

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. Upon the direction of the court,
16 the Secretary shall issue the person a judicial driving
17 permit, also known as a JDP. The JDP shall be subject to
18 the same terms as a JDP issued under Section 6-206.1,
19 except that the court may direct that a JDP issued under
20 this subdivision (b) (3) be effective immediately.

21 (c) Whenever a person is convicted of any of the offenses
22 enumerated in this Section, the court may recommend and the
23 Secretary of State in his discretion, without regard to whether
24 the recommendation is made by the court may, upon application,
25 issue to the person a restricted driving permit granting the
26 privilege of driving a motor vehicle between the petitioner's

1 residence and petitioner's place of employment or within the
2 scope of the petitioner's employment related duties, or to
3 allow transportation for the petitioner or a household member
4 of the petitioner's family for the receipt of necessary medical
5 care or, if the professional evaluation indicates, provide
6 transportation for the petitioner for alcohol remedial or
7 rehabilitative activity, or for the petitioner to attend
8 classes, as a student, in an accredited educational
9 institution; if the petitioner is able to demonstrate that no
10 alternative means of transportation is reasonably available
11 and the petitioner will not endanger the public safety or
12 welfare; provided that the Secretary's discretion shall be
13 limited to cases where undue hardship would result from a
14 failure to issue the restricted driving permit.

15 If a person's license or permit has been revoked or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

23 If a person's license or permit has been revoked or
24 suspended 2 or more times within a 10 year period due to a
25 single conviction of violating Section 11-501 of this Code or a
26 similar provision of a local ordinance or a similar

1 out-of-state offense, and a statutory summary suspension under
2 Section 11-501.1, or 2 or more statutory summary suspensions,
3 or combination of 2 offenses, or of an offense and a statutory
4 summary suspension, arising out of separate occurrences, that
5 person, if issued a restricted driving permit, may not operate
6 a vehicle unless it has been equipped with an ignition
7 interlock device as defined in Section 1-129.1. The person must
8 pay to the Secretary of State DUI Administration Fund an amount
9 not to exceed \$20 per month. The Secretary shall establish by
10 rule the amount and the procedures, terms, and conditions
11 relating to these fees. If the restricted driving permit was
12 issued for employment purposes, then this provision does not
13 apply to the operation of an occupational vehicle owned or
14 leased by that person's employer. In each case the Secretary of
15 State may issue a restricted driving permit for a period he
16 deems appropriate, except that the permit shall expire within
17 one year from the date of issuance. The Secretary may not,
18 however, issue a restricted driving permit to any person whose
19 current revocation is the result of a second or subsequent
20 conviction for a violation of Section 11-501 of this Code or a
21 similar provision of a local ordinance relating to the offense
22 of operating or being in physical control of a motor vehicle
23 while under the influence of alcohol, other drug or drugs,
24 intoxicating compound or compounds, or any similar
25 out-of-state offense, or any combination thereof, until the
26 expiration of at least one year from the date of the

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

19 (d) Whenever a person under the age of 21 is convicted
20 under Section 11-501 of this Code or a similar provision of a
21 local ordinance, the Secretary of State shall revoke the
22 driving privileges of that person. One year after the date of
23 revocation, and upon application, the Secretary of State may,
24 if satisfied that the person applying will not endanger the
25 public safety or welfare, issue a restricted driving permit
26 granting the privilege of driving a motor vehicle only between

1 the hours of 5 a.m. and 9 p.m. or as otherwise provided by this
2 Section for a period of one year. After this one year period,
3 and upon reapplication for a license as provided in Section
4 6-106, upon payment of the appropriate reinstatement fee
5 provided under paragraph (b) of Section 6-118, the Secretary of
6 State, in his discretion, may issue the applicant a license, or
7 extend the restricted driving permit as many times as the
8 Secretary of State deems appropriate, by additional periods of
9 not more than 12 months each, until the applicant attains 21
10 years of age.

11 If a person's license or permit has been revoked or
12 suspended due to 2 or more convictions of violating Section
13 11-501 of this Code or a similar provision of a local ordinance
14 or a similar out-of-state offense, arising out of separate
15 occurrences, that person, if issued a restricted driving
16 permit, may not operate a vehicle unless it has been equipped
17 with an ignition interlock device as defined in Section
18 1-129.1.

