ not limited to, in-car video  
5 cameras, radar and laser speed detection devices, and alcohol  
6 breath testers. Any moneys received by the Department of State  
7 Police under this subsection (j) shall be deposited into the  
8 State Police DUI Fund and shall be used for enforcement and  
9 prevention of driving while under the influence of alcohol,  
10 other drug or drugs, intoxicating compound or compounds or any  
11 combination thereof, as defined by this Section, including but  
12 not limited to the ~~to~~ purchase of law enforcement equipment and  
13 commodities that will assist in the prevention of alcohol  
14 related criminal violence throughout the State; police officer  
15 training and education in areas related to alcohol related  
16 crime, including but not limited to DUI training; and police  
17 officer salaries, including but not limited to salaries for  
18 hire back funding for safety checkpoints, saturation patrols,  
19 and liquor store sting operations.

20 (k) The Secretary of State Police DUI Fund is created as a  
21 special fund in the State treasury. All moneys received by the  
22 Secretary of State Police under subsection (j) of this Section  
23 shall be deposited into the Secretary of State Police DUI Fund  
24 and, subject to appropriation, shall be used for enforcement  
25 and prevention of driving while under the influence of alcohol,  
26 other drug or drugs, intoxicating compound or compounds or any  
27 combination thereof, as defined by this Section, including but  
28 not limited to the ~~to~~ purchase of law enforcement equipment and  
29 commodities to assist in the prevention of alcohol related  
30 criminal violence throughout the State; police officer  
31 training and education in areas related to alcohol related  
32 crime, including but not limited to DUI training; and police  
33 officer salaries, including but not limited to salaries for  
34 hire back funding for safety checkpoints, saturation patrols,

1 and liquor store sting operations.

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

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

1 ambulance.

2 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;  
3 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;  
4 93-840, eff. 7-30-04; 94-110, eff. 1-1-06.)

5 (Text of Section from P.A. 94-113 and 94-609)

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

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

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

14 (2) under the influence of alcohol;

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

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

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

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

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

1 charge of violating this Section.

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

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

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

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

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

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

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

32 (c) (Blank).

33 (c-1) (1) A person who violates subsection (a) during a  
34 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

1 additional mandatory minimum term of 30 consecutive days of  
2 imprisonment, 40 days of 24-hour periodic imprisonment, or  
3 720 hours of community service, as may be determined by the  
4 court. This mandatory term of imprisonment or assignment of  
5 community service shall not be suspended or reduced by the  
6 court.

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

16 (c-2) (Blank).

17 (c-3) (Blank).

18 (c-4) (Blank).

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

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

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

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

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

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

1 person eligible for a reduced sentence.

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

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

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

32 (c-13) Any person convicted of a second violation of  
33 subsection (a) or a similar provision committed within 10 years  
34 of a previous violation of subsection (a) or a similar



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

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

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

33 (d) (1) Every person convicted of committing a violation of  
34 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

1 subsection (a), was involved in a motor vehicle,  
2 snowmobile, all-terrain vehicle, or watercraft  
3 accident that resulted in the death of another person,  
4 when the violation of subsection (a) was a proximate  
5 cause of the death.

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

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

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

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

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

32           (h) (Blank).

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

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

6 (j) In addition to any other penalties and liabilities, a  
7 person who is found guilty of or pleads guilty to violating  
8 subsection (a), including any person placed on court  
9 supervision for violating subsection (a), shall be fined \$500,  
10 payable to the circuit clerk, who shall distribute the money as  
11 follows: 20% to the law enforcement agency that made the arrest  
12 and 80% shall be forwarded to the State Treasurer for deposit  
13 into the General Revenue Fund. If the person has been  
14 previously convicted of violating subsection (a) or a similar  
15 provision of a local ordinance, the fine shall be \$1,000. In  
16 the event that more than one agency is responsible for the  
17 arrest, the amount payable to law enforcement agencies shall be  
18 shared equally. Any moneys received by a law enforcement agency  
19 under this subsection (j) shall be used for enforcement and  
20 prevention of driving while under the influence of alcohol,  
21 other drug or drugs, intoxicating compound or compounds or any  
22 combination thereof, as defined by this Section, including but  
23 not limited to the purchase of law enforcement equipment and  
24 commodities that will assist in the prevention of alcohol  
25 related criminal violence throughout the State; police officer  
26 training and education in areas related to alcohol related  
27 crime, including but not limited to DUI training; and police  
28 officer salaries, including but not limited to salaries for  
29 hire back funding for safety checkpoints, saturation patrols,  
30 and liquor store sting operations. Equipment and commodities.  
31 ~~This~~ shall include, but are ~~is~~ not limited to, in-car video  
32 cameras, radar and laser speed detection devices, and alcohol  
33 breath testers. Any moneys received by the Department of State  
34 Police under this subsection (j) shall be deposited into the

