



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB1346

Introduced 2/18/2009, by Rep. Kevin Joyce, Susana A Mendoza and Maria Antonia Berrios

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Vehicle Code to provide that the provisions related to driving while under the influence (DUI) apply to driving any motor vehicle while under the influence. Provides that the suspension and revocation of a person's motor vehicle driving privileges and the person's opportunity for a hearing for a violation of the DUI provisions of the Illinois Vehicle Code also apply to operation of a snowmobile or watercraft while under the influence. Amends the Snowmobile Registration and Safety Act and the Boat Registration and Safety Act. Changes the penalties for operation of a snowmobile or watercraft while under the influence so they are similar to the penalties in the Illinois Vehicle Code for DUI. Provides for additional administrative sanctions for operation of a snowmobile or watercraft while under the influence that are similar to certain administrative sanctions for a DUI violation in the Illinois Vehicle Code. Amends implied consent provisions of the Snowmobile Registration and Safety Act and the Boat Registration and Safety Act to provide that a law enforcement officer must give notice to the Secretary of State when a person refuses to submit to a chemical test and must give additional warnings to the person regarding possible driver's license suspension, and requires the court clerk to send notice to the Secretary of State if the person fails to request a hearing or if the court finds against the person. Makes other changes. Effective immediately.

LRB096 06066 AJT 16148 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

FISCAL NOTE ACT  
MAY APPLY

1 AN ACT concerning transportation, which may be referred to  
2 as Randy's Law.

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

5 Section 5. The Illinois Vehicle Code is amended by changing  
6 Sections 1-197.5, 2-118.1, and 11-501 and adding Section  
7 6-100.5 as follows:

8 (625 ILCS 5/1-197.5) (from Ch. 95 1/2, par. 1-203.1)

9 Sec. 1-197.5. Statutory summary alcohol or other drug  
10 related suspension of driver's privileges. The withdrawal by  
11 the circuit court of a person's license or privilege to operate  
12 a motor vehicle on the public highways for the periods provided  
13 in Section 6-208.1. Reinstatement after the suspension period  
14 shall occur after all appropriate fees have been paid, unless  
15 the court notifies the Secretary of State that the person  
16 should be disqualified. The bases for this withdrawal of  
17 driving privileges shall be the individual's refusal to submit  
18 to or failure to complete a chemical test or tests following an  
19 arrest for the offense of driving under the influence of  
20 alcohol, other drugs, or intoxicating compounds, or any  
21 combination thereof, or submission to such a test or tests  
22 indicating an alcohol concentration of 0.08 or more as provided  
23 in Section 11-501.1 of this Code, Section 5-7.1 of the

1 Snowmobile Registration and Safety Act, or Section 5-16 of the  
2 Boat Registration and Safety Act.

3 (Source: P.A. 92-834, eff. 8-22-02.)

4 (625 ILCS 5/2-118.1) (from Ch. 95 1/2, par. 2-118.1)

5 Sec. 2-118.1. Opportunity for hearing; statutory summary  
6 alcohol or other drug related suspension.

7 (a) A statutory summary suspension of driving privileges  
8 under Section 11-501.1 shall not become effective until the  
9 person is notified in writing of the impending suspension and  
10 informed that he may request a hearing in the circuit court of  
11 venue under paragraph (b) of this Section and the statutory  
12 summary suspension shall become effective as provided in  
13 Section 11-501.1.

14 (b) Within 90 days after the notice of statutory summary  
15 suspension served under Section 11-501.1, the person may make a  
16 written request for a judicial hearing in the circuit court of  
17 venue. The request to the circuit court shall state the grounds  
18 upon which the person seeks to have the statutory summary  
19 suspension rescinded. Within 30 days after receipt of the  
20 written request or the first appearance date on the Uniform  
21 Traffic Ticket issued pursuant to a violation of Section  
22 11-501, or a similar provision of a local ordinance, the  
23 hearing shall be conducted by the circuit court having  
24 jurisdiction. This judicial hearing, request, or process shall  
25 not stay or delay the statutory summary suspension. The

1 hearings shall proceed in the court in the same manner as in  
2 other civil proceedings.

3 The hearing may be conducted upon a review of the law  
4 enforcement officer's own official reports; provided however,  
5 that the person may subpoena the officer. Failure of the  
6 officer to answer the subpoena shall be considered grounds for  
7 a continuance if in the court's discretion the continuance is  
8 appropriate.

9 The scope of the hearing shall be limited to the issues of:

10 1. Whether the person was placed under arrest for an  
11 offense as defined in Section 11-501, or a similar  
12 provision of a local ordinance, as evidenced by the  
13 issuance of a Uniform Traffic Ticket, or issued a Uniform  
14 Traffic Ticket out of state as provided in subsection (a)  
15 of Section 11-501.1; and

16 2. Whether the officer had reasonable grounds to  
17 believe that the person was driving or in actual physical  
18 control of a motor vehicle upon a highway while under the  
19 influence of alcohol, other drug, or combination of both;  
20 and

21 3. Whether the person, after being advised by the  
22 officer that the privilege to operate a motor vehicle would  
23 be suspended if the person refused to submit to and  
24 complete the test or tests, did refuse to submit to or  
25 complete the test or tests to determine the person's  
26 alcohol or drug concentration; or

1           4. Whether the person, after being advised by the  
2 officer that the privilege to operate a motor vehicle would  
3 be suspended if the person submits to a chemical test, or  
4 tests, and the test discloses an alcohol concentration of  
5 0.08 or more, or any amount of a drug, substance, or  
6 compound in the person's blood or urine resulting from the  
7 unlawful use or consumption of cannabis listed in the  
8 Cannabis Control Act, a controlled substance listed in the  
9 Illinois Controlled Substances Act, an intoxicating  
10 compound as listed in the Use of Intoxicating Compounds  
11 Act, or methamphetamine as listed in the Methamphetamine  
12 Control and Community Protection Act, and the person did  
13 submit to and complete the test or tests that determined an  
14 alcohol concentration of 0.08 or more.

15           Upon the conclusion of the judicial hearing, the circuit  
16 court shall sustain or rescind the statutory summary suspension  
17 and immediately notify the Secretary of State. Reports received  
18 by the Secretary of State under this Section shall be  
19 privileged information and for use only by the courts, police  
20 officers, and Secretary of State.

21           (c) For purposes of this Section:

22           (1) A violation of Section 5-7 of the Snowmobile  
23 Registration and Safety Act or a similar provision of a  
24 local ordinance or a similar out-of-state offense, or  
25 Section 5-16 of the Boat Registration and Safety Act or a  
26 similar provision of a local ordinance or a similar

1 out-of-state offense shall be deemed to be the same as a  
2 violation of Section 11-501 of this Code.

3 (2) A suspension for refusal to submit to a chemical  
4 test under Section 5-7.1 of the Snowmobile Registration and  
5 Safety Act or Section 5-16 of the Boat Registration and  
6 Safety Act shall be deemed to be the same as a statutory  
7 summary suspension for refusal to submit to a chemical test  
8 under Section 11-501.1 or 11-501.8 of this Code.

9 (3) A refusal to submit to a chemical test under  
10 Section 5-7.1 of the Snowmobile Registration and Safety Act  
11 or Section 5-16 of the Boat Registration and Safety Act  
12 shall be deemed to be the same as a refusal to submit to a  
13 chemical test under Section 11-501.1 or 11-501.8 of this  
14 Code.

15 (Source: P.A. 95-355, eff. 1-1-08.)

