



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

SB0607

Introduced 2/8/2007, by Sen. John J. Cullerton

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Vehicle Code and the Criminal Code of 1961. Transfers from the Criminal Code of 1961 to the Illinois Vehicle Code provisions for seizure and forfeiture of the vehicles of certain persons driving without a valid driver's license or permit or without liability insurance or who have committed specified violations while driving under the influence of alcohol, drugs, or intoxicating compounds. Establishes procedure for the forfeiture, including the right to a hearing for persons with a claim to the vehicle. Combines changes made by several Public Acts regarding driving under the influence with various changes concerning organization of the provisions, elements of offenses, penalties, and other matters. Makes corresponding changes in the Unified Code of Corrections.

LRB095 07293 DRH 27432 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

FISCAL NOTE ACT  
MAY APPLY

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 6-101, 6-206.2, 6-303, and 11-501 and by adding  
6 Section 11-501.01, Chapter 16A, the heading of Article 16A,  
7 16A-1, 16A-5, 16A-10, 16A-15, 16A-20, 16A-25, 16A-30, 16A-35,  
8 16A-40, 16A-45, and 16A-50 as follows:

9 (625 ILCS 5/6-101) (from Ch. 95 1/2, par. 6-101)

10 Sec. 6-101. Drivers must have licenses or permits.

11 (a) No person, except those expressly exempted by Section  
12 6-102, shall drive any motor vehicle upon a highway in this  
13 State unless such person has a valid license or permit, or a  
14 restricted driving permit, issued under the provisions of this  
15 Act.

16 (b) No person shall drive a motor vehicle unless he holds a  
17 valid license or permit, or a restricted driving permit issued  
18 under the provisions of Section 6-205, 6-206, or 6-113 of this  
19 Act. Any person to whom a license is issued under the  
20 provisions of this Act must surrender to the Secretary of State  
21 all valid licenses or permits. No drivers license shall be  
22 issued to any person who holds a valid Foreign State license,  
23 identification card, or permit unless such person first

1 surrenders to the Secretary of State any such valid Foreign  
2 State license, identification card, or permit.

3 (b-5) Any person who commits a violation of subsection (a)  
4 or (b) of this Section is guilty of a Class A misdemeanor, if  
5 at the time of the violation the person's driver's license or  
6 permit was cancelled under clause (a)9 of Section 6-201 of this  
7 Code.

8 (c) Any person licensed as a driver hereunder shall not be  
9 required by any city, village, incorporated town or other  
10 municipal corporation to obtain any other license to exercise  
11 the privilege thereby granted.

12 (d) In addition to other penalties imposed under this  
13 Section, any person in violation of this Section who is also in  
14 violation of Section 7-601 of this Code relating to mandatory  
15 insurance requirements shall have his or her motor vehicle  
16 immediately impounded by the arresting law enforcement  
17 officer. The motor vehicle may be released to any licensed  
18 driver upon a showing of proof of insurance for the motor  
19 vehicle that was impounded and the notarized written consent  
20 for the release by the vehicle owner.

21 (e) In addition to other penalties imposed under this  
22 Section, the vehicle of any person in violation of this Section  
23 who is also in violation of Section 7-601 of this Code relating  
24 to mandatory insurance requirements and who, in violating this  
25 Section, has caused death or personal injury to another person  
26 is subject to forfeiture under Chapter 16A of this Code

1 ~~Sections 36-1 and 36-2 of the Criminal Code of 1961.~~ For the  
2 purposes of this Section, a personal injury shall include any  
3 type A injury as indicated on the traffic accident report  
4 completed by a law enforcement officer that requires immediate  
5 professional attention in either a doctor's office or a medical  
6 facility. A type A injury shall include severely bleeding  
7 wounds, distorted extremities, and injuries that require the  
8 injured party to be carried from the scene.

9 (Source: P.A. 93-187, eff. 7-11-03; 93-895, eff. 1-1-05;  
10 94-993, eff. 1-1-07.)

11 (625 ILCS 5/6-206.2)

12 Sec. 6-206.2. Violations relating to an ignition interlock  
13 device.

14 (a) It is unlawful for any person whose driving privilege  
15 is restricted by being prohibited from operating a motor  
16 vehicle not equipped with an ignition interlock device to  
17 request or solicit any other person to blow into an ignition  
18 interlock device or to start a motor vehicle equipped with the  
19 device for the purpose of providing the person so restricted  
20 with an operable motor vehicle.

21 (b) It is unlawful to blow into an ignition interlock  
22 device or to start a motor vehicle equipped with the device for  
23 the purpose of providing an operable motor vehicle to a person  
24 whose driving privilege is restricted by being prohibited from  
25 operating a motor vehicle not equipped with an ignition

1 interlock device.

2 (c) It is unlawful to tamper with, or circumvent the  
3 operation of, an ignition interlock device.

4 (d) Except as provided in subsection (c)(17) of Section  
5 5-6-3.1 of the Unified Code of Corrections or by rule, no  
6 person shall knowingly rent, lease, or lend a motor vehicle to  
7 a person known to have his or her driving privilege restricted  
8 by being prohibited from operating a vehicle not equipped with  
9 an ignition interlock device, unless the vehicle is equipped  
10 with a functioning ignition interlock device. Any person whose  
11 driving privilege is so restricted shall notify any person  
12 intending to rent, lease, or loan a motor vehicle to the  
13 restricted person of the driving restriction imposed upon him  
14 or her.

15 A person convicted of a violation of this subsection shall  
16 be punished by imprisonment for not more than 6 months or by a  
17 fine of not more than \$5,000, or both.

18 (e) If a person prohibited under Section 11-501.01  
19 ~~paragraph (2) or paragraph (3) of subsection (c 4) of Section~~  
20 ~~11-501~~ from driving any vehicle not equipped with an ignition  
21 interlock device nevertheless is convicted of driving a vehicle  
22 that is not equipped with the device, that person is prohibited  
23 from driving any vehicle not equipped with an ignition  
24 interlock device for an additional period of time equal to the  
25 initial time period that the person was required to use an  
26 ignition interlock device.

1 (Source: P.A. 91-127, eff. 1-1-00; 92-418, eff. 8-17-01.)

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

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

5 (a) Any person who drives or is in actual physical control  
6 of a motor vehicle on any highway of this State at a time when  
7 such person's driver's license, permit or privilege to do so or  
8 the privilege to obtain a driver's license or permit is revoked  
9 or suspended as provided by this Code or the law of another  
10 state, except as may be specifically allowed by a judicial  
11 driving permit, family financial responsibility driving  
12 permit, probationary license to drive, or a restricted driving  
13 permit issued pursuant to this Code or under the law of another  
14 state, shall be guilty of a Class A misdemeanor.

15 (b) The Secretary of State upon receiving a report of the  
16 conviction of any violation indicating a person was operating a  
17 motor vehicle during the time when said person's driver's  
18 license, permit or privilege was suspended by the Secretary, by  
19 the appropriate authority of another state, or pursuant to  
20 Section 11-501.1; except as may be specifically allowed by a  
21 probationary license to drive, judicial driving permit or  
22 restricted driving permit issued pursuant to this Code or the  
23 law of another state; shall extend the suspension for the same  
24 period of time as the originally imposed suspension; however,  
25 if the period of suspension has then expired, the Secretary

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

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

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

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

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

1 homicide; or

2 (4) a statutory summary suspension under Section  
3 11-501.1 of this Code.

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

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

10 (c-2) In addition to other penalties imposed under this  
11 Section, the court may impose on any person convicted a fourth  
12 time of violating this Section any of the following:

13 (1) Seizure of the license plates of the person's  
14 vehicle.

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

17 (d) Any person convicted of a second violation of this  
18 Section shall be guilty of a Class 4 felony and shall serve a  
19 minimum term of imprisonment of 30 days or 300 hours of  
20 community service, as determined by the court, if the  
21 revocation or suspension was for a violation of Section 11-401  
22 or 11-501 of this Code, or a similar out-of-state offense, or a  
23 similar provision of a local ordinance, a violation of Section  
24 9-3 of the Criminal Code of 1961, relating to the offense of  
25 reckless homicide, or a similar out-of-state offense, or a  
26 statutory summary suspension under Section 11-501.1 of this



1 Code.

2 (d-1) Except as provided in subsection (d-2) and subsection  
3 (d-3), any person convicted of a third or subsequent violation  
4 of this Section shall serve a minimum term of imprisonment of  
5 30 days or 300 hours of community service, as determined by the  
6 court.

7 (d-2) Any person convicted of a third violation of this  
8 Section is guilty of a Class 4 felony and must serve a minimum  
9 term of imprisonment of 30 days if the revocation or suspension  
10 was for a violation of Section 11-401 or 11-501 of this Code,  
11 or a similar out-of-state offense, or a similar provision of a  
12 local ordinance, a violation of Section 9-3 of the Criminal  
13 Code of 1961, relating to the offense of reckless homicide, or  
14 a similar out-of-state offense, or a statutory summary  
15 suspension under Section 11-501.1 of this Code.

16 (d-3) Any person convicted of a fourth, fifth, sixth,  
17 seventh, eighth, or ninth violation of this Section is guilty  
18 of a Class 4 felony and must serve a minimum term of  
19 imprisonment of 180 days if the revocation or suspension was  
20 for a violation of Section 11-401 or 11-501 of this Code, or a  
21 similar out-of-state offense, or a similar provision of a local  
22 ordinance, a violation of Section 9-3 of the Criminal Code of  
23 1961, relating to the offense of reckless homicide, or a  
24 similar out-of-state offense, or a statutory summary  
25 suspension under Section 11-501.1 of this Code.

26 (d-4) Any person convicted of a tenth, eleventh, twelfth,

1 thirteenth, or fourteenth violation of this Section is guilty  
2 of a Class 3 felony, and is not eligible for probation or  
3 conditional discharge, if the revocation or suspension was for  
4 a violation of Section 11-401 or 11-501 of this Code, or a  
5 similar out-of-state offense, or a similar provision of a local  
6 ordinance, a violation of Section 9-3 of the Criminal Code of  
7 1961, relating to the offense of reckless homicide, or a  
8 similar out-of-state offense, or a statutory summary  
9 suspension under Section 11-501.1 of this Code.

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

20 (e) Any person in violation of this Section who is also in  
21 violation of Section 7-601 of this Code relating to mandatory  
22 insurance requirements, in addition to other penalties imposed  
23 under this Section, shall have his or her motor vehicle  
24 immediately impounded by the arresting law enforcement  
25 officer. The motor vehicle may be released to any licensed  
26 driver upon a showing of proof of insurance for the vehicle

1 that was impounded and the notarized written consent for the  
2 release by the vehicle owner.

3 (f) For any prosecution under this Section, a certified  
4 copy of the driving abstract of the defendant shall be admitted  
5 as proof of any prior conviction.

6 (g) The motor vehicle used in a violation of this Section  
7 is subject to seizure and forfeiture as provided in Chapter 16A  
8 of this Code Sections 36-1 and 36-2 of the Criminal Code of  
9 ~~1961~~ if the person's driving privilege was revoked or suspended  
10 as a result of a violation listed in paragraph (1), (2), or (3)  
11 of subsection (c) of this Section or as a result of a summary  
12 suspension as provided in paragraph (4) of subsection (c) of  
13 this Section.

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

15 (625 ILCS 5/11-501) (from Ch. 95 1/2, par. 11-501)

16 Sec. 11-501. Driving while under the influence of alcohol,  
17 other drug or drugs, intoxicating compound or compounds or any  
18 combination thereof.

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

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

24 (2) under the influence of alcohol;

25 (3) under the influence of any intoxicating compound or

1 combination of intoxicating compounds to a degree that  
2 renders the person incapable of driving safely;

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

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

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

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

20 (c) Penalties.

21 (1) Except as otherwise provided in this Section, any  
22 person convicted of violating subsection (a) of this  
23 Section is guilty of a Class A misdemeanor.

24 (2) A person who violates subsection (a) or a similar  
25 provision a second time shall be sentenced to a mandatory  
26 minimum term of either 5 days of imprisonment or 240 hours

1 of community service in addition to any other criminal or  
2 administrative sanction.

3 (3) A person who violates subsection (a) is subject to  
4 6 months of imprisonment, an additional mandatory minimum  
5 fine of \$1,000, and 25 days of community service in a  
6 program benefiting children if the person was transporting  
7 a person under the age of 16 at the time of the violation.

8 (4) A person who violates subsection (a) a first time,  
9 if the alcohol concentration in his or her blood, breath,  
10 or urine was 0.16 or more based on the definition of blood,  
11 breath, or urine units in Section 11-501.2, shall be  
12 subject, in addition to any other penalty that may be  
13 imposed, to a mandatory minimum of 100 hours of community  
14 service and a mandatory minimum fine of \$500.

15 (5) A person who violates subsection (a) a second time,  
16 if at the time of the second violation the alcohol  
17 concentration in his or her blood, breath, or urine was  
18 0.16 or more based on the definition of blood, breath, or  
19 urine units in Section 11-501.2, shall be subject, in  
20 addition to any other penalty that may be imposed, to a  
21 mandatory minimum of 2 days of imprisonment and a mandatory  
22 minimum fine of \$1,250.

23 (d) Aggravated driving under the influence of alcohol,  
24 other drug or drugs, or intoxicating compound or compounds, or  
25 any combination thereof.

26 (1) Every person convicted of committing a violation of

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

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

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

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

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

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

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

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

15 (G) the person committed a violation of subsection  
16 (a) during a period in which the defendant's driving  
17 privileges are revoked or suspended, where the  
18 revocation or suspension was for a violation of  
19 subsection (a), Section 11-501.1, paragraph (b) of  
20 Section 11-401, or for reckless homicide as defined in  
21 Section 9-3 of the Criminal Code of 1961;

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

26 (I) the person committed the violation while he or

1 she knew or should have known that the vehicle he or  
2 she was driving was not covered by a liability  
3 insurance policy;

4 (J) the person in committing a violation of  
5 subsection (a) was involved in a motor vehicle accident  
6 that resulted in bodily harm, but not great bodily  
7 harm, to the child under the age of 16 being  
8 transported by the person, if the violation was the  
9 proximate cause of the injury; or

10 (K) the person in committing a second violation of  
11 subsection (a) or a similar provision was transporting  
12 a person under the age of 16.

13 (2) (A) Except as provided otherwise, a person  
14 convicted of aggravated driving under the influence of  
15 alcohol, other drug or drugs, or intoxicating compound or  
16 compounds, or any combination thereof is guilty of a Class  
17 4 felony.

18 (B) A third violation of this Section or a similar  
19 provision is a Class 2 felony. If at the time of the third  
20 violation the alcohol concentration in his or her blood,  
21 breath, or urine was 0.16 or more based on the definition  
22 of blood, breath, or urine units in Section 11-501.2, a  
23 mandatory minimum of 90 days of imprisonment and a  
24 mandatory minimum fine of \$2,500 shall be imposed in  
25 addition to any other criminal or administrative sanction.  
26 If at the time of the third violation, the defendant was



1 transporting a person under the age of 16, a mandatory fine  
2 of \$25,000 and 25 days of community service in a program  
3 benefiting children shall be imposed in addition to any  
4 other criminal or administrative sanction.

5 (C) A fourth violation of this Section or a similar  
6 provision is a Class 2 felony, for which a sentence of  
7 probation or conditional discharge may not be imposed. If  
8 at the time of the violation, the alcohol concentration in  
9 the defendant's blood, breath, or urine was 0.16 or more  
10 based on the definition of blood, breath, or urine units in  
11 Section 11-501.2, a mandatory minimum fine of \$5,000 shall  
12 be imposed in addition to any other criminal or  
13 administrative sanction. If at the time of the fourth  
14 violation, the defendant was transporting a person under  
15 the age of 16 a mandatory fine of \$25,000 and 25 days of  
16 community service in a program benefiting children shall be  
17 imposed in addition to any other criminal or administrative  
18 sanction.

19 (D) A fifth violation of this Section or a similar  
20 provision is a Class 1 felony, for which a sentence of  
21 probation or conditional discharge may not be imposed. If  
22 at the time of the violation, the alcohol concentration in  
23 the defendant's blood, breath, or urine was 0.16 or more  
24 based on the definition of blood, breath, or urine units in  
25 Section 11-501.2, a mandatory minimum fine of \$5,000 shall  
26 be imposed in addition to any other criminal or

1 administrative sanction. If at the time of the fifth  
2 violation, the defendant was transporting a person under  
3 the age of 16, a mandatory fine of \$25,000, and 25 days of  
4 community service in a program benefiting children shall be  
5 imposed in addition to any other criminal or administrative  
6 sanction.

7 (E) A sixth or subsequent violation of this Section or  
8 similar provision is a Class X felony. If at the time of  
9 the violation, the alcohol concentration in the  
10 defendant's blood, breath, or urine was 0.16 or more based  
11 on the definition of blood, breath, or urine units in  
12 Section 11-501.2, a mandatory minimum fine of \$5,000 shall  
13 be imposed in addition to any other criminal or  
14 administrative sanction. If at the time of the violation,  
15 the defendant was transporting a person under the age of  
16 16, a mandatory fine of \$25,000 and 25 days of community  
17 service in a program benefiting children shall be imposed  
18 in addition to any other criminal or administrative  
19 sanction.

