

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, and that  
16 involved the operation or use of a motor vehicle or the use  
17 of a driver's license or permit. The person shall be denied  
18 a license or permit for the period determined by the court.

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

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

25 (625 ILCS 5/6-204) (from Ch. 95 1/2, par. 6-204)

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

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

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

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

1 (improper opening of door into traffic), 11-1410 (coasting  
2 on downgrade), 11-1411 (following fire apparatus),  
3 11-1419.01 (Motor Fuel Tax I.D. Card), 12-101 (driving  
4 vehicle which is in unsafe condition or improperly  
5 equipped), 12-201(a) (daytime lights on motorcycles),  
6 12-202 (clearance, identification and side marker lamps),  
7 12-204 (lamp or flag on projecting load), 12-205 (failure  
8 to display the safety lights required), 12-401  
9 (restrictions as to tire equipment), 12-502 (mirrors),  
10 12-503 (windshields must be unobstructed and equipped with  
11 wipers), 12-601 (horns and warning devices), 12-602  
12 (mufflers, prevention of noise or smoke), 12-603 (seat  
13 safety belts), 12-702 (certain vehicles to carry flares or  
14 other warning devices), 12-703 (vehicles for oiling roads  
15 operated on highways), 12-710 (splash guards and  
16 replacements), 13-101 (safety tests), 15-101 (size, weight  
17 and load), 15-102 (width), 15-103 (height), 15-104 (name  
18 and address on second division vehicles), 15-107 (length of  
19 vehicle), 15-109.1 (cover or tarpaulin), 15-111 (weights),  
20 15-112 (weights), 15-301 (weights), 15-316 (weights),  
21 15-318 (weights), and also excepting the following  
22 enumerated Sections of the Chicago Municipal Code:  
23 Sections 27-245 (following fire apparatus), 27-254  
24 (obstruction of traffic), 27-258 (driving vehicle which is  
25 in unsafe condition), 27-259 (coasting on downgrade),  
26 27-264 (use of horns and signal devices), 27-265

1 (obstruction to driver's view or driver mechanism), 27-267  
2 (dimming of headlights), 27-268 (unattended motor  
3 vehicle), 27-272 (illegal funeral procession), 27-273  
4 (funeral procession on boulevard), 27-275 (driving freight  
5 hauling vehicles on boulevard), 27-276 (stopping and  
6 standing of buses or taxicabs), 27-277 (cruising of public  
7 passenger vehicles), 27-305 (parallel parking), 27-306  
8 (diagonal parking), 27-307 (parking not to obstruct  
9 traffic), 27-308 (stopping, standing or parking  
10 regulated), 27-311 (parking regulations), 27-312 (parking  
11 regulations), 27-313 (parking regulations), 27-314  
12 (parking regulations), 27-315 (parking regulations),  
13 27-316 (parking regulations), 27-317 (parking  
14 regulations), 27-318 (parking regulations), 27-319  
15 (parking regulations), 27-320 (parking regulations),  
16 27-321 (parking regulations), 27-322 (parking  
17 regulations), 27-324 (loading and unloading at an angle),  
18 27-333 (wheel and axle loads), 27-334 (load restrictions in  
19 the downtown district), 27-335 (load restrictions in  
20 residential areas), 27-338 (width of vehicles), 27-339  
21 (height of vehicles), 27-340 (length of vehicles), 27-352  
22 (reflectors on trailers), 27-353 (mufflers), 27-354  
23 (display of plates), 27-355 (display of city vehicle tax  
24 sticker), 27-357 (identification of vehicles), 27-358  
25 (projecting of loads), and also excepting the following  
26 enumerated paragraphs of Section 2-201 of the Rules and

1 Regulations of the Illinois State Toll Highway Authority:

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

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

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

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

25         (3) Whenever an order is entered vacating the  
26         forfeiture of any bail, security or bond given to secure

1 appearance for any offense under this Code or similar  
2 offenses under municipal ordinance, it shall be the duty of  
3 the clerk of the court in which such vacation was had or  
4 the judge of such court if such court has no clerk, within  
5 5 days thereafter to forward to the Secretary of State a  
6 report of the vacation.

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

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

1 computer processible medium may be forwarded to the  
2 Secretary of State by the Circuit Court Clerk in a form and  
3 format required by the Secretary of State and established  
4 by written agreement between the Circuit Court Clerk and  
5 the Secretary of State. Failure to forward the reports of  
6 conviction or sentencing hearing under the Juvenile Court  
7 Act of 1987 as required by this Section shall be deemed an  
8 omission of duty and it shall be the duty of the several  
9 State's Attorneys to enforce the requirements of this  
10 Section.