1 State Police DUI Fund and shall be used for enforcement and  
2 prevention of driving while under the influence of alcohol,  
3 other drug or drugs, intoxicating compound or compounds or any  
4 combination thereof, as defined by this Section, including but  
5 not limited to the ~~to~~ purchase of law enforcement equipment and  
6 commodities that will assist in the prevention of alcohol  
7 related criminal violence throughout the State; police officer  
8 training and education in areas related to alcohol related  
9 crime, including but not limited to DUI training; and police  
10 officer salaries, including but not limited to salaries for  
11 hire back funding for safety checkpoints, saturation patrols,  
12 and liquor store sting operations.

13 (k) The Secretary of State Police DUI Fund is created as a  
14 special fund in the State treasury. All moneys received by the  
15 Secretary of State Police under subsection (j) of this Section  
16 shall be deposited into the Secretary of State Police DUI Fund  
17 and, subject to appropriation, shall be used for enforcement  
18 and prevention of driving while under the influence of alcohol,  
19 other drug or drugs, intoxicating compound or compounds or any  
20 combination thereof, as defined by this Section, including but  
21 not limited to the ~~to~~ purchase of law enforcement equipment and  
22 commodities to assist in the prevention of alcohol related  
23 criminal violence throughout the State; police officer  
24 training and education in areas related to alcohol related  
25 crime, including but not limited to DUI training; and police  
26 officer salaries, including but not limited to salaries for  
27 hire back funding for safety checkpoints, saturation patrols,  
28 and liquor store sting operations.

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

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

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

29 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;  
30 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;  
31 93-840, eff. 7-30-04; 94-113, eff. 1-1-06; 94-609, eff.  
32 1-1-06.)

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

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

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

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

9                 (2) under the influence of alcohol;

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

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

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

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

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

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

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



1 (a) of this Section.

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

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

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

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

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

26 (c) (Blank).

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

34 (2) A person who violates subsection (a) a third time,

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

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

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

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

10           (c-2) (Blank).

11           (c-3) (Blank).

12           (c-4) (Blank).

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

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

33           (c-7) Except as provided in subsection (c-8), any person  
34 convicted of violating subsection (c-6) or a similar provision

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

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

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

30 (c-10) Any person convicted of violating subsection (c-9)  
31 or a similar provision a third time within 20 years of a  
32 previous violation of subsection (a) or a similar provision is  
33 guilty of a Class 4 felony and shall receive, in addition to  
34 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 fifth time for  
8 violating subsection (a) or a similar provision, if at the time  
9 of the fourth or fifth violation the person was transporting a  
10 person under the age of 16, and if the person's 3 prior  
11 violations of subsection (a) or a similar provision occurred  
12 while transporting a person under the age of 16 or while the  
13 alcohol concentration in his or her blood, breath, or urine was  
14 0.16 or more based on the definition of blood, breath, or urine  
15 units in Section 11-501.2, is guilty of a Class 2 felony, is  
16 not eligible for probation or conditional discharge, and is  
17 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

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

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

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

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

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

34 (A) the person committed a violation of subsection

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

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

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

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

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

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

1           cause of the death.

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

30           (e) After a finding of guilt and prior to any final  
31 sentencing, or an order for supervision, for an offense based  
32 upon an arrest for a violation of this Section or a similar  
33 provision of a local ordinance, individuals shall be required  
34 to undergo a professional evaluation to determine if an



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

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

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

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

27 (h) (Blank).

