

1 AN ACT concerning criminal law.

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

4 Section 5. The Illinois Vehicle Code is amended by changing
5 Section 6-303 as follows:

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

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

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

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

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

9 (a-5) Any person who violates this Section as provided in
10 subsection (a) while his or her driver's license, permit or
11 privilege is revoked because of a violation of Section 9-3 of
12 the Criminal Code of 1961 or the Criminal Code of 2012,
13 relating to the offense of reckless homicide, or a violation of
14 subparagraph (F) of paragraph (1) of subsection (d) of Section
15 11-501 of this Code, relating to the offense of aggravated
16 driving under the influence of alcohol, other drug or drugs, or
17 intoxicating compound or compounds, or any combination thereof
18 when the violation was a proximate cause of a death, or a
19 similar provision of a law of another state, is guilty of a
20 Class 4 felony. The person shall be required to undergo a
21 professional evaluation, as provided in Section 11-501 of this
22 Code, to determine if an alcohol, drug, or intoxicating
23 compound problem exists and the extent of the problem, and to
24 undergo the imposition of treatment as appropriate.

25 (a-10) A person's driver's license, permit, or privilege to
26 obtain a driver's license or permit may be subject to multiple

1 revocations, multiple suspensions, or any combination of both
2 simultaneously. No revocation or suspension shall serve to
3 negate, invalidate, cancel, postpone, or in any way lessen the
4 effect of any other revocation or suspension entered prior or
5 subsequent to any other revocation or suspension.

6 (b) (Blank).

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

20 (b-2) Except as provided in subsection (b-6), upon
21 receiving a report of the conviction of any violation
22 indicating a person was operating a motor vehicle when the
23 person's driver's license, permit or privilege was revoked by
24 the Secretary of State or the driver's license administrator of
25 any other state, except as specifically allowed by a restricted
26 driving permit issued pursuant to this Code or the law of

1 another state, the Secretary shall not issue a driver's license
2 for an additional period of one year from the date of such
3 conviction indicating such person was operating a vehicle
4 during such period of revocation.

5 (b-3) (Blank).

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

14 (b-5) Any person convicted of violating this Section shall
15 serve a minimum term of imprisonment of 30 consecutive days or
16 300 hours of community service when the person's driving
17 privilege was revoked or suspended as a result of a violation
18 of Section 9-3 of the Criminal Code of 1961 or the Criminal
19 Code of 2012, relating to the offense of reckless homicide, or
20 a violation of subparagraph (F) of paragraph (1) of subsection
21 (d) of Section 11-501 of this Code, relating to the offense of
22 aggravated driving under the influence of alcohol, other drug
23 or drugs, or intoxicating compound or compounds, or any
24 combination thereof when the violation was a proximate cause of
25 a death, or a similar provision of a law of another state.

26 (b-6) Upon receiving a report of a first conviction of

1 operating a motor vehicle while the person's driver's license,
2 permit or privilege was revoked where the revocation was for a
3 violation of Section 9-3 of the Criminal Code of 1961 or the
4 Criminal Code of 2012 relating to the offense of reckless
5 homicide, or a violation of subparagraph (F) of paragraph (1)
6 of subsection (d) of Section 11-501 of this Code, relating to
7 the offense of aggravated driving under the influence of
8 alcohol, other drug or drugs, or intoxicating compound or
9 compounds, or any combination thereof when the violation was a
10 proximate cause of a death, or a similar out-of-state offense,
11 the Secretary shall not issue a driver's license for an
12 additional period of three years from the date of such
13 conviction.

14 (c) Except as provided in subsections (c-3) and (c-4), any
15 person convicted of violating this Section shall serve a
16 minimum term of imprisonment of 10 consecutive days or 30 days
17 of community service when the person's driving privilege was
18 revoked or suspended as a result of:

19 (1) a violation of Section 11-501 of this Code or a
20 similar provision of a local ordinance relating to the
21 offense of operating or being in physical control of a
22 vehicle while under the influence of alcohol, any other
23 drug or any combination thereof; or

24 (2) a violation of paragraph (b) of Section 11-401 of
25 this Code or a similar provision of a local ordinance
26 relating to the offense of leaving the scene of a motor

1 vehicle accident involving personal injury or death; or

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

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

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

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

13 (1) Seizure of the license plates of the person's
14 vehicle.