16 (625 ILCS 5/6-100.5 new)

17 Sec. 6-100.5. Snowmobile Registration and Safety Act; Boat  
18 Registration and Safety Act. For purposes of this Chapter:

19 (1) A violation of Section 5-7 of the Snowmobile  
20 Registration and Safety Act or a similar provision of a  
21 local ordinance or a similar out-of-state offense, or  
22 Section 5-16 of the Boat Registration and Safety Act or a  
23 similar provision of a local ordinance or a similar  
24 out-of-state offense shall be deemed to be the same as a  
25 violation of Section 11-501 of this Code.

1           (2) A suspension for refusal to submit to a chemical  
2           test under Section 5-7.1 of the Snowmobile Registration and  
3           Safety Act or Section 5-16 of the Boat Registration and  
4           Safety Act shall be deemed to be the same as a statutory  
5           summary suspension for refusal to submit to a chemical test  
6           under Section 11-501.1 or 11-501.8 of this Code.

7           (3) A refusal to submit to a chemical test under  
8           Section 5-7.1 of the Snowmobile Registration and Safety Act  
9           or Section 5-16 of the Boat Registration and Safety Act  
10           shall be deemed to be the same as a refusal to submit to a  
11           chemical test under Section 11-501.1 or 11-501.8 of this  
12           Code.

13           (625 ILCS 5/11-501) (from Ch. 95 1/2, par. 11-501)

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

17           (a) A person shall not drive or be in actual physical  
18           control of any motor vehicle, as defined in Section 1-146,  
19           within this State while:

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

23                 (2) under the influence of alcohol;

24                 (3) under the influence of any intoxicating compound or  
25                 combination of intoxicating compounds to a degree that

1 renders the person incapable of driving safely;

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

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

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

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

25 (2) A person who violates subsection (a) or a similar  
26 provision a second time shall be sentenced to a mandatory



1 minimum term of either 5 days of imprisonment or 240 hours  
2 of community service in addition to any other criminal or  
3 administrative sanction.

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

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

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

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

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

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

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

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

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

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

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

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

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

1 or a monitoring device driving permit;

2 (I) the person committed the violation while he or  
3 she knew or should have known that the vehicle he or  
4 she was driving was not covered by a liability  
5 insurance policy;

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

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

15 (2) (A) Except as provided otherwise, a person  
16 convicted of aggravated driving under the influence of  
17 alcohol, other drug or drugs, or intoxicating compound or  
18 compounds, or any combination thereof is guilty of a Class  
19 4 felony.

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

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

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

21 (D) A fifth violation of this Section or a similar  
22 provision is a Class 1 felony, for which a sentence of  
23 probation or conditional discharge may not be imposed. If  
24 at the time of the violation, the alcohol concentration in  
25 the defendant's blood, breath, or urine was 0.16 or more  
26 based on the definition of blood, breath, or urine units in

1 Section 11-501.2, a mandatory minimum fine of \$5,000 shall  
2 be imposed in addition to any other criminal or  
3 administrative sanction. If at the time of the fifth  
4 violation, the defendant was transporting a person under  
5 the age of 16, a mandatory fine of \$25,000, and 25 days of  
6 community service in a program benefiting children shall be  
7 imposed in addition to any other criminal or administrative  
8 sanction.

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

22 (F) 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.

26 (G) A violation of subparagraph (F) of paragraph (1) of

1           this subsection (d) is a Class 2 felony, for which the  
2           defendant, unless the court determines that extraordinary  
3           circumstances exist and require probation, shall be  
4           sentenced to: (i) a term of imprisonment of not less than 3  
5           years and not more than 14 years if the violation resulted  
6           in the death of one person; or (ii) a term of imprisonment  
7           of not less than 6 years and not more than 28 years if the  
8           violation resulted in the deaths of 2 or more persons.

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

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

25          (3) Any person sentenced under this subsection (d) who  
26          receives a term of probation or conditional discharge must

1           serve a minimum term of either 480 hours of community  
2           service or 10 days of imprisonment as a condition of the  
3           probation or conditional discharge in addition to any other  
4           criminal or administrative sanction.

5           (e) Any reference to a prior violation of subsection (a) or  
6           a similar provision includes any violation of a provision of a  
7           local ordinance or a provision of a law of another state or an  
8           offense committed on a military installation that is similar to  
9           a violation of subsection (a) of this Section.

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

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

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

20          (Source: P.A. 94-110, eff. 1-1-06; 94-113, eff. 1-1-06; 94-114,  
21          eff. 1-1-06; 94-116, eff. 1-1-06; 94-329, eff. 1-1-06; 94-609,  
22          eff. 1-1-06; 94-963, eff. 6-28-06; 95-149, eff. 8-14-07;  
23          95-355, eff. 1-1-08; 95-400, eff. 1-1-09; 95-578, eff. 6-1-08;  
24          95-778, eff. 8-4-08; 95-876, eff. 8-21-08.)

25                 Section 10. The Snowmobile Registration and Safety Act is



1 amended by changing Sections 5-7 and 5-7.1 and adding Section  
2 5-7.01 as follows:

3 (625 ILCS 40/5-7)

4 Sec. 5-7. Operating a snowmobile while under the influence  
5 of alcohol or other drug or drugs, intoxicating compound or  
6 compounds, or a combination of them; criminal penalties;  
7 suspension of operating privileges.

8 (a) A person may not operate or be in actual physical  
9 control of a snowmobile within this State while:

10 1. The alcohol concentration in that person's blood or  
11 breath is a concentration at which driving a motor vehicle  
12 is prohibited under subdivision (1) of subsection (a) of  
13 Section 11-501 of the Illinois Vehicle Code;

14 2. The person is under the influence of alcohol;

15 3. The person is under the influence of any other drug  
16 or combination of drugs to a degree that renders that  
17 person incapable of safely operating a snowmobile;

18 3.1. The person is under the influence of any  
19 intoxicating compound or combination of intoxicating  
20 compounds to a degree that renders the person incapable of  
21 safely operating a snowmobile;

22 4. The person is under the combined influence of  
23 alcohol and any other drug or drugs or intoxicating  
24 compound or compounds to a degree that renders that person  
25 incapable of safely operating a snowmobile; or

1           5. There is any amount of a drug, substance, or  
2           compound in that person's breath, blood, or urine resulting  
3           from the unlawful use or consumption of cannabis listed in  
4           the Cannabis Control Act, controlled substance listed in  
5           the Illinois Controlled Substances Act, or intoxicating  
6           compound listed in the use of Intoxicating Compounds Act.

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

12          ~~(e) Every person convicted of violating this Section or a~~  
13          ~~similar provision of a local ordinance is guilty of a Class A~~  
14          ~~misdemeanor, except as otherwise provided in this Section.~~

15          (b-1) ~~(e-1)~~ As used in this Section, "first time offender"  
16          means any person who has not had a previous conviction or been  
17          assigned supervision for violating this Section or a similar  
18          provision of a local ordinance, or any person who has not had a  
19          suspension imposed under subsection (e) of Section 5-7.1.

20          (b-2) ~~(e-2)~~ For purposes of this Section, the following are  
21          equivalent to a conviction:

22               (1) a forfeiture of bail or collateral deposited to  
23               secure a defendant's appearance in court when forfeiture  
24               has not been vacated; or

25               (2) the failure of a defendant to appear for trial.

26          (c) Penalties.

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

4           (2) A person who violates subsection (a) or a similar  
5           provision a second time shall be sentenced to a mandatory  
6           minimum term of either 5 days of imprisonment or 240 hours  
7           of community service in addition to any other criminal or  
8           administrative sanction.

