



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

HB1080

Introduced 2/8/2007, by Rep. Mike Fortner

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-103	from Ch. 95 1/2, par. 6-103
625 ILCS 5/6-204	from Ch. 95 1/2, par. 6-204
625 ILCS 5/6-205	from Ch. 95 1/2, par. 6-205
705 ILCS 405/5-710	

Amends the Illinois Vehicle Code and the Juvenile Court Act of 1987. Provides that if a person is adjudicated under the Juvenile Court Act of 1987 on the basis of an offense determined to have been committed in furtherance of gang activity, the court shall provide that the person shall be denied driving privileges. Provides that if the person has never held a driver's license or permit, he or she shall not be issued one until reaching the age of 18. Provides that if he or she already holds a driver's license or permit, the license or permit shall be revoked at least until he or she reaches the age of 21. Makes corresponding changes.

LRB095 04297 DRH 24338 b

1 AN ACT concerning transportation.

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

4 Section 5. The Illinois Vehicle Code is amended by changing  
5 Sections 6-103, 6-204, and 6-205 as follows:

6 (625 ILCS 5/6-103) (from Ch. 95 1/2, par. 6-103)

7 Sec. 6-103. What persons shall not be licensed as drivers  
8 or granted permits. The Secretary of State shall not issue,  
9 renew, or allow the retention of any driver's license nor issue  
10 any permit under this Code:

11 1. To any person, as a driver, who is under the age of  
12 18 years except as provided in Section 6-107, and except  
13 that an instruction permit may be issued under Section  
14 6-107.1 to a child who is not less than 15 years of age if  
15 the child is enrolled in an approved driver education  
16 course as defined in Section 1-103 of this Code and  
17 requires an instruction permit to participate therein,  
18 except that an instruction permit may be issued under the  
19 provisions of Section 6-107.1 to a child who is 17 years  
20 and 9 months of age without the child having enrolled in an  
21 approved driver education course and except that an  
22 instruction permit may be issued to a child who is at least  
23 15 years and 6 months of age, is enrolled in school, meets

1 the educational requirements of the Driver Education Act,  
2 and has passed examinations the Secretary of State in his  
3 or her discretion may prescribe;

4 2. To any person who is under the age of 18 as an  
5 operator of a motorcycle other than a motor driven cycle  
6 unless the person has, in addition to meeting the  
7 provisions of Section 6-107 of this Code, successfully  
8 completed a motorcycle training course approved by the  
9 Illinois Department of Transportation and successfully  
10 completes the required Secretary of State's motorcycle  
11 driver's examination;

12 3. To any person, as a driver, whose driver's license  
13 or permit has been suspended, during the suspension, nor to  
14 any person whose driver's license or permit has been  
15 revoked, except as provided in Sections 6-205, 6-206, and  
16 6-208;

17 4. To any person, as a driver, who is a user of alcohol  
18 or any other drug to a degree that renders the person  
19 incapable of safely driving a motor vehicle;

20 5. To any person, as a driver, who has previously been  
21 adjudged to be afflicted with or suffering from any mental  
22 or physical disability or disease and who has not at the  
23 time of application been restored to competency by the  
24 methods provided by law;

25 6. To any person, as a driver, who is required by the  
26 Secretary of State to submit an alcohol and drug evaluation

1 or take an examination provided for in this Code unless the  
2 person has successfully passed the examination and  
3 submitted any required evaluation;

4 7. To any person who is required under the provisions  
5 of the laws of this State to deposit security or proof of  
6 financial responsibility and who has not deposited the  
7 security or proof;

8 8. To any person when the Secretary of State has good  
9 cause to believe that the person by reason of physical or  
10 mental disability would not be able to safely operate a  
11 motor vehicle upon the highways, unless the person shall  
12 furnish to the Secretary of State a verified written  
13 statement, acceptable to the Secretary of State, from a  
14 competent medical specialist to the effect that the  
15 operation of a motor vehicle by the person would not be  
16 inimical to the public safety;

17 9. To any person, as a driver, who is 69 years of age  
18 or older, unless the person has successfully complied with  
19 the provisions of Section 6-109;

20 10. To any person convicted, within 12 months of  
21 application for a license, of any of the sexual offenses  
22 enumerated in paragraph 2 of subsection (b) of Section  
23 6-205;

24 11. To any person who is under the age of 21 years with  
25 a classification prohibited in paragraph (b) of Section  
26 6-104 and to any person who is under the age of 18 years

1 with a classification prohibited in paragraph (c) of  
2 Section 6-104;

3 12. To any person who has been either convicted of or  
4 adjudicated under the Juvenile Court Act of 1987 based upon  
5 a violation of the Cannabis Control Act, the Illinois  
6 Controlled Substances Act, or the Methamphetamine Control  
7 and Community Protection Act while that person was in  
8 actual physical control of a motor vehicle. For purposes of  
9 this Section, any person placed on probation under Section  
10 10 of the Cannabis Control Act, Section 410 of the Illinois  
11 Controlled Substances Act, or Section 70 of the  
12 Methamphetamine Control and Community Protection Act shall  
13 not be considered convicted. Any person found guilty of  
14 this offense, while in actual physical control of a motor  
15 vehicle, shall have an entry made in the court record by  
16 the judge that this offense did occur while the person was  
17 in actual physical control of a motor vehicle and order the  
18 clerk of the court to report the violation to the Secretary  
19 of State as such. The Secretary of State shall not issue a  
20 new license or permit for a period of one year;

