



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB3198

Introduced 11/14/2006, by Sen. John J. Cullerton

SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-113	from Ch. 95 1/2, par. 6-113
625 ILCS 5/6-118	from Ch. 95 1/2, par. 6-118
625 ILCS 5/6-203.1	from Ch. 95 1/2, par. 6-203.1
625 ILCS 5/6-206	from Ch. 95 1/2, par. 6-206
625 ILCS 5/6-206.1	from Ch. 95 1/2, par. 6-206.1
625 ILCS 5/6-208.1	from Ch. 95 1/2, par. 6-208.1
625 ILCS 5/6-303	from Ch. 95 1/2, par. 6-303
625 ILCS 5/11-500	from Ch. 95 1/2, par. 11-500
625 ILCS 5/11-501	from Ch. 95 1/2, par. 11-501
625 ILCS 5/11-501.9 new	
730 ILCS 5/5-6-1	from Ch. 38, par. 1005-6-1

Amends the Illinois Vehicle Code. Authorizes and establishes procedures for the statutory summary suspension of driver's licenses of persons who are stopped for DUI and who refuse to submit to field sobriety tests. Provides that any person in control of a motor vehicle in this State shall be deemed to have given consent to performing field sobriety tests. Provides that the results of a field sobriety test may be used by the defendant in any DUI administrative or court proceeding and may be used by the State in rebuttal to an assertion that the test did not accurately reflect a person's alcohol concentration. Permits temporary impounding of vehicles in certain cases. Provides that after a statutory summary suspension has been imposed on a person who previously has never been convicted of or received a disposition of supervision for a DUI offense, the court may immediately grant the person a judicial driving permit, if the person also submitted to field sobriety tests before failing the test of breath or blood alcohol. Provides for a hearing and procedures for a person who has had his or her license suspended for a failure to submit to a field sobriety test. Authorizes the Secretary of State to issue a restricted driving permit to a person who has had his or her license suspended for specified reasons if the person consents to a breath-alcohol ignition interlock device installed in his or her car. Amends the Unified Code of Corrections. Prohibits the court from assigning supervision to a defendant charged with driving a motor vehicle on a revoked or suspended license when the suspension or revocation was for violating the field sobriety test provision of the Vehicle Code if the defendant was convicted or assigned supervision within the last 10 years for driving on a revoked or suspended license. Makes other changes. Effective July 1, 2007.

LRB094 21837 DRH 60265 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning driving violations.

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 Sections 6-113, 6-118, 6-203.1, 6-206, 6-206.1, 6-208.1,
6 6-303, 11-501 and adding Section 11-501.9 as follows:

7 (625 ILCS 5/6-113) (from Ch. 95 1/2, par. 6-113)

8 Sec. 6-113. Restricted licenses and permits.

9 (a) The Secretary of State upon issuing a drivers license
10 or permit shall have the authority whenever good cause appears
11 to impose restrictions suitable to the licensee's driving
12 ability with respect to the type of, or special mechanical
13 control devices required on, a motor vehicle which the licensee
14 may operate or such other restrictions applicable to the
15 licensee as the Secretary of State may determine to be
16 appropriate to assure the safe operation of a motor vehicle by
17 the licensee.

18 (b) The Secretary of State may either issue a special
19 restricted license or permit or may set forth such restrictions
20 upon the usual license or permit form.

21 (c) The Secretary of State may issue a probationary license
22 to a person whose driving privileges have been suspended
23 pursuant to subsection (d) of this Section or subsections
24 (a)(2), (a)(19) and (a)(20) of Section 6-206 of this Code. The
25 Secretary of State shall promulgate rules pursuant to The
26 Illinois Administrative Procedure Act, setting forth the
27 conditions and criteria for the issuance and cancellation of
28 probationary licenses.

29 (d) The Secretary of State may upon receiving satisfactory
30 evidence of any violation of the restrictions of such license
31 or permit suspend, revoke or cancel the same without
32 preliminary hearing, but the licensee or permittee shall be

1 entitled to a hearing as in the case of a suspension or
2 revocation.

3 (e) It is unlawful for any person to operate a motor
4 vehicle in any manner in violation of the restrictions imposed
5 on a restricted license or permit issued to him.

6 (f) Whenever the holder of a restricted driving permit is
7 issued a citation for any of the following offenses including
8 similar local ordinances, the restricted driving permit is
9 immediately invalidated:

10 1. Reckless homicide resulting from the operation of a
11 motor vehicle;

12 2. Violation of Section 11-501 of this Act relating to
13 the operation of a motor vehicle while under the influence
14 of intoxicating liquor or narcotic drugs;

15 3. Violation of Section 11-401 of this Act relating to
16 the offense of leaving the scene of a traffic accident
17 involving death or injury; or

18 4. Violation of Section 11-504 of this Act relating to
19 the offense of drag racing;

20 The police officer issuing the citation shall confiscate
21 the restricted driving permit and forward it, along with the
22 citation, to the Clerk of the Circuit Court of the county in
23 which the citation was issued.

24 (g) The Secretary of State may issue a special restricted
25 license for a period of 12 months to individuals using vision
26 aid arrangements other than standard eyeglasses or contact
27 lenses, allowing the operation of a motor vehicle during
28 nighttime hours. The Secretary of State shall adopt rules
29 defining the terms and conditions by which the individual may
30 obtain and renew this special restricted license. At a minimum,
31 all drivers must meet the following requirements:

32 1. Possess a valid driver's license and have operated a
33 motor vehicle during daylight hours for a period of 12
34 months using vision aid arrangements other than standard
35 eyeglasses or contact lenses.

36 2. Have a driving record that does not include any

1 traffic accidents that occurred during nighttime hours,
2 for which the driver has been found to be at fault, during
3 the 12 months before he or she applied for the special
4 restricted license.

5 3. Successfully complete a road test administered
6 during nighttime hours.

7 At a minimum, all drivers renewing this license must meet
8 the following requirements:

9 1. Successfully complete a road test administered
10 during nighttime hours.

11 2. Have a driving record that does not include any
12 traffic accidents that occurred during nighttime hours,
13 for which the driver has been found to be at fault, during
14 the 12 months before he or she applied for the special
15 restricted license.

16 (h) Any driver issued a special restricted license as
17 defined in subsection (g) whose privilege to drive during
18 nighttime hours has been suspended due to an accident occurring
19 during nighttime hours may request a hearing as provided in
20 Section 2-118 of this Code to contest that suspension. If it is
21 determined that the accident for which the driver was at fault
22 was not influenced by the driver's use of vision aid
23 arrangements other than standard eyeglasses or contact lenses,
24 the Secretary may reinstate that driver's privilege to drive
25 during nighttime hours.

26 (i) Notwithstanding the provisions of Sections 6-208,
27 6-208.1, and 6-208.2, the Secretary of State may, 30 days after
28 the effective date of a suspension pursuant to Section 6-208,
29 6-208.1, or 6-208.2 and in accordance with any rules the
30 Secretary may promulgate, issue a restricted driving permit to
31 a person who has applied for a restricted driver's permit and
32 who has consented to have, at his or her expense, an ignition
33 interlock device installed in his or her vehicle.

34 (Source: P.A. 92-274, eff. 1-1-02.)

35 (625 ILCS 5/6-118) (from Ch. 95 1/2, par. 6-118)

1 (Text of Section before amendment by P.A. 94-1035)

2 Sec. 6-118. Fees.

3 (a) The fee for licenses and permits under this Article is
4 as follows:

5 Original driver's license \$10

6 Original or renewal driver's license

7 issued to 18, 19 and 20 year olds 5

8 All driver's licenses for persons

9 age 69 through age 80 5

10 All driver's licenses for persons

11 age 81 through age 86 2

12 All driver's licenses for persons

13 age 87 or older 0

14 Renewal driver's license (except for

15 applicants ages 18, 19 and 20 or

16 age 69 and older) 10

17 Original instruction permit issued to

18 persons (except those age 69 and older)

19 who do not hold or have not previously

20 held an Illinois instruction permit or

21 driver's license 20

22 Instruction permit issued to any person

23 holding an Illinois driver's license

24 who wishes a change in classifications,

25 other than at the time of renewal 5

26 Any instruction permit issued to a person

27 age 69 and older 5

28 Instruction permit issued to any person,

29 under age 69, not currently holding a

30 valid Illinois driver's license or

31 instruction permit but who has

32 previously been issued either document

33 in Illinois 10

34 Restricted driving permit 8

35 Duplicate or corrected driver's license

36 or permit 5

1 Duplicate or corrected restricted
2 driving permit 5
3 Original or renewal M or L endorsement..... 5

4 SPECIAL FEES FOR COMMERCIAL DRIVER'S LICENSE

5 The fees for commercial driver licenses and permits
6 under Article V shall be as follows:

7 Commercial driver's license:

- 8 \$6 for the CDLIS/AAMVAnet Fund
- 9 (Commercial Driver's License Information
- 10 System/American Association of Motor Vehicle
- 11 Administrators network Trust Fund);
- 12 \$20 for the Motor Carrier Safety Inspection Fund;
- 13 \$10 for the driver's license;
- 14 and \$24 for the CDL: \$60

15 Renewal commercial driver's license:

- 16 \$6 for the CDLIS/AAMVAnet Trust Fund;
- 17 \$20 for the Motor Carrier Safety Inspection Fund;
- 18 \$10 for the driver's license; and
- 19 \$24 for the CDL: \$60

20 Commercial driver instruction permit

- 21 issued to any person holding a valid
- 22 Illinois driver's license for the
- 23 purpose of changing to a
- 24 CDL classification: \$6 for the
- 25 CDLIS/AAMVAnet Trust Fund;
- 26 \$20 for the Motor Carrier
- 27 Safety Inspection Fund; and
- 28 \$24 for the CDL classification \$50

29 Commercial driver instruction permit

- 30 issued to any person holding a valid
- 31 Illinois CDL for the purpose of
- 32 making a change in a classification,
- 33 endorsement or restriction \$5

34 CDL duplicate or corrected license \$5

35 In order to ensure the proper implementation of the Uniform
36 Commercial Driver License Act, Article V of this Chapter, the

1 Secretary of State is empowered to pro-rate the \$24 fee for the
2 commercial driver's license proportionate to the expiration
3 date of the applicant's Illinois driver's license.

4 The fee for any duplicate license or permit shall be waived
5 for any person age 60 or older who presents the Secretary of
6 State's office with a police report showing that his license or
7 permit was stolen.

8 No additional fee shall be charged for a driver's license,
9 or for a commercial driver's license, when issued to the holder
10 of an instruction permit for the same classification or type of
11 license who becomes eligible for such license.

12 (b) Any person whose license or privilege to operate a
13 motor vehicle in this State has been suspended or revoked under
14 any provision of Chapter 6, Chapter 11, or Section 7-205,
15 7-303, or 7-702 of the Family Financial Responsibility Law of
16 this Code, shall in addition to any other fees required by this
17 Code, pay a reinstatement fee as follows:

18	Summary suspension under Section 11-501.1	\$250
19	Other suspension	\$70
20	Revocation	\$500

21 However, any person whose license or privilege to operate a
22 motor vehicle in this State has been suspended or revoked for a
23 second or subsequent time for a violation of Section 11-501 or
24 11-501.1 of this Code or a similar provision of a local
25 ordinance or a similar out-of-state offense or Section 9-3 of
26 the Criminal Code of 1961 and each suspension or revocation was
27 for a violation of Section 11-501 or 11-501.1 of this Code or a
28 similar provision of a local ordinance or a similar
29 out-of-state offense or Section 9-3 of the Criminal Code of
30 1961 shall pay, in addition to any other fees required by this
31 Code, a reinstatement fee as follows:

32	Summary suspension under Section 11-501.1	\$500
33	Revocation	\$500

34 (c) All fees collected under the provisions of this Chapter
35 6 shall be paid into the Road Fund in the State Treasury except
36 as follows:

1 1. The following amounts shall be paid into the Driver
2 Education Fund:

3 (A) \$16 of the \$20 fee for an original driver's
4 instruction permit;

5 (B) \$5 of the \$10 fee for an original driver's
6 license;

7 (C) \$5 of the \$10 fee for a 4 year renewal driver's
8 license; and

9 (D) \$4 of the \$8 fee for a restricted driving
10 permit.

11 2. \$30 of the \$250 fee for reinstatement of a license
12 summarily suspended under Section 11-501.1 shall be
13 deposited into the Drunk and Drugged Driving Prevention
14 Fund. However, for a person whose license or privilege to
15 operate a motor vehicle in this State has been suspended or
16 revoked for a second or subsequent time for a violation of
17 Section 11-501 or 11-501.1 of this Code or Section 9-3 of
18 the Criminal Code of 1961, \$190 of the \$500 fee for
19 reinstatement of a license summarily suspended under
20 Section 11-501.1, and \$190 of the \$500 fee for
21 reinstatement of a revoked license shall be deposited into
22 the Drunk and Drugged Driving Prevention Fund.

23 3. \$6 of such original or renewal fee for a commercial
24 driver's license and \$6 of the commercial driver
25 instruction permit fee when such permit is issued to any
26 person holding a valid Illinois driver's license, shall be
27 paid into the CDLIS/AAMVAnet Trust Fund.

28 4. \$30 of the \$70 fee for reinstatement of a license
29 suspended under the Family Financial Responsibility Law
30 shall be paid into the Family Responsibility Fund.

31 5. The \$5 fee for each original or renewal M or L
32 endorsement shall be deposited into the Cycle Rider Safety
33 Training Fund.

34 6. \$20 of any original or renewal fee for a commercial
35 driver's license or commercial driver instruction permit
36 shall be paid into the Motor Carrier Safety Inspection

1 Fund.

2 7. The following amounts shall be paid into the General
3 Revenue Fund:

4 (A) \$190 of the \$250 reinstatement fee for a
5 summary suspension under Section 11-501.1;

6 (B) \$40 of the \$70 reinstatement fee for any other
7 suspension provided in subsection (b) of this Section;
8 and

9 (C) \$440 of the \$500 reinstatement fee for a first
10 offense revocation and \$310 of the \$500 reinstatement
11 fee for a second or subsequent revocation.

12 (Source: P.A. 92-458, eff. 8-22-01; 93-32, eff. 1-1-04; 93-788,
13 eff. 1-1-05.)

14 (Text of Section after amendment by P.A. 94-1035)
15 Sec. 6-118. Fees.