9           (3) A person who violates subsection (a) is subject to  
10          6 months of imprisonment, an additional mandatory minimum  
11          fine of \$1,000, and 25 days of community service in a  
12          program benefiting children if the person was transporting  
13          a person under the age of 16 at the time of the violation.

14          (4) A person who violates subsection (a) a first time,  
15          if the alcohol concentration in his or her blood, breath,  
16          or urine was 0.16 or more based on the definition of blood,  
17          breath, or urine units in Section 11-501.2 of the Illinois  
18          Vehicle Code, shall be subject, in addition to any other  
19          penalty that may be imposed, to a mandatory minimum of 100  
20          hours of community service and a mandatory minimum fine of  
21          \$500.

22          (5) A person who violates subsection (a) a second time,  
23          if at the time of the second violation the alcohol  
24          concentration in his or her blood, breath, or urine was  
25          0.16 or more based on the definition of blood, breath, or  
26          urine units in Section 11-501.2 of the Illinois Vehicle

1 Code, shall be subject, in addition to any other penalty  
2 that may be imposed, to a mandatory minimum of 2 days of  
3 imprisonment and a mandatory minimum fine of \$1,250.

4 (d) Aggravated operation of a snowmobile under the  
5 influence of alcohol, other drug or drugs, or intoxicating  
6 compound or compounds, or any combination thereof.

7 (1) Every person convicted of committing a violation of  
8 this Section shall be guilty of aggravated operation of a  
9 snowmobile under the influence of alcohol, other drug or  
10 drugs, or intoxicating compound or compounds, or any  
11 combination thereof if:

12 (A) the person committed a violation of subsection  
13 (a) or a similar provision for the third or subsequent  
14 time;

15 (B) (blank);

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

21 (D) the person committed a violation of subsection  
22 (a) for a second time and has been previously convicted  
23 of violating Section 9-3 of the Criminal Code of 1961  
24 or a similar provision of a law of another state  
25 relating to reckless homicide in which the person was  
26 determined to have been under the influence of alcohol,

1 other drug or drugs, or intoxicating compound or  
2 compounds as an element of the offense or the person  
3 has previously been convicted under subparagraph (C)  
4 or subparagraph (F) of this paragraph (1);

5 (E) (blank);

6 (F) the person, in committing a violation of  
7 subsection (a), was involved in an accident that  
8 resulted in the death of another person, when the  
9 violation of subsection (a) was a proximate cause of  
10 the death;

11 (G) the person committed a violation of subsection  
12 (a) during a period in which the defendant's privileges  
13 to operate a motor vehicle, snowmobile, or watercraft  
14 are revoked or suspended, where the revocation or  
15 suspension was for a violation of subsection (a),  
16 Section 5-16 of the Boat Registration and Safety Act,  
17 Section 11-501 or 11-501.1 of the Illinois Vehicle  
18 Code, paragraph (b) of Section 11-401 of the Illinois  
19 Vehicle Code, or for reckless homicide as defined in  
20 Section 9-3 of the Criminal Code of 1961;

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

25 (I) (blank);

26 (J) the person in committing a violation of

1           subsection (a) was involved in an accident that  
2           resulted in bodily harm, but not great bodily harm, to  
3           the child under the age of 16 being transported by the  
4           person, if the violation was the proximate cause of the  
5           injury; or

6           (K) the person in committing a second violation of  
7           subsection (a) or a similar provision was transporting  
8           a person under the age of 16.

9           (2) (A) Except as provided otherwise, a person  
10          convicted of aggravated operation of a snowmobile under the  
11          influence of alcohol, other drug or drugs, or intoxicating  
12          compound or compounds, or any combination thereof is guilty  
13          of a Class 4 felony.

14          (B) A third violation of this Section or a similar  
15          provision is a Class 2 felony. If at the time of the third  
16          violation the alcohol concentration in his or her blood,  
17          breath, or urine was 0.16 or more based on the definition  
18          of blood, breath, or urine units in Section 11-501.2 of the  
19          Illinois Vehicle Code, a mandatory minimum of 90 days of  
20          imprisonment and a mandatory minimum fine of \$2,500 shall  
21          be imposed in addition to any other criminal or  
22          administrative sanction. If at the time of the third  
23          violation, the defendant was transporting a person under  
24          the age of 16, a mandatory fine of \$25,000 and 25 days of  
25          community service in a program benefiting children shall be  
26          imposed in addition to any other criminal or administrative

1       sanction.

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

16       (D) A fifth violation of this Section or a similar  
17 provision is a Class 1 felony, for which a sentence of  
18 probation or conditional discharge may not be imposed. If  
19 at the time of the violation, the alcohol concentration in  
20 the defendant's blood, breath, or urine was 0.16 or more  
21 based on the definition of blood, breath, or urine units in  
22 Section 11-501.2 of the Illinois Vehicle Code, a mandatory  
23 minimum fine of \$5,000 shall be imposed in addition to any  
24 other criminal or administrative sanction. If at the time  
25 of the fifth violation, the defendant was transporting a  
26 person under the age of 16, a mandatory fine of \$25,000,

1 and 25 days of community service in a program benefiting  
2 children shall be imposed in addition to any other criminal  
3 or administrative sanction.

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

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

21 (G) A violation of subparagraph (F) of paragraph (1) of  
22 this subsection (d) is a Class 2 felony, for which the  
23 defendant, unless the court determines that extraordinary  
24 circumstances exist and require probation, shall be  
25 sentenced to: (i) a term of imprisonment of not less than 3  
26 years and not more than 14 years if the violation resulted



1 in the death of one person; or (ii) a term of imprisonment  
2 of not less than 6 years and not more than 28 years if the  
3 violation resulted in the deaths of 2 or more persons.

4 (H) For a violation of subparagraph (J) of paragraph  
5 (1) of this subsection (d), a mandatory fine of \$2,500, and  
6 25 days of community service in a program benefiting  
7 children shall be imposed in addition to any other criminal  
8 or administrative sanction.

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

20 (3) Any person sentenced under this subsection (d) who  
21 receives a term of probation or conditional discharge must  
22 serve a minimum term of either 480 hours of community  
23 service or 10 days of imprisonment as a condition of the  
24 probation or conditional discharge in addition to any other  
25 criminal or administrative sanction.

26 (e) Any reference to a prior violation of subsection (a) or

1 a similar provision includes any violation of a provision of a  
2 local ordinance or a provision of a law of another state or an  
3 offense committed on a military installation that is similar to  
4 a violation of subsection (a) of this Section.

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

8 (g) Any penalty imposed for operation of a snowmobile when  
9 snowmobile operation privileges have been revoked for a  
10 previous violation of subsection (a) of this Section shall be  
11 in addition to the penalty imposed for any subsequent violation  
12 of subsection (a).

13 (h) For any prosecution under this Section, a certified  
14 copy of the snowmobile operating record or abstract of the  
15 defendant shall be admitted as proof of any prior conviction.