21 13. To any person who is under the age of 18 years and  
22 who has committed the offense of operating a motor vehicle  
23 without a valid license or permit in violation of Section  
24 6-101;

25 14. To any person who is 90 days or more delinquent in  
26 court ordered child support payments or has been

1 adjudicated in arrears in an amount equal to 90 days'  
2 obligation or more and who has been found in contempt of  
3 court for failure to pay the support, subject to the  
4 requirements and procedures of Article VII of Chapter 7 of  
5 the Illinois Vehicle Code;

6 15. To any person released from a term of imprisonment  
7 for violating Section 9-3 of the Criminal Code of 1961 or a  
8 similar provision of a law of another state relating to  
9 reckless homicide or for violating subparagraph (F) of  
10 paragraph (1) of subsection (d) of Section 11-501 of this  
11 Code relating to aggravated driving under the influence of  
12 alcohol, other drug or drugs, intoxicating compound or  
13 compounds, or any combination thereof, if the violation was  
14 the proximate cause of a death, within 24 months of release  
15 from a term of imprisonment;

16 16. To any person who, with intent to influence any act  
17 related to the issuance of any driver's license or permit,  
18 by an employee of the Secretary of State's Office, or the  
19 owner or employee of any commercial driver training school  
20 licensed by the Secretary of State, or any other individual  
21 authorized by the laws of this State to give driving  
22 instructions or administer all or part of a driver's  
23 license examination, promises or tenders to that person any  
24 property or personal advantage which that person is not  
25 authorized by law to accept. Any persons promising or  
26 tendering such property or personal advantage shall be

1 disqualified from holding any class of driver's license or  
2 permit for 120 consecutive days. The Secretary of State  
3 shall establish by rule the procedures for implementing  
4 this period of disqualification and the procedures by which  
5 persons so disqualified may obtain administrative review  
6 of the decision to disqualify; ~~or~~

7 17. To any person for whom the Secretary of State  
8 cannot verify the accuracy of any information or  
9 documentation submitted in application for a driver's  
10 license; ~~or~~

11 18. To any person who has been adjudicated under the  
12 Juvenile Court Act of 1987 based upon an offense that is  
13 determined by the court to have been committed in  
14 furtherance of the criminal activities of an organized  
15 gang, as provided in Section 5-710 of that Act. The person  
16 shall be denied a license or permit for the period  
17 determined by the court.

18 The Secretary of State shall retain all conviction  
19 information, if the information is required to be held  
20 confidential under the Juvenile Court Act of 1987.

21 (Source: P.A. 93-174, eff. 1-1-04; 93-712, eff. 1-1-05; 93-783,  
22 eff. 1-1-05; 93-788, eff. 1-1-05; 93-895, eff. 1-1-05; 94-556,  
23 eff. 9-11-05.)

24 (625 ILCS 5/6-204) (from Ch. 95 1/2, par. 6-204)

25 Sec. 6-204. When Court to forward License and Reports.

1           (a) For the purpose of providing to the Secretary of State  
2 the records essential to the performance of the Secretary's  
3 duties under this Code to cancel, revoke or suspend the  
4 driver's license and privilege to drive motor vehicles of  
5 certain minors adjudicated truant minors in need of  
6 supervision, addicted, or delinquent and of persons found  
7 guilty of the criminal offenses or traffic violations which  
8 this Code recognizes as evidence relating to unfitness to  
9 safely operate motor vehicles, the following duties are imposed  
10 upon public officials:

11           (1) Whenever any person is convicted of any offense for  
12 which this Code makes mandatory the cancellation or  
13 revocation of the driver's license or permit of such person  
14 by the Secretary of State, the judge of the court in which  
15 such conviction is had shall require the surrender to the  
16 clerk of the court of all driver's licenses or permits then  
17 held by the person so convicted, and the clerk of the court  
18 shall, within 5 days thereafter, forward the same, together  
19 with a report of such conviction, to the Secretary.

20           (2) Whenever any person is convicted of any offense  
21 under this Code or similar offenses under a municipal  
22 ordinance, other than regulations governing standing,  
23 parking or weights of vehicles, and excepting the following  
24 enumerated Sections of this Code: Sections 11-1406  
25 (obstruction to driver's view or control), 11-1407  
26 (improper opening of door into traffic), 11-1410 (coasting



1 on downgrade), 11-1411 (following fire apparatus),  
2 11-1419.01 (Motor Fuel Tax I.D. Card), 12-101 (driving  
3 vehicle which is in unsafe condition or improperly  
4 equipped), 12-201(a) (daytime lights on motorcycles),  
5 12-202 (clearance, identification and side marker lamps),  
6 12-204 (lamp or flag on projecting load), 12-205 (failure  
7 to display the safety lights required), 12-401  
8 (restrictions as to tire equipment), 12-502 (mirrors),  
9 12-503 (windshields must be unobstructed and equipped with  
10 wipers), 12-601 (horns and warning devices), 12-602  
11 (mufflers, prevention of noise or smoke), 12-603 (seat  
12 safety belts), 12-702 (certain vehicles to carry flares or  
13 other warning devices), 12-703 (vehicles for oiling roads  
14 operated on highways), 12-710 (splash guards and  
15 replacements), 13-101 (safety tests), 15-101 (size, weight  
16 and load), 15-102 (width), 15-103 (height), 15-104 (name  
17 and address on second division vehicles), 15-107 (length of  
18 vehicle), 15-109.1 (cover or tarpaulin), 15-111 (weights),  
19 15-112 (weights), 15-301 (weights), 15-316 (weights),  
20 15-318 (weights), and also excepting the following  
21 enumerated Sections of the Chicago Municipal Code:  
22 Sections 27-245 (following fire apparatus), 27-254  
23 (obstruction of traffic), 27-258 (driving vehicle which is  
24 in unsafe condition), 27-259 (coasting on downgrade),  
25 27-264 (use of horns and signal devices), 27-265  
26 (obstruction to driver's view or driver mechanism), 27-267