20 (F) For a violation of subparagraph (C) of paragraph  
21 (1) of this subsection (d), the defendant, if sentenced to  
22 a term of imprisonment, shall be sentenced to not less than  
23 one year nor more than 12 years.

24 (G) A violation of subparagraph (F) of paragraph (1) of  
25 this subsection (d) is a Class 2 felony, for which the  
26 defendant, unless the court determines that extraordinary

1 circumstances exist and require probation, shall be  
2 sentenced to: (i) a term of imprisonment of not less than 3  
3 years and not more than 14 years if the violation resulted  
4 in the death of one person; or (ii) a term of imprisonment  
5 of not less than 6 years and not more than 28 years if the  
6 violation resulted in the deaths of 2 or more persons.

7 (H) For a violation of subparagraph (J) of paragraph  
8 (1) of this subsection (d), a mandatory fine of \$2,500, and  
9 25 days of community service in a program benefiting  
10 children shall be imposed in addition to any other criminal  
11 or administrative sanction.

12 (I) A violation of subparagraph (K) of paragraph (1) of  
13 this subsection (d), is a Class 2 felony and a mandatory  
14 fine of \$2,500, and 25 days of community service in a  
15 program benefiting children shall be imposed in addition to  
16 any other criminal or administrative sanction. If the child  
17 being transported suffered bodily harm, but not great  
18 bodily harm, in a motor vehicle accident, and the violation  
19 was the proximate cause of that injury, a mandatory fine of  
20 \$5,000 and 25 days of community service in a program  
21 benefiting children shall be imposed in addition to any  
22 other criminal or administrative sanction.

23 (3) Any person sentenced under this subsection (d) who  
24 receives a term of probation or conditional discharge must  
25 serve a minimum term of either 480 hours of community  
26 service or 10 days of imprisonment as a condition of the

1 probation or conditional discharge in addition to any other  
2 criminal or administrative sanction.

3 (e) Any reference to a prior violation of subsection (a) or  
4 a similar provision includes any violation of a provision of a  
5 local ordinance or a provision of a law of another state that  
6 is similar to a violation of subsection (a) of this Section.

7 (f) The imposition of a mandatory term of imprisonment or  
8 assignment of community service for a violation of this Section  
9 shall not be suspended or reduced by the court.

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

14 (h) For any prosecution under this Section, a certified  
15 copy of the driving abstract of the defendant shall be admitted  
16 as proof of any prior conviction.

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

18 ~~Sec. 11-501. Driving while under the influence of alcohol,~~  
19 ~~other drug or drugs, intoxicating compound or compounds or any~~  
20 ~~combination thereof.~~

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

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

26 ~~(2) under the influence of alcohol;~~

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

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

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

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

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

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

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

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

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

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

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

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

25           ~~(c) (Blank).~~

26           ~~(c 1) (1) A person who violates subsection (a) during a~~

1 ~~period in which his or her driving privileges are revoked~~  
2 ~~or suspended, where the revocation or suspension was for a~~  
3 ~~violation of subsection (a), Section 11-501.1, paragraph~~  
4 ~~(b) of Section 11-401, or for reckless homicide as defined~~  
5 ~~in Section 9-3 of the Criminal Code of 1961 is guilty of a~~  
6 ~~Class 4 felony.~~

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

22 ~~(2.2) A person who violates subsection (a), if the~~  
23 ~~violation occurs during a period in which his or her~~  
24 ~~driving privileges are revoked or suspended where the~~  
25 ~~revocation or suspension was for a violation of subsection~~  
26 ~~(a) or Section 11-501.1, shall also be sentenced to an~~

1 ~~additional mandatory minimum term of 30 consecutive days of~~  
2 ~~imprisonment, 40 days of 24-hour periodic imprisonment, or~~  
3 ~~720 hours of community service, as may be determined by the~~  
4 ~~court. This mandatory term of imprisonment or assignment of~~  
5 ~~community service shall not be suspended or reduced by the~~  
6 ~~court.~~

7 ~~(3) A person who violates subsection (a) a fourth or~~  
8 ~~subsequent time, if the fourth or subsequent violation~~  
9 ~~occurs during a period in which his or her driving~~  
10 ~~privileges are revoked or suspended where the revocation or~~  
11 ~~suspension was for a violation of subsection (a), Section~~  
12 ~~11-501.1, paragraph (b) of Section 11-401, or for reckless~~  
13 ~~homicide as defined in Section 9-3 of the Criminal Code of~~  
14 ~~1961, is guilty of a Class 2 felony and is not eligible for~~  
15 ~~a sentence of probation or conditional discharge.~~

16 ~~(c 2) (Blank).~~

17 ~~(c 3) (Blank).~~

18 ~~(c 4) (Blank).~~

19 ~~(c 5) (1) A person who violates subsection (a), if the~~  
20 ~~person was transporting a person under the age of 16 at the~~  
21 ~~time of the violation, is subject to an additional~~  
22 ~~mandatory minimum fine of \$1,000, an additional mandatory~~  
23 ~~minimum 140 hours of community service, which shall include~~  
24 ~~40 hours of community service in a program benefiting~~  
25 ~~children, and an additional 2 days of imprisonment. The~~  
26 ~~imprisonment or assignment of community service under this~~



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

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

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

26 ~~(4) Any person convicted of violating subdivision~~

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

11 ~~(5) Any person convicted a third time for violating~~  
12 ~~subsection (a) or a similar provision, if at the time of~~  
13 ~~the third violation the person was transporting a person~~  
14 ~~under the age of 16, is guilty of a Class 4 felony and~~  
15 ~~shall receive, in addition to any other penalty imposed, an~~  
16 ~~additional mandatory fine of \$1,000, an additional~~  
17 ~~mandatory 140 hours of community service, which shall~~  
18 ~~include 40 hours in a program benefiting children, and a~~  
19 ~~mandatory minimum 30 days of imprisonment. The~~  
20 ~~imprisonment or assignment of community service under this~~  
21 ~~subdivision (c-5)(5) is not subject to suspension, nor is~~  
22 ~~the person eligible for a reduced sentence.~~

23 ~~(6) Any person convicted of violating subdivision~~  
24 ~~(c-5)(5) or a similar provision a third time within 20~~  
25 ~~years of a previous violation of subsection (a) or a~~  
26 ~~similar provision is guilty of a Class 4 felony and shall~~

1 ~~receive, in addition to any other penalty imposed, an~~  
2 ~~additional mandatory 40 hours of community service in a~~  
3 ~~program benefiting children, an additional mandatory fine~~  
4 ~~of \$3,000, and a mandatory minimum 120 days of~~  
5 ~~imprisonment. The imprisonment or assignment of community~~  
6 ~~service under this subdivision (c 5) (6) is not subject to~~  
7 ~~suspension, nor is the person eligible for a reduced~~  
8 ~~sentence.~~

9 ~~(7) Any person convicted a fourth or subsequent time~~  
10 ~~for violating subsection (a) or a similar provision, if at~~  
11 ~~the time of the fourth or subsequent violation the person~~  
12 ~~was transporting a person under the age of 16, and if the~~  
13 ~~person's 3 prior violations of subsection (a) or a similar~~  
14 ~~provision occurred while transporting a person under the~~  
15 ~~age of 16 or while the alcohol concentration in his or her~~  
16 ~~blood, breath, or urine was 0.16 or more based on the~~  
17 ~~definition of blood, breath, or urine units in Section~~  
18 ~~11-501.2, is guilty of a Class 2 felony, is not eligible~~  
19 ~~for probation or conditional discharge, and is subject to a~~  
20 ~~minimum fine of \$3,000.~~

21 ~~(c 6) (1) Any person convicted of a first violation of~~  
22 ~~subsection (a) or a similar provision, if the alcohol~~  
23 ~~concentration in his or her blood, breath, or urine was~~  
24 ~~0.16 or more based on the definition of blood, breath, or~~  
25 ~~urine units in Section 11-501.2, shall be subject, in~~  
26 ~~addition to any other penalty that may be imposed, to a~~

1 ~~mandatory minimum of 100 hours of community service and a~~  
2 ~~mandatory minimum fine of \$500.~~

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

14 ~~(3) Any person convicted of a third violation of~~  
15 ~~subsection (a) or a similar provision within 20 years of a~~  
16 ~~previous violation of subsection (a) or a similar~~  
17 ~~provision, if at the time of the third violation of~~  
18 ~~subsection (a) or a similar provision the alcohol~~  
19 ~~concentration in his or her blood, breath, or urine was~~  
20 ~~0.16 or more based on the definition of blood, breath, or~~  
21 ~~urine units in Section 11-501.2, is guilty of a Class 4~~  
22 ~~felony and shall be subject, in addition to any other~~  
23 ~~penalty that may be imposed, to a mandatory minimum of 90~~  
24 ~~days of imprisonment and a mandatory minimum fine of~~  
25 ~~\$2,500.~~

26 ~~(4) Any person convicted of a fourth or subsequent~~

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

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

19 ~~(A) the person committed a violation of subsection~~  
20 ~~(a) or a similar provision for the third or subsequent~~  
21 ~~time;~~

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

25 ~~(C) the person in committing a violation of~~  
26 ~~subsection (a) was involved in a motor vehicle accident~~

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

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

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

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

1           ~~when the violation of subsection (a) was a proximate~~  
2           ~~cause of the death.~~

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

1 ~~imprisonment as a condition of the probation or conditional~~  
2 ~~discharge. This mandatory minimum term of imprisonment or~~  
3 ~~assignment of community service may not be suspended or~~  
4 ~~reduced by the court.~~

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

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



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

7       ~~(g) The Secretary of State shall revoke the driving~~  
8 ~~privileges of any person convicted under this Section or a~~  
9 ~~similar provision of a local ordinance.~~

10       ~~(h) (Blank).~~

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

18       ~~(j) In addition to any other penalties and liabilities, a~~  
19 ~~person who is found guilty of or pleads guilty to violating~~  
20 ~~subsection (a), including any person placed on court~~  
21 ~~supervision for violating subsection (a), shall be fined \$500,~~  
22 ~~payable to the circuit clerk, who shall distribute the money as~~  
23 ~~follows: 20% to the law enforcement agency that made the arrest~~  
24 ~~and 80% shall be forwarded to the State Treasurer for deposit~~  
25 ~~into the General Revenue Fund. If the person has been~~  
26 ~~previously convicted of violating subsection (a) or a similar~~

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

1 ~~related criminal violence throughout the State; police officer~~  
2 ~~training and education in areas related to alcohol related~~  
3 ~~crime, including but not limited to DUI training; and police~~  
4 ~~officer salaries, including but not limited to salaries for~~  
5 ~~hire back funding for safety checkpoints, saturation patrols,~~  
6 ~~and liquor store sting operations.~~

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

23 ~~(l) Whenever an individual is sentenced for an offense~~  
24 ~~based upon an arrest for a violation of subsection (a) or a~~  
25 ~~similar provision of a local ordinance, and the professional~~  
26 ~~evaluation recommends remedial or rehabilitative treatment or~~

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

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

1 ~~(m), "emergency response" means any incident requiring a~~  
2 ~~response by a police officer, a firefighter carried on the~~  
3 ~~rolls of a regularly constituted fire department, or an~~  
4 ~~ambulance.~~

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

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

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

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

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

18 ~~(2) under the influence of alcohol;~~

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

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

25 ~~(5) under the combined influence of alcohol, other drug~~

1 ~~or drugs, or intoxicating compound or compounds to a degree~~  
2 ~~that renders the person incapable of safely driving; or~~

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

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

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

15 ~~(1) Any reference to a prior violation of subsection~~  
16 ~~(a) or a similar provision includes any violation of a~~  
17 ~~provision of a local ordinance or a provision of a law of~~  
18 ~~another state that is similar to a violation of subsection~~  
19 ~~(a) of this Section.~~

20 ~~(2) Any penalty imposed for driving with a license that~~  
21 ~~has been revoked for a previous violation of subsection (a)~~  
22 ~~of this Section shall be in addition to the penalty imposed~~  
23 ~~for any subsequent violation of subsection (a).~~

24 ~~(b-2) Except as otherwise provided in this Section, any~~  
25 ~~person convicted of violating subsection (a) of this Section is~~  
26 ~~guilty of a Class A misdemeanor.~~

1       ~~(b 3) In addition to any other criminal or administrative~~  
2 ~~sanction for any second conviction of violating subsection (a)~~  
3 ~~or a similar provision committed within 5 years of a previous~~  
4 ~~violation of subsection (a) or a similar provision, the~~  
5 ~~defendant shall be sentenced to a mandatory minimum of 5 days~~  
6 ~~of imprisonment or assigned a mandatory minimum of 240 hours of~~  
7 ~~community service as may be determined by the court.~~

8       ~~(b 4) In the case of a third or subsequent violation~~  
9 ~~committed within 5 years of a previous violation of subsection~~  
10 ~~(a) or a similar provision, in addition to any other criminal~~  
11 ~~or administrative sanction, a mandatory minimum term of either~~  
12 ~~10 days of imprisonment or 480 hours of community service shall~~  
13 ~~be imposed.~~

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

18       ~~(c) (Blank).~~

19       ~~(c 1) (1) A person who violates subsection (a) during a~~  
20 ~~period in which his or her driving privileges are revoked~~  
21 ~~or suspended, where the revocation or suspension was for a~~  
22 ~~violation of subsection (a), Section 11-501.1, paragraph~~  
23 ~~(b) of Section 11-401, or for reckless homicide as defined~~  
24 ~~in Section 9-3 of the Criminal Code of 1961 is guilty of a~~  
25 ~~Class 4 felony.~~

26       ~~(2) A person who violates subsection (a) a third time,~~

1 ~~if the third violation occurs during a period in which his~~  
2 ~~or her driving privileges are revoked or suspended where~~  
3 ~~the revocation or suspension was for a violation of~~  
4 ~~subsection (a), Section 11-501.1, paragraph (b) of Section~~  
5 ~~11-401, or for reckless homicide as defined in Section 9-3~~  
6 ~~of the Criminal Code of 1961, is guilty of a Class 3~~  
7 ~~felony; and if the person receives a term of probation or~~  
8 ~~conditional discharge, he or she shall be required to serve~~  
9 ~~a mandatory minimum of 10 days of imprisonment or shall be~~  
10 ~~assigned a mandatory minimum of 480 hours of community~~  
11 ~~service, as may be determined by the court, as a condition~~  
12 ~~of the probation or conditional discharge. This mandatory~~  
13 ~~minimum term of imprisonment or assignment of community~~  
14 ~~service shall not be suspended or reduced by the court.~~

15 ~~(2.2) A person who violates subsection (a), if the~~  
16 ~~violation occurs during a period in which his or her~~  
17 ~~driving privileges are revoked or suspended where the~~  
18 ~~revocation or suspension was for a violation of subsection~~  
19 ~~(a) or Section 11-501.1, shall also be sentenced to an~~  
20 ~~additional mandatory minimum term of 30 consecutive days of~~  
21 ~~imprisonment, 40 days of 24-hour periodic imprisonment, or~~  
22 ~~720 hours of community service, as may be determined by the~~  
23 ~~court. This mandatory term of imprisonment or assignment of~~  
24 ~~community service shall not be suspended or reduced by the~~  
25 ~~court.~~

26 ~~(3) A person who violates subsection (a) a fourth or~~



1 ~~subsequent time, if the fourth or subsequent violation~~  
2 ~~occurs during a period in which his or her driving~~  
3 ~~privileges are revoked or suspended where the revocation or~~  
4 ~~suspension was for a violation of subsection (a), Section~~  
5 ~~11-501.1, paragraph (b) of Section 11-401, or for reckless~~  
6 ~~homicide as defined in Section 9-3 of the Criminal Code of~~  
7 ~~1961, is guilty of a Class 2 felony and is not eligible for~~  
8 ~~a sentence of probation or conditional discharge.~~

9 ~~(c-2) (Blank).~~

10 ~~(c-3) (Blank).~~

11 ~~(c-4) (Blank).~~

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

21 ~~(c-5.1) A person 21 years of age or older who is convicted~~  
22 ~~of violating subsection (a) of this Section a first time and~~  
23 ~~who in committing that violation was involved in a motor~~  
24 ~~vehicle accident that resulted in bodily harm to the child~~  
25 ~~under the age of 16 being transported by the person, if the~~  
26 ~~violation was the proximate cause of the injury, is guilty of a~~

1 ~~Class 4 felony and is subject to one year of imprisonment, a~~  
2 ~~mandatory fine of \$2,500, and 25 days of community service in a~~  
3 ~~program benefiting children. The imprisonment or assignment to~~  
4 ~~community service under this subsection (c 5.1) shall not be~~  
5 ~~subject to suspension, nor shall the person be eligible for~~  
6 ~~probation in order to reduce the sentence or assignment.~~

