



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB2752

Introduced 2/4/2020, by Sen. Mattie Hunter

SYNOPSIS AS INTRODUCED:

15 ILCS 335/4	from Ch. 124, par. 24
625 ILCS 5/6-106.1	from Ch. 95 1/2, par. 6-106.1
625 ILCS 5/6-206	
625 ILCS 5/6-508	from Ch. 95 1/2, par. 6-508
730 ILCS 5/5-6-3.1	from Ch. 38, par. 1005-6-3.1

Amends the Illinois Identification Card Act. Provides that Illinois Identification Cards issued to persons upon conditional release or absolute discharge from the custody of the Department of Human Services be issued prior to release or discharge (instead of no sooner than 14 days prior to release or discharge). Amends the Illinois Vehicle Code. Provides that applicants for school bus driver permits and commercial driver's licenses must not have been convicted of (i) aggravated domestic battery, or (ii) specified offenses under the Liquor Control Act of 1934 within the last 20 years before the date of the application (rather than at any point in the applicant 's past). Amends the Unified Code of Corrections. Provides that a subsection concerning required proof of financial responsibility does not apply to a person who, at the time of the offense, was operating a motor vehicle registered in a state other than Illinois. Makes other changes. Effective immediately.

LRB101 15007 LNS 65697 b

1 AN ACT concerning the Secretary of State.

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

4 Section 5. The Illinois Identification Card Act is amended
5 by changing Section 4 as follows:

6 (15 ILCS 335/4) (from Ch. 124, par. 24)

7 Sec. 4. Identification card.

8 (a) The Secretary of State shall issue a standard Illinois
9 Identification Card to any natural person who is a resident of
10 the State of Illinois who applies for such card, or renewal
11 thereof. No identification card shall be issued to any person
12 who holds a valid foreign state identification card, license,
13 or permit unless the person first surrenders to the Secretary
14 of State the valid foreign state identification card, license,
15 or permit. The card shall be prepared and supplied by the
16 Secretary of State and shall include a photograph and signature
17 or mark of the applicant. However, the Secretary of State may
18 provide by rule for the issuance of Illinois Identification
19 Cards without photographs if the applicant has a bona fide
20 religious objection to being photographed or to the display of
21 his or her photograph. The Illinois Identification Card may be
22 used for identification purposes in any lawful situation only
23 by the person to whom it was issued. As used in this Act,

1 "photograph" means any color photograph or digitally produced
2 and captured image of an applicant for an identification card.
3 As used in this Act, "signature" means the name of a person as
4 written by that person and captured in a manner acceptable to
5 the Secretary of State.

6 (a-5) If an applicant for an identification card has a
7 current driver's license or instruction permit issued by the
8 Secretary of State, the Secretary may require the applicant to
9 utilize the same residence address and name on the
10 identification card, driver's license, and instruction permit
11 records maintained by the Secretary. The Secretary may
12 promulgate rules to implement this provision.

13 (a-10) If the applicant is a judicial officer as defined in
14 Section 1-10 of the Judicial Privacy Act or a peace officer,
15 the applicant may elect to have his or her office or work
16 address listed on the card instead of the applicant's residence
17 or mailing address. The Secretary may promulgate rules to
18 implement this provision. For the purposes of this subsection
19 (a-10), "peace officer" means any person who by virtue of his
20 or her office or public employment is vested by law with a duty
21 to maintain public order or to make arrests for a violation of
22 any penal statute of this State, whether that duty extends to
23 all violations or is limited to specific violations.

24 (a-15) The Secretary of State may provide for an expedited
25 process for the issuance of an Illinois Identification Card.
26 The Secretary shall charge an additional fee for the expedited

1 issuance of an Illinois Identification Card, to be set by rule,
2 not to exceed \$75. All fees collected by the Secretary for
3 expedited Illinois Identification Card service shall be
4 deposited into the Secretary of State Special Services Fund.
5 The Secretary may adopt rules regarding the eligibility,
6 process, and fee for an expedited Illinois Identification Card.
7 If the Secretary of State determines that the volume of
8 expedited identification card requests received on a given day
9 exceeds the ability of the Secretary to process those requests
10 in an expedited manner, the Secretary may decline to provide
11 expedited services, and the additional fee for the expedited
12 service shall be refunded to the applicant.

13 (a-20) The Secretary of State shall issue a standard
14 Illinois Identification Card to a committed person upon release
15 on parole, mandatory supervised release, aftercare release,
16 final discharge, or pardon from the Department of Corrections
17 or Department of Juvenile Justice, if the released person
18 presents a certified copy of his or her birth certificate,
19 social security card or other documents authorized by the
20 Secretary, and 2 documents proving his or her Illinois
21 residence address. Documents proving residence address may
22 include any official document of the Department of Corrections
23 or the Department of Juvenile Justice showing the released
24 person's address after release and a Secretary of State
25 prescribed certificate of residency form, which may be executed
26 by Department of Corrections or Department of Juvenile Justice

1 personnel.

2 (a-25) The Secretary of State shall issue a limited-term
3 Illinois Identification Card valid for 90 days to a committed
4 person upon release on parole, mandatory supervised release,
5 aftercare release, final discharge, or pardon from the
6 Department of Corrections or Department of Juvenile Justice, if
7 the released person is unable to present a certified copy of
8 his or her birth certificate and social security card or other
9 documents authorized by the Secretary, but does present a
10 Secretary of State prescribed verification form completed by
11 the Department of Corrections or Department of Juvenile
12 Justice, verifying the released person's date of birth and
13 social security number and 2 documents proving his or her
14 Illinois residence address. The verification form must have
15 been completed no more than 30 days prior to the date of
16 application for the Illinois Identification Card. Documents
17 proving residence address shall include any official document
18 of the Department of Corrections or the Department of Juvenile
19 Justice showing the person's address after release and a
20 Secretary of State prescribed certificate of residency, which
21 may be executed by Department of Corrections or Department of
22 Juvenile Justice personnel.

23 Prior to the expiration of the 90-day period of the
24 limited-term Illinois Identification Card, if the released
25 person submits to the Secretary of State a certified copy of
26 his or her birth certificate and his or her social security

1 card or other documents authorized by the Secretary, a standard
2 Illinois Identification Card shall be issued. A limited-term
3 Illinois Identification Card may not be renewed.

4 (a-30) The Secretary of State shall issue a standard
5 Illinois Identification Card to a person upon conditional
6 release or absolute discharge from the custody of the
7 Department of Human Services, if the person presents a
8 certified copy of his or her birth certificate, social security
9 card, or other documents authorized by the Secretary, and a
10 document proving his or her Illinois residence address. The
11 Secretary of State shall issue a standard Illinois
12 Identification Card to a person ~~no sooner than 14 days~~ prior to
13 his or her conditional release or absolute discharge if
14 personnel from the Department of Human Services bring the
15 person to a Secretary of State location with the required
16 documents. Documents proving residence address may include any
17 official document of the Department of Human Services showing
18 the person's address after release and a Secretary of State
19 prescribed verification form, which may be executed by
20 personnel of the Department of Human Services.

21 (a-35) The Secretary of State shall issue a limited-term
22 Illinois Identification Card valid for 90 days to a person upon
23 conditional release or absolute discharge from the custody of
24 the Department of Human Services, if the person is unable to
25 present a certified copy of his or her birth certificate and
26 social security card or other documents authorized by the

1 Secretary, but does present a Secretary of State prescribed
2 verification form completed by the Department of Human
3 Services, verifying the person's date of birth and social
4 security number, and a document proving his or her Illinois
5 residence address. The verification form must have been
6 completed no more than 30 days prior to the date of application
7 for the Illinois Identification Card. The Secretary of State
8 shall issue a limited-term Illinois Identification Card to a
9 person no sooner than 14 days prior to his or her conditional
10 release or absolute discharge if personnel from the Department
11 of Human Services bring the person to a Secretary of State
12 location with the required documents. Documents proving
13 residence address shall include any official document of the
14 Department of Human Services showing the person's address after
15 release and a Secretary of State prescribed verification form,
16 which may be executed by personnel of the Department of Human
17 Services.