1 (dimming of headlights), 27-268 (unattended motor  
2 vehicle), 27-272 (illegal funeral procession), 27-273  
3 (funeral procession on boulevard), 27-275 (driving freight  
4 hauling vehicles on boulevard), 27-276 (stopping and  
5 standing of buses or taxicabs), 27-277 (cruising of public  
6 passenger vehicles), 27-305 (parallel parking), 27-306  
7 (diagonal parking), 27-307 (parking not to obstruct  
8 traffic), 27-308 (stopping, standing or parking  
9 regulated), 27-311 (parking regulations), 27-312 (parking  
10 regulations), 27-313 (parking regulations), 27-314  
11 (parking regulations), 27-315 (parking regulations),  
12 27-316 (parking regulations), 27-317 (parking  
13 regulations), 27-318 (parking regulations), 27-319  
14 (parking regulations), 27-320 (parking regulations),  
15 27-321 (parking regulations), 27-322 (parking  
16 regulations), 27-324 (loading and unloading at an angle),  
17 27-333 (wheel and axle loads), 27-334 (load restrictions in  
18 the downtown district), 27-335 (load restrictions in  
19 residential areas), 27-338 (width of vehicles), 27-339  
20 (height of vehicles), 27-340 (length of vehicles), 27-352  
21 (reflectors on trailers), 27-353 (mufflers), 27-354  
22 (display of plates), 27-355 (display of city vehicle tax  
23 sticker), 27-357 (identification of vehicles), 27-358  
24 (projecting of loads), and also excepting the following  
25 enumerated paragraphs of Section 2-201 of the Rules and  
26 Regulations of the Illinois State Toll Highway Authority:

1 (l) (driving unsafe vehicle on tollway), (m) (vehicles  
2 transporting dangerous cargo not properly indicated), it  
3 shall be the duty of the clerk of the court in which such  
4 conviction is had within 5 days thereafter to forward to  
5 the Secretary of State a report of the conviction and the  
6 court may recommend the suspension of the driver's license  
7 or permit of the person so convicted.

8 The reporting requirements of this subsection shall apply  
9 to all violations stated in paragraphs (1) and (2) of this  
10 subsection when the individual has been adjudicated under the  
11 Juvenile Court Act or the Juvenile Court Act of 1987. Such  
12 reporting requirements shall also apply to individuals  
13 adjudicated under the Juvenile Court Act or the Juvenile Court  
14 Act of 1987 who have committed a violation of Section 11-501 of  
15 this Code, or similar provision of a local ordinance, or  
16 Section 9-3 of the Criminal Code of 1961, as amended, relating  
17 to the offense of reckless homicide. These reporting  
18 requirements also apply to individuals adjudicated under the  
19 Juvenile Court Act of 1987 based on any offense determined to  
20 have been committed in furtherance of the criminal activities  
21 of an organized gang, as provided in Section 5-710 of that Act.

22 The reporting requirements of this subsection shall also apply  
23 to a truant minor in need of supervision, an addicted minor, or  
24 a delinquent minor and whose driver's license and privilege to  
25 drive a motor vehicle has been ordered suspended for such times  
26 as determined by the Court, but only until he or she attains 18

1 years of age. It shall be the duty of the clerk of the court in  
2 which adjudication is had within 5 days thereafter to forward  
3 to the Secretary of State a report of the adjudication and the  
4 court order requiring the Secretary of State to suspend the  
5 minor's driver's license and driving privilege for such time as  
6 determined by the Court, but only until he or she attains the  
7 age of 18 years. All juvenile court dispositions reported to  
8 the Secretary of State under this provision shall be processed  
9 by the Secretary of State as if the cases had been adjudicated  
10 in traffic or criminal court. However, information reported  
11 relative to the offense of reckless homicide, or Section 11-501  
12 of this Code, or a similar provision of a local ordinance,  
13 shall be privileged and available only to the Secretary of  
14 State, courts, and police officers.

15 The reporting requirements of this subsection (a)  
16 apply to all violations listed in paragraphs (1) and (2) of  
17 this subsection (a), excluding parking violations, when  
18 the driver holds a CDL, regardless of the type of vehicle  
19 in which the violation occurred, or when any driver  
20 committed the violation in a commercial motor vehicle as  
21 defined in Section 6-500 of this Code.

22 (3) Whenever an order is entered vacating the  
23 forfeiture of any bail, security or bond given to secure  
24 appearance for any offense under this Code or similar  
25 offenses under municipal ordinance, it shall be the duty of  
26 the clerk of the court in which such vacation was had or

1 the judge of such court if such court has no clerk, within  
2 5 days thereafter to forward to the Secretary of State a  
3 report of the vacation.