16 (a) The fee for licenses and permits under this Article is
17 as follows:

18	Original driver's license	\$10
19	Original or renewal driver's license	
20	issued to 18, 19 and 20 year olds	5
21	All driver's licenses for persons	
22	age 69 through age 80	5
23	All driver's licenses for persons	
24	age 81 through age 86	2
25	All driver's licenses for persons	
26	age 87 or older	0
27	Renewal driver's license (except for	
28	applicants ages 18, 19 and 20 or	
29	age 69 and older)	10
30	Original instruction permit issued to	
31	persons (except those age 69 and older)	
32	who do not hold or have not previously	
33	held an Illinois instruction permit or	
34	driver's license	20
35	Instruction permit issued to any person	

1 holding an Illinois driver's license
2 who wishes a change in classifications,
3 other than at the time of renewal 5
4 Any instruction permit issued to a person
5 age 69 and older 5
6 Instruction permit issued to any person,
7 under age 69, not currently holding a
8 valid Illinois driver's license or
9 instruction permit but who has
10 previously been issued either document
11 in Illinois 10
12 Restricted driving permit 8
13 Duplicate or corrected driver's license
14 or permit 5
15 Duplicate or corrected restricted
16 driving permit 5
17 Original or renewal M or L endorsement 5

18 SPECIAL FEES FOR COMMERCIAL DRIVER'S LICENSE

19 The fees for commercial driver licenses and permits
20 under Article V shall be as follows:

- 21 Commercial driver's license:
22 \$6 for the CDLIS/AAMVAnet Fund
23 (Commercial Driver's License Information
24 System/American Association of Motor Vehicle
25 Administrators network Trust Fund);
26 \$20 for the Motor Carrier Safety Inspection Fund;
27 \$10 for the driver's license;
28 and \$24 for the CDL: \$60

- 29 Renewal commercial driver's license:
30 \$6 for the CDLIS/AAMVAnet Trust Fund;
31 \$20 for the Motor Carrier Safety Inspection Fund;
32 \$10 for the driver's license; and
33 \$24 for the CDL: \$60

34 Commercial driver instruction permit
35 issued to any person holding a valid
36 Illinois driver's license for the

1 purpose of changing to a
2 CDL classification: \$6 for the
3 CDLIS/AAMVAnet Trust Fund;
4 \$20 for the Motor Carrier
5 Safety Inspection Fund; and
6 \$24 for the CDL classification \$50
7 Commercial driver instruction permit
8 issued to any person holding a valid
9 Illinois CDL for the purpose of
10 making a change in a classification,
11 endorsement or restriction \$5
12 CDL duplicate or corrected license \$5

13 In order to ensure the proper implementation of the Uniform
14 Commercial Driver License Act, Article V of this Chapter, the
15 Secretary of State is empowered to pro-rate the \$24 fee for the
16 commercial driver's license proportionate to the expiration
17 date of the applicant's Illinois driver's license.

18 The fee for any duplicate license or permit shall be waived
19 for any person age 60 or older who presents the Secretary of
20 State's office with a police report showing that his license or
21 permit was stolen.

22 No additional fee shall be charged for a driver's license,
23 or for a commercial driver's license, when issued to the holder
24 of an instruction permit for the same classification or type of
25 license who becomes eligible for such license.

26 (b) Any person whose license or privilege to operate a
27 motor vehicle in this State has been suspended or revoked under
28 Section 3-707, any provision of Chapter 6, Chapter 11, or
29 Section 7-205, 7-303, or 7-702 of the Family Financial
30 Responsibility Law of this Code, shall in addition to any other
31 fees required by this Code, pay a reinstatement fee as follows:

32 Suspension under Section 3-707 \$100
33 Summary suspension under Section 11-501.1 \$250
34 Other suspension \$70
35 Revocation \$500

36 However, any person whose license or privilege to operate a

1 motor vehicle in this State has been suspended or revoked for a
 2 second or subsequent time for a violation of Section 11-501 ~~or~~
 3 ~~11-501.1~~ of this Code or a similar provision of a local
 4 ordinance, a violation of ~~or a similar out-of-state offense or~~
 5 Section 9-3 of the Criminal Code of 1961, or a failure to
 6 submit to a chemical test or tests of blood, breath, or urine
 7 pursuant to Section 11-501.1 or to a field sobriety test or
 8 tests pursuant to Section 11-501.9 of this Code and each
 9 suspension or revocation was for a violation of Section 11-501
 10 or 11-501.1 of this Code or a similar provision of a local
 11 ordinance, a violation of ~~or~~ a similar out-of-state offense or
 12 Section 9-3 of the Criminal Code of 1961, a violation of any
 13 out-of-state offense similar to any of the offenses listed in
 14 this subsection (b), or a failure to submit to a chemical test
 15 or tests of blood, breath, or urine pursuant to Section
 16 11-501.1 or to a field sobriety test or tests pursuant to
 17 Section 11-501.9 of this Code or similar provisions of an
 18 out-of-state jurisdiction shall pay, in addition to any other
 19 fees required by this Code, a reinstatement fee as follows:

20	Section 11-501.1 <u>or 11-501.9</u>	\$500
21	Revocation	\$500

22 (c) All fees collected under the provisions of this Chapter
 23 6 shall be paid into the Road Fund in the State Treasury except
 24 as follows:

25 1. The following amounts shall be paid into the Driver
 26 Education Fund:

27 (A) \$16 of the \$20 fee for an original driver's
 28 instruction permit;

29 (B) \$5 of the \$10 fee for an original driver's
 30 license;

31 (C) \$5 of the \$10 fee for a 4 year renewal driver's
 32 license; and

33 (D) \$4 of the \$8 fee for a restricted driving
 34 permit.

35 2. \$30 of the \$250 fee for reinstatement of a license
 36 summarily suspended under Section 11-501.1 or 11-501.9

1 shall be deposited into the Drunk and Drugged Driving
2 Prevention Fund. However, for a person whose license or
3 privilege to operate a motor vehicle in this State has been
4 suspended or revoked for a second or subsequent time for a
5 violation of Section 11-501 ~~or 11-501.1~~ of this Code or a
6 similar provision of a local ordinance, a violation of ~~or~~
7 Section 9-3 of the Criminal Code of 1961, a violation of
8 any out-of-state offense similar to any of the offenses
9 listed in this paragraph (2) of subsection (c), or a
10 failure to submit to a chemical test or tests of blood,
11 breath, or urine pursuant to Section 11-501.1 or to a field
12 sobriety test or tests pursuant to Section 11-501.9 of this
13 Code or similar provisions of an out-of-state
14 jurisdiction, \$190 of the \$500 fee for reinstatement of a
15 license summarily suspended under Section 11-501.1 or
16 11-501.9, and \$190 of the \$500 fee for reinstatement of a
17 revoked license shall be deposited into the Drunk and
18 Drugged Driving Prevention Fund.

19 3. \$6 of such original or renewal fee for a commercial
20 driver's license and \$6 of the commercial driver
21 instruction permit fee when such permit is issued to any
22 person holding a valid Illinois driver's license, shall be
23 paid into the CDLIS/AAMVAnet Trust Fund.

24 4. \$30 of the \$70 fee for reinstatement of a license
25 suspended under the Family Financial Responsibility Law
26 shall be paid into the Family Responsibility Fund.

27 5. The \$5 fee for each original or renewal M or L
28 endorsement shall be deposited into the Cycle Rider Safety
29 Training Fund.

30 6. \$20 of any original or renewal fee for a commercial
31 driver's license or commercial driver instruction permit
32 shall be paid into the Motor Carrier Safety Inspection
33 Fund.

34 7. The following amounts shall be paid into the General
35 Revenue Fund:

36 (A) \$190 of the \$250 reinstatement fee for a

1 summary suspension under Section 11-501.1;

2 (B) \$40 of the \$70 reinstatement fee for any other
3 suspension provided in subsection (b) of this Section;
4 and

5 (C) \$440 of the \$500 reinstatement fee for a first
6 offense revocation and \$310 of the \$500 reinstatement
7 fee for a second or subsequent revocation.

8 (Source: P.A. 93-32, eff. 1-1-04; 93-788, eff. 1-1-05; 94-1035,
9 eff. 7-1-07.)

10 (625 ILCS 5/6-203.1) (from Ch. 95 1/2, par. 6-203.1)

11 Sec. 6-203.1. (a) The Secretary of State is authorized to
12 suspend the driving privileges of a person ~~persons~~:

13 (1) arrested in another state for driving under the
14 influence of alcohol, other drug or drugs, or intoxicating
15 compound or compounds, or any combination thereof, or a
16 similar provision, and who has refused to submit to a
17 chemical test or tests, or to a field sobriety test or
18 tests under the provisions of implied consent, ~~or~~

19 (2) requested to submit to a field sobriety test or
20 tests in another state under provisions of implied consent
21 and who has refused to submit to the test or tests.

22 (b) When a driving privilege has been suspended for a
23 refusal as provided in paragraph (a) and the person is
24 subsequently convicted of the underlying charge, for the same
25 incident, any period served on suspension shall be credited
26 toward the minimum period of revocation of driving privileges
27 imposed pursuant to Section 6-206.

28 (Source: P.A. 90-779, eff. 1-1-99.)

29 (625 ILCS 5/6-206) (from Ch. 95 1/2, par. 6-206)

30 Sec. 6-206. Discretionary authority to suspend or revoke
31 license or permit; Right to a hearing.

32 (a) The Secretary of State is authorized to suspend or
33 revoke the driving privileges of any person without preliminary
34 hearing upon a showing of the person's records or other

1 sufficient evidence that the person:

2 1. Has committed an offense for which mandatory
3 revocation of a driver's license or permit is required upon
4 conviction;

5 2. Has been convicted of not less than 3 offenses
6 against traffic regulations governing the movement of
7 vehicles committed within any 12 month period. No
8 revocation or suspension shall be entered more than 6
9 months after the date of last conviction;

10 3. Has been repeatedly involved as a driver in motor
11 vehicle collisions or has been repeatedly convicted of
12 offenses against laws and ordinances regulating the
13 movement of traffic, to a degree that indicates lack of
14 ability to exercise ordinary and reasonable care in the
15 safe operation of a motor vehicle or disrespect for the
16 traffic laws and the safety of other persons upon the
17 highway;

18 4. Has by the unlawful operation of a motor vehicle
19 caused or contributed to an accident resulting in death or
20 injury requiring immediate professional treatment in a
21 medical facility or doctor's office to any person, except
22 that any suspension or revocation imposed by the Secretary
23 of State under the provisions of this subsection shall
24 start no later than 6 months after being convicted of
25 violating a law or ordinance regulating the movement of
26 traffic, which violation is related to the accident, or
27 shall start not more than one year after the date of the
28 accident, whichever date occurs later;

29 5. Has permitted an unlawful or fraudulent use of a
30 driver's license, identification card, or permit;

31 6. Has been lawfully convicted of an offense or
32 offenses in another state, including the authorization
33 contained in Section 6-203.1, which if committed within
34 this State would be grounds for suspension or revocation;

35 7. Has refused or failed to submit to an examination
36 provided for by Section 6-207 or has failed to pass the

1 examination;

2 8. Is ineligible for a driver's license or permit under
3 the provisions of Section 6-103;

4 9. Has made a false statement or knowingly concealed a
5 material fact or has used false information or
6 identification in any application for a license,
7 identification card, or permit;

8 10. Has possessed, displayed, or attempted to
9 fraudulently use any license, identification card, or
10 permit not issued to the person;

11 11. Has operated a motor vehicle upon a highway of this
12 State when the person's driving privilege or privilege to
13 obtain a driver's license or permit was revoked or
14 suspended unless the operation was authorized by a judicial
15 driving permit, probationary license to drive, or a
16 restricted driving permit issued under this Code;

17 12. Has submitted to any portion of the application
18 process for another person or has obtained the services of
19 another person to submit to any portion of the application
20 process for the purpose of obtaining a license,
21 identification card, or permit for some other person;

22 13. Has operated a motor vehicle upon a highway of this
23 State when the person's driver's license or permit was
24 invalid under the provisions of Sections 6-107.1 and 6-110;

25 14. Has committed a violation of Section 6-301,
26 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B
27 of the Illinois Identification Card Act;

28 15. Has been convicted of violating Section 21-2 of the
29 Criminal Code of 1961 relating to criminal trespass to
30 vehicles in which case, the suspension shall be for one
31 year;

32 16. Has been convicted of violating Section 11-204 of
33 this Code relating to fleeing from a peace officer;

34 17. Has refused to submit to a test, or tests, as
35 required under Section 11-501.1 or 11-501.9 of this Code
36 and the person has not sought a hearing as provided for in

1 Section 11-501.1;

2 18. Has, since issuance of a driver's license or
3 permit, been adjudged to be afflicted with or suffering
4 from any mental disability or disease;

5 19. Has committed a violation of paragraph (a) or (b)
6 of Section 6-101 relating to driving without a driver's
7 license;

8 20. Has been convicted of violating Section 6-104
9 relating to classification of driver's license;

10 21. Has been convicted of violating Section 11-402 of
11 this Code relating to leaving the scene of an accident
12 resulting in damage to a vehicle in excess of \$1,000, in
13 which case the suspension shall be for one year;

14 22. Has used a motor vehicle in violating paragraph
15 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
16 the Criminal Code of 1961 relating to unlawful use of
17 weapons, in which case the suspension shall be for one
18 year;

19 23. Has, as a driver, been convicted of committing a
20 violation of paragraph (a) of Section 11-502 of this Code
21 for a second or subsequent time within one year of a
22 similar violation;

23 24. Has been convicted by a court-martial or punished
24 by non-judicial punishment by military authorities of the
25 United States at a military installation in Illinois of or
26 for a traffic related offense that is the same as or
27 similar to an offense specified under Section 6-205 or
28 6-206 of this Code;

29 25. Has permitted any form of identification to be used
30 by another in the application process in order to obtain or
31 attempt to obtain a license, identification card, or
32 permit;

33 26. Has altered or attempted to alter a license or has
34 possessed an altered license, identification card, or
35 permit;

36 27. Has violated Section 6-16 of the Liquor Control Act

1 of 1934;

2 28. Has been convicted of the illegal possession, while
3 operating or in actual physical control, as a driver, of a
4 motor vehicle, of any controlled substance prohibited
5 under the Illinois Controlled Substances Act, any cannabis
6 prohibited under the Cannabis Control Act, or any
7 methamphetamine prohibited under the Methamphetamine
8 Control and Community Protection Act, in which case the
9 person's driving privileges shall be suspended for one
10 year, and any driver who is convicted of a second or
11 subsequent offense, within 5 years of a previous
12 conviction, for the illegal possession, while operating or
13 in actual physical control, as a driver, of a motor
14 vehicle, of any controlled substance prohibited under the
15 Illinois Controlled Substances Act, any cannabis
16 prohibited under the Cannabis Control Act, or any
17 methamphetamine prohibited under the Methamphetamine
18 Control and Community Protection Act shall be suspended for
19 5 years. Any defendant found guilty of this offense while
20 operating a motor vehicle, shall have an entry made in the
21 court record by the presiding judge that this offense did
22 occur while the defendant was operating a motor vehicle and
23 order the clerk of the court to report the violation to the
24 Secretary of State;

25 29. Has been convicted of the following offenses that
26 were committed while the person was operating or in actual
27 physical control, as a driver, of a motor vehicle: criminal
28 sexual assault, predatory criminal sexual assault of a
29 child, aggravated criminal sexual assault, criminal sexual
30 abuse, aggravated criminal sexual abuse, juvenile pimping,
31 soliciting for a juvenile prostitute and the manufacture,
32 sale or delivery of controlled substances or instruments
33 used for illegal drug use or abuse in which case the
34 driver's driving privileges shall be suspended for one
35 year;

