



Rep. Litesa E. Wallace

Filed: 4/6/2017

10000HB3920ham003

LRB100 11433 AXK 24571 a

1 AMENDMENT TO HOUSE BILL 3920

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

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

7 (625 ILCS 5/6-303) (from Ch. 95 1/2, par. 6-303)

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

10 (a) Except as otherwise provided in subsection (a-5) or
11 (a-7), any person who drives or is in actual physical control
12 of a motor vehicle on any highway of this State at a time when
13 such person's driver's license, permit or privilege to do so or
14 the privilege to obtain a driver's license or permit is revoked
15 or suspended as provided by this Code or the law of another
16 state, except as may be specifically allowed by a judicial

1 driving permit issued prior to January 1, 2009, monitoring
2 device driving permit, family financial responsibility driving
3 permit, probationary license to drive, or a restricted driving
4 permit issued pursuant to this Code or under the law of another
5 state, shall be guilty of a Class A misdemeanor.

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

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

1 imposition of treatment as appropriate.

2 (a-7) Any person who violates this Section as provided in
3 subsection (a) while his or her driver's license or privilege
4 to drive is suspended under Section 6-306.5 or 7-702 of this
5 Code shall receive a Uniform Traffic Citation from the law
6 enforcement officer. A person who receives 3 or more Uniform
7 Traffic Citations under this subsection (a-7) without paying
8 any fees associated with the citations shall be guilty of a
9 Class A misdemeanor.

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

17 (b) (Blank).

18 (b-1) Except for a person under subsection (a-7) of this
19 Section, upon ~~Upon~~ receiving a report of the conviction of any
20 violation indicating a person was operating a motor vehicle
21 during the time when the person's driver's license, permit or
22 privilege was suspended by the Secretary of State or the
23 driver's licensing administrator of another state, except as
24 specifically allowed by a probationary license, judicial
25 driving permit, restricted driving permit or monitoring device
26 driving permit the Secretary shall extend the suspension for

1 the same period of time as the originally imposed suspension
2 unless the suspension has already expired, in which case the
3 Secretary shall be authorized to suspend the person's driving
4 privileges for the same period of time as the originally
5 imposed suspension.

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

17 (b-3) (Blank).

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

26 (b-5) Any person convicted of violating this Section shall

1 serve a minimum term of imprisonment of 30 consecutive days or
2 300 hours of community service when the person's driving
3 privilege was revoked or suspended as a result of a violation
4 of Section 9-3 of the Criminal Code of 1961 or the Criminal
5 Code of 2012, relating to the offense of reckless homicide, or
6 a similar provision of a law of another state.

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

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

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

25 (2) a violation of paragraph (b) of Section 11-401 of
26 this Code or a similar provision of a local ordinance

1 relating to the offense of leaving the scene of a motor
2 vehicle accident involving personal injury or death; or

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

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

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

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

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

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

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

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

1 operating or being in actual physical control of a motor
2 vehicle not equipped with an ignition interlock device at the
3 time of the offense shall be guilty of a Class 4 felony and
4 shall serve a minimum term of imprisonment of 30 days.

5 (c-5) Any person convicted of a second violation of this
6 Section is guilty of a Class 2 felony, is not eligible for
7 probation or conditional discharge, and shall serve a mandatory
8 term of imprisonment, 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 9-3 of the Criminal Code of 1961 or the Criminal
12 Code of 2012, relating to the offense of reckless homicide,
13 or a similar out-of-state offense; and

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

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

1 community service, as determined by the court, if:

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

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

17 (d-1) Except as provided in subsections (a-7), (d-2),
18 (d-2.5), and (d-3), any person convicted of a third or
19 subsequent violation of this Section shall serve a minimum term
20 of imprisonment of 30 days or 300 hours of community service,
21 as determined by the court.

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

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

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

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

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

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

25 (2) the prior convictions under this Section occurred
26 while the person's driver's license was suspended or

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

9 (d-3) Any person convicted of a fourth, fifth, sixth,
10 seventh, eighth, or ninth violation of this Section is guilty
11 of a Class 4 felony and must serve a minimum term of
12 imprisonment of 180 days, 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 convictions 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 similar out-of-state offense.

2 (d-3.5) Any person convicted of a fourth or subsequent
3 violation of this Section is guilty of a Class 1 felony, is not
4 eligible for probation or conditional discharge, and must serve
5 a mandatory term of imprisonment, and is eligible for an
6 extended term, if:

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

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

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

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

24 (2) the prior convictions under this Section occurred
25 while the person's driver's license was suspended or
26 revoked for a violation of Section 11-401 or 11-501 of this

1 Code, a similar out-of-state offense, a similar provision
2 of a local ordinance, or a statutory summary suspension or
3 revocation under Section 11-501.1 of this Code, or for a
4 violation of Section 9-3 of the Criminal Code of 1961 or
5 the Criminal Code of 2012, relating to the offense of
6 reckless homicide, or a similar out-of-state offense.

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

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

19 (g) The motor vehicle used in a violation of this Section
20 is subject to seizure and forfeiture as provided in Sections
21 36-1 and 36-2 of the Criminal Code of 2012 if the person's
22 driving privilege was revoked or suspended as a result of:

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

26 (2) a violation of paragraph (b) of Section 11-401 of

1 this Code, a similar provision of a local ordinance, or a
2 similar provision of a law of another state;

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

6 (4) a violation of Section 9-3 of the Criminal Code of
7 1961 or the Criminal Code of 2012 relating to the offense
8 of reckless homicide, or a similar provision of a law of
9 another state.

10 (Source: P.A. 98-285, eff. 1-1-14; 98-418, eff. 8-16-13;
11 98-573, eff. 8-27-13; 98-756, eff. 7-16-14; 99-290, eff.
12 1-1-16.)".