

1 AN ACT concerning driving violations.

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
5 changing Sections 6-113, 6-118, 6-203.1, 6-206, 6-206.1,
6 6-208.1, 6-303, 11-501 and adding Section 11-501.9 as
7 follows:

8 (625 ILCS 5/6-113) (from Ch. 95 1/2, par. 6-113)

9 Sec. 6-113. Restricted licenses and permits.

10 (a) The Secretary of State upon issuing a drivers
11 license or permit shall have the authority whenever good
12 cause appears to impose restrictions suitable to the
13 licensee's driving ability with respect to the type of, or
14 special mechanical control devices required on, a motor
15 vehicle which the licensee may operate or such other
16 restrictions applicable to the licensee as the Secretary of
17 State may determine to be appropriate to assure the safe
18 operation of a motor vehicle by the licensee.

19 (b) The Secretary of State may either issue a special
20 restricted license or permit or may set forth such
21 restrictions upon the usual license or permit form.

22 (c) The Secretary of State may issue a probationary
23 license to a person whose driving privileges have been
24 suspended pursuant to subsection (d) of this Section or
25 subsections (a)(2), (a)(19) and (a)(20) of Section 6-206 of
26 this Code. The Secretary of State shall promulgate rules
27 pursuant to The Illinois Administrative Procedure Act,
28 setting forth the conditions and criteria for the issuance
29 and cancellation of probationary licenses.

30 (d) The Secretary of State may upon receiving
31 satisfactory evidence of any violation of the restrictions of

1 such license or permit suspend, revoke or cancel the same
2 without preliminary hearing, but the licensee or permittee
3 shall be entitled to a hearing as in the case of a suspension
4 or revocation.

5 (e) It is unlawful for any person to operate a motor
6 vehicle in any manner in violation of the restrictions
7 imposed on a restricted license or permit issued to him.

8 (f) Whenever the holder of a restricted driving permit
9 is issued a citation for any of the following offenses
10 including similar local ordinances, the restricted driving
11 permit is immediately invalidated:

12 1. Reckless homicide resulting from the operation
13 of a motor vehicle;

14 2. Violation of Section 11-501 of this Act relating
15 to the operation of a motor vehicle while under the
16 influence of intoxicating liquor or narcotic drugs;

17 3. Violation of Section 11-401 of this Act relating
18 to the offense of leaving the scene of a traffic accident
19 involving death or injury; or

20 4. Violation of Section 11-504 of this Act relating
21 to the offense of drag racing;

22 The police officer issuing the citation shall confiscate
23 the restricted driving permit and forward it, along with the
24 citation, to the Clerk of the Circuit Court of the county in
25 which the citation was issued.

26 (g) The Secretary of State may issue a special
27 restricted license for a period of 12 months to individuals
28 using vision aid arrangements other than standard eyeglasses
29 or contact lenses, allowing the operation of a motor vehicle
30 during nighttime hours. The Secretary of State shall adopt
31 rules defining the terms and conditions by which the
32 individual may obtain and renew this special restricted
33 license. At a minimum, all drivers must meet the following
34 requirements:

1 1. Possess a valid driver's license and have
2 operated a motor vehicle during daylight hours for a
3 period of 12 months using vision aid arrangements other
4 than standard eyeglasses or contact lenses.

5 2. Have a driving record that does not include any
6 traffic accidents that occurred during nighttime hours,
7 for which the driver has been found to be at fault,
8 during the 12 months before he or she applied for the
9 special restricted license.

10 3. Successfully complete a road test administered
11 during nighttime hours.

12 At a minimum, all drivers renewing this license must meet
13 the following requirements:

14 1. Successfully complete a road test administered
15 during nighttime hours.

16 2. Have a driving record that does not include any
17 traffic accidents that occurred during nighttime hours,
18 for which the driver has been found to be at fault,
19 during the 12 months before he or she applied for the
20 special restricted license.

21 (h) Any driver issued a special restricted license as
22 defined in subsection (g) whose privilege to drive during
23 nighttime hours has been suspended due to an accident
24 occurring during nighttime hours may request a hearing as
25 provided in Section 2-118 of this Code to contest that
26 suspension. If it is determined that the accident for which
27 the driver was at fault was not influenced by the driver's
28 use of vision aid arrangements other than standard eyeglasses
29 or contact lenses, the Secretary may reinstate that driver's
30 privilege to drive during nighttime hours.

31 (i) Notwithstanding the provisions of Sections 6-208,
32 6-208.1, and 6-208.2, the Secretary of State may, 30 days
33 after the effective date of a suspension pursuant to Section
34 6-208, 6-208.1, or 6-208.2 and in accordance with any rules

1 the Secretary may promulgate, issue a restricted driving
 2 permit to a person who has applied for a restricted driver's
 3 permit and who has consented to have, at his or her expense,
 4 an ignition interlock device installed in his or her vehicle.

5 (Source: P.A. 92-274, eff. 1-1-02.)

6 (625 ILCS 5/6-118) (from Ch. 95 1/2, par. 6-118)
 7 Sec. 6-118. Fees.

8 (a) The fee for licenses and permits under this Article
 9 is as follows:

10	Original driver's license.....	\$10
11	Original or renewal driver's license	
12	issued to 18, 19 and 20 year olds.....	5
13	All driver's licenses for persons	
14	age 69 through age 80.....	5
15	All driver's licenses for persons	
16	age 81 through age 86.....	2
17	All driver's licenses for persons	
18	age 87 or older.....	0
19	Renewal driver's license (except for	
20	applicants ages 18, 19 and 20 or	
21	age 69 and older).....	10
22	Original instruction permit issued to	
23	persons (except those age 69 and older)	
24	who do not hold or have not previously	
25	held an Illinois instruction permit or	
26	driver's license.....	20
27	Instruction permit issued to any person	
28	holding an Illinois driver's license	
29	who wishes a change in classifications,	
30	other than at the time of renewal.....	5
31	Any instruction permit issued to a person	
32	age 69 and older.....	5
33	Instruction permit issued to any person,	

1 under age 69, not currently holding a
2 valid Illinois driver's license or
3 instruction permit but who has
4 previously been issued either document
5 in Illinois.....10
6 Restricted driving permit.....8
7 Duplicate or corrected driver's license
8 or permit.....5
9 Duplicate or corrected restricted
10 driving permit.....5
11 Original or renewal M or L endorsement.....5

12 SPECIAL FEES FOR COMMERCIAL DRIVER'S LICENSE

13 The fees for commercial driver licenses and permits
14 under Article V shall be as follows:

15 Commercial driver's license:

- 16 \$6 for the CDLIS/AAMVAnet Fund
- 17 (Commercial Driver's License Information
- 18 System/American Association of Motor Vehicle
- 19 Administrators network Trust Fund);
- 20 \$20 for the Motor Carrier Safety Inspection Fund;
- 21 \$10 for the driver's license;
- 22 and \$24 for the CDL:.....\$60

23 Renewal commercial driver's license:

- 24 \$6 for the CDLIS/AAMVAnet Trust Fund;
- 25 \$20 for the Motor Carrier Safety Inspection Fund;
- 26 \$10 for the driver's license; and
- 27 \$24 for the CDL:.....\$60

28 Commercial driver instruction permit

29 issued to any person holding a valid
30 Illinois driver's license for the
31 purpose of changing to a
32 CDL classification: \$6 for the
33 CDLIS/AAMVAnet Trust Fund;
34 \$20 for the Motor Carrier

1 Safety Inspection Fund; and

2 \$24 for the CDL classification.....\$50

3 Commercial driver instruction permit

4 issued to any person holding a valid

5 Illinois CDL for the purpose of

6 making a change in a classification,

7 endorsement or restriction.....\$5

8 CDL duplicate or corrected license.....\$5

9 In order to ensure the proper implementation of the

10 Uniform Commercial Driver License Act, Article V of this

11 Chapter, the Secretary of State is empowered to pro-rate the

12 \$24 fee for the commercial driver's license proportionate to

13 the expiration date of the applicant's Illinois driver's

14 license.

15 The fee for any duplicate license or permit shall be

16 waived for any person age 60 or older who presents the

17 Secretary of State's office with a police report showing that

18 his license or permit was stolen.

19 No additional fee shall be charged for a driver's

20 license, or for a commercial driver's license, when issued to

21 the holder of an instruction permit for the same

22 classification or type of license who becomes eligible for

23 such license.