36 30. Has been convicted a second or subsequent time for

1 any combination of the offenses named in paragraph 29 of
2 this subsection, in which case the person's driving
3 privileges shall be suspended for 5 years;

4 31. Has refused to submit to a test as required by
5 Section 11-501.6 or has submitted to a test resulting in an
6 alcohol concentration of 0.08 or more or any amount of a
7 drug, substance, or compound resulting from the unlawful
8 use or consumption of cannabis as listed in the Cannabis
9 Control Act, a controlled substance as listed in the
10 Illinois Controlled Substances Act, or an intoxicating
11 compound as listed in the Use of Intoxicating Compounds
12 Act, in which case the penalty shall be as prescribed in
13 Section 6-208.1;

14 32. Has been convicted of Section 24-1.2 of the
15 Criminal Code of 1961 relating to the aggravated discharge
16 of a firearm if the offender was located in a motor vehicle
17 at the time the firearm was discharged, in which case the
18 suspension shall be for 3 years;

19 33. Has as a driver, who was less than 21 years of age
20 on the date of the offense, been convicted a first time of
21 a violation of paragraph (a) of Section 11-502 of this Code
22 or a similar provision of a local ordinance;

23 34. Has committed a violation of Section 11-1301.5 of
24 this Code;

25 35. Has committed a violation of Section 11-1301.6 of
26 this Code;

27 36. Is under the age of 21 years at the time of arrest
28 and has been convicted of not less than 2 offenses against
29 traffic regulations governing the movement of vehicles
30 committed within any 24 month period. No revocation or
31 suspension shall be entered more than 6 months after the
32 date of last conviction;

33 37. Has committed a violation of subsection (c) of
34 Section 11-907 of this Code;

35 38. Has been convicted of a violation of Section 6-20
36 of the Liquor Control Act of 1934 or a similar provision of

1 a local ordinance;

2 39. Has committed a second or subsequent violation of
3 Section 11-1201 of this Code;

4 40. Has committed a violation of subsection (a-1) of
5 Section 11-908 of this Code;

6 41. Has committed a second or subsequent violation of
7 Section 11-605.1 of this Code within 2 years of the date of
8 the previous violation, in which case the suspension shall
9 be for 90 days; or

10 42. Has committed a violation of subsection (a-1) of
11 Section 11-1301.3 of this Code.

12 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,
13 and 27 of this subsection, license means any driver's license,
14 any traffic ticket issued when the person's driver's license is
15 deposited in lieu of bail, a suspension notice issued by the
16 Secretary of State, a duplicate or corrected driver's license,
17 a probationary driver's license or a temporary driver's
18 license.

19 (b) If any conviction forming the basis of a suspension or
20 revocation authorized under this Section is appealed, the
21 Secretary of State may rescind or withhold the entry of the
22 order of suspension or revocation, as the case may be, provided
23 that a certified copy of a stay order of a court is filed with
24 the Secretary of State. If the conviction is affirmed on
25 appeal, the date of the conviction shall relate back to the
26 time the original judgment of conviction was entered and the 6
27 month limitation prescribed shall not apply.

28 (c) 1. Upon suspending or revoking the driver's license or
29 permit of any person as authorized in this Section, the
30 Secretary of State shall immediately notify the person in
31 writing of the revocation or suspension. The notice to be
32 deposited in the United States mail, postage prepaid, to
33 the last known address of the person.

34 2. If the Secretary of State suspends the driver's
35 license of a person under subsection 2 of paragraph (a) of
36 this Section, a person's privilege to operate a vehicle as

1 an occupation shall not be suspended, provided an affidavit
2 is properly completed, the appropriate fee received, and a
3 permit issued prior to the effective date of the
4 suspension, unless 5 offenses were committed, at least 2 of
5 which occurred while operating a commercial vehicle in
6 connection with the driver's regular occupation. All other
7 driving privileges shall be suspended by the Secretary of
8 State. Any driver prior to operating a vehicle for
9 occupational purposes only must submit the affidavit on
10 forms to be provided by the Secretary of State setting
11 forth the facts of the person's occupation. The affidavit
12 shall also state the number of offenses committed while
13 operating a vehicle in connection with the driver's regular
14 occupation. The affidavit shall be accompanied by the
15 driver's license. Upon receipt of a properly completed
16 affidavit, the Secretary of State shall issue the driver a
17 permit to operate a vehicle in connection with the driver's
18 regular occupation only. Unless the permit is issued by the
19 Secretary of State prior to the date of suspension, the
20 privilege to drive any motor vehicle shall be suspended as
21 set forth in the notice that was mailed under this Section.
22 If an affidavit is received subsequent to the effective
23 date of this suspension, a permit may be issued for the
24 remainder of the suspension period.

25 The provisions of this subparagraph shall not apply to
26 any driver required to possess a CDL for the purpose of
27 operating a commercial motor vehicle.

28 Any person who falsely states any fact in the affidavit
29 required herein shall be guilty of perjury under Section
30 6-302 and upon conviction thereof shall have all driving
31 privileges revoked without further rights.

32 3. At the conclusion of a hearing under Section 2-118
33 of this Code, the Secretary of State shall either rescind
34 or continue an order of revocation or shall substitute an
35 order of suspension; or, good cause appearing therefor,
36 rescind, continue, change, or extend the order of

1 suspension. If the Secretary of State does not rescind the
2 order, the Secretary may upon application, to relieve undue
3 hardship, issue a restricted driving permit granting the
4 privilege of driving a motor vehicle between the
5 petitioner's residence and petitioner's place of
6 employment or within the scope of his employment related
7 duties, or to allow transportation for the petitioner, or a
8 household member of the petitioner's family, to receive
9 necessary medical care and if the professional evaluation
10 indicates, provide transportation for alcohol remedial or
11 rehabilitative activity, or for the petitioner to attend
12 classes, as a student, in an accredited educational
13 institution; if the petitioner is able to demonstrate that
14 no alternative means of transportation is reasonably
15 available and the petitioner will not endanger the public
16 safety or welfare.

17 If a person's license or permit has been revoked or
18 suspended due to 2 or more convictions of violating Section
19 11-501 of this Code or a similar provision of a local
20 ordinance or a similar out-of-state offense, arising out of
21 separate occurrences, that person, if issued a restricted
22 driving permit, may not operate a vehicle unless it has
23 been equipped with an ignition interlock device as defined
24 in Section 1-129.1.

25 If a person's license or permit has been revoked or
26 suspended 2 or more times within a 10 year period due to a
27 single conviction of violating Section 11-501 of this Code
28 or a similar provision of a local ordinance or a similar
29 out-of-state offense, and a statutory summary suspension
30 under Section 11-501.1, or 2 or more statutory summary
31 suspensions, or combination of 2 offenses, or of an offense
32 and a statutory summary suspension, arising out of separate
33 occurrences, that person, if issued a restricted driving
34 permit, may not operate a vehicle unless it has been
35 equipped with an ignition interlock device as defined in
36 Section 1-129.1. The person must pay to the Secretary of

1 State DUI Administration Fund an amount not to exceed \$20
2 per month. The Secretary shall establish by rule the amount
3 and the procedures, terms, and conditions relating to these
4 fees. If the restricted driving permit was issued for
5 employment purposes, then this provision does not apply to
6 the operation of an occupational vehicle owned or leased by
7 that person's employer. In each case the Secretary may
8 issue a restricted driving permit for a period deemed
9 appropriate, except that all permits shall expire within
10 one year from the date of issuance. The Secretary may not,
11 however, issue a restricted driving permit to any person
12 whose current revocation is the result of a second or
13 subsequent conviction for a violation of Section 11-501 of
14 this Code or a similar provision of a local ordinance
15 relating to the offense of operating or being in physical
16 control of a motor vehicle while under the influence of
17 alcohol, other drug or drugs, intoxicating compound or
18 compounds, or any similar out-of-state offense, or any
19 combination of those offenses, until the expiration of at
20 least one year from the date of the revocation. A
21 restricted driving permit issued under this Section shall
22 be subject to cancellation, revocation, and suspension by
23 the Secretary of State in like manner and for like cause as
24 a driver's license issued under this Code may be cancelled,
25 revoked, or suspended; except that a conviction upon one or
26 more offenses against laws or ordinances regulating the
27 movement of traffic shall be deemed sufficient cause for
28 the revocation, suspension, or cancellation of a
29 restricted driving permit. The Secretary of State may, as a
30 condition to the issuance of a restricted driving permit,
31 require the applicant to participate in a designated driver
32 remedial or rehabilitative program. The Secretary of State
33 is authorized to cancel a restricted driving permit if the
34 permit holder does not successfully complete the program.

35 (c-5) The Secretary of State may, as a condition of the
36 reissuance of a driver's license or permit to an applicant

1 whose driver's license or permit has been suspended before he
2 or she reached the age of 18 years pursuant to any of the
3 provisions of this Section, require the applicant to
4 participate in a driver remedial education course and be
5 retested under Section 6-109 of this Code.

6 (d) This Section is subject to the provisions of the
7 Drivers License Compact.

8 (e) The Secretary of State shall not issue a restricted
9 driving permit to a person under the age of 16 years whose
10 driving privileges have been suspended or revoked under any
11 provisions of this Code.

12 (f) In accordance with 49 C.F.R. 384, the Secretary of
13 State may not issue a restricted driving permit for the
14 operation of a commercial motor vehicle to a person holding a
15 CDL whose driving privileges have been suspended or revoked
16 under any provisions of this Code.

17 (Source: P.A. 93-120, eff. 1-1-04; 93-667, eff. 3-19-04;
18 93-788, eff. 1-1-05; 93-955, eff. 8-19-04; 94-307, eff.
19 9-30-05; 94-556, eff. 9-11-05; 94-930, eff. 6-26-06.)

20 (625 ILCS 5/6-206.1) (from Ch. 95 1/2, par. 6-206.1)

21 Sec. 6-206.1. Judicial Driving Permit. Declaration of
22 Policy. It is hereby declared a policy of the State of Illinois
23 that the driver who is impaired by alcohol, other drug or
24 drugs, or intoxicating compound or compounds is a threat to the
25 public safety and welfare. Therefore, to provide a deterrent to
26 such practice and to remove problem drivers from the highway, a
27 statutory summary driver's license suspension is appropriate.
28 It is also recognized that driving is a privilege and
29 therefore, that in some cases the granting of limited driving
30 privileges, where consistent with public safety, is warranted
31 during the period of suspension in the form of a judicial
32 driving permit to drive for the purpose of employment,
33 receiving drug treatment or medical care, and educational
34 pursuits, where no alternative means of transportation is
35 available.

1 The following procedures shall apply whenever a first
2 offender is arrested for any offense as defined in Section
3 11-501 or a similar provision of a local ordinance:

4 (a) Subsequent to a notification of a statutory summary
5 suspension of driving privileges as provided in Section
6 11-501.1, the first offender as defined in Section 11-500 may
7 petition the circuit court of venue for a Judicial Driving
8 Permit, hereinafter referred as a JDP, to relieve undue
9 hardship. The court may issue a court order, pursuant to the
10 criteria contained in this Section, directing the Secretary of
11 State to issue such a JDP to the petitioner. Except as provided
12 in subsection (f-1) of Section 6-208.1, a JDP shall not become
13 effective prior to the 31st day of the original statutory
14 summary suspension. A JDP ~~and~~ shall always be subject to the
15 following criteria:

16 1. If ordered for the purposes of employment, the JDP
17 shall be only for the purpose of providing the petitioner
18 the privilege of driving a motor vehicle between the
19 petitioner's residence and the petitioner's place of
20 employment and return; or within the scope of the
21 petitioner's employment related duties, shall be effective
22 only during and limited to those specific times and routes
23 actually required to commute or perform the petitioner's
24 employment related duties.

25 2. The court, by a court order, may also direct the
26 Secretary of State to issue a JDP to allow transportation
27 for the petitioner, or a household member of the
28 petitioner's family, to receive alcohol, drug, or
29 intoxicating compound treatment or medical care, if the
30 petitioner is able to demonstrate that no alternative means
31 of transportation is reasonably available. Such JDP shall
32 be effective only during the specific times actually
33 required to commute.

34 3. The court, by a court order, may also direct the
35 Secretary of State to issue a JDP to allow transportation
36 by the petitioner for educational purposes upon

1 demonstrating that there are no alternative means of
2 transportation reasonably available to accomplish those
3 educational purposes. Such JDP shall be only for the
4 purpose of providing transportation to and from the
5 petitioner's residence and the petitioner's place of
6 educational activity, and only during the specific times
7 and routes actually required to commute or perform the
8 petitioner's educational requirement.

9 4. The Court shall not issue an order granting a JDP
10 to:

11 (i) Any person unless and until the court, after
12 considering the results of a current professional
13 evaluation of the person's alcohol or other drug use by
14 an agency pursuant to Section 15-10 of the Alcoholism
15 and Other Drug Abuse and Dependency Act and other
16 appropriate investigation of the person, is satisfied
17 that granting the privilege of driving a motor vehicle
18 on the highways will not endanger the public safety or
19 welfare.

20 (ii) Any person who has been convicted of reckless
21 homicide within the previous 5 years.

22 (iii) Any person whose privilege to operate a motor
23 vehicle was invalid at the time of arrest for the
24 current violation of Section 11-501, or a similar
25 provision of a local ordinance, except in cases where
26 the cause for a driver's license suspension has been
27 removed at the time a JDP is effective. In any case,
28 should the Secretary of State enter a suspension or
29 revocation of driving privileges pursuant to the
30 provisions of this Code while the JDP is in effect or
31 pending, the Secretary shall take the prescribed
32 action and provide a notice to the person and the court
33 ordering the issuance of the JDP that all driving
34 privileges, including those provided by the issuance
35 of the JDP, have been withdrawn.

36 (iv) Any person under the age of 18 years.

1 (v) Any person for the operation of a commercial
2 motor vehicle if the person's driving privileges have
3 been suspended under any provision of this Code in
4 accordance with 49 C.F.R. Part 384.

5 (b) Prior to ordering the issuance of a JDP the Court
6 should consider at least, but not be limited to, the following
7 issues:

8 1. Whether the person is employed and no other means of
9 commuting to the place of employment is available or that
10 the person must drive as a condition of employment. The
11 employer shall certify the hours of employment and the need
12 and parameters necessary for driving as a condition to
13 employment.

14 2. Whether the person must drive to secure alcohol or
15 other medical treatment for himself or a family member.

16 3. Whether the person must drive for educational
17 purposes. The educational institution shall certify the
18 person's enrollment in and academic schedule at the
19 institution.

20 4. Whether the person has been repeatedly convicted of
21 traffic violations or involved in motor vehicle accidents
22 to a degree which indicates disrespect for public safety.

