

SB3547



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB3547

Introduced 2/14/2014, by Sen. Chapin Rose

SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-303

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

Amends the Illinois Vehicle Code. Provides that driving on a suspended license during a period of summary suspension imposed due to failing or refusing to submit to chemical testing for the purpose of determining if a person is driving under the influence shall be a Class 4 felony regardless of whether or not the driver is eligible for a Monitoring Device Driving Permit.

LRB098 19800 MLW 55016 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

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 6-303 as follows:

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

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

9 (a) Except as otherwise provided in subsection (a-5), any
10 person who drives or is in actual physical control of a motor
11 vehicle on any highway of this State at a time when such
12 person's driver's license, permit or privilege to do so or the
13 privilege to obtain a driver's license or permit is revoked or
14 suspended as provided by this Code or the law of another state,
15 except as may be specifically allowed by a judicial driving
16 permit issued prior to January 1, 2009, monitoring device
17 driving permit, family financial responsibility driving
18 permit, probationary license to drive, or a restricted driving
19 permit issued pursuant to this Code or under the law of another
20 state, shall be guilty of a Class A misdemeanor.

21 (a-3) A second or subsequent violation of subsection (a) of
22 this Section is a Class 4 felony if committed by a person whose
23 driving or operation of a motor vehicle is the proximate cause

1 of a motor vehicle accident that causes personal injury or
2 death to another. For purposes of this subsection, a personal
3 injury includes any Type A injury as indicated on the traffic
4 accident report completed by a law enforcement officer that
5 requires immediate professional attention in either a doctor's
6 office or a medical facility. A Type A injury includes severe
7 bleeding wounds, distorted extremities, and injuries that
8 require the injured party to be carried from the scene.

9 (a-5) Any person who violates this Section as provided in
10 subsection (a) while his or her driver's license, permit or
11 privilege is revoked because of a violation of Section 9-3 of
12 the Criminal Code of 1961 or the Criminal Code of 2012,
13 relating to the offense of reckless homicide or a similar
14 provision of a law of another state, is guilty of a Class 4
15 felony. The person shall be required to undergo a professional
16 evaluation, as provided in Section 11-501 of this Code, to
17 determine if an alcohol, drug, or intoxicating compound problem
18 exists and the extent of the problem, and to undergo the
19 imposition of treatment as appropriate.

20 (a-10) A person's driver's license, permit, or privilege to
21 obtain a driver's license or permit may be subject to multiple
22 revocations, multiple suspensions, or any combination of both
23 simultaneously. No revocation or suspension shall serve to
24 negate, invalidate, cancel, postpone, or in any way lessen the
25 effect of any other revocation or suspension entered prior or
26 subsequent to any other revocation or suspension.

1 (b) (Blank).

2 (b-1) Upon receiving a report of the conviction of any
3 violation indicating a person was operating a motor vehicle
4 during the time when the person's driver's license, permit or
5 privilege was suspended by the Secretary of State or the
6 driver's licensing administrator of another state, except as
7 specifically allowed by a probationary license, judicial
8 driving permit, restricted driving permit or monitoring device
9 driving permit the Secretary shall extend the suspension for
10 the same period of time as the originally imposed suspension
11 unless the suspension has already expired, in which case the
12 Secretary shall be authorized to suspend the person's driving
13 privileges for the same period of time as the originally
14 imposed suspension.

15 (b-2) Except as provided in subsection (b-6), upon
16 receiving a report of the conviction of any violation
17 indicating a person was operating a motor vehicle when the
18 person's driver's license, permit or privilege was revoked by
19 the Secretary of State or the driver's license administrator of
20 any other state, except as specifically allowed by a restricted
21 driving permit issued pursuant to this Code or the law of
22 another state, the Secretary shall not issue a driver's license
23 for an additional period of one year from the date of such
24 conviction indicating such person was operating a vehicle
25 during such period of revocation.

26 (b-3) (Blank).