16 ~~(d) Every person convicted of violating this Section is~~  
17 ~~guilty of a Class 4 felony if:~~

18 ~~1. The person has a previous conviction under this~~  
19 ~~Section;~~

20 ~~2. The offense results in personal injury where a~~  
21 ~~person other than the operator suffers great bodily harm or~~  
22 ~~permanent disability or disfigurement, when the violation~~  
23 ~~was a proximate cause of the injuries. A person guilty of a~~  
24 ~~Class 4 felony under this paragraph 2, if sentenced to a~~  
25 ~~term of imprisonment, shall be sentenced to not less than~~  
26 ~~one year nor more than 12 years; or~~

1           ~~3. The offense occurred during a period in which the~~  
2           ~~person's privileges to operate a snowmobile are revoked or~~  
3           ~~suspended, and the revocation or suspension was for a~~  
4           ~~violation of this Section or was imposed under Section~~  
5           ~~5-7.1.~~

6           ~~(e) Every person convicted of violating this Section is~~  
7           ~~guilty of a Class 2 felony if the offense results in the death~~  
8           ~~of a person. A person guilty of a Class 2 felony under this~~  
9           ~~subsection (e), if sentenced to a term of imprisonment, shall~~  
10           ~~be sentenced to a term of not less than 3 years and not more~~  
11           ~~than 14 years.~~

12           ~~(e-1) Every person convicted of violating this Section or a~~  
13           ~~similar provision of a local ordinance who had a child under~~  
14           ~~the age of 16 on board the snowmobile at the time of offense~~  
15           ~~shall be subject to a mandatory minimum fine of \$500 and shall~~  
16           ~~be subject to a mandatory minimum of 5 days of community~~  
17           ~~service in a program benefiting children. The assignment under~~  
18           ~~this subsection shall not be subject to suspension nor shall~~  
19           ~~the person be eligible for probation in order to reduce the~~  
20           ~~assignment.~~

21           (i) ~~(e-2)~~ Every person found guilty of violating this  
22           Section, whose operation of a snowmobile while in violation of  
23           this Section proximately caused any incident resulting in an  
24           appropriate emergency response, shall be liable for the expense  
25           of an emergency response as provided in subsection (i) ~~(m)~~ of  
26           Section 11-501.01 ~~11-501~~ of the Illinois Vehicle Code.

1       (j) ~~(e-3)~~ In addition to any other penalties and  
2 liabilities, a person who is found guilty of violating this  
3 Section, including any person placed on court supervision,  
4 shall be fined \$100, payable to the circuit clerk, who shall  
5 distribute the money to the law enforcement agency that made  
6 the arrest. In the event that more than one agency is  
7 responsible for the arrest, the \$100 shall be shared equally.  
8 Any moneys received by a law enforcement agency under this  
9 subsection ~~(e-3)~~ shall be used to purchase law enforcement  
10 equipment or to provide law enforcement training that will  
11 assist in the prevention of alcohol related criminal violence  
12 throughout the State. Law enforcement equipment shall include,  
13 but is not limited to, in-car video cameras, radar and laser  
14 speed detection devices, and alcohol breath testers.

15       (k) ~~(f)~~ In addition to any criminal penalties imposed, the  
16 Department of Natural Resources shall suspend the snowmobile  
17 operation privileges of a person convicted or found guilty of a  
18 misdemeanor under this Section for a period of one year, except  
19 that first-time offenders are exempt from this mandatory one  
20 year suspension.

21       (l) ~~(g)~~ In addition to any criminal penalties imposed, the  
22 Department of Natural Resources shall suspend for a period of 5  
23 years the snowmobile operation privileges of any person  
24 convicted or found guilty of a felony under this Section.

25       (Source: P.A. 94-214, eff. 1-1-06; 95-149, eff. 8-14-07.)

1 (625 ILCS 40/5-7.01 new)

2 Sec. 5-7.01. Additional administrative sanctions.

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

15 (b) Any person who is found guilty of or pleads guilty to  
16 violating Section 5-7, including any person receiving a  
17 disposition of court supervision for violating that Section,  
18 may be required by the Court to attend a victim impact panel  
19 offered by, or under contract with, a county State's Attorney's  
20 office, a probation and court services department, Mothers  
21 Against Drunk Driving, or the Alliance Against Intoxicated  
22 Motorists. All costs generated by the victim impact panel shall  
23 be paid from fees collected from the offender or as may be  
24 determined by the court.

25 (625 ILCS 40/5-7.1)

1           Sec. 5-7.1. Implied consent.

2           (a) A person who operates or is in actual physical control  
3 of a snowmobile in this State is deemed to have given consent  
4 to a chemical test or tests of blood, breath, or urine for the  
5 purpose of determining the content of alcohol, other drug or  
6 drugs, intoxicating compound or compounds, or a combination of  
7 them in that person's blood if arrested for a violation of  
8 Section 5-7. The chemical test or tests shall be administered  
9 at the direction of the arresting officer. The law enforcement  
10 agency employing the officer shall designate which tests shall  
11 be administered. A urine test may be administered even after a  
12 blood or breath test or both has been administered.

13           (a-1) For the purposes of this Section, an Illinois law  
14 enforcement officer of this State who is investigating the  
15 person for any offense defined in Section 5-7 may travel into  
16 an adjoining state, where the person has been transported for  
17 medical care to complete an investigation and to request that  
18 the person submit to the test or tests set forth in this  
19 Section. The requirements of this Section that the person be  
20 arrested are inapplicable, but the officer shall issue the  
21 person a uniform citation for an offense as defined in Section  
22 5-7 or a similar provision of a local ordinance prior to  
23 requesting that the person submit to the test or tests. The  
24 issuance of the uniform citation shall not constitute an  
25 arrest, but shall be for the purpose of notifying the person  
26 that he or she is subject to the provisions of this Section and

1 of the officer's belief of the existence of probable cause to  
2 arrest. Upon returning to this State, the officer shall file  
3 the uniform citation with the circuit clerk of the county where  
4 the offense was committed and shall seek the issuance of an  
5 arrest warrant or a summons for the person.

6 (a-2) Notwithstanding any ability to refuse under this Act  
7 to submit to these tests or any ability to revoke the implied  
8 consent to these tests, if a law enforcement officer has  
9 probable cause to believe that a snowmobile operated by or  
10 under actual physical control of a person under the influence  
11 of alcohol, other drug or drugs, intoxicating compound or  
12 compounds, or any combination of them has caused the death or  
13 personal injury to another, that person shall submit, upon the  
14 request of a law enforcement officer, to a chemical test or  
15 tests of his or her blood, breath, or urine for the purpose of  
16 determining the alcohol content or the presence of any other  
17 drug or combination of both. For the purposes of this Section,  
18 a personal injury includes severe bleeding wounds, distorted  
19 extremities, and injuries that require the injured party to be  
20 carried from the scene for immediate professional attention in  
21 either a doctor's office or a medical facility.

22 (b) A person who is dead, unconscious, or who is otherwise  
23 in a condition rendering that person incapable of refusal, is  
24 deemed not to have withdrawn the consent provided in subsection  
25 (a), and the test or tests may be administered.

26 (c) A person requested to submit to a test as provided in

1 this Section shall be verbally advised by the law enforcement  
2 officer requesting the test that a refusal to submit to the  
3 test will result in suspension of that person's privilege to  
4 operate a snowmobile or watercraft for a minimum of 2 years,  
5 and the statutory summary suspension of the person's privilege  
6 to operate a motor vehicle, as provided in Section 6-208.1 of  
7 the Illinois Vehicle Code, and will also result in the  
8 disqualification of the person's privilege to operate a  
9 commercial motor vehicle, as provided in Section 6-514 of the  
10 Illinois Vehicle Code, if the person is a CDL holder. The  
11 person shall also be warned by the law enforcement officer that  
12 if the person submits to the test or tests provided in  
13 paragraph (a) of this Section and the alcohol concentration in  
14 the person's blood or breath is 0.08 or greater, or any amount  
15 of a drug, substance, or compound resulting from the unlawful  
16 use or consumption of cannabis as covered by the Cannabis  
17 Control Act, a controlled substance listed in the Illinois  
18 Controlled Substances Act, an intoxicating compound listed in  
19 the Use of Intoxicating Compounds Act, or methamphetamine as  
20 listed in the Methamphetamine Control and Community Protection  
21 Act is detected in the person's blood or urine, a statutory  
22 summary suspension of the person's privilege to operate a motor  
23 vehicle, as provided in Sections 6-208.1 and 11-501.1 of the  
24 Illinois Vehicle Code, and a disqualification of the person's  
25 privilege to operate a commercial motor vehicle, as provided in  
26 Section 6-514 of the Illinois Vehicle Code, if the person is a