23 5. Whether the person has been convicted of a traffic
24 violation in connection with a traffic accident resulting
25 in the death of any person within the last 5 years.

26 6. Whether the person is likely to obey the limited
27 provisions of the JDP.

28 7. Whether the person has any additional traffic
29 violations pending in any court.

30 For purposes of this Section, programs conducting
31 professional evaluations of a person's alcohol, other drug, or
32 intoxicating compound use must report, to the court of venue,
33 using a form prescribed by the Secretary of State. A copy of
34 such evaluations shall be sent to the Secretary of State by the
35 court. However, the evaluation information shall be privileged
36 and only available to courts and to the Secretary of State, but

1 shall not be admissible in the subsequent trial on the
2 underlying charge.

3 (c) The scope of any court order issued for a JDP under
4 this Section shall be limited to the operation of a motor
5 vehicle as provided for in subsection (a) of this Section and
6 shall specify the petitioner's residence, place of employment
7 or location of educational institution, and the scope of job
8 related duties, if relevant. The JDP shall also specify days of
9 the week and specific hours of the day when the petitioner is
10 able to exercise the limited privilege of operating a motor
11 vehicle.

12 (c-1) If the petitioner is issued a citation for a
13 violation of Section 6-303 during the period of a statutory
14 summary suspension entered under Section 11-501.1 of this Code,
15 or if the petitioner is charged with a violation of Section
16 11-501 or a similar provision of a local ordinance or a similar
17 out of state offense which occurs after the current violation
18 of Section 11-501 or a similar provision of a local ordinance,
19 the court may not grant the petitioner a JDP unless the
20 petitioner is acquitted or the citation or complaint is
21 otherwise dismissed.

22 If the petitioner is issued a citation for a violation of
23 Section 6-303 or a violation of Section 11-501 or a similar
24 provision of a local ordinance or a similar out of state
25 offense during the term of the JDP, the officer issuing the
26 citation, or the law enforcement agency employing that officer,
27 shall confiscate the JDP and immediately send the JDP and
28 notice of the citation to the court that ordered the issuance
29 of the JDP. Within 10 days of receipt, the issuing court, upon
30 notice to the petitioner, shall conduct a hearing to consider
31 cancellation of the JDP. If the court enters an order of
32 cancellation, the court shall forward the order to the
33 Secretary of State, and the Secretary shall cancel the JDP and
34 notify the petitioner of the cancellation. If, however, the
35 petitioner is convicted of the offense before the JDP has been
36 cancelled, the court of venue shall send notice of conviction

1 to the court that ordered issuance of the JDP. The court
2 receiving the notice shall immediately enter an order of
3 cancellation and forward the order to the Secretary of State.
4 The Secretary shall cancel the JDP and notify the petitioner of
5 the cancellation.

6 If the petitioner is issued a citation for any other
7 traffic related offense during the term of the JDP, the officer
8 issuing the citation, or the law enforcement agency employing
9 that officer, shall send notice of the citation to the court
10 that ordered issuance of the JDP. Upon receipt and notice to
11 the petitioner and an opportunity for a hearing, the court
12 shall determine whether the violation constitutes grounds for
13 cancellation of the JDP. If the court enters an order of
14 cancellation, the court shall forward the order to the
15 Secretary of State, and the Secretary shall cancel the JDP and
16 shall notify the petitioner of the cancellation.

17 (d) The Secretary of State shall, upon receiving a court
18 order from the court of venue, issue a JDP to a successful
19 Petitioner under this Section. Such court order form shall also
20 contain a notification, which shall be sent to the Secretary of
21 State, providing the name, driver's license number and legal
22 address of the successful petitioner, and the full and detailed
23 description of the limitations of the JDP. This information
24 shall be available only to the courts, police officers, and the
25 Secretary of State, except during the actual period the JDP is
26 valid, during which time it shall be a public record. The
27 Secretary of State shall design and furnish to the courts an
28 official court order form to be used by the courts when
29 directing the Secretary of State to issue a JDP.

30 Any submitted court order that contains insufficient data
31 or fails to comply with this Code shall not be utilized for JDP
32 issuance or entered to the driver record but shall be returned
33 to the issuing court indicating why the JDP cannot be so
34 entered. A notice of this action shall also be sent to the JDP
35 petitioner by the Secretary of State.

36 (e) The circuit court of venue may conduct the judicial

1 hearing, as provided in Section 2-118.1, and the JDP hearing
2 provided in this Section, concurrently. Such concurrent
3 hearing shall proceed in the court in the same manner as in
4 other civil proceedings.

5 (f) The circuit court of venue may, as a condition of the
6 issuance of a JDP, prohibit the person from operating a motor
7 vehicle not equipped with an ignition interlock device.

8 (Source: P.A. 94-307, eff. 9-30-05; 94-357, eff. 1-1-06;
9 94-930, eff. 6-26-06.)

10 (625 ILCS 5/6-208.1) (from Ch. 95 1/2, par. 6-208.1)

11 Sec. 6-208.1. Period of statutory summary alcohol, other
12 drug, or intoxicating compound related suspension.

13 (a) Unless the statutory summary suspension has been
14 rescinded, any person whose privilege to drive a motor vehicle
15 on the public highways has been summarily suspended, pursuant
16 to Section 11-501.1 or 11-501.9, shall not be eligible for
17 restoration of the privilege until the expiration of:

18 1. Six months from the effective date of the statutory
19 summary suspension for a refusal or failure to complete a
20 test or tests to determine the alcohol, drug, or
21 intoxicating compound concentration, pursuant to Section
22 11-501.1~~+~~ or for a refusal or failure to complete a field
23 sobriety test or tests pursuant to Section 11-501.9; or

24 2. Three months from the effective date of the
25 statutory summary suspension imposed following the
26 person's submission to a chemical test which disclosed an
27 alcohol concentration of 0.08 or more, or any amount of a
28 drug, substance, or intoxicating compound in such person's
29 breath, blood, or urine resulting from the unlawful use or
30 consumption of cannabis listed in the Cannabis Control Act,
31 a controlled substance listed in the Illinois Controlled
32 Substances Act, or an intoxicating compound listed in the
33 Use of Intoxicating Compounds Act, pursuant to Section
34 11-501.1; or

35 3. Three years from the effective date of the statutory

1 summary suspension for any person other than a first
2 offender who refuses or fails to complete a test or tests
3 to determine the alcohol, drug, or intoxicating compound
4 concentration pursuant to Section 11-501.1; or

5 3.1. Two years from the effective date of the statutory
6 summary suspension for any person other than a first
7 offender who refuses or fails to complete a field sobriety
8 test or tests pursuant to Section 11-501.9; or

9 4. One year from the effective date of the summary
10 suspension imposed for any person other than a first
11 offender following submission to a chemical test which
12 disclosed an alcohol concentration of 0.08 or more pursuant
13 to Section 11-501.1 or any amount of a drug, substance or
14 compound in such person's blood or urine resulting from the
15 unlawful use or consumption of cannabis listed in the
16 Cannabis Control Act, a controlled substance listed in the
17 Illinois Controlled Substances Act, or an intoxicating
18 compound listed in the Use of Intoxicating Compounds Act.

19 (b) Following a statutory summary suspension of the
20 privilege to drive a motor vehicle under Section 11-501.1 or
21 11-501.9, full driving privileges shall be restored unless the
22 person is otherwise disqualified by this Code. If the court has
23 reason to believe that the person's driving privilege should
24 not be restored, the court shall notify the Secretary of State
25 prior to the expiration of the statutory summary suspension so
26 appropriate action may be taken pursuant to this Code.

27 (c) Full driving privileges may not be restored until all
28 applicable reinstatement fees, as provided by this Code, have
29 been paid to the Secretary of State and the appropriate entry
30 made to the driver's record.

31 (d) Where a driving privilege has been summarily suspended
32 under Section 11-501.1 or 11-501.9 and the person is
33 subsequently convicted of violating Section 11-501, or a
34 similar provision of a local ordinance, for the same incident,
35 any period served on statutory summary suspension shall be
36 credited toward the minimum period of revocation of driving

1 privileges imposed pursuant to Section 6-205.

2 (e) Following a statutory summary suspension of driving
3 privileges pursuant to Section 11-501.1, for a first offender,
4 the circuit court may, after at least 30 days from the
5 effective date of the statutory summary suspension or as
6 provided in subsection (e-1), issue a judicial driving permit
7 as provided in Section 6-206.1.

8 (e-1) Following a statutory summary suspension of driving
9 privileges under Section 11-501.1 for a first offender, if that
10 person also (i) has never received a disposition of supervision
11 for any offense as defined in Section 11-501 or a similar
12 provision of a local ordinance and (ii) submitted to field
13 sobriety tests under Section 11-501.9 before the statutory
14 summary suspension was imposed under Section 11-501.1, the
15 circuit court may, at any time after the statutory summary
16 suspension has been imposed, issue a judicial driving permit
17 under Section 6-206.1.

18 (f) Subsequent to an arrest of a first offender, for any
19 offense as defined in Section 11-501 or a similar provision of
20 a local ordinance, following a statutory summary suspension of
21 driving privileges pursuant to Section 11-501.1, for a first
22 offender, the circuit court may issue a court order directing
23 the Secretary of State to issue a judicial driving permit as
24 provided in Section 6-206.1. Except as provided in subsection
25 (e-1), however, this JDP shall not be effective prior to the
26 31st day of the statutory summary suspension.

27 (f-1) Following a statutory summary suspension of driving
28 privileges pursuant to Section 11-501.9, for a first offender,
29 the Secretary of State may, after at least 30 days from the
30 effective date of the statutory summary suspension, issue a
31 restricted driving permit as provided in subsection (g) of
32 Section 11-501.9.

33 (g) Following a statutory summary suspension of driving
34 privileges pursuant to Section 11-501.1 where the person was
35 not a first offender, as defined in Section 11-500, or refuses
36 or fails to complete a field sobriety test or tests the

1 Secretary of State may not issue a restricted driving permit.

2 (h) (Blank).

3 (i) When a person has refused to submit to or failed to
4 complete a chemical test or tests of blood, breath, or urine
5 pursuant to Section 11-501.1 or to a field sobriety test or
6 tests pursuant to Section 11-501.9, the person's driving
7 privileges shall be statutorily suspended under the provisions
8 of both Sections, but the periods of statutory suspension shall
9 run concurrently.

10 (Source: P.A. 91-357, eff. 7-29-99; 92-248, eff. 8-3-01.)

11 (625 ILCS 5/6-303) (from Ch. 95 1/2, par. 6-303)

12 Sec. 6-303. Driving while driver's license, permit or
13 privilege to operate a motor vehicle is suspended or revoked.

14 (a) Any person who drives or is in actual physical control
15 of a motor vehicle on any highway of this State at a time when
16 such person's driver's license, permit or privilege to do so or
17 the privilege to obtain a driver's license or permit is revoked
18 or suspended as provided by this Code or the law of another
19 state, except as may be specifically allowed by and subject to
20 the conditions of a judicial driving permit, family financial
21 responsibility driving permit, probationary license to drive,
22 or a restricted driving permit issued pursuant to this Code or
23 under the law of another state, shall be guilty of a Class A
24 misdemeanor.

25 (b) The Secretary of State upon receiving a report of the
26 conviction of any violation indicating a person was operating a
27 motor vehicle during the time when said person's driver's
28 license, permit or privilege was suspended by the Secretary, by
29 the appropriate authority of another state, or pursuant to
30 Section 11-501.1 or 11-501.9, except as may be specifically
31 allowed by a probationary license to drive, judicial driving
32 permit or restricted driving permit issued pursuant to this
33 Code or the law of another state; shall extend the suspension
34 for the same period of time as the originally imposed
35 suspension; however, if the period of suspension has then

1 expired, the Secretary shall be authorized to suspend said
2 person's driving privileges for the same period of time as the
3 originally imposed suspension; and if the conviction was upon a
4 charge which indicated that a vehicle was operated during the
5 time when the person's driver's license, permit or privilege
6 was revoked; except as may be allowed by a restricted driving
7 permit issued pursuant to this Code or the law of another
8 state; the Secretary shall not issue a driver's license for an
9 additional period of one year from the date of such conviction
10 indicating such person was operating a vehicle during such
11 period of revocation.

12 (c) Any person convicted of violating this Section shall
13 serve a minimum term of imprisonment of 10 consecutive days or
14 30 days of community service when the person's driving
15 privilege was revoked or suspended as a result of:

16 (1) a violation of Section 11-501 of this Code or a
17 similar provision of a local ordinance relating to the
18 offense of operating or being in physical control of a
19 vehicle while under the influence of alcohol, any other
20 drug or any combination thereof; or

21 (2) a violation of paragraph (b) of Section 11-401 of
22 this Code or a similar provision of a local ordinance
23 relating to the offense of leaving the scene of a motor
24 vehicle accident involving personal injury or death; or

25 (3) a violation of Section 9-3 of the Criminal Code of
26 1961, as amended, relating to the offense of reckless
27 homicide; or

28 (4) a statutory summary suspension under Section
29 11-501.1 or 11-501.9 of this Code.

30 Such sentence of imprisonment or community service shall
31 not be subject to suspension in order to reduce such sentence.

32 (c-1) Except as provided in subsection (d), any person
33 convicted of a second violation of this Section shall be
34 ordered by the court to serve a minimum of 100 hours of
35 community service.

36 (c-2) In addition to other penalties imposed under this

1 Section, the court may impose on any person convicted a fourth
2 time of violating this Section any of the following:

3 (1) Seizure of the license plates of the person's
4 vehicle.

5 (2) Immobilization of the person's vehicle for a period
6 of time to be determined by the court.

7 (d) Any person convicted of a second violation of this
8 Section shall be guilty of a Class 4 felony and shall serve a
9 minimum term of imprisonment of 30 days or 300 hours of
10 community service, as determined by the court, if the
11 revocation or suspension was for a violation of Section 11-401
12 or 11-501 of this Code, or a similar out-of-state offense, or a
13 similar provision of a local ordinance, a violation of Section
14 9-3 of the Criminal Code of 1961, relating to the offense of
15 reckless homicide, or a similar out-of-state offense, or a
16 statutory summary suspension under Section 11-501.1 or
17 11-501.9 of this Code.

18 (d-1) Except as provided in subsection (d-2) and subsection
19 (d-3), any person convicted of a third or subsequent violation
20 of this Section shall serve a minimum term of imprisonment of
21 30 days or 300 hours of community service, as determined by the
22 court.

23 (d-2) Any person convicted of a third violation of this
24 Section is guilty of a Class 4 felony and must serve a minimum
25 term of imprisonment of 30 days if the revocation or suspension
26 was for a violation of Section 11-401 or 11-501 of this Code,
27 or a similar out-of-state offense, or a similar provision of a
28 local ordinance, a violation of Section 9-3 of the Criminal
29 Code of 1961, relating to the offense of reckless homicide, or
30 a similar out-of-state offense, or a statutory summary
31 suspension under Section 11-501.1 of this Code.