24 (b) Any person whose license or privilege to operate a

25 motor vehicle in this State has been suspended or revoked

26 under any provision of Chapter 6, Chapter 11, or Section

27 7-702 of the Family Financial Responsibility Law of this

28 Code, shall in addition to any other fees required by this

29 Code, pay a reinstatement fee as follows:

30 Summary suspension under Section 11-501.1.....\$60

31 Other suspension.....\$30

32 Revocation.....\$60

33 However, any person whose license or privilege to operate

34 a motor vehicle in this State has been suspended or revoked

1 for a second or subsequent time for a violation of Section
 2 11-501 ~~or 11-501.1~~ of this Code or a similar provision of a
 3 local ordinance, a violation of ~~or a similar out-of-state~~
 4 ~~offense~~ or Section 9-3 of the Criminal Code of 1961, or a
 5 failure to submit to a chemical test or tests of blood,
 6 breath, or urine pursuant to Section 11-501.1 or to a
 7 preliminary breath screening test or a field sobriety test or
 8 tests pursuant to Section 11-501.9 of this Code and each
 9 suspension or revocation was for a violation of Section
 10 11-501 or 11-501.1 of this Code or a similar provision of a
 11 local ordinance, a violation of ~~or a similar out-of-state~~
 12 ~~offense~~ or Section 9-3 of the Criminal Code of 1961, a
 13 violation of any out-of-state offense similar to any of the
 14 offenses listed in this subsection (b), or a failure to
 15 submit to a chemical test or tests of blood, breath, or urine
 16 pursuant to Section 11-501.1 or to a preliminary breath
 17 screening test or a field sobriety test or tests pursuant to
 18 Section 11-501.9 of this Code or similar provisions of an
 19 out-of-state jurisdiction shall pay, in addition to any other
 20 fees required by this Code, a reinstatement fee as follows:

- 21 Summary suspension under
- 22 Section 11-501.1 or 11-501.9.....\$250
- 23 Revocation.....\$250

24 (c) All fees collected under the provisions of this
 25 Chapter 6 shall be paid into the Road Fund in the State
 26 Treasury except as follows:

- 27 1. The following amounts shall be paid into the
- 28 Driver Education Fund:
- 29 (A) \$16 of the \$20 fee for an original
- 30 driver's instruction permit;
- 31 (B) \$5 of the \$10 fee for an original driver's
- 32 license;
- 33 (C) \$5 of the \$10 fee for a 4 year renewal
- 34 driver's license; and

1 (D) \$4 of the \$8 fee for a restricted driving
2 permit.

3 2. \$30 of the \$60 fee for reinstatement of a
4 license summarily suspended under Section 11-501.1 or
5 11-501.9 shall be deposited into the Drunk and Drugged
6 Driving Prevention Fund. However, for a person whose
7 license or privilege to operate a motor vehicle in this
8 State has been suspended or revoked for a second or
9 subsequent time for a violation of Section 11-501 ~~or~~
10 11-501.1 of this Code or a similar provision of a local
11 ordinance, a violation of ~~or~~ Section 9-3 of the Criminal
12 Code of 1961, a violation of any out-of-state offense
13 similar to any of the offenses listed in this paragraph
14 (2) of subsection (c), or a failure to submit to a
15 chemical test or tests of blood, breath, or urine
16 pursuant to Section 11-501.1 or to a preliminary breath
17 screening test or a field sobriety test or tests pursuant
18 to Section 11-501.9 of this Code or similar provisions of
19 an out-of-state jurisdiction, \$190 of the \$250 fee for
20 reinstatement of a license summarily suspended under
21 Section 11-501.1 or 11-501.9, and \$190 of the \$250 fee
22 for reinstatement of a revoked license shall be deposited
23 into the Drunk and Drugged Driving Prevention Fund.

24 3. \$6 of such original or renewal fee for a
25 commercial driver's license and \$6 of the commercial
26 driver instruction permit fee when such permit is issued
27 to any person holding a valid Illinois driver's license,
28 shall be paid into the CDLIS/AAMVAnet Trust Fund.

29 4. The fee for reinstatement of a license suspended
30 under the Family Financial Responsibility Law shall be
31 paid into the Family Responsibility Fund.

32 5. The \$5 fee for each original or renewal M or L
33 endorsement shall be deposited into the Cycle Rider
34 Safety Training Fund.

1 6. \$20 of any original or renewal fee for a
 2 commercial driver's license or commercial driver
 3 instruction permit shall be paid into the Motor Carrier
 4 Safety Inspection Fund.

5 (Source: P.A. 91-357, eff. 7-29-99; 91-537, eff. 8-13-99;
 6 92-458, eff. 8-22-01.)

7 (625 ILCS 5/6-203.1) (from Ch. 95 1/2, par. 6-203.1)

8 Sec. 6-203.1. (a) The Secretary of State is authorized
 9 to suspend the driving privileges of a person persons:

10 (1) arrested in another state for driving under the
 11 influence of alcohol, other drug or drugs, or
 12 intoxicating compound or compounds, or any combination
 13 thereof, or a similar provision, and who has refused to
 14 submit to a chemical test or tests, or to a preliminary
 15 breath screening test or a field sobriety test or tests
 16 under the provisions of implied consent, or-

17 (2) requested to submit to a preliminary breath
 18 screening test or a field sobriety test or tests in
 19 another state under provisions of implied consent and who
 20 has refused to submit to the test or tests.

21 (b) When a driving privilege has been suspended for a
 22 refusal as provided in paragraph (a) and the person is
 23 subsequently convicted of the underlying charge, for the same
 24 incident, any period served on suspension shall be credited
 25 toward the minimum period of revocation of driving privileges
 26 imposed pursuant to Section 6-206.

27 (Source: P.A. 90-779, eff. 1-1-99.)

28 (625 ILCS 5/6-206) (from Ch. 95 1/2, par. 6-206)

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

31 (a) The Secretary of State is authorized to suspend or
 32 revoke the driving privileges of any person without

1 preliminary hearing upon a showing of the person's records or
2 other sufficient evidence that the person:

3 1. Has committed an offense for which mandatory
4 revocation of a driver's license or permit is required
5 upon conviction;

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

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

19 4. Has by the unlawful operation of a motor vehicle
20 caused or contributed to an accident resulting in death
21 or injury requiring immediate professional treatment in a
22 medical facility or doctor's office to any person, except
23 that any suspension or revocation imposed by the
24 Secretary of State under the provisions of this
25 subsection shall start no later than 6 months after being
26 convicted of violating a law or ordinance regulating the
27 movement of traffic, which violation is related to the
28 accident, or shall start not more than one year after the
29 date of the accident, whichever date occurs later;

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

32 6. Has been lawfully convicted of an offense or
33 offenses in another state, including the authorization
34 contained in Section 6-203.1, which if committed within

1 this State would be grounds for suspension or revocation;

2 7. Has refused or failed to submit to an
3 examination provided for by Section 6-207 or has failed
4 to pass the examination;

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

7 9. Has made a false statement or knowingly
8 concealed a material fact or has used false information
9 or identification in any application for a license,
10 identification card, or permit;

11 10. Has possessed, displayed, or attempted to
12 fraudulently use any license, identification card, or
13 permit not issued to the person;

14 11. Has operated a motor vehicle upon a highway of
15 this State when the person's driving privilege or
16 privilege to obtain a driver's license or permit was
17 revoked or suspended unless the operation was authorized
18 by a judicial driving permit, probationary license to
19 drive, or a restricted driving permit issued under this
20 Code;

21 12. Has submitted to any portion of the application
22 process for another person or has obtained the services
23 of another person to submit to any portion of the
24 application process for the purpose of obtaining a
25 license, identification card, or permit for some other
26 person;

27 13. Has operated a motor vehicle upon a highway of
28 this State when the person's driver's license or permit
29 was invalid under the provisions of Sections 6-107.1 and
30 6-110;

31 14. Has committed a violation of Section 6-301,
32 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or
33 14B of the Illinois Identification Card Act;

34 15. Has been convicted of violating Section 21-2 of

1 the Criminal Code of 1961 relating to criminal trespass
2 to vehicles in which case, the suspension shall be for
3 one year;

4 16. Has been convicted of violating Section 11-204
5 of this Code relating to fleeing from a police officer;

6 17. Has refused to submit to a test, or tests, as
7 required under Section 11-501.1 or 11-501.9 of this Code
8 and the person has not sought a hearing as provided for
9 in Section 11-501.1;

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

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

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

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

22 22. Has used a motor vehicle in violating paragraph
23 (3), (4), (7), or (9) of subsection (a) of Section 24-1
24 of the Criminal Code of 1961 relating to unlawful use of
25 weapons, in which case the suspension shall be for one
26 year;

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

31 24. Has been convicted by a court-martial or
32 punished by non-judicial punishment by military
33 authorities of the United States at a military
34 installation in Illinois of or for a traffic related

1 offense that is the same as or similar to an offense
2 specified under Section 6-205 or 6-206 of this Code;

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

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

10 27. Has violated Section 6-16 of the Liquor Control
11 Act of 1934;

12 28. Has been convicted of the illegal possession,
13 while operating or in actual physical control, as a
14 driver, of a motor vehicle, of any controlled substance
15 prohibited under the Illinois Controlled Substances Act
16 or any cannabis prohibited under the provisions of the
17 Cannabis Control Act, in which case the person's driving
18 privileges shall be suspended for one year, and any
19 driver who is convicted of a second or subsequent
20 offense, within 5 years of a previous conviction, for the
21 illegal possession, while operating or in actual physical
22 control, as a driver, of a motor vehicle, of any
23 controlled substance prohibited under the provisions of
24 the Illinois Controlled Substances Act or any cannabis
25 prohibited under the Cannabis Control Act shall be
26 suspended for 5 years. Any defendant found guilty of this
27 offense while operating a motor vehicle, shall have an
28 entry made in the court record by the presiding judge
29 that this offense did occur while the defendant was
30 operating a motor vehicle and order the clerk of the
31 court to report the violation to the Secretary of State;

32 29. Has been convicted of the following offenses
33 that were committed while the person was operating or in
34 actual physical control, as a driver, of a motor vehicle:

1 criminal sexual assault, predatory criminal sexual
2 assault of a child, aggravated criminal sexual assault,
3 criminal sexual abuse, aggravated criminal sexual abuse,
4 juvenile pimping, soliciting for a juvenile prostitute
5 and the manufacture, sale or delivery of controlled
6 substances or instruments used for illegal drug use or
7 abuse in which case the driver's driving privileges shall
8 be suspended for one year;

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

13 31. Has refused to submit to a test as required by
14 Section 11-501.6 or has submitted to a test resulting in
15 an alcohol concentration of 0.08 or more or any amount of
16 a drug, substance, or compound resulting from the
17 unlawful use or consumption of cannabis as listed in the
18 Cannabis Control Act, a controlled substance as listed in
19 the Illinois Controlled Substances Act, or an
20 intoxicating compound as listed in the Use of
21 Intoxicating Compounds Act, in which case the penalty
22 shall be as prescribed in Section 6-208.1;

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

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

32 34. Has committed a violation of Section 11-1301.5
33 of this Code;

34 35. Has committed a violation of Section 11-1301.6

1 of this Code;

2 36. Is under the age of 21 years at the time of
3 arrest and has been convicted of not less than 2 offenses
4 against traffic regulations governing the movement of
5 vehicles committed within any 24 month period. No
6 revocation or suspension shall be entered more than 6
7 months after the date of last conviction;

8 37. Has committed a violation of subsection (c) of
9 Section 11-907 of this Code; ~~or~~

10 38. Has been convicted of a violation of Section
11 6-20 of the Liquor Control Act of 1934 or a similar
12 provision of a local ordinance; or.

