



## 95TH GENERAL ASSEMBLY

### State of Illinois

### 2007 and 2008

### SB1458

Introduced 2/9/2007, by Sen. Martin A. Sandoval

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-205	from Ch. 95 1/2, par. 6-205
625 ILCS 5/6-206	from Ch. 95 1/2, par. 6-206
625 ILCS 5/6-206.2	
625 ILCS 5/6-208	from Ch. 95 1/2, par. 6-208
625 ILCS 5/6-303	from Ch. 95 1/2, par. 6-303
625 ILCS 5/11-501	from Ch. 95 1/2, par. 11-501

Amends the Illinois Vehicle Code. Amends provisions relating to the offense of driving under the influence of alcohol, drugs, or intoxicating compounds. Provides that a previous conviction of the offense of reckless homicide can be the basis of the revocation or suspension of a driver's license, where the use of drugs, alcohol, or intoxicating compounds was an element of the offense. Provides that the Secretary of State is authorized to suspend or revoke the driving privileges of a person who submits false information in connection with or during a hearing on a revocation or suspension. Provides that it is unlawful for a person required to drive only a vehicle equipped with an ignition interlock device to drive a vehicle without that device. Provides that, if a person is convicted a fourth time of DUI and at the time of the violation he or she (i) was transporting a person under the age of 16 or (ii) had a blood alcohol concentration of 0.16 or higher, the person is guilty of a Class 2 felony, regardless of the circumstances of his or her previous convictions.

LRB095 11073 DRH 31399 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 6-205, 6-206, 6-206.2, 6-208, 6-303, and 11-501 as  
6 follows:

7 (625 ILCS 5/6-205) (from Ch. 95 1/2, par. 6-205)

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

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

14 1. Reckless homicide resulting from the operation of a  
15 motor vehicle;

16 2. 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, other drug or  
20 drugs, intoxicating compound or compounds, or any  
21 combination thereof;

22 3. Any felony under the laws of any State or the  
23 federal government in the commission of which a motor

1 vehicle was used;

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

5 5. Perjury or the making of a false affidavit or  
6 statement under oath to the Secretary of State under this  
7 Code or under any other law relating to the ownership or  
8 operation of motor vehicles;

9 6. Conviction upon 3 charges of violation of Section  
10 11-503 of this Code relating to the offense of reckless  
11 driving committed within a period of 12 months;

12 7. Conviction of any offense defined in Section 4-102  
13 of this Code;

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

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

17 10. Violation of Section 12-5 of the Criminal Code of  
18 1961 arising from the use of a motor vehicle;

19 11. Violation of Section 11-204.1 of this Code relating  
20 to aggravated fleeing or attempting to elude a peace  
21 officer;

22 12. Violation of paragraph (1) of subsection (b) of  
23 Section 6-507, or a similar law of any other state,  
24 relating to the unlawful operation of a commercial motor  
25 vehicle;

26 13. Violation of paragraph (a) of Section 11-502 of

1           this Code or a similar provision of a local ordinance if  
2           the driver has been previously convicted of a violation of  
3           that Section or a similar provision of a local ordinance  
4           and the driver was less than 21 years of age at the time of  
5           the offense.

6           (b) The Secretary of State shall also immediately revoke  
7           the license or permit of any driver in the following  
8           situations:

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

14                    2. Of any person when any other law of this State  
15                    requires either the revocation or suspension of a license  
16                    or permit.