32 (d-3) Any person convicted of a fourth, fifth, sixth,
33 seventh, eighth, or ninth violation of this Section is guilty
34 of a Class 4 felony and must serve a minimum term of
35 imprisonment of 180 days if the revocation or suspension was
36 for a violation of Section 11-401 or 11-501 of this Code, or a

1 similar out-of-state offense, or a similar provision of a local
2 ordinance, a violation of Section 9-3 of the Criminal Code of
3 1961, relating to the offense of reckless homicide, or a
4 similar out-of-state offense, or a statutory summary
5 suspension under Section 11-501.1 of this Code.

6 (d-4) Any person convicted of a tenth, eleventh, twelfth,
7 thirteenth, or fourteenth violation of this Section is guilty
8 of a Class 3 felony, and is not eligible for probation or
9 conditional discharge, if the revocation or suspension was for
10 a violation of Section 11-401 or 11-501 of this Code, or a
11 similar out-of-state offense, or a similar provision of a local
12 ordinance, a violation of Section 9-3 of the Criminal Code of
13 1961, relating to the offense of reckless homicide, or a
14 similar out-of-state offense, or a statutory summary
15 suspension under Section 11-501.1 of this Code.

16 (d-5) Any person convicted of a fifteenth or subsequent
17 violation of this Section is guilty of a Class 2 felony, and is
18 not eligible for probation or conditional discharge, if the
19 revocation or suspension was for a violation of Section 11-401
20 or 11-501 of this Code, or a similar out-of-state offense, or a
21 similar provision of a local ordinance, a violation of Section
22 9-3 of the Criminal Code of 1961, relating to the offense of
23 reckless homicide, or a similar out-of-state offense, or a
24 statutory summary suspension under Section 11-501.1 of this
25 Code.

26 (e) Any person in violation of this Section who is also in
27 violation of Section 7-601 of this Code relating to mandatory
28 insurance requirements, in addition to other penalties imposed
29 under this Section, shall have his or her motor vehicle
30 immediately impounded by the arresting law enforcement
31 officer. The motor vehicle may be released to any licensed
32 driver upon a showing of proof of insurance for the vehicle
33 that was impounded and the notarized written consent for the
34 release by the vehicle owner.

35 (f) For any prosecution under this Section, a certified
36 copy of the driving abstract of the defendant shall be admitted

1 as proof of any prior conviction.

2 (g) The motor vehicle used in a violation of this Section
3 is subject to seizure and forfeiture as provided in Sections
4 36-1 and 36-2 of the Criminal Code of 1961 if the person's
5 driving privilege was revoked or suspended as a result of a
6 violation listed in paragraph (1), (2), or (3) of subsection
7 (c) of this Section or as a result of a summary suspension as
8 provided in paragraph (4) of subsection (c) of this Section.

9 (Source: P.A. 94-112, eff. 1-1-06.)

10 (625 ILCS 5/11-500) (from Ch. 95 1/2, par. 11-500)

11 Sec. 11-500. Definitions. For the purposes of interpreting
12 Sections 6-206.1 and 6-208.1 of this Code, "first offender"
13 shall mean: (i) any person who has not had a previous
14 conviction or court assigned supervision for violating Section
15 11-501, or a similar provision of a local ordinance, or a
16 conviction in any other state for a violation of driving while
17 under the influence or a similar offense where the cause of
18 action is the same or substantially similar to this Code, or
19 (ii) any person who has not had a driver's license suspension
20 for violating Section 11-501.1 or 11-501.9 within 5 years prior
21 to the date of the current offense or failure to submit to or
22 complete a chemical test or tests of blood, breath, or urine
23 pursuant to Section 11-501.1 or a field sobriety test or tests
24 pursuant to Section 11-501.9, except in cases where the driver
25 submitted to chemical testing resulting in an alcohol
26 concentration of 0.08 or more, or any amount of a drug,
27 substance, or compound in such person's blood or urine
28 resulting from the unlawful use or consumption of cannabis
29 listed in the Cannabis Control Act, a controlled substance
30 listed in the Illinois Controlled Substances Act, or an
31 intoxicating compound listed in the Use of Intoxicating
32 Compounds Act and was subsequently found not guilty of
33 violating Section 11-501, or a similar provision of a local
34 ordinance.

35 (Source: P.A. 90-43, eff. 7-2-97; 90-779, eff. 1-1-99.)

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

2 (Text of Section from P.A. 93-1093 and 94-963)

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

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

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

11 (2) under the influence of alcohol;

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

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

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

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

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

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

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

34 (a) or a similar provision includes any violation of a
35 provision of a local ordinance or a provision of a law of

1 another state that is similar to a violation of subsection
2 (a) of this Section.

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

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

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

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

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

27 (c) (Blank).

28 (c-1) (1) A person who violates subsection (a) during a
29 period in which his or her driving privileges are revoked
30 or suspended, where the revocation or suspension was for a
31 violation of subsection (a) or a similar provision of a
32 local ordinance, a failure to submit to a chemical test or
33 tests of blood, breath, or urine pursuant to Section
34 11-501.1, or a failure to submit to a field sobriety test
35 or tests pursuant to Section 11-501.9 of this Code, a
36 violation of paragraph (b) of Section 11-401, or for

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

3 (2) A person who violates subsection (a) a third time,
4 if the third violation occurs during a period in which his
5 or her driving privileges are revoked or suspended where
6 the revocation or suspension was for a violation of
7 subsection (a) or a similar provision of a local ordinance,
8 a failure to submit to a chemical test or tests of blood,
9 breath, or urine pursuant to Section 11-501.1, or a
10 failure to submit to a field sobriety test or tests
11 pursuant to Section 11-501.9 of this Code, a violation of
12 paragraph (b) of Section 11-401, or for reckless homicide
13 as defined in Section 9-3 of the Criminal Code of 1961, is
14 guilty of a Class 3 felony; and if the person receives a
15 term of probation or conditional discharge, he or she shall
16 be required to serve a mandatory minimum of 10 days of
17 imprisonment or shall be assigned a mandatory minimum of
18 480 hours of community service, as may be determined by the
19 court, as a condition of the probation or conditional
20 discharge. This mandatory minimum term of imprisonment or
21 assignment of community service shall not be suspended or
22 reduced by the court.

23 (2.2) A person who violates subsection (a), if the
24 violation occurs during a period in which his or her
25 driving privileges are revoked or suspended where the
26 revocation or suspension was for a violation of subsection
27 (a) or a similar provision of a local ordinance, a failure
28 to submit to a chemical test or tests of blood, breath, or
29 urine pursuant to ~~or~~ Section 11-501.1, or a failure to
30 submit to a field sobriety test or tests pursuant to
31 Section 11-501.9 of this Code shall also be sentenced to an
32 additional mandatory minimum term of 30 consecutive days of
33 imprisonment, 40 days of 24-hour periodic imprisonment, or
34 720 hours of community service, as may be determined by the
35 court. This mandatory term of imprisonment or assignment of
36 community service shall not be suspended or reduced by the

1 court.

2 (3) A person who violates subsection (a) a fourth or
3 subsequent time, if the fourth or subsequent violation
4 occurs during a period in which his or her driving
5 privileges are revoked or suspended where the revocation or
6 suspension was for a violation of subsection (a) or a
7 similar provision of a local ordinance, a failure to submit
8 to a chemical test or tests of blood, breath, or urine
9 pursuant to, Section 11-501.1, or a failure to submit to a
10 field sobriety test or tests pursuant to Section 11-501.9
11 of this Code, a violation of, paragraph (b) of Section
12 11-401, or for reckless homicide as defined in Section 9-3
13 of the Criminal Code of 1961, is guilty of a Class 2 felony
14 and is not eligible for a sentence of probation or
15 conditional discharge.

16 (c-2) (Blank).

17 (c-3) (Blank).

18 (c-4) (Blank).

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

29 (2) Except as provided in subdivisions (c-5)(3) and
30 (c-5)(4) a person who violates subsection (a) a second
31 time, if at the time of the second violation the person was
32 transporting a person under the age of 16, is subject to an
33 additional 10 days of imprisonment, an additional
34 mandatory minimum fine of \$1,000, and an additional
35 mandatory minimum 140 hours of community service, which
36 shall include 40 hours of community service in a program

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

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

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

27 (5) Any person convicted a third time for violating
28 subsection (a) or a similar provision, if at the time of
29 the third violation the person was transporting a person
30 under the age of 16, is guilty of a Class 4 felony and
31 shall receive, in addition to any other penalty imposed, an
32 additional mandatory fine of \$1,000, an additional
33 mandatory 140 hours of community service, which shall
34 include 40 hours in a program benefiting children, and a
35 mandatory minimum 30 days of imprisonment. The
36 imprisonment or assignment of community service under this

1 subdivision (c-5)(5) is not subject to suspension, nor is
2 the person eligible for a reduced sentence.

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

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

27 (c-6)(1) Any person convicted of a first violation of
28 subsection (a) or a similar provision, if the alcohol
29 concentration in his or her blood, breath, or urine was
30 0.16 or more based on the definition of blood, breath, or
31 urine units in Section 11-501.2, shall be subject, in
32 addition to any other penalty that may be imposed, to a
33 mandatory minimum of 100 hours of community service and a
34 mandatory minimum fine of \$500.

35 (2) Any person convicted of a second violation of
36 subsection (a) or a similar provision committed within 10

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

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

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

36 (d) (1) Every person convicted of committing a violation of

1 this Section shall be guilty of aggravated driving under
2 the influence of alcohol, other drug or drugs, or
3 intoxicating compound or compounds, or any combination
4 thereof if:

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

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

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

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

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

35 (F) the person, in committing a violation of
36 subsection (a), was involved in a motor vehicle,

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

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

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

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

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

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

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

28 (h) (Blank).

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

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

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

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

1 treatment licensure standards.

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

19 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;
20 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;
21 93-840, eff. 7-30-04; 93-1093, eff. 3-29-05; 94-963, eff.
22 6-28-06.)

23 (Text of Section from P.A. 94-110 and 94-963)

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

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

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

32 (2) under the influence of alcohol;

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

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

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

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

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

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

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

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

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

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

1 community service as may be determined by the court.

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

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

12 (c) (Blank).

13 (c-1) (1) A person who violates subsection (a) during a
14 period in which his or her driving privileges are revoked
15 or suspended, where the revocation or suspension was for a
16 violation of subsection (a) or a similar provision of a
17 local ordinance, a failure to submit to a chemical test or
18 tests of blood, breath, or urine pursuant to Section
19 11-501.1, or a failure to submit to a field sobriety test
20 or tests pursuant to Section 11-501.9 of this Code, a
21 violation of paragraph (b) of Section 11-401, or for
22 reckless homicide as defined in Section 9-3 of the Criminal
23 Code of 1961 is guilty of a Class 4 felony.

24 (2) A person who violates subsection (a) a third time,
25 if the third violation occurs during a period in which his
26 or her driving privileges are revoked or suspended where
27 the revocation or suspension was for a violation of
28 subsection (a) or a similar provision of a local ordinance,
29 a failure to submit to a chemical test or tests of blood,
30 breath, or urine pursuant to Section 11-501.1, or a
31 failure to submit to a field sobriety test or tests
32 pursuant to Section 11-501.9 of this Code, a violation of,
33 paragraph (b) of Section 11-401, or for reckless homicide
34 as defined in Section 9-3 of the Criminal Code of 1961, is
35 guilty of a Class 3 felony; and if the person receives a
36 term of probation or conditional discharge, he or she shall

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

8 (2.2) A person who violates subsection (a), if the
9 violation occurs during a period in which his or her
10 driving privileges are revoked or suspended where the
11 revocation or suspension was for a violation of subsection
12 (a) or a similar provision of a local ordinance, a failure
13 to submit to a chemical test or tests of blood, breath, or
14 urine pursuant to ~~or~~ Section 11-501.1, or a failure to
15 submit to a field sobriety test or tests pursuant to
16 Section 11-501.9 of this Code 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 or
24 subsequent time, if the fourth or subsequent violation
25 occurs during a period in which his or her driving
26 privileges are revoked or suspended where the revocation or
27 suspension was for a violation of subsection (a) or a
28 similar provision of a local ordinance, a failure to submit
29 to a chemical test or tests of blood, breath, or urine
30 pursuant to~~r~~ Section 11-501.1, or a failure to submit to a
31 field sobriety test or tests pursuant to Section 11-501.9
32 of this Code, a violation of~~r~~ paragraph (b) of Section
33 11-401, or for reckless homicide as defined in Section 9-3
34 of the Criminal Code of 1961, is guilty of a Class 2 felony
35 and is not eligible for a sentence of probation or
36 conditional discharge.

1 (c-2) (Blank).

2 (c-3) (Blank).

3 (c-4) (Blank).

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

13 (c-5.1) A person 21 years of age or older who is convicted
14 of violating subsection (a) of this Section a first time and
15 who in committing that violation was involved in a motor
16 vehicle accident that resulted in bodily harm to the child
17 under the age of 16 being transported by the person, if the
18 violation was the proximate cause of the injury, is guilty of a
19 Class 4 felony and is subject to one year of imprisonment, a
20 mandatory fine of \$2,500, and 25 days of community service in a
21 program benefiting children. The imprisonment or assignment to
22 community service under this subsection (c-5.1) shall not be
23 subject to suspension, nor shall the person be eligible for
24 probation in order to reduce the sentence or assignment.

25 (c-6) Except as provided in subsections (c-7) and (c-7.1),
26 a person 21 years of age or older who violates subsection (a) a
27 second time, if at the time of the second violation the person
28 was transporting a person under the age of 16, is subject to 6
29 months of imprisonment, an additional mandatory minimum fine of
30 \$1,000, and an additional mandatory minimum 140 hours of
31 community service, which shall include 40 hours of community
32 service in a program benefiting children. The imprisonment or
33 assignment of community service under this subsection (c-6) is
34 not subject to suspension, nor is the person eligible for a
35 reduced sentence.

36 (c-7) Except as provided in subsection (c-7.1), any person

1 21 years of age or older convicted of violating subsection
2 (c-6) or a similar provision within 10 years of a previous
3 violation of subsection (a) or a similar provision is guilty of
4 a Class 4 felony and, in addition to any other penalty imposed,
5 is subject to one year of imprisonment, 25 days of mandatory
6 community service in a program benefiting children, and a
7 mandatory fine of \$2,500. The imprisonment or assignment of
8 community service under this subsection (c-7) is not subject to
9 suspension, nor is the person eligible for a reduced sentence.

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

22 (c-8) (Blank).

23 (c-9) Any person 21 years of age or older convicted a third
24 time for violating subsection (a) or a similar provision, if at
25 the time of the third violation the person was transporting a
26 person under the age of 16, is guilty of a Class 4 felony and is
27 subject to 18 months of imprisonment, a mandatory fine of
28 \$2,500, and 25 days of community service in a program
29 benefiting children. The imprisonment or assignment of
30 community service under this subsection (c-9) is not subject to
31 suspension, nor is the person eligible for a reduced sentence.