4 (4) A report of any disposition of court supervision  
5 for a violation of Sections 6-303, 11-401, 11-501 or a  
6 similar provision of a local ordinance, 11-503 and 11-504  
7 shall be forwarded to the Secretary of State. A report of  
8 any disposition of court supervision for a violation of an  
9 offense defined as a serious traffic violation in this Code  
10 or a similar provision of a local ordinance committed by a  
11 person under the age of 21 years shall be forwarded to the  
12 Secretary of State.

13 (5) Reports of conviction under this Code and  
14 sentencing hearings under the Juvenile Court Act of 1987 in  
15 an electronic format or a computer processible medium shall  
16 be forwarded to the Secretary of State via the Supreme  
17 Court in the form and format required by the Illinois  
18 Supreme Court and established by a written agreement  
19 between the Supreme Court and the Secretary of State. In  
20 counties with a population over 300,000, instead of  
21 forwarding reports to the Supreme Court, reports of  
22 conviction under this Code and sentencing hearings under  
23 the Juvenile Court Act of 1987 in an electronic format or a  
24 computer processible medium may be forwarded to the  
25 Secretary of State by the Circuit Court Clerk in a form and  
26 format required by the Secretary of State and established

1 by written agreement between the Circuit Court Clerk and  
2 the Secretary of State. Failure to forward the reports of  
3 conviction or sentencing hearing under the Juvenile Court  
4 Act of 1987 as required by this Section shall be deemed an  
5 omission of duty and it shall be the duty of the several  
6 State's Attorneys to enforce the requirements of this  
7 Section.

8 (b) Whenever a restricted driving permit is forwarded to a  
9 court, as a result of confiscation by a police officer pursuant  
10 to the authority in Section 6-113(f), it shall be the duty of  
11 the clerk, or judge, if the court has no clerk, to forward such  
12 restricted driving permit and a facsimile of the officer's  
13 citation to the Secretary of State as expeditiously as  
14 practicable.

15 (c) For the purposes of this Code, a forfeiture of bail or  
16 collateral deposited to secure a defendant's appearance in  
17 court when forfeiture has not been vacated, or the failure of a  
18 defendant to appear for trial after depositing his driver's  
19 license in lieu of other bail, shall be equivalent to a  
20 conviction.

21 (d) For the purpose of providing the Secretary of State  
22 with records necessary to properly monitor and assess driver  
23 performance and assist the courts in the proper disposition of  
24 repeat traffic law offenders, the clerk of the court shall  
25 forward to the Secretary of State, on a form prescribed by the  
26 Secretary, records of a driver's participation in a driver

1 remedial or rehabilitative program which was required, through  
2 a court order or court supervision, in relation to the driver's  
3 arrest for a violation of Section 11-501 of this Code or a  
4 similar provision of a local ordinance. The clerk of the court  
5 shall also forward to the Secretary, either on paper or in an  
6 electronic format or a computer processible medium as required  
7 under paragraph (5) of subsection (a) of this Section, any  
8 disposition of court supervision for any traffic violation,  
9 excluding those offenses listed in paragraph (2) of subsection  
10 (a) of this Section. These reports shall be sent within 5 days  
11 after disposition, or, if the driver is referred to a driver  
12 remedial or rehabilitative program, within 5 days of the  
13 driver's referral to that program. These reports received by  
14 the Secretary of State, including those required to be  
15 forwarded under paragraph (a)(4), shall be privileged  
16 information, available only (i) to the affected driver and (ii)  
17 for use by the courts, police officers, prosecuting  
18 authorities, and the Secretary of State. In accordance with 49  
19 C.F.R. Part 384, all reports of court supervision, except  
20 violations related to parking, shall be forwarded to the  
21 Secretary of State for all holders of a CDL or any driver who  
22 commits an offense while driving a commercial motor vehicle.  
23 These reports shall be recorded to the driver's record as a  
24 conviction for use in the disqualification of the driver's  
25 commercial motor vehicle privileges and shall not be privileged  
26 information.

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

2 (625 ILCS 5/6-205) (from Ch. 95 1/2, par. 6-205)

3 Sec. 6-205. Mandatory revocation of license or permit;  
4 Hardship cases.

5 (a) Except as provided in this Section, the Secretary of  
6 State shall immediately revoke the license, permit, or driving  
7 privileges of any driver upon receiving a report of the  
8 driver's conviction of any of the following offenses:

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

11 2. Violation of Section 11-501 of this Code or a  
12 similar provision of a local ordinance relating to the  
13 offense of operating or being in physical control of a  
14 vehicle while under the influence of alcohol, other drug or  
15 drugs, intoxicating compound or compounds, or any  
16 combination thereof;

17 3. Any felony under the laws of any State or the  
18 federal government in the commission of which a motor  
19 vehicle was used;

20 4. Violation of Section 11-401 of this Code relating to  
21 the offense of leaving the scene of a traffic accident  
22 involving death or personal injury;

23 5. Perjury or the making of a false affidavit or  
24 statement under oath to the Secretary of State under this  
25 Code or under any other law relating to the ownership or



1 operation of motor vehicles;

2 6. Conviction upon 3 charges of violation of Section  
3 11-503 of this Code relating to the offense of reckless  
4 driving committed within a period of 12 months;