17           (c) The following provisions of this subsection (c) apply  
18 whenever ~~whenever~~ a person is convicted of any of the offenses  
19 enumerated in this Section:7

20                    (1) If the person is not a multiple offender identified  
21 in subdivision (b)4 of Section 6-208 of this Code, the  
22 court may recommend and the Secretary of State in his  
23 discretion, without regard to whether the recommendation  
24 is made by the court may, upon application, issue to the  
25 person a restricted driving permit granting the privilege  
26 of driving a motor vehicle between the petitioner's

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

19 (2) If a person's license or permit is ~~has been~~ revoked  
20 or suspended due to 2 or more convictions of (i) violating  
21 Section 11-501 of this Code or a similar provision of a  
22 local ordinance or a similar out-of-state offense, (ii)  
23 violating Section 9-3 of the Criminal Code of 1961, where  
24 the use of alcohol, other drug or drugs, intoxicating  
25 compound or compounds, or a combination thereof, was an  
26 element of the offense, or a similar out-of-state offense,

1        or (iii) a combination of those offenses, arising out of  
2        separate occurrences, that person, if issued a restricted  
3        driving permit, may not operate a vehicle unless it has  
4        been equipped with an ignition interlock device as defined  
5        in Section 1-129.1.

6        (3) If a person's license or permit is ~~has been~~ revoked  
7        or suspended 2 or more times ~~within a 10 year period~~ due to  
8        a single conviction of violating Section 11-501 of this  
9        Code or a similar provision of a local ordinance or a  
10       similar out-of-state offense, or Section 9-3 of the  
11       Criminal Code of 1961, where the use of alcohol, other drug  
12       or drugs, intoxicating compound or compounds, or a  
13       combination thereof, was an element of the offense, or a  
14       similar out-of-state offense, and the person received a  
15       statutory summary suspension under Section 11-501.1, or as  
16       authorized under Section 6-203.1, within 10 years of the  
17       date of the revocation for driving under the influence or  
18       reckless homicide, ~~2 or more statutory summary~~  
19       ~~suspensions, or combination of 2 offenses, or of an offense~~  
20       ~~and a statutory summary suspension,~~ arising out of separate  
21       occurrences, that person, if issued a restricted driving  
22       permit, may not operate a vehicle unless it has been  
23       equipped with an ignition interlock device as defined in  
24       Section 1-129.1.

25       (4) The person must pay to the Secretary of State DUI  
26       Administration Fund an amount not to exceed \$20 per month.

1 The Secretary shall establish by rule the amount and the  
2 procedures, terms, and conditions relating to these fees.

3 (5) If the restricted driving permit is ~~was~~ issued for  
4 employment purposes, then these provisions do ~~this~~  
5 ~~provision does~~ not apply to the operation of an  
6 occupational vehicle owned or leased by that person's  
7 employer when used solely for employment purposes.

8 (6) In each case the Secretary of State may issue a  
9 restricted driving permit for a period he deems  
10 appropriate, except that the permit shall expire within one  
11 year from the date of issuance. The Secretary may not,  
12 however, issue a restricted driving permit to any person  
13 whose current revocation is the result of a second or  
14 subsequent conviction for (i) a violation of Section 11-501  
15 of this Code or a similar provision of a local ordinance  
16 ~~relating to the offense of operating or being in physical~~  
17 ~~control of a motor vehicle while under the influence of~~  
18 ~~alcohol, other drug or drugs, intoxicating compound or~~  
19 ~~compounds,~~ or any similar out-of-state offense, (ii) a  
20 violation of Section 9-3 of the Criminal Code of 1961,  
21 where the use of alcohol, other drug or drugs, intoxicating  
22 compound or compounds, or any combination thereof, is an  
23 element of the offense, or any similar out-of-state  
24 offense, or (iii) a combination of those offenses, until  
25 the expiration of at least one year from the date of the  
26 revocation. A restricted driving permit issued under this

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

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



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

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

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

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

23 (e) This Section is subject to the provisions of the Driver  
24 License Compact.

25 (f) Any revocation imposed upon any person under  
26 subsections 2 and 3 of paragraph (b) that is in effect on

1 December 31, 1988 shall be converted to a suspension for a like  
2 period of time.

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

7 (h) 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 under Section 11-501 of this Code or a similar  
11 provision of a local ordinance. The Secretary shall establish  
12 by rule and regulation the procedures for certification and use  
13 of the interlock system.