18 (b) The Secretary of State shall issue a special Illinois
19 Identification Card, which shall be known as an Illinois Person
20 with a Disability Identification Card, to any natural person
21 who is a resident of the State of Illinois, who is a person
22 with a disability as defined in Section 4A of this Act, who
23 applies for such card, or renewal thereof. No Illinois Person
24 with a Disability Identification Card shall be issued to any
25 person who holds a valid foreign state identification card,
26 license, or permit unless the person first surrenders to the

1 Secretary of State the valid foreign state identification card,
2 license, or permit. The Secretary of State shall charge no fee
3 to issue such card. The card shall be prepared and supplied by
4 the Secretary of State, and shall include a photograph and
5 signature or mark of the applicant, a designation indicating
6 that the card is an Illinois Person with a Disability
7 Identification Card, and shall include a comprehensible
8 designation of the type and classification of the applicant's
9 disability as set out in Section 4A of this Act. However, the
10 Secretary of State may provide by rule for the issuance of
11 Illinois Person with a Disability Identification Cards without
12 photographs if the applicant has a bona fide religious
13 objection to being photographed or to the display of his or her
14 photograph. If the applicant so requests, the card shall
15 include a description of the applicant's disability and any
16 information about the applicant's disability or medical
17 history which the Secretary determines would be helpful to the
18 applicant in securing emergency medical care. If a mark is used
19 in lieu of a signature, such mark shall be affixed to the card
20 in the presence of two witnesses who attest to the authenticity
21 of the mark. The Illinois Person with a Disability
22 Identification Card may be used for identification purposes in
23 any lawful situation by the person to whom it was issued.

24 The Illinois Person with a Disability Identification Card
25 may be used as adequate documentation of disability in lieu of
26 a physician's determination of disability, a determination of

1 disability from a physician assistant, a determination of
2 disability from an advanced practice registered nurse, or any
3 other documentation of disability whenever any State law
4 requires that a person with a disability provide such
5 documentation of disability, however an Illinois Person with a
6 Disability Identification Card shall not qualify the
7 cardholder to participate in any program or to receive any
8 benefit which is not available to all persons with like
9 disabilities. Notwithstanding any other provisions of law, an
10 Illinois Person with a Disability Identification Card, or
11 evidence that the Secretary of State has issued an Illinois
12 Person with a Disability Identification Card, shall not be used
13 by any person other than the person named on such card to prove
14 that the person named on such card is a person with a
15 disability or for any other purpose unless the card is used for
16 the benefit of the person named on such card, and the person
17 named on such card consents to such use at the time the card is
18 so used.

19 An optometrist's determination of a visual disability
20 under Section 4A of this Act is acceptable as documentation for
21 the purpose of issuing an Illinois Person with a Disability
22 Identification Card.

23 When medical information is contained on an Illinois Person
24 with a Disability Identification Card, the Office of the
25 Secretary of State shall not be liable for any actions taken
26 based upon that medical information.

1 (c) The Secretary of State shall provide that each original
2 or renewal Illinois Identification Card or Illinois Person with
3 a Disability Identification Card issued to a person under the
4 age of 21 shall be of a distinct nature from those Illinois
5 Identification Cards or Illinois Person with a Disability
6 Identification Cards issued to individuals 21 years of age or
7 older. The color designated for Illinois Identification Cards
8 or Illinois Person with a Disability Identification Cards for
9 persons under the age of 21 shall be at the discretion of the
10 Secretary of State.

11 (c-1) Each original or renewal Illinois Identification
12 Card or Illinois Person with a Disability Identification Card
13 issued to a person under the age of 21 shall display the date
14 upon which the person becomes 18 years of age and the date upon
15 which the person becomes 21 years of age.

16 (c-3) The General Assembly recognizes the need to identify
17 military veterans living in this State for the purpose of
18 ensuring that they receive all of the services and benefits to
19 which they are legally entitled, including healthcare,
20 education assistance, and job placement. To assist the State in
21 identifying these veterans and delivering these vital services
22 and benefits, the Secretary of State is authorized to issue
23 Illinois Identification Cards and Illinois Person with a
24 Disability Identification Cards with the word "veteran"
25 appearing on the face of the cards. This authorization is
26 predicated on the unique status of veterans. The Secretary may

1 not issue any other identification card which identifies an
2 occupation, status, affiliation, hobby, or other unique
3 characteristics of the identification card holder which is
4 unrelated to the purpose of the identification card.

5 (c-5) Beginning on or before July 1, 2015, the Secretary of
6 State shall designate a space on each original or renewal
7 identification card where, at the request of the applicant, the
8 word "veteran" shall be placed. The veteran designation shall
9 be available to a person identified as a veteran under
10 subsection (b) of Section 5 of this Act who was discharged or
11 separated under honorable conditions.

12 (d) The Secretary of State may issue a Senior Citizen
13 discount card, to any natural person who is a resident of the
14 State of Illinois who is 60 years of age or older and who
15 applies for such a card or renewal thereof. The Secretary of
16 State shall charge no fee to issue such card. The card shall be
17 issued in every county and applications shall be made available
18 at, but not limited to, nutrition sites, senior citizen centers
19 and Area Agencies on Aging. The applicant, upon receipt of such
20 card and prior to its use for any purpose, shall have affixed
21 thereon in the space provided therefor his signature or mark.

22 (e) The Secretary of State, in his or her discretion, may
23 designate on each Illinois Identification Card or Illinois
24 Person with a Disability Identification Card a space where the
25 card holder may place a sticker or decal, issued by the
26 Secretary of State, of uniform size as the Secretary may

1 specify, that shall indicate in appropriate language that the
2 card holder has renewed his or her Illinois Identification Card
3 or Illinois Person with a Disability Identification Card.

4 (Source: P.A. 99-143, eff. 7-27-15; 99-173, eff. 7-29-15;
5 99-305, eff. 1-1-16; 99-642, eff. 7-28-16; 99-907, eff. 7-1-17;
6 100-513, eff. 1-1-18; 100-717, eff. 7-1-19.)

7 Section 10. The Illinois Vehicle Code is amended by
8 changing Sections 6-106.1, 6-206, and 6-508 as follows:

9 (625 ILCS 5/6-106.1) (from Ch. 95 1/2, par. 6-106.1)

10 Sec. 6-106.1. School bus driver permit.

11 (a) The Secretary of State shall issue a school bus driver
12 permit to those applicants who have met all the requirements of
13 the application and screening process under this Section to
14 insure the welfare and safety of children who are transported
15 on school buses throughout the State of Illinois. Applicants
16 shall obtain the proper application required by the Secretary
17 of State from their prospective or current employer and submit
18 the completed application to the prospective or current
19 employer along with the necessary fingerprint submission as
20 required by the Department of State Police to conduct
21 fingerprint based criminal background checks on current and
22 future information available in the state system and current
23 information available through the Federal Bureau of
24 Investigation's system. Applicants who have completed the