13 39. ~~38.~~ Has committed a second or subsequent
14 violation of Section 11-1201 of this Code.

15 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,
16 and 27 of this subsection, license means any driver's
17 license, any traffic ticket issued when the person's driver's
18 license is deposited in lieu of bail, a suspension notice
19 issued by the Secretary of State, a duplicate or corrected
20 driver's license, a probationary driver's license or a
21 temporary driver's license.

22 (b) If any conviction forming the basis of a suspension
23 or revocation authorized under this Section is appealed, the
24 Secretary of State may rescind or withhold the entry of the
25 order of suspension or revocation, as the case may be,
26 provided that a certified copy of a stay order of a court is
27 filed with the Secretary of State. If the conviction is
28 affirmed on appeal, the date of the conviction shall relate
29 back to the time the original judgment of conviction was
30 entered and the 6 month limitation prescribed shall not
31 apply.

32 (c) 1. Upon suspending or revoking the driver's license
33 or permit of any person as authorized in this Section,
34 the Secretary of State shall immediately notify the

1 person in writing of the revocation or suspension. The
2 notice to be deposited in the United States mail, postage
3 prepaid, to the last known address of the person.

4 2. If the Secretary of State suspends the driver's
5 license of a person under subsection 2 of paragraph (a)
6 of this Section, a person's privilege to operate a
7 vehicle as an occupation shall not be suspended, provided
8 an affidavit is properly completed, the appropriate fee
9 received, and a permit issued prior to the effective date
10 of the suspension, unless 5 offenses were committed, at
11 least 2 of which occurred while operating a commercial
12 vehicle in connection with the driver's regular
13 occupation. All other driving privileges shall be
14 suspended by the Secretary of State. Any driver prior to
15 operating a vehicle for occupational purposes only must
16 submit the affidavit on forms to be provided by the
17 Secretary of State setting forth the facts of the
18 person's occupation. The affidavit shall also state the
19 number of offenses committed while operating a vehicle in
20 connection with the driver's regular occupation. The
21 affidavit shall be accompanied by the driver's license.
22 Upon receipt of a properly completed affidavit, the
23 Secretary of State shall issue the driver a permit to
24 operate a vehicle in connection with the driver's regular
25 occupation only. Unless the permit is issued by the
26 Secretary of State prior to the date of suspension, the
27 privilege to drive any motor vehicle shall be suspended
28 as set forth in the notice that was mailed under this
29 Section. If an affidavit is received subsequent to the
30 effective date of this suspension, a permit may be issued
31 for the remainder of the suspension period.

32 The provisions of this subparagraph shall not apply
33 to any driver required to obtain a commercial driver's
34 license under Section 6-507 during the period of a

1 disqualification of commercial driving privileges under
2 Section 6-514.

3 Any person who falsely states any fact in the
4 affidavit required herein shall be guilty of perjury
5 under Section 6-302 and upon conviction thereof shall
6 have all driving privileges revoked without further
7 rights.

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

30 If a person's license or permit has been revoked or
31 suspended due to 2 or more convictions of violating
32 Section 11-501 of this Code or a similar provision of a
33 local ordinance or a similar out-of-state offense,
34 arising out of separate occurrences, that person, if

1 issued a restricted driving permit, may not operate a
2 vehicle unless it has been equipped with an ignition
3 interlock device as defined in Section 1-129.1.

4 If a person's license or permit has been revoked or
5 suspended 2 or more times within a 10 year period due to
6 a single conviction of violating Section 11-501 of this
7 Code or a similar provision of a local ordinance or a
8 similar out-of-state offense, and a statutory summary
9 suspension under Section 11-501.1, or 2 or more statutory
10 summary suspensions, or combination of 2 offenses, or of
11 an offense and a statutory summary suspension, arising
12 out of separate occurrences, that person, if issued a
13 restricted driving permit, may not operate a vehicle
14 unless it has been equipped with an ignition interlock
15 device as defined in Section 1-129.1. The person must
16 pay to the Secretary of State DUI Administration Fund an
17 amount not to exceed \$20 per month. The Secretary shall
18 establish by rule the amount and the procedures, terms,
19 and conditions relating to these fees. If the restricted
20 driving permit was issued for employment purposes, then
21 this provision does not apply to the operation of an
22 occupational vehicle owned or leased by that person's
23 employer. In each case the Secretary may issue a
24 restricted driving permit for a period deemed
25 appropriate, except that all permits shall expire within
26 one year from the date of issuance. The Secretary may
27 not, however, issue a restricted driving permit to any
28 person whose current revocation is the result of a second
29 or subsequent conviction for a violation of Section
30 11-501 of this Code or a similar provision of a local
31 ordinance relating to the offense of operating or being
32 in physical control of a motor vehicle while under the
33 influence of alcohol, other drug or drugs, intoxicating
34 compound or compounds, or any similar out-of-state

1 offense, or any combination of those offenses, until the
2 expiration of at least one year from the date of the
3 revocation. A restricted driving permit issued under
4 this Section shall be subject to cancellation,
5 revocation, and suspension by the Secretary of State in
6 like manner and for like cause as a driver's license
7 issued under this Code may be cancelled, revoked, or
8 suspended; except that a conviction upon one or more
9 offenses against laws or ordinances regulating the
10 movement of traffic shall be deemed sufficient cause for
11 the revocation, suspension, or cancellation of a
12 restricted driving permit. The Secretary of State may,
13 as a condition to the issuance of a restricted driving
14 permit, require the applicant to participate in a
15 designated driver remedial or rehabilitative program.
16 The Secretary of State is authorized to cancel a
17 restricted driving permit if the permit holder does not
18 successfully complete the program.

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

26 (d) This Section is subject to the provisions of the
27 Drivers License Compact.

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

32 (Source: P.A. 92-283, eff. 1-1-02; 92-418, eff. 8-17-01;
33 92-458, eff. 8-22-01; 92-651, eff. 7-11-02; 92-804, eff.
34 1-1-03; 92-814, eff. 1-1-03; revised 8-26-02.)

1 (625 ILCS 5/6-206.1) (from Ch. 95 1/2, par. 6-206.1)

2 Sec. 6-206.1. Judicial Driving Permit. Declaration of
3 Policy. It is hereby declared a policy of the State of
4 Illinois that the driver who is impaired by alcohol, other
5 drug or drugs, or intoxicating compound or compounds is a
6 threat to the public safety and welfare. Therefore, to
7 provide a deterrent to such practice and to remove problem
8 drivers from the highway, a statutory summary driver's
9 license suspension is appropriate. It is also recognized that
10 driving is a privilege and therefore, that in some cases the
11 granting of limited driving privileges, where consistent with
12 public safety, is warranted during the period of suspension
13 in the form of a judicial driving permit to drive for the
14 purpose of employment, receiving drug treatment or medical
15 care, and educational pursuits, where no alternative means of
16 transportation is available.

17 The following procedures shall apply whenever a first
18 offender is arrested for any offense as defined in Section
19 11-501 or a similar provision of a local ordinance:

20 (a) Subsequent to a notification of a statutory summary
21 suspension of driving privileges as provided in Section
22 11-501.1, the first offender as defined in Section 11-500 may
23 petition the circuit court of venue for a Judicial Driving
24 Permit, hereinafter referred as a JDP, to relieve undue
25 hardship. The court may issue a court order, pursuant to
26 the criteria contained in this Section, directing the
27 Secretary of State to issue such a JDP to the petitioner.
28 Except as provided in subsection (f-1) of Section 6-208.1, a
29 JDP shall not become effective prior to the 31st day of the
30 original statutory summary suspension. A JDP and shall
31 always be subject to the following criteria:

- 32 1. If ordered for the purposes of employment, the
33 JDP shall be only for the purpose of providing the
34 petitioner the privilege of driving a motor vehicle

1 between the petitioner's residence and the petitioner's
2 place of employment and return; or within the scope of
3 the petitioner's employment related duties, shall be
4 effective only during and limited to those specific times
5 and routes actually required to commute or perform the
6 petitioner's employment related duties.

7 2. The court, by a court order, may also direct the
8 Secretary of State to issue a JDP to allow transportation
9 for the petitioner, or a household member of the
10 petitioner's family, to receive alcohol, drug, or
11 intoxicating compound treatment or medical care, if the
12 petitioner is able to demonstrate that no alternative
13 means of transportation is reasonably available. Such JDP
14 shall be effective only during the specific times
15 actually required to commute.

