



Rep. Bill Mitchell

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09800HB1811ham001

LRB098 05720 MLW 42184 a

1 AMENDMENT TO HOUSE BILL 1811

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1811 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by  
5 changing Section 11-501 as follows:

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

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

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

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

15 (2) under the influence of alcohol;

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

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

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

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

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

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

22 (c) Penalties.

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

26 (2) A person who violates subsection (a) or a similar

1 provision a second time shall be sentenced to a mandatory  
2 minimum term of either 5 days of imprisonment or 240 hours  
3 of community service in addition to any other criminal or  
4 administrative sanction.

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

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

17 (5) A person who violates subsection (a) a second time,  
18 if at the time of the second violation 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, shall be subject, in  
22 addition to any other penalty that may be imposed, to a  
23 mandatory minimum of 2 days of imprisonment and a mandatory  
24 minimum fine of \$1,250.

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

1 any combination thereof.

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

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

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

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

18 (D) the person committed a violation of subsection  
19 (a) and has been previously convicted of violating  
20 Section 9-3 of the Criminal Code of 1961 or the  
21 Criminal Code of 2012 or a similar provision of a law  
22 of another state relating to reckless homicide in which  
23 the person was determined to have been under the  
24 influence of alcohol, other drug or drugs, or  
25 intoxicating compound or compounds as an element of the  
26 offense or the person has previously been convicted

1 under subparagraph (C) or subparagraph (F) of this  
2 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;

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 (G) the person committed a violation of subsection  
19 (a) during a period in which the defendant's driving  
20 privileges are revoked or suspended, where the  
21 revocation or suspension was for a violation of  
22 subsection (a) or a similar provision, Section  
23 11-501.1, paragraph (b) of Section 11-401, or for  
24 reckless homicide as defined in Section 9-3 of the  
25 Criminal Code of 1961 or the Criminal Code of 2012;

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

1 she did not possess a driver's license or permit or a  
2 restricted driving permit or a judicial driving permit  
3 or a monitoring device driving permit;

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

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

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

17 (2) (A) Except as provided otherwise, a person  
18 convicted of aggravated driving under the influence of  
19 alcohol, other drug or drugs, or intoxicating compound or  
20 compounds, or any combination thereof is guilty of a Class  
21 4 felony.

22 (B) A third violation of this Section or a similar  
23 provision is a Class 2 felony. If at the time of the third  
24 violation the alcohol concentration in his or her blood,  
25 breath, or urine was 0.16 or more based on the definition  
26 of blood, breath, or urine units in Section 11-501.2, a

1 mandatory minimum of 90 days of imprisonment and a  
2 mandatory minimum fine of \$2,500 shall be imposed in  
3 addition to any other criminal or administrative sanction.  
4 If at the time of the third violation, the defendant was  
5 transporting a person under the age of 16, a mandatory fine  
6 of \$25,000 and 25 days of community service in a program  
7 benefiting children shall be imposed in addition to any  
8 other criminal or administrative sanction.

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

23 (D) A fifth violation of this Section or a similar  
24 provision is a Class 1 felony, for which a sentence of  
25 probation or conditional discharge may not be imposed. If  
26 at the time of the violation, the alcohol concentration in

1 the defendant's blood, breath, or urine was 0.16 or more  
2 based on the definition of blood, breath, or urine units in  
3 Section 11-501.2, a mandatory minimum fine of \$5,000 shall  
4 be imposed in addition to any other criminal or  
5 administrative sanction. If at the time of the fifth  
6 violation, the defendant was transporting a person under  
7 the age of 16, a mandatory fine of \$25,000, and 25 days of  
8 community service in a program benefiting children shall be  
9 imposed in addition to any other criminal or administrative  
10 sanction.

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

24 (F) For a violation of subparagraph (C) of paragraph  
25 (1) of this subsection (d), the defendant, if sentenced to  
26 a term of imprisonment, shall be sentenced to not less than



1 one year nor more than 12 years.

2 (G) A violation of 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: (i) 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 (ii) 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.

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

1           (J) A violation of subparagraph (D) of paragraph (1) of  
2 this subsection (d) is a Class 3 felony, for which a  
3 sentence of probation or conditional discharge may not be  
4 imposed.

5           (3) Any person sentenced under this subsection (d) who  
6 receives a term of probation or conditional discharge must  
7 serve a minimum term of either 480 hours of community  
8 service or 10 days of imprisonment as a condition of the  
9 probation or conditional discharge in addition to any other  
10 criminal or administrative sanction.

11           (e) Any reference to a prior violation of subsection (a) or  
12 a similar provision includes any violation of a provision of a  
13 local ordinance or a provision of a law of another state or an  
14 offense committed on a military installation that is similar to  
15 a violation of subsection (a) of this Section.

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

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

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

26           (Source: P.A. 96-289, eff. 8-11-09; 97-1150, eff. 1-25-13.)".