19 If a person's license or permit has been revoked or
20 suspended 2 or more times within a 10 year period due to a
21 single conviction of violating Section 11-501 of this Code or a
22 similar provision of a local ordinance or a similar
23 out-of-state offense, and a statutory summary suspension under
24 Section 11-501.1, or 2 or more statutory summary suspensions,
25 or combination of 2 offenses, or of an offense and a statutory
26 summary suspension, arising out of separate occurrences, that

1 person, if issued a restricted driving permit, may not operate
2 a vehicle unless it has been equipped with an ignition
3 interlock device as defined in Section 1-129.1. The person must
4 pay to the Secretary of State DUI Administration Fund an amount
5 not to exceed \$20 per month. The Secretary shall establish by
6 rule the amount and the procedures, terms, and conditions
7 relating to these fees. If the restricted driving permit was
8 issued for employment purposes, then this provision does not
9 apply to the operation of an occupational vehicle owned or
10 leased by that person's employer. A restricted driving permit
11 issued under this Section shall be subject to cancellation,
12 revocation, and suspension by the Secretary of State in like
13 manner and for like cause as a driver's license issued under
14 this Code may be cancelled, revoked, or suspended; except that
15 a conviction upon one or more offenses against laws or
16 ordinances regulating the movement of traffic shall be deemed
17 sufficient cause for the revocation, suspension, or
18 cancellation of a restricted driving permit. The revocation
19 periods contained in this subparagraph shall apply to similar
20 out-of-state convictions.

21 (e) This Section is subject to the provisions of the Driver
22 License Compact.

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

1 (g) The Secretary of State shall not issue a restricted
2 driving permit to a person under the age of 16 years whose
3 driving privileges have been revoked under any provisions of
4 this Code.

5 (h) The Secretary of State shall require the use of
6 ignition interlock devices on all vehicles owned by an
7 individual who has been convicted of a second or subsequent
8 offense under Section 11-501 of this Code or a similar
9 provision of a local ordinance. The Secretary shall establish
10 by rule and regulation the procedures for certification and use
11 of the interlock system.

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

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

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

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

3 (705 ILCS 405/5-710)

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

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

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

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

17 (ii) placed in accordance with Section 5-740, with
18 or without also being put on probation or conditional
19 discharge;

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

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

1 (v) placed in detention for a period not to exceed
2 30 days, either as the exclusive order of disposition
3 or, where appropriate, in conjunction with any other
4 order of disposition issued under this paragraph,
5 provided that any such detention shall be in a juvenile
6 detention home and the minor so detained shall be 10
7 years of age or older. However, the 30-day limitation
8 may be extended by further order of the court for a
9 minor under age 13 committed to the Department of
10 Children and Family Services if the court finds that
11 the minor is a danger to himself or others. The minor
12 shall be given credit on the sentencing order of
13 detention for time spent in detention under Sections
14 5-501, 5-601, 5-710, or 5-720 of this Article as a
15 result of the offense for which the sentencing order
16 was imposed. The court may grant credit on a sentencing
17 order of detention entered under a violation of
18 probation or violation of conditional discharge under
19 Section 5-720 of this Article for time spent in
20 detention before the filing of the petition alleging
21 the violation. A minor shall not be deprived of credit
22 for time spent in detention before the filing of a
23 violation of probation or conditional discharge
24 alleging the same or related act or acts;

25 (vi) ordered partially or completely emancipated
26 in accordance with the provisions of the Emancipation

1 of Minors Act;

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

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

14 (ix) ordered to undergo a medical or other
15 procedure to have a tattoo symbolizing allegiance to a
16 street gang removed from his or her body.

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

1 (c) When a minor is found to be guilty for an offense
2 which is a violation of the Illinois Controlled Substances
3 Act, the Cannabis Control Act, or the Methamphetamine
4 Control and Community Protection Act and made a ward of the
5 court, the court may enter a disposition order requiring
6 the minor to undergo assessment, counseling or treatment in
7 a substance abuse program approved by the Department of
8 Human Services.

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

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

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

1 victim in seeking restitution in proceedings under this
2 Section, up to the maximum amount allowed in Section 5 of the
3 Parental Responsibility Law.

4 (5) Any sentencing order where the minor is committed or
5 placed in accordance with Section 5-740 shall provide for the
6 parents or guardian of the estate of the minor to pay to the
7 legal custodian or guardian of the person of the minor such
8 sums as are determined by the custodian or guardian of the
9 person of the minor as necessary for the minor's needs. The
10 payments may not exceed the maximum amounts provided for by
11 Section 9.1 of the Children and Family Services Act.

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

17 (7) In no event shall a guilty minor be committed to the
18 Department of Juvenile Justice for a period of time in excess
19 of that period for which an adult could be committed for the
20 same act.

21 (8) A minor found to be guilty for reasons that include a
22 violation of Section 21-1.3 of the Criminal Code of 1961 shall
23 be ordered to perform community service for not less than 30
24 and not more than 120 hours, if community service is available
25 in the jurisdiction. The community service shall include, but
26 need not be limited to, the cleanup and repair of the damage

1 that was caused by the violation or similar damage to property
2 located in the municipality or county in which the violation
3 occurred. The order may be in addition to any other order
4 authorized by this Section.