1 fingerprinting requirements shall not be subjected to the
2 fingerprinting process when applying for subsequent permits or
3 submitting proof of successful completion of the annual
4 refresher course. Individuals who on July 1, 1995 (the
5 effective date of Public Act 88-612) possess a valid school bus
6 driver permit that has been previously issued by the
7 appropriate Regional School Superintendent are not subject to
8 the fingerprinting provisions of this Section as long as the
9 permit remains valid and does not lapse. The applicant shall be
10 required to pay all related application and fingerprinting fees
11 as established by rule including, but not limited to, the
12 amounts established by the Department of State Police and the
13 Federal Bureau of Investigation to process fingerprint based
14 criminal background investigations. All fees paid for
15 fingerprint processing services under this Section shall be
16 deposited into the State Police Services Fund for the cost
17 incurred in processing the fingerprint based criminal
18 background investigations. All other fees paid under this
19 Section shall be deposited into the Road Fund for the purpose
20 of defraying the costs of the Secretary of State in
21 administering this Section. All applicants must:

- 22 1. be 21 years of age or older;
- 23 2. possess a valid and properly classified driver's
24 license issued by the Secretary of State;
- 25 3. possess a valid driver's license, which has not been
26 revoked, suspended, or canceled for 3 years immediately

1 prior to the date of application, or have not had his or
2 her commercial motor vehicle driving privileges
3 disqualified within the 3 years immediately prior to the
4 date of application;

5 4. successfully pass a written test, administered by
6 the Secretary of State, on school bus operation, school bus
7 safety, and special traffic laws relating to school buses
8 and submit to a review of the applicant's driving habits by
9 the Secretary of State at the time the written test is
10 given;

11 5. demonstrate ability to exercise reasonable care in
12 the operation of school buses in accordance with rules
13 promulgated by the Secretary of State;

14 6. demonstrate physical fitness to operate school
15 buses by submitting the results of a medical examination,
16 including tests for drug use for each applicant not subject
17 to such testing pursuant to federal law, conducted by a
18 licensed physician, a licensed advanced practice
19 registered nurse, or a licensed physician assistant within
20 90 days of the date of application according to standards
21 promulgated by the Secretary of State;

22 7. affirm under penalties of perjury that he or she has
23 not made a false statement or knowingly concealed a
24 material fact in any application for permit;

25 8. have completed an initial classroom course,
26 including first aid procedures, in school bus driver safety

1 as promulgated by the Secretary of State; and after
2 satisfactory completion of said initial course an annual
3 refresher course; such courses and the agency or
4 organization conducting such courses shall be approved by
5 the Secretary of State; failure to complete the annual
6 refresher course, shall result in cancellation of the
7 permit until such course is completed;

8 9. not have been under an order of court supervision
9 for or convicted of 2 or more serious traffic offenses, as
10 defined by rule, within one year prior to the date of
11 application that may endanger the life or safety of any of
12 the driver's passengers within the duration of the permit
13 period;

14 10. not have been under an order of court supervision
15 for or convicted of reckless driving, aggravated reckless
16 driving, driving while under the influence of alcohol,
17 other drug or drugs, intoxicating compound or compounds or
18 any combination thereof, or reckless homicide resulting
19 from the operation of a motor vehicle within 3 years of the
20 date of application;

21 11. not have been convicted of committing or attempting
22 to commit any one or more of the following offenses: (i)
23 those offenses defined in Sections 8-1, 8-1.2, 9-1, 9-1.2,
24 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2, 10-3.1, 10-4,
25 10-5, 10-5.1, 10-6, 10-7, 10-9, 11-1.20, 11-1.30, 11-1.40,
26 11-1.50, 11-1.60, 11-6, 11-6.5, 11-6.6, 11-9, 11-9.1,

1 11-9.1A, 11-9.3, 11-9.4, 11-9.4-1, 11-14, 11-14.1,
2 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17, 11-17.1,
3 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1,
4 11-20.1B, 11-20.3, 11-21, 11-22, 11-23, 11-24, 11-25,
5 11-26, 11-30, 12-2.6, 12-3.05, 12-3.1, 12-3.3, 12-4,
6 12-4.1, 12-4.2, 12-4.2-5, 12-4.3, 12-4.4, 12-4.5, 12-4.6,
7 12-4.7, 12-4.9, 12-5.01, 12-5.3, 12-6, 12-6.2, 12-7.1,
8 12-7.3, 12-7.4, 12-7.5, 12-11, 12-13, 12-14, 12-14.1,
9 12-15, 12-16, 12-16.2, 12-21.5, 12-21.6, 12-33, 12C-5,
10 12C-10, 12C-20, 12C-30, 12C-45, 16-16, 16-16.1, 18-1,
11 18-2, 18-3, 18-4, 18-5, 19-6, 20-1, 20-1.1, 20-1.2, 20-1.3,
12 20-2, 24-1, 24-1.1, 24-1.2, 24-1.2-5, 24-1.6, 24-1.7,
13 24-2.1, 24-3.3, 24-3.5, 24-3.8, 24-3.9, 31A-1.1, 33A-2,
14 and 33D-1, in subsection (A), clauses (a) and (b), of
15 Section 24-3, and those offenses contained in Article 29D
16 of the Criminal Code of 1961 or the Criminal Code of 2012;
17 (ii) those offenses defined in the Cannabis Control Act
18 except those offenses defined in subsections (a) and (b) of
19 Section 4, and subsection (a) of Section 5 of the Cannabis
20 Control Act; (iii) those offenses defined in the Illinois
21 Controlled Substances Act; (iv) those offenses defined in
22 the Methamphetamine Control and Community Protection Act;
23 and (v) any offense committed or attempted in any other
24 state or against the laws of the United States, which if
25 committed or attempted in this State would be punishable as
26 one or more of the foregoing offenses; (vi) the offenses

1 defined in Section 4.1 and 5.1 of the Wrongs to Children
2 Act or Section 11-9.1A of the Criminal Code of 1961 or the
3 Criminal Code of 2012; (vii) those offenses defined in
4 Section 6-16 of the Liquor Control Act of 1934 within the
5 last 20 years before the date of the application; and
6 (viii) those offenses defined in the Methamphetamine
7 Precursor Control Act;

8 12. not have been repeatedly involved as a driver in
9 motor vehicle collisions or been repeatedly convicted of
10 offenses against laws and ordinances regulating the
11 movement of traffic, to a degree which indicates lack of
12 ability to exercise ordinary and reasonable care in the
13 safe operation of a motor vehicle or disrespect for the
14 traffic laws and the safety of other persons upon the
15 highway;

16 13. not have, through the unlawful operation of a motor
17 vehicle, caused an accident resulting in the death of any
18 person;

19 14. not have, within the last 5 years, been adjudged to
20 be afflicted with or suffering from any mental disability
21 or disease;

22 15. consent, in writing, to the release of results of
23 reasonable suspicion drug and alcohol testing under
24 Section 6-106.1c of this Code by the employer of the
25 applicant to the Secretary of State; and

26 16. not have been convicted of committing or attempting

1 to commit within the last 20 years: (i) an offense defined
2 in subsection (c) of Section 4, subsection (b) of Section
3 5, and subsection (a) of Section 8 of the Cannabis Control
4 Act; or (ii) any offenses in any other state or against the
5 laws of the United States that, if committed or attempted
6 in this State, would be punishable as one or more of the
7 foregoing offenses.

8 (b) A school bus driver permit shall be valid for a period
9 specified by the Secretary of State as set forth by rule. It
10 shall be renewable upon compliance with subsection (a) of this
11 Section.

12 (c) A school bus driver permit shall contain the holder's
13 driver's license number, legal name, residence address, zip
14 code, and date of birth, a brief description of the holder and
15 a space for signature. The Secretary of State may require a
16 suitable photograph of the holder.

17 (d) The employer shall be responsible for conducting a
18 pre-employment interview with prospective school bus driver
19 candidates, distributing school bus driver applications and
20 medical forms to be completed by the applicant, and submitting
21 the applicant's fingerprint cards to the Department of State
22 Police that are required for the criminal background
23 investigations. The employer shall certify in writing to the
24 Secretary of State that all pre-employment conditions have been
25 successfully completed including the successful completion of
26 an Illinois specific criminal background investigation through

1 the Department of State Police and the submission of necessary
2 fingerprints to the Federal Bureau of Investigation for
3 criminal history information available through the Federal
4 Bureau of Investigation system. The applicant shall present the
5 certification to the Secretary of State at the time of
6 submitting the school bus driver permit application.

