



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB3155

Introduced 2/15/2018, by Sen. Bill Cunningham

SYNOPSIS AS INTRODUCED:

725 ILCS 5/115-7.5 new

Amends the Code of Criminal Procedure of 1963. Provides if the defendant is accused of an offense of driving under the influence or aggravated driving under the influence, and if the defendant refused chemical testing requested by a law enforcement officer, evidence of the defendant's commission of another offense of driving under the influence or aggravated driving under the influence is admissible, and may be considered for its bearing on any matter to which it is relevant. Provides a test for the court to consider in weighing the probative value of the evidence against undue prejudice to the defendant. Provides if the prosecution intends to offer evidence, it must disclose the evidence, including statements of witnesses or a summary of the substance of any testimony, at a reasonable time in advance of trial, or during trial if the court excuses pretrial notice on good cause shown. Effective immediately.

LRB100 18568 MRW 33789 b

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 Code of Criminal Procedure of 1963 is
5 amended by adding Section 115-7.5 as follows:

6 (725 ILCS 5/115-7.5 new)

7 Sec. 115-7.5. Driving under the influence and aggravated
8 driving under the influence; evidence.

9 (a) If the defendant is accused of an offense of driving
10 under the influence of alcohol, other drug or drugs,
11 intoxicating compound or compounds or any combination thereof
12 or aggravated driving under the influence of alcohol, other
13 drug or drugs, intoxicating compound or compounds or any
14 combination thereof, as defined in subsection (a) or (d) of
15 Section 11-501 of the Illinois Vehicle Code, and the defendant
16 refused chemical testing requested by a law enforcement officer
17 under subsection (a) of Section 11-501.1 of the Illinois
18 Vehicle Code, evidence of the defendant's commission of another
19 offense of driving under the influence of alcohol, other drug
20 or drugs, intoxicating compound or compounds or any combination
21 thereof or aggravated driving under the influence of alcohol,
22 other drug or drugs, intoxicating compound or compounds or any
23 combination thereof is admissible, and may be considered for

1 its bearing on any matter to which it is relevant.

2 (b) In weighing the probative value of the evidence against
3 undue prejudice to the defendant, the court may consider:

4 (1) the proximity in time to the charged or predicate
5 offense;

6 (2) the degree of factual similarity to the charged or
7 predicate offense;

8 (3) whether the predicate offense resulted in a finding
9 of guilt; or

10 (4) other relevant facts and circumstances.

11 (c) If the prosecution intends to offer evidence under this
12 Section, it must disclose the evidence, including statements of
13 witnesses or a summary of the substance of any testimony, at a
14 reasonable time in advance of trial, or during trial if the
15 court excuses pretrial notice on good cause shown.

16 (d) If evidence is offered under this Section, proof may be
17 made by specific instances of conduct, testimony as to
18 reputation, or testimony in the form of an expert opinion,
19 except that the prosecution may offer reputation testimony only
20 after the opposing party has offered that testimony.

21 Section 99. Effective date. This Act takes effect upon
22 becoming law.