16 3. The court, by a court order, may also direct the
17 Secretary of State to issue a JDP to allow transportation
18 by the petitioner for educational purposes upon
19 demonstrating that there are no alternative means of
20 transportation reasonably available to accomplish those
21 educational purposes. Such JDP shall be only for the
22 purpose of providing transportation to and from the
23 petitioner's residence and the petitioner's place of
24 educational activity, and only during the specific times
25 and routes actually required to commute or perform the
26 petitioner's educational requirement.

27 4. The Court shall not issue an order granting a
28 JDP to:

29 (i) Any person unless and until the court,
30 after considering the results of a current
31 professional evaluation of the person's alcohol or
32 other drug use by an agency pursuant to Section
33 15-10 of the Alcoholism and Other Drug Abuse and
34 Dependency Act and other appropriate investigation

1 of the person, is satisfied that granting the
2 privilege of driving a motor vehicle on the highways
3 will not endanger the public safety or welfare.

4 (ii) Any person who has been convicted of
5 reckless homicide within the previous 5 years.

6 (iii) Any person whose privilege to operate a
7 motor vehicle was invalid at the time of arrest for
8 the current violation of Section 11-501, or a
9 similar provision of a local ordinance, except in
10 cases where the cause for a driver's license
11 suspension has been removed at the time a JDP is
12 effective. In any case, should the Secretary of
13 State enter a suspension or revocation of driving
14 privileges pursuant to the provisions of this Code
15 while the JDP is in effect or pending, the Secretary
16 shall take the prescribed action and provide a
17 notice to the person and the court ordering the
18 issuance of the JDP that all driving privileges,
19 including those provided by the issuance of the JDP,
20 have been withdrawn.

21 (iv) Any person under the age of 18 years.

22 (b) Prior to ordering the issuance of a JDP the Court
23 should consider at least, but not be limited to, the
24 following issues:

25 1. Whether the person is employed and no other
26 means of commuting to the place of employment is
27 available or that the person must drive as a condition of
28 employment. The employer shall certify the hours of
29 employment and the need and parameters necessary for
30 driving as a condition to employment.

31 2. Whether the person must drive to secure alcohol
32 or other medical treatment for himself or a family
33 member.

34 3. Whether the person must drive for educational

1 purposes. The educational institution shall certify the
2 person's enrollment in and academic schedule at the
3 institution.

4 4. Whether the person has been repeatedly convicted
5 of traffic violations or involved in motor vehicle
6 accidents to a degree which indicates disrespect for
7 public safety.

8 5. Whether the person has been convicted of a
9 traffic violation in connection with a traffic accident
10 resulting in the death of any person within the last 5
11 years.

12 6. Whether the person is likely to obey the limited
13 provisions of the JDP.

14 7. Whether the person has any additional traffic
15 violations pending in any court.

16 For purposes of this Section, programs conducting
17 professional evaluations of a person's alcohol, other drug,
18 or intoxicating compound use must report, to the court of
19 venue, using a form prescribed by the Secretary of State. A
20 copy of such evaluations shall be sent to the Secretary of
21 State by the court. However, the evaluation information shall
22 be privileged and only available to courts and to the
23 Secretary of State, but shall not be admissible in the
24 subsequent trial on the underlying charge.

25 (c) The scope of any court order issued for a JDP under
26 this Section shall be limited to the operation of a motor
27 vehicle as provided for in subsection (a) of this Section and
28 shall specify the petitioner's residence, place of employment
29 or location of educational institution, and the scope of job
30 related duties, if relevant. The JDP shall also specify days
31 of the week and specific hours of the day when the petitioner
32 is able to exercise the limited privilege of operating a
33 motor vehicle. If the Petitioner, who has been granted a JDP,
34 is issued a citation for a traffic related offense, including

1 operating a motor vehicle outside the limitations prescribed
2 in the JDP or a violation of Section 6-303, or is convicted
3 of any such an offense during the term of the JDP, the court
4 shall consider cancellation of the limited driving permit.
5 In any case, if the Petitioner commits an offense, as defined
6 in Section 11-501, or a similar provision of a local
7 ordinance, as evidenced by the issuance of a Uniform Traffic
8 Ticket, the JDP shall be forwarded by the court of venue to
9 the court ordering the issuance of the JDP, for cancellation.
10 The court shall notify the Secretary of State of any such
11 cancellation.

12 (d) The Secretary of State shall, upon receiving a court
13 order from the court of venue, issue a JDP to a successful
14 Petitioner under this Section. Such court order form shall
15 also contain a notification, which shall be sent to the
16 Secretary of State, providing the name, driver's license
17 number and legal address of the successful petitioner, and
18 the full and detailed description of the limitations of the
19 JDP. This information shall be available only to the courts,
20 police officers, and the Secretary of State, except during
21 the actual period the JDP is valid, during which time it
22 shall be a public record. The Secretary of State shall design
23 and furnish to the courts an official court order form to be
24 used by the courts when directing the Secretary of State to
25 issue a JDP.

26 Any submitted court order that contains insufficient data
27 or fails to comply with this Code shall not be utilized for
28 JDP issuance or entered to the driver record but shall be
29 returned to the issuing court indicating why the JDP cannot
30 be so entered. A notice of this action shall also be sent to
31 the JDP petitioner by the Secretary of State.

32 (e) The circuit court of venue may conduct the judicial
33 hearing, as provided in Section 2-118.1, and the JDP hearing
34 provided in this Section, concurrently. Such concurrent

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

3 (f) The circuit court of venue may, as a condition of
4 the issuance of a JDP, prohibit the person from operating a
5 motor vehicle not equipped with an ignition interlock device.
6 (Source: P.A. 90-369, eff. 1-1-98; 90-779, eff. 1-1-99;
7 91-127, eff. 1-1-00.)

8 (625 ILCS 5/6-208.1) (from Ch. 95 1/2, par. 6-208.1)
9 Sec. 6-208.1. Period of statutory summary alcohol, other
10 drug, or intoxicating compound related suspension.

11 (a) Unless the statutory summary suspension has been
12 rescinded, any person whose privilege to drive a motor
13 vehicle on the public highways has been summarily suspended,
14 pursuant to Section 11-501.1 or 11-501.9, shall not be
15 eligible for restoration of the privilege until the
16 expiration of:

17 1. Six months from the effective date of the
18 statutory summary suspension for a refusal or failure to
19 complete a test or tests to determine the alcohol, drug,
20 or intoxicating compound concentration, pursuant to
21 Section 11-501.1; or for a refusal or failure to complete
22 a preliminary breath screening test or a field sobriety
23 test or tests pursuant to Section 11-501.9; or

24 2. Three months from the effective date of the
25 statutory summary suspension imposed following the
26 person's submission to a chemical test which disclosed an
27 alcohol concentration of 0.08 or more, or any amount of a
28 drug, substance, or intoxicating compound in such
29 person's breath, blood, or urine resulting from the
30 unlawful use or consumption of cannabis listed in the
31 Cannabis Control Act, a controlled substance listed in
32 the Illinois Controlled Substances Act, or an
33 intoxicating compound listed in the Use of Intoxicating

1 Compounds Act, pursuant to Section 11-501.1; or

2 3. Three years from the effective date of the
3 statutory summary suspension for any person other than a
4 first offender who refuses or fails to complete a test or
5 tests to determine the alcohol, drug, or intoxicating
6 compound concentration pursuant to Section 11-501.1; or

7 3.1. Two years from the effective date of the
8 statutory summary suspension for any person other than a
9 first offender who refuses or fails to complete a
10 preliminary breath screening test or a field sobriety
11 test or tests pursuant to Section 11-501.9; or

12 4. One year from the effective date of the summary
13 suspension imposed for any person other than a first
14 offender following submission to a chemical test which
15 disclosed an alcohol concentration of 0.08 or more
16 pursuant to Section 11-501.1 or any amount of a drug,
17 substance or compound in such person's blood or urine
18 resulting from the unlawful use or consumption of
19 cannabis listed in the Cannabis Control Act, a controlled
20 substance listed in the Illinois Controlled Substances
21 Act, or an intoxicating compound listed in the Use of
22 Intoxicating Compounds Act.

23 (b) Following a statutory summary suspension of the
24 privilege to drive a motor vehicle under Section 11-501.1 or
25 11-501.9, full driving privileges shall be restored unless
26 the person is otherwise disqualified by this Code. If the
27 court has reason to believe that the person's driving
28 privilege should not be restored, the court shall notify the
29 Secretary of State prior to the expiration of the statutory
30 summary suspension so appropriate action may be taken
31 pursuant to this Code.

32 (c) Full driving privileges may not be restored until
33 all applicable reinstatement fees, as provided by this Code,
34 have been paid to the Secretary of State and the appropriate

1 entry made to the driver's record.

2 (d) Where a driving privilege has been summarily
3 suspended under Section 11-501.1 or 11-501.9 and the person
4 is subsequently convicted of violating Section 11-501, or a
5 similar provision of a local ordinance, for the same
6 incident, any period served on statutory summary suspension
7 shall be credited toward the minimum period of revocation of
8 driving privileges imposed pursuant to Section 6-205.