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

1 (j) In addition to any other penalties and liabilities, a  
2 person who is found guilty of or pleads guilty to violating  
3 subsection (a), including any person placed on court  
4 supervision for violating subsection (a), shall be fined \$500,  
5 payable to the circuit clerk, who shall distribute the money as  
6 follows: 20% to the law enforcement agency that made the arrest  
7 and 80% shall be forwarded to the State Treasurer for deposit  
8 into the General Revenue Fund. If the person has been  
9 previously convicted of violating subsection (a) or a similar  
10 provision of a local ordinance, the fine shall be \$1,000. In  
11 the event that more than one agency is responsible for the  
12 arrest, the amount payable to law enforcement agencies shall be  
13 shared equally. Any moneys received by a law enforcement agency  
14 under this subsection (j) shall be used for enforcement and  
15 prevention of driving while under the influence of alcohol,  
16 other drug or drugs, intoxicating compound or compounds or any  
17 combination thereof, as defined by this Section, including but  
18 not limited to the ~~to~~ purchase of law enforcement equipment and  
19 commodities that will assist in the prevention of alcohol  
20 related criminal violence throughout the State; police officer  
21 training and education in areas related to alcohol related  
22 crime, including but not limited to DUI training; and police  
23 officer salaries, including but not limited to salaries for  
24 hire back funding for safety checkpoints, saturation patrols,  
25 and liquor store sting operations. Equipment and commodities.  
26 ~~This~~ shall include, but are is not limited to, in-car video  
27 cameras, radar and laser speed detection devices, and alcohol  
28 breath testers. Any moneys received by the Department of State  
29 Police under this subsection (j) shall be deposited into the  
30 State Police DUI Fund and shall be used for enforcement and  
31 prevention of driving while under the influence of alcohol,  
32 other drug or drugs, intoxicating compound or compounds or any  
33 combination thereof, as defined by this Section, including but  
34 not limited to the ~~to~~ purchase of law enforcement equipment and

1 commodities that will assist in the prevention of alcohol  
2 related criminal violence throughout the State; police officer  
3 training and education in areas related to alcohol related  
4 crime, including but not limited to DUI training; and police  
5 officer salaries, including but not limited to salaries for  
6 hire back funding for safety checkpoints, saturation patrols,  
7 and liquor store sting operations.

8 (k) The Secretary of State Police DUI Fund is created as a  
9 special fund in the State treasury. All moneys received by the  
10 Secretary of State Police under subsection (j) of this Section  
11 shall be deposited into the Secretary of State Police DUI Fund  
12 and, subject to appropriation, shall be used for enforcement  
13 and prevention of driving while under the influence of alcohol,  
14 other drug or drugs, intoxicating compound or compounds or any  
15 combination thereof, as defined by this Section, including but  
16 not limited to the ~~to~~ purchase of law enforcement equipment and  
17 commodities to assist in the prevention of alcohol related  
18 criminal violence throughout the State; police officer  
19 training and education in areas related to alcohol related  
20 crime, including but not limited to DUI training; and police  
21 officer salaries, including but not limited to salaries for  
22 hire back funding for safety checkpoints, saturation patrols,  
23 and liquor store sting operations.

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

1 Services. If the individual is not a resident of Illinois,  
2 however, the court may accept an alcohol or other drug  
3 evaluation or remedial education program in the individual's  
4 state of residence. Programs providing treatment must be  
5 licensed under existing applicable alcoholism and drug  
6 treatment licensure standards.

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

24 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;  
25 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;  
26 93-840, eff. 7-30-04; 94-114, eff. 1-1-06.)

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

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

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

3 (2) under the influence of alcohol;

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

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

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

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

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

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

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

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

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

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

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

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

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

20 (c) (Blank).

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

28 (2) A person who violates subsection (a) a third time  
29 is guilty of a Class 2 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

1 (b) of Section 11-401, or for reckless homicide as defined  
2 in Section 9-3 of the Criminal Code of 1961, is guilty of a  
3 Class 2 felony; and if the person receives a term of  
4 probation or conditional discharge, he or she shall be  
5 required to serve a mandatory minimum of 10 days of  
6 imprisonment or shall be assigned a mandatory minimum of  
7 480 hours of community service, as may be determined by the  
8 court, as a condition of the probation or conditional  
9 discharge. This mandatory minimum term of imprisonment or  
10 assignment of community service shall not be suspended or  
11 reduced by the court.

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

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

26 (4) A person who violates subsection (a) a fifth or  
27 subsequent time is guilty of a Class 1 felony and is not  
28 eligible for a sentence of probation or conditional  
29 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

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

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

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

29 (c-8) Any person convicted of violating subsection (c-6) or  
30 a similar provision within 5 years of a previous violation of  
31 subsection (a) or a similar provision shall receive, in  
32 addition to any other penalty imposed, an additional 80 hours  
33 of mandatory community service in a program benefiting  
34 children, an additional mandatory minimum 12 days of



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

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

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

27 (c-11) Any person convicted a fourth time for violating  
28 subsection (a) or a similar provision, if at the time of the  
29 fourth violation the person was transporting a person under the  
30 age of 16, and if the person's 3 prior violations of subsection  
31 (a) or a similar provision occurred while transporting a person  
32 under the age of 16 or while the alcohol concentration in his  
33 or her blood, breath, or urine was 0.16 or more based on the  
34 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 \$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 2 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 violation of

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

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

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

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

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

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

1 other drug or drugs, or intoxicating compound or  
2 compounds as an element of the offense or the person  
3 has previously been convicted under subparagraph (C)  
4 or subparagraph (F) of this paragraph (1);

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

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

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

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

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

32      (e-1) Any person who is found guilty of or pleads guilty to  
33      violating this Section, including any person receiving a  
34      disposition of court supervision for violating this Section,

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

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

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

17 (h) (Blank).