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

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

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

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

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

5 (a) The Secretary of State is authorized to suspend or  
6 revoke the driving privileges of any person without preliminary  
7 hearing upon a showing of the person's records or other  
8 sufficient evidence that the person:

9 1. Has committed an offense for which mandatory  
10 revocation of a driver's license or permit is required upon  
11 conviction;

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

17 3. Has been repeatedly involved as a driver in motor  
18 vehicle collisions or has been repeatedly convicted of  
19 offenses against laws and ordinances regulating the  
20 movement of traffic, to a degree that indicates lack of  
21 ability to exercise ordinary and reasonable care in the  
22 safe operation of a motor vehicle or disrespect for the  
23 traffic laws and the safety of other persons upon the  
24 highway;

25 4. Has by the unlawful operation of a motor vehicle

1           caused or contributed to an accident resulting in death or  
2           injury requiring immediate professional treatment in a  
3           medical facility or doctor's office to any person, except  
4           that any suspension or revocation imposed by the Secretary  
5           of State under the provisions of this subsection shall  
6           start no later than 6 months after being convicted of  
7           violating a law or ordinance regulating the movement of  
8           traffic, which violation is related to the accident, or  
9           shall start not more than one year after the date of the  
10          accident, whichever date occurs later;

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

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

17           7. Has refused or failed to submit to an examination  
18          provided for by Section 6-207 or has failed to pass the  
19          examination;

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

22           9. Has made a false statement or knowingly concealed a  
23          material fact or has used false information or  
24          identification in any application for a license,  
25          identification card, or permit;

26           10. Has possessed, displayed, or attempted to

1 fraudulently use any license, identification card, or  
2 permit not issued to the person;

3 11. Has operated a motor vehicle upon a highway of this  
4 State when the person's driving privilege or privilege to  
5 obtain a driver's license or permit was revoked or  
6 suspended unless the operation was authorized by a judicial  
7 driving permit, probationary license to drive, or a  
8 restricted driving permit issued under this Code;

9 12. Has submitted to any portion of the application  
10 process for another person or has obtained the services of  
11 another person to submit to any portion of the application  
12 process for the purpose of obtaining a license,  
13 identification card, or permit for some other person;

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

17 14. Has committed a violation of Section 6-301,  
18 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B  
19 of the Illinois Identification Card Act;

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

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

26 17. Has refused to submit to a test, or tests, as

1 required under Section 11-501.1 of this Code and the person  
2 has not sought a hearing as provided for in Section  
3 11-501.1;

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

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

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

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

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

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

25 24. Has been convicted by a court-martial or punished  
26 by non-judicial punishment by military authorities of the

1 United States at a military installation in Illinois of or  
2 for a traffic related offense that is the same as or  
3 similar to an offense specified under Section 6-205 or  
4 6-206 of this Code;

5 25. Has permitted any form of identification to be used  
6 by another in the application process in order to obtain or  
7 attempt to obtain a license, identification card, or  
8 permit;

9 26. Has altered or attempted to alter a license or has  
10 possessed an altered license, identification card, or  
11 permit;

12 27. Has violated Section 6-16 of the Liquor Control Act  
13 of 1934;

14 28. Has been convicted of the illegal possession, while  
15 operating or in actual physical control, as a driver, of a  
16 motor vehicle, of any controlled substance prohibited  
17 under the Illinois Controlled Substances Act, any cannabis  
18 prohibited under the Cannabis Control Act, or any  
19 methamphetamine prohibited under the Methamphetamine  
20 Control and Community Protection Act, in which case the  
21 person's driving privileges shall be suspended for one  
22 year, and any driver who is convicted of a second or  
23 subsequent offense, within 5 years of a previous  
24 conviction, for the illegal possession, while operating or  
25 in actual physical control, as a driver, of a motor  
26 vehicle, of any controlled substance prohibited under the



1 Illinois Controlled Substances Act, any cannabis  
2 prohibited under the Cannabis Control Act, or any  
3 methamphetamine prohibited under the Methamphetamine  
4 Control and Community Protection Act shall be suspended for  
5 5 years. Any defendant found guilty of this offense while  
6 operating a motor vehicle, shall have an entry made in the  
7 court record by the presiding judge that this offense did  
8 occur while the defendant was operating a motor vehicle and  
9 order the clerk of the court to report the violation to the  
10 Secretary of State;