1 (b-4) When the Secretary of State receives a report of a
2 conviction of any violation indicating a person was operating a
3 motor vehicle that was not equipped with an ignition interlock
4 device during a time when the person was prohibited from
5 operating a motor vehicle not equipped with such a device, the
6 Secretary shall not issue a driver's license to that person for
7 an additional period of one year from the date of the
8 conviction.

9 (b-5) Any person convicted of violating this Section shall
10 serve a minimum term of imprisonment of 30 consecutive days or
11 300 hours of community service when the person's driving
12 privilege was revoked or suspended as a result of a violation
13 of Section 9-3 of the Criminal Code of 1961 or the Criminal
14 Code of 2012, relating to the offense of reckless homicide, or
15 a similar provision of a law of another state.

16 (b-6) Upon receiving a report of a first conviction of
17 operating a motor vehicle while the person's driver's license,
18 permit or privilege was revoked where the revocation was for a
19 violation of Section 9-3 of the Criminal Code of 1961 or the
20 Criminal Code of 2012 relating to the offense of reckless
21 homicide or a similar out-of-state offense, the Secretary shall
22 not issue a driver's license for an additional period of three
23 years from the date of such conviction.

24 (c) Except as provided in subsections (c-3) and (c-4), any
25 person convicted of violating this Section shall serve a
26 minimum term of imprisonment of 10 consecutive days or 30 days

1 of community service when the person's driving privilege was
2 revoked or suspended as a result of:

3 (1) a violation of Section 11-501 of this Code or a
4 similar provision of a local ordinance relating to the
5 offense of operating or being in physical control of a
6 vehicle while under the influence of alcohol, any other
7 drug or any combination thereof; or

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

12 (3) a statutory summary suspension or revocation under
13 Section 11-501.1 of this Code.

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

16 (c-1) Except as provided in subsections (c-5) and (d), any
17 person convicted of a second violation of this Section shall be
18 ordered by the court to serve a minimum of 100 hours of
19 community service.

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

23 (1) Seizure of the license plates of the person's
24 vehicle.

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

1 (c-3) Any person convicted of a violation of this Section
2 during a period of summary suspension imposed pursuant to
3 Section 11-501.1 ~~when the person was eligible for a MDDP~~ shall
4 be guilty of a Class 4 felony and shall serve a minimum term of
5 imprisonment of 30 days.

6 (c-4) Any person who has been issued a MDDP and who is
7 convicted of a violation of this Section as a result of
8 operating or being in actual physical control of a motor
9 vehicle not equipped with an ignition interlock device at the
10 time of the offense shall be guilty of a Class 4 felony and
11 shall serve a minimum term of imprisonment of 30 days.

12 (c-5) Any person convicted of a second violation of this
13 Section is guilty of a Class 2 felony, is not eligible for
14 probation or conditional discharge, and shall serve a mandatory
15 term of imprisonment, if:

16 (1) the current violation occurred when the person's
17 driver's license was suspended or revoked for a violation
18 of Section 9-3 of the Criminal Code of 1961 or the Criminal
19 Code of 2012, relating to the offense of reckless homicide,
20 or a similar out-of-state offense; and

21 (2) the prior conviction under this Section occurred
22 while the person's driver's license was suspended or
23 revoked for a violation of Section 9-3 of the Criminal Code
24 of 1961 or the Criminal Code of 2012 relating to the
25 offense of reckless homicide, or a similar out-of-state
26 offense, or was suspended or revoked for a violation of

1 Section 11-401 or 11-501 of this Code, a similar
2 out-of-state offense, a similar provision of a local
3 ordinance, or a statutory summary suspension or revocation
4 under Section 11-501.1 of this Code.

5 (d) Any person convicted of a second violation of this
6 Section shall be guilty of a Class 4 felony and shall serve a
7 minimum term of imprisonment of 30 days or 300 hours of
8 community service, as determined by the court, if:

9 (1) the current violation occurred when the person's
10 driver's license was suspended or revoked for a violation
11 of Section 11-401 or 11-501 of this Code, a similar
12 out-of-state offense, a similar provision of a local
13 ordinance, or a statutory summary suspension or revocation
14 under Section 11-501.1 of this Code; and

15 (2) the prior conviction under this Section occurred
16 while the person's driver's license was suspended or
17 revoked for a violation of Section 11-401 or 11-501 of this
18 Code, a similar out-of-state offense, a similar provision
19 of a local ordinance, or a statutory summary suspension or
20 revocation under Section 11-501.1 of this Code, or for a
21 violation of Section 9-3 of the Criminal Code of 1961 or
22 the Criminal Code of 2012, relating to the offense of
23 reckless homicide, or a similar out-of-state offense.