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

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

22 (c-4) Any person who has been issued a MDDP or a restricted
23 driving permit which requires the person to operate only motor
24 vehicles equipped with an ignition interlock device and who is
25 convicted of a violation of this Section as a result of
26 operating or being in actual physical control of a motor

1 vehicle not equipped with an ignition interlock device at the
2 time of the offense shall be guilty of a Class 4 felony and
3 shall serve a minimum term of imprisonment of 30 days.

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

8 (1) the current violation occurred when the person's
9 driver's license was suspended or revoked for a violation
10 of Section 9-3 of the Criminal Code of 1961 or the Criminal
11 Code of 2012, relating to the offense of reckless homicide,
12 or a violation of subparagraph (F) of paragraph (1) of
13 subsection (d) of Section 11-501 of this Code, relating to
14 the offense of aggravated driving under the influence of
15 alcohol, other drug or drugs, or intoxicating compound or
16 compounds, or any combination thereof when the violation
17 was a proximate cause of a death, or a similar out-of-state
18 offense; and

19 (2) the prior conviction under this Section occurred
20 while the person's driver's license was suspended or
21 revoked for a violation of Section 9-3 of the Criminal Code
22 of 1961 or the Criminal Code of 2012 relating to the
23 offense of reckless homicide, or a violation of
24 subparagraph (F) of paragraph (1) of subsection (d) of
25 Section 11-501 of this Code, relating to the offense of
26 aggravated driving under the influence of alcohol, other

1 drug or drugs, or intoxicating compound or compounds, or
2 any combination thereof when the violation was a proximate
3 cause of a death, or a similar out-of-state offense, or was
4 suspended or revoked for a violation of Section 11-401 or
5 11-501 of this Code, a similar out-of-state offense, a
6 similar provision of a local ordinance, or a statutory
7 summary suspension or revocation under Section 11-501.1 of
8 this Code.

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

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

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

1 reckless homicide, or a violation of subparagraph (F) of
2 paragraph (1) of subsection (d) of Section 11-501 of this
3 Code, relating to the offense of aggravated driving under
4 the influence of alcohol, other drug or drugs, or
5 intoxicating compound or compounds, or any combination
6 thereof when the violation was a proximate cause of a
7 death, or a similar out-of-state offense.

8 (d-1) Except as provided in subsections (d-2), (d-2.5), and
9 (d-3), any person convicted of a third or subsequent violation
10 of this Section shall serve a minimum term of imprisonment of
11 30 days or 300 hours of community service, as determined by the
12 court.

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

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

22 (2) the prior convictions under this Section occurred
23 while the person's driver's license was suspended or
24 revoked for a violation of Section 11-401 or 11-501 of this
25 Code, a similar out-of-state offense, a similar provision
26 of a local ordinance, or a statutory summary suspension or

1 revocation under Section 11-501.1 of this Code, or for a
2 violation of Section 9-3 of the Criminal Code of 1961 or
3 the Criminal Code of 2012, relating to the offense of
4 reckless homicide, or a violation of subparagraph (F) of
5 paragraph (1) of subsection (d) of Section 11-501 of this
6 Code, relating to the offense of aggravated driving under
7 the influence of alcohol, other drug or drugs, or
8 intoxicating compound or compounds, or any combination
9 thereof when the violation was a proximate cause of a
10 death, or a similar out-of-state offense.

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

15 (1) the current violation occurred while the person's
16 driver's license was suspended or revoked for a violation
17 of Section 9-3 of the Criminal Code of 1961 or the Criminal
18 Code of 2012, relating to the offense of reckless homicide,
19 or a violation of subparagraph (F) of paragraph (1) of
20 subsection (d) of Section 11-501 of this Code, relating to
21 the offense of aggravated driving under the influence of
22 alcohol, other drug or drugs, or intoxicating compound or
23 compounds, or any combination thereof when the violation
24 was a proximate cause of a death, or a similar out-of-state
25 offense. The person's driving privileges shall be revoked
26 for the remainder of the person's life; and

1 (2) the prior convictions under this Section occurred
2 while the person's driver's license was suspended or
3 revoked for a violation of Section 9-3 of the Criminal Code
4 of 1961 or the Criminal Code of 2012, relating to the
5 offense of reckless homicide, or a violation of
6 subparagraph (F) of paragraph (1) of subsection (d) of
7 Section 11-501 of this Code, relating to the offense of
8 aggravated driving under the influence of alcohol, other
9 drug or drugs, or intoxicating compound or compounds, or
10 any combination thereof when the violation was a proximate
11 cause of a death, or a similar out-of-state offense, or was
12 suspended or revoked for a violation of Section 11-401 or
13 11-501 of this Code, a similar out-of-state offense, a
14 similar provision of a local ordinance, or a statutory
15 summary suspension or revocation under Section 11-501.1 of
16 this Code.