5 (8.5) A minor found to be guilty for reasons that include a
6 violation of Section 3.02 or Section 3.03 of the Humane Care
7 for Animals Act or paragraph (d) of subsection (1) of Section
8 21-1 of the Criminal Code of 1961 shall be ordered to undergo
9 medical or psychiatric treatment rendered by a psychiatrist or
10 psychological treatment rendered by a clinical psychologist.
11 The order may be in addition to any other order authorized by
12 this Section.

13 (9) In addition to any other sentencing order, the court
14 shall order any minor found to be guilty for an act which would
15 constitute, predatory criminal sexual assault of a child,
16 aggravated criminal sexual assault, criminal sexual assault,
17 aggravated criminal sexual abuse, or criminal sexual abuse if
18 committed by an adult to undergo medical testing to determine
19 whether the defendant has any sexually transmissible disease
20 including a test for infection with human immunodeficiency
21 virus (HIV) or any other identified causative agency of
22 acquired immunodeficiency syndrome (AIDS). Any medical test
23 shall be performed only by appropriately licensed medical
24 practitioners and may include an analysis of any bodily fluids
25 as well as an examination of the minor's person. Except as
26 otherwise provided by law, the results of the test shall be

1 kept strictly confidential by all medical personnel involved in
2 the testing and must be personally delivered in a sealed
3 envelope to the judge of the court in which the sentencing
4 order was entered for the judge's inspection in camera. Acting
5 in accordance with the best interests of the victim and the
6 public, the judge shall have the discretion to determine to
7 whom the results of the testing may be revealed. The court
8 shall notify the minor of the results of the test for infection
9 with the human immunodeficiency virus (HIV). The court shall
10 also notify the victim if requested by the victim, and if the
11 victim is under the age of 15 and if requested by the victim's
12 parents or legal guardian, the court shall notify the victim's
13 parents or the legal guardian, of the results of the test for
14 infection with the human immunodeficiency virus (HIV). The
15 court shall provide information on the availability of HIV
16 testing and counseling at the Department of Public Health
17 facilities to all parties to whom the results of the testing
18 are revealed. The court shall order that the cost of any test
19 shall be paid by the county and may be taxed as costs against
20 the minor.

21 (10) When a court finds a minor to be guilty the court
22 shall, before entering a sentencing order under this Section,
23 make a finding whether the offense committed either: (a) was
24 related to or in furtherance of the criminal activities of an
25 organized gang or was motivated by the minor's membership in or
26 allegiance to an organized gang, or (b) involved a violation of

1 subsection (a) of Section 12-7.1 of the Criminal Code of 1961,
2 a violation of any Section of Article 24 of the Criminal Code
3 of 1961, or a violation of any statute that involved the
4 wrongful use of a firearm. If the court determines the question
5 in the affirmative, and the court does not commit the minor to
6 the Department of Juvenile Justice, the court shall order the
7 minor to perform community service for not less than 30 hours
8 nor more than 120 hours, provided that community service is
9 available in the jurisdiction and is funded and approved by the
10 county board of the county where the offense was committed. The
11 community service shall include, but need not be limited to,
12 the cleanup and repair of any damage caused by a violation of
13 Section 21-1.3 of the Criminal Code of 1961 and similar damage
14 to property located in the municipality or county in which the
15 violation occurred. When possible and reasonable, the
16 community service shall be performed in the minor's
17 neighborhood. This order shall be in addition to any other
18 order authorized by this Section except for an order to place
19 the minor in the custody of the Department of Juvenile Justice.
20 For the purposes of this Section, "organized gang" has the
21 meaning ascribed to it in Section 10 of the Illinois Streetgang
22 Terrorism Omnibus Prevention Act.

23 (11) If the court determines that the offense was committed
24 in furtherance of the criminal activities of an organized gang,
25 as provided in subsection (10), the court shall notify the
26 Secretary of State of that determination and of the period for

1 which the minor shall be denied driving privileges. If, at the
2 time of the determination, the minor does not hold a driver's
3 license or permit, the court shall provide that the minor shall
4 not be issued a driver's license or permit until his or her
5 18th birthday. If the minor holds a driver's license or permit
6 at the time of the determination, the court shall provide that
7 the minor's driver's license or permit shall be revoked until
8 his or her 21st birthday, or until a later date or occurrence
9 determined by the court. If the minor holds a driver's license
10 at the time of the determination, the court may direct the
11 Secretary of State to issue the minor a judicial driving
12 permit, also known as a JDP. The JDP shall be subject to the
13 same terms as a JDP issued under Section 6-206.1 of the
14 Illinois Vehicle Code, except that the court may direct that
15 the JDP be effective immediately.

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