



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
SB1914

Introduced 2/25/2005, by Sen. William R. Haine

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-501.5

from Ch. 95 1/2, par. 11-501.5

Amends the Illinois Vehicle Code. Provides that the results of a preliminary breath screening test may be used by the State (as well as by the defendant) as evidence in any administrative or court proceeding involving alleged driving under the influence of alcohol, drugs, or intoxicating compounds.

LRB094 10583 DRH 40887 b

1 AN ACT concerning transportation.

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

4 Section 5. The Illinois Vehicle Code is amended by changing
5 Section 11-501.5 as follows:

6 (625 ILCS 5/11-501.5) (from Ch. 95 1/2, par. 11-501.5)

7 Sec. 11-501.5. Preliminary Breath Screening Test.

8 (a) If a law enforcement officer has reasonable suspicion
9 to believe that a person is violating or has violated Section
10 11-501 or a similar provision of a local ordinance, the
11 officer, prior to an arrest, may request the person to provide
12 a sample of his or her breath for a preliminary breath
13 screening test using a portable device approved by the
14 Department of State Police. The person may refuse the test. The
15 results of this preliminary breath screening test may be used
16 by the law enforcement officer for the purpose of assisting
17 with the determination of whether to require a chemical test as
18 authorized under Sections 11-501.1 and 11-501.2, and the
19 appropriate type of test to request. Any chemical test
20 authorized under Sections 11-501.1 and 11-501.2 may be
21 requested by the officer regardless of the result of the
22 preliminary breath screening test, if probable cause for an
23 arrest exists. The result of a preliminary breath screening
24 test may be used ~~by the defendant~~ as evidence in any
25 administrative or court proceeding involving a violation of
26 Section 11-501 or 11-501.1.

27 (b) The Department of State Police shall create a pilot
28 program to establish the effectiveness of pupillometer
29 technology (the measurement of the pupil's reaction to light)
30 as a noninvasive technique to detect and measure possible
31 impairment of any person who drives or is in actual physical
32 control of a motor vehicle resulting from the suspected usage

1 of alcohol, other drug or drugs, intoxicating compound or
2 compounds or any combination thereof. This technology shall
3 also be used to detect fatigue levels of the operator of a
4 Commercial Motor Vehicle as defined in Section 6-500(6),
5 pursuant to Section 18b-105 (Part 395-Hours of Service of
6 Drivers) of the Illinois Vehicle Code. A State Police officer
7 may request that the operator of a commercial motor vehicle
8 have his or her eyes examined or tested with a pupillometer
9 device. The person may refuse the examination or test. The
10 State Police officer shall have the device readily available to
11 limit undue delays.

12 If a State Police officer has reasonable suspicion to
13 believe that a person is violating or has violated Section
14 11-501, the officer may use the pupillometer technology, when
15 available. The officer, prior to an arrest, may request the
16 person to have his or her eyes examined or tested with a
17 pupillometer device. The person may refuse the examination or
18 test. The results of this examination or test may be used by
19 the officer for the purpose of assisting with the determination
20 of whether to require a chemical test as authorized under
21 Sections 11-501.1 and 11-501.2 and the appropriate type of test
22 to request. Any chemical test authorized under Sections
23 11-501.1 and 11-501.2 may be requested by the officer
24 regardless of the result of the pupillometer examination or
25 test, if probable cause for an arrest exists. The result of the
26 examination or test may be used by the defendant as evidence in
27 any administrative or court proceeding involving a violation of
28 11-501 or 11-501.1.

29 The pilot program shall last for a period of 18 months and
30 involve the testing of 15 pupillometer devices. Within 90 days
31 of the completion of the pilot project, the Department of State
32 Police shall file a report with the President of the Senate and
33 Speaker of the House evaluating the project.

34 (Source: P.A. 91-828, eff. 1-1-01; 91-881, eff. 6-30-00; 92-16,
35 eff. 6-28-01.)