



Sen. Cheryl Axley

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09400HB4204sam002

LRB094 15277 RLC 57718 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20 has been revoked for a previous violation of subsection (a)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 ~~to~~ 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 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 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."