24 (d-1) Except as provided in subsections (d-2), (d-2.5), and
25 (d-3), any person convicted of a third or subsequent violation
26 of this Section shall serve a minimum term of imprisonment of

1 30 days or 300 hours of community service, as determined by the
2 court.

3 (d-2) Any person convicted of a third violation of this
4 Section is guilty of a Class 4 felony and must serve a minimum
5 term of imprisonment of 30 days, if:

6 (1) the current violation occurred when the person's
7 driver's license was suspended or revoked for a violation
8 of Section 11-401 or 11-501 of this Code, or a similar
9 out-of-state offense, or a similar provision of a local
10 ordinance, or a statutory summary suspension or revocation
11 under Section 11-501.1 of this Code; and

12 (2) the prior convictions under this Section occurred
13 while the person's driver's license was suspended or
14 revoked for a violation of Section 11-401 or 11-501 of this
15 Code, a similar out-of-state offense, a similar provision
16 of a local ordinance, or a statutory summary suspension or
17 revocation under Section 11-501.1 of this Code, or for a
18 violation of Section 9-3 of the Criminal Code of 1961 or
19 the Criminal Code of 2012, relating to the offense of
20 reckless homicide, or a similar out-of-state offense.

21 (d-2.5) Any person convicted of a third violation of this
22 Section is guilty of a Class 1 felony, is not eligible for
23 probation or conditional discharge, and must serve a mandatory
24 term of imprisonment, if:

25 (1) the current violation occurred while the person's
26 driver's license was suspended or revoked for a violation

1 of Section 9-3 of the Criminal Code of 1961 or the Criminal
2 Code of 2012, relating to the offense of reckless homicide,
3 or a similar out-of-state offense. The person's driving
4 privileges shall be revoked for the remainder of the
5 person's life; and

6 (2) the prior convictions under this Section occurred
7 while the person's driver's license was suspended or
8 revoked for a violation of Section 9-3 of the Criminal Code
9 of 1961 or the Criminal Code of 2012, relating to the
10 offense of reckless homicide, or a similar out-of-state
11 offense, or was suspended or revoked for a violation of
12 Section 11-401 or 11-501 of this Code, a similar
13 out-of-state offense, a similar provision of a local
14 ordinance, or a statutory summary suspension or revocation
15 under Section 11-501.1 of this Code.

16 (d-3) Any person convicted of a fourth, fifth, sixth,
17 seventh, eighth, or ninth violation of this Section is guilty
18 of a Class 4 felony and must serve a minimum term of
19 imprisonment of 180 days, if:

20 (1) the current violation occurred when the person's
21 driver's license was suspended or revoked for a violation
22 of Section 11-401 or 11-501 of this Code, a similar
23 out-of-state offense, a similar provision of a local
24 ordinance, or a statutory summary suspension or revocation
25 under Section 11-501.1 of this Code; and

26 (2) the prior convictions under this Section occurred

1 while the person's driver's license was suspended or
2 revoked for a violation of Section 11-401 or 11-501 of this
3 Code, a similar out-of-state offense, a similar provision
4 of a local ordinance, or a statutory summary suspension or
5 revocation under Section 11-501.1 of this Code, or for a
6 violation of Section 9-3 of the Criminal Code of 1961 or
7 the Criminal Code of 2012, relating to the offense of
8 reckless homicide, or a similar out-of-state offense.