5 7. Conviction of any offense defined in Section 4-102  
6 of this Code;

7 8. Violation of Section 11-504 of this Code relating to  
8 the offense of drag racing;

9 9. Violation of Chapters 8 and 9 of this Code;

10 10. Violation of Section 12-5 of the Criminal Code of  
11 1961 arising from the use of a motor vehicle;

12 11. Violation of Section 11-204.1 of this Code relating  
13 to aggravated fleeing or attempting to elude a peace  
14 officer;

15 12. Violation of paragraph (1) of subsection (b) of  
16 Section 6-507, or a similar law of any other state,  
17 relating to the unlawful operation of a commercial motor  
18 vehicle;

19 13. Violation of paragraph (a) of Section 11-502 of  
20 this Code or a similar provision of a local ordinance if  
21 the driver has been previously convicted of a violation of  
22 that Section or a similar provision of a local ordinance  
23 and the driver was less than 21 years of age at the time of  
24 the offense.

25 (b) The Secretary of State shall also immediately revoke  
26 the license or permit of any driver in the following

1 situations:

2 1. Of any minor upon receiving the notice provided for  
3 in Section 5-901 of the Juvenile Court Act of 1987 that the  
4 minor has been adjudicated under that Act as having  
5 committed an offense relating to motor vehicles prescribed  
6 in Section 4-103 of this Code;

7 2. Of any person when any other law of this State  
8 requires either the revocation or suspension of a license  
9 or permit;~~;~~

10 3. Of any person adjudicated under the Juvenile Court  
11 Act of 1987 based on an offense determined to have been  
12 committed in furtherance of the criminal activities of an  
13 organized gang as provided in Section 5-710 of that Act.  
14 The revocation shall remain in effect for the period  
15 determined by the court.

16 (c) Whenever a person is convicted of any of the offenses  
17 enumerated in this Section, the court may recommend and the  
18 Secretary of State in his discretion, without regard to whether  
19 the recommendation is made by the court may, upon application,  
20 issue to the person a restricted driving permit granting the  
21 privilege of driving a motor vehicle between the petitioner's  
22 residence and petitioner's place of employment or within the  
23 scope of the petitioner's employment related duties, or to  
24 allow transportation for the petitioner or a household member  
25 of the petitioner's family for the receipt of necessary medical  
26 care or, if the professional evaluation indicates, provide

1 transportation for the petitioner for alcohol remedial or  
2 rehabilitative activity, or for the petitioner to attend  
3 classes, as a student, in an accredited educational  
4 institution; if the petitioner is able to demonstrate that no  
5 alternative means of transportation is reasonably available  
6 and the petitioner will not endanger the public safety or  
7 welfare; provided that the Secretary's discretion shall be  
8 limited to cases where undue hardship would result from a  
9 failure to issue the restricted driving permit.

10 If a person's license or permit has been revoked or  
11 suspended due to 2 or more convictions of violating Section  
12 11-501 of this Code or a similar provision of a local ordinance  
13 or a similar out-of-state offense, arising out of separate  
14 occurrences, that person, if issued a restricted driving  
15 permit, may not operate a vehicle unless it has been equipped  
16 with an ignition interlock device as defined in Section  
17 1-129.1.

18 If a person's license or permit has been revoked or  
19 suspended 2 or more times within a 10 year period due to a  
20 single conviction of violating Section 11-501 of this Code or a  
21 similar provision of a local ordinance or a similar  
22 out-of-state offense, and a statutory summary suspension under  
23 Section 11-501.1, or 2 or more statutory summary suspensions,  
24 or combination of 2 offenses, or of an offense and a statutory  
25 summary suspension, arising out of separate occurrences, that  
26 person, if issued a restricted driving permit, may not operate

1 a vehicle unless it has been equipped with an ignition  
2 interlock device as defined in Section 1-129.1. The person must  
3 pay to the Secretary of State DUI Administration Fund an amount  
4 not to exceed \$20 per month. The Secretary shall establish by  
5 rule the amount and the procedures, terms, and conditions  
6 relating to these fees. If the restricted driving permit was  
7 issued for employment purposes, then this provision does not  
8 apply to the operation of an occupational vehicle owned or  
9 leased by that person's employer. In each case the Secretary of  
10 State may issue a restricted driving permit for a period he  
11 deems appropriate, except that the permit shall expire within  
12 one year from the date of issuance. The Secretary may not,  
13 however, issue a restricted driving permit to any person whose  
14 current revocation is the result of a second or subsequent  
15 conviction for a violation of Section 11-501 of this Code or a  
16 similar provision of a local ordinance relating to the offense  
17 of operating or being in physical control of a motor vehicle  
18 while under the influence of alcohol, other drug or drugs,  
19 intoxicating compound or compounds, or any similar  
20 out-of-state offense, or any combination thereof, until the  
21 expiration of at least one year from the date of the  
22 revocation. A restricted driving permit issued under this  
23 Section shall be subject to cancellation, revocation, and  
24 suspension by the Secretary of State in like manner and for  
25 like cause as a driver's license issued under this Code may be  
26 cancelled, revoked, or suspended; except that a conviction upon

1 one or more offenses against laws or ordinances regulating the  
2 movement of traffic shall be deemed sufficient cause for the  
3 revocation, suspension, or cancellation of a restricted  
4 driving permit. The Secretary of State may, as a condition to  
5 the issuance of a restricted driving permit, require the  
6 applicant to participate in a designated driver remedial or  
7 rehabilitative program. The Secretary of State is authorized to  
8 cancel a restricted driving permit if the permit holder does  
9 not successfully complete the program. However, if an  
10 individual's driving privileges have been revoked in  
11 accordance with paragraph 13 of subsection (a) of this Section,  
12 no restricted driving permit shall be issued until the  
13 individual has served 6 months of the revocation period.