11 29. Has been convicted of the following offenses that  
12 were committed while the person was operating or in actual  
13 physical control, as a driver, of a motor vehicle: criminal  
14 sexual assault, predatory criminal sexual assault of a  
15 child, aggravated criminal sexual assault, criminal sexual  
16 abuse, aggravated criminal sexual abuse, juvenile pimping,  
17 soliciting for a juvenile prostitute and the manufacture,  
18 sale or delivery of controlled substances or instruments  
19 used for illegal drug use or abuse in which case the  
20 driver's driving privileges shall be suspended for one  
21 year;

22 30. Has been convicted a second or subsequent time for  
23 any combination of the offenses named in paragraph 29 of  
24 this subsection, in which case the person's driving  
25 privileges shall be suspended for 5 years;

26 31. Has refused to submit to a test as required by

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

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

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

19 34. Has committed a violation of Section 11-1301.5 of  
20 this Code;

21 35. Has committed a violation of Section 11-1301.6 of  
22 this Code;

23 36. Is under the age of 21 years at the time of arrest  
24 and has been convicted of not less than 2 offenses against  
25 traffic regulations governing the movement of vehicles  
26 committed within any 24 month period. No revocation or

1 suspension shall be entered more than 6 months after the  
2 date of last conviction;

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

5 38. Has been convicted of a violation of Section 6-20  
6 of the Liquor Control Act of 1934 or a similar provision of  
7 a local ordinance;

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

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

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

16 42. Has, in connection with or during the course of a  
17 formal hearing conducted under Section 2-118 of this Code,  
18 (i) committed perjury, (ii) submitted fraudulent or  
19 falsified documents, (iii) submitted documents that have  
20 been materially altered, or (iv) submitted documents as his  
21 or her own that in fact were prepared or composed for  
22 another person. ~~Has committed a violation of subsection~~  
23 ~~(a-1) of Section 11-1301.3 of this Code.~~

24 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,  
25 and 27 of this subsection, license means any driver's license,  
26 any traffic ticket issued when the person's driver's license is

1 deposited in lieu of bail, a suspension notice issued by the  
2 Secretary of State, a duplicate or corrected driver's license,  
3 a probationary driver's license or a temporary driver's  
4 license.

5 (b) If any conviction forming the basis of a suspension or  
6 revocation authorized under this Section is appealed, the  
7 Secretary of State may rescind or withhold the entry of the  
8 order of suspension or revocation, as the case may be, provided  
9 that a certified copy of a stay order of a court is filed with  
10 the Secretary of State. If the conviction is affirmed on  
11 appeal, the date of the conviction shall relate back to the  
12 time the original judgment of conviction was entered and the 6  
13 month limitation prescribed shall not apply.

14 (c) 1. Upon suspending or revoking the driver's license or  
15 permit of any person as authorized in this Section, the  
16 Secretary of State shall immediately notify the person in  
17 writing of the revocation or suspension. The notice to be  
18 deposited in the United States mail, postage prepaid, to  
19 the last known address of the person.

20 2. If the Secretary of State suspends the driver's  
21 license of a person under subsection 2 of paragraph (a) of  
22 this Section, a person's privilege to operate a vehicle as  
23 an occupation shall not be suspended, provided an affidavit  
24 is properly completed, the appropriate fee received, and a  
25 permit issued prior to the effective date of the  
26 suspension, unless 5 offenses were committed, at least 2 of