9 (d-3.5) Any person convicted of a fourth or subsequent
10 violation of this Section is guilty of a Class 1 felony, is not
11 eligible for probation or conditional discharge, and must serve
12 a mandatory term of imprisonment, and is eligible for an
13 extended term, if:

14 (1) the current violation occurred when the person's
15 driver's license was suspended or revoked for a violation
16 of Section 9-3 of the Criminal Code of 1961 or the Criminal
17 Code of 2012, relating to the offense of reckless homicide,
18 or a similar out-of-state offense; and

19 (2) the prior convictions under this Section occurred
20 while the person's driver's license was suspended or
21 revoked for a violation of Section 9-3 of the Criminal Code
22 of 1961 or the Criminal Code of 2012, relating to the
23 offense of reckless homicide, or a similar out-of-state
24 offense, or was suspended or revoked for a violation of
25 Section 11-401 or 11-501 of this Code, a similar
26 out-of-state offense, a similar provision of a local

1 ordinance, or a statutory summary suspension or revocation
2 under Section 11-501.1 of this Code.

3 (d-4) Any person convicted of a tenth, eleventh, twelfth,
4 thirteenth, or fourteenth violation of this Section is guilty
5 of a Class 3 felony, and is not eligible for probation or
6 conditional discharge, if:

7 (1) the current violation occurred when the person's
8 driver's license was suspended or revoked for a violation
9 of Section 11-401 or 11-501 of this Code, or a similar
10 out-of-state offense, or a similar provision of a local
11 ordinance, or a statutory summary suspension or revocation
12 under Section 11-501.1 of this Code; and

13 (2) the prior convictions under this Section occurred
14 while the person's driver's license was suspended or
15 revoked for a violation of Section 11-401 or 11-501 of this
16 Code, a similar out-of-state offense, a similar provision
17 of a local ordinance, or a statutory suspension or
18 revocation under Section 11-501.1 of this Code, or for a
19 violation of Section 9-3 of the Criminal Code of 1961 or
20 the Criminal Code of 2012, relating to the offense of
21 reckless homicide, or a similar out-of-state offense.

22 (d-5) Any person convicted of a fifteenth or subsequent
23 violation of this Section is guilty of a Class 2 felony, and is
24 not eligible for probation or conditional discharge, if:

25 (1) the current violation occurred when the person's
26 driver's license was suspended or revoked for a violation

1 of Section 11-401 or 11-501 of this Code, or a similar
2 out-of-state offense, or a similar provision of a local
3 ordinance, or a statutory summary suspension or revocation
4 under Section 11-501.1 of this Code; and

5 (2) the prior convictions under this Section occurred
6 while the person's driver's license was suspended or
7 revoked for a violation of Section 11-401 or 11-501 of this
8 Code, a similar out-of-state offense, a similar provision
9 of a local ordinance, or a statutory summary suspension or
10 revocation under Section 11-501.1 of this Code, or for a
11 violation of Section 9-3 of the Criminal Code of 1961 or
12 the Criminal Code of 2012, relating to the offense of
13 reckless homicide, or a similar out-of-state offense.

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

23 (f) 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 (g) The motor vehicle used in a violation of this Section

1 is subject to seizure and forfeiture as provided in Sections
2 36-1 and 36-2 of the Criminal Code of 2012 if the person's
3 driving privilege was revoked or suspended as a result of:

4 (1) a violation of Section 11-501 of this Code, a
5 similar provision of a local ordinance, or a similar
6 provision of a law of another state;

7 (2) a violation of paragraph (b) of Section 11-401 of
8 this Code, a similar provision of a local ordinance, or a
9 similar provision of a law of another state;

10 (3) a statutory summary suspension or revocation under
11 Section 11-501.1 of this Code or a similar provision of a
12 law of another state; or

13 (4) a violation of Section 9-3 of the Criminal Code of
14 1961 or the Criminal Code of 2012 relating to the offense
15 of reckless homicide, or a similar provision of a law of
16 another state.

17 (Source: P.A. 97-984, eff. 1-1-13; 97-1150, eff. 1-25-13;
18 98-285, eff. 1-1-14; 98-418, eff. 8-16-13; 98-573, eff.
19 8-27-13; revised 9-19-13.)