9 (e) Following a statutory summary suspension of driving
10 privileges pursuant to Section 11-501.1, for a first
11 offender, the circuit court may, after at least 30 days from
12 the effective date of the statutory summary suspension or as
13 provided in subsection (e-1), issue a judicial driving permit
14 as provided in Section 6-206.1.

15 (e-1) Following a statutory summary suspension of
16 driving privileges under Section 11-501.1 for a first
17 offender, if that person also (i) has never received a
18 disposition of supervision for any offense as defined in
19 Section 11-501 or a similar provision of a local ordinance
20 and (ii) submitted to field sobriety tests under Section
21 11-501.9 before the statutory summary suspension was imposed
22 under Section 11-501.1, the circuit court may, at any time
23 after the statutory summary suspension has been imposed,
24 issue a judicial driving permit under Section 6-206.1.

25 (f) Subsequent to an arrest of a first offender, for any
26 offense as defined in Section 11-501 or a similar provision
27 of a local ordinance, following a statutory summary
28 suspension of driving privileges pursuant to Section
29 11-501.1, for a first offender, the circuit court may issue a
30 court order directing the Secretary of State to issue a
31 judicial driving permit as provided in Section 6-206.1.
32 Except as provided in subsection (e-1), however, this JDP
33 shall not be effective prior to the 31st day of the statutory
34 summary suspension.

1 (f-1) Following a statutory summary suspension of
 2 driving privileges pursuant to Section 11-501.9, for a first
 3 offender, the Secretary of State may, after at least 30 days
 4 from the effective date of the statutory summary suspension,
 5 issue a restricted driving permit as provided in subsection
 6 (g) of Section 11-501.9.

7 (g) Following a statutory summary suspension of driving
 8 privileges pursuant to Section 11-501.1 where the person was
 9 not a first offender, as defined in Section 11-500, or a
 10 preliminary breath screening test or a field sobriety test or
 11 tests the Secretary of State may not issue a restricted
 12 driving permit.

13 (h) (Blank).

14 (i) When a person has refused to submit to or failed to
 15 complete a chemical test or tests of blood, breath, or urine
 16 pursuant to Section 11-501.1 or to a preliminary breath
 17 screening test or a field sobriety test or tests pursuant to
 18 Section 11-501.9, the person's driving privileges shall be
 19 statutorily suspended under the provisions of both Sections,
 20 but the periods of statutory suspension shall run
 21 concurrently.

22 (Source: P.A. 91-357, eff. 7-29-99; 92-248, eff. 8-3-01.)

23 (625 ILCS 5/6-303) (from Ch. 95 1/2, par. 6-303)

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

26 (a) Any person who drives or is in actual physical
 27 control of a motor vehicle on any highway of this State at a
 28 time when such person's driver's license, permit or privilege
 29 to do so or the privilege to obtain a driver's license or
 30 permit is revoked or suspended as provided by this Code or
 31 the law of another state, except as may be specifically
 32 allowed by and subject to the conditions of a judicial
 33 driving permit, family financial responsibility driving

1 permit, probationary license to drive, or a restricted
2 driving permit issued pursuant to this Code or under the law
3 of another state, shall be guilty of a Class A misdemeanor.

4 (b) The Secretary of State upon receiving a report of
5 the conviction of any violation indicating a person was
6 operating a motor vehicle during the time when said person's
7 driver's license, permit or privilege was suspended by the
8 Secretary, by the appropriate authority of another state, or
9 pursuant to Section 11-501.1 or 11-501.9, except as may be
10 specifically allowed by a probationary license to drive,
11 judicial driving permit or restricted driving permit issued
12 pursuant to this Code or the law of another state; shall
13 extend the suspension for the same period of time as the
14 originally imposed suspension; however, if the period of
15 suspension has then expired, the Secretary shall be
16 authorized to suspend said person's driving privileges for
17 the same period of time as the originally imposed suspension;
18 and if the conviction was upon a charge which indicated that
19 a vehicle was operated during the time when the person's
20 driver's license, permit or privilege was revoked; except as
21 may be allowed by a restricted driving permit issued pursuant
22 to this Code or the law of another state; the Secretary shall
23 not issue a driver's license for an additional period of one
24 year from the date of such conviction indicating such person
25 was operating a vehicle during such period of revocation.

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

- 30 (1) a violation of Section 11-501 of this Code or a
31 similar provision of a local ordinance relating to the
32 offense of operating or being in physical control of a
33 vehicle while under the influence of alcohol, any other
34 drug or any combination thereof; or

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

5 (3) a violation of Section 9-3 of the Criminal Code
6 of 1961, as amended, relating to the offense of reckless
7 homicide; or

8 (4) a statutory summary suspension under Section
9 11-501.1 or 11-501.9 of this Code.

10 Such sentence of imprisonment or community service shall
11 not be subject to suspension in order to reduce such
12 sentence.

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

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

20 (1) Seizure of the license plates of the person's
21 vehicle.

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

24 (d) Any person convicted of a second violation of this
25 Section shall be guilty of a Class 4 felony and shall serve a
26 minimum term of imprisonment of 30 days or 300 hours of
27 community service, as determined by the court, if the
28 revocation or suspension was for a violation of Section
29 11-401 or 11-501 of this Code, or a similar out-of-state
30 offense, or a similar provision of a local ordinance, a
31 violation of Section 9-3 of the Criminal Code of 1961,
32 relating to the offense of reckless homicide, or a similar
33 out-of-state offense, or a statutory summary suspension under
34 Section 11-501.1 or 11-501.9 of this Code.

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

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

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

26 (e) Any person in violation of this Section who is also
27 in violation of Section 7-601 of this Code relating to
28 mandatory insurance requirements, in addition to other
29 penalties imposed under this Section, shall have his or her
30 motor vehicle immediately impounded by the arresting law
31 enforcement officer. The motor vehicle may be released to any
32 licensed driver upon a showing of proof of insurance for the
33 vehicle that was impounded and the notarized written consent
34 for the release by the vehicle owner.

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

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

12 (Source: P.A. 91-692, eff. 4-13-00; 92-340, eff. 8-10-01;
13 92-688, eff. 7-16-02.)

14 (625 ILCS 5/11-500) (from Ch. 95 1/2, par. 11-500)

15 Sec. 11-500. Definitions. For the purposes of
16 interpreting Sections 6-206.1 and 6-208.1 of this Code,
17 "first offender" shall mean: (i) any person who has not had a
18 previous conviction or court assigned supervision for
19 violating Section 11-501, or a similar provision of a local
20 ordinance, or a conviction in any other state for a violation
21 of driving while under the influence or a similar offense
22 where the cause of action is the same or substantially
23 similar to this Code, or (ii) any person who has not had a
24 driver's license suspension for violating Section 11-501.1 or
25 11-501.9 within 5 years prior to the date of the current
26 offense or failure to submit to or complete a chemical test
27 or tests of blood, breath, or urine pursuant to Section
28 11-501.1 or a preliminary breath screening test or a field
29 sobriety test or tests pursuant to Section 11-501.9, except
30 in cases where the driver submitted to chemical testing
31 resulting in an alcohol concentration of 0.08 or more, or any
32 amount of a drug, substance, or compound in such person's
33 blood or urine resulting from the unlawful use or consumption

1 of cannabis listed in the Cannabis Control Act, a controlled
2 substance listed in the Illinois Controlled Substances Act,
3 or an intoxicating compound listed in the Use of Intoxicating
4 Compounds Act and was subsequently found not guilty of
5 violating Section 11-501, or a similar provision of a local
6 ordinance.

7 (Source: P.A. 90-43, eff. 7-2-97; 90-779, eff. 1-1-99.)

8 (625 ILCS 5/11-501) (from Ch. 95 1/2, par. 11-501)

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

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

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

17 (2) under the influence of alcohol;

18 (3) under the influence of any intoxicating
19 compound or combination of intoxicating compounds to a
20 degree that renders the person incapable of driving
21 safely;

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

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

29 (6) there is any amount of a drug, substance, or
30 compound in the person's breath, blood, or urine
31 resulting from the unlawful use or consumption of
32 cannabis listed in the Cannabis Control Act, a controlled
33 substance listed in the Illinois Controlled Substances

1 Act, or an intoxicating compound listed in the Use of
2 Intoxicating Compounds Act.

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

8 (c) Except as provided under paragraphs (c-3), (c-4),
9 and (d) of this Section, every person convicted of violating
10 this Section or a similar provision of a local ordinance,
11 shall be guilty of a Class A misdemeanor and, in addition to
12 any other criminal or administrative action, for any second
13 conviction of violating this Section or a similar provision
14 of a law of another state or local ordinance committed within
15 5 years of a previous violation of this Section or a similar
16 provision of a local ordinance shall be mandatorily sentenced
17 to a minimum of 5 days of imprisonment or assigned to a
18 minimum of 30 days of community service as may be determined
19 by the court. Every person convicted of violating this
20 Section or a similar provision of a local ordinance shall be
21 subject to an additional mandatory minimum fine of \$500 and
22 an additional mandatory 5 days of community service in a
23 program benefiting children if the person committed a
24 violation of paragraph (a) or a similar provision of a local
25 ordinance while transporting a person under age 16. Every
26 person convicted a second time for violating this Section or
27 a similar provision of a local ordinance within 5 years of a
28 previous violation of this Section or a similar provision of
29 a law of another state or local ordinance shall be subject to
30 an additional mandatory minimum fine of \$500 and an
31 additional 10 days of mandatory community service in a
32 program benefiting children if the current offense was
33 committed while transporting a person under age 16. The
34 imprisonment or assignment under this subsection shall not be

1 subject to suspension nor shall the person be eligible for
2 probation in order to reduce the sentence or assignment.