1           which occurred while operating a commercial vehicle in  
2           connection with the driver's regular occupation. All other  
3           driving privileges shall be suspended by the Secretary of  
4           State. Any driver prior to operating a vehicle for  
5           occupational purposes only must submit the affidavit on  
6           forms to be provided by the Secretary of State setting  
7           forth the facts of the person's occupation. The affidavit  
8           shall also state the number of offenses committed while  
9           operating a vehicle in connection with the driver's regular  
10          occupation. The affidavit shall be accompanied by the  
11          driver's license. Upon receipt of a properly completed  
12          affidavit, the Secretary of State shall issue the driver a  
13          permit to operate a vehicle in connection with the driver's  
14          regular occupation only. Unless the permit is issued by the  
15          Secretary of State prior to the date of suspension, the  
16          privilege to drive any motor vehicle shall be suspended as  
17          set forth in the notice that was mailed under this Section.  
18          If an affidavit is received subsequent to the effective  
19          date of this suspension, a permit may be issued for the  
20          remainder of the suspension period.

21                 The provisions of this subparagraph shall not apply to  
22                 any driver required to possess a CDL for the purpose of  
23                 operating a commercial motor vehicle.

24                 Any person who falsely states any fact in the affidavit  
25                 required herein shall be guilty of perjury under Section  
26                 6-302 and upon conviction thereof shall have all driving

1 privileges revoked without further rights.

2 3. At the conclusion of a hearing under Section 2-118  
3 of this Code, the Secretary of State shall either rescind  
4 or continue an order of revocation or shall substitute an  
5 order of suspension; or, good cause appearing therefor,  
6 rescind, continue, change, or extend the order of  
7 suspension. If the Secretary of State does not rescind the  
8 order and the petitioner is not a multiple offender  
9 identified in subdivision (b) 4 of Section 6-208 of this  
10 Code, the Secretary may upon application, to relieve undue  
11 hardship as defined by the rules of the Secretary of State,  
12 issue a restricted driving permit granting the privilege of  
13 driving a motor vehicle between the petitioner's residence  
14 and petitioner's place of employment or within the scope of  
15 the petitioner's ~~his~~ employment related duties, or to allow  
16 transportation for the petitioner, or a household member of  
17 the petitioner's family, to receive necessary medical care  
18 and ~~if the professional evaluation indicates~~, provide  
19 transportation to and from ~~for~~ alcohol or drug remedial or  
20 rehabilitative activity recommended by a licensed service  
21 provider, or for the petitioner to attend classes, as a  
22 student, in an accredited educational institution. ~~The, if~~  
23 ~~the~~ petitioner must ~~is able to~~ demonstrate that no  
24 alternative means of transportation is reasonably  
25 available and the petitioner will not endanger the public  
26 safety or welfare.

1           4. The following provisions of this subdivision (c)4  
2           apply to any person issued a restricted driving permit  
3           under subdivision (c)3 of this Section:

4           (A) If a person's license or permit is ~~has been~~  
5           revoked or suspended due to 2 or more convictions of  
6           violating Section 11-501 of this Code or a similar  
7           provision of a local ordinance or a similar  
8           out-of-state offense, or Section 9-3 of the Criminal  
9           Code of 1961, where the use of alcohol, other drug or  
10           drugs, intoxicating compound or compounds, or a  
11           combination thereof, was an element of the offense, or  
12           a similar out-of-state offense, or a combination of  
13           those offenses, arising out of separate occurrences,  
14           that person, if issued a restricted driving permit, may  
15           not operate a vehicle unless it has been equipped with  
16           an ignition interlock device as defined in Section  
17           1-129.1.

18           (B) If a person's license or permit is ~~has been~~  
19           revoked or suspended 2 or more times ~~within a 10 year~~  
20           ~~period~~ due to a single conviction of violating Section  
21           11-501 of this Code or a similar provision of a local  
22           ordinance or a similar out-of-state offense, or  
23           Section 9-3 of the Criminal Code of 1961, where the use  
24           of alcohol, other drug or drugs, intoxicating compound  
25           or compounds, or a combination thereof, was an element  
26           of the offense, or a similar out-of-state offense, and

1        the person received a statutory summary suspension  
2        under Section 11-501.1, or as authorized under Section  
3        6-203.1, within 10 years of the date of the revocation  
4        for driving under the influence or reckless homicide, 2  
5        ~~or more statutory summary suspensions, or combination~~  
6        ~~of 2 offenses, or of an offense and a statutory summary~~  
7        ~~suspension,~~ arising out of separate occurrences, that  
8        person, if issued a restricted driving permit, may not  
9        operate a vehicle unless it has been equipped with an  
10       ignition interlock device as defined in Section  
11       1-129.1.