32 (c-10) Any person 21 years of age or older convicted of
33 violating subsection (c-9) or a similar provision a third time
34 within 20 years of a previous violation of subsection (a) or a
35 similar provision is guilty of a Class 3 felony and, in
36 addition to any other penalty imposed, is subject to 3 years of

1 imprisonment, 25 days of community service in a program
2 benefiting children, and a mandatory fine of \$25,000. The
3 imprisonment or assignment of community service under this
4 subsection (c-10) is not subject to suspension, nor is the
5 person eligible for a reduced sentence.

6 (c-11) Any person 21 years of age or older convicted a
7 fourth or subsequent time for violating subsection (a) or a
8 similar provision, if at the time of the fourth or subsequent
9 violation the person was transporting a person under the age of
10 16, and if the person's 3 prior violations of subsection (a) or
11 a similar provision occurred while transporting a person under
12 the age of 16 or while the alcohol concentration in his or her
13 blood, breath, or urine was 0.16 or more based on the
14 definition of blood, breath, or urine units in Section
15 11-501.2, is guilty of a Class 2 felony, is not eligible for
16 probation or conditional discharge, and is subject to a minimum
17 fine of \$25,000.

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

36 (c-14) Any person convicted of a third violation of

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

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

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

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

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

35 (C) the person in committing a violation of
36 subsection (a) was involved in a motor vehicle accident

1 that resulted in great bodily harm or permanent
2 disability or disfigurement to another, when the
3 violation was a proximate cause of the injuries;

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

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

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

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

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

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

33 (e-1) Any person who is found guilty of or pleads guilty to
34 violating this Section, including any person receiving a
35 disposition of court supervision for violating this Section,
36 may be required by the Court to attend a victim impact panel

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

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

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

16 (h) (Blank).

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

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

1 under this subsection (j) 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 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. Equipment and commodities
13 shall include, but are not limited to, in-car video cameras,
14 radar and laser speed detection devices, and alcohol breath
15 testers. Any moneys received by the Department of State Police
16 under this subsection (j) shall be deposited into the State
17 Police DUI Fund and 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.

29 (k) The Secretary of State Police DUI Fund is created as a
30 special fund in the State treasury. All moneys received by the
31 Secretary of State Police under subsection (j) of this Section
32 shall be deposited into the Secretary of State Police DUI Fund
33 and, subject to appropriation, shall be used for enforcement
34 and prevention of driving while under the influence of alcohol,
35 other drug or drugs, intoxicating compound or compounds or any
36 combination thereof, as defined by this Section, including but

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

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

26 (m) In addition to any other fine or penalty required by
27 law, an individual convicted of a 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, whose operation of a motor vehicle,
31 snowmobile, or watercraft while in violation of subsection (a),
32 Section 5-7 of the Snowmobile Registration and Safety Act,
33 Section 5-16 of the Boat Registration and Safety Act, or a
34 similar provision proximately caused an incident resulting in
35 an appropriate emergency response, shall be required to make
36 restitution to a public agency for the costs of that emergency

1 response. The restitution may not exceed \$1,000 per public
2 agency for each emergency response. As used in this subsection
3 (m), "emergency response" means any incident requiring a
4 response by a police officer, a firefighter carried on the
5 rolls of a regularly constituted fire department, or an
6 ambulance.

7 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;
8 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;
9 93-840, eff. 7-30-04; 94-110, eff. 1-1-06; 94-963, eff.
10 6-28-06.)

11 (Text of Section from P.A. 94-113, 94-609, and 94-963)

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

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

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

20 (2) under the influence of alcohol;

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

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

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

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

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

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

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

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

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

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

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

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

36 (c) (Blank).

1 (c-1) (1) A person who violates subsection (a) during a
2 period in which his or her driving privileges are revoked
3 or suspended, where the revocation or suspension was for a
4 violation of subsection (a) or a similar provision of a
5 local ordinance, a failure to submit to a chemical test or
6 tests of blood, breath, or urine pursuant to Section
7 11-501.1, or a failure to submit to a field sobriety test
8 or tests pursuant to Section 11-501.9 of this Code, a
9 violation of paragraph (b) of Section 11-401, or for
10 reckless homicide as defined in Section 9-3 of the Criminal
11 Code of 1961 is guilty of a Class 4 felony.

12 (2) A person who violates subsection (a) a third time,
13 if the third violation occurs during a period in which his
14 or her driving privileges are revoked or suspended where
15 the revocation or suspension was for a violation of
16 subsection (a) or a similar provision of a local ordinance,
17 a failure to submit to a chemical test or tests of blood,
18 breath, or urine pursuant to Section 11-501.1, or a
19 failure to submit to a field sobriety test or tests
20 pursuant to Section 11-501.9 of this Code, a violation of
21 paragraph (b) of Section 11-401, or for reckless homicide
22 as defined in Section 9-3 of the Criminal Code of 1961, is
23 guilty of a Class 3 felony.

24 (2.1) A person who violates subsection (a) a third
25 time, if the third violation occurs during a period in
26 which his or her driving privileges are revoked or
27 suspended where the revocation or suspension was for a
28 violation of subsection (a) or a similar provision of a
29 local ordinance, a failure to submit to a chemical test or
30 tests of blood, breath, or urine pursuant to Section
31 11-501.1, or a failure to submit to a field sobriety test
32 or tests pursuant to Section 11-501.9 of this Code, a
33 violation of subsection (b) of Section 11-401, or for
34 reckless homicide as defined in Section 9-3 of the Criminal
35 Code of 1961, is guilty of a Class 3 felony; and if the
36 person receives a term of probation or conditional

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

8 (2.2) A person who violates subsection (a), if the
9 violation occurs during a period in which his or her
10 driving privileges are revoked or suspended where the
11 revocation or suspension was for a violation of subsection
12 (a) or a similar provision of a local ordinance, a failure
13 to submit to a chemical test or tests of blood, breath, or
14 urine pursuant to ~~or~~ Section 11-501.1, or a failure to
15 submit to a field sobriety test or tests pursuant to
16 Section 11-501.9 of this Code 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 or
24 subsequent time, if the fourth or subsequent violation
25 occurs during a period in which his or her driving
26 privileges are revoked or suspended where the revocation or
27 suspension was for a violation of subsection (a) or a
28 similar provision of a local ordinance, a failure to submit
29 to a chemical test or tests of blood, breath, or urine
30 pursuant to~~r~~ Section 11-501.1, or a failure to submit to a
31 field sobriety test or tests pursuant to Section 11-501.9
32 of this Code, a violation of~~r~~ paragraph (b) of Section
33 11-401, or for reckless homicide as defined in Section 9-3
34 of the Criminal Code of 1961, is guilty of a Class 2 felony
35 and is not eligible for a sentence of probation or
36 conditional discharge.

1 (c-2) (Blank).

2 (c-3) (Blank).

3 (c-4) (Blank).

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

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

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

34 (c-8) Any person convicted of violating subsection (c-6) or
35 a similar provision within 5 years of a previous violation of
36 subsection (a) or a similar provision shall receive, in

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 (D) the person committed a violation of subsection
29 (a) for a second time and has been previously convicted
30 of violating Section 9-3 of the Criminal Code of 1961
31 or a similar provision of a law of another state
32 relating to reckless homicide in which the person was
33 determined to have been under the influence of alcohol,
34 other drug or drugs, or intoxicating compound or
35 compounds as an element of the offense or the person
36 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, unless the court determines that extraordinary
30 circumstances exist and require probation, shall be
31 sentenced to: (A) a term of imprisonment of not less than 3
32 years and not more than 14 years if the violation resulted
33 in the death of one person; or (B) a term of imprisonment
34 of not less than 6 years and not more than 28 years if the
35 violation resulted in the deaths of 2 or more persons. For
36 any prosecution under this subsection (d), a certified copy

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

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

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

32 (f) Every person found guilty of violating this Section,
33 whose operation of a motor vehicle while in violation of this
34 Section proximately caused any incident resulting in an
35 appropriate emergency response, shall be liable for the expense
36 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 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
35 officer salaries, including but not limited to salaries for
36 hire back funding for safety checkpoints, saturation patrols,

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

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

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

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

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

32 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;
33 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;
34 93-840, eff. 7-30-04; 94-113, eff. 1-1-06; 94-609, eff. 1-1-06;
35 94-963, eff. 6-28-06.)

1 (Text of Section from P.A. 94-114 and 94-963)

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

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

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

10 (2) under the influence of alcohol;

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (c) (Blank).

26 (c-1) (1) A person who violates subsection (a) during a
27 period in which his or her driving privileges are revoked
28 or suspended, where the revocation or suspension was for a
29 violation of subsection (a) or a similar provision of a
30 local ordinance, a failure to submit to a chemical test or
31 tests of blood, breath, or urine pursuant to Section
32 11-501.1, or a failure to submit to a field sobriety test
33 or tests pursuant to Section 11-501.9 of this Code, a
34 violation of paragraph (b) of Section 11-401, or for
35 reckless homicide as defined in Section 9-3 of the Criminal
36 Code of 1961 is guilty of a Class 4 felony.

1 (2) A person who violates subsection (a) a third time,
2 if the third violation occurs during a period in which his
3 or her driving privileges are revoked or suspended where
4 the revocation or suspension was for a violation of
5 subsection (a) or a similar provision of a local ordinance,
6 a failure to submit to a chemical test or tests of blood,
7 breath, or urine pursuant to~~7~~ Section 11-501.1, or a
8 failure to submit to a field sobriety test or tests
9 pursuant to Section 11-501.9 of this Code, a violation of~~7~~
10 paragraph (b) of Section 11-401, or for reckless homicide
11 as defined in Section 9-3 of the Criminal Code of 1961, is
12 guilty of a Class 3 felony.

13 (2.1) A person who violates subsection (a) a third
14 time, if the third violation occurs during a period in
15 which his or her driving privileges are revoked or
16 suspended where the revocation or suspension was for a
17 violation of subsection (a) or a similar provision of a
18 local ordinance, a failure to submit to a chemical test or
19 tests of blood, breath, or urine pursuant to~~7~~ Section
20 11-501.1, or a failure to submit to a field sobriety test
21 or tests pursuant to Section 11-501.9 of this Code, a
22 violation of~~7~~ subsection (b) of Section 11-401, or for
23 reckless homicide as defined in Section 9-3 of the Criminal
24 Code of 1961, is guilty of a Class 3 felony; and if the
25 person receives a term of probation or conditional
26 discharge, he or she shall be required to serve a mandatory
27 minimum of 10 days of imprisonment or shall be assigned a
28 mandatory minimum of 480 hours of community service, as may
29 be determined by the court, as a condition of the probation
30 or conditional discharge. This mandatory minimum term of
31 imprisonment or assignment of community service shall not
32 be suspended or reduced by the court.

33 (2.2) A person who violates subsection (a), if the
34 violation occurs during a period in which his or her
35 driving privileges are revoked or suspended where the
36 revocation or suspension was for a violation of subsection

1 (a) or a similar provision of a local ordinance, a failure
2 to submit to a chemical test or tests of blood, breath, or
3 urine pursuant to ~~or~~ Section 11-501.1, or a failure to
4 submit to a field sobriety test or tests pursuant to
5 Section 11-501.9 of this Code shall also be sentenced to an
6 additional mandatory minimum term of 30 consecutive days of
7 imprisonment, 40 days of 24-hour periodic imprisonment, or
8 720 hours of community service, as may be determined by the
9 court. This mandatory term of imprisonment or assignment of
10 community service shall not be suspended or reduced by the
11 court.

12 (3) A person who violates subsection (a) a fourth or
13 fifth time, if the fourth or fifth violation occurs during
14 a period in which his or her driving privileges are revoked
15 or suspended where the revocation or suspension was for a
16 violation of subsection (a) or a similar provision of a
17 local ordinance, a failure to submit to a chemical test or
18 tests of blood, breath, or urine pursuant to~~r~~ Section
19 11-501.1, or a failure to submit to a field sobriety test
20 or tests pursuant to Section 11-501.9 of this Code, a
21 violation of~~r~~ paragraph (b) of Section 11-401, or for
22 reckless homicide as defined in Section 9-3 of the Criminal
23 Code of 1961, is guilty of a Class 2 felony and is not
24 eligible for a sentence of probation or conditional
25 discharge.

26 (c-2) (Blank).

27 (c-3) (Blank).

28 (c-4) (Blank).

29 (c-5) A person who violates subsection (a), if the person
30 was transporting a person under the age of 16 at the time of
31 the violation, is subject to an additional mandatory minimum
32 fine of \$1,000, an additional mandatory minimum 140 hours of
33 community service, which shall include 40 hours of community
34 service in a program benefiting children, and an additional 2
35 days of imprisonment. The imprisonment or assignment of
36 community service under this subsection (c-5) is not subject to

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

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

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

33 (c-9) Any person convicted a third time for violating
34 subsection (a) or a similar provision, if at the time of the
35 third violation the person was transporting a person under the
36 age of 16, is guilty of a Class 4 felony and shall receive, in

1 addition to any other penalty imposed, an additional mandatory
2 fine of \$1,000, an additional mandatory 140 hours of community
3 service, which shall include 40 hours in a program benefiting
4 children, and a mandatory minimum 30 days of imprisonment. The
5 imprisonment or assignment of community service under this
6 subsection (c-9) is not subject to suspension, nor is the
7 person eligible for a reduced sentence.

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

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

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

1 \$500.

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

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

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

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

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

8 (A) the person committed a violation of subsection
9 (a) or a similar provision for the third or subsequent
10 time;

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

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

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

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

1 was a proximate cause of the bodily harm; or

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

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

36 (e) After a finding of guilt and prior to any final

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

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

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

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

31 (h) (Blank).

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

1 the procedures for certification and use of the interlock
2 system.

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

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

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

22 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;
23 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;
24 93-840, eff. 7-30-04; 94-114, eff. 1-1-06; 94-963, eff.
25 6-28-06.)

26 (Text of Section from P.A. 94-116 and 94-963)

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

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

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

35 (2) under the influence of alcohol;

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

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

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

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

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

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

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

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

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

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

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

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

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

15 (c) (Blank).

16 (c-1) (1) A person who violates subsection (a) during a
17 period in which his or her driving privileges are revoked
18 or suspended, where the revocation or suspension was for a
19 violation of subsection (a) or a similar provision of a
20 local ordinance, a failure to submit to a chemical test or
21 tests of blood, breath, or urine pursuant to Section
22 11-501.1, or a failure to submit to a field sobriety test
23 or tests pursuant to Section 11-501.9 of this Code, a
24 violation of paragraph (b) of Section 11-401, or for
25 reckless homicide as defined in Section 9-3 of the Criminal
26 Code of 1961 is guilty of a Class 4 felony.