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

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

24 (d) For the purpose of providing the Secretary of State  
25 with records necessary to properly monitor and assess driver  
26 performance and assist the courts in the proper disposition of

1 repeat traffic law offenders, the clerk of the court shall  
2 forward to the Secretary of State, on a form prescribed by the  
3 Secretary, records of a driver's participation in a driver  
4 remedial or rehabilitative program which was required, through  
5 a court order or court supervision, in relation to the driver's  
6 arrest for a violation of Section 11-501 of this Code or a  
7 similar provision of a local ordinance. The clerk of the court  
8 shall also forward to the Secretary, either on paper or in an  
9 electronic format or a computer processible medium as required  
10 under paragraph (5) of subsection (a) of this Section, any  
11 disposition of court supervision for any traffic violation,  
12 excluding those offenses listed in paragraph (2) of subsection  
13 (a) of this Section. These reports shall be sent within 5 days  
14 after disposition, or, if the driver is referred to a driver  
15 remedial or rehabilitative program, within 5 days of the  
16 driver's referral to that program. These reports received by  
17 the Secretary of State, including those required to be  
18 forwarded under paragraph (a)(4), shall be privileged  
19 information, available only (i) to the affected driver and (ii)  
20 for use by the courts, police officers, prosecuting  
21 authorities, and the Secretary of State. In accordance with 49  
22 C.F.R. Part 384, all reports of court supervision, except  
23 violations related to parking, shall be forwarded to the  
24 Secretary of State for all holders of a CDL or any driver who  
25 commits an offense while driving a commercial motor vehicle.  
26 These reports shall be recorded to the driver's record as a

1 conviction for use in the disqualification of the driver's  
2 commercial motor vehicle privileges and shall not be privileged  
3 information.

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

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

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

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

12 1. Reckless homicide resulting from the operation of a  
13 motor vehicle;

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

20 3. Any felony under the laws of any State or the  
21 federal government in the commission of which a motor  
22 vehicle was used;

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

1           5. Perjury or the making of a false affidavit or  
2 statement under oath to the Secretary of State under this  
3 Code or under any other law relating to the ownership or  
4 operation of motor vehicles;

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

8           7. Conviction of any offense defined in Section 4-102  
9 of this Code;

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

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

13          10. Violation of Section 12-5 of the Criminal Code of  
14 1961 arising from the use of a motor vehicle;

15          11. Violation of Section 11-204.1 of this Code relating  
16 to aggravated fleeing or attempting to elude a peace  
17 officer;

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

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

1 the offense.

2 (b) The Secretary of State shall also immediately revoke  
3 the license or permit of any driver in the following  
4 situations:

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

10 2. Of any person when any other law of this State  
11 requires either the revocation or suspension of a license  
12 or permit;

13 3. Of any person adjudicated under the Juvenile Court  
14 Act of 1987 based on an offense determined to have been  
15 committed in furtherance of the criminal activities of an  
16 organized gang as provided in Section 5-710 of that Act,  
17 and that involved the operation or use of a motor vehicle  
18 or the use of a driver's license or permit. The revocation  
19 shall remain in effect for the period determined by the  
20 court. Upon the direction of the court, the Secretary shall  
21 issue the person a judicial driving permit, also known as a  
22 JDP. The JDP shall be subject to the same terms as a JDP  
23 issued under Section 6-206.1, except that the court may  
24 direct that a JDP issued under this subdivision (b) (3) be  
25 effective immediately.

26 (c) Whenever a person is convicted of any of the offenses

1 enumerated in this Section, the court may recommend and the  
2 Secretary of State in his discretion, without regard to whether  
3 the recommendation is made by the court may, upon application,  
4 issue to the person a restricted driving permit granting the  
5 privilege of driving a motor vehicle between the petitioner's  
6 residence and petitioner's place of employment or within the  
7 scope of the petitioner's employment related duties, or to  
8 allow transportation for the petitioner or a household member  
9 of the petitioner's family for the receipt of necessary medical  
10 care or, if the professional evaluation indicates, provide  
11 transportation for the petitioner for alcohol remedial or  
12 rehabilitative activity, or for the petitioner to attend  
13 classes, as a student, in an accredited educational  
14 institution; if the petitioner is able to demonstrate that no  
15 alternative means of transportation is reasonably available  
16 and the petitioner will not endanger the public safety or  
17 welfare; provided that the Secretary's discretion shall be  
18 limited to cases where undue hardship would result from a  
19 failure to issue the restricted driving permit.