1 CDL holder, will be imposed.

2 A person who is under the age of 21 at the time the person  
3 is requested to submit to a test as provided above shall, in  
4 addition to the warnings provided for in this Section, be  
5 further warned by the law enforcement officer requesting the  
6 test that if the person submits to the test or tests provided  
7 in paragraph (a) of this Section and the alcohol concentration  
8 in the person's blood or breath is greater than 0.00 and less  
9 than 0.08, a suspension of the person's privilege to operate a  
10 motor vehicle, as provided under Sections 6-208.2 and 11-501.8  
11 of the Illinois Vehicle Code, will be imposed. The results of  
12 this test shall be admissible in a civil or criminal action or  
13 proceeding arising from an arrest for an offense as defined in  
14 Section 5-7 of this Act or a similar provision of a local  
15 ordinance or pursuant to Section 11-501.4 of the Illinois  
16 Vehicle Code in prosecutions for reckless homicide brought  
17 under the Criminal Code of 1961. These test results, however,  
18 shall be admissible only in actions or proceedings directly  
19 related to the incident upon which the test request was made..

20 (d) Following this warning, if a person under arrest  
21 refuses upon the request of a law enforcement officer to submit  
22 to a test designated by the officer, no tests may be given, but  
23 the law enforcement officer shall file with the clerk of the  
24 circuit court for the county in which the arrest was made, and  
25 with the Department of Natural Resources, a sworn statement  
26 naming the person refusing to take and complete the chemical

1 test or tests requested under the provisions of this Section.  
2 The sworn statement shall identify the arrested person, the  
3 person's current residence address and shall specify that a  
4 refusal by that person to take the chemical test or tests was  
5 made. The sworn statement shall include a statement that the  
6 officer had reasonable cause to believe the person was  
7 operating or was in actual physical control of the snowmobile  
8 within this State while under the influence of alcohol, other  
9 drug or drugs, an intoxicating compound or compound, or a  
10 combination of them and that a chemical test or tests were  
11 requested as an incident to and following the lawful arrest for  
12 an offense as defined in Section 5-7 or a similar provision of  
13 a local ordinance, and that the person, after being arrested  
14 for an offense arising out of acts alleged to have been  
15 committed while operating a snowmobile, refused to submit to  
16 and complete a chemical test or tests as requested by the law  
17 enforcement officer.

18 (e) The law enforcement officer submitting the sworn  
19 statement shall serve immediate written notice upon the person  
20 refusing the chemical test or tests that the person's privilege  
21 to operate a snowmobile or watercraft within this State will be  
22 suspended for a period of 2 years, a statutory summary  
23 suspension of the person's privilege to operate a motor  
24 vehicle, as provided in Sections 6-208.1 and 6-208.2 of the  
25 Illinois Vehicle Code will be imposed, and a disqualification  
26 of the person's privilege to operate a commercial motor

1 vehicle, as provided in Section 6-514 of the Illinois Vehicle  
2 Code, if the person is a CDL holder, will be imposed unless,  
3 within 28 days from the date of the notice, the person requests  
4 in writing a hearing on the suspension.

5 If the person desires a hearing, the person shall file a  
6 complaint in the circuit court in the county where that person  
7 was arrested within 28 days from the date of the notice. The  
8 hearing shall proceed in the court in the same manner as other  
9 civil proceedings. The hearing shall cover only the following  
10 issues: (1) whether the person was placed under arrest for an  
11 offense as defined in Section 5-7 or a similar provision of a  
12 local ordinance as evidenced by the issuance of a uniform  
13 citation; (2) whether the arresting officer had reasonable  
14 grounds to believe that the person was operating a snowmobile  
15 while under the influence of alcohol, other drug or drugs, an  
16 intoxicating compound or compounds, or a combination of them;  
17 and (3) whether that person refused to submit to and complete  
18 the chemical test or tests upon the request of the law  
19 enforcement officer. Whether the person was informed that the  
20 person's privilege to operate a snowmobile would be suspended  
21 if that person refused to submit to the chemical test or tests  
22 may not be an issue in the hearing.

23 If the person fails to request a hearing in writing within  
24 28 days of the date of the notice, or if a hearing is held and  
25 the court finds against the person on the issues before the  
26 court, the clerk shall immediately notify the Department of

1 Natural Resources, and the Department shall suspend the  
2 snowmobile operation privileges of that person for at least 2  
3 years.

4 If the person fails to request in writing a hearing within  
5 28 days from the date of notice, or if a hearing is held and the  
6 court finds against the person on the issues before the court,  
7 the clerk shall immediately notify the Secretary of State, and  
8 the Secretary of State shall impose a statutory summary  
9 suspension of the person's privilege to operate a motor  
10 vehicle, as provided in Sections 6-208.1 and 6-208.2 of the  
11 Illinois Vehicle Code, and a disqualification of the person's  
12 privilege to operate a commercial motor vehicle, as provided in  
13 Section 6-514 of the Illinois Vehicle Code, if the person is a  
14 CDL holder.

15 (f) (Blank).

16 (f-1) If the person submits to a test that discloses an  
17 alcohol concentration of 0.08 or more, or any amount of a drug,  
18 substance, or intoxicating compound in the person's breath,  
19 blood, or urine resulting from the unlawful use of cannabis  
20 listed in the Cannabis Control Act, a controlled substance  
21 listed in the Illinois Controlled Substances Act, or an  
22 intoxicating compound listed in the Use of Intoxicating  
23 Compounds Act, the law enforcement officer shall immediately  
24 submit a sworn report to the circuit clerk of venue and the  
25 Department of Natural Resources, certifying that the test or  
26 tests was or were requested under subsection (a-1) of this

1 Section and the person submitted to testing that disclosed an  
2 alcohol concentration of 0.08 or more.

3 In cases where the blood alcohol concentration of 0.08 or  
4 greater or any amount of drug, substance, or compound resulting  
5 from the unlawful use of cannabis, a controlled substance, or  
6 an intoxicating compound is established by a subsequent  
7 analysis of blood or urine collected at the time of arrest, the  
8 arresting officer or arresting agency shall immediately submit  
9 a sworn report to the circuit clerk of venue and the Department  
10 of Natural Resources upon receipt of the test results.

11 (g) A person must submit to each chemical test offered by  
12 the law enforcement officer in order to comply with implied  
13 consent provisions of this Section.

14 (h) The provision of Section 11-501.2 of the Illinois  
15 Vehicle Code concerning the certification and use of chemical  
16 tests applies to the use of those tests under this Section.

17 (Source: P.A. 93-156, eff. 1-1-04.)

18 Section 15. The Boat Registration and Safety Act is amended  
19 by changing Section 5-16 and adding Section 5-16c as follows:

20 (625 ILCS 45/5-16)

21 Sec. 5-16. Operating a watercraft under the influence of  
22 alcohol, other drug or drugs, intoxicating compound or  
23 compounds, or combination thereof.