14 (d) Whenever a person under the age of 21 is convicted  
15 under Section 11-501 of this Code or a similar provision of a  
16 local ordinance, the Secretary of State shall revoke the  
17 driving privileges of that person. One year after the date of  
18 revocation, and upon application, the Secretary of State may,  
19 if satisfied that the person applying will not endanger the  
20 public safety or welfare, issue a restricted driving permit  
21 granting the privilege of driving a motor vehicle only between  
22 the hours of 5 a.m. and 9 p.m. or as otherwise provided by this  
23 Section for a period of one year. After this one year period,  
24 and upon reapplication for a license as provided in Section  
25 6-106, upon payment of the appropriate reinstatement fee  
26 provided under paragraph (b) of Section 6-118, the Secretary of

1 State, in his discretion, may issue the applicant a license, or  
2 extend the restricted driving permit as many times as the  
3 Secretary of State deems appropriate, by additional periods of  
4 not more than 12 months each, until the applicant attains 21  
5 years of age.

6 If a person's license or permit has been revoked or  
7 suspended due to 2 or more convictions of violating Section  
8 11-501 of this Code or a similar provision of a local ordinance  
9 or a similar out-of-state offense, arising out of separate  
10 occurrences, that person, if issued a restricted driving  
11 permit, may not operate a vehicle unless it has been equipped  
12 with an ignition interlock device as defined in Section  
13 1-129.1.

14 If a person's license or permit has been revoked or  
15 suspended 2 or more times within a 10 year period due to a  
16 single conviction of violating Section 11-501 of this Code or a  
17 similar provision of a local ordinance or a similar  
18 out-of-state offense, and a statutory summary suspension under  
19 Section 11-501.1, or 2 or more statutory summary suspensions,  
20 or combination of 2 offenses, or of an offense and a statutory  
21 summary suspension, arising out of separate occurrences, that  
22 person, if issued a restricted driving permit, may not operate  
23 a vehicle unless it has been equipped with an ignition  
24 interlock device as defined in Section 1-129.1. The person must  
25 pay to the Secretary of State DUI Administration Fund an amount  
26 not to exceed \$20 per month. The Secretary shall establish by

1 rule the amount and the procedures, terms, and conditions  
2 relating to these fees. If the restricted driving permit was  
3 issued for employment purposes, then this provision does not  
4 apply to the operation of an occupational vehicle owned or  
5 leased by that person's employer. A restricted driving permit  
6 issued under this Section shall be subject to cancellation,  
7 revocation, and suspension by the Secretary of State in like  
8 manner and for like cause as a driver's license issued under  
9 this Code may be cancelled, revoked, or suspended; except that  
10 a conviction upon one or more offenses against laws or  
11 ordinances regulating the movement of traffic shall be deemed  
12 sufficient cause for the revocation, suspension, or  
13 cancellation of a restricted driving permit. The revocation  
14 periods contained in this subparagraph shall apply to similar  
15 out-of-state convictions.

16 (e) This Section is subject to the provisions of the Driver  
17 License Compact.

18 (f) Any revocation imposed upon any person under  
19 subsections 2 and 3 of paragraph (b) that is in effect on  
20 December 31, 1988 shall be converted to a suspension for a like  
21 period of time.

22 (g) The Secretary of State shall not issue a restricted  
23 driving permit to a person under the age of 16 years whose  
24 driving privileges have been revoked under any provisions of  
25 this Code.

26 (h) The Secretary of State shall require the use of

1 ignition interlock devices on all vehicles owned by an  
2 individual who has been convicted of a second or subsequent  
3 offense under Section 11-501 of this Code or a similar  
4 provision of a local ordinance. The Secretary shall establish  
5 by rule and regulation the procedures for certification and use  
6 of the interlock system.

7 (i) The Secretary of State may not issue a restricted  
8 driving permit for a period of one year after a second or  
9 subsequent revocation of driving privileges under clause  
10 (a)(2) of this Section; however, one year after the date of a  
11 second or subsequent revocation of driving privileges under  
12 clause (a)(2) of this Section, the Secretary of State may, upon  
13 application, issue a restricted driving permit under the terms  
14 and conditions of subsection (c).

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

20 (Source: P.A. 93-120, eff. 1-1-04; 94-307, eff. 9-30-05.)