3 (c-1) (1) A person who violates this Section during a
4 period in which his or her driving privileges are revoked
5 or suspended, where the revocation or suspension was for
6 a violation of this Section or a similar provision of a
7 local ordinance, a failure to submit to a chemical test
8 or tests of blood, breath, or urine pursuant to, Section
9 11-501.1 or a failure to submit to a preliminary breath
10 screening test or a field sobriety test or tests pursuant
11 to Section 11-501.9 of this Code, a violation of,
12 paragraph (b) of Section 11-401 of this Code, or a
13 violation of Section 9-3 of the Criminal Code of 1961 is
14 guilty of a Class 4 felony.

15 (2) A person who violates this Section a third time
16 during a period in which his or her driving privileges
17 are revoked or suspended where the revocation or
18 suspension was for a violation of this Section, or a
19 similar violation of a local ordinance, a failure to
20 submit to a chemical test or tests of blood, breath, or
21 urine pursuant to Section 11-501.1 or a failure to submit
22 to a preliminary breath screening test or a field
23 sobriety test or tests pursuant to Section 11-501.9 of
24 this Code, a violation of, paragraph (b) of Section
25 11-401 of this Code, or a violation of Section 9-3 of the
26 Criminal Code of 1961 is guilty of a Class 3 felony.

27 (3) A person who violates this Section a fourth or
28 subsequent time during a period in which his or her
29 driving privileges are revoked or suspended where the
30 revocation or suspension was for a violation of this
31 Section or a similar violation of a local ordinance, a
32 failure to submit to a chemical test or tests of blood,
33 breath, or urine pursuant to, Section 11-501.1 or a
34 failure to submit to a preliminary breath screening test

1 or a field sobriety test or tests pursuant to Section
2 11-501.9 of this Code, a violation of, paragraph (b) of
3 Section 11-401 of this Code, or a violation of Section
4 9-3 of the Criminal Code of 1961 is guilty of a Class 2
5 felony.

6 (c-2) (Blank).

7 (c-3) Every person convicted of violating this Section
8 or a similar provision of a local ordinance who had a child
9 under age 16 in the vehicle at the time of the offense shall
10 have his or her punishment under this Act enhanced by 2 days
11 of imprisonment for a first offense, 10 days of imprisonment
12 for a second offense, 30 days of imprisonment for a third
13 offense, and 90 days of imprisonment for a fourth or
14 subsequent offense, in addition to the fine and community
15 service required under subsection (c) and the possible
16 imprisonment required under subsection (d). The imprisonment
17 or assignment under this subsection shall not be subject to
18 suspension nor shall the person be eligible for probation in
19 order to reduce the sentence or assignment.

20 (c-4) When a person is convicted of violating Section
21 11-501 of this Code or a similar provision of a local
22 ordinance, the following penalties apply when his or her
23 blood, breath, or urine was .16 or more based on the
24 definition of blood, breath, or urine units in Section
25 11-501.2 or when that person is convicted of violating this
26 Section while transporting a child under the age of 16:

27 (1) A person who is convicted of violating
28 subsection (a) of Section 11-501 of this Code a first
29 time, in addition to any other penalty that may be
30 imposed under subsection (c), is subject to a mandatory
31 minimum of 100 hours of community service and a minimum
32 fine of \$500.

33 (2) A person who is convicted of violating
34 subsection (a) of Section 11-501 of this Code a second

1 time within 10 years, in addition to any other penalty
2 that may be imposed under subsection (c), is subject to a
3 mandatory minimum of 2 days of imprisonment and a minimum
4 fine of \$1,250.

5 (3) A person who is convicted of violating
6 subsection (a) of Section 11-501 of this Code a third
7 time within 20 years is guilty of a Class 4 felony and,
8 in addition to any other penalty that may be imposed
9 under subsection (c), is subject to a mandatory minimum
10 of 90 days of imprisonment and a minimum fine of \$2,500.

11 (4) A person who is convicted of violating this
12 subsection (c-4) a fourth or subsequent time is guilty of
13 a Class 2 felony and, in addition to any other penalty
14 that may be imposed under subsection (c), is not eligible
15 for a sentence of probation or conditional discharge and
16 is subject to a minimum fine of \$2,500.

17 (d) (1) Every person convicted of committing a violation
18 of this Section shall be guilty of aggravated driving
19 under the influence of alcohol, other drug or drugs, or
20 intoxicating compound or compounds, or any combination
21 thereof if:

22 (A) the person committed a violation of this
23 Section, or a similar provision of a law of another
24 state or a local ordinance when the cause of action
25 is the same as or substantially similar to this
26 Section, for the third or subsequent time;

27 (B) the person committed a violation of
28 paragraph (a) while driving a school bus with
29 children on board;

30 (C) the person in committing a violation of
31 paragraph (a) was involved in a motor vehicle
32 accident that resulted in great bodily harm or
33 permanent disability or disfigurement to another,
34 when the violation was a proximate cause of the

1 injuries;

2 (D) the person committed a violation of
3 paragraph (a) for a second time and has been
4 previously convicted of violating Section 9-3 of the
5 Criminal Code of 1961 relating to reckless homicide
6 in which the person was determined to have been
7 under the influence of alcohol, other drug or drugs,
8 or intoxicating compound or compounds as an element
9 of the offense or the person has previously been
10 convicted under subparagraph (C) of this paragraph
11 (1); or

12 (E) the person, in committing a violation of
13 paragraph (a) while driving at any speed in a school
14 speed zone at a time when a speed limit of 20 miles
15 per hour was in effect under subsection (a) of
16 Section 11-605 of this Code, was involved in a motor
17 vehicle accident that resulted in bodily harm, other
18 than great bodily harm or permanent disability or
19 disfigurement, to another person, when the violation
20 of paragraph (a) was a proximate cause of the bodily
21 harm.

22 (2) Aggravated driving under the influence of
23 alcohol, other drug or drugs, or intoxicating compound or
24 compounds, or any combination thereof is a Class 4
25 felony. For a violation of subparagraph (C) of paragraph
26 (1) of this subsection (d), the defendant, if sentenced
27 to a term of imprisonment, shall be sentenced to not less
28 than one year nor more than 12 years. For any
29 prosecution under this subsection (d), a certified copy
30 of the driving abstract of the defendant shall be
31 admitted as proof of any prior conviction.

32 (e) After a finding of guilt and prior to any final
33 sentencing, or an order for supervision, for an offense based
34 upon an arrest for a violation of this Section or a similar

1 provision of a local ordinance, individuals shall be required
2 to undergo a professional evaluation to determine if an
3 alcohol, drug, or intoxicating compound abuse problem exists
4 and the extent of the problem, and undergo the imposition of
5 treatment as appropriate. Programs conducting these
6 evaluations shall be licensed by the Department of Human
7 Services. The cost of any professional evaluation shall be
8 paid for by the individual required to undergo the
9 professional evaluation.

10 (f) Every person found guilty of violating this Section,
11 whose operation of a motor vehicle while in violation of this
12 Section proximately caused any incident resulting in an
13 appropriate emergency response, shall be liable for the
14 expense of an emergency response as provided under Section
15 5-5-3 of the Unified Code of Corrections.

16 (g) The Secretary of State shall revoke the driving
17 privileges of any person convicted under this Section or a
18 similar provision of a local ordinance.

19 (h) Every person sentenced under paragraph (2) or (3) of
20 subsection (c-1) of this Section or subsection (d) of this
21 Section and who receives a term of probation or conditional
22 discharge shall be required to serve a minimum term of either
23 60 days community service or 10 days of imprisonment as a
24 condition of the probation or conditional discharge. This
25 mandatory minimum term of imprisonment or assignment of
26 community service shall not be suspended and shall not be
27 subject to reduction by the court.

28 (i) The Secretary of State shall require the use of
29 ignition interlock devices on all vehicles owned by an
30 individual who has been convicted of a second or subsequent
31 offense of this Section or a similar provision of a local
32 ordinance. The Secretary shall establish by rule and
33 regulation the procedures for certification and use of the
34 interlock system.

1 (j) In addition to any other penalties and liabilities,
2 a person who is found guilty of or pleads guilty to violating
3 this Section, including any person placed on court
4 supervision for violating this Section, shall be fined \$100,
5 payable to the circuit clerk, who shall distribute the money
6 to the law enforcement agency that made the arrest. If the
7 person has been previously convicted of violating this
8 Section or a similar provision of a local ordinance, the fine
9 shall be \$200. In the event that more than one agency is
10 responsible for the arrest, the \$100 or \$200 shall be shared
11 equally. Any moneys received by a law enforcement agency
12 under this subsection (j) shall be used to purchase law
13 enforcement equipment that will assist in the prevention of
14 alcohol related criminal violence throughout the State. This
15 shall include, but is not limited to, in-car video cameras,
16 radar and laser speed detection devices, and alcohol breath
17 testers. Any moneys received by the Department of State
18 Police under this subsection (j) shall be deposited into the
19 State Police DUI Fund and shall be used to purchase law
20 enforcement equipment that will assist in the prevention of
21 alcohol related criminal violence throughout the State.

22 (Source: P.A. 91-126, eff. 7-16-99; 91-357, eff. 7-29-99;
23 91-692, eff. 4-13-00; 91-822, eff. 6-13-00; 92-248, eff.
24 8-3-01; 92-418, eff. 8-17-01; 92-420, eff. 8-17-01; 92-429,
25 eff. 1-1-02; 92-431, eff. 1-1-02; 92-651, eff. 7-11-02.)