24 (a) ~~(A) 1.~~ A person shall not operate or be in actual

1 physical control of any watercraft within this State while:

2 (1) ~~(a)~~ The alcohol concentration in such person's  
3 blood or breath is a concentration at which driving a motor  
4 vehicle is prohibited under subdivision (1) of subsection  
5 (a) of Section 11-501 of the Illinois Vehicle Code;

6 (2) ~~(b)~~ Under the influence of alcohol;

7 (3) ~~(c)~~ Under the influence of any other drug or  
8 combination of drugs to a degree which renders such person  
9 incapable of safely operating any watercraft;

10 (4) ~~(c-1)~~ Under the influence of any intoxicating  
11 compound or combination of intoxicating compounds to a  
12 degree that renders the person incapable of safely  
13 operating any watercraft;

14 (5) ~~(d)~~ Under the combined influence of alcohol and any  
15 other drug or drugs to a degree which renders such person  
16 incapable of safely operating a watercraft; or

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

23 ~~2.~~ The fact that any person charged with violating this  
24 Section is or has been legally entitled to use alcohol, other  
25 drug or drugs, any intoxicating compound or compounds, or any  
26 combination of them, shall not constitute a defense against any

1 charge of violating this Section.

2 (b) (Blank).

3 (c) Penalties.

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

7 (2) A person who violates subsection (a) or a similar  
8 provision a second time shall be sentenced to a mandatory  
9 minimum term of either 5 days of imprisonment or 240 hours  
10 of community service in addition to any other criminal or  
11 administrative sanction.

12 (3) A person who violates subsection (a) is subject to  
13 6 months of imprisonment, an additional mandatory minimum  
14 fine of \$1,000, and 25 days of community service in a  
15 program benefiting children if the person was transporting  
16 a person under the age of 16 at the time of the violation.

17 (4) A person who violates subsection (a) a first time,  
18 if the alcohol concentration in his or her blood, breath,  
19 or urine was 0.16 or more based on the definition of blood,  
20 breath, or urine units in Section 11-501.2 of the Illinois  
21 Vehicle Code, shall be subject, in addition to any other  
22 penalty that may be imposed, to a mandatory minimum of 100  
23 hours of community service and a mandatory minimum fine of  
24 \$500.

25 (5) A person who violates subsection (a) a second time,  
26 if at the time of the second violation the alcohol

1 concentration in his or her blood, breath, or urine was  
2 0.16 or more based on the definition of blood, breath, or  
3 urine units in Section 11-501.2 of the Illinois Vehicle  
4 Code, shall be subject, in addition to any other penalty  
5 that may be imposed, to a mandatory minimum of 2 days of  
6 imprisonment and a mandatory minimum fine of \$1,250.

7 (d) Aggravated operation of a watercraft under the  
8 influence of alcohol, other drug or drugs, or intoxicating  
9 compound or compounds, or any combination thereof.

10 (1) Every person convicted of committing a violation of  
11 this Section shall be guilty of aggravated operation of a  
12 watercraft under the influence of alcohol, other drug or  
13 drugs, or intoxicating compound or compounds, or any  
14 combination 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) (blank);

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

24 (D) the person committed a violation of subsection  
25 (a) for a second time and has been previously convicted  
26 of violating Section 9-3 of the Criminal Code of 1961



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

8 (E) (blank);

9 (F) the person, in committing a violation of  
10 subsection (a), was involved in an accident that  
11 resulted in the death of another person, when the  
12 violation of subsection (a) was a proximate cause of  
13 the death;

14 (G) the person committed a violation of subsection  
15 (a) during a period in which the defendant's privileges  
16 to operate a motor vehicle, snowmobile, or watercraft  
17 are revoked or suspended, where the revocation or  
18 suspension was for a violation of subsection (a),  
19 Section 5-7 of the Snowmobile Registration and Safety  
20 Act, Section 11-501 or 11-501.1 of the Illinois Vehicle  
21 Code, paragraph (b) of Section 11-401 of the Illinois  
22 Vehicle Code, or for reckless homicide as defined in  
23 Section 9-3 of the Criminal Code of 1961;

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

1 or a monitoring device driving permit;

2 (I) (blank);

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 (g) Any penalty imposed for operation of a watercraft when  
12 watercraft operation privileges have been revoked for a  
13 previous violation of subsection (a) of this Section shall be  
14 in addition to the penalty imposed for any subsequent violation  
15 of subsection (a).

16 (h) For any prosecution under this Section, a certified  
17 copy of the watercraft operating record or abstract of the  
18 defendant shall be admitted as proof of any prior conviction.

19 ~~3. Every person convicted of violating this Section~~  
20 ~~shall be guilty of a Class A misdemeanor, except as~~  
21 ~~otherwise provided in this Section.~~

22 ~~4. Every person convicted of violating this Section~~  
23 ~~shall be guilty of a Class 4 felony if:~~

24 ~~(a) He has a previous conviction under this~~  
25 ~~Section;~~

26 ~~(b) The offense results in personal injury where a~~

1 ~~person other than the operator suffers great bodily~~  
2 ~~harm or permanent disability or disfigurement, when~~  
3 ~~the violation was a proximate cause of the injuries. A~~  
4 ~~person guilty of a Class 4 felony under this~~  
5 ~~subparagraph (b), if sentenced to a term of~~  
6 ~~imprisonment, shall be sentenced to a term of not less~~  
7 ~~than one year nor more than 12 years; or~~

8 ~~(c) The offense occurred during a period in which~~  
9 ~~his or her privileges to operate a watercraft are~~  
10 ~~revoked or suspended, and the revocation or suspension~~  
11 ~~was for a violation of this Section or was imposed~~  
12 ~~under subsection (B).~~

13 ~~5. Every person convicted of violating this Section~~  
14 ~~shall be guilty of a Class 2 felony if the offense results~~  
15 ~~in the death of a person. A person guilty of a Class 2~~  
16 ~~felony under this paragraph 5, if sentenced to a term of~~  
17 ~~imprisonment, shall be sentenced to a term of not less than~~  
18 ~~3 years and not more than 14 years.~~

19 ~~5.1. A person convicted of violating this Section or a~~  
20 ~~similar provision of a local ordinance who had a child~~  
21 ~~under the age of 16 aboard the watercraft at the time of~~  
22 ~~offense is subject to a mandatory minimum fine of \$500 and~~  
23 ~~to a mandatory minimum of 5 days of community service in a~~  
24 ~~program benefiting children. The assignment under this~~  
25 ~~paragraph 5.1 is not subject to suspension and the person~~  
26 ~~is not eligible for probation in order to reduce the~~

1 ~~assignment.~~

2 (i) ~~5.2.~~ A person found guilty of violating this  
3 Section, if his or her operation of a watercraft while in  
4 violation of this Section proximately caused any incident  
5 resulting in an appropriate emergency response, is liable  
6 for the expense of an emergency response as provided in  
7 subsection (i) ~~(m)~~ of Section 11-501.01 ~~11-501~~ of the  
8 Illinois Vehicle Code.

9 (j) ~~5.3.~~ In addition to any other penalties and  
10 liabilities, a person who is found guilty of violating this  
11 Section, including any person placed on court supervision,  
12 shall be fined \$100, payable to the circuit clerk, who shall  
13 distribute the money to the law enforcement agency that made  
14 the arrest. In the event that more than one agency is  
15 responsible for the arrest, the \$100 shall be shared equally.  
16 Any moneys received by a law enforcement agency under this  
17 paragraph ~~5.3~~ shall be used to purchase law enforcement  
18 equipment or to provide law enforcement training that will  
19 assist in the prevention of alcohol related criminal violence  
20 throughout the State. Law enforcement equipment shall include,  
21 but is not limited to, in-car video cameras, radar and laser  
22 speed detection devices, and alcohol breath testers.