7 ~~(c 6) Except as provided in subsections (c 7) and (c 7.1),~~  
8 ~~a person 21 years of age or older who violates subsection (a) a~~  
9 ~~second time, if at the time of the second violation the person~~  
10 ~~was transporting a person under the age of 16, is subject to 6~~  
11 ~~months of imprisonment, an additional mandatory minimum fine of~~  
12 ~~\$1,000, and an additional mandatory minimum 140 hours of~~  
13 ~~community service, which shall include 40 hours of community~~  
14 ~~service in a program benefiting children. The imprisonment or~~  
15 ~~assignment of community service under this subsection (c 6) is~~  
16 ~~not subject to suspension, nor is the person eligible for a~~  
17 ~~reduced sentence.~~

18 ~~(c 7) Except as provided in subsection (c 7.1), any person~~  
19 ~~21 years of age or older convicted of violating subsection~~  
20 ~~(c 6) or a similar provision within 10 years of a previous~~  
21 ~~violation of subsection (a) or a similar provision is guilty of~~  
22 ~~a Class 4 felony and, in addition to any other penalty imposed,~~  
23 ~~is subject to one year of imprisonment, 25 days of mandatory~~  
24 ~~community service in a program benefiting children, and a~~  
25 ~~mandatory fine of \$2,500. The imprisonment or assignment of~~  
26 ~~community service under this subsection (c 7) is not subject to~~

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

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

14 ~~(c-8) (Blank).~~

15 ~~(c-9) Any person 21 years of age or older convicted a third~~  
16 ~~time for violating subsection (a) or a similar provision, if at~~  
17 ~~the time of the third violation the person was transporting a~~  
18 ~~person under the age of 16, is guilty of a Class 4 felony and is~~  
19 ~~subject to 18 months of imprisonment, a mandatory fine of~~  
20 ~~\$2,500, and 25 days of community service in a program~~  
21 ~~benefiting children. The imprisonment or assignment of~~  
22 ~~community service under this subsection (c-9) is not subject to~~  
23 ~~suspension, nor is the person eligible for a reduced sentence.~~

24 ~~(c-10) Any person 21 years of age or older convicted of~~  
25 ~~violating subsection (c-9) or a similar provision a third time~~  
26 ~~within 20 years of a previous violation of subsection (a) or a~~

1 ~~similar provision is guilty of a Class 3 felony and, in~~  
2 ~~addition to any other penalty imposed, is subject to 3 years of~~  
3 ~~imprisonment, 25 days of community service in a program~~  
4 ~~benefiting children, and a mandatory fine of \$25,000. The~~  
5 ~~imprisonment or assignment of community service under this~~  
6 ~~subsection (c 10) is not subject to suspension, nor is the~~  
7 ~~person eligible for a reduced sentence.~~

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

20 ~~(c 12) Any person convicted of a first violation of~~  
21 ~~subsection (a) or a similar provision, if the alcohol~~  
22 ~~concentration in his or her blood, breath, or urine was 0.16 or~~  
23 ~~more based on the definition of blood, breath, or urine units~~  
24 ~~in Section 11 501.2, shall be subject, in addition to any other~~  
25 ~~penalty that may be imposed, to a mandatory minimum of 100~~  
26 ~~hours of community service and a mandatory minimum fine of~~

1 ~~\$500.~~

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

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

23 ~~(c-15) Any person convicted of a fourth or subsequent~~  
24 ~~violation of subsection (a) or a similar provision, if at the~~  
25 ~~time of the fourth or subsequent violation the alcohol~~  
26 ~~concentration in his or her blood, breath, or urine was 0.16 or~~

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

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

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

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

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

26 ~~(D) the person committed a violation of subsection~~

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

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

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

25 ~~(2) Except as provided in this paragraph (2), a person~~  
26 ~~convicted of aggravated driving under the influence of~~

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



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

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

23       ~~(f) Every person found guilty of violating this Section,~~  
24 ~~whose operation of a motor vehicle while in violation of this~~  
25 ~~Section proximately caused any incident resulting in an~~  
26 ~~appropriate emergency response, shall be liable for the expense~~

1 ~~of an emergency response as provided under Section 5-5-3 of the~~  
2 ~~Unified Code of Corrections.~~

3 ~~(g) The Secretary of State shall revoke the driving~~  
4 ~~privileges of any person convicted under this Section or a~~  
5 ~~similar provision of a local ordinance.~~

6 ~~(h) (Blank).~~

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

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

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

1 ~~hire back funding for safety checkpoints, saturation patrols,~~  
2 ~~and liquor store sting operations.~~

3 ~~(k) The Secretary of State Police DUI Fund is created as a~~  
4 ~~special fund in the State treasury. All moneys received by the~~  
5 ~~Secretary of State Police under subsection (j) of this Section~~  
6 ~~shall be deposited into the Secretary of State Police DUI Fund~~  
7 ~~and, subject to appropriation, shall be used for enforcement~~  
8 ~~and prevention of driving while under the influence of alcohol,~~  
9 ~~ether drug or drugs, intoxicating compound or compounds or any~~  
10 ~~combination thereof, as defined by this Section, including but~~  
11 ~~not limited to the purchase of law enforcement equipment and~~  
12 ~~commodities to assist in the prevention of alcohol related~~  
13 ~~criminal violence throughout the State; police officer~~  
14 ~~training and education in areas related to alcohol related~~  
15 ~~crime, including but not limited to DUI training; and police~~  
16 ~~officer salaries, including but not limited to salaries for~~  
17 ~~hire back funding for safety checkpoints, saturation patrols,~~  
18 ~~and liquor store sting operations.~~

19 ~~(l) Whenever an individual is sentenced for an offense~~  
20 ~~based upon an arrest for a violation of subsection (a) or a~~  
21 ~~similar provision of a local ordinance, and the professional~~  
22 ~~evaluation recommends remedial or rehabilitative treatment or~~  
23 ~~education, neither the treatment nor the education shall be the~~  
24 ~~sole disposition and either or both may be imposed only in~~  
25 ~~conjunction with another disposition. The court shall monitor~~  
26 ~~compliance with any remedial education or treatment~~

1 ~~recommendations contained in the professional evaluation.~~  
2 ~~Programs conducting alcohol or other drug evaluation or~~  
3 ~~remedial education must be licensed by the Department of Human~~  
4 ~~Services. If the individual is not a resident of Illinois,~~  
5 ~~however, the court may accept an alcohol or other drug~~  
6 ~~evaluation or remedial education program in the individual's~~  
7 ~~state of residence. Programs providing treatment must be~~  
8 ~~licensed under existing applicable alcoholism and drug~~  
9 ~~treatment licensure standards.~~

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

1 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;  
2 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;  
3 93-840, eff. 7-30-04; 94-110, eff. 1-1-06; 94-963, eff.  
4 6-28-06.)

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

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

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

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

14 ~~(2) under the influence of alcohol;~~

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

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

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

24 ~~(6) there is any amount of a drug, substance, or~~  
25 ~~compound in the person's breath, blood, or urine resulting~~

1 ~~from the unlawful use or consumption of cannabis listed in~~  
2 ~~the Cannabis Control Act, a controlled substance listed in~~  
3 ~~the Illinois Controlled Substances Act, or an intoxicating~~  
4 ~~compound listed in the Use of Intoxicating Compounds Act.~~

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

10 ~~(b 1) With regard to penalties imposed under this Section:~~

11 ~~(1) Any reference to a prior violation of subsection~~  
12 ~~(a) or a similar provision includes any violation of a~~  
13 ~~provision of a local ordinance or a provision of a law of~~  
14 ~~another state that is similar to a violation of subsection~~  
15 ~~(a) of this Section.~~

16 ~~(2) Any penalty imposed for driving with a license that~~  
17 ~~has been revoked for a previous violation of subsection (a)~~  
18 ~~of this Section shall be in addition to the penalty imposed~~  
19 ~~for any subsequent violation of subsection (a).~~

20 ~~(b 2) Except as otherwise provided in this Section, any~~  
21 ~~person convicted of violating subsection (a) of this Section is~~  
22 ~~guilty of a Class A misdemeanor.~~

23 ~~(b 3) In addition to any other criminal or administrative~~  
24 ~~sanction for any second conviction of violating subsection (a)~~  
25 ~~or a similar provision committed within 5 years of a previous~~  
26 ~~violation of subsection (a) or a similar provision, the~~

1 ~~defendant shall be sentenced to a mandatory minimum of 5 days~~  
2 ~~of imprisonment or assigned a mandatory minimum of 240 hours of~~  
3 ~~community service as may be determined by the court.~~

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

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

14 ~~(c) (Blank).~~

15 ~~(c-1) (1) A person who violates subsection (a) during a~~  
16 ~~period in which his or her driving privileges are revoked~~  
17 ~~or suspended, where the revocation or suspension was for a~~  
18 ~~violation of subsection (a), Section 11 501.1, paragraph~~  
19 ~~(b) of Section 11 401, or for reckless homicide as defined~~  
20 ~~in Section 9-3 of the Criminal Code of 1961 is guilty of a~~  
21 ~~Class 4 felony.~~

22 ~~(2) A person who violates subsection (a) a third time,~~  
23 ~~if the third violation occurs during a period in which his~~  
24 ~~or her driving privileges are revoked or suspended where~~  
25 ~~the revocation or suspension was for a violation of~~  
26 ~~subsection (a), Section 11 501.1, paragraph (b) of Section~~



1 ~~11-401, or for reckless homicide as defined in Section 9-3~~  
2 ~~of the Criminal Code of 1961, is guilty of a Class 3~~  
3 ~~felony.~~

4 ~~(2.1) A person who violates subsection (a) a third~~  
5 ~~time, if the third violation occurs during a period in~~  
6 ~~which his or her driving privileges are revoked or~~  
7 ~~suspended where the revocation or suspension was for a~~  
8 ~~violation of subsection (a), Section 11-501.1, subsection~~  
9 ~~(b) of Section 11-401, or for reckless homicide as defined~~  
10 ~~in Section 9-3 of the Criminal Code of 1961, is guilty of a~~  
11 ~~Class 3 felony; and if the person receives a term of~~  
12 ~~probation or conditional discharge, he or she shall be~~  
13 ~~required to serve a mandatory minimum of 10 days of~~  
14 ~~imprisonment or shall be assigned a mandatory minimum of~~  
15 ~~480 hours of community service, as may be determined by the~~  
16 ~~court, as a condition of the probation or conditional~~  
17 ~~discharge. This mandatory minimum term of imprisonment or~~  
18 ~~assignment of community service shall not be suspended or~~  
19 ~~reduced by the court.~~

20 ~~(2.2) A person who violates subsection (a), if the~~  
21 ~~violation occurs during a period in which his or her~~  
22 ~~driving privileges are revoked or suspended where the~~  
23 ~~revocation or suspension was for a violation of subsection~~  
24 ~~(a) or Section 11-501.1, shall also be sentenced to an~~  
25 ~~additional mandatory minimum term of 30 consecutive days of~~  
26 ~~imprisonment, 40 days of 24 hour periodic imprisonment, or~~

1 ~~720 hours of community service, as may be determined by the~~  
2 ~~court. This mandatory term of imprisonment or assignment of~~  
3 ~~community service shall not be suspended or reduced by the~~  
4 ~~court.~~

5 ~~(3) A person who violates subsection (a) a fourth or~~  
6 ~~subsequent time, if the fourth or subsequent violation~~  
7 ~~occurs during a period in which his or her driving~~  
8 ~~privileges are revoked or suspended where the revocation or~~  
9 ~~suspension was for a violation of subsection (a), Section~~  
10 ~~11 501.1, paragraph (b) of Section 11 401, or for reckless~~  
11 ~~homicide as defined in Section 9-3 of the Criminal Code of~~  
12 ~~1961, is guilty of a Class 2 felony and is not eligible for~~  
13 ~~a sentence of probation or conditional discharge.~~

14 ~~(c 2) (Blank).~~

15 ~~(c 3) (Blank).~~

16 ~~(c 4) (Blank).~~

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

26 ~~(c 6) Except as provided in subsections (c 7) and (c 8) a~~

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

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

21 ~~(c 8) Any person convicted of violating subsection (c 6) or~~  
22 ~~a similar provision within 5 years of a previous violation of~~  
23 ~~subsection (a) or a similar provision shall receive, in~~  
24 ~~addition to any other penalty imposed, an additional 80 hours~~  
25 ~~of mandatory community service in a program benefiting~~  
26 ~~children, an additional mandatory minimum 12 days of~~

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

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

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

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

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

20       ~~(e-13) Any person convicted of a second violation of~~  
21 ~~subsection (a) or a similar provision committed within 10 years~~  
22 ~~of a previous violation of subsection (a) or a similar~~  
23 ~~provision committed within 10 years of a previous violation of~~  
24 ~~subsection (a) or a similar provision, if at the time of the~~  
25 ~~second violation of subsection (a) the alcohol concentration in~~  
26 ~~his or her blood, breath, or urine was 0.16 or more based on~~

1 ~~the definition of blood, breath, or urine units in Section~~  
2 ~~11-501.2, shall be subject, in addition to any other penalty~~  
3 ~~that may be imposed, to a mandatory minimum of 2 days of~~  
4 ~~imprisonment and a mandatory minimum fine of \$1,250.~~

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

16 ~~(c 15) Any person convicted of a fourth or subsequent~~  
17 ~~violation of subsection (a) or a similar provision, if at the~~  
18 ~~time of the fourth or subsequent violation the alcohol~~  
19 ~~concentration in his or her blood, breath, or urine was 0.16 or~~  
20 ~~more based on the definition of blood, breath, or urine units~~  
21 ~~in Section 11-501.2, and if the person's 3 prior violations of~~  
22 ~~subsection (a) or a similar provision occurred while~~  
23 ~~transporting a person under the age of 16 or while the alcohol~~  
24 ~~concentration in his or her blood, breath, or urine was 0.16 or~~  
25 ~~more based on the definition of blood, breath, or urine units~~  
26 ~~in Section 11-501.2, is guilty of a Class 2 felony and is not~~

1 ~~eligible for a sentence of probation or conditional discharge~~  
2 ~~and is subject to a minimum fine of \$2,500.~~

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

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

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

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

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

1           ~~has previously been convicted under subparagraph (C)~~  
2           ~~or subparagraph (F) of this paragraph (1);~~

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

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

18          ~~(2) Except as provided in this paragraph (2), a person~~  
19          ~~convicted of aggravated driving under the influence of~~  
20          ~~alcohol, other drug or drugs, or intoxicating compound or~~  
21          ~~compounds, or any combination thereof is guilty of a Class~~  
22          ~~4 felony. For a violation of subparagraph (C) of paragraph~~  
23          ~~(1) of this subsection (d), the defendant, if sentenced to~~  
24          ~~a term of imprisonment, shall be sentenced to not less than~~  
25          ~~one year nor more than 12 years. Aggravated driving under~~  
26          ~~the influence of alcohol, other drug or drugs, or~~



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

21 ~~(e) After a finding of guilt and prior to any final~~  
22 ~~sentencing, or an order for supervision, for an offense based~~  
23 ~~upon an arrest for a violation of this Section or a similar~~  
24 ~~provision of a local ordinance, individuals shall be required~~  
25 ~~to undergo a professional evaluation to determine if an~~  
26 ~~alcohol, drug, or intoxicating compound abuse problem exists~~

1 ~~and the extent of the problem, and undergo the imposition of~~  
2 ~~treatment as appropriate. Programs conducting these~~  
3 ~~evaluations shall be licensed by the Department of Human~~  
4 ~~Services. The cost of any professional evaluation shall be paid~~  
5 ~~for by the individual required to undergo the professional~~  
6 ~~evaluation.~~

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

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

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

26 ~~(h) (Blank).~~

1       ~~(i) The Secretary of State shall require the use of~~  
2 ~~ignition interlock devices on all vehicles owned by an~~  
3 ~~individual who has been convicted of a second or subsequent~~  
4 ~~offense of this Section or a similar provision of a local~~  
5 ~~ordinance. The Secretary shall establish by rule and regulation~~  
6 ~~the procedures for certification and use of the interlock~~  
7 ~~system.~~

8       ~~(j) In addition to any other penalties and liabilities, a~~  
9 ~~person who is found guilty of or pleads guilty to violating~~  
10 ~~subsection (a), including any person placed on court~~  
11 ~~supervision for violating subsection (a), shall be fined \$500,~~  
12 ~~payable to the circuit clerk, who shall distribute the money as~~  
13 ~~follows: 20% to the law enforcement agency that made the arrest~~  
14 ~~and 80% shall be forwarded to the State Treasurer for deposit~~  
15 ~~into the General Revenue Fund. If the person has been~~  
16 ~~previously convicted of violating subsection (a) or a similar~~  
17 ~~provision of a local ordinance, the fine shall be \$1,000. In~~  
18 ~~the event that more than one agency is responsible for the~~  
19 ~~arrest, the amount payable to law enforcement agencies shall be~~  
20 ~~shared equally. Any moneys received by a law enforcement agency~~  
21 ~~under this subsection (j) shall be used for enforcement and~~  
22 ~~prevention of driving while under the influence of alcohol,~~  
23 ~~other drug or drugs, intoxicating compound or compounds or any~~  
24 ~~combination thereof, as defined by this Section, including but~~  
25 ~~not limited to the purchase of law enforcement equipment and~~  
26 ~~commodities that will assist in the prevention of alcohol~~

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

23 ~~(k) The Secretary of State Police DUI Fund is created as a~~  
24 ~~special fund in the State treasury. All moneys received by the~~  
25 ~~Secretary of State Police under subsection (j) of this Section~~  
26 ~~shall be deposited into the Secretary of State Police DUI Fund~~

1 ~~and, subject to appropriation, shall be used for enforcement~~  
2 ~~and prevention of driving while under the influence of alcohol,~~  
3 ~~ether drug or drugs, intoxicating compound or compounds or any~~  
4 ~~combination thereof, as defined by this Section, including but~~  
5 ~~not limited to the purchase of law enforcement equipment and~~  
6 ~~commodities to assist in the prevention of alcohol related~~  
7 ~~criminal violence throughout the State; police officer~~  
8 ~~training and education in areas related to alcohol related~~  
9 ~~crime, including but not limited to DUI training; and police~~  
10 ~~officer salaries, including but not limited to salaries for~~  
11 ~~hire back funding for safety checkpoints, saturation patrols,~~  
12 ~~and liquor store sting operations.~~

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

1 ~~state of residence. Programs providing treatment must be~~  
2 ~~licensed under existing applicable alcoholism and drug~~  
3 ~~treatment licensure standards.~~

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

21 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;  
22 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;  
23 93-840, eff. 7-30-04; 94-113, eff. 1-1-06; 94-609, eff. 1-1-06;  
24 94-963, eff. 6-28-06.)