26 (625 ILCS 5/11-501.9 new)

27 Sec. 11-501.9. Mandatory preliminary breath screening
28 test and field sobriety tests.

29 (a) The General Assembly finds that: (1) the incidence
30 of motorists suspected of driving under the influence of
31 alcohol, other drugs, or intoxicating compounds who refuse to
32 perform voluntary preliminary breath screening tests or field
33 sobriety tests has risen to alarming proportions; (2)

1 motorists who refuse these tests frequently drive under the
2 influence of alcohol, drugs, or intoxicating compounds but
3 are nonetheless often able to avoid the loss or suspension of
4 driving privileges by refusing to perform these tests; (3)
5 these motorists pose a substantial danger to the lives and
6 property both of other motorists and of pedestrians; (4) the
7 State of Illinois has the duty to protect the lives and
8 property of its citizens as they travel upon the roads and
9 highways of this State, and that duty gives rise to a special
10 need to ensure that those roads and highways are free from
11 the dangers posed by impaired motorists; (5) persons who
12 operate motor vehicles upon the roads and highways of this
13 State engage in an inherently dangerous activity that
14 directly affects the safety of the public, and consequently,
15 such persons are subject to reasonable measures designed to
16 make road and highway travel safe; (6) the only effective and
17 realistic response to the crisis presented by motorists
18 refusing to voluntarily perform preliminary breath screening
19 tests or field sobriety tests is to require persons suspected
20 of driving under the influence of alcohol, drugs, or
21 intoxicating compounds to perform these tests; and (7) the
22 required performance of these tests based on individualized
23 reasonable suspicion is a necessary, unobtrusive, and
24 reasonable measure designed to promote the State's special
25 need to make its roads and highways safe.

26 (b) Any person who drives or is in actual physical
27 control of a motor vehicle within this State shall be deemed
28 to have given consent to performing any field sobriety test
29 or tests approved by the Illinois Law Enforcement Training
30 Standards Board and to providing a sample of his or her
31 breath for a preliminary breath screening test using a
32 portable device approved by the Department of State Police
33 and checked for accuracy by the law enforcement agency
34 utilizing the device at intervals not exceeding 3 months if

1 the law enforcement officer has reasonable suspicion based on
2 specific and articulable facts and rational inferences from
3 those facts to believe that the person is violating or has
4 violated Section 11-501 or a similar provision of a local
5 ordinance. These tests shall be conducted expeditiously in
6 the vicinity of the location in which the person was stopped
7 by a law enforcement officer trained to administer these
8 tests under standards set forth by the Illinois Law
9 Enforcement Training Standards Board. The results of the
10 field sobriety test or tests or the preliminary breath
11 screening test may be used by the law enforcement officer for
12 the purpose of assisting with the determination of whether to
13 require a chemical test as authorized under Sections 11-501.1
14 and 11-501.2, and the appropriate type of test to request.
15 The decision to administer a field sobriety test or tests or
16 a preliminary breath screening test shall at all times be in
17 the discretion of the law enforcement officer. Any chemical
18 test authorized under Sections 11-501.1 and 11-501.2 may be
19 requested by the officer regardless of the result of the
20 field sobriety test or tests or of the preliminary breath
21 screening test, if probable cause for an arrest otherwise
22 exists. The preliminary breath screening test shall be
23 administered in accordance with rules the Director of the
24 Illinois State Police may adopt. The result of a field
25 sobriety test or test or of a preliminary breath screening
26 test may be used by the defendant as evidence in any
27 administrative or court proceeding involving a violation of
28 Section 11-501 or 11-501.1 and may be used by the State as
29 evidence in any administrative or court proceeding to
30 establish probable cause for a violation of Section 11-501 or
31 in rebuttal to an assertion that a test conducted pursuant to
32 Section 11-501.1 did not accurately reflect a person's degree
33 of alcohol concentration in the person's breath or blood at
34 the time the person was in control of the motor vehicle.

1 For the purposes of this Section, a law enforcement
2 officer of this State who is investigating a person for any
3 offense set forth in Section 11-501 may travel to an
4 adjoining state to which the person has been transported for
5 medical care to complete an investigation and request that
6 the person submit to the test set forth in this Section.

7 (c) A person requested to submit to any test as provided
8 in subsection (b) of this Section shall be warned by the law
9 enforcement officer requesting the test prior to
10 administering the test or tests that a refusal to submit to
11 any test will result in the statutory summary suspension of
12 the person's privilege to operate a motor vehicle as provided
13 in Section 6-208.1 of this Code.

14 (d) If a person refuses to perform a field sobriety test
15 or tests or a preliminary breath screening test requested by
16 a law enforcement officer, the law enforcement officer shall
17 immediately submit a sworn report to the Secretary of State
18 on a form prescribed by the Secretary, certifying that the
19 test was requested under subsection (b) and that the person
20 refused to submit to the test.

21 (e) Upon receipt of the sworn report of a law
22 enforcement officer submitted under subsection (d), the
23 Secretary of State shall enter the statutory summary
24 suspension for the periods specified in Section 6-208.1, and
25 effective as provided in subsection (i). If the person is a
26 first offender as defined in Section 11-500 of this Code, and
27 is not convicted of a violation of Section 11-501 of this
28 Code or a similar provision of a local ordinance, then
29 reports received by the Secretary of State under this Section
30 shall, except during the actual time the statutory summary
31 suspension is in effect, be privileged information and for
32 use only by the courts, police officers, prosecuting
33 authorities, or the Secretary of State.

34 (f) The law enforcement officer submitting the sworn

1 report under subsection (d) shall serve immediate notice of
2 the statutory summary suspension on the person. The
3 suspension shall be effective on the 46th day following the
4 date the statutory summary suspension was given to the
5 person. Upon receipt of the sworn report from the law
6 enforcement officer, the Secretary of State shall confirm the
7 statutory summary suspension by mailing a notice of the
8 effective date of the suspension to the person and to the
9 court of venue if the person was given a citation at the time
10 of the notice of suspension by the law enforcement officer
11 and the person's driver's license was forwarded to the court.
12 If the sworn report is defective because it does not contain
13 sufficient information or it has been completed in error, the
14 confirmation of the statutory summary suspension must not be
15 mailed to the person or entered to the record; instead, the
16 sworn report must be returned to the issuing agency,
17 identifying any defect.

18 (g) A driver may contest the suspension of his or her
19 driving privileges by requesting an administrative hearing
20 with the Secretary in accordance with Section 2-118 of this
21 Code. The administrative hearing shall be held within 30
22 days of the request unless the person requests a continuance.
23 The petition for this hearing does not stay or delay the
24 effective date of the impending suspension. The scope of the
25 hearing shall be limited to the issues of:

26 (1) whether the officer had reasonable suspicion
27 based on specific and articulable facts and inferences
28 from those facts to believe that the person was driving
29 or in actual physical control of a motor vehicle upon the
30 public highways of this State while under the influence
31 of alcohol, another drug, or a combination of both, or
32 intoxicating compounds; and

33 (2) whether the person, after being advised by the
34 law enforcement officer that the privilege to operate a

1 motor vehicle would be suspended if the person refused to
2 submit to and complete a field sobriety test or tests or
3 a preliminary breath screening test, refused to submit to
4 or complete such test.

5 The hearing may be conducted upon a review of the law
6 enforcement officer's own official reports; however, the
7 person may subpoena the officer. Failure of the officer to
8 answer the subpoena shall be considered grounds for the
9 person to obtain a continuance if, in the opinion of the
10 hearing officer, the continuance is appropriate. At the
11 conclusion of the hearing, the Secretary may rescind,
12 continue or modify the order of suspension. If the Secretary
13 does not rescind the sanction, and the person is a first
14 offender as defined by Section 11-500, upon application being
15 made and good cause shown, the Secretary may issue the person
16 a restricted driving permit effective no sooner than the 31st
17 day following the date on which the statutory summary
18 suspension took effect. The restricted driving permit may be
19 granted to relieve undue hardship by allowing driving for
20 employment, educational, and medical purposes outlined in
21 item (3) of subsection (c) of Section 6-206 of this Code.
22 The provisions of item (3) of subsection (c) of Section 6-206
23 shall apply.

24 (h) When specific and articulable facts and the
25 inferences from those facts give rise to a rational basis for
26 concluding that the driver of a vehicle is impaired from
27 alcohol, drugs, intoxicating compounds or a combination of
28 them to the extent that the continued operation of the
29 vehicle by the driver would constitute a clear and present
30 danger to any person, the law enforcement officer may secure
31 the driver's vehicle for up to 24 hours. For the purpose of
32 this subsection, "secure" means that the officer may: (i)
33 direct the driver not to operate the vehicle; (ii) take
34 possession of the driver's vehicle keys, (iii) impound the

1 vehicle, or (iv) take other reasonable steps to ensure the
2 driver does not operate the vehicle. If the vehicle is
3 impounded, the driver shall be liable for all costs of
4 impoundment. The law enforcement officer may release the
5 vehicle to a person other than the driver if: (i) that other
6 person is the owner or renter of the vehicle or the driver is
7 owner of the vehicle and gives permission to the other person
8 to operate the vehicle and (ii) the other person possesses a
9 valid operator's license and would not, as determined by the
10 law enforcement officer, either have a lack of ability to
11 operate the vehicle in a safe manner or be operating the
12 vehicle in violation of this Code.