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

29 (2.1) A person who violates subsection (a) a third
30 time, if the third violation occurs during a period in
31 which his or her driving privileges are revoked or
32 suspended where the revocation or suspension was for a
33 violation of subsection (a) or a similar provision of a
34 local ordinance, a failure to submit to a chemical test or
35 tests of blood, breath, or urine pursuant to Section
36 11-501.1, or a failure to submit to a field sobriety test

1 or tests pursuant to Section 11-501.9 of this Code, a
2 violation of subsection (b) of Section 11-401, or for
3 reckless homicide as defined in Section 9-3 of the Criminal
4 Code of 1961, is guilty of a Class 2 felony; and if the
5 person receives a term of probation or conditional
6 discharge, he or she shall be required to serve a mandatory
7 minimum of 10 days of imprisonment or shall be assigned a
8 mandatory minimum of 480 hours of community service, as may
9 be determined by the court, as a condition of the probation
10 or conditional discharge. This mandatory minimum term of
11 imprisonment or assignment of community service shall not
12 be suspended or reduced by the court.

13 (2.2) A person who violates subsection (a), if the
14 violation occurs during a period in which his or her
15 driving privileges are revoked or suspended where the
16 revocation or suspension was for a violation of subsection
17 (a) or a similar provision of a local ordinance, a failure
18 to submit to a chemical test or tests of blood, breath, or
19 urine pursuant to ~~or~~ Section 11-501.1, or a failure to
20 submit to a field sobriety test or tests pursuant to
21 Section 11-501.9 of this Code shall also be sentenced to an
22 additional 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 time
29 is guilty of a Class 2 felony and is not eligible for a
30 sentence of probation or conditional discharge.

31 (4) A person who violates subsection (a) a fifth or
32 subsequent time is guilty of a Class 1 felony and is not
33 eligible for a sentence of probation or conditional
34 discharge.

35 (c-2) (Blank).

36 (c-3) (Blank).

1 (c-4) (Blank).

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

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

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

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

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

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

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

28 (c-11) Any person convicted a fourth time for violating
29 subsection (a) or a similar provision, if at the time of the
30 fourth violation the person was transporting a person under the
31 age of 16, and if the person's 3 prior violations of subsection
32 (a) or a similar provision occurred while transporting a person
33 under the age of 16 or while the alcohol concentration in his
34 or her blood, breath, or urine was 0.16 or more based on the
35 definition of blood, breath, or urine units in Section
36 11-501.2, is guilty of a Class 2 felony, is not eligible for

1 probation or conditional discharge, and is subject to a minimum
2 fine of \$3,000.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

35 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;
36 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;

1 93-840, eff. 7-30-04; 94-116, eff. 1-1-06; 94-963, eff.
2 6-28-06.)

3 (Text of Section from P.A. 94-329 and 94-963)

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

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

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

12 (2) under the influence of alcohol;

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

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

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

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

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

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

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

35 (a) or a similar provision includes any violation of a

1 provision of a local ordinance or a provision of a law of
2 another state that is similar to a violation of subsection
3 (a) of this Section.

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

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

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

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

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

28 (c) (Blank).

29 (c-1) (1) A person who violates subsection (a) during a
30 period in which his or her driving privileges are revoked
31 or suspended, where the revocation or suspension was for a
32 violation of subsection (a) or a similar provision of a
33 local ordinance, a failure to submit to a chemical test or
34 tests of blood, breath, or urine pursuant to Section
35 11-501.1, or a failure to submit to a field sobriety test
36 or tests pursuant to Section 11-501.9 of this Code, a

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

7 (2) A person who violates subsection (a) a third time,
8 if the third violation occurs during a period in which his
9 or her driving privileges are revoked or suspended where
10 the revocation or suspension was for a violation of
11 subsection (a) or a similar provision of a local ordinance,
12 a failure to submit to a chemical test or tests of blood,
13 breath, or urine pursuant to Section 11-501.1, or a
14 failure to submit to a field sobriety test or tests
15 pursuant to Section 11-501.9 of this Code, a violation of
16 paragraph (b) of Section 11-401, or for reckless homicide
17 as defined in Section 9-3 of the Criminal Code of 1961, is
18 guilty of aggravated driving under the influence of
19 alcohol, other drug or drugs, intoxicating compound or
20 compounds, or any combination thereof and is guilty of a
21 Class 3 felony.

22 (2.1) A person who violates subsection (a) a third
23 time, if the third violation occurs during a period in
24 which his or her driving privileges are revoked or
25 suspended where the revocation or suspension was for a
26 violation of subsection (a) or a similar provision of a
27 local ordinance, a failure to submit to a chemical test or
28 tests of blood, breath, or urine pursuant to Section
29 11-501.1, or a failure to submit to a field sobriety test
30 or tests pursuant to Section 11-501.9 of this Code, a
31 violation of subsection (b) of Section 11-401, or for
32 reckless homicide as defined in Section 9-3 of the Criminal
33 Code of 1961, is guilty of aggravated driving under the
34 influence of alcohol, other drug or drugs, intoxicating
35 compound or compounds, or any combination thereof and is
36 guilty of a Class 3 felony; and if the person receives a

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

9 (2.2) A person who violates subsection (a), if the
10 violation occurs during a period in which his or her
11 driving privileges are revoked or suspended where the
12 revocation or suspension was for a violation of subsection
13 (a) or a similar provision of a local ordinance, a failure
14 to submit to a chemical test or tests of blood, breath, or
15 urine pursuant to ~~or~~ Section 11-501.1, or a failure to
16 submit to a field sobriety test or tests pursuant to
17 Section 11-501.9 of this Code is guilty of aggravated
18 driving under the influence of alcohol, other drug or
19 drugs, intoxicating compound or compounds, or any
20 combination thereof and shall also be sentenced to an
21 additional mandatory minimum term of 30 consecutive days of
22 imprisonment, 40 days of 24-hour periodic imprisonment, or
23 720 hours of community service, as may be determined by the
24 court. This mandatory term of imprisonment or assignment of
25 community service shall not be suspended or reduced by the
26 court.

27 (3) A person who violates subsection (a) a fourth or
28 subsequent time, if the fourth or subsequent violation
29 occurs during a period in which his or her driving
30 privileges are revoked or suspended where the revocation or
31 suspension was for a violation of subsection (a) or a
32 similar provision of a local ordinance, a failure to submit
33 to a chemical test or tests of blood, breath, or urine
34 pursuant to~~r~~ Section 11-501.1, or a failure to submit to a
35 field sobriety test or tests pursuant to Section 11-501.9
36 of this Code, a violation of~~r~~ paragraph (b) of Section

1 11-401, or for reckless homicide as defined in Section 9-3
2 of the Criminal Code of 1961, is guilty of aggravated
3 driving under the influence of alcohol, other drug or
4 drugs, intoxicating compound or compounds, or any
5 combination thereof and is guilty of a Class 2 felony, and
6 is not eligible for a sentence of probation or conditional
7 discharge.

8 (c-2) (Blank).

9 (c-3) (Blank).

10 (c-4) (Blank).

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

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

31 (c-7) Except as provided in subsection (c-8), any person
32 convicted of violating subsection (c-6) or a similar provision
33 within 10 years of a previous violation of subsection (a) or a
34 similar provision shall receive, in addition to any other
35 penalty imposed, a mandatory minimum 12 days imprisonment, an
36 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
35 to suspension, nor is the person eligible for a reduced
36 sentence.

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

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

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

31 (c-14) Any person convicted of a third violation of
32 subsection (a) or a similar provision within 20 years of a
33 previous violation of subsection (a) or a similar provision, if
34 at the time of the third violation of subsection (a) or a
35 similar provision the alcohol concentration in his or her
36 blood, breath, or urine was 0.16 or more based on the

1 definition of blood, breath, or urine units in Section
2 11-501.2, is guilty of a Class 4 felony and shall be subject,
3 in addition to any other penalty that may be imposed, to a
4 mandatory minimum of 90 days of imprisonment and a mandatory
5 minimum fine of \$2,500.

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

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

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

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

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

35 (D) the person committed a violation of subsection
36 (a) for a second time and has been previously convicted

1 of violating Section 9-3 of the Criminal Code of 1961
2 or a similar provision of a law of another state
3 relating to reckless homicide in which the person was
4 determined to have been under the influence of alcohol,
5 other drug or drugs, or intoxicating compound or
6 compounds as an element of the offense or the person
7 has previously been convicted under subparagraph (C)
8 or subparagraph (F) of this paragraph (1);

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

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

24 (G) the person committed the violation while he or
25 she did not possess a driver's license or permit or a
26 restricted driving permit or a judicial driving
27 permit; or

28 (H) the person committed the violation while he or
29 she knew or should have known that the vehicle he or
30 she was driving was not covered by a liability
31 insurance policy.

32 (2) Except as provided in this paragraph (2) and in
33 paragraphs (2), (2.1), and (3) of subsection (c-1), a
34 person convicted of aggravated driving under the influence
35 of alcohol, other drug or drugs, or intoxicating compound
36 or compounds, or any combination thereof is guilty of a

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

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

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

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

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

20 (h) (Blank).

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

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

1 provision of a local ordinance, the fine shall be \$1,000. In
2 the event that more than one agency is responsible for the
3 arrest, the amount payable to law enforcement agencies shall be
4 shared equally. Any moneys received by a law enforcement agency
5 under this subsection (j) shall be used for enforcement and
6 prevention of driving while under the influence of alcohol,
7 other drug or drugs, intoxicating compound or compounds or any
8 combination thereof, as defined by this Section, including but
9 not limited to the purchase of law enforcement equipment and
10 commodities that will assist in the prevention of alcohol
11 related criminal violence throughout the State; police officer
12 training and education in areas related to alcohol related
13 crime, including but not limited to DUI training; and police
14 officer salaries, including but not limited to salaries for
15 hire back funding for safety checkpoints, saturation patrols,
16 and liquor store sting operations. Equipment and commodities
17 shall include, but are not limited to, in-car video cameras,
18 radar and laser speed detection devices, and alcohol breath
19 testers. Any moneys received by the Department of State Police
20 under this subsection (j) shall be deposited into the State
21 Police DUI Fund and shall be used for enforcement and
22 prevention of driving while under the influence of alcohol,
23 other drug or drugs, intoxicating compound or compounds or any
24 combination thereof, as defined by this Section, including but
25 not limited to the purchase of law enforcement equipment and
26 commodities that will assist in the prevention of alcohol
27 related criminal violence throughout the State; police officer
28 training and education in areas related to alcohol related
29 crime, including but not limited to DUI training; and police
30 officer salaries, including but not limited to salaries for
31 hire back funding for safety checkpoints, saturation patrols,
32 and liquor store sting operations.

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

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

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

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

11 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;
12 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;
13 93-840, eff. 7-30-04; 94-329, eff. 1-1-06; 94-963, eff.
14 6-28-06.)

15 (625 ILCS 5/11-501.9 new)

16 Sec. 11-501.9. Mandatory field sobriety tests.

17 (a) The General Assembly finds that: (1) the incidence of
18 motorists suspected of driving under the influence of alcohol,
19 other drugs, or intoxicating compounds who refuse to perform
20 voluntary field sobriety tests has risen to alarming
21 proportions; (2) motorists who refuse these tests frequently
22 drive under the influence of alcohol, drugs, or intoxicating
23 compounds but are nonetheless often able to avoid the loss or
24 suspension of driving privileges by refusing to perform these
25 tests; (3) these motorists pose a substantial danger to the
26 lives and property both of other motorists and of pedestrians;
27 (4) the State of Illinois has the duty to protect the lives and
28 property of its citizens as they travel upon the roads and
29 highways of this State, and that duty gives rise to a special
30 need to ensure that those roads and highways are free from the
31 dangers posed by impaired motorists; (5) persons who operate
32 motor vehicles upon the roads and highways of this State engage
33 in an inherently dangerous activity that directly affects the
34 safety of the public, and consequently, such persons are
35 subject to reasonable measures designed to make road and

1 highway travel safe; (6) the only effective and realistic
2 response to the crisis presented by motorists refusing to
3 voluntarily perform field sobriety tests is to require persons
4 suspected of driving under the influence of alcohol, drugs, or
5 intoxicating compounds to perform these tests; and (7) the
6 required performance of these tests based on individualized
7 reasonable suspicion is a necessary, unobtrusive, and
8 reasonable measure designed to promote the State's special need
9 to make its roads and highways safe.

10 (b) Any person who drives or is in actual physical control
11 of a motor vehicle within this State shall be deemed to have
12 given consent to performing any field sobriety test or tests
13 approved by the Illinois Law Enforcement Training Standards
14 Board if the law enforcement officer has reasonable suspicion
15 based on specific and articulable facts and rational inferences
16 from those facts to believe that the person is violating or has
17 violated Section 11-501 or a similar provision of a local
18 ordinance. These tests shall be conducted expeditiously in the
19 vicinity of the location in which the person was stopped by a
20 law enforcement officer trained to administer these tests under
21 standards set forth by the Illinois Law Enforcement Training
22 Standards Board. The results of the field sobriety test or
23 tests may be used by the law enforcement officer for the
24 purpose of assisting with the determination of whether to
25 require a chemical test as authorized under Sections 11-501.1
26 and 11-501.2, and the appropriate type of test to request. The
27 decision to administer a field sobriety test or tests shall at
28 all times be in the discretion of the law enforcement officer.
29 Any chemical test authorized under Sections 11-501.1 and
30 11-501.2 may be requested by the officer regardless of the
31 result of the field sobriety test or tests, if probable cause
32 for an arrest otherwise exists. The result of a field sobriety
33 test or test may be used by the defendant as evidence in any
34 administrative or court proceeding involving a violation of
35 Section 11-501 or 11-501.1 and may be used by the State as
36 evidence in any administrative or court proceeding to establish

1 probable cause for a violation of Section 11-501 or in rebuttal
2 to an assertion that a test conducted pursuant to Section
3 11-501.1 did not accurately reflect a person's degree of
4 alcohol concentration in the person's breath or blood at the
5 time the person was in control of the motor vehicle.

6 For the purposes of this Section, a law enforcement officer
7 of this State who is investigating a person for any offense set
8 forth in Section 11-501 may travel to an adjoining state to
9 which the person has been transported for medical care to
10 complete an investigation and request that the person submit to
11 the test set forth in this Section.

12 (c) A person requested to submit to any test as provided in
13 subsection (b) of this Section shall be warned by the law
14 enforcement officer requesting the test prior to administering
15 the test or tests that a refusal to submit to any test will
16 result in the statutory summary suspension of the person's
17 privilege to operate a motor vehicle as provided in Section
18 6-208.1 of this Code.

19 (d) If a person refuses to perform a field sobriety test or
20 tests requested by a law enforcement officer, the law
21 enforcement officer shall immediately submit a sworn report to
22 the Secretary of State on a form prescribed by the Secretary,
23 certifying that the test was requested under subsection (b) and
24 that the person refused to submit to the test.