23 (k) ~~6.(a)~~ In addition to any criminal penalties imposed,  
24 the Department of Natural Resources shall suspend the  
25 watercraft operation privileges of any person convicted or  
26 found guilty of a misdemeanor under this Section, a similar



1 provision of a local ordinance, or Title 46 of the U.S. Code of  
2 Federal Regulations for a period of one year, except that a  
3 first time offender is exempt from this mandatory one year  
4 suspension.

5 As used in this subdivision ~~(A)6(a)~~, "first time offender"  
6 means any person who has not had a previous conviction or been  
7 assigned supervision for violating this Section, a similar  
8 provision of a local ordinance or, Title 46 of the U.S. Code of  
9 Federal Regulations, or any person who has not had a suspension  
10 imposed under subdivision (m) ~~(B)~~3.1 of Section 5-16.

11 (1) ~~(b)~~ In addition to any criminal penalties imposed, the  
12 Department of Natural Resources shall suspend the watercraft  
13 operation privileges of any person convicted of a felony under  
14 this Section, a similar provision of a local ordinance, or  
15 Title 46 of the U.S. Code of Federal Regulations for a period  
16 of 3 years.

17 (m) ~~(B)~~ 1. Any person who operates or is in actual physical  
18 control of any watercraft upon the waters of this State  
19 shall be deemed to have given consent to a chemical test or  
20 tests of blood, breath or urine for the purpose of  
21 determining the content of alcohol, other drug or drugs,  
22 intoxicating compound or compounds, or combination thereof  
23 in the person's blood if arrested for any offense of  
24 subsection (a) ~~(A) above~~. The chemical test or tests shall  
25 be administered at the direction of the arresting officer.  
26 The law enforcement agency employing the officer shall

1 designate which of the tests shall be administered. A urine  
2 test may be administered even after a blood or breath test  
3 or both has been administered.

4 1.1. For the purposes of this Section, an Illinois Law  
5 Enforcement officer of this State who is investigating the  
6 person for any offense defined in Section 5-16 may travel  
7 into an adjoining state, where the person has been  
8 transported for medical care to complete an investigation,  
9 and may request that the person submit to the test or tests  
10 set forth in this Section. The requirements of this Section  
11 that the person be arrested are inapplicable, but the  
12 officer shall issue the person a uniform citation for an  
13 offense as defined in Section 5-16 or a similar provision  
14 of a local ordinance prior to requesting that the person  
15 submit to the test or tests. The issuance of the uniform  
16 citation shall not constitute an arrest, but shall be for  
17 the purpose of notifying the person that he or she is  
18 subject to the provisions of this Section and of the  
19 officer's belief in the existence of probable cause to  
20 arrest. Upon returning to this State, the officer shall  
21 file the uniform citation with the circuit clerk of the  
22 county where the offense was committed and shall seek the  
23 issuance of an arrest warrant or a summons for the person.

24 1.2. Notwithstanding any ability to refuse under this  
25 Act to submit to these tests or any ability to revoke the  
26 implied consent to these tests, if a law enforcement

1 officer has probable cause to believe that a watercraft  
2 operated by or under actual physical control of a person  
3 under the influence of alcohol, other drug or drugs,  
4 intoxicating compound or compounds, or any combination of  
5 them has caused the death of or personal injury to another,  
6 that person shall submit, upon the request of a law  
7 enforcement officer, to a chemical test or tests of his or  
8 her blood, breath, or urine for the purpose of determining  
9 the alcohol content or the presence of any other drug,  
10 intoxicating compound, or combination of them. For the  
11 purposes of this Section, a personal injury includes severe  
12 bleeding wounds, distorted extremities, and injuries that  
13 require the injured party to be carried from the scene for  
14 immediate professional attention in either a doctor's  
15 office or a medical facility.

16 2. Any person who is dead, unconscious or who is  
17 otherwise in a condition rendering such person incapable of  
18 refusal, shall be deemed not to have withdrawn the consent  
19 provided above, and the test may be administered.

20 3. A person requested to submit to a chemical test as  
21 provided above shall be verbally advised by the law  
22 enforcement officer requesting the test that a refusal to  
23 submit to the test will result in suspension of such  
24 person's privilege to operate a watercraft or snowmobile  
25 for a minimum of 2 years, and the statutory summary  
26 suspension of the person's privilege to operate a motor

1 vehicle, as provided in Section 6-208.1 of the Illinois  
2 Vehicle Code, and will also result in the disqualification  
3 of the person's privilege to operate a commercial motor  
4 vehicle, as provided in Section 6-514 of the Illinois  
5 Vehicle Code, if the person is a CDL holder. The person  
6 shall also be warned by the law enforcement officer that if  
7 the person submits to the test or tests provided in  
8 paragraph 1 of this subsection and the alcohol  
9 concentration in the person's blood or breath is 0.08 or  
10 greater, or any amount of a drug, substance, or compound  
11 resulting from the unlawful use or consumption of cannabis  
12 as covered by the Cannabis Control Act, a controlled  
13 substance listed in the Illinois Controlled Substances  
14 Act, an intoxicating compound listed in the Use of  
15 Intoxicating Compounds Act, or methamphetamine as listed  
16 in the Methamphetamine Control and Community Protection  
17 Act is detected in the person's blood or urine, a statutory  
18 summary suspension of the person's privilege to operate a  
19 motor vehicle, as provided in Sections 6-208.1 and 11-501.1  
20 of the Illinois Vehicle Code, and a disqualification of the  
21 person's privilege to operate a commercial motor vehicle,  
22 as provided in Section 6-514 of the Illinois Vehicle Code,  
23 if the person is a CDL holder, will be imposed.

24 A person who is under the age of 21 at the time the  
25 person is requested to submit to a test as provided above  
26 shall, in addition to the warnings provided for in this

1       Section, be further warned by the law enforcement officer  
2       requesting the test that if the person submits to the test  
3       or tests provided in paragraph (a) of this Section and the  
4       alcohol concentration in the person's blood or breath is  
5       greater than 0.00 and less than 0.08, a suspension of the  
6       person's privilege to operate a motor vehicle, as provided  
7       under Sections 6-208.2 and 11-501.8 of the Illinois Vehicle  
8       Code, will be imposed. The results of this test shall be  
9       admissible in a civil or criminal action or proceeding  
10       arising from an arrest for an offense as defined in Section  
11       5-16 of this Act or a similar provision of a local  
12       ordinance or pursuant to Section 11-501.4 of the Illinois  
13       Vehicle Code in prosecutions for reckless homicide brought  
14       under the Criminal Code of 1961. These test results,  
15       however, shall be admissible only in actions or proceedings  
16       directly related to the incident upon which the test  
17       request was made.

18       Following this warning, if a person under arrest  
19       refuses upon the request of a law enforcement officer to  
20       submit to a test designated by the officer, no test shall  
21       be given, but the law enforcement officer shall file with  
22       the clerk of the circuit court for the county in which the  
23       arrest was made, and with the Department of Natural  
24       Resources, a sworn statement naming the person refusing to  
25       take and complete the chemical test or tests requested  
26       under the provisions of this Section. Such sworn statement

1 shall identify the arrested person, such person's current  
2 residence address and shall specify that a refusal by such  
3 person to take the chemical test or tests was made. Such  
4 sworn statement shall include a statement that the  
5 arresting officer had reasonable cause to believe the  
6 person was operating or was in actual physical control of  
7 the watercraft within this State while under the influence  
8 of alcohol, other drug or drugs, intoxicating compound or  
9 compounds, or combination thereof and that such chemical  
10 test or tests were made as an incident to and following the  
11 lawful arrest for an offense as defined in this Section or  
12 a similar provision of a local ordinance, and that the  
13 person after being arrested for an offense arising out of  
14 acts alleged to have been committed while so operating a  
15 watercraft refused to submit to and complete a chemical  
16 test or tests as requested by the law enforcement officer.