21 Section 10. The Juvenile Court Act of 1987 is amended by  
22 changing Section 5-710 as follows:

23 (705 ILCS 405/5-710)

24 Sec. 5-710. Kinds of sentencing orders.



1           (1) The following kinds of sentencing orders may be made in  
2 respect of wards of the court:

3           (a) Except as provided in Sections 5-805, 5-810, 5-815,  
4 a minor who is found guilty under Section 5-620 may be:

5           (i) put on probation or conditional discharge and  
6 released to his or her parents, guardian or legal  
7 custodian, provided, however, that any such minor who  
8 is not committed to the Department of Juvenile Justice  
9 under this subsection and who is found to be a  
10 delinquent for an offense which is first degree murder,  
11 a Class X felony, or a forcible felony shall be placed  
12 on probation;

13           (ii) placed in accordance with Section 5-740, with  
14 or without also being put on probation or conditional  
15 discharge;

16           (iii) required to undergo a substance abuse  
17 assessment conducted by a licensed provider and  
18 participate in the indicated clinical level of care;

19           (iv) placed in the guardianship of the Department  
20 of Children and Family Services, but only if the  
21 delinquent minor is under 13 years of age;

22           (v) placed in detention for a period not to exceed  
23 30 days, either as the exclusive order of disposition  
24 or, where appropriate, in conjunction with any other  
25 order of disposition issued under this paragraph,  
26 provided that any such detention shall be in a juvenile

1           detention home and the minor so detained shall be 10  
2           years of age or older. However, the 30-day limitation  
3           may be extended by further order of the court for a  
4           minor under age 13 committed to the Department of  
5           Children and Family Services if the court finds that  
6           the minor is a danger to himself or others. The minor  
7           shall be given credit on the sentencing order of  
8           detention for time spent in detention under Sections  
9           5-501, 5-601, 5-710, or 5-720 of this Article as a  
10          result of the offense for which the sentencing order  
11          was imposed. The court may grant credit on a sentencing  
12          order of detention entered under a violation of  
13          probation or violation of conditional discharge under  
14          Section 5-720 of this Article for time spent in  
15          detention before the filing of the petition alleging  
16          the violation. A minor shall not be deprived of credit  
17          for time spent in detention before the filing of a  
18          violation of probation or conditional discharge  
19          alleging the same or related act or acts;

20                 (vi) ordered partially or completely emancipated  
21                 in accordance with the provisions of the Emancipation  
22                 of Minors Act;

23                 (vii) subject to having his or her driver's license  
24                 or driving privileges suspended for such time as  
25                 determined by the court but only until he or she  
26                 attains 18 years of age;

1 (viii) put on probation or conditional discharge  
2 and placed in detention under Section 3-6039 of the  
3 Counties Code for a period not to exceed the period of  
4 incarceration permitted by law for adults found guilty  
5 of the same offense or offenses for which the minor was  
6 adjudicated delinquent, and in any event no longer than  
7 upon attainment of age 21; this subdivision (viii)  
8 notwithstanding any contrary provision of the law; or

9 (ix) ordered to undergo a medical or other  
10 procedure to have a tattoo symbolizing allegiance to a  
11 street gang removed from his or her body.

12 (b) A minor found to be guilty may be committed to the  
13 Department of Juvenile Justice under Section 5-750 if the  
14 minor is 13 years of age or older, provided that the  
15 commitment to the Department of Juvenile Justice shall be  
16 made only if a term of incarceration is permitted by law  
17 for adults found guilty of the offense for which the minor  
18 was adjudicated delinquent. The time during which a minor  
19 is in custody before being released upon the request of a  
20 parent, guardian or legal custodian shall be considered as  
21 time spent in detention.

22 (c) When a minor is found to be guilty for an offense  
23 which is a violation of the Illinois Controlled Substances  
24 Act, the Cannabis Control Act, or the Methamphetamine  
25 Control and Community Protection Act and made a ward of the  
26 court, the court may enter a disposition order requiring

1           the minor to undergo assessment, counseling or treatment in  
2           a substance abuse program approved by the Department of  
3           Human Services.

4           (2) Any sentencing order other than commitment to the  
5           Department of Juvenile Justice may provide for protective  
6           supervision under Section 5-725 and may include an order of  
7           protection under Section 5-730.

8           (3) Unless the sentencing order expressly so provides, it  
9           does not operate to close proceedings on the pending petition,  
10          but is subject to modification until final closing and  
11          discharge of the proceedings under Section 5-750.

12          (4) In addition to any other sentence, the court may order  
13          any minor found to be delinquent to make restitution, in  
14          monetary or non-monetary form, under the terms and conditions  
15          of Section 5-5-6 of the Unified Code of Corrections, except  
16          that the "presentencing hearing" referred to in that Section  
17          shall be the sentencing hearing for purposes of this Section.  
18          The parent, guardian or legal custodian of the minor may be  
19          ordered by the court to pay some or all of the restitution on  
20          the minor's behalf, pursuant to the Parental Responsibility  
21          Law. The State's Attorney is authorized to act on behalf of any  
22          victim in seeking restitution in proceedings under this  
23          Section, up to the maximum amount allowed in Section 5 of the  
24          Parental Responsibility Law.

25          (5) Any sentencing order where the minor is committed or  
26          placed in accordance with Section 5-740 shall provide for the

1 parents or guardian of the estate of the minor to pay to the  
2 legal custodian or guardian of the person of the minor such  
3 sums as are determined by the custodian or guardian of the  
4 person of the minor as necessary for the minor's needs. The  
5 payments may not exceed the maximum amounts provided for by  
6 Section 9.1 of the Children and Family Services Act.

7 (6) Whenever the sentencing order requires the minor to  
8 attend school or participate in a program of training, the  
9 truant officer or designated school official shall regularly  
10 report to the court if the minor is a chronic or habitual  
11 truant under Section 26-2a of the School Code.