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

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

1 the event that more than one agency is responsible for the  
2 arrest, the amount payable to law enforcement agencies shall be  
3 shared equally. Any moneys received by a law enforcement agency  
4 under this subsection (j) shall be used for enforcement and  
5 prevention of driving while under the influence of alcohol,  
6 other drug or drugs, intoxicating compound or compounds or any  
7 combination thereof, as defined by this Section, including but  
8 not limited to the ~~to~~ purchase of law enforcement equipment and  
9 commodities that will assist in the prevention of alcohol  
10 related criminal violence throughout the State; police officer  
11 training and education in areas related to alcohol related  
12 crime, including but not limited to DUI training; and police  
13 officer salaries, including but not limited to salaries for  
14 hire back funding for safety checkpoints, saturation patrols,  
15 and liquor store sting operations. Equipment and commodities.  
16 ~~This~~ shall include, but are ~~is~~ not limited to, in-car video  
17 cameras, radar and laser speed detection devices, and alcohol  
18 breath testers. Any moneys received by the Department of State  
19 Police under this subsection (j) shall be deposited into the  
20 State Police DUI Fund and shall be used for enforcement and  
21 prevention of driving while under the influence of alcohol,  
22 other drug or drugs, intoxicating compound or compounds or any  
23 combination thereof, as defined by this Section, including but  
24 not limited to the ~~to~~ purchase of law enforcement equipment and  
25 commodities that will assist in the prevention of alcohol  
26 related criminal violence throughout the State; police officer  
27 training and education in areas related to alcohol related  
28 crime, including but not limited to DUI training; and police  
29 officer salaries, including but not limited to salaries for  
30 hire back funding for safety checkpoints, saturation patrols,  
31 and liquor store sting operations.

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

1 shall be deposited into the Secretary of State Police DUI Fund  
2 and, subject to appropriation, shall be used for enforcement  
3 and prevention of driving while under the influence of alcohol,  
4 other drug or drugs, intoxicating compound or compounds or any  
5 combination thereof, as defined by this Section, including but  
6 not limited to the ~~to~~ purchase of law enforcement equipment and  
7 commodities to assist in the prevention of alcohol related  
8 criminal violence throughout the State; police officer  
9 training and education in areas related to alcohol related  
10 crime, including but not limited to DUI training; and police  
11 officer salaries, including but not limited to salaries for  
12 hire back funding for safety checkpoints, saturation patrols,  
13 and liquor store sting operations.

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

31 (m) In addition to any other fine or penalty required by  
32 law, an individual convicted of a violation of subsection (a),  
33 Section 5-7 of the Snowmobile Registration and Safety Act,  
34 Section 5-16 of the Boat Registration and Safety Act, or a



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

14 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;  
15 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;  
16 93-840, eff. 7-30-04; 94-116, eff. 1-1-06.)

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

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

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

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

26 (2) under the influence of alcohol;

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

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

33 (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

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

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

10 (c) (Blank).

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

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

1 (b) of Section 11-401, or for reckless homicide as defined  
2 in Section 9-3 of the Criminal Code of 1961, is guilty of  
3 aggravated driving under the influence of alcohol, other  
4 drug or drugs, intoxicating compound or compounds, or any  
5 combination thereof and is guilty of a Class 3 felony; and  
6 if the person receives a term of probation or conditional  
7 discharge, he or she shall be required to serve a mandatory  
8 minimum of 10 days of imprisonment or shall be assigned a  
9 mandatory minimum of 480 hours of community service, as may  
10 be determined by the court, as a condition of the probation  
11 or conditional discharge. This mandatory minimum term of  
12 imprisonment or assignment of community service shall not  
13 be suspended or reduced by the court.

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

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

1 1961, is guilty of aggravated driving under the influence  
2 of alcohol, other drug or drugs, intoxicating compound or  
3 compounds, or any combination thereof and is guilty of a  
4 Class 2 felony, and is not eligible for a sentence of  
5 probation or conditional discharge.

6 (c-2) (Blank).

7 (c-3) (Blank).

8 (c-4) (Blank).