17 3.1. The law enforcement officer submitting the sworn  
18 statement as provided in paragraph 3 of this subsection (m)  
19 ~~(D)~~ shall serve immediate written notice upon the person  
20 refusing the chemical test or tests that the person's  
21 privilege to operate a watercraft or snowmobile within this  
22 State will be suspended for a period of 2 years , a  
23 statutory summary suspension of the person's privilege to  
24 operate a motor vehicle, as provided in Sections 6-208.1  
25 and 6-208.2 of the Illinois Vehicle Code will be imposed,  
26 and a disqualification of the person's privilege to operate

1       a commercial motor vehicle, as provided in Section 6-514 of  
2       the Illinois Vehicle Code, if the person is a CDL holder,  
3       will be imposed unless, within 28 days from the date of the  
4       notice, the person requests in writing a hearing on the  
5       suspension.

6             If the person desires a hearing, such person shall file  
7       a complaint in the circuit court for and in the county in  
8       which such person was arrested for such hearing. Such  
9       hearing shall proceed in the court in the same manner as  
10      other civil proceedings, shall cover only the issues of  
11      whether the person was placed under arrest for an offense  
12      as defined in this Section or a similar provision of a  
13      local ordinance as evidenced by the issuance of a uniform  
14      citation; whether the arresting officer had reasonable  
15      grounds to believe that such person was operating a  
16      watercraft while under the influence of alcohol, other drug  
17      or drugs, intoxicating compound or compounds, or  
18      combination thereof; and whether such person refused to  
19      submit and complete the chemical test or tests upon the  
20      request of the law enforcement officer. Whether the person  
21      was informed that such person's privilege to operate a  
22      watercraft would be suspended if such person refused to  
23      submit to the chemical test or tests shall not be an issue.

24             If the person fails to request in writing a hearing  
25      within 28 days from the date of notice, or if a hearing is  
26      held and the court finds against the person on the issues

1 before the court, the clerk shall immediately notify the  
2 Department of Natural Resources, and the Department shall  
3 suspend the watercraft operation privileges of the person  
4 for at least 2 years.

5 If the person fails to request in writing a hearing  
6 within 28 days from the date of notice, or if a hearing is  
7 held and the court finds against the person on the issues  
8 before the court, the clerk shall immediately notify the  
9 Secretary of State, and the Secretary of State shall impose  
10 a statutory summary suspension of the person's privilege to  
11 operate a motor vehicle, as provided in Sections 6-208.1  
12 and 6-208.2 of the Illinois Vehicle Code, and a  
13 disqualification of the person's privilege to operate a  
14 commercial motor vehicle, as provided in Section 6-514 of  
15 the Illinois Vehicle Code, if the person is a CDL holder.

16 3.2. If the person submits to a test that discloses an  
17 alcohol concentration of 0.08 or more, or any amount of a  
18 drug, substance or intoxicating compound in the person's  
19 breath, blood, or urine resulting from the unlawful use of  
20 cannabis listed in the Cannabis Control Act, a controlled  
21 substance listed in the Illinois Controlled Substances  
22 Act, or an intoxicating compound listed in the Use of  
23 Intoxicating Compounds Act, the law enforcement officer  
24 shall immediately submit a sworn report to the circuit  
25 clerk of venue and the Department of Natural Resources,  
26 certifying that the test or tests were requested under



1 paragraph 1 of this subsection (m) ~~(B)~~ and the person  
2 submitted to testing that disclosed an alcohol  
3 concentration of 0.08 or more.

4 In cases where the blood alcohol concentration of 0.08  
5 or greater or any amount of drug, substance or compound  
6 resulting from the unlawful use of cannabis, a controlled  
7 substance or an intoxicating compound is established by a  
8 subsequent analysis of blood or urine collected at the time  
9 of arrest, the arresting officer or arresting agency shall  
10 immediately submit a sworn report to the circuit clerk of  
11 venue and the Department of Natural Resources upon receipt  
12 of the test results.

13 4. A person must submit to each chemical test offered  
14 by the law enforcement officer in order to comply with the  
15 implied consent provisions of this Section.

16 5. The provisions of Section 11-501.2 of the Illinois  
17 Vehicle Code, as amended, concerning the certification and  
18 use of chemical tests apply to the use of such tests under  
19 this Section.

20 (n) ~~(C)~~ Upon the trial of any civil or criminal action or  
21 proceeding arising out of acts alleged to have been committed  
22 by any person while operating a watercraft while under the  
23 influence of alcohol, the concentration of alcohol in the  
24 person's blood or breath at the time alleged as shown by  
25 analysis of a person's blood, urine, breath, or other bodily  
26 substance shall give rise to the presumptions specified in

1 subdivisions 1, 2, and 3 of subsection (b) of Section 11-501.2  
2 of the Illinois Vehicle Code. The foregoing provisions of this  
3 subsection ~~(C)~~ shall not be construed as limiting the  
4 introduction of any other relevant evidence bearing upon the  
5 question whether the person was under the influence of alcohol.

6 (o) ~~(D)~~ If a person under arrest refuses to submit to a  
7 chemical test under the provisions of this Section, evidence of  
8 refusal shall be admissible in any civil or criminal action or  
9 proceeding arising out of acts alleged to have been committed  
10 while the person under the influence of alcohol, other drug or  
11 drugs, intoxicating compound or compounds, or combination of  
12 them was operating a watercraft.

13 (p) ~~(E)~~ The owner of any watercraft or any person given  
14 supervisory authority over a watercraft, may not knowingly  
15 permit a watercraft to be operated by any person under the  
16 influence of alcohol, other drug or drugs, intoxicating  
17 compound or compounds, or combination thereof.

18 (q) ~~(F)~~ Whenever any person is convicted or found guilty of  
19 a violation of this Section, including any person placed on  
20 court supervision, the court shall notify the Office of Law  
21 Enforcement of the Department of Natural Resources, to provide  
22 the Department with the records essential for the performance  
23 of the Department's duties to monitor and enforce any order of  
24 suspension or revocation concerning the privilege to operate a  
25 watercraft.

26 (r) ~~(G)~~ No person who has been arrested and charged for

1 violating ~~paragraph 1 of~~ subsection (a) ~~(A)~~ of this Section  
2 shall operate any watercraft within this State for a period of  
3 24 hours after such arrest.

4 (Source: P.A. 94-214, eff. 1-1-06; 95-149, eff. 8-14-07.)

5 (625 ILCS 45/5-16c new)

6 Sec. 5-16c. Additional administrative sanctions.

7 (a) 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 Section 5-16 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 (b) Any person who is found guilty of or pleads guilty to  
20 violating Section 5-16, including any person receiving a  
21 disposition of court supervision for violating that 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

1 Motorists. All costs generated by the victim impact panel shall  
2 be paid from fees collected from the offender or as may be  
3 determined by the court.

4 Section 99. Effective date. This Act takes effect upon  
5 becoming law.

1 INDEX

2 Statutes amended in order of appearance

3 625 ILCS 5/1-197.5 from Ch. 95 1/2, par. 1-203.1

4 625 ILCS 5/2-118.1 from Ch. 95 1/2, par. 2-118.1

5 625 ILCS 5/6-100.5 new

6 625 ILCS 5/11-501 from Ch. 95 1/2, par. 11-501

7 625 ILCS 40/5-7

8 625 ILCS 40/5-7.01 new

9 625 ILCS 40/5-7.1

10 625 ILCS 45/5-16

11 625 ILCS 45/5-16c new