



Rep. Litesa E. Wallace

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10000HB3920ham001

LRB100 11433 AXK 23992 a

1 AMENDMENT TO HOUSE BILL 3920

2 AMENDMENT NO. _____. Amend House Bill 3920 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing 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) or
10 (a-7), any person who drives or is in actual physical control
11 of a motor vehicle on any highway of this State at a time when
12 such person's driver's license, permit or privilege to do so or
13 the privilege to obtain a driver's license or permit is revoked
14 or suspended as provided by this Code or the law of another
15 state, except as may be specifically allowed by a judicial
16 driving permit issued prior to January 1, 2009, monitoring

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

5 (a-3) A second or subsequent violation of subsection (a) of
6 this Section is a Class 4 felony if committed by a person whose
7 driving or operation of a motor vehicle is the proximate cause
8 of a motor vehicle accident that causes personal injury or
9 death to another. For purposes of this subsection, a personal
10 injury includes any Type A injury as indicated on the traffic
11 accident report completed by a law enforcement officer that
12 requires immediate professional attention in either a doctor's
13 office or a medical facility. A Type A injury includes severe
14 bleeding wounds, distorted extremities, and injuries that
15 require the injured party to be carried from the scene.

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

1 (a-7) Any person who violates this Section as provided in
2 subsection (a) while his or her driver's license, permit, or
3 privilege to drive is revoked or suspended due to an unpaid
4 parking citation, child support obligation, or other legal
5 financial obligation shall be guilty of a petty offense.

6 (a-10) A person's driver's license, permit, or privilege to
7 obtain a driver's license or permit may be subject to multiple
8 revocations, multiple suspensions, or any combination of both
9 simultaneously. No revocation or suspension shall serve to
10 negate, invalidate, cancel, postpone, or in any way lessen the
11 effect of any other revocation or suspension entered prior or
12 subsequent to any other revocation or suspension.

13 (b) (Blank).

14 (b-1) Except for a person under subsection (a-7) of this
15 Section, upon ~~Upon~~ receiving a report of the conviction of any
16 violation indicating a person was operating a motor vehicle
17 during the time when the person's driver's license, permit or
18 privilege was suspended by the Secretary of State or the
19 driver's licensing administrator of another state, except as
20 specifically allowed by a probationary license, judicial
21 driving permit, restricted driving permit or monitoring device
22 driving permit the Secretary shall extend the suspension for
23 the same period of time as the originally imposed suspension
24 unless the suspension has already expired, in which case the
25 Secretary shall be authorized to suspend the person's driving
26 privileges for the same period of time as the originally

1 imposed suspension.

2 (b-2) Except as provided in subsection (b-6) or (a-7), upon
3 receiving a report of the conviction of any violation
4 indicating a person was operating a motor vehicle when the
5 person's driver's license, permit or privilege was revoked by
6 the Secretary of State or the driver's license administrator of
7 any other state, except as specifically allowed by a restricted
8 driving permit issued pursuant to this Code or the law of
9 another state, the Secretary shall not issue a driver's license
10 for an additional period of one year from the date of such
11 conviction indicating such person was operating a vehicle
12 during such period of revocation.

13 (b-3) (Blank).

14 (b-4) When the Secretary of State receives a report of a
15 conviction of any violation indicating a person was operating a
16 motor vehicle that was not equipped with an ignition interlock
17 device during a time when the person was prohibited from
18 operating a motor vehicle not equipped with such a device, the
19 Secretary shall not issue a driver's license to that person for
20 an additional period of one year from the date of the
21 conviction.

22 (b-5) Any person convicted of violating this Section shall
23 serve a minimum term of imprisonment of 30 consecutive days or
24 300 hours of community service when the person's driving
25 privilege was revoked or suspended as a result of a violation
26 of Section 9-3 of the Criminal Code of 1961 or the Criminal

1 Code of 2012, relating to the offense of reckless homicide, or
2 a similar provision of a law of another state.

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

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

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

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

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

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

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

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

10 (1) Seizure of the license plates of the person's
11 vehicle.

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

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

19 (c-4) Any person who has been issued a MDDP or a restricted
20 driving permit which requires the person to operate only motor
21 vehicles equipped with an ignition interlock device and who is
22 convicted of a violation of this Section as a result of
23 operating or being in actual physical control of a motor
24 vehicle not equipped with an ignition interlock device at the
25 time of the offense shall be guilty of a Class 4 felony and
26 shall serve a minimum term of imprisonment of 30 days.

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

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

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

20 (d) Any person convicted of a second violation of this
21 Section shall be guilty of a Class 4 felony and shall serve a
22 minimum term of imprisonment of 30 days or 300 hours of
23 community service, as determined by the court, 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, a similar

1 out-of-state offense, 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 conviction 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 similar out-of-state offense.

13 (d-1) Except as provided in subsections (d-2), (d-2.5), and
14 (d-3), any person convicted of a third or subsequent violation
15 of this Section shall serve a minimum term of imprisonment of
16 30 days or 300 hours of community service, as determined by the
17 court.

18 (d-2) Any person convicted of a third violation of this
19 Section is guilty of a Class 4 felony and must serve a minimum
20 term of imprisonment of 30 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, or a similar
24 out-of-state offense, or 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 similar out-of-state offense.

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

14 (1) the current violation occurred while the person's
15 driver's license was suspended or revoked for a violation
16 of Section 9-3 of the Criminal Code of 1961 or the Criminal
17 Code of 2012, relating to the offense of reckless homicide,
18 or a similar out-of-state offense. The person's driving
19 privileges shall be revoked for the remainder of the
20 person's life; and

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

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

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

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

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

24 (d-3.5) Any person convicted of a fourth or subsequent
25 violation of this Section is guilty of a Class 1 felony, is not
26 eligible for probation or conditional discharge, and must serve

1 a mandatory term of imprisonment, and is eligible for an
2 extended term, if:

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

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

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

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

1 under Section 11-501.1 of this Code; and

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

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

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

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

1 the Criminal Code of 2012, relating to the offense of
2 reckless homicide, or a similar out-of-state offense.

3 (e) Any person in violation of this Section who is also in
4 violation of Section 7-601 of this Code relating to mandatory
5 insurance requirements, in addition to other penalties imposed
6 under this Section, shall have his or her motor vehicle
7 immediately impounded by the arresting law enforcement
8 officer. The motor vehicle may be released to any licensed
9 driver upon a showing of proof of insurance for the vehicle
10 that was impounded and the notarized written consent for the
11 release by the vehicle owner.

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

15 (g) The motor vehicle used in a violation of this Section
16 is subject to seizure and forfeiture as provided in Sections
17 36-1 and 36-2 of the Criminal Code of 2012 if the person's
18 driving privilege was revoked or suspended as a result of:

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

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

25 (3) a statutory summary suspension or revocation under
26 Section 11-501.1 of this Code or a similar provision of a

1 law of another state; or

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

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