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

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

29 (c-7) Except as provided in subsection (c-8), any person  
30 convicted of violating subsection (c-6) or a similar provision  
31 within 10 years of a previous violation of subsection (a) or a  
32 similar provision shall receive, in addition to any other  
33 penalty imposed, a mandatory minimum 12 days imprisonment, an  
34 additional 40 hours of mandatory community service in a program

1 benefiting children, and a mandatory minimum fine of \$1,750.  
2 The imprisonment or assignment of community service under this  
3 subsection (c-7) is not subject to suspension, nor is the  
4 person eligible for a reduced sentence.

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

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

26 (c-10) Any person convicted of violating subsection (c-9)  
27 or a similar provision a third time within 20 years of a  
28 previous violation of subsection (a) or a similar provision is  
29 guilty of a Class 4 felony and shall receive, in addition to  
30 any other penalty imposed, an additional mandatory 40 hours of  
31 community service in a program benefiting children, an  
32 additional mandatory fine of \$3,000, and a mandatory minimum  
33 120 days of imprisonment. The imprisonment or assignment of  
34 community service under this subsection (c-10) is not subject

1 to suspension, nor is the person eligible for a reduced  
2 sentence.

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

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

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

33 (c-14) Any person convicted of a third violation of  
34 subsection (a) or a similar provision within 20 years of a

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

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

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

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

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

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

34 (H) the person committed the violation while he or

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

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

33 (e) After a finding of guilt and prior to any final  
34 sentencing, or an order for supervision, for an offense based

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

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

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

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

30 (h) (Blank).

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

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

4 (j) In addition to any other penalties and liabilities, a  
5 person who is found guilty of or pleads guilty to violating  
6 subsection (a), including any person placed on court  
7 supervision for violating subsection (a), shall be fined \$500,  
8 payable to the circuit clerk, who shall distribute the money as  
9 follows: 20% to the law enforcement agency that made the arrest  
10 and 80% shall be forwarded to the State Treasurer for deposit  
11 into the General Revenue Fund. If the person has been  
12 previously convicted of violating subsection (a) or a similar  
13 provision of a local ordinance, the fine shall be \$1,000. In  
14 the event that more than one agency is responsible for the  
15 arrest, the amount payable to law enforcement agencies shall be  
16 shared equally. Any moneys received by a law enforcement agency  
17 under this subsection (j) shall be used for enforcement and  
18 prevention of driving while under the influence of alcohol,  
19 other drug or drugs, intoxicating compound or compounds or any  
20 combination thereof, as defined by this Section, including but  
21 not limited to the ~~to~~ purchase of law enforcement equipment and  
22 commodities that will assist in the prevention of alcohol  
23 related criminal violence throughout the State; police officer  
24 training and education in areas related to alcohol related  
25 crime, including but not limited to DUI training; and police  
26 officer salaries, including but not limited to salaries for  
27 hire back funding for safety checkpoints, saturation patrols,  
28 and liquor store sting operations. Equipment and commodities.  
29 ~~This~~ shall include, but are ~~is~~ not limited to, in-car video  
30 cameras, radar and laser speed detection devices, and alcohol  
31 breath testers. Any moneys received by the Department of State  
32 Police under this subsection (j) shall be deposited into the  
33 State Police DUI Fund and shall be used for enforcement and  
34 prevention of driving while under the influence of alcohol,

1 other drug or drugs, intoxicating compound or compounds or any  
2 combination thereof, as defined by this Section, including but  
3 not limited to the ~~to~~ purchase of law enforcement equipment and  
4 commodities that will assist in the prevention of alcohol  
5 related criminal violence throughout the State; police officer  
6 training and education in areas related to alcohol related  
7 crime, including but not limited to DUI training; and police  
8 officer salaries, including but not limited to salaries for  
9 hire back funding for safety checkpoints, saturation patrols,  
10 and liquor store sting operations.

11 (k) The Secretary of State Police DUI Fund is created as a  
12 special fund in the State treasury. All moneys received by the  
13 Secretary of State Police under subsection (j) of this Section  
14 shall be deposited into the Secretary of State Police DUI Fund  
15 and, subject to appropriation, shall be used for enforcement  
16 and prevention of driving while under the influence of alcohol,  
17 other drug or drugs, intoxicating compound or compounds or any  
18 combination thereof, as defined by this Section, including but  
19 not limited to the ~~to~~ purchase of law enforcement equipment and  
20 commodities to assist in the prevention of alcohol related  
21 criminal violence throughout the State; police officer  
22 training and education in areas related to alcohol related  
23 crime, including but not limited to DUI training; and police  
24 officer salaries, including but not limited to salaries for  
25 hire back funding for safety checkpoints, saturation patrols,  
26 and liquor store sting operations.

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

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

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

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

30 Section 99. Effective date. This Act takes effect upon  
31 becoming law."