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

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

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

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

9           ~~(2) under the influence of alcohol;~~

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

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

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

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

25       ~~(b) The fact that any person charged with violating this~~  
26 ~~Section is or has been legally entitled to use alcohol, other~~

1 ~~drug or drugs, or intoxicating compound or compounds, or any~~  
2 ~~combination thereof, shall not constitute a defense against any~~  
3 ~~charge of violating this Section.~~

4 ~~(b 1) With regard to penalties imposed under this Section:~~

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

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

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

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

24 ~~(b 4) In the case of a third or subsequent violation~~  
25 ~~committed within 5 years of a previous violation of subsection~~  
26 ~~(a) or a similar provision, in addition to any other criminal~~



1 ~~or administrative sanction, a mandatory minimum term of either~~  
2 ~~10 days of imprisonment or 480 hours of community service shall~~  
3 ~~be imposed.~~

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

8 ~~(c) (Blank).~~

9 ~~(c-1) (1) A person who violates subsection (a) during a~~  
10 ~~period in which his or her driving privileges are revoked~~  
11 ~~or suspended, where the revocation or suspension was for a~~  
12 ~~violation of subsection (a), Section 11-501.1, paragraph~~  
13 ~~(b) of Section 11-401, or for reckless homicide as defined~~  
14 ~~in Section 9-3 of the Criminal Code of 1961 is guilty of a~~  
15 ~~Class 4 felony.~~

16 ~~(2) A person who violates subsection (a) a third time,~~  
17 ~~if the third violation occurs during a period in which his~~  
18 ~~or her driving privileges are revoked or suspended where~~  
19 ~~the revocation or suspension was for a violation of~~  
20 ~~subsection (a), Section 11-501.1, paragraph (b) of Section~~  
21 ~~11-401, or for reckless homicide as defined in Section 9-3~~  
22 ~~of the Criminal Code of 1961, is guilty of a Class 3~~  
23 ~~felony.~~

24 ~~(2.1) A person who violates subsection (a) a third~~  
25 ~~time, if the third violation occurs during a period in~~  
26 ~~which his or her driving privileges are revoked or~~

1 ~~suspended where the revocation or suspension was for a~~  
2 ~~violation of subsection (a), Section 11-501.1, subsection~~  
3 ~~(b) of Section 11-401, or for reckless homicide as defined~~  
4 ~~in Section 9-3 of the Criminal Code of 1961, is guilty of a~~  
5 ~~Class 3 felony; and if the person receives a term of~~  
6 ~~probation or conditional discharge, he or she shall be~~  
7 ~~required to serve a mandatory minimum of 10 days of~~  
8 ~~imprisonment or shall be assigned a mandatory minimum of~~  
9 ~~480 hours of community service, as may be determined by the~~  
10 ~~court, as a condition of the probation or conditional~~  
11 ~~discharge. This mandatory minimum term of imprisonment or~~  
12 ~~assignment of community service shall not be suspended or~~  
13 ~~reduced by the court.~~

14 ~~(2.2) A person who violates subsection (a), if the~~  
15 ~~violation occurs during a period in which his or her~~  
16 ~~driving privileges are revoked or suspended where the~~  
17 ~~revocation or suspension was for a violation of subsection~~  
18 ~~(a) or Section 11-501.1, shall also be sentenced to an~~  
19 ~~additional mandatory minimum term of 30 consecutive days of~~  
20 ~~imprisonment, 40 days of 24-hour periodic imprisonment, or~~  
21 ~~720 hours of community service, as may be determined by the~~  
22 ~~court. This mandatory term of imprisonment or assignment of~~  
23 ~~community service shall not be suspended or reduced by the~~  
24 ~~court.~~

25 ~~(3) A person who violates subsection (a) a fourth or~~  
26 ~~fifth time, if the fourth or fifth violation occurs during~~

1 ~~a period in which his or her driving privileges are revoked~~  
2 ~~or suspended where the revocation or suspension was for a~~  
3 ~~violation of subsection (a), Section 11-501.1, paragraph~~  
4 ~~(b) of Section 11-401, or for reckless homicide as defined~~  
5 ~~in Section 9-3 of the Criminal Code of 1961, is guilty of a~~  
6 ~~Class 2 felony and is not eligible for a sentence of~~  
7 ~~probation or conditional discharge.~~

8 ~~(c 2) (Blank).~~

9 ~~(c 3) (Blank).~~

10 ~~(c 4) (Blank).~~

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

20 ~~(c 6) Except as provided in subsections (c 7) and (c 8) a~~  
21 ~~person who violates subsection (a) a second time, if at the~~  
22 ~~time of the second violation the person was transporting a~~  
23 ~~person under the age of 16, is subject to an additional 10 days~~  
24 ~~of imprisonment, an additional mandatory minimum fine of~~  
25 ~~\$1,000, and an additional mandatory minimum 140 hours of~~  
26 ~~community service, which shall include 40 hours of community~~

1 ~~service in a program benefiting children. The imprisonment or~~  
2 ~~assignment of community service under this subsection (c-6) is~~  
3 ~~not subject to suspension, nor is the person eligible for a~~  
4 ~~reduced sentence.~~

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

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

25 ~~(c-9) Any person convicted a third time for violating~~  
26 ~~subsection (a) or a similar provision, if at the time of the~~

1 ~~third violation the person was transporting a person under the~~  
2 ~~age of 16, is guilty of a Class 4 felony and shall receive, in~~  
3 ~~addition to any other penalty imposed, an additional mandatory~~  
4 ~~fine of \$1,000, an additional mandatory 140 hours of community~~  
5 ~~service, which shall include 40 hours in a program benefiting~~  
6 ~~children, and a mandatory minimum 30 days of imprisonment. The~~  
7 ~~imprisonment or assignment of community service under this~~  
8 ~~subsection (c 9) is not subject to suspension, nor is the~~  
9 ~~person eligible for a reduced sentence.~~

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

21 ~~(c 11) Any person convicted a fourth or fifth time for~~  
22 ~~violating subsection (a) or a similar provision, if at the time~~  
23 ~~of the fourth or fifth violation the person was transporting a~~  
24 ~~person under the age of 16, and if the person's 3 prior~~  
25 ~~violations of subsection (a) or a similar provision occurred~~  
26 ~~while transporting a person under the age of 16 or while the~~

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

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

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

25 ~~(c-14) Any person convicted of a third violation of~~  
26 ~~subsection (a) or a similar provision within 20 years of a~~

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

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

23 ~~(c 16) Any person convicted of a sixth or subsequent~~  
24 ~~violation of subsection (a) is guilty of a Class X felony.~~

25 ~~(d) (1) Every person convicted of committing a violation of~~  
26 ~~this Section shall be guilty of aggravated driving under~~

1 ~~the influence of alcohol, other drug or drugs, or~~  
2 ~~intoxicating compound or compounds, or any combination~~  
3 ~~thereof if:~~

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

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

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

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

25 ~~(E) the person, in committing a violation of~~  
26 ~~subsection (a) while driving at any speed in a school~~



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

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

14 ~~(2) Except as provided in this paragraph (2), a person~~  
15 ~~convicted of aggravated driving under the influence of~~  
16 ~~alcohol, other drug or drugs, or intoxicating compound or~~  
17 ~~compounds, or any combination thereof is guilty of a Class~~  
18 ~~4 felony. For a violation of subparagraph (C) of paragraph~~  
19 ~~(1) of this subsection (d), the defendant, if sentenced to~~  
20 ~~a term of imprisonment, shall be sentenced to not less than~~  
21 ~~one year nor more than 12 years. Aggravated driving under~~  
22 ~~the influence of alcohol, other drug or drugs, or~~  
23 ~~intoxicating compound or compounds, or any combination~~  
24 ~~thereof as defined in subparagraph (F) of paragraph (1) of~~  
25 ~~this subsection (d) is a Class 2 felony, for which the~~  
26 ~~defendant, if sentenced to a term of imprisonment, shall be~~

1 ~~sentenced to: (A) a term of imprisonment of not less than 3~~  
2 ~~years and not more than 14 years if the violation resulted~~  
3 ~~in the death of one person; or (B) a term of imprisonment~~  
4 ~~of not less than 6 years and not more than 28 years if the~~  
5 ~~violation resulted in the deaths of 2 or more persons. For~~  
6 ~~any prosecution under this subsection (d), a certified copy~~  
7 ~~of the driving abstract of the defendant shall be admitted~~  
8 ~~as proof of any prior conviction. Any person sentenced~~  
9 ~~under this subsection (d) who receives a term of probation~~  
10 ~~or conditional discharge must serve a minimum term of~~  
11 ~~either 480 hours of community service or 10 days of~~  
12 ~~imprisonment as a condition of the probation or conditional~~  
13 ~~discharge. This mandatory minimum term of imprisonment or~~  
14 ~~assignment of community service may not be suspended or~~  
15 ~~reduced by the court.~~

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

1 ~~evaluation.~~

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

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

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

21 ~~(h) (Blank).~~

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

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

3 ~~(j) In addition to any other penalties and liabilities, a~~  
4 ~~person who is found guilty of or pleads guilty to violating~~  
5 ~~subsection (a), including any person placed on court~~  
6 ~~supervision for violating subsection (a), shall be fined \$500,~~  
7 ~~payable to the circuit clerk, who shall distribute the money as~~  
8 ~~follows: 20% to the law enforcement agency that made the arrest~~  
9 ~~and 80% shall be forwarded to the State Treasurer for deposit~~  
10 ~~into the General Revenue Fund. If the person has been~~  
11 ~~previously convicted of violating subsection (a) or a similar~~  
12 ~~provision of a local ordinance, the fine shall be \$1,000. In~~  
13 ~~the event that more than one agency is responsible for the~~  
14 ~~arrest, the amount payable to law enforcement agencies shall be~~  
15 ~~shared equally. Any moneys received by a law enforcement agency~~  
16 ~~under this subsection (j) shall be used for enforcement and~~  
17 ~~prevention of driving while under the influence of alcohol,~~  
18 ~~other drug or drugs, intoxicating compound or compounds or any~~  
19 ~~combination thereof, as defined by this Section, including but~~  
20 ~~not limited to the purchase of law enforcement equipment and~~  
21 ~~commodities that will assist in the prevention of alcohol~~  
22 ~~related criminal violence throughout the State; police officer~~  
23 ~~training and education in areas related to alcohol related~~  
24 ~~crime, including but not limited to DUI training; and police~~  
25 ~~officer salaries, including but not limited to salaries for~~  
26 ~~hire back funding for safety checkpoints, saturation patrols,~~

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

18 ~~(k) The Secretary of State Police DUI Fund is created as a~~  
19 ~~special fund in the State treasury. All moneys received by the~~  
20 ~~Secretary of State Police under subsection (j) of this Section~~  
21 ~~shall be deposited into the Secretary of State Police DUI Fund~~  
22 ~~and, subject to appropriation, shall be used for enforcement~~  
23 ~~and prevention of driving while under the influence of alcohol,~~  
24 ~~ether drug or drugs, intoxicating compound or compounds or any~~  
25 ~~combination thereof, as defined by this Section, including but~~  
26 ~~not limited to the purchase of law enforcement equipment and~~

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

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

25 ~~(m) In addition to any other fine or penalty required by~~  
26 ~~law, an individual convicted of a violation of subsection (a),~~

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

16 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;  
17 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;  
18 93-840, eff. 7-30-04; 94-114, eff. 1-1-06; 94-963, eff.  
19 6-28-06.)

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

21 ~~Sec. 11-501. Driving while under the influence of alcohol,~~  
22 ~~other drug or drugs, intoxicating compound or compounds or any~~  
23 ~~combination thereof.~~

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

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

4 ~~(2) under the influence of alcohol;~~

5 ~~(3) under the influence of any intoxicating compound or~~  
6 ~~combination of intoxicating compounds to a degree that~~  
7 ~~renders the person incapable of driving safely;~~

8 ~~(4) under the influence of any other drug or~~  
9 ~~combination of drugs to a degree that renders the person~~  
10 ~~incapable of safely driving;~~

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

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

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

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

26 ~~(1) Any reference to a prior violation of subsection~~



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

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

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

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

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

25 ~~(b 5) The imprisonment or assignment of community service~~  
26 ~~under subsections (b 3) and (b 4) shall not be subject to~~

1 ~~suspension, nor shall the person be eligible for a reduced~~  
2 ~~sentence.~~

3 ~~(c) (Blank).~~

4 ~~(c-1) (1) A person who violates subsection (a) during a~~  
5 ~~period in which his or her driving privileges are revoked~~  
6 ~~or suspended, where the revocation or suspension was for a~~  
7 ~~violation of subsection (a), Section 11 501.1, paragraph~~  
8 ~~(b) of Section 11 401, or for reckless homicide as defined~~  
9 ~~in Section 9 3 of the Criminal Code of 1961 is guilty of a~~  
10 ~~Class 4 felony.~~

11 ~~(2) A person who violates subsection (a) a third time~~  
12 ~~is guilty of a Class 2 felony.~~

13 ~~(2.1) A person who violates subsection (a) a third~~  
14 ~~time, if the third violation occurs during a period in~~  
15 ~~which his or her driving privileges are revoked or~~  
16 ~~suspended where the revocation or suspension was for a~~  
17 ~~violation of subsection (a), Section 11 501.1, subsection~~  
18 ~~(b) of Section 11 401, or for reckless homicide as defined~~  
19 ~~in Section 9 3 of the Criminal Code of 1961, is guilty of a~~  
20 ~~Class 2 felony; and if the person receives a term of~~  
21 ~~probation or conditional discharge, he or she shall be~~  
22 ~~required to serve a mandatory minimum of 10 days of~~  
23 ~~imprisonment or shall be assigned a mandatory minimum of~~  
24 ~~480 hours of community service, as may be determined by the~~  
25 ~~court, as a condition of the probation or conditional~~  
26 ~~discharge. This mandatory minimum term of imprisonment or~~

1 ~~assignment of community service shall not be suspended or~~  
2 ~~reduced by the court.~~

3 ~~(2.2) A person who violates subsection (a), if the~~  
4 ~~violation occurs during a period in which his or her~~  
5 ~~driving privileges are revoked or suspended where the~~  
6 ~~revocation or suspension was for a violation of subsection~~  
7 ~~(a) or Section 11-501.1, shall also be sentenced to an~~  
8 ~~additional mandatory minimum term of 30 consecutive days of~~  
9 ~~imprisonment, 40 days of 24 hour periodic imprisonment, or~~  
10 ~~720 hours of community service, as may be determined by the~~  
11 ~~court. This mandatory term of imprisonment or assignment of~~  
12 ~~community service shall not be suspended or reduced by the~~  
13 ~~court.~~

14 ~~(3) A person who violates subsection (a) a fourth time~~  
15 ~~is guilty of a Class 2 felony and is not eligible for a~~  
16 ~~sentence of probation or conditional discharge.~~

17 ~~(4) A person who violates subsection (a) a fifth or~~  
18 ~~subsequent time is guilty of a Class 1 felony and is not~~  
19 ~~eligible for a sentence of probation or conditional~~  
20 ~~discharge.~~

21 ~~(e-2) (Blank).~~

22 ~~(e-3) (Blank).~~

23 ~~(e-4) (Blank).~~

24 ~~(e-5) A person who violates subsection (a), if the person~~  
25 ~~was transporting a person under the age of 16 at the time of~~  
26 ~~the violation, is subject to an additional mandatory minimum~~