12        (C) The person must pay to the Secretary of State  
13        DUI Administration Fund an amount not to exceed \$20 per  
14        month. The Secretary shall establish by rule the amount  
15        and the procedures, terms, and conditions relating to  
16        these fees.

17        (D) If the restricted driving permit is ~~was~~ issued  
18        for employment purposes, then these provisions do this  
19        ~~provision does~~ not apply to the operation of an  
20        occupational vehicle owned or leased by that person's  
21        employer, if used solely for employment purposes.

22        (E) In each case the Secretary may issue a  
23        restricted driving permit for a period deemed  
24        appropriate, except that all permits shall expire  
25        within one year from the date of issuance. The  
26        Secretary may not, however, issue a restricted driving



1 permit to any person whose current revocation is the  
2 result of a second or subsequent conviction for a  
3 violation of Section 11-501 of this Code or a similar  
4 provision of a local ordinance ~~relating to the offense~~  
5 ~~of operating or being in physical control of a motor~~  
6 ~~vehicle while under the influence of alcohol, other~~  
7 ~~drug or drugs, intoxicating compound or compounds,~~ or  
8 any similar out-of-state offense, or Section 9-3 of the  
9 Criminal Code of 1961, where the use of alcohol, other  
10 drug or drugs, intoxicating compound or compounds, or a  
11 combination thereof, was an element of the offense, or  
12 a similar out-of-state offense, or any combination of  
13 those offenses, until the expiration of at least one  
14 year from the date of the revocation. A restricted  
15 driving permit issued under this Section shall be  
16 subject to cancellation, revocation, and suspension by  
17 the Secretary of State in like manner and for like  
18 cause as a driver's license issued under this Code may  
19 be cancelled, revoked, or suspended; except that a  
20 conviction upon one or more offenses against laws or  
21 ordinances regulating the movement of traffic shall be  
22 deemed sufficient cause for the revocation,  
23 suspension, or cancellation of a restricted driving  
24 permit. The Secretary of State may, as a condition to  
25 the issuance of a restricted driving permit, require  
26 the petitioner ~~applicant~~ to participate in a

1 designated driver remedial or rehabilitative program.  
2 The Secretary of State is authorized to cancel a  
3 restricted driving permit if the permit holder does not  
4 successfully complete the program.

5 (c-5) The Secretary of State may, as a condition of the  
6 reissuance of a driver's license or permit to an applicant  
7 whose driver's license or permit has been suspended before he  
8 or she reached the age of 18 years pursuant to any of the  
9 provisions of this Section, require the applicant to  
10 participate in a driver remedial education course and be  
11 retested under Section 6-109 of this Code.

12 (d) This Section is subject to the provisions of the  
13 Drivers License Compact.

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

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

23 (Source: P.A. 93-120, eff. 1-1-04; 93-667, eff. 3-19-04;  
24 93-788, eff. 1-1-05; 93-955, eff. 8-19-04; 94-307, eff.  
25 9-30-05; 94-556, eff. 9-11-05; 94-930, eff. 6-26-06.)

1 (625 ILCS 5/6-206.2)

2 Sec. 6-206.2. Violations relating to an ignition interlock  
3 device.

4 (a) It is unlawful for any person whose driving privilege  
5 is restricted by being prohibited from operating a motor  
6 vehicle not equipped with an ignition interlock device to  
7 operate a motor vehicle not equipped with an ignition interlock  
8 device.