7 (e) Permits shall initially be provisional upon receiving
8 certification from the employer that all pre-employment
9 conditions have been successfully completed, and upon
10 successful completion of all training and examination
11 requirements for the classification of the vehicle to be
12 operated, the Secretary of State shall provisionally issue a
13 School Bus Driver Permit. The permit shall remain in a
14 provisional status pending the completion of the Federal Bureau
15 of Investigation's criminal background investigation based
16 upon fingerprinting specimens submitted to the Federal Bureau
17 of Investigation by the Department of State Police. The Federal
18 Bureau of Investigation shall report the findings directly to
19 the Secretary of State. The Secretary of State shall remove the
20 bus driver permit from provisional status upon the applicant's
21 successful completion of the Federal Bureau of Investigation's
22 criminal background investigation.

23 (f) A school bus driver permit holder shall notify the
24 employer and the Secretary of State if he or she is issued an
25 order of court supervision for or convicted in another state of
26 an offense that would make him or her ineligible for a permit

1 under subsection (a) of this Section. The written notification
2 shall be made within 5 days of the entry of the order of court
3 supervision or conviction. Failure of the permit holder to
4 provide the notification is punishable as a petty offense for a
5 first violation and a Class B misdemeanor for a second or
6 subsequent violation.

7 (g) Cancellation; suspension; notice and procedure.

8 (1) The Secretary of State shall cancel a school bus
9 driver permit of an applicant whose criminal background
10 investigation discloses that he or she is not in compliance
11 with the provisions of subsection (a) of this Section.

12 (2) The Secretary of State shall cancel a school bus
13 driver permit when he or she receives notice that the
14 permit holder fails to comply with any provision of this
15 Section or any rule promulgated for the administration of
16 this Section.

17 (3) The Secretary of State shall cancel a school bus
18 driver permit if the permit holder's restricted commercial
19 or commercial driving privileges are withdrawn or
20 otherwise invalidated.

21 (4) The Secretary of State may not issue a school bus
22 driver permit for a period of 3 years to an applicant who
23 fails to obtain a negative result on a drug test as
24 required in item 6 of subsection (a) of this Section or
25 under federal law.

26 (5) The Secretary of State shall forthwith suspend a

1 school bus driver permit for a period of 3 years upon
2 receiving notice that the holder has failed to obtain a
3 negative result on a drug test as required in item 6 of
4 subsection (a) of this Section or under federal law.

5 (6) The Secretary of State shall suspend a school bus
6 driver permit for a period of 3 years upon receiving notice
7 from the employer that the holder failed to perform the
8 inspection procedure set forth in subsection (a) or (b) of
9 Section 12-816 of this Code.

10 (7) The Secretary of State shall suspend a school bus
11 driver permit for a period of 3 years upon receiving notice
12 from the employer that the holder refused to submit to an
13 alcohol or drug test as required by Section 6-106.1c or has
14 submitted to a test required by that Section which
15 disclosed an alcohol concentration of more than 0.00 or
16 disclosed a positive result on a National Institute on Drug
17 Abuse five-drug panel, utilizing federal standards set
18 forth in 49 CFR 40.87.

19 The Secretary of State shall notify the State
20 Superintendent of Education and the permit holder's
21 prospective or current employer that the applicant has (1) has
22 failed a criminal background investigation or (2) is no longer
23 eligible for a school bus driver permit; and of the related
24 cancellation of the applicant's provisional school bus driver
25 permit. The cancellation shall remain in effect pending the
26 outcome of a hearing pursuant to Section 2-118 of this Code.

1 The scope of the hearing shall be limited to the issuance
2 criteria contained in subsection (a) of this Section. A
3 petition requesting a hearing shall be submitted to the
4 Secretary of State and shall contain the reason the individual
5 feels he or she is entitled to a school bus driver permit. The
6 permit holder's employer shall notify in writing to the
7 Secretary of State that the employer has certified the removal
8 of the offending school bus driver from service prior to the
9 start of that school bus driver's next workshift. An employing
10 school board that fails to remove the offending school bus
11 driver from service is subject to the penalties defined in
12 Section 3-14.23 of the School Code. A school bus contractor who
13 violates a provision of this Section is subject to the
14 penalties defined in Section 6-106.11.

15 All valid school bus driver permits issued under this
16 Section prior to January 1, 1995, shall remain effective until
17 their expiration date unless otherwise invalidated.

18 (h) When a school bus driver permit holder who is a service
19 member is called to active duty, the employer of the permit
20 holder shall notify the Secretary of State, within 30 days of
21 notification from the permit holder, that the permit holder has
22 been called to active duty. Upon notification pursuant to this
23 subsection, (i) the Secretary of State shall characterize the
24 permit as inactive until a permit holder renews the permit as
25 provided in subsection (i) of this Section, and (ii) if a
26 permit holder fails to comply with the requirements of this

1 Section while called to active duty, the Secretary of State
2 shall not characterize the permit as invalid.

3 (i) A school bus driver permit holder who is a service
4 member returning from active duty must, within 90 days, renew a
5 permit characterized as inactive pursuant to subsection (h) of
6 this Section by complying with the renewal requirements of
7 subsection (b) of this Section.

8 (j) For purposes of subsections (h) and (i) of this
9 Section:

10 "Active duty" means active duty pursuant to an executive
11 order of the President of the United States, an act of the
12 Congress of the United States, or an order of the Governor.

13 "Service member" means a member of the Armed Services or
14 reserve forces of the United States or a member of the Illinois
15 National Guard.

16 (k) A private carrier employer of a school bus driver
17 permit holder, having satisfied the employer requirements of
18 this Section, shall be held to a standard of ordinary care for
19 intentional acts committed in the course of employment by the
20 bus driver permit holder. This subsection (k) shall in no way
21 limit the liability of the private carrier employer for
22 violation of any provision of this Section or for the negligent
23 hiring or retention of a school bus driver permit holder.

24 (Source: P.A. 100-513, eff. 1-1-18; 101-458, eff. 1-1-20.)

1 (Text of Section before amendment by P.A. 101-90 and
2 101-470)

3 Sec. 6-206. Discretionary authority to suspend or revoke
4 license or permit; right to a hearing.

5 (a) The Secretary of State is authorized to suspend or
6 revoke the driving privileges of any person without preliminary
7 hearing upon a showing of the person's records or other
8 sufficient evidence that the person:

9 1. Has committed an offense for which mandatory
10 revocation of a driver's license or permit is required upon
11 conviction;

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

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

25 4. Has by the unlawful operation of a motor vehicle
26 caused or contributed to an accident resulting in injury

1 requiring immediate professional treatment in a medical
2 facility or doctor's office to any person, except that any
3 suspension or revocation imposed by the Secretary of State
4 under the provisions of this subsection shall start no
5 later than 6 months after being convicted of violating a
6 law or ordinance regulating the movement of traffic, which
7 violation is related to the accident, or shall start not
8 more than one year after the date of the accident,
9 whichever date occurs later;

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

12 6. Has been lawfully convicted of an offense or
13 offenses in another state, including the authorization
14 contained in Section 6-203.1, which if committed within
15 this State would be grounds for suspension or revocation;

16 7. Has refused or failed to submit to an examination
17 provided for by Section 6-207 or has failed to pass the
18 examination;

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

21 9. Has made a false statement or knowingly concealed a
22 material fact or has used false information or
23 identification in any application for a license,
24 identification card, or permit;