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

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

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

1 ~~person eligible for a reduced sentence.~~

2 ~~(c-8) Any person convicted of violating subsection (c-6) or~~  
3 ~~a similar provision within 5 years of a previous violation of~~  
4 ~~subsection (a) or a similar provision shall receive, in~~  
5 ~~addition to any other penalty imposed, an additional 80 hours~~  
6 ~~of mandatory community service in a program benefiting~~  
7 ~~children, an additional mandatory minimum 12 days of~~  
8 ~~imprisonment, and a mandatory minimum fine of \$1,750. The~~  
9 ~~imprisonment or assignment of community service under this~~  
10 ~~subsection (c-8) is not subject to suspension, nor is the~~  
11 ~~person eligible for a reduced sentence.~~

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

23 ~~(c-10) Any person convicted of violating subsection (c-9)~~  
24 ~~or a similar provision a third time within 20 years of a~~  
25 ~~previous violation of subsection (a) or a similar provision is~~  
26 ~~guilty of a Class 2 felony and shall receive, in addition to~~

1 ~~any other penalty imposed, an additional mandatory 40 hours of~~  
2 ~~community service in a program benefiting children, an~~  
3 ~~additional mandatory fine of \$3,000, and a mandatory minimum~~  
4 ~~120 days of imprisonment. The imprisonment or assignment of~~  
5 ~~community service under this subsection (c 10) is not subject~~  
6 ~~to suspension, nor is the person eligible for a reduced~~  
7 ~~sentence.~~

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

19 ~~(c 12) Any person convicted of a first violation of~~  
20 ~~subsection (a) or a similar provision, if the alcohol~~  
21 ~~concentration in his or her blood, breath, or urine was 0.16 or~~  
22 ~~more based on the definition of blood, breath, or urine units~~  
23 ~~in Section 11 501.2, shall be subject, in addition to any other~~  
24 ~~penalty that may be imposed, to a mandatory minimum of 100~~  
25 ~~hours of community service and a mandatory minimum fine of~~  
26 ~~\$500.~~

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

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

23       ~~(e-15) Any person convicted of a fourth violation of~~  
24 ~~subsection (a) or a similar provision, if at the time of the~~  
25 ~~fourth violation the alcohol concentration in his or her blood,~~  
26 ~~breath, or urine was 0.16 or more based on the definition of~~

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

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

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

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

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

26 ~~(D) the person committed a violation of subsection~~



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

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

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

25 ~~(2) Except as provided in this paragraph (2) and in~~  
26 ~~paragraphs (3) and (4) of subsection (c 1), a person~~

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

1 ~~or conditional discharge must serve a minimum term of~~  
2 ~~either 480 hours of community service or 10 days of~~  
3 ~~imprisonment as a condition of the probation or conditional~~  
4 ~~discharge. This mandatory minimum term of imprisonment or~~  
5 ~~assignment of community service may not be suspended or~~  
6 ~~reduced by the court.~~

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

19 ~~(c 1) Any person who is found guilty of or pleads guilty to~~  
20 ~~violating this Section, including any person receiving a~~  
21 ~~disposition of court supervision for violating this Section,~~  
22 ~~may be required by the Court to attend a victim impact panel~~  
23 ~~offered by, or under contract with, a County State's Attorney's~~  
24 ~~office, a probation and court services department, Mothers~~  
25 ~~Against Drunk Driving, or the Alliance Against Intoxicated~~  
26 ~~Motorists. All costs generated by the victim impact panel shall~~

1 ~~be paid from fees collected from the offender or as may be~~  
2 ~~determined by the court.~~

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

9 ~~(g) The Secretary of State shall revoke the driving~~  
10 ~~privileges of any person convicted under this Section or a~~  
11 ~~similar provision of a local ordinance.~~

12 ~~(h) (Blank).~~

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

20 ~~(j) In addition to any other penalties and liabilities, a~~  
21 ~~person who is found guilty of or pleads guilty to violating~~  
22 ~~subsection (a), including any person placed on court~~  
23 ~~supervision for violating subsection (a), shall be fined \$500,~~  
24 ~~payable to the circuit clerk, who shall distribute the money as~~  
25 ~~follows: 20% to the law enforcement agency that made the arrest~~  
26 ~~and 80% shall be forwarded to the State Treasurer for deposit~~

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

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

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

25 ~~(l) Whenever an individual is sentenced for an offense~~  
26 ~~based upon an arrest for a violation of subsection (a) or a~~

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

16 ~~(m) In addition to any other fine or penalty required by~~  
17 ~~law, an individual convicted of a violation of subsection (a),~~  
18 ~~Section 5-7 of the Snowmobile Registration and Safety Act,~~  
19 ~~Section 5-16 of the Boat Registration and Safety Act, or a~~  
20 ~~similar provision, whose operation of a motor vehicle,~~  
21 ~~snowmobile, or watercraft while in violation of subsection (a),~~  
22 ~~Section 5-7 of the Snowmobile Registration and Safety Act,~~  
23 ~~Section 5-16 of the Boat Registration and Safety Act, or a~~  
24 ~~similar provision proximately caused an incident resulting in~~  
25 ~~an appropriate emergency response, shall be required to make~~  
26 ~~restitution to a public agency for the costs of that emergency~~

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

7 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;  
8 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;  
9 93-840, eff. 7-30-04; 94-116, eff. 1-1-06; 94-963, eff.  
10 6-28-06.)

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

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

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

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

20 ~~(2) under the influence of alcohol;~~

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

24 ~~(4) under the influence of any other drug or~~  
25 ~~combination of drugs to a degree that renders the person~~



1 ~~incapable of safely driving;~~

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

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

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

16 ~~(b 1) With regard to penalties imposed under this Section:~~

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

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

26 ~~(b 2) Except as otherwise provided in this Section, any~~

1 ~~person convicted of violating subsection (a) of this Section is~~  
2 ~~guilty of a Class A misdemeanor.~~

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

10 ~~(b 4) In the case of a third or subsequent violation~~  
11 ~~committed within 5 years of a previous violation of subsection~~  
12 ~~(a) or a similar provision, in addition to any other criminal~~  
13 ~~or administrative sanction, a mandatory minimum term of either~~  
14 ~~10 days of imprisonment or 480 hours of community service shall~~  
15 ~~be imposed.~~

16 ~~(b 5) The imprisonment or assignment of community service~~  
17 ~~under subsections (b 3) and (b 4) shall not be subject to~~  
18 ~~suspension, nor shall the person be eligible for a reduced~~  
19 ~~sentence.~~

20 ~~(c) (Blank).~~

21 ~~(c-1) (1) A person who violates subsection (a) during a~~  
22 ~~period in which his or her driving privileges are revoked~~  
23 ~~or suspended, where the revocation or suspension was for a~~  
24 ~~violation of subsection (a), Section 11-501.1, paragraph~~  
25 ~~(b) of Section 11-401, or for reckless homicide as defined~~  
26 ~~in Section 9-3 of the Criminal Code of 1961 is guilty of~~

1 ~~aggravated driving under the influence of alcohol, other~~  
2 ~~drug or drugs, intoxicating compound or compounds, or any~~  
3 ~~combination thereof and is guilty of a Class 4 felony.~~

4 ~~(2) A person who violates subsection (a) a third time,~~  
5 ~~if the third violation occurs during a period in which his~~  
6 ~~or her driving privileges are revoked or suspended where~~  
7 ~~the revocation or suspension was for a violation of~~  
8 ~~subsection (a), Section 11 501.1, paragraph (b) of Section~~  
9 ~~11 401, or for reckless homicide as defined in Section 9 3~~  
10 ~~of the Criminal Code of 1961, is guilty of aggravated~~  
11 ~~driving under the influence of alcohol, other drug or~~  
12 ~~drugs, intoxicating compound or compounds, or any~~  
13 ~~combination thereof and is guilty of a Class 3 felony.~~

14 ~~(2.1) A person who violates subsection (a) a third~~  
15 ~~time, if the third violation occurs during a period in~~  
16 ~~which his or her driving privileges are revoked or~~  
17 ~~suspended where the revocation or suspension was for a~~  
18 ~~violation of subsection (a), Section 11 501.1, subsection~~  
19 ~~(b) of Section 11 401, or for reckless homicide as defined~~  
20 ~~in Section 9 3 of the Criminal Code of 1961, is guilty of~~  
21 ~~aggravated driving under the influence of alcohol, other~~  
22 ~~drug or drugs, intoxicating compound or compounds, or any~~  
23 ~~combination thereof and is guilty of a Class 3 felony; and~~  
24 ~~if the person receives a term of probation or conditional~~  
25 ~~discharge, he or she shall be required to serve a mandatory~~  
26 ~~minimum of 10 days of imprisonment or shall be assigned a~~

1 ~~mandatory minimum of 480 hours of community service, as may~~  
2 ~~be determined by the court, as a condition of the probation~~  
3 ~~or conditional discharge. This mandatory minimum term of~~  
4 ~~imprisonment or assignment of community service shall not~~  
5 ~~be suspended or reduced by the court.~~

6 ~~(2.2) A person who violates subsection (a), if the~~  
7 ~~violation occurs during a period in which his or her~~  
8 ~~driving privileges are revoked or suspended where the~~  
9 ~~revocation or suspension was for a violation of subsection~~  
10 ~~(a) or Section 11-501.1, is guilty of aggravated driving~~  
11 ~~under the influence of alcohol, other drug or drugs,~~  
12 ~~intoxicating compound or compounds, or any combination~~  
13 ~~thereof and shall also be sentenced to an additional~~  
14 ~~mandatory minimum term of 30 consecutive days of~~  
15 ~~imprisonment, 40 days of 24-hour periodic imprisonment, or~~  
16 ~~720 hours of community service, as may be determined by the~~  
17 ~~court. This mandatory term of imprisonment or assignment of~~  
18 ~~community service shall not be suspended or reduced by the~~  
19 ~~court.~~

20 ~~(3) A person who violates subsection (a) a fourth or~~  
21 ~~subsequent time, if the fourth or subsequent violation~~  
22 ~~occurs during a period in which his or her driving~~  
23 ~~privileges are revoked or suspended where the revocation or~~  
24 ~~suspension was for a violation of subsection (a), Section~~  
25 ~~11-501.1, paragraph (b) of Section 11-401, or for reckless~~  
26 ~~homicide as defined in Section 9-3 of the Criminal Code of~~

1 ~~1961, is guilty of aggravated driving under the influence~~  
2 ~~of alcohol, other drug or drugs, intoxicating compound or~~  
3 ~~compounds, or any combination thereof and is guilty of a~~  
4 ~~Class 2 felony, and is not eligible for a sentence of~~  
5 ~~probation or conditional discharge.~~

6 ~~(c 2) (Blank).~~

7 ~~(c 3) (Blank).~~

8 ~~(c 4) (Blank).~~

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

18 ~~(c 6) Except as provided in subsections (c 7) and (c 8) a~~  
19 ~~person who violates subsection (a) a second time, if at the~~  
20 ~~time of the second violation the person was transporting a~~  
21 ~~person under the age of 16, is subject to an additional 10 days~~  
22 ~~of imprisonment, an additional mandatory minimum fine of~~  
23 ~~\$1,000, and an additional mandatory minimum 140 hours of~~  
24 ~~community service, which shall include 40 hours of community~~  
25 ~~service in a program benefiting children. The imprisonment or~~  
26 ~~assignment of community service under this subsection (c 6) is~~

1 ~~not subject to suspension, nor is the person eligible for a~~  
2 ~~reduced sentence.~~

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

13 ~~(c-8) Any person convicted of violating subsection (c-6) or~~  
14 ~~a similar provision within 5 years of a previous violation of~~  
15 ~~subsection (a) or a similar provision shall receive, in~~  
16 ~~addition to any other penalty imposed, an additional 80 hours~~  
17 ~~of mandatory community service in a program benefiting~~  
18 ~~children, an additional mandatory minimum 12 days of~~  
19 ~~imprisonment, and a mandatory minimum fine of \$1,750. The~~  
20 ~~imprisonment or assignment of community service under this~~  
21 ~~subsection (c-8) is not subject to suspension, nor is the~~  
22 ~~person eligible for a reduced sentence.~~

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

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

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

19 ~~(c 11) Any person convicted a fourth or subsequent time for~~  
20 ~~violating subsection (a) or a similar provision, if at the time~~  
21 ~~of the fourth or subsequent violation the person was~~  
22 ~~transporting a person under the age of 16, and if the person's~~  
23 ~~3 prior violations of subsection (a) or a similar provision~~  
24 ~~occurred while transporting a person under the age of 16 or~~  
25 ~~while the alcohol concentration in his or her blood, breath, or~~  
26 ~~urine was 0.16 or more based on the definition of blood,~~

1 ~~breath, or urine units in Section 11-501.2, is guilty of a~~  
2 ~~Class 2 felony, is not eligible for probation or conditional~~  
3 ~~discharge, and is subject to a minimum fine of \$3,000.~~

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

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

23 ~~(c-14) Any person convicted of a third violation of~~  
24 ~~subsection (a) or a similar provision within 20 years of a~~  
25 ~~previous violation of subsection (a) or a similar provision, if~~  
26 ~~at the time of the third violation of subsection (a) or a~~



1 ~~similar provision the alcohol concentration in his or her~~  
2 ~~blood, breath, or urine was 0.16 or more based on the~~  
3 ~~definition of blood, breath, or urine units in Section~~  
4 ~~11-501.2, is guilty of a Class 4 felony and shall be subject,~~  
5 ~~in addition to any other penalty that may be imposed, to a~~  
6 ~~mandatory minimum of 90 days of imprisonment and a mandatory~~  
7 ~~minimum fine of \$2,500.~~

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

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

26 ~~(A) the person committed a violation of subsection~~

1 ~~(a) or a similar provision for the third or subsequent~~  
2 ~~time;~~

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

6 ~~(C) the person in committing a violation of~~  
7 ~~subsection (a) was involved in a motor vehicle accident~~  
8 ~~that resulted in great bodily harm or permanent~~  
9 ~~disability or disfigurement to another, when the~~  
10 ~~violation was a proximate cause of the injuries;~~

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

21 ~~(E) the person, in committing a violation of~~  
22 ~~subsection (a) while driving at any speed in a school~~  
23 ~~speed zone at a time when a speed limit of 20 miles per~~  
24 ~~hour was in effect under subsection (a) of Section~~  
25 ~~11-605 of this Code, was involved in a motor vehicle~~  
26 ~~accident that resulted in bodily harm, other than great~~

1 ~~bodily harm or permanent disability or disfigurement,~~  
2 ~~to another person, when the violation of subsection (a)~~  
3 ~~was a proximate cause of the bodily harm; or~~

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

10 ~~(G) the person committed the violation while he or~~  
11 ~~she did not possess a driver's license or permit or a~~  
12 ~~restricted driving permit or a judicial driving~~  
13 ~~permit; or~~

14 ~~(H) the person committed the violation while he or~~  
15 ~~she knew or should have known that the vehicle he or~~  
16 ~~she was driving was not covered by a liability~~  
17 ~~insurance policy.~~

18 ~~(2) Except as provided in this paragraph (2) and in~~  
19 ~~paragraphs (2), (2.1), and (3) of subsection (c 1), a~~  
20 ~~person convicted of aggravated driving under the influence~~  
21 ~~of alcohol, other drug or drugs, or intoxicating compound~~  
22 ~~or compounds, or any combination thereof is guilty of a~~  
23 ~~Class 4 felony. For a violation of subparagraph (C) of~~  
24 ~~paragraph (1) of this subsection (d), the defendant, if~~  
25 ~~sentenced to a term of imprisonment, shall be sentenced to~~  
26 ~~not less than one year nor more than 12 years. Aggravated~~

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

21 ~~(e) After a finding of guilt and prior to any final~~  
22 ~~sentencing, or an order for supervision, for an offense based~~  
23 ~~upon an arrest for a violation of this Section or a similar~~  
24 ~~provision of a local ordinance, individuals shall be required~~  
25 ~~to undergo a professional evaluation to determine if an~~  
26 ~~alcohol, drug, or intoxicating compound abuse problem exists~~

1 ~~and the extent of the problem, and undergo the imposition of~~  
2 ~~treatment as appropriate. Programs conducting these~~  
3 ~~evaluations shall be licensed by the Department of Human~~  
4 ~~Services. The cost of any professional evaluation shall be paid~~  
5 ~~for by the individual required to undergo the professional~~  
6 ~~evaluation.~~

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

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

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

26 ~~(h) (Blank).~~

1       ~~(i) The Secretary of State shall require the use of~~  
2 ~~ignition interlock devices on all vehicles owned by an~~  
3 ~~individual who has been convicted of a second or subsequent~~  
4 ~~offense of this Section or a similar provision of a local~~  
5 ~~ordinance. The Secretary shall establish by rule and regulation~~  
6 ~~the procedures for certification and use of the interlock~~  
7 ~~system.~~