12 (7) In no event shall a guilty minor be committed to the  
13 Department of Juvenile Justice for a period of time in excess  
14 of that period for which an adult could be committed for the  
15 same act.

16 (8) A minor found to be guilty for reasons that include a  
17 violation of Section 21-1.3 of the Criminal Code of 1961 shall  
18 be ordered to perform community service for not less than 30  
19 and not more than 120 hours, if community service is available  
20 in the jurisdiction. The community service shall include, but  
21 need not be limited to, the cleanup and repair of the damage  
22 that was caused by the violation or similar damage to property  
23 located in the municipality or county in which the violation  
24 occurred. The order may be in addition to any other order  
25 authorized by this Section.

26 (8.5) A minor found to be guilty for reasons that include a

1 violation of Section 3.02 or Section 3.03 of the Humane Care  
2 for Animals Act or paragraph (d) of subsection (1) of Section  
3 21-1 of the Criminal Code of 1961 shall be ordered to undergo  
4 medical or psychiatric treatment rendered by a psychiatrist or  
5 psychological treatment rendered by a clinical psychologist.  
6 The order may be in addition to any other order authorized by  
7 this Section.

8 (9) In addition to any other sentencing order, the court  
9 shall order any minor found to be guilty for an act which would  
10 constitute, predatory criminal sexual assault of a child,  
11 aggravated criminal sexual assault, criminal sexual assault,  
12 aggravated criminal sexual abuse, or criminal sexual abuse if  
13 committed by an adult to undergo medical testing to determine  
14 whether the defendant has any sexually transmissible disease  
15 including a test for infection with human immunodeficiency  
16 virus (HIV) or any other identified causative agency of  
17 acquired immunodeficiency syndrome (AIDS). Any medical test  
18 shall be performed only by appropriately licensed medical  
19 practitioners and may include an analysis of any bodily fluids  
20 as well as an examination of the minor's person. Except as  
21 otherwise provided by law, the results of the test shall be  
22 kept strictly confidential by all medical personnel involved in  
23 the testing and must be personally delivered in a sealed  
24 envelope to the judge of the court in which the sentencing  
25 order was entered for the judge's inspection in camera. Acting  
26 in accordance with the best interests of the victim and the

1 public, the judge shall have the discretion to determine to  
2 whom the results of the testing may be revealed. The court  
3 shall notify the minor of the results of the test for infection  
4 with the human immunodeficiency virus (HIV). The court shall  
5 also notify the victim if requested by the victim, and if the  
6 victim is under the age of 15 and if requested by the victim's  
7 parents or legal guardian, the court shall notify the victim's  
8 parents or the legal guardian, of the results of the test for  
9 infection with the human immunodeficiency virus (HIV). The  
10 court shall provide information on the availability of HIV  
11 testing and counseling at the Department of Public Health  
12 facilities to all parties to whom the results of the testing  
13 are revealed. The court shall order that the cost of any test  
14 shall be paid by the county and may be taxed as costs against  
15 the minor.

16 (10) When a court finds a minor to be guilty the court  
17 shall, before entering a sentencing order under this Section,  
18 make a finding whether the offense committed either: (a) was  
19 related to or in furtherance of the criminal activities of an  
20 organized gang or was motivated by the minor's membership in or  
21 allegiance to an organized gang, or (b) involved a violation of  
22 subsection (a) of Section 12-7.1 of the Criminal Code of 1961,  
23 a violation of any Section of Article 24 of the Criminal Code  
24 of 1961, or a violation of any statute that involved the  
25 wrongful use of a firearm. If the court determines the question  
26 in the affirmative, and the court does not commit the minor to

1 the Department of Juvenile Justice, the court shall order the  
2 minor to perform community service for not less than 30 hours  
3 nor more than 120 hours, provided that community service is  
4 available in the jurisdiction and is funded and approved by the  
5 county board of the county where the offense was committed. The  
6 community service shall include, but need not be limited to,  
7 the cleanup and repair of any damage caused by a violation of  
8 Section 21-1.3 of the Criminal Code of 1961 and similar damage  
9 to property located in the municipality or county in which the  
10 violation occurred. When possible and reasonable, the  
11 community service shall be performed in the minor's  
12 neighborhood. This order shall be in addition to any other  
13 order authorized by this Section except for an order to place  
14 the minor in the custody of the Department of Juvenile Justice.  
15 For the purposes of this Section, "organized gang" has the  
16 meaning ascribed to it in Section 10 of the Illinois Streetgang  
17 Terrorism Omnibus Prevention Act.

18 (11) If the court determines that the offense was committed  
19 in furtherance of the criminal activities of an organized gang,  
20 as provided in subsection (10), the court shall notify the  
21 Secretary of State of that determination and of the period for  
22 which the minor shall be denied driving privileges. If, at the  
23 time of the determination, the minor does not hold a driver's  
24 license or permit, the court shall provide that the minor shall  
25 not be issued a driver's license or permit until his or her  
26 18th birthday. If the minor holds a driver's license or permit



1 at the time of the determination, the court shall provide that  
2 the minor's driver's license or permit shall be revoked until  
3 his or her 21st birthday, or until a later date or occurrence  
4 determined by the court.

5 (Source: P.A. 94-556, eff. 9-11-05; 94-696, eff. 6-1-06.)