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

1 1-129.1.

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

1 of operating or being in physical control of a motor vehicle  
2 while under the influence of alcohol, other drug or drugs,  
3 intoxicating compound or compounds, or any similar  
4 out-of-state offense, or any combination thereof, until the  
5 expiration of at least one year from the date of the  
6 revocation. A restricted driving permit issued under this  
7 Section shall be subject to cancellation, revocation, and  
8 suspension by the Secretary of State in like manner and for  
9 like cause as a driver's license issued under this Code may be  
10 cancelled, revoked, or suspended; except that a conviction upon  
11 one or more offenses against laws or ordinances regulating the  
12 movement of traffic shall be deemed sufficient cause for the  
13 revocation, suspension, or cancellation of a restricted  
14 driving permit. The Secretary of State may, as a condition to  
15 the issuance of a restricted driving permit, require the  
16 applicant to participate in a designated driver remedial or  
17 rehabilitative program. The Secretary of State is authorized to  
18 cancel a restricted driving permit if the permit holder does  
19 not successfully complete the program. However, if an  
20 individual's driving privileges have been revoked in  
21 accordance with paragraph 13 of subsection (a) of this Section,  
22 no restricted driving permit shall be issued until the  
23 individual has served 6 months of the revocation period.

24 (d) Whenever a person under the age of 21 is convicted  
25 under Section 11-501 of this Code or a similar provision of a  
26 local ordinance, the Secretary of State shall revoke the

1 driving privileges of that person. One year after the date of  
2 revocation, and upon application, the Secretary of State may,  
3 if satisfied that the person applying will not endanger the  
4 public safety or welfare, issue a restricted driving permit  
5 granting the privilege of driving a motor vehicle only between  
6 the hours of 5 a.m. and 9 p.m. or as otherwise provided by this  
7 Section for a period of one year. After this one year period,  
8 and upon reapplication for a license as provided in Section  
9 6-106, upon payment of the appropriate reinstatement fee  
10 provided under paragraph (b) of Section 6-118, the Secretary of  
11 State, in his discretion, may issue the applicant a license, or  
12 extend the restricted driving permit as many times as the  
13 Secretary of State deems appropriate, by additional periods of  
14 not more than 12 months each, until the applicant attains 21  
15 years of age.

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

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

1 similar provision of a local ordinance or a similar  
2 out-of-state offense, and a statutory summary suspension under  
3 Section 11-501.1, or 2 or more statutory summary suspensions,  
4 or combination of 2 offenses, or of an offense and a statutory  
5 summary suspension, arising out of separate occurrences, that  
6 person, if issued a restricted driving permit, may not operate  
7 a vehicle unless it has been equipped with an ignition  
8 interlock device as defined in Section 1-129.1. The person must  
9 pay to the Secretary of State DUI Administration Fund an amount  
10 not to exceed \$20 per month. The Secretary shall establish by  
11 rule the amount and the procedures, terms, and conditions  
12 relating to these fees. If the restricted driving permit was  
13 issued for employment purposes, then this provision does not  
14 apply to the operation of an occupational vehicle owned or  
15 leased by that person's employer. A restricted driving permit  
16 issued under this Section shall be subject to cancellation,  
17 revocation, and suspension by the Secretary of State in like  
18 manner and for like cause as a driver's license issued under  
19 this Code may be cancelled, revoked, or suspended; except that  
20 a conviction upon one or more offenses against laws or  
21 ordinances regulating the movement of traffic shall be deemed  
22 sufficient cause for the revocation, suspension, or  
23 cancellation of a restricted driving permit. The revocation  
24 periods contained in this subparagraph shall apply to similar  
25 out-of-state convictions.

26 (e) This Section is subject to the provisions of the Driver

1 License Compact.

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

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

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

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

25 (j) In accordance with 49 C.F.R. 384, the Secretary of  
26 State may not issue a restricted driving permit for the

1 operation of a commercial motor vehicle to a person holding a  
2 CDL whose driving privileges have been revoked under any  
3 provisions of this Code.