8       ~~(j) In addition to any other penalties and liabilities, a~~  
9 ~~person who is found guilty of or pleads guilty to violating~~  
10 ~~subsection (a), including any person placed on court~~  
11 ~~supervision for violating subsection (a), shall be fined \$500,~~  
12 ~~payable to the circuit clerk, who shall distribute the money as~~  
13 ~~follows: 20% to the law enforcement agency that made the arrest~~  
14 ~~and 80% shall be forwarded to the State Treasurer for deposit~~  
15 ~~into the General Revenue Fund. If the person has been~~  
16 ~~previously convicted of violating subsection (a) or a similar~~  
17 ~~provision of a local ordinance, the fine shall be \$1,000. In~~  
18 ~~the event that more than one agency is responsible for the~~  
19 ~~arrest, the amount payable to law enforcement agencies shall be~~  
20 ~~shared equally. Any moneys received by a law enforcement agency~~  
21 ~~under this subsection (j) shall be used for enforcement and~~  
22 ~~prevention of driving while under the influence of alcohol,~~  
23 ~~other drug or drugs, intoxicating compound or compounds or any~~  
24 ~~combination thereof, as defined by this Section, including but~~  
25 ~~not limited to the purchase of law enforcement equipment and~~  
26 ~~commodities that will assist in the prevention of alcohol~~

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

23 ~~(k) The Secretary of State Police DUI Fund is created as a~~  
24 ~~special fund in the State treasury. All moneys received by the~~  
25 ~~Secretary of State Police under subsection (j) of this Section~~  
26 ~~shall be deposited into the Secretary of State Police DUI Fund~~

1 ~~and, subject to appropriation, shall be used for enforcement~~  
2 ~~and prevention of driving while under the influence of alcohol,~~  
3 ~~ether drug or drugs, intoxicating compound or compounds or any~~  
4 ~~combination thereof, as defined by this Section, including but~~  
5 ~~not limited to the purchase of law enforcement equipment and~~  
6 ~~commodities to assist in the prevention of alcohol related~~  
7 ~~criminal violence throughout the State; police officer~~  
8 ~~training and education in areas related to alcohol related~~  
9 ~~crime, including but not limited to DUI training; and police~~  
10 ~~officer salaries, including but not limited to salaries for~~  
11 ~~hire back funding for safety checkpoints, saturation patrols,~~  
12 ~~and liquor store sting operations.~~

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



1 ~~state of residence. Programs providing treatment must be~~  
2 ~~licensed under existing applicable alcoholism and drug~~  
3 ~~treatment licensure standards.~~

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

21 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;  
22 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;  
23 93-840, eff. 7-30-04; 94-329, eff. 1-1-06; 94-963, eff.  
24 6-28-06.)

25 (625 ILCS 5/11-501.01 new)

1       Sec. 11-501.01. Additional administrative sanctions.

2       (a) After a finding of guilt and prior to any final  
3 sentencing or an order for supervision, for an offense based  
4 upon an arrest for a violation of Section 11-501 or a similar  
5 provision of a local ordinance, individuals shall be required  
6 to undergo a professional evaluation to determine if an  
7 alcohol, drug, or intoxicating compound abuse problem exists  
8 and the extent of the problem, and undergo the imposition of  
9 treatment as appropriate. Programs conducting these  
10 evaluations shall be licensed by the Department of Human  
11 Services. The cost of any professional evaluation shall be paid  
12 for by the individual required to undergo the professional  
13 evaluation.

14       (b) Any person who is found guilty of or pleads guilty to  
15 violating Section 11-501, including any person receiving a  
16 disposition of court supervision for violating that Section,  
17 may be required by the Court to attend a victim impact panel  
18 offered by, or under contract with, a County State's Attorney's  
19 office, a probation and court services department, Mothers  
20 Against Drunk Driving, or the Alliance Against Intoxicated  
21 Motorists. All costs generated by the victim impact panel shall  
22 be paid from fees collected from the offender or as may be  
23 determined by the court.

24       (c) Every person found guilty of violating Section 11-501,  
25 whose operation of a motor vehicle while in violation of that  
26 Section proximately caused any incident resulting in an

1 appropriate emergency response, shall be liable for the expense  
2 of an emergency response as provided in subsection (i) of this  
3 Section.

4 (d) The Secretary of State shall revoke the driving  
5 privileges of any person convicted under Section 11-501 or a  
6 similar provision of a local ordinance.

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

14 (f) In addition to any other penalties and liabilities, a  
15 person who is found guilty of or pleads guilty to violating  
16 Section 11-501, including any person placed on court  
17 supervision for violating Section 11-501, shall be assessed  
18 \$500, payable to the circuit clerk, who shall distribute the  
19 money as follows: 20% to the law enforcement agency that made  
20 the arrest, and 80% shall be forwarded to the State Treasurer  
21 for deposit into the General Revenue Fund. If the person has  
22 been previously convicted of violating Section 11-501 or a  
23 similar provision of a local ordinance, the fine shall be  
24 \$1,000. In the event that more than one agency is responsible  
25 for the arrest, the amount payable to law enforcement agencies  
26 shall be shared equally. Any moneys received by a law

1 enforcement agency under this subsection (f) shall be used to  
2 purchase law enforcement equipment that will assist in the  
3 prevention of alcohol related criminal violence throughout the  
4 State. This shall include, but is not limited to, in-car video  
5 cameras, radar and laser speed detection devices, and alcohol  
6 breath testers. Any moneys received by the Department of State  
7 Police under this subsection (f) shall be deposited into the  
8 State Police DUI Fund and shall be used to purchase law  
9 enforcement equipment that will assist in the prevention of  
10 alcohol related criminal violence throughout the State.

11 (g) The Secretary of State Police DUI Fund is created as a  
12 special fund in the State treasury. All moneys received by the  
13 Secretary of State Police under subsection (f) of this Section  
14 shall be deposited into the Secretary of State Police DUI Fund  
15 and, subject to appropriation, shall be used to purchase law  
16 enforcement equipment to assist in the prevention of alcohol  
17 related criminal violence throughout the State.

18 (h) Whenever an individual is sentenced for an offense  
19 based upon an arrest for a violation of Section 11-501 or a  
20 similar provision of a local ordinance, and the professional  
21 evaluation recommends remedial or rehabilitative treatment or  
22 education, neither the treatment nor the education shall be the  
23 sole disposition and either or both may be imposed only in  
24 conjunction with another disposition. The court shall monitor  
25 compliance with any remedial education or treatment  
26 recommendations contained in the professional evaluation.

1 Programs conducting alcohol or other drug evaluation or  
2 remedial education must be licensed by the Department of Human  
3 Services. If the individual is not a resident of Illinois,  
4 however, the court may accept an alcohol or other drug  
5 evaluation or remedial education program in the individual's  
6 state of residence. Programs providing treatment must be  
7 licensed under existing applicable alcoholism and drug  
8 treatment licensure standards.

9 (i) In addition to any other fine or penalty required by  
10 law, an individual convicted of a violation of Section 11-501,  
11 Section 5-7 of the Snowmobile Registration and Safety Act,  
12 Section 5-16 of the Boat Registration and Safety Act, or a  
13 similar provision, whose operation of a motor vehicle,  
14 snowmobile, or watercraft while in violation of Section 11-501,  
15 Section 5-7 of the Snowmobile Registration and Safety Act,  
16 Section 5-16 of the Boat Registration and Safety Act, or a  
17 similar provision proximately caused an incident resulting in  
18 an appropriate emergency response, shall be required to make  
19 restitution to a public agency for the costs of that emergency  
20 response. The restitution may not exceed \$1,000 per public  
21 agency for each emergency response. As used in this subsection  
22 (i), "emergency response" means any incident requiring a  
23 response by a police officer, a firefighter carried on the  
24 rolls of a regularly constituted fire department, or an  
25 ambulance.

1 (625 ILCS 5/Chapter 16A heading new)

2 CHAPTER 16A. TRAFFIC SAFETY FORFEITURES

3 (625 ILCS 5/16A-1 new)

4 Sec. 16A-1. Short title. This Chapter may be cited as the  
5 Traffic Safety Forfeiture Law of 2007.

6 (625 ILCS 5/16A-5 new)

7 Sec. 16A-5. Legislative Declaration. The Illinois General  
8 Assembly finds that persons who drive without a valid driver's  
9 license or permit or with a suspended or revoked driver's  
10 license or permit pose a significant and dangerous threat to  
11 Illinois motorists. The civil forfeiture of motor vehicles used  
12 by persons who drive without a valid driver's license or permit  
13 or with a suspended or revoked driver's license or permit will  
14 have a significant beneficial effect in deterring this type of  
15 activity and will reduce the number of traffic fatalities and  
16 accidents caused by those persons. It is necessary and  
17 appropriate to take additional steps to prevent drivers who  
18 drive without a valid driver's license or permit or with  
19 suspended or revoked licenses or permits from driving,  
20 including civil forfeiture of vehicles used by those persons.  
21 The State has a critical interest in enforcing its traffic laws  
22 and keeping drivers with suspended or revoked licenses or  
23 permits from illegally driving. Seizing the vehicles used by  
24 those persons serves an important governmental and public

1 interest, namely the protection of the health, safety, and  
2 welfare of Illinois motorists from the harm associated with  
3 driving without a valid driver's license or permit or with a  
4 suspended or revoked license or permit.

5 (625 ILCS 5/16A-10 new)

6 Sec. 16A-10. Applicability. This Chapter applies to all  
7 motor vehicles used by persons who drive without a valid  
8 driver's license or permit or with suspended or revoked  
9 licenses or permits in violation of Section 6-303 of this Code,  
10 if the person's driving privileges were revoked or suspended as  
11 a result of a violation listed in paragraph (1), (2), or (3) of  
12 subsection (c) of Section 6-303 of this Code or as a result of  
13 a statutory summary suspension as provided in paragraph (4) of  
14 subsection (c) of Section 6-303, or if the person committed the  
15 offenses described in the following provisions of this Code:  
16 Section 11-501, subdivisions (d) (1) (A), (d) (1) (D), (d) (1) (G),  
17 (d) (1) (H), or (d) (1) (I); or an offense described in subsection  
18 (e) of Section 6-101 of this Code.

19 (625 ILCS 5/16A-15 new)

20 Sec. 16A-15. Seizure.

21 (a) Any motor vehicle used in violation of Section 6-101,  
22 6-303, or 11-501 of this Code may be seized for forfeiture if:

23 (1) the person's driving privileges were revoked or  
24 suspended as a result of a violation listed in paragraph

1 (1), (2), or (3) of subsection (c) of Section 6-303;

2 (2) the person's driving privileges were revoked or  
3 suspended as a result of a summary suspension as provided  
4 in paragraph (4) of subsection (c) of Section 6-303;

5 (3) the person committed the offenses described in the  
6 following provisions of this Code: Section 11-501,  
7 subdivisions (d) (1) (A), (d) (1) (D), (d) (1) (G), (d) (1) (H),  
8 or (d) (1) (I); or

9 (4) the person committed an offense described in  
10 subsection (e) of Section 6-101 of this Code.

11 (b) The seizing agency shall, within 30 days after seizure,  
12 deliver the vehicle to the sheriff of the county of seizure and  
13 notify the State's Attorney of the county in which the act or  
14 omission giving rise to the forfeiture occurred, or in which  
15 the motor vehicle was seized, of the seizure and the facts and  
16 circumstances giving rise to the seizure and shall provide the  
17 State's Attorney with the inventory of the motor vehicle and  
18 its estimated value. The seizing agency shall also notify the  
19 Secretary of State that forfeiture proceedings are pending  
20 regarding the vehicle.

21 (c) If, after review of the facts surrounding the seizure,  
22 the State's Attorney is of the opinion that the seized motor  
23 vehicle is subject to forfeiture, the State's Attorney shall,  
24 within 45 days of the receipt of notice of seizure from the  
25 seizing agency, cause notice of pending forfeiture of the motor  
26 vehicle to be given to the owner and any person whose right,



1 title, or interest is of record with the Secretary of State.

2 (625 ILCS 5/16A-20 new)

3 Sec. 16A-20. Notice to owner or interest holder.

4 (a) Whenever notice of pending forfeiture or service of an  
5 in rem complaint is required under this Chapter:

6 (1) the notice of pending forfeiture must include a  
7 description of the motor vehicle, the estimated value of  
8 the motor vehicle, the date and place of seizure, the  
9 conduct giving rise to forfeiture or the violation of law  
10 alleged, and a summary of procedures and procedural rights  
11 applicable to the forfeiture action; and

12 (2) if the name and address of the owner or any person  
13 whose right, title, or interest is of record are known, the  
14 notice or service shall be given by either personal service  
15 or by mailing a copy of the notice by certified mail,  
16 return receipt requested, to that address. If the address  
17 of an owner or any person whose right, title, or interest  
18 is of record changes prior to the effective date of the  
19 notice of pending forfeiture, the owner or any person whose  
20 right, title, or interest is of record shall promptly  
21 notify the seizing agency of the change in address or, if  
22 the address of an owner or any person whose right, title,  
23 or interest is of record changes subsequent to the  
24 effective date of the notice of pending forfeiture, the  
25 owner or any person whose right, title, or interest is of

1 record shall promptly notify the seizing agency and the  
2 State's Attorney's Office of the change in address.

3 (b) Notice served under this Chapter is effective upon  
4 personal service or the mailing of written notice, whichever is  
5 earlier.

6 (625 ILCS 5/16A-25 new)

7 Sec. 16A-25. Non-judicial forfeiture.

8 (a) Any person claiming ownership of the motor vehicle that  
9 is the subject of notice under Section 16A-20 may, within 45  
10 days after the effective date of notice as described in Section  
11 16A-20, file with the State's Attorney a verified claim of his  
12 or her ownership of the motor vehicle. The claim must set  
13 forth:

14 (1) the caption of the proceedings as set forth on the  
15 notice of pending forfeiture and the name of the claimant;

16 (2) the address at which the claimant will accept mail;

17 (3) the nature and extent of the claimant's ownership  
18 of the motor vehicle;

19 (4) the date and circumstances of the claimant's  
20 acquisition of the ownership of the motor vehicle and the  
21 identity of the transferor;

22 (5) the name and address of all other persons known to  
23 have ownership of the motor vehicle;

24 (6) the specific provision of law relied on in  
25 asserting that the motor vehicle is not subject to

1           forfeiture;

2                   (7) all essential facts supporting each assertion; and

3                   (8) the relief sought.

4           (b) If a claimant files a claim and deposits with the  
5 State's Attorney a cost bond, in the form of a cashier's check  
6 payable to the clerk of the court, in the sum of 10% of the  
7 reasonable value of the motor vehicle as alleged by the State's  
8 Attorney, the State's Attorney shall, within 45 days after  
9 receipt of the claim and cost bond, institute judicial in rem  
10 forfeiture proceedings and deposit the cost bond with the clerk  
11 of the court as described in Section 16A-35. In lieu of a cost  
12 bond, a person claiming ownership of the seized motor vehicle  
13 may file, under penalty of perjury, an indigency affidavit.

14           (c) If the motor vehicle is not forfeited in the judicial  
15 in rem proceeding, the clerk of the court shall return to the  
16 claimant, unless the court orders otherwise, 90% of the sum  
17 which has been deposited and shall retain as costs 10% of the  
18 money deposited.

19           (d) If no claim is filed or bond given within the 45 day  
20 period described in this Section, the State's Attorney shall  
21 declare the property forfeited and shall promptly notify the  
22 owner, any person whose right, title, or interest is of record,  
23 and the sheriff of the county in which the seizure occurred, of  
24 the declaration of forfeiture.

25           (e) A copy of the declaration of forfeiture shall be filed  
26 with the sheriff of the county in which the seizure occurs and

1 with the Secretary of State. The declaration, when filed,  
2 constitutes authority for the issuance of clear title to the  
3 vehicle to the department or agency to whom it is delivered or  
4 to any purchaser of the vehicle.

5 (f) When a motor vehicle is forfeited under this Chapter,  
6 the sheriff of the county in which the seizure occurs shall  
7 sell the motor vehicle at public auction, unless the motor  
8 vehicle is required by law to be destroyed or is harmful to the  
9 public.

10 (g) If, however, upon application of the seizing agency or  
11 the prosecutor who was responsible for the investigation,  
12 arrest, and prosecution that led to the forfeiture of the motor  
13 vehicle, the county sheriff may award the motor vehicle to the  
14 seizing agency or prosecutor for official use, if the agency or  
15 prosecutor can demonstrate that the vehicle requested would be  
16 useful to the agency or prosecutor for official use.

17 (h) The proceeds of any sale at public auction under this  
18 Chapter, after payment of all liens and deduction of the  
19 reasonable charges and expenses incurred by the sheriff in  
20 storing and selling the vehicle, shall be paid into the general  
21 fund of the county of seizure.

22 (625 ILCS 5/16A-30 new)

23 Sec. 16A-30. Presumptions. Suspension or revocation of the  
24 driver's license or permit of the driver of the motor vehicle  
25 shall be conclusively presumed to be known by the driver and

1 any person whose right, title, or interest is or record if:

2 (1) the Secretary of State has sent the driver a certified  
3 letter, return receipt requested, regarding the suspension or  
4 revocation; or

5 (2) the suspension or revocation was the result of a court  
6 order.