13 Section 10. The Unified Code of Corrections is amended
14 by changing Section 5-6-1 as follows:

15 (730 ILCS 5/5-6-1) (from Ch. 38, par. 1005-6-1)

16 Sec. 5-6-1. Sentences of Probation and of Conditional
17 Discharge and Disposition of Supervision. The General
18 Assembly finds that in order to protect the public, the
19 criminal justice system must compel compliance with the
20 conditions of probation by responding to violations with
21 swift, certain and fair punishments and intermediate
22 sanctions. The Chief Judge of each circuit shall adopt a
23 system of structured, intermediate sanctions for violations
24 of the terms and conditions of a sentence of probation,
25 conditional discharge or disposition of supervision.

26 (a) Except where specifically prohibited by other
27 provisions of this Code, the court shall impose a sentence of
28 probation or conditional discharge upon an offender unless,
29 having regard to the nature and circumstance of the offense,
30 and to the history, character and condition of the offender,
31 the court is of the opinion that:

32 (1) his imprisonment or periodic imprisonment is

1 necessary for the protection of the public; or

2 (2) probation or conditional discharge would
3 deprecate the seriousness of the offender's conduct and
4 would be inconsistent with the ends of justice.

5 The court shall impose as a condition of a sentence of
6 probation, conditional discharge, or supervision, that the
7 probation agency may invoke any sanction from the list of
8 intermediate sanctions adopted by the chief judge of the
9 circuit court for violations of the terms and conditions of
10 the sentence of probation, conditional discharge, or
11 supervision, subject to the provisions of Section 5-6-4 of
12 this Act.

13 (b) The court may impose a sentence of conditional
14 discharge for an offense if the court is of the opinion that
15 neither a sentence of imprisonment nor of periodic
16 imprisonment nor of probation supervision is appropriate.

17 (c) The court may, upon a plea of guilty or a
18 stipulation by the defendant of the facts supporting the
19 charge or a finding of guilt, defer further proceedings and
20 the imposition of a sentence, and enter an order for
21 supervision of the defendant, if the defendant is not charged
22 with a Class A misdemeanor, as defined by the following
23 provisions of the Criminal Code of 1961: Sections 12-3.2;
24 12-15; 31-1; 31-6; 31-7; subsections (b) and (c) of Section
25 21-1; paragraph (1) through (5), (8), (10), and (11) of
26 subsection (a) of Section 24-1; and Section 1 of the Boarding
27 Aircraft With Weapon Act; or a felony. If the defendant is
28 not barred from receiving an order for supervision as
29 provided in this subsection, the court may enter an order for
30 supervision after considering the circumstances of the
31 offense, and the history, character and condition of the
32 offender, if the court is of the opinion that:

33 (1) the offender is not likely to commit further
34 crimes;

1 (2) the defendant and the public would be best
2 served if the defendant were not to receive a criminal
3 record; and

4 (3) in the best interests of justice an order of
5 supervision is more appropriate than a sentence otherwise
6 permitted under this Code.

7 (d) The provisions of paragraph (c) shall not apply to a
8 defendant charged with violating Section 11-501 of the
9 Illinois Vehicle Code or a similar provision of a local
10 ordinance when the defendant has previously been:

11 (1) convicted for a violation of Section 11-501 of
12 the Illinois Vehicle Code or a similar provision of a
13 local ordinance or any similar law or ordinance of
14 another state; or

15 (2) assigned supervision for a violation of Section
16 11-501 of the Illinois Vehicle Code or a similar
17 provision of a local ordinance or any similar law or
18 ordinance of another state; or

19 (3) pleaded guilty to or stipulated to the facts
20 supporting a charge or a finding of guilty to a violation
21 of Section 11-503 of the Illinois Vehicle Code or a
22 similar provision of a local ordinance or any similar law
23 or ordinance of another state, and the plea or
24 stipulation was the result of a plea agreement.

25 The court shall consider the statement of the prosecuting
26 authority with regard to the standards set forth in this
27 Section.

28 (e) The provisions of paragraph (c) shall not apply to a
29 defendant charged with violating Section 16A-3 of the
30 Criminal Code of 1961 if said defendant has within the last 5
31 years been:

32 (1) convicted for a violation of Section 16A-3 of
33 the Criminal Code of 1961; or

34 (2) assigned supervision for a violation of Section

1 16A-3 of the Criminal Code of 1961 or similar provision
2 of an out-of-state jurisdiction.

3 The court shall consider the statement of the prosecuting
4 authority with regard to the standards set forth in this
5 Section.

6 (f) The provisions of paragraph (c) shall not apply to a
7 defendant charged with violating Sections 15-111, 15-112,
8 15-301, paragraph (b) of Section 6-104, Section 11-605, or
9 Section 11-1414 of the Illinois Vehicle Code or a similar
10 provision of a local ordinance or out-of-state jurisdiction.

11 (g) Except as otherwise provided in paragraph (i) of
12 this Section, the provisions of paragraph (c) shall not apply
13 to a defendant charged with violating Section 3-707, 3-708,
14 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar
15 provision of a local ordinance if the defendant has within
16 the last 5 years been:

17 (1) convicted for a violation of Section 3-707,
18 3-708, 3-710, or 5-401.3 of the Illinois Vehicle Code or
19 a similar provision of a local ordinance or out-of-state
20 jurisdiction; or

21 (2) assigned supervision for a violation of Section
22 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle
23 Code or a similar provision of a local ordinance or
24 out-of-state jurisdiction.

25 The court shall consider the statement of the prosecuting
26 authority with regard to the standards set forth in this
27 Section.

28 (h) The provisions of paragraph (c) shall not apply to a
29 defendant under the age of 21 years charged with violating a
30 serious traffic offense as defined in Section 1-187.001 of
31 the Illinois Vehicle Code:

32 (1) unless the defendant, upon payment of the
33 fines, penalties, and costs provided by law, agrees to
34 attend and successfully complete a traffic safety program

1 approved by the court under standards set by the
2 Conference of Chief Circuit Judges. The accused shall be
3 responsible for payment of any traffic safety program
4 fees. If the accused fails to file a certificate of
5 successful completion on or before the termination date
6 of the supervision order, the supervision shall be
7 summarily revoked and conviction entered. The provisions
8 of Supreme Court Rule 402 relating to pleas of guilty do
9 not apply in cases when a defendant enters a guilty plea
10 under this provision; or

11 (2) if the defendant has previously been sentenced
12 under the provisions of paragraph (c) on or after January
13 1, 1998 for any serious traffic offense as defined in
14 Section 1-187.001 of the Illinois Vehicle Code.

15 (i) The provisions of paragraph (c) shall not apply to a
16 defendant charged with violating Section 3-707 of the
17 Illinois Vehicle Code or a similar provision of a local
18 ordinance if the defendant has been assigned supervision for
19 a violation of Section 3-707 of the Illinois Vehicle Code or
20 a similar provision of a local ordinance or out-of-state
21 jurisdiction.

22 (j) The provisions of paragraph (c) shall not apply to a
23 defendant charged with violating Section 6-303 of the
24 Illinois Vehicle Code or a similar provision of a local
25 ordinance or out-of-state jurisdiction when the revocation or
26 suspension was for a violation of Section 11-501 or a similar
27 provision of a local ordinance, a failure to submit to a
28 chemical test or tests of blood, breath, or urine pursuant to
29 violation--of Section 11-501.1 or to a preliminary breath
30 screening test or a field sobriety test or tests pursuant to
31 Section 11-501.9 of the Illinois Vehicle Code, a violation of
32 of paragraph (b) of Section 11-401 of the Illinois Vehicle
33 Code, or a violation of Section 9-3 of the Criminal Code of
34 1961 if the defendant has within the last 10 years been:

1 (1) convicted for a violation of Section 6-303 of
2 the Illinois Vehicle Code or a similar provision of a
3 local ordinance or out-of-state jurisdiction; or

4 (2) assigned supervision for a violation of Section
5 6-303 of the Illinois Vehicle Code or a similar provision
6 of a local ordinance or out-of-state jurisdiction.

7 (Source: P.A. 90-369, eff. 1-1-98; 90-738, eff. 1-1-99;
8 90-784, eff. 1-1-99; 91-114, eff. 1-1-00; 91-357, eff.
9 7-29-99.)

10 Section 99. Effective date. This Act takes effect on
11 January 1, 2004.

1
2
3
4
5
6
7
8
9
10
11
12
13
14

INDEX

Statutes amended in order of appearance

SEE INDEX

- 625 ILCS 5/6-113 from Ch. 95 1/2, par. 6-113
- 625 ILCS 5/6-118 from Ch. 95 1/2, par. 6-118
- 625 ILCS 5/6-203.1 from Ch. 95 1/2, par. 6-203.1
- 625 ILCS 5/6-206 from Ch. 95 1/2, par. 6-206
- 625 ILCS 5/6-206.1 from Ch. 95 1/2, par. 6-206.1
- 625 ILCS 5/6-208.1 from Ch. 95 1/2, par. 6-208.1
- 625 ILCS 5/6-303 from Ch. 95 1/2, par. 6-303
- 625 ILCS 5/11-500 from Ch. 95 1/2, par. 11-500
- 625 ILCS 5/11-501 from Ch. 95 1/2, par. 11-501
- 625 ILCS 5/11-501.9 new
- 730 ILCS 5/5-6-1 from Ch. 38, par. 1005-6-1