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

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

7 (705 ILCS 405/5-710)

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

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

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

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

21 (ii) placed in accordance with Section 5-740, with  
22 or without also being put on probation or conditional  
23 discharge;

24 (iii) required to undergo a substance abuse

1 assessment conducted by a licensed provider and  
2 participate in the indicated clinical level of care;

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

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

1 for time spent in detention before the filing of a  
2 violation of probation or conditional discharge  
3 alleging the same or related act or acts;

4 (vi) ordered partially or completely emancipated  
5 in accordance with the provisions of the Emancipation  
6 of Minors Act;

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

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

19 (ix) ordered to undergo a medical or other  
20 procedure to have a tattoo symbolizing allegiance to a  
21 street gang removed from his or her body.

22 (b) A minor found to be guilty may be committed to the  
23 Department of Juvenile Justice under Section 5-750 if the  
24 minor is 13 years of age or older, provided that the  
25 commitment to the Department of Juvenile Justice shall be  
26 made only if a term of incarceration is permitted by law

1 for adults found guilty of the offense for which the minor  
2 was adjudicated delinquent. The time during which a minor  
3 is in custody before being released upon the request of a  
4 parent, guardian or legal custodian shall be considered as  
5 time spent in detention.

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

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

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

22 (4) In addition to any other sentence, the court may order  
23 any minor found to be delinquent to make restitution, in  
24 monetary or non-monetary form, under the terms and conditions  
25 of Section 5-5-6 of the Unified Code of Corrections, except  
26 that the "presentencing hearing" referred to in that Section

1 shall be the sentencing hearing for purposes of this Section.  
2 The parent, guardian or legal custodian of the minor may be  
3 ordered by the court to pay some or all of the restitution on  
4 the minor's behalf, pursuant to the Parental Responsibility  
5 Law. The State's Attorney is authorized to act on behalf of any  
6 victim in seeking restitution in proceedings under this  
7 Section, up to the maximum amount allowed in Section 5 of the  
8 Parental Responsibility Law.

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

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

22 (7) In no event shall a guilty minor be committed to the  
23 Department of Juvenile Justice for a period of time in excess  
24 of that period for which an adult could be committed for the  
25 same act.

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

1 violation of Section 21-1.3 of the Criminal Code of 1961 shall  
2 be ordered to perform community service for not less than 30  
3 and not more than 120 hours, if community service is available  
4 in the jurisdiction. The community service shall include, but  
5 need not be limited to, the cleanup and repair of the damage  
6 that was caused by the violation or similar damage to property  
7 located in the municipality or county in which the violation  
8 occurred. The order may be in addition to any other order  
9 authorized by this Section.

10 (8.5) A minor found to be guilty for reasons that include a  
11 violation of Section 3.02 or Section 3.03 of the Humane Care  
12 for Animals Act or paragraph (d) of subsection (1) of Section  
13 21-1 of the Criminal Code of 1961 shall be ordered to undergo  
14 medical or psychiatric treatment rendered by a psychiatrist or  
15 psychological treatment rendered by a clinical psychologist.  
16 The order may be in addition to any other order authorized by  
17 this Section.

18 (9) In addition to any other sentencing order, the court  
19 shall order any minor found to be guilty for an act which would  
20 constitute, predatory criminal sexual assault of a child,  
21 aggravated criminal sexual assault, criminal sexual assault,  
22 aggravated criminal sexual abuse, or criminal sexual abuse if  
23 committed by an adult to undergo medical testing to determine  
24 whether the defendant has any sexually transmissible disease  
25 including a test for infection with human immunodeficiency  
26 virus (HIV) or any other identified causative agency of

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

26 (10) When a court finds a minor to be guilty the court

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

1 Terrorism Omnibus Prevention Act.

2 (11) If the court determines that the offense was committed  
3 in furtherance of the criminal activities of an organized gang,  
4 as provided in subsection (10), and that the offense involved  
5 the operation or use of a motor vehicle or the use of a  
6 driver's license or permit, the court shall notify the  
7 Secretary of State of that determination and of the period for  
8 which the minor shall be denied driving privileges. If, at the  
9 time of the determination, the minor does not hold a driver's  
10 license or permit, the court shall provide that the minor shall  
11 not be issued a driver's license or permit until his or her  
12 18th birthday. If the minor holds a driver's license or permit  
13 at the time of the determination, the court shall provide that  
14 the minor's driver's license or permit shall be revoked until  
15 his or her 21st birthday, or until a later date or occurrence  
16 determined by the court. If the minor holds a driver's license  
17 at the time of the determination, the court may direct the  
18 Secretary of State to issue the minor a judicial driving  
19 permit, also known as a JDP. The JDP shall be subject to the  
20 same terms as a JDP issued under Section 6-206.1 of the  
21 Illinois Vehicle Code, except that the court may direct that  
22 the JDP be effective immediately.

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