7 (625 ILCS 5/16A-35 new)

8 Sec. 16A-35. Exemptions from forfeiture. A motor vehicle is  
9 exempt from forfeiture under this Chapter if:

10 (1) the owner or any person whose right, title, or interest  
11 is of record with the Secretary of State establishes by a  
12 preponderance of the evidence that he or she made a reasonable  
13 effort or inquiry to determine whether the driver possessed a  
14 valid driver's license before allowing him or her to operate  
15 the owner's vehicle. The owner or any person whose right,  
16 title, or interest is of record is not required to inquire of  
17 the Secretary of State whether the driver possessed a valid  
18 driver's license;

19 (2) the owner or any person whose right, title, or interest  
20 is of record with the Secretary of State did not hold the  
21 property jointly or in common with a person whose conduct gave  
22 rise to the forfeiture;

23 (3) the owner or any person whose right, title, or interest  
24 is of record with the Secretary of State does not hold the  
25 property for the benefit of or as nominee for any person whose

1 conduct gave rise to its forfeiture, and, if the owner or any  
2 person whose right, title, or interest is of record acquired  
3 the interest through any such person, the owner or any person  
4 whose right, title, or interest is of record acquired it as a  
5 bona fide purchaser for value without knowingly taking part in  
6 the conduct giving rise to the forfeiture; and

7 (4) the owner or any person whose right, title, or interest  
8 is of record with the Secretary of State acquired the interest  
9 before the commencement of the conduct giving rise to its  
10 forfeiture, and the person whose conduct gave rise to its  
11 forfeiture did not have the authority to convey the interest to  
12 a bona fide purchaser for value at the time of the conduct.

13 (625 ILCS 5/16A-40 new)

14 Sec. 16A-40. Judicial in rem procedures.

15 (a) Within 45 days of receipt of a proper verified claim  
16 and cost bond, the State's Attorney shall institute judicial  
17 forfeiture proceedings by filing a verified complaint for  
18 forfeiture and, if the claimant has filed a claim and cost  
19 bond, by depositing the cost bond with the clerk of the court.  
20 When authorized by law, a forfeiture must be ordered by a court  
21 in an action in rem brought by a State's Attorney under a  
22 verified complaint for forfeiture.

23 (b) During the probable cause portion of the judicial in  
24 rem proceeding in which the State presents its case-in-chief,  
25 the court must receive and consider, among other things, all

1 relevant hearsay evidence and information. The laws of evidence  
2 relating to civil actions shall apply to all other portions of  
3 the judicial in rem proceeding.

4 (c) Only an owner or a person or legal entity whose right,  
5 title, or interest is of record with the Secretary of State on  
6 or before the date of seizure of the vehicle may file an answer  
7 asserting a claim against the motor vehicle in the action in  
8 rem. For purposes of this Section, any person or legal entity  
9 whose right, title, or interest is of record shall be referred  
10 to as the claimant.

11 (d) The answer must be signed by the claimant under penalty  
12 of perjury and must indicate:

13 (1) the caption of the proceedings, as set forth on the  
14 notice of pending forfeiture, and the name of the claimant;

15 (2) the address at which the claimant will accept mail;

16 (3) the nature and extent of the claimant's ownership  
17 of the motor vehicle;

18 (4) the date and circumstances of the claimant's  
19 acquisition of ownership of the motor vehicle and the  
20 identity of transferor;

21 (5) the name and address of all other persons known to  
22 have ownership of the motor vehicle;

23 (6) the specific language of Section 16A-35 relied on  
24 in asserting that the motor vehicle is not subject to  
25 forfeiture;

26 (7) all essential facts supporting each assertion; and

1           (8) the precise relief sought.

2           (e) The answer must be filed with the court within 45 days  
3 after service of the civil in rem complaint.

4           (f) The hearing must be held within 60 days after filing of  
5 the answer unless continued for good cause. If a related  
6 traffic or criminal case that gave rise to this proceeding is  
7 still pending, however, all forfeiture proceedings shall, upon  
8 motion of the State, be stayed until the underlying case is  
9 concluded.

10          (g) The State must, at the hearing, show probable cause for  
11 forfeiture of the motor vehicle. If the State shows probable  
12 cause, the claimant has the burden of showing by a  
13 preponderance of the evidence that the claimant's ownership of  
14 the motor vehicle is not subject to forfeiture.

15          (h) If the State does not show probable cause, or a  
16 claimant has established by a preponderance of evidence that  
17 the claimant's ownership is exempt under Section 16A-35, the  
18 court shall order the motor vehicle returned to the claimant.  
19 If the State does show probable cause and the claimant does not  
20 establish by a preponderance of evidence that the claimant's  
21 ownership is exempt under Section 16A-35, the court shall order  
22 the motor vehicle forfeited to the State.

23          (i) A defendant who has pled guilty or has been found  
24 guilty in any underlying traffic or criminal proceeding is  
25 precluded from later denying the essential allegations of the  
26 traffic or criminal offense of which the defendant was



1 convicted in any proceeding under this Act, regardless of the  
2 pendency of an appeal from that conviction. Evidence of the  
3 pendency of an appeal is admissible, however.

4 (j) An acquittal or dismissal in a traffic or criminal  
5 proceeding shall not preclude civil proceedings under this  
6 Chapter. A motor vehicle subject to forfeiture under this  
7 Chapter shall not be subject to return or release by a court  
8 exercising jurisdiction over a traffic or criminal case  
9 involving the seizure of that motor vehicle, unless the return  
10 or release is consented to by the State's Attorney.

11 (k) Any motor vehicle declared forfeited under this Chapter  
12 vests in the State on the commission of the conduct giving rise  
13 to forfeiture of the motor vehicle after that time. The motor  
14 vehicle remains subject to forfeiture after any subsequent  
15 transfer to any person, and the motor vehicle shall be ordered  
16 forfeited unless the transferee claims and establishes in a  
17 hearing under this Chapter that the transferee's ownership is  
18 exempt under Section 16A-35.

19 (l) A civil action under this Chapter must be commenced  
20 within 5 years after the last conduct giving rise to forfeiture  
21 became known or should have become known, or 5 years after the  
22 forfeitable motor vehicle is discovered, whichever is later,  
23 excluding any time during which either the motor vehicle or  
24 claimant is out of the State or in confinement or during which  
25 criminal proceedings relating to the same conduct are in  
26 progress.

1       (m) Motor vehicles taken or detained under this Chapter are  
2 not subject to replevin and are deemed to be in the custody of  
3 the county sheriff, subject only to the order and judgments of  
4 the circuit court having jurisdiction over the forfeiture  
5 proceedings and the decisions of the State's Attorney under  
6 this Chapter.

7           (625 ILCS 5/16A-45 new)

8       Sec. 16A-45. Stay of time periods. If a motor vehicle is  
9 seized for evidence and for forfeiture, the time periods for  
10 instituting judicial and non-judicial forfeiture proceedings  
11 shall not begin until the motor vehicle is no longer needed for  
12 evidence.

13           (625 ILCS 5/16A-50 new)

14       Sec. 16A-50. Settlement of claims.

15       (a) Notwithstanding other provisions of this Chapter, the  
16 State's Attorney and a claimant of a seized motor vehicle may  
17 enter into an agreed settlement concerning the seized motor  
18 vehicle in the amount and upon the terms that are set out in  
19 writing in a settlement agreement.

20       (b) If the county sheriff or the State's Attorney agrees to  
21 release a motor vehicle to an owner or person whose right,  
22 title, or interest is of record, that person must sign a  
23 stipulated vehicle release agreement that provides for the  
24 automatic forfeiture of any vehicle registered to him or her if

1 the vehicle is driven by a driver with a suspended or revoked  
2 license or permit. This Section applies to any vehicle  
3 currently owned or any vehicle registered in the future. If the  
4 person does not sign the agreement, the vehicle may not be  
5 released. A signed agreement precludes any claim, if the motor  
6 vehicle is subsequently driven by a person with a suspended or  
7 revoked driver's license or permit, that the person to whom the  
8 vehicle was released is an innocent owner.

9 Section 10. The Criminal Code of 1961 is amended by  
10 changing Section 36-1 as follows:

11 (720 ILCS 5/36-1) (from Ch. 38, par. 36-1)

12 Sec. 36-1. Seizure. Any vessel, vehicle or aircraft used  
13 with the knowledge and consent of the owner in the commission  
14 of, or in the attempt to commit as defined in Section 8-4 of  
15 this Code, an offense prohibited by (a) Section 9-1, 9-3, 10-2,  
16 11-6, 11-15.1, 11-19.1, 11-19.2, 11-20.1, 12-4.1, 12-4.2,  
17 12-4.2-5, 12-4.3, 12-4.6, 12-7.3, 12-7.4, 12-13, 12-14, 18-2,  
18 19-1, 19-2, 19-3, 20-1, 20-2, 20.5-6, 24-1.2, 24-1.2-5, 24-1.5,  
19 or 28-1 of this Code, paragraph (a) of Section 12-4 of this  
20 Code, paragraph (a) of Section 12-15 or paragraphs (a), (c) or  
21 (d) of Section 12-16 of this Code, or paragraph (a)(6) or  
22 (a)(7) of Section 24-1 of this Code; (b) Section 21, 22, 23, 24  
23 or 26 of the Cigarette Tax Act if the vessel, vehicle or  
24 aircraft contains more than 10 cartons of such cigarettes; (c)

1 Section 28, 29 or 30 of the Cigarette Use Tax Act if the  
2 vessel, vehicle or aircraft contains more than 10 cartons of  
3 such cigarettes; (d) Section 44 of the Environmental Protection  
4 Act; or (e) Section 11-204.1 of the Illinois Vehicle Code; ~~(f)~~  
5 ~~the offenses described in the following provisions of the~~  
6 ~~Illinois Vehicle Code: Section 11-501 subdivisions (e-1)(1),~~  
7 ~~(e-1)(2), (e-1)(3), (d)(1)(A), (d)(1)(D), (d)(1)(G), or~~  
8 ~~(d)(1)(H); (g) an offense described in subsection (g) of~~  
9 ~~Section 6-303 of the Illinois Vehicle Code; or (h) an offense~~  
10 ~~described in subsection (e) of Section 6-101 of the Illinois~~  
11 ~~Vehicle Code;~~ may be seized and delivered forthwith to the  
12 sheriff of the county of seizure.

13 Within 15 days after such delivery the sheriff shall give  
14 notice of seizure to each person according to the following  
15 method: Upon each such person whose right, title or interest is  
16 of record in the office of the Secretary of State, the  
17 Secretary of Transportation, the Administrator of the Federal  
18 Aviation Agency, or any other Department of this State, or any  
19 other state of the United States if such vessel, vehicle or  
20 aircraft is required to be so registered, as the case may be,  
21 by mailing a copy of the notice by certified mail to the  
22 address as given upon the records of the Secretary of State,  
23 the Department of Aeronautics, Department of Public Works and  
24 Buildings or any other Department of this State or the United  
25 States if such vessel, vehicle or aircraft is required to be so  
26 registered. Within that 15 day period the sheriff shall also

1 notify the State's Attorney of the county of seizure about the  
2 seizure.

3 In addition, any mobile or portable equipment used in the  
4 commission of an act which is in violation of Section 7g of the  
5 Metropolitan Water Reclamation District Act shall be subject to  
6 seizure and forfeiture under the same procedures provided in  
7 this Article for the seizure and forfeiture of vessels,  
8 vehicles and aircraft, and any such equipment shall be deemed a  
9 vessel, vehicle or aircraft for purposes of this Article.

10 When a person discharges a firearm at another individual  
11 from a vehicle with the knowledge and consent of the owner of  
12 the vehicle and with the intent to cause death or great bodily  
13 harm to that individual and as a result causes death or great  
14 bodily harm to that individual, the vehicle shall be subject to  
15 seizure and forfeiture under the same procedures provided in  
16 this Article for the seizure and forfeiture of vehicles used in  
17 violations of clauses (a), (b), (c), or (d) of this Section.

18 If the spouse of the owner of a vehicle seized for an  
19 offense described in ~~subsection (g) of Section 6-303 of the~~  
20 ~~Illinois Vehicle Code, a violation of subdivision (e-1)(1),~~  
21 ~~(e-1)(2), (e-1)(3), (d)(1)(A), or (d)(1)(D) of Section 11-501~~  
22 ~~of the Illinois Vehicle Code, or~~ Section 9-3 of this Code makes  
23 a showing that the seized vehicle is the only source of  
24 transportation and it is determined that the financial hardship  
25 to the family as a result of the seizure outweighs the benefit  
26 to the State from the seizure, the vehicle may be forfeited to

1 the spouse or family member and the title to the vehicle shall  
2 be transferred to the spouse or family member who is properly  
3 licensed and who requires the use of the vehicle for employment  
4 or family transportation purposes. A written declaration of  
5 forfeiture of a vehicle under this Section shall be sufficient  
6 cause for the title to be transferred to the spouse or family  
7 member. The provisions of this paragraph shall apply only to  
8 one forfeiture per vehicle. If the vehicle is the subject of a  
9 subsequent forfeiture proceeding by virtue of a subsequent  
10 conviction of either spouse or the family member, the spouse or  
11 family member to whom the vehicle was forfeited under the first  
12 forfeiture proceeding may not utilize the provisions of this  
13 paragraph in another forfeiture proceeding. If the owner of the  
14 vehicle seized owns more than one vehicle, the procedure set  
15 out in this paragraph may be used for only one vehicle.

16 Property declared contraband under Section 40 of the  
17 Illinois Streetgang Terrorism Omnibus Prevention Act may be  
18 seized and forfeited under this Article.

19 (Source: P.A. 93-187, eff. 7-11-03; 94-329, eff. 1-1-06;  
20 94-1017, eff. 7-7-06.)

21 Section 15. The Unified Code of Corrections is amended by  
22 changing Sections 5-6-3 and 5-8-7 as follows:

23 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

24 Sec. 5-6-3. Conditions of Probation and of Conditional

1 Discharge.

2 (a) The conditions of probation and of conditional  
3 discharge shall be that the person:

4 (1) not violate any criminal statute of any  
5 jurisdiction;

6 (2) report to or appear in person before such person or  
7 agency as directed by the court;

8 (3) refrain from possessing a firearm or other  
9 dangerous weapon;

10 (4) not leave the State without the consent of the  
11 court or, in circumstances in which the reason for the  
12 absence is of such an emergency nature that prior consent  
13 by the court is not possible, without the prior  
14 notification and approval of the person's probation  
15 officer. Transfer of a person's probation or conditional  
16 discharge supervision to another state is subject to  
17 acceptance by the other state pursuant to the Interstate  
18 Compact for Adult Offender Supervision;

19 (5) permit the probation officer to visit him at his  
20 home or elsewhere to the extent necessary to discharge his  
21 duties;

22 (6) perform no less than 30 hours of community service  
23 and not more than 120 hours of community service, if  
24 community service is available in the jurisdiction and is  
25 funded and approved by the county board where the offense  
26 was committed, where the offense was related to or in

1 furtherance of the criminal activities of an organized gang  
2 and was motivated by the offender's membership in or  
3 allegiance to an organized gang. The community service  
4 shall include, but not be limited to, the cleanup and  
5 repair of any damage caused by a violation of Section  
6 21-1.3 of the Criminal Code of 1961 and similar damage to  
7 property located within the municipality or county in which  
8 the violation occurred. When possible and reasonable, the  
9 community service should be performed in the offender's  
10 neighborhood. For purposes of this Section, "organized  
11 gang" has the meaning ascribed to it in Section 10 of the  
12 Illinois Streetgang Terrorism Omnibus Prevention Act;

13 (7) if he or she is at least 17 years of age and has  
14 been sentenced to probation or conditional discharge for a  
15 misdemeanor or felony in a county of 3,000,000 or more  
16 inhabitants and has not been previously convicted of a  
17 misdemeanor or felony, may be required by the sentencing  
18 court to attend educational courses designed to prepare the  
19 defendant for a high school diploma and to work toward a  
20 high school diploma or to work toward passing the high  
21 school level Test of General Educational Development (GED)  
22 or to work toward completing a vocational training program  
23 approved by the court. The person on probation or  
24 conditional discharge must attend a public institution of  
25 education to obtain the educational or vocational training  
26 required by this clause (7). The court shall revoke the



1 probation or conditional discharge of a person who wilfully  
2 fails to comply with this clause (7). The person on  
3 probation or conditional discharge shall be required to pay  
4 for the cost of the educational courses or GED test, if a  
5 fee is charged for those courses or test. The court shall  
6 resentence the offender whose probation or conditional  
7 discharge has been revoked as provided in Section 5-6-4.  
8 This clause (7) does not apply to a person who has a high  
9 school diploma or has successfully passed the GED test.  
10 This clause (7) does not apply to a person who is  
11 determined by the court to be developmentally disabled or  
12 otherwise mentally incapable of completing the educational  
13 or vocational program;

14 (8) if convicted of possession of a substance  
15 prohibited by the Cannabis Control Act, the Illinois  
16 Controlled Substances Act, or the Methamphetamine Control  
17 and Community Protection Act after a previous conviction or  
18 disposition of supervision for possession of a substance  
19 prohibited by the Cannabis Control Act or Illinois  
20 Controlled Substances Act or after a sentence of probation  
21 under Section 10 of the Cannabis Control Act, Section 410  
22 of the Illinois Controlled Substances Act, or Section 70 of  
23 the Methamphetamine Control and Community Protection Act  
24 and upon a finding by the court that the person is  
25 addicted, undergo treatment at a substance abuse program  
26 approved by the court;

1           (8.5) if convicted of a felony sex offense as defined  
2           in the Sex Offender Management Board Act, the person shall  
3           undergo and successfully complete sex offender treatment  
4           by a treatment provider approved by the Board and conducted  
5           in conformance with the standards developed under the Sex  
6           Offender Management Board Act;

7           (8.6) if convicted of a sex offense as defined in the  
8           Sex Offender Management Board Act, refrain from residing at  
9           the same address or in the same condominium unit or  
10          apartment unit or in the same condominium complex or  
11          apartment complex with another person he or she knows or  
12          reasonably should know is a convicted sex offender or has  
13          been placed on supervision for a sex offense; the  
14          provisions of this paragraph do not apply to a person  
15          convicted of a sex offense who is placed in a Department of  
16          Corrections licensed transitional housing facility for sex  
17          offenders; ~~and~~

18          (9) if convicted of a felony, physically surrender at a  
19          time and place designated by the court, his or her Firearm  
20          Owner's Identification Card and any and all firearms in his  
21          or her possession; and

22          (10) if convicted of a sex offense as defined in  
23          subsection (a-5) of Section 3-1-2 of this Code, unless the  
24          offender is a parent or guardian of the person under 18  
25          years of age present in the home and no non-familial minors  
26          are present, not participate in a holiday event involving

1 children under 18 years of age, such as distributing candy  
2 or other items to children on Halloween, wearing a Santa  
3 Claus costume on or preceding Christmas, being employed as  
4 a department store Santa Claus, or wearing an Easter Bunny  
5 costume on or preceding Easter.