9 (a-1) It is unlawful for any person whose driving privilege  
10 is restricted by being prohibited from operating a motor  
11 vehicle not equipped with an ignition interlock device to  
12 request or solicit any other person to blow into an ignition  
13 interlock device or to start a motor vehicle equipped with the  
14 device for the purpose of providing the person so restricted  
15 with an operable motor vehicle.

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

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

24 (d) Except as provided in subsection (c) (17) of Section  
25 5-6-3.1 of the Unified Code of Corrections or by rule, no  
26 person shall knowingly rent, lease, or lend a motor vehicle to

1 a person known to have his or her driving privilege restricted  
2 by being prohibited from operating a vehicle not equipped with  
3 an ignition interlock device, unless the vehicle is equipped  
4 with a functioning ignition interlock device. Any person whose  
5 driving privilege is so restricted shall notify any person  
6 intending to rent, lease, or loan a motor vehicle to the  
7 restricted person of the driving restriction imposed upon him  
8 or her.

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

12 (e) (Blank). ~~If a person prohibited under paragraph (2) or~~  
13 ~~paragraph (3) of subsection (c 4) of Section 11-501 from~~  
14 ~~driving any vehicle not equipped with an ignition interlock~~  
15 ~~device nevertheless is convicted of driving a vehicle that is~~  
16 ~~not equipped with the device, that person is prohibited from~~  
17 ~~driving any vehicle not equipped with an ignition interlock~~  
18 ~~device for an additional period of time equal to the initial~~  
19 ~~time period that the person was required to use an ignition~~  
20 ~~interlock device.~~

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

22 (625 ILCS 5/6-208) (from Ch. 95 1/2, par. 6-208)

23 Sec. 6-208. Period of Suspension - Application After  
24 Revocation.

25 (a) Except as otherwise provided by this Code or any other

1 law of this State, the Secretary of State shall not suspend a  
2 driver's license, permit or privilege to drive a motor vehicle  
3 on the highways for a period of more than one year.

4 (b) Any person whose license, permit or privilege to drive  
5 a motor vehicle on the highways has been revoked shall not be  
6 entitled to have such license, permit or privilege renewed or  
7 restored. However, such person may, except as provided under  
8 subsection (d) of Section 6-205, make application for a license  
9 pursuant to Section 6-106 (i) if the revocation was for a cause  
10 which has been removed or (ii) as provided in the following  
11 subparagraphs:

12 1. Except as provided in subparagraphs 2, 3, and 4, the  
13 person may make application for a license after the  
14 expiration of one year from the effective date of the  
15 revocation or, in the case of a violation of paragraph (b)  
16 of Section 11-401 of this Code or a similar provision of a  
17 local ordinance, after the expiration of 3 years from the  
18 effective date of the revocation or, in the case of a  
19 violation of Section 9-3 of the Criminal Code of 1961 or a  
20 similar provision of a law of another state relating to the  
21 offense of reckless homicide or a violation of subparagraph  
22 (F) of paragraph 1 of subsection (d) of Section 11-501 of  
23 this Code relating to aggravated driving under the  
24 influence of alcohol, other drug or drugs, intoxicating  
25 compound or compounds, or any combination thereof, if the  
26 violation was the proximate cause of a death, after the

1 expiration of 2 years from the effective date of the  
2 revocation or after the expiration of 24 months from the  
3 date of release from a period of imprisonment as provided  
4 in Section 6-103 of this Code, whichever is later.

5 2. If such person is convicted of committing a second  
6 violation within a 20 year period of:

7 (A) Section 11-501 of this Code, or a similar  
8 provision of a local ordinance; or

9 (B) Paragraph (b) of Section 11-401 of this Code,  
10 or a similar provision of a local ordinance; or

11 (C) Section 9-3 of the Criminal Code of 1961, as  
12 amended, relating to the offense of reckless homicide;  
13 or

14 (D) any combination of the above offenses  
15 committed at different instances;

16 then such person may not make application for a license  
17 until after the expiration of 5 years from the effective  
18 date of the most recent revocation. The 20 year period  
19 shall be computed by using the dates the offenses were  
20 committed and shall also include similar out-of-state  
21 offenses.

