

# SB1849



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

SB1849

Introduced 2/15/2013, by Sen. Michael Connelly

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-501.01

Amends the Illinois Vehicle Code. Makes persons subject to blood tests for refusal to submit to a breath test or suspicion of the ingestion, consumption, or use of drugs liable for the cost of employing a medical professional to perform the test up to a maximum of \$500 if the person is (1) found guilty of violating Section 11-501 of the Illinois Vehicle Code or a similar local ordinance, or (2) pleads guilty to or stipulates to facts supporting a violation of Section 11-503 of the Illinois Vehicle Code or a similar local ordinance when the person was originally charged with violating Section 11-501 of the Illinois Vehicle Code or a similar local ordinance. Allows reimbursement even if the person does not consent to the blood draw.

LRB098 04177 MLW 34200 b

A BILL FOR

1 AN ACT concerning transportation.

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

4 Section 5. The Illinois Vehicle Code is amended by changing  
5 Section 11-501.01 as follows:

6 (625 ILCS 5/11-501.01)

7 Sec. 11-501.01. Additional administrative sanctions.

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

20 (b) Any person who is found guilty of or pleads guilty to  
21 violating Section 11-501, including any person receiving a  
22 disposition of court supervision for violating that Section,  
23 may be required by the Court to attend a victim impact panel

1 offered by, or under contract with, a county State's Attorney's  
2 office, a probation and court services department, Mothers  
3 Against Drunk Driving, or the Alliance Against Intoxicated  
4 Motorists. All costs generated by the victim impact panel shall  
5 be paid from fees collected from the offender or as may be  
6 determined by the court.

7 (c) Every person found guilty of violating Section 11-501,  
8 whose operation of a motor vehicle while in violation of that  
9 Section proximately caused any incident resulting in an  
10 appropriate emergency response, shall be liable for the expense  
11 of an emergency response as provided in subsection (i) of this  
12 Section.

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

16 (e) The Secretary of State shall require the use of  
17 ignition interlock devices on all vehicles owned by a person  
18 who has been convicted of a second or subsequent offense of  
19 Section 11-501 or a similar provision of a local ordinance. The  
20 person must pay to the Secretary of State DUI Administration  
21 Fund an amount not to exceed \$30 for each month that he or she  
22 uses the device. The Secretary shall establish by rule and  
23 regulation the procedures for certification and use of the  
24 interlock system, the amount of the fee, and the procedures,  
25 terms, and conditions relating to these fees.

26 (f) In addition to any other penalties and liabilities, a

1 person who is found guilty of or pleads guilty to violating  
2 Section 11-501, including any person placed on court  
3 supervision for violating Section 11-501, shall be assessed  
4 \$750, payable to the circuit clerk, who shall distribute the  
5 money as follows: \$350 to the law enforcement agency that made  
6 the arrest, and \$400 shall be forwarded to the State Treasurer  
7 for deposit into the General Revenue Fund. If the person has  
8 been previously convicted of violating Section 11-501 or a  
9 similar provision of a local ordinance, the fine shall be  
10 \$1,000, and the circuit clerk shall distribute \$200 to the law  
11 enforcement agency that made the arrest and \$800 to the State  
12 Treasurer for deposit into the General Revenue Fund. In the  
13 event that more than one agency is responsible for the arrest,  
14 the amount payable to law enforcement agencies shall be shared  
15 equally. Any moneys received by a law enforcement agency under  
16 this subsection (f) shall be used for enforcement and  
17 prevention of driving while under the influence of alcohol,  
18 other drug or drugs, intoxicating compound or compounds or any  
19 combination thereof, as defined by Section 11-501 of this Code,  
20 including but not limited to the purchase of law enforcement  
21 equipment and commodities that will assist in the prevention of  
22 alcohol related criminal violence throughout the State; police  
23 officer training and education in areas related to alcohol  
24 related crime, including but not limited to DUI training; and  
25 police officer salaries, including but not limited to salaries  
26 for hire back funding for safety checkpoints, saturation

1 patrols, and liquor store sting operations. Any moneys received  
2 by the Department of State Police under this subsection (f)  
3 shall be deposited into the State Police DUI Fund and shall be  
4 used to purchase law enforcement equipment that will assist in  
5 the prevention of alcohol related criminal violence throughout  
6 the State.

7 (g) The Secretary of State Police DUI Fund is created as a  
8 special fund in the State treasury. All moneys received by the  
9 Secretary of State Police under subsection (f) of this Section  
10 shall be deposited into the Secretary of State Police DUI Fund  
11 and, subject to appropriation, shall be used for enforcement  
12 and prevention of driving while under the influence of alcohol,  
13 other drug or drugs, intoxicating compound or compounds or any  
14 combination thereof, as defined by Section 11-501 of this Code,  
15 including but not limited to the purchase of law enforcement  
16 equipment and commodities to assist in the prevention of  
17 alcohol related criminal violence throughout the State; police  
18 officer training and education in areas related to alcohol  
19 related crime, including but not limited to DUI training; and  
20 police officer salaries, including but not limited to salaries  
21 for hire back funding for safety checkpoints, saturation  
22 patrols, and liquor store sting operations.

23 (h) Whenever an individual is sentenced for an offense  
24 based upon an arrest for a violation of Section 11-501 or a  
25 similar provision of a local ordinance, and the professional  
26 evaluation recommends remedial or rehabilitative treatment or

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

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

1 (i), "emergency response" means any incident requiring a  
2 response by a police officer, a firefighter carried on the  
3 rolls of a regularly constituted fire department, or an  
4 ambulance. With respect to funds designated for the Department  
5 of State Police, the moneys shall be remitted by the circuit  
6 court clerk to the State Police within one month after receipt  
7 for deposit into the State Police DUI Fund. With respect to  
8 funds designated for the Department of Natural Resources, the  
9 Department of Natural Resources shall deposit the moneys into  
10 the Conservation Police Operations Assistance Fund.

11 (j) A person that is subject to a chemical test or tests of  
12 blood under subsection (a) of Section 11-501.1, whether or not  
13 that person consents to testing, shall be liable for the  
14 expense up to \$500 for blood withdrawal by a physician  
15 authorized to practice medicine, a licensed physician  
16 assistant, a licensed advanced practice nurse, a registered  
17 nurse, a trained phlebotomist, a certified paramedic, or a  
18 qualified person other than a police officer approved by the  
19 Department of State Police to withdraw blood, who responds to a  
20 police department request for the drawing of blood based upon  
21 refusal of the person to submit to a lawfully requested breath  
22 test or probable cause exists to believe the test would  
23 disclose the ingestion, consumption, or use of drugs or  
24 intoxicating compounds if:

25 (1) the person is found guilty of violating Section  
26 11-501 of this Code or a similar provision of a local

1       ordinance; or

2           (2) the person pleads guilty to or stipulates to facts  
3       supporting a violation of Section 11-503 of this Code or a  
4       similar provision of a local ordinance when the plea or  
5       stipulation was the result of a plea agreement in which the  
6       person was originally charged with violating Section  
7       11-501 of this Code or a similar local ordinance.

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9       (Source: P.A. 96-1342, eff. 1-1-11; 97-931, eff. 1-1-13;

10      97-1050, eff. 1-1-13; revised 8-23-12.)