6 (b) The Court may in addition to other reasonable  
7 conditions relating to the nature of the offense or the  
8 rehabilitation of the defendant as determined for each  
9 defendant in the proper discretion of the Court require that  
10 the person:

11 (1) serve a term of periodic imprisonment under Article  
12 7 for a period not to exceed that specified in paragraph  
13 (d) of Section 5-7-1;

14 (2) pay a fine and costs;

15 (3) work or pursue a course of study or vocational  
16 training;

17 (4) undergo medical, psychological or psychiatric  
18 treatment; or treatment for drug addiction or alcoholism;

19 (5) attend or reside in a facility established for the  
20 instruction or residence of defendants on probation;

21 (6) support his dependents;

22 (7) and in addition, if a minor:

23 (i) reside with his parents or in a foster home;

24 (ii) attend school;

25 (iii) attend a non-residential program for youth;

26 (iv) contribute to his own support at home or in a

1 foster home;

2 (v) with the consent of the superintendent of the  
3 facility, attend an educational program at a facility  
4 other than the school in which the offense was  
5 committed if he or she is convicted of a crime of  
6 violence as defined in Section 2 of the Crime Victims  
7 Compensation Act committed in a school, on the real  
8 property comprising a school, or within 1,000 feet of  
9 the real property comprising a school;

10 (8) make restitution as provided in Section 5-5-6 of  
11 this Code;

12 (9) perform some reasonable public or community  
13 service;

14 (10) serve a term of home confinement. In addition to  
15 any other applicable condition of probation or conditional  
16 discharge, the conditions of home confinement shall be that  
17 the offender:

18 (i) remain within the interior premises of the  
19 place designated for his confinement during the hours  
20 designated by the court;

21 (ii) admit any person or agent designated by the  
22 court into the offender's place of confinement at any  
23 time for purposes of verifying the offender's  
24 compliance with the conditions of his confinement; and

25 (iii) if further deemed necessary by the court or  
26 the Probation or Court Services Department, be placed

1 on an approved electronic monitoring device, subject  
2 to Article 8A of Chapter V;

3 (iv) for persons convicted of any alcohol,  
4 cannabis or controlled substance violation who are  
5 placed on an approved monitoring device as a condition  
6 of probation or conditional discharge, the court shall  
7 impose a reasonable fee for each day of the use of the  
8 device, as established by the county board in  
9 subsection (g) of this Section, unless after  
10 determining the inability of the offender to pay the  
11 fee, the court assesses a lesser fee or no fee as the  
12 case may be. This fee shall be imposed in addition to  
13 the fees imposed under subsections (g) and (i) of this  
14 Section. The fee shall be collected by the clerk of the  
15 circuit court. The clerk of the circuit court shall pay  
16 all monies collected from this fee to the county  
17 treasurer for deposit in the substance abuse services  
18 fund under Section 5-1086.1 of the Counties Code; and

19 (v) for persons convicted of offenses other than  
20 those referenced in clause (iv) above and who are  
21 placed on an approved monitoring device as a condition  
22 of probation or conditional discharge, the court shall  
23 impose a reasonable fee for each day of the use of the  
24 device, as established by the county board in  
25 subsection (g) of this Section, unless after  
26 determining the inability of the defendant to pay the

1 fee, the court assesses a lesser fee or no fee as the  
2 case may be. This fee shall be imposed in addition to  
3 the fees imposed under subsections (g) and (i) of this  
4 Section. The fee shall be collected by the clerk of the  
5 circuit court. The clerk of the circuit court shall pay  
6 all monies collected from this fee to the county  
7 treasurer who shall use the monies collected to defray  
8 the costs of corrections. The county treasurer shall  
9 deposit the fee collected in the county working cash  
10 fund under Section 6-27001 or Section 6-29002 of the  
11 Counties Code, as the case may be.

12 (11) comply with the terms and conditions of an order  
13 of protection issued by the court pursuant to the Illinois  
14 Domestic Violence Act of 1986, as now or hereafter amended,  
15 or an order of protection issued by the court of another  
16 state, tribe, or United States territory. A copy of the  
17 order of protection shall be transmitted to the probation  
18 officer or agency having responsibility for the case;

19 (12) reimburse any "local anti-crime program" as  
20 defined in Section 7 of the Anti-Crime Advisory Council Act  
21 for any reasonable expenses incurred by the program on the  
22 offender's case, not to exceed the maximum amount of the  
23 fine authorized for the offense for which the defendant was  
24 sentenced;

25 (13) contribute a reasonable sum of money, not to  
26 exceed the maximum amount of the fine authorized for the

1 offense for which the defendant was sentenced, to a "local  
2 anti-crime program", as defined in Section 7 of the  
3 Anti-Crime Advisory Council Act;

4 (14) refrain from entering into a designated  
5 geographic area except upon such terms as the court finds  
6 appropriate. Such terms may include consideration of the  
7 purpose of the entry, the time of day, other persons  
8 accompanying the defendant, and advance approval by a  
9 probation officer, if the defendant has been placed on  
10 probation or advance approval by the court, if the  
11 defendant was placed on conditional discharge;

12 (15) refrain from having any contact, directly or  
13 indirectly, with certain specified persons or particular  
14 types of persons, including but not limited to members of  
15 street gangs and drug users or dealers;

16 (16) refrain from having in his or her body the  
17 presence of any illicit drug prohibited by the Cannabis  
18 Control Act, the Illinois Controlled Substances Act, or the  
19 Methamphetamine Control and Community Protection Act,  
20 unless prescribed by a physician, and submit samples of his  
21 or her blood or urine or both for tests to determine the  
22 presence of any illicit drug.

23 (c) The court may as a condition of probation or of  
24 conditional discharge require that a person under 18 years of  
25 age found guilty of any alcohol, cannabis or controlled  
26 substance violation, refrain from acquiring a driver's license

1 during the period of probation or conditional discharge. If  
2 such person is in possession of a permit or license, the court  
3 may require that the minor refrain from driving or operating  
4 any motor vehicle during the period of probation or conditional  
5 discharge, except as may be necessary in the course of the  
6 minor's lawful employment.

7 (d) An offender sentenced to probation or to conditional  
8 discharge shall be given a certificate setting forth the  
9 conditions thereof.

10 (e) Except where the offender has committed a fourth or  
11 subsequent violation of subsection (c) of Section 6-303 of the  
12 Illinois Vehicle Code, the court shall not require as a  
13 condition of the sentence of probation or conditional discharge  
14 that the offender be committed to a period of imprisonment in  
15 excess of 6 months. This 6 month limit shall not include  
16 periods of confinement given pursuant to a sentence of county  
17 impact incarceration under Section 5-8-1.2. ~~This 6 month limit  
18 does not apply to a person sentenced to probation as a result  
19 of a conviction of a fourth or subsequent violation of  
20 subsection (c-4) of Section 11-501 of the Illinois Vehicle Code  
21 or a similar provision of a local ordinance.~~

22 Persons committed to imprisonment as a condition of  
23 probation or conditional discharge shall not be committed to  
24 the Department of Corrections.

25 (f) The court may combine a sentence of periodic  
26 imprisonment under Article 7 or a sentence to a county impact



1 incarceration program under Article 8 with a sentence of  
2 probation or conditional discharge.

3 (g) An offender sentenced to probation or to conditional  
4 discharge and who during the term of either undergoes mandatory  
5 drug or alcohol testing, or both, or is assigned to be placed  
6 on an approved electronic monitoring device, shall be ordered  
7 to pay all costs incidental to such mandatory drug or alcohol  
8 testing, or both, and all costs incidental to such approved  
9 electronic monitoring in accordance with the defendant's  
10 ability to pay those costs. The county board with the  
11 concurrence of the Chief Judge of the judicial circuit in which  
12 the county is located shall establish reasonable fees for the  
13 cost of maintenance, testing, and incidental expenses related  
14 to the mandatory drug or alcohol testing, or both, and all  
15 costs incidental to approved electronic monitoring, involved  
16 in a successful probation program for the county. The  
17 concurrence of the Chief Judge shall be in the form of an  
18 administrative order. The fees shall be collected by the clerk  
19 of the circuit court. The clerk of the circuit court shall pay  
20 all moneys collected from these fees to the county treasurer  
21 who shall use the moneys collected to defray the costs of drug  
22 testing, alcohol testing, and electronic monitoring. The  
23 county treasurer shall deposit the fees collected in the county  
24 working cash fund under Section 6-27001 or Section 6-29002 of  
25 the Counties Code, as the case may be.

26 (h) Jurisdiction over an offender may be transferred from

1 the sentencing court to the court of another circuit with the  
2 concurrence of both courts. Further transfers or retransfers of  
3 jurisdiction are also authorized in the same manner. The court  
4 to which jurisdiction has been transferred shall have the same  
5 powers as the sentencing court.

6 (i) The court shall impose upon an offender sentenced to  
7 probation after January 1, 1989 or to conditional discharge  
8 after January 1, 1992 or to community service under the  
9 supervision of a probation or court services department after  
10 January 1, 2004, as a condition of such probation or  
11 conditional discharge or supervised community service, a fee of  
12 \$50 for each month of probation or conditional discharge  
13 supervision or supervised community service ordered by the  
14 court, unless after determining the inability of the person  
15 sentenced to probation or conditional discharge or supervised  
16 community service to pay the fee, the court assesses a lesser  
17 fee. The court may not impose the fee on a minor who is made a  
18 ward of the State under the Juvenile Court Act of 1987 while  
19 the minor is in placement. The fee shall be imposed only upon  
20 an offender who is actively supervised by the probation and  
21 court services department. The fee shall be collected by the  
22 clerk of the circuit court. The clerk of the circuit court  
23 shall pay all monies collected from this fee to the county  
24 treasurer for deposit in the probation and court services fund  
25 under Section 15.1 of the Probation and Probation Officers Act.

26 A circuit court may not impose a probation fee under this

1 subsection (i) in excess of \$25 per month unless: (1) the  
2 circuit court has adopted, by administrative order issued by  
3 the chief judge, a standard probation fee guide determining an  
4 offender's ability to pay, under guidelines developed by the  
5 Administrative Office of the Illinois Courts; and (2) the  
6 circuit court has authorized, by administrative order issued by  
7 the chief judge, the creation of a Crime Victim's Services  
8 Fund, to be administered by the Chief Judge or his or her  
9 designee, for services to crime victims and their families. Of  
10 the amount collected as a probation fee, up to \$5 of that fee  
11 collected per month may be used to provide services to crime  
12 victims and their families.

13 This amendatory Act of the 93rd General Assembly deletes  
14 the \$10 increase in the fee under this subsection that was  
15 imposed by Public Act 93-616. This deletion is intended to  
16 control over any other Act of the 93rd General Assembly that  
17 retains or incorporates that fee increase.

18 (i-5) In addition to the fees imposed under subsection (i)  
19 of this Section, in the case of an offender convicted of a  
20 felony sex offense (as defined in the Sex Offender Management  
21 Board Act) or an offense that the court or probation department  
22 has determined to be sexually motivated (as defined in the Sex  
23 Offender Management Board Act), the court or the probation  
24 department shall assess additional fees to pay for all costs of  
25 treatment, assessment, evaluation for risk and treatment, and  
26 monitoring the offender, based on that offender's ability to

1 pay those costs either as they occur or under a payment plan.

2 (j) All fines and costs imposed under this Section for any  
3 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle  
4 Code, or a similar provision of a local ordinance, and any  
5 violation of the Child Passenger Protection Act, or a similar  
6 provision of a local ordinance, shall be collected and  
7 disbursed by the circuit clerk as provided under Section 27.5  
8 of the Clerks of Courts Act.

9 (k) Any offender who is sentenced to probation or  
10 conditional discharge for a felony sex offense as defined in  
11 the Sex Offender Management Board Act or any offense that the  
12 court or probation department has determined to be sexually  
13 motivated as defined in the Sex Offender Management Board Act  
14 shall be required to refrain from any contact, directly or  
15 indirectly, with any persons specified by the court and shall  
16 be available for all evaluations and treatment programs  
17 required by the court or the probation department.

18 (Source: P.A. 93-475, eff. 8-8-03; 93-616, eff. 1-1-04; 93-970,  
19 eff. 8-20-04; 94-159, eff. 7-11-05; 94-161, eff. 7-11-05;  
20 94-556, eff. 9-11-05; revised 8-19-05.)

21 (730 ILCS 5/5-8-7) (from Ch. 38, par. 1005-8-7)

22 Sec. 5-8-7. Calculation of Term of Imprisonment.

23 (a) A sentence of imprisonment shall commence on the date  
24 on which the offender is received by the Department or the  
25 institution at which the sentence is to be served.

1 (b) The offender shall be given credit on the determinate  
2 sentence or maximum term and the minimum period of imprisonment  
3 for time spent in custody as a result of the offense for which  
4 the sentence was imposed, at the rate specified in Section  
5 3-6-3 of this Code. Except when prohibited by subsection (d),  
6 the trial court may give credit to the defendant for time spent  
7 in home detention, or when the defendant has been confined for  
8 psychiatric or substance abuse treatment prior to judgment, if  
9 the court finds that the detention or confinement was  
10 custodial.

11 (c) An offender arrested on one charge and prosecuted on  
12 another charge for conduct which occurred prior to his arrest  
13 shall be given credit on the determinate sentence or maximum  
14 term and the minimum term of imprisonment for time spent in  
15 custody under the former charge not credited against another  
16 sentence.

17 (d) An offender sentenced to a term of imprisonment for an  
18 offense listed in paragraph (2) of subsection (c) of Section  
19 5-5-3 of this Code, or for an offense listed in subdivision  
20 (d) (2) (c) in paragraph (3) of subsection (e-1) of Section  
21 11-501 of the Illinois Vehicle Code that was committed while  
22 the offender's driving privileges were revoked or suspended as  
23 provided in subdivision (d) (1) (G) of that Section, shall not  
24 receive credit for time spent in home detention prior to  
25 judgment.

26 (Source: P.A. 93-800, eff. 1-1-05.)

1

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## Statutes amended in order of appearance

3

625 ILCS 5/6-101 from Ch. 95 1/2, par. 6-101

4

625 ILCS 5/6-206.2

5

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

6

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

7

625 ILCS 5/11-501.01 new

8

625 ILCS 5/Chapter 16A

9

heading new

10

625 ILCS 5/16A-1 new

11

625 ILCS 5/16A-5 new

12

625 ILCS 5/16A-10 new

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625 ILCS 5/16A-15 new

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625 ILCS 5/16A-35 new

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625 ILCS 5/16A-40 new

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625 ILCS 5/16A-45 new

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625 ILCS 5/16A-50 new

21

720 ILCS 5/36-1 from Ch. 38, par. 36-1

22

730 ILCS 5/5-6-3 from Ch. 38, par. 1005-6-3

23

730 ILCS 5/5-8-7 from Ch. 38, par. 1005-8-7