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

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

1 (2) the prior convictions under this Section occurred
2 while the person's driver's license was suspended or
3 revoked for a violation of Section 11-401 or 11-501 of this
4 Code, a similar out-of-state offense, a similar provision
5 of a local ordinance, or a statutory summary suspension or
6 revocation under Section 11-501.1 of this Code, or for a
7 violation of Section 9-3 of the Criminal Code of 1961 or
8 the Criminal Code of 2012, relating to the offense of
9 reckless homicide, or a violation of subparagraph (F) of
10 paragraph (1) of subsection (d) of Section 11-501 of this
11 Code, relating to the offense of aggravated driving under
12 the influence of alcohol, other drug or drugs, or
13 intoxicating compound or compounds, or any combination
14 thereof when the violation was a proximate cause of a
15 death, or a similar out-of-state offense.

16 (d-3.5) Any person convicted of a fourth or subsequent
17 violation of this Section is guilty of a Class 1 felony, is not
18 eligible for probation or conditional discharge, and must serve
19 a mandatory term of imprisonment, and is eligible for an
20 extended term, if:

21 (1) the current violation occurred when the person's
22 driver's license was suspended or revoked for a violation
23 of Section 9-3 of the Criminal Code of 1961 or the Criminal
24 Code of 2012, relating to the offense of reckless homicide,
25 or a violation of subparagraph (F) of paragraph (1) of
26 subsection (d) of Section 11-501 of this Code, relating to

1 the offense of aggravated driving under the influence of
2 alcohol, other drug or drugs, or intoxicating compound or
3 compounds, or any combination thereof when the violation
4 was a proximate cause of a death, or a similar out-of-state
5 offense; and

6 (2) the prior convictions under this Section occurred
7 while the person's driver's license was suspended or
8 revoked for a violation of Section 9-3 of the Criminal Code
9 of 1961 or the Criminal Code of 2012, relating to the
10 offense of reckless homicide, or a violation of
11 subparagraph (F) of paragraph (1) of subsection (d) of
12 Section 11-501 of this Code, relating to the offense of
13 aggravated driving under the influence of alcohol, other
14 drug or drugs, or intoxicating compound or compounds, or
15 any combination thereof when the violation was a proximate
16 cause of a death, or a similar out-of-state offense, or was
17 suspended or revoked for a violation of Section 11-401 or
18 11-501 of this Code, a similar out-of-state offense, a
19 similar provision of a local ordinance, or a statutory
20 summary suspension or revocation under Section 11-501.1 of
21 this Code.

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

26 (1) the current violation occurred when the person's

1 driver's license was suspended or revoked for a violation
2 of Section 11-401 or 11-501 of this Code, or a similar
3 out-of-state offense, or a similar provision of a local
4 ordinance, or a statutory summary suspension or revocation
5 under Section 11-501.1 of this Code; and

6 (2) the prior convictions under this Section occurred
7 while the person's driver's license was suspended or
8 revoked for a violation of Section 11-401 or 11-501 of this
9 Code, a similar out-of-state offense, a similar provision
10 of a local ordinance, or a statutory suspension or
11 revocation under Section 11-501.1 of this Code, or for a
12 violation of Section 9-3 of the Criminal Code of 1961 or
13 the Criminal Code of 2012, relating to the offense of
14 reckless homicide, or a violation of subparagraph (F) of
15 paragraph (1) of subsection (d) of Section 11-501 of this
16 Code, relating to the offense of aggravated driving under
17 the influence of alcohol, other drug or drugs, or
18 intoxicating compound or compounds, or any combination
19 thereof when the violation was a proximate cause of a
20 death, or a similar out-of-state offense.