25 (e) Upon receipt of the sworn report of a law enforcement
26 officer submitted under subsection (d), the Secretary of State
27 shall enter the statutory summary suspension for the periods
28 specified in Section 6-208.1, and effective as provided in
29 subsection (i). If the person is a first offender as defined in
30 Section 11-500 of this Code, and is not convicted of a
31 violation of Section 11-501 of this Code or a similar provision
32 of a local ordinance, then reports received by the Secretary of
33 State under this Section shall, except during the actual time
34 the statutory summary suspension is in effect, be privileged
35 information and for use only by the courts, police officers,
36 prosecuting authorities, or the Secretary of State.

1 (f) The law enforcement officer submitting the sworn report
2 under subsection (d) shall serve immediate notice of the
3 statutory summary suspension on the person. The suspension
4 shall be effective on the 46th day following the date the
5 statutory summary suspension was given to the person. Upon
6 receipt of the sworn report from the law enforcement officer,
7 the Secretary of State shall confirm the statutory summary
8 suspension by mailing a notice of the effective date of the
9 suspension to the person and to the court of venue if the
10 person was given a citation at the time of the notice of
11 suspension by the law enforcement officer and the person's
12 driver's license was forwarded to the court. If the sworn
13 report is defective because it does not contain sufficient
14 information or it has been completed in error, the confirmation
15 of the statutory summary suspension must not be mailed to the
16 person or entered to the record; instead, the sworn report must
17 be returned to the issuing agency, identifying any defect.

18 (g) A driver may contest the suspension of his or her
19 driving privileges by requesting an administrative hearing
20 with the Secretary in accordance with Section 2-118 of this
21 Code. The administrative hearing shall be held within 30 days
22 of the request unless the person requests a continuance. The
23 petition for this hearing does not stay or delay the effective
24 date of the impending suspension. The scope of the hearing
25 shall be limited to the issues of:

26 (1) whether the officer had reasonable suspicion based
27 on specific and articulable facts and inferences from those
28 facts to believe that the person was driving or in actual
29 physical control of a motor vehicle upon the public
30 highways of this State while under the influence of
31 alcohol, another drug, or a combination of both, or
32 intoxicating compounds; and

33 (2) whether the person, after being advised by the law
34 enforcement officer that the privilege to operate a motor
35 vehicle would be suspended if the person refused to submit
36 to and complete a field sobriety test or tests, refused to

1 submit to or complete such test.

2 The hearing may be conducted upon a review of the law
3 enforcement officer's own official reports; however, the
4 person may subpoena the officer. Failure of the officer to
5 answer the subpoena shall be considered grounds for the person
6 to obtain a continuance if, in the opinion of the hearing
7 officer, the continuance is appropriate. At the conclusion of
8 the hearing, the Secretary may rescind, continue or modify the
9 order of suspension. If the Secretary does not rescind the
10 sanction, and the person is a first offender as defined by
11 Section 11-500, upon application being made and good cause
12 shown, the Secretary may issue the person a restricted driving
13 permit effective no sooner than the 31st day following the date
14 on which the statutory summary suspension took effect. The
15 restricted driving permit may be granted to relieve undue
16 hardship by allowing driving for employment, educational, and
17 medical purposes outlined in item (3) of subsection (c) of
18 Section 6-206 of this Code. The provisions of item (3) of
19 subsection (c) of Section 6-206 shall apply.

20 (h) When specific and articulable facts and the inferences
21 from those facts give rise to a rational basis for concluding
22 that the driver of a vehicle is impaired from alcohol, drugs,
23 intoxicating compounds or a combination of them to the extent
24 that the continued operation of the vehicle by the driver would
25 constitute a clear and present danger to any person, the law
26 enforcement officer may secure the driver's vehicle for up to
27 24 hours. For the purpose of this subsection, "secure" means
28 that the officer may: (i) direct the driver not to operate the
29 vehicle; (ii) take possession of the driver's vehicle keys,
30 (iii) impound the vehicle, or (iv) take other reasonable steps
31 to ensure the driver does not operate the vehicle. If the
32 vehicle is impounded, the driver shall be liable for all costs
33 of impoundment. The law enforcement officer may release the
34 vehicle to a person other than the driver if: (i) that other
35 person is the owner or renter of the vehicle or the driver is
36 owner of the vehicle and gives permission to the other person

1 to operate the vehicle and (ii) the other person possesses a
2 valid operator's license and would not, as determined by the
3 law enforcement officer, either have a lack of ability to
4 operate the vehicle in a safe manner or be operating the
5 vehicle in violation of this Code.

6 Section 10. The Unified Code of Corrections is amended by
7 changing Section 5-6-1 as follows:

8 (730 ILCS 5/5-6-1) (from Ch. 38, par. 1005-6-1)

9 Sec. 5-6-1. Sentences of Probation and of Conditional
10 Discharge and Disposition of Supervision. The General Assembly
11 finds that in order to protect the public, the criminal justice
12 system must compel compliance with the conditions of probation
13 by responding to violations with swift, certain and fair
14 punishments and intermediate sanctions. The Chief Judge of each
15 circuit shall adopt a system of structured, intermediate
16 sanctions for violations of the terms and conditions of a
17 sentence of probation, conditional discharge or disposition of
18 supervision.

19 (a) Except where specifically prohibited by other
20 provisions of this Code, the court shall impose a sentence of
21 probation or conditional discharge upon an offender unless,
22 having regard to the nature and circumstance of the offense,
23 and to the history, character and condition of the offender,
24 the court is of the opinion that:

25 (1) his imprisonment or periodic imprisonment is
26 necessary for the protection of the public; or

27 (2) probation or conditional discharge would deprecate
28 the seriousness of the offender's conduct and would be
29 inconsistent with the ends of justice; or

30 (3) a combination of imprisonment with concurrent or
31 consecutive probation when an offender has been admitted
32 into a drug court program under Section 20 of the Drug
33 Court Treatment Act is necessary for the protection of the
34 public and for the rehabilitation of the offender.

1 The court shall impose as a condition of a sentence of
2 probation, conditional discharge, or supervision, that the
3 probation agency may invoke any sanction from the list of
4 intermediate sanctions adopted by the chief judge of the
5 circuit court for violations of the terms and conditions of the
6 sentence of probation, conditional discharge, or supervision,
7 subject to the provisions of Section 5-6-4 of this Act.

8 (b) The court may impose a sentence of conditional
9 discharge for an offense if the court is of the opinion that
10 neither a sentence of imprisonment nor of periodic imprisonment
11 nor of probation supervision is appropriate.

12 (b-1) Subsections (a) and (b) of this Section do not apply
13 to a defendant charged with a misdemeanor or felony under the
14 Illinois Vehicle Code or reckless homicide under Section 9-3 of
15 the Criminal Code of 1961 if the defendant within the past 12
16 months has been convicted of or pleaded guilty to a misdemeanor
17 or felony under the Illinois Vehicle Code or reckless homicide
18 under Section 9-3 of the Criminal Code of 1961.

19 (c) The court may, upon a plea of guilty or a stipulation
20 by the defendant of the facts supporting the charge or a
21 finding of guilt, defer further proceedings and the imposition
22 of a sentence, and enter an order for supervision of the
23 defendant, if the defendant is not charged with: (i) a Class A
24 misdemeanor, as defined by the following provisions of the
25 Criminal Code of 1961: Sections 11-9.1; 12-3.2; 12-15; 26-5;
26 31-1; 31-6; 31-7; subsections (b) and (c) of Section 21-1;
27 paragraph (1) through (5), (8), (10), and (11) of subsection
28 (a) of Section 24-1; (ii) a Class A misdemeanor violation of
29 Section 3.01, 3.03-1, or 4.01 of the Humane Care for Animals
30 Act; or (iii) felony. If the defendant is not barred from
31 receiving an order for supervision as provided in this
32 subsection, the court may enter an order for supervision after
33 considering the circumstances of the offense, and the history,
34 character and condition of the offender, if the court is of the
35 opinion that:

36 (1) the offender is not likely to commit further

1 crimes;

2 (2) the defendant and the public would be best served
3 if the defendant were not to receive a criminal record; and

4 (3) in the best interests of justice an order of
5 supervision is more appropriate than a sentence otherwise
6 permitted under this Code.

7 (d) The provisions of paragraph (c) shall not apply to a
8 defendant charged with violating Section 11-501 of the Illinois
9 Vehicle Code or a similar provision of a local ordinance when
10 the defendant has previously been:

11 (1) convicted for a violation of Section 11-501 of the
12 Illinois Vehicle Code or a similar provision of a local
13 ordinance or any similar law or ordinance of another state;
14 or

15 (2) assigned supervision for a violation of Section
16 11-501 of the Illinois Vehicle Code or a similar provision
17 of a local ordinance or any similar law or ordinance of
18 another state; or

19 (3) pleaded guilty to or stipulated to the facts
20 supporting a charge or a finding of guilty to a violation
21 of Section 11-503 of the Illinois Vehicle Code or a similar
22 provision of a local ordinance or any similar law or
23 ordinance of another state, and the plea or stipulation was
24 the result of a plea agreement.

25 The court shall consider the statement of the prosecuting
26 authority with regard to the standards set forth in this
27 Section.

28 (e) The provisions of paragraph (c) shall not apply to a
29 defendant charged with violating Section 16A-3 of the Criminal
30 Code of 1961 if said defendant has within the last 5 years
31 been:

32 (1) convicted for a violation of Section 16A-3 of the
33 Criminal Code of 1961; or

34 (2) assigned supervision for a violation of Section
35 16A-3 of the Criminal Code of 1961 or similar provision of
36 an out-of-state jurisdiction.

1 The court shall consider the statement of the prosecuting
2 authority with regard to the standards set forth in this
3 Section.

4 (f) The provisions of paragraph (c) shall not apply to a
5 defendant charged with violating Sections 15-111, 15-112,
6 15-301, paragraph (b) of Section 6-104, Section 11-605, or
7 Section 11-1414 of the Illinois Vehicle Code or a similar
8 provision of a local ordinance or out-of-state jurisdiction.

9 (g) Except as otherwise provided in paragraph (i) of this
10 Section, the provisions of paragraph (c) shall not apply to a
11 defendant charged with violating Section 3-707, 3-708, 3-710,
12 or 5-401.3 of the Illinois Vehicle Code or a similar provision
13 of a local ordinance if the defendant has within the last 5
14 years been:

15 (1) convicted for a violation of Section 3-707, 3-708,
16 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar
17 provision of a local ordinance or out-of-state
18 jurisdiction; or

19 (2) assigned supervision for a violation of Section
20 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle
21 Code or a similar provision of a local ordinance or
22 out-of-state jurisdiction.

23 The court shall consider the statement of the prosecuting
24 authority with regard to the standards set forth in this
25 Section.

26 (h) The provisions of paragraph (c) shall not apply to a
27 defendant under the age of 21 years charged with violating a
28 serious traffic offense as defined in Section 1-187.001 of the
29 Illinois Vehicle Code:

30 (1) unless the defendant, upon payment of the fines,
31 penalties, and costs provided by law, agrees to attend and
32 successfully complete a traffic safety program approved by
33 the court under standards set by the Conference of Chief
34 Circuit Judges. The accused shall be responsible for
35 payment of any traffic safety program fees. If the accused
36 fails to file a certificate of successful completion on or

1 before the termination date of the supervision order, the
2 supervision shall be summarily revoked and conviction
3 entered. The provisions of Supreme Court Rule 402 relating
4 to pleas of guilty do not apply in cases when a defendant
5 enters a guilty plea under this provision; or

6 (2) if the defendant has previously been sentenced
7 under the provisions of paragraph (c) on or after January
8 1, 1998 for any serious traffic offense as defined in
9 Section 1-187.001 of the Illinois Vehicle Code.

10 (i) The provisions of paragraph (c) shall not apply to a
11 defendant charged with violating Section 3-707 of the Illinois
12 Vehicle Code or a similar provision of a local ordinance if the
13 defendant has been assigned supervision for a violation of
14 Section 3-707 of the Illinois Vehicle Code or a similar
15 provision of a local ordinance or out-of-state jurisdiction.

16 (j) The provisions of paragraph (c) shall not apply to a
17 defendant charged with violating Section 6-303 of the Illinois
18 Vehicle Code or a similar provision of a local ordinance or
19 out-of-state jurisdiction when the revocation or suspension
20 was for a failure to submit to a chemical test or tests of
21 blood, breath, or urine pursuant to violation of Section 11-501
22 or a similar provision of a local ordinance, a violation of
23 Section 11-501.1 or to a field sobriety test or tests pursuant
24 to Section 11-501.9 of the Illinois Vehicle Code, a violation
25 of ~~or~~ paragraph (b) of Section 11-401 of the Illinois Vehicle
26 Code, or a violation of Section 9-3 of the Criminal Code of
27 1961 if the defendant has within the last 10 years been:

28 (1) convicted for a violation of Section 6-303 of the
29 Illinois Vehicle Code or a similar provision of a local
30 ordinance or out-of-state jurisdiction; or

31 (2) assigned supervision for a violation of Section
32 6-303 of the Illinois Vehicle Code or a similar provision
33 of a local ordinance or out-of-state jurisdiction.

34 (k) The provisions of paragraph (c) shall not apply to a
35 defendant charged with violating any provision of the Illinois
36 Vehicle Code or a similar provision of a local ordinance that

1 governs the movement of vehicles if, within the 12 months
2 preceding the date of the defendant's arrest, the defendant has
3 been assigned court supervision on 2 occasions for a violation
4 that governs the movement of vehicles under the Illinois
5 Vehicle Code or a similar provision of a local ordinance.

6 (1) A defendant charged with violating any provision of the
7 Illinois Vehicle Code who, after a court appearance in the same
8 matter, receives a disposition of supervision under subsection
9 (c) shall pay an additional fee of \$20, to be collected as
10 provided in Sections 27.5 and 27.6 of the Clerks of Courts Act.
11 In addition to the \$20 fee, the person shall also pay a fee of
12 \$5, which, if not waived by the court, shall be collected as
13 provided in Sections 27.5 and 27.6 of the Clerks of Courts Act.
14 The \$20 fee shall be disbursed as provided in Section 16-104c
15 of the Illinois Vehicle Code. If the \$5 fee is collected, \$4.50
16 of the fee shall be deposited into the Circuit Court Clerk
17 Operation and Administrative Fund created by the Clerk of the
18 Circuit Court and 50 cents of the fee shall be deposited into
19 the Prisoner Review Board Vehicle and Equipment Fund in the
20 State treasury.

21 (Source: P.A. 93-388, eff. 7-25-03; 93-1014, eff. 1-1-05;
22 94-169, eff. 1-1-06; 94-330, eff. 1-1-06; 94-375, eff. 1-1-06;
23 94-1009, eff. 1-1-07.)

24 Section 95. No acceleration or delay. Where this Act makes
25 changes in a statute that is represented in this Act by text
26 that is not yet or no longer in effect (for example, a Section
27 represented by multiple versions), the use of that text does
28 not accelerate or delay the taking effect of (i) the changes
29 made by this Act or (ii) provisions derived from any other
30 Public Act.

31 Section 99. Effective date. This Act takes effect July 1,
32 2007.