25 10. Has possessed, displayed, or attempted to
26 fraudulently use any license, identification card, or

1 permit not issued to the person;

2 11. Has operated a motor vehicle upon a highway of this
3 State when the person's driving privilege or privilege to
4 obtain a driver's license or permit was revoked or
5 suspended unless the operation was authorized by a
6 monitoring device driving permit, judicial driving permit
7 issued prior to January 1, 2009, probationary license to
8 drive, or a restricted driving permit issued under this
9 Code;

10 12. Has submitted to any portion of the application
11 process for another person or has obtained the services of
12 another person to submit to any portion of the application
13 process for the purpose of obtaining a license,
14 identification card, or permit for some other person;

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

18 14. Has committed a violation of Section 6-301,
19 6-301.1, or 6-301.2 of this Code, or Section 14, 14A, or
20 14B of the Illinois Identification Card Act;

21 15. Has been convicted of violating Section 21-2 of the
22 Criminal Code of 1961 or the Criminal Code of 2012 relating
23 to criminal trespass to vehicles in which case, the
24 suspension shall be for one year;

25 16. Has been convicted of violating Section 11-204 of
26 this Code relating to fleeing from a peace officer;

1 17. Has refused to submit to a test, or tests, as
2 required under Section 11-501.1 of this Code and the person
3 has not sought a hearing as provided for in Section
4 11-501.1;

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

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

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

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

17 22. Has used a motor vehicle in violating paragraph
18 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
19 the Criminal Code of 1961 or the Criminal Code of 2012
20 relating to unlawful use of weapons, in which case the
21 suspension shall be for one year;

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

26 24. Has been convicted by a court-martial or punished

1 by non-judicial punishment by military authorities of the
2 United States at a military installation in Illinois or in
3 another state of or for a traffic related offense that is
4 the same as or similar to an offense specified under
5 Section 6-205 or 6-206 of this Code;

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

10 26. Has altered or attempted to alter a license or has
11 possessed an altered license, identification card, or
12 permit;

13 27. Has violated Section 6-16 of the Liquor Control Act
14 of 1934;

15 28. Has been convicted for a first time of the illegal
16 possession, while operating or in actual physical control,
17 as a driver, of a motor vehicle, of any controlled
18 substance prohibited under the Illinois Controlled
19 Substances Act, any cannabis prohibited under the Cannabis
20 Control Act, or any methamphetamine prohibited under the
21 Methamphetamine Control and Community Protection Act, in
22 which case the person's driving privileges shall be
23 suspended for one year. Any defendant found guilty of this
24 offense while operating a motor vehicle, shall have an
25 entry made in the court record by the presiding judge that
26 this offense did occur while the defendant was operating a

1 motor vehicle and order the clerk of the court to report
2 the violation to the Secretary of State;

3 29. Has been convicted of the following offenses that
4 were committed while the person was operating or in actual
5 physical control, as a driver, of a motor vehicle: criminal
6 sexual assault, predatory criminal sexual assault of a
7 child, aggravated criminal sexual assault, criminal sexual
8 abuse, aggravated criminal sexual abuse, juvenile pimping,
9 soliciting for a juvenile prostitute, promoting juvenile
10 prostitution as described in subdivision (a) (1), (a) (2),
11 or (a) (3) of Section 11-14.4 of the Criminal Code of 1961
12 or the Criminal Code of 2012, and the manufacture, sale or
13 delivery of controlled substances or instruments used for
14 illegal drug use or abuse in which case the driver's
15 driving privileges shall be suspended for one year;

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

20 31. Has refused to submit to a test as required by
21 Section 11-501.6 of this Code or Section 5-16c of the Boat
22 Registration and Safety Act or has submitted to a test
23 resulting in an alcohol concentration of 0.08 or more or
24 any amount of a drug, substance, or compound resulting from
25 the unlawful use or consumption of cannabis as listed in
26 the Cannabis Control Act, a controlled substance as listed

1 in the Illinois Controlled Substances Act, an intoxicating
2 compound as listed in the Use of Intoxicating Compounds
3 Act, or methamphetamine as listed in the Methamphetamine
4 Control and Community Protection Act, in which case the
5 penalty shall be as prescribed in Section 6-208.1;

6 32. Has been convicted of Section 24-1.2 of the
7 Criminal Code of 1961 or the Criminal Code of 2012 relating
8 to the aggravated discharge of a firearm if the offender
9 was located in a motor vehicle at the time the firearm was
10 discharged, in which case the suspension shall be for 3
11 years;

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

16 34. Has committed a violation of Section 11-1301.5 of
17 this Code or a similar provision of a local ordinance;

18 35. Has committed a violation of Section 11-1301.6 of
19 this Code or a similar provision of a local ordinance;

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

26 37. Has committed a violation of subsection (c) of

1 Section 11-907 of this Code that resulted in damage to the
2 property of another or the death or injury of another;

3 38. Has been convicted of a violation of Section 6-20
4 of the Liquor Control Act of 1934 or a similar provision of
5 a local ordinance;

6 39. Has committed a second or subsequent violation of
7 Section 11-1201 of this Code;

8 40. Has committed a violation of subsection (a-1) of
9 Section 11-908 of this Code;

10 41. Has committed a second or subsequent violation of
11 Section 11-605.1 of this Code, a similar provision of a
12 local ordinance, or a similar violation in any other state
13 within 2 years of the date of the previous violation, in
14 which case the suspension shall be for 90 days;

15 42. Has committed a violation of subsection (a-1) of
16 Section 11-1301.3 of this Code or a similar provision of a
17 local ordinance;

18 43. Has received a disposition of court supervision for
19 a violation of subsection (a), (d), or (e) of Section 6-20
20 of the Liquor Control Act of 1934 or a similar provision of
21 a local ordinance, in which case the suspension shall be
22 for a period of 3 months;

23 44. Is under the age of 21 years at the time of arrest
24 and has been convicted of an offense against traffic
25 regulations governing the movement of vehicles after
26 having previously had his or her driving privileges

1 suspended or revoked pursuant to subparagraph 36 of this
2 Section;

3 45. Has, in connection with or during the course of a
4 formal hearing conducted under Section 2-118 of this Code:
5 (i) committed perjury; (ii) submitted fraudulent or
6 falsified documents; (iii) submitted documents that have
7 been materially altered; or (iv) submitted, as his or her
8 own, documents that were in fact prepared or composed for
9 another person;

10 46. Has committed a violation of subsection (j) of
11 Section 3-413 of this Code;

12 47. Has committed a violation of Section 11-502.1 of
13 this Code; or

14 48. Has submitted a falsified or altered medical
15 examiner's certificate to the Secretary of State or
16 provided false information to obtain a medical examiner's
17 certificate.

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

25 (b) If any conviction forming the basis of a suspension or
26 revocation authorized under this Section is appealed, the

1 Secretary of State may rescind or withhold the entry of the
2 order of suspension or revocation, as the case may be, provided
3 that a certified copy of a stay order of a court is filed with
4 the Secretary of State. If the conviction is affirmed on
5 appeal, the date of the conviction shall relate back to the
6 time the original judgment of conviction was entered and the 6
7 month limitation prescribed shall not apply.

8 (c) 1. Upon suspending or revoking the driver's license or
9 permit of any person as authorized in this Section, the
10 Secretary of State shall immediately notify the person in
11 writing of the revocation or suspension. The notice to be
12 deposited in the United States mail, postage prepaid, to the
13 last known address of the person.