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

24 (1) the current violation occurred when the person's
25 driver's license was suspended or revoked for a violation
26 of Section 11-401 or 11-501 of this Code, or a similar

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

4 (2) the prior convictions under this Section occurred
5 while the person's driver's license was suspended or
6 revoked for a violation of Section 11-401 or 11-501 of this
7 Code, a similar out-of-state offense, a similar provision
8 of a local ordinance, or a statutory summary suspension or
9 revocation under Section 11-501.1 of this Code, or for a
10 violation of Section 9-3 of the Criminal Code of 1961 or
11 the Criminal Code of 2012, relating to the offense of
12 reckless homicide, or a violation of subparagraph (F) of
13 paragraph (1) of subsection (d) of Section 11-501 of this
14 Code, relating to the offense of aggravated driving under
15 the influence of alcohol, other drug or drugs, or
16 intoxicating compound or compounds, or any combination
17 thereof when the violation was a proximate cause of a
18 death, or a similar out-of-state offense.

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

1 release by the vehicle owner.

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

5 (g) The motor vehicle used in a violation of this Section
6 is subject to seizure and forfeiture as provided in Sections
7 36-1 and 36-2 of the Criminal Code of 2012 if the person's
8 driving privilege was revoked or suspended as a result of:

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

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

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

18 (4) a violation of Section 9-3 of the Criminal Code of
19 1961 or the Criminal Code of 2012 relating to the offense
20 of reckless homicide, or a violation of subparagraph (F) of
21 paragraph (1) of subsection (d) of Section 11-501 of this
22 Code, relating to the offense of aggravated driving under
23 the influence of alcohol, other drug or drugs, or
24 intoxicating compound or compounds, or any combination
25 thereof when the violation was a proximate cause of a
26 death, or a similar provision of a law of another state.

1 (Source: P.A. 98-285, eff. 1-1-14; 98-418, eff. 8-16-13;
2 98-573, eff. 8-27-13; 98-756, eff. 7-16-14; 99-290, eff.
3 1-1-16.)

4 Section 10. The Criminal Code of 2012 is amended by
5 changing Section 3-5 as follows:

6 (720 ILCS 5/3-5) (from Ch. 38, par. 3-5)

7 Sec. 3-5. General limitations.

8 (a) A prosecution for: (1) first degree murder, attempt to
9 commit first degree murder, second degree murder, involuntary
10 manslaughter, reckless homicide, or a violation of
11 subparagraph (F) of paragraph (1) of subsection (d) of Section
12 11-501 of the Illinois Vehicle Code for the offense of
13 aggravated driving under the influence of alcohol, other drug
14 or drugs, or intoxicating compound or compounds, or any
15 combination thereof when the violation was a proximate cause of
16 a death, leaving the scene of a motor vehicle accident
17 involving death or personal injuries under Section 11-401 of
18 the Illinois Vehicle Code, failing to give information and
19 render aid under Section 11-403 of the Illinois Vehicle Code,
20 concealment of homicidal death, treason, arson, residential
21 arson, aggravated arson, forgery, child pornography under
22 paragraph (1) of subsection (a) of Section 11-20.1, aggravated
23 child pornography under paragraph (1) of subsection (a) of
24 Section 11-20.1B, or (2) any offense involving sexual conduct

1 or sexual penetration, as defined by Section 11-0.1 of this
2 Code in which the DNA profile of the offender is obtained and
3 entered into a DNA database within 10 years after the
4 commission of the offense, may be commenced at any time. Clause
5 (2) of this subsection (a) applies if either: (i) the victim
6 reported the offense to law enforcement authorities within 3
7 years after the commission of the offense unless a longer
8 period for reporting the offense to law enforcement authorities
9 is provided in Section 3-6 or (ii) the victim is murdered
10 during the course of the offense or within 2 years after the
11 commission of the offense.

12 (a-5) A prosecution for theft of property exceeding
13 \$100,000 in value under Section 16-1, identity theft under
14 subsection (a) of Section 16-30, aggravated identity theft
15 under subsection (b) of Section 16-30, financial exploitation
16 of an elderly person or a person with a disability under
17 Section 17-56; or any offense set forth in Article 16H or
18 Section 17-10.6 may be commenced within 7 years of the last act
19 committed in furtherance of the crime.

20 (b) Unless the statute describing the offense provides
21 otherwise, or the period of limitation is extended by Section
22 3-6, a prosecution for any offense not designated in subsection
23 (a) or (a-5) must be commenced within 3 years after the
24 commission of the offense if it is a felony, or within one year
25 and 6 months after its commission if it is a misdemeanor.

26 (Source: P.A. 98-265, eff. 1-1-14; 99-820, eff. 8-15-16.)