22 3. However, except as provided in subparagraph 4, if  
23 such person is convicted of committing a third, or  
24 subsequent, violation or any combination of the above  
25 offenses, including similar out-of-state offenses,  
26 contained in subparagraph 2, then such person may not make

1 application for a license until after the expiration of 10  
2 years from the effective date of the most recent  
3 revocation.

4 4. The person may not make application for a license  
5 and is not eligible to be issued a restricted driving  
6 permit if the person is convicted of committing a fourth or  
7 subsequent violation of Section 11-501 of this Code or a  
8 similar provision of a local ordinance, Section 11-401 of  
9 this Code, Section 9-3 of the Criminal Code of 1961, or a  
10 combination of these offenses or similar provisions of  
11 local ordinances or similar out-of-state offenses.

12 Notwithstanding any other provision of this Code, all  
13 persons referred to in this paragraph (b) may not have their  
14 privileges restored until the Secretary receives payment of the  
15 required reinstatement fee pursuant to subsection (b) of  
16 Section 6-118.

17 In no event shall the Secretary issue such license unless  
18 and until such person has had a hearing pursuant to this Code  
19 and the appropriate administrative rules and the Secretary is  
20 satisfied, after a review or investigation of such person, that  
21 to grant the privilege of driving a motor vehicle on the  
22 highways will not endanger the public safety or welfare.

23 (c) (Blank).

24 (Source: P.A. 92-343, eff. 1-1-02; 92-418, eff. 8-17-01;  
25 92-458, eff. 8-22-01; 92-651, eff. 7-11-02; 93-712, eff.  
26 1-1-05; 93-788, eff. 1-1-05; revised 10-14-04.)

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

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

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

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



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

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

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

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

26 (3) a violation of Section 9-3 of the Criminal Code of

1           1961, as amended, relating to the offense of reckless  
2           homicide; or

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

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

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

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

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

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

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

1 statutory summary suspension under Section 11-501.1 of this  
2 Code.

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

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

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

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

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

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

1 driver upon a showing of proof of insurance for the vehicle  
2 that was impounded and the notarized written consent for the  
3 release by the vehicle owner.

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

7 (g) The motor vehicle used in a violation of this Section  
8 is subject to seizure and forfeiture as provided in Sections  
9 36-1 and 36-2 of the Criminal Code of 1961 if the person's  
10 driving privilege was revoked or suspended as a result of a  
11 violation listed in paragraph (1), (2), or (3) of subsection  
12 (c) of this Section or as a result of a summary suspension as  
13 provided in paragraph (4) of subsection (c) of 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 (Text of Section from P.A. 93-1093 and 94-963)

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

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

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

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

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

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

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

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

13 (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 other drug or drugs, intoxicating compound or compounds or any  
9 combination thereof, as defined by this Section, including but  
10 not limited to the purchase of law enforcement equipment and  
11 commodities that will assist in the prevention of alcohol  
12 related criminal violence throughout the State; police officer  
13 training and education in areas related to alcohol related  
14 crime, including but not limited to DUI training; and police  
15 officer salaries, including but not limited to salaries for  
16 hire back funding for safety checkpoints, saturation patrols,  
17 and liquor store sting operations.

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

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 (c-2) (Blank).

22 (c-3) (Blank).

23 (c-4) (Blank).

24 (c-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 (c-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 (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 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 (c-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 (e) 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 (e-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 other 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 other 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 other drug or drugs, intoxicating compound or compounds or any  
4 combination thereof, as defined by this Section, including but  
5 not limited to the purchase of law enforcement equipment and  
6 commodities to assist in the prevention of alcohol related  
7 criminal violence throughout the State; police officer  
8 training and education in areas related to alcohol related  
9 crime, including but not limited to DUI training; and police  
10 officer salaries, including but not limited to salaries for  
11 hire back funding for safety checkpoints, saturation patrols,  
12 and liquor store sting operations.

13 (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.)