14 2. If the Secretary of State suspends the driver's license
15 of a person under subsection 2 of paragraph (a) of this
16 Section, a person's privilege to operate a vehicle as an
17 occupation shall not be suspended, provided an affidavit is
18 properly completed, the appropriate fee received, and a permit
19 issued prior to the effective date of the suspension, unless 5
20 offenses were committed, at least 2 of which occurred while
21 operating a commercial vehicle in connection with the driver's
22 regular occupation. All other driving privileges shall be
23 suspended by the Secretary of State. Any driver prior to
24 operating a vehicle for occupational purposes only must submit
25 the affidavit on forms to be provided by the Secretary of State
26 setting forth the facts of the person's occupation. The

1 affidavit shall also state the number of offenses committed
2 while operating a vehicle in connection with the driver's
3 regular occupation. The affidavit shall be accompanied by the
4 driver's license. Upon receipt of a properly completed
5 affidavit, the Secretary of State shall issue the driver a
6 permit to operate a vehicle in connection with the driver's
7 regular occupation only. Unless the permit is issued by the
8 Secretary of State prior to the date of suspension, the
9 privilege to drive any motor vehicle shall be suspended as set
10 forth in the notice that was mailed under this Section. If an
11 affidavit is received subsequent to the effective date of this
12 suspension, a permit may be issued for the remainder of the
13 suspension period.

14 The provisions of this subparagraph shall not apply to any
15 driver required to possess a CDL for the purpose of operating a
16 commercial motor vehicle.

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

21 3. At the conclusion of a hearing under Section 2-118 of
22 this Code, the Secretary of State shall either rescind or
23 continue an order of revocation or shall substitute an order of
24 suspension; or, good cause appearing therefor, rescind,
25 continue, change, or extend the order of suspension. If the
26 Secretary of State does not rescind the order, the Secretary

1 may upon application, to relieve undue hardship (as defined by
2 the rules of the Secretary of State), issue a restricted
3 driving permit granting the privilege of driving a motor
4 vehicle between the petitioner's residence and petitioner's
5 place of employment or within the scope of the petitioner's
6 employment related duties, or to allow the petitioner to
7 transport himself or herself, or a family member of the
8 petitioner's household to a medical facility, to receive
9 necessary medical care, to allow the petitioner to transport
10 himself or herself to and from alcohol or drug remedial or
11 rehabilitative activity recommended by a licensed service
12 provider, or to allow the petitioner to transport himself or
13 herself or a family member of the petitioner's household to
14 classes, as a student, at an accredited educational
15 institution, or to allow the petitioner to transport children,
16 elderly persons, or persons with disabilities who do not hold
17 driving privileges and are living in the petitioner's household
18 to and from daycare. The petitioner must demonstrate that no
19 alternative means of transportation is reasonably available
20 and that the petitioner will not endanger the public safety or
21 welfare.

22 (A) If a person's license or permit is revoked or
23 suspended due to 2 or more convictions of violating Section
24 11-501 of this Code or a similar provision of a local
25 ordinance or a similar out-of-state offense, or Section 9-3
26 of the Criminal Code of 1961 or the Criminal Code of 2012,

1 where the use of alcohol or other drugs is recited as an
2 element of the offense, or a similar out-of-state offense,
3 or a combination of these offenses, arising out of separate
4 occurrences, that person, if issued a restricted driving
5 permit, may not operate a vehicle unless it has been
6 equipped with an ignition interlock device as defined in
7 Section 1-129.1.

8 (B) If a person's license or permit is revoked or
9 suspended 2 or more times due to any combination of:

10 (i) a single conviction of violating Section
11 11-501 of this Code or a similar provision of a local
12 ordinance or a similar out-of-state offense or Section
13 9-3 of the Criminal Code of 1961 or the Criminal Code
14 of 2012, where the use of alcohol or other drugs is
15 recited as an element of the offense, or a similar
16 out-of-state offense; or

17 (ii) a statutory summary suspension or revocation
18 under Section 11-501.1; or

19 (iii) a suspension under Section 6-203.1;

20 arising out of separate occurrences; that person, if issued
21 a restricted driving permit, may not operate a vehicle
22 unless it has been equipped with an ignition interlock
23 device as defined in Section 1-129.1.

24 (B-5) If a person's license or permit is revoked or
25 suspended due to a conviction for a violation of
26 subparagraph (C) or (F) of paragraph (1) of subsection (d)

1 of Section 11-501 of this Code, or a similar provision of a
2 local ordinance or similar out-of-state offense, that
3 person, if issued a restricted driving permit, may not
4 operate a vehicle unless it has been equipped with an
5 ignition interlock device as defined in Section 1-129.1.

6 (C) The person issued a permit conditioned upon the use
7 of an ignition interlock device must pay to the Secretary
8 of State DUI Administration Fund an amount not to exceed
9 \$30 per month. The Secretary shall establish by rule the
10 amount and the procedures, terms, and conditions relating
11 to these fees.

12 (D) If the restricted driving permit is issued for
13 employment purposes, then the prohibition against
14 operating a motor vehicle that is not equipped with an
15 ignition interlock device does not apply to the operation
16 of an occupational vehicle owned or leased by that person's
17 employer when used solely for employment purposes. For any
18 person who, within a 5-year period, is convicted of a
19 second or subsequent offense under Section 11-501 of this
20 Code, or a similar provision of a local ordinance or
21 similar out-of-state offense, this employment exemption
22 does not apply until either a one-year period has elapsed
23 during which that person had his or her driving privileges
24 revoked or a one-year period has elapsed during which that
25 person had a restricted driving permit which required the
26 use of an ignition interlock device on every motor vehicle

1 owned or operated by that person.

2 (E) In each case the Secretary may issue a restricted
3 driving permit for a period deemed appropriate, except that
4 all permits shall expire no later than 2 years from the
5 date of issuance. A restricted driving permit issued under
6 this Section shall be subject to cancellation, revocation,
7 and suspension by the Secretary of State in like manner and
8 for like cause as a driver's license issued under this Code
9 may be cancelled, revoked, or suspended; except that a
10 conviction upon one or more offenses against laws or
11 ordinances regulating the movement of traffic shall be
12 deemed sufficient cause for the revocation, suspension, or
13 cancellation of a restricted driving permit. The Secretary
14 of State may, as a condition to the issuance of a
15 restricted driving permit, require the applicant to
16 participate in a designated driver remedial or
17 rehabilitative program. The Secretary of State is
18 authorized to cancel a restricted driving permit if the
19 permit holder does not successfully complete the program.

20 (F) A person subject to the provisions of paragraph 4
21 of subsection (b) of Section 6-208 of this Code may make
22 application for a restricted driving permit at a hearing
23 conducted under Section 2-118 of this Code after the
24 expiration of 5 years from the effective date of the most
25 recent revocation or after 5 years from the date of release
26 from a period of imprisonment resulting from a conviction

1 of the most recent offense, whichever is later, provided
2 the person, in addition to all other requirements of the
3 Secretary, shows by clear and convincing evidence:

4 (i) a minimum of 3 years of uninterrupted
5 abstinence from alcohol and the unlawful use or
6 consumption of cannabis under the Cannabis Control
7 Act, a controlled substance under the Illinois
8 Controlled Substances Act, an intoxicating compound
9 under the Use of Intoxicating Compounds Act, or
10 methamphetamine under the Methamphetamine Control and
11 Community Protection Act; and

12 (ii) the successful completion of any
13 rehabilitative treatment and involvement in any
14 ongoing rehabilitative activity that may be
15 recommended by a properly licensed service provider
16 according to an assessment of the person's alcohol or
17 drug use under Section 11-501.01 of this Code.

18 In determining whether an applicant is eligible for a
19 restricted driving permit under this subparagraph (F), the
20 Secretary may consider any relevant evidence, including,
21 but not limited to, testimony, affidavits, records, and the
22 results of regular alcohol or drug tests. Persons subject
23 to the provisions of paragraph 4 of subsection (b) of
24 Section 6-208 of this Code and who have been convicted of
25 more than one violation of paragraph (3), paragraph (4), or
26 paragraph (5) of subsection (a) of Section 11-501 of this

1 Code shall not be eligible to apply for a restricted
2 driving permit under this subparagraph (F).

3 A restricted driving permit issued under this
4 subparagraph (F) shall provide that the holder may only
5 operate motor vehicles equipped with an ignition interlock
6 device as required under paragraph (2) of subsection (c) of
7 Section 6-205 of this Code and subparagraph (A) of
8 paragraph 3 of subsection (c) of this Section. The
9 Secretary may revoke a restricted driving permit or amend
10 the conditions of a restricted driving permit issued under
11 this subparagraph (F) if the holder operates a vehicle that
12 is not equipped with an ignition interlock device, or for
13 any other reason authorized under this Code.

14 A restricted driving permit issued under this
15 subparagraph (F) shall be revoked, and the holder barred
16 from applying for or being issued a restricted driving
17 permit in the future, if the holder is convicted of a
18 violation of Section 11-501 of this Code, a similar
19 provision of a local ordinance, or a similar offense in
20 another state.

21 (c-3) In the case of a suspension under paragraph 43 of
22 subsection (a), reports received by the Secretary of State
23 under this Section shall, except during the actual time the
24 suspension is in effect, be privileged information and for use
25 only by the courts, police officers, prosecuting authorities,
26 the driver licensing administrator of any other state, the

1 Secretary of State, or the parent or legal guardian of a driver
2 under the age of 18. However, beginning January 1, 2008, if the
3 person is a CDL holder, the suspension shall also be made
4 available to the driver licensing administrator of any other
5 state, the U.S. Department of Transportation, and the affected
6 driver or motor carrier or prospective motor carrier upon
7 request.

8 (c-4) In the case of a suspension under paragraph 43 of
9 subsection (a), the Secretary of State shall notify the person
10 by mail that his or her driving privileges and driver's license
11 will be suspended one month after the date of the mailing of
12 the notice.

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

20 (d) This Section is subject to the provisions of the
21 Drivers License Compact.

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

26 (f) In accordance with 49 C.F.R. 384, the Secretary of

1 State may not issue a restricted driving permit for the
2 operation of a commercial motor vehicle to a person holding a
3 CDL whose driving privileges have been suspended, revoked,
4 cancelled, or disqualified under any provisions of this Code.

5 (Source: P.A. 99-143, eff. 7-27-15; 99-290, eff. 1-1-16;
6 99-467, eff. 1-1-16; 99-483, eff. 1-1-16; 99-607, eff. 7-22-16;
7 99-642, eff. 7-28-16; 100-803, eff. 1-1-19.)

8 (Text of Section after amendment by P.A. 101-90 and
9 101-470)

10 Sec. 6-206. Discretionary authority to suspend or revoke
11 license or permit; right to a hearing.

12 (a) The Secretary of State is authorized to suspend or
13 revoke the driving privileges of any person without preliminary
14 hearing upon a showing of the person's records or other
15 sufficient evidence that the person:

16 1. Has committed an offense for which mandatory
17 revocation of a driver's license or permit is required upon
18 conviction;

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

24 3. Has been repeatedly involved as a driver in motor
25 vehicle collisions or has been repeatedly convicted of

1 offenses against laws and ordinances regulating the
2 movement of traffic, to a degree that indicates lack of
3 ability to exercise ordinary and reasonable care in the
4 safe operation of a motor vehicle or disrespect for the
5 traffic laws and the safety of other persons upon the
6 highway;

7 4. Has by the unlawful operation of a motor vehicle
8 caused or contributed to an accident resulting in injury
9 requiring immediate professional treatment in a medical
10 facility or doctor's office to any person, except that any
11 suspension or revocation imposed by the Secretary of State
12 under the provisions of this subsection shall start no
13 later than 6 months after being convicted of violating a
14 law or ordinance regulating the movement of traffic, which
15 violation is related to the accident, or shall start not
16 more than one year after the date of the accident,
17 whichever date occurs later;

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

20 6. Has been lawfully convicted of an offense or
21 offenses in another state, including the authorization
22 contained in Section 6-203.1, which if committed within
23 this State would be grounds for suspension or revocation;

24 7. Has refused or failed to submit to an examination
25 provided for by Section 6-207 or has failed to pass the
26 examination;

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

3 9. Has made a false statement or knowingly concealed a
4 material fact or has used false information or
5 identification in any application for a license,
6 identification card, or permit;

7 10. Has possessed, displayed, or attempted to
8 fraudulently use any license, identification card, or
9 permit not issued to the person;

10 11. Has operated a motor vehicle upon a highway of this
11 State when the person's driving privilege or privilege to
12 obtain a driver's license or permit was revoked or
13 suspended unless the operation was authorized by a
14 monitoring device driving permit, judicial driving permit
15 issued prior to January 1, 2009, probationary license to
16 drive, or a restricted driving permit issued under this
17 Code;

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

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

26 14. Has committed a violation of Section 6-301,

1 6-301.1, or 6-301.2 of this Code, or Section 14, 14A, or
2 14B of the Illinois Identification Card Act;

3 15. Has been convicted of violating Section 21-2 of the
4 Criminal Code of 1961 or the Criminal Code of 2012 relating
5 to criminal trespass to vehicles in which case, the
6 suspension shall be for one year;

7 16. Has been convicted of violating Section 11-204 of
8 this Code relating to fleeing from a peace officer;

9 17. Has refused to submit to a test, or tests, as
10 required under Section 11-501.1 of this Code and the person
11 has not sought a hearing as provided for in Section
12 11-501.1;

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

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

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

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

25 22. Has used a motor vehicle in violating paragraph
26 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of

1 the Criminal Code of 1961 or the Criminal Code of 2012
2 relating to unlawful use of weapons, in which case the
3 suspension shall be for one year;

4 23. Has, as a driver, been convicted of committing a
5 violation of paragraph (a) of Section 11-502 of this Code
6 for a second or subsequent time within one year of a
7 similar violation;

8 24. Has been convicted by a court-martial or punished
9 by non-judicial punishment by military authorities of the
10 United States at a military installation in Illinois or in
11 another state of or for a traffic related offense that is
12 the same as or similar to an offense specified under
13 Section 6-205 or 6-206 of this Code;

14 25. Has permitted any form of identification to be used
15 by another in the application process in order to obtain or
16 attempt to obtain a license, identification card, or
17 permit;

18 26. Has altered or attempted to alter a license or has
19 possessed an altered license, identification card, or
20 permit;

21 27. Has violated Section 6-16 of the Liquor Control Act
22 of 1934;

23 28. Has been convicted for a first time of the illegal
24 possession, while operating or in actual physical control,
25 as a driver, of a motor vehicle, of any controlled
26 substance prohibited under the Illinois Controlled

1 Substances Act, any cannabis prohibited under the Cannabis
2 Control Act, or any methamphetamine prohibited under the
3 Methamphetamine Control and Community Protection Act, in
4 which case the person's driving privileges shall be
5 suspended for one year. Any defendant found guilty of this
6 offense while operating a motor vehicle, shall have an
7 entry made in the court record by the presiding judge that
8 this offense did occur while the defendant was operating a
9 motor vehicle and order the clerk of the court to report
10 the violation to the Secretary of State;

11 29. Has been convicted of the following offenses that
12 were committed while the person was operating or in actual
13 physical control, as a driver, of a motor vehicle: criminal
14 sexual assault, predatory criminal sexual assault of a
15 child, aggravated criminal sexual assault, criminal sexual
16 abuse, aggravated criminal sexual abuse, juvenile pimping,
17 soliciting for a juvenile prostitute, promoting juvenile
18 prostitution as described in subdivision (a)(1), (a)(2),
19 or (a)(3) of Section 11-14.4 of the Criminal Code of 1961
20 or the Criminal Code of 2012, and the manufacture, sale or
21 delivery of controlled substances or instruments used for
22 illegal drug use or abuse in which case the driver's
23 driving privileges shall be suspended for one year;

24 30. Has been convicted a second or subsequent time for
25 any combination of the offenses named in paragraph 29 of
26 this subsection, in which case the person's driving

1 privileges shall be suspended for 5 years;

2 31. Has refused to submit to a test as required by
3 Section 11-501.6 of this Code or Section 5-16c of the Boat
4 Registration and Safety Act or has submitted to a test
5 resulting in an alcohol concentration of 0.08 or more or
6 any amount of a drug, substance, or compound resulting from
7 the unlawful use or consumption of cannabis as listed in
8 the Cannabis Control Act, a controlled substance as listed
9 in the Illinois Controlled Substances Act, an intoxicating
10 compound as listed in the Use of Intoxicating Compounds
11 Act, or methamphetamine as listed in the Methamphetamine
12 Control and Community Protection Act, in which case the
13 penalty shall be as prescribed in Section 6-208.1;

14 32. Has been convicted of Section 24-1.2 of the
15 Criminal Code of 1961 or the Criminal Code of 2012 relating
16 to the aggravated discharge of a firearm if the offender
17 was located in a motor vehicle at the time the firearm was
18 discharged, in which case the suspension shall be for 3
19 years;

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

24 34. Has committed a violation of Section 11-1301.5 of
25 this Code or a similar provision of a local ordinance;

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

1 this Code or a similar provision of a local ordinance;

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

8 37. Has committed a violation of subsection (c) of
9 Section 11-907 of this Code that resulted in damage to the
10 property of another or the death or injury of another;

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

14 39. Has committed a second or subsequent violation of
15 Section 11-1201 of this Code;

16 40. Has committed a violation of subsection (a-1) of
17 Section 11-908 of this Code;

18 41. Has committed a second or subsequent violation of
19 Section 11-605.1 of this Code, a similar provision of a
20 local ordinance, or a similar violation in any other state
21 within 2 years of the date of the previous violation, in
22 which case the suspension shall be for 90 days;

23 42. Has committed a violation of subsection (a-1) of
24 Section 11-1301.3 of this Code or a similar provision of a
25 local ordinance;

26 43. Has received a disposition of court supervision for

1 a violation of subsection (a), (d), or (e) of Section 6-20
2 of the Liquor Control Act of 1934 or a similar provision of
3 a local ordinance, in which case the suspension shall be
4 for a period of 3 months;

5 44. Is under the age of 21 years at the time of arrest
6 and has been convicted of an offense against traffic
7 regulations governing the movement of vehicles after
8 having previously had his or her driving privileges
9 suspended or revoked pursuant to subparagraph 36 of this
10 Section;

11 45. Has, in connection with or during the course of a
12 formal hearing conducted under Section 2-118 of this Code:
13 (i) committed perjury; (ii) submitted fraudulent or
14 falsified documents; (iii) submitted documents that have
15 been materially altered; or (iv) submitted, as his or her
16 own, documents that were in fact prepared or composed for
17 another person;

18 46. Has committed a violation of subsection (j) of
19 Section 3-413 of this Code;

20 47. Has committed a violation of Section 11-502.1 of
21 this Code;

22 48. Has submitted a falsified or altered medical
23 examiner's certificate to the Secretary of State or
24 provided false information to obtain a medical examiner's
25 certificate; ~~or~~

26 49. Has been convicted of a violation of Section

1 11-1002 or 11-1002.5 that resulted in a Type A injury to
2 another, in which case the driving privileges of the person
3 shall be suspended for 12 months; or

4 50. Has committed a violation of subsection (b-5) of
5 Section 12-610.2 that resulted in great bodily harm,
6 permanent disability, or disfigurement, in which case the
7 driving privileges of the person shall be suspended for 12
8 months.

9 ~~49. Has committed a violation of subsection (b-5) of~~
10 ~~Section 12-610.2 that resulted in great bodily harm,~~
11 ~~permanent disability, or disfigurement, in which case the~~
12 ~~driving privileges shall be suspended for 12 months.~~

13 ~~49. Has been convicted of a violation of Section~~
14 ~~11-1002 or 11-1002.5 that resulted in a Type A injury to~~
15 ~~another, in which case the person's driving privileges~~
16 ~~shall be suspended for 12 months.~~

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

24 (b) If any conviction forming the basis of a suspension or
25 revocation authorized under this Section is appealed, the
26 Secretary of State may rescind or withhold the entry of the

1 order of suspension or revocation, as the case may be, provided
2 that a certified copy of a stay order of a court is filed with
3 the Secretary of State. If the conviction is affirmed on
4 appeal, the date of the conviction shall relate back to the
5 time the original judgment of conviction was entered and the 6
6 month limitation prescribed shall not apply.

7 (c) 1. Upon suspending or revoking the driver's license or
8 permit of any person as authorized in this Section, the
9 Secretary of State shall immediately notify the person in
10 writing of the revocation or suspension. The notice to be
11 deposited in the United States mail, postage prepaid, to the
12 last known address of the person.

13 2. If the Secretary of State suspends the driver's license
14 of a person under subsection 2 of paragraph (a) of this
15 Section, a person's privilege to operate a vehicle as an
16 occupation shall not be suspended, provided an affidavit is
17 properly completed, the appropriate fee received, and a permit
18 issued prior to the effective date of the suspension, unless 5
19 offenses were committed, at least 2 of which occurred while
20 operating a commercial vehicle in connection with the driver's
21 regular occupation. All other driving privileges shall be
22 suspended by the Secretary of State. Any driver prior to
23 operating a vehicle for occupational purposes only must submit
24 the affidavit on forms to be provided by the Secretary of State
25 setting forth the facts of the person's occupation. The
26 affidavit shall also state the number of offenses committed

1 while operating a vehicle in connection with the driver's
2 regular occupation. The affidavit shall be accompanied by the
3 driver's license. Upon receipt of a properly completed
4 affidavit, the Secretary of State shall issue the driver a
5 permit to operate a vehicle in connection with the driver's
6 regular occupation only. Unless the permit is issued by the
7 Secretary of State prior to the date of suspension, the
8 privilege to drive any motor vehicle shall be suspended as set
9 forth in the notice that was mailed under this Section. If an
10 affidavit is received subsequent to the effective date of this
11 suspension, a permit may be issued for the remainder of the
12 suspension period.

13 The provisions of this subparagraph shall not apply to any
14 driver required to possess a CDL for the purpose of operating a
15 commercial motor vehicle.

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

20 3. At the conclusion of a hearing under Section 2-118 of
21 this Code, the Secretary of State shall either rescind or
22 continue an order of revocation or shall substitute an order of
23 suspension; or, good cause appearing therefor, rescind,
24 continue, change, or extend the order of suspension. If the
25 Secretary of State does not rescind the order, the Secretary
26 may upon application, to relieve undue hardship (as defined by

1 the rules of the Secretary of State), issue a restricted
2 driving permit granting the privilege of driving a motor
3 vehicle between the petitioner's residence and petitioner's
4 place of employment or within the scope of the petitioner's
5 employment related duties, or to allow the petitioner to
6 transport himself or herself, or a family member of the
7 petitioner's household to a medical facility, to receive
8 necessary medical care, to allow the petitioner to transport
9 himself or herself to and from alcohol or drug remedial or
10 rehabilitative activity recommended by a licensed service
11 provider, or to allow the petitioner to transport himself or
12 herself or a family member of the petitioner's household to
13 classes, as a student, at an accredited educational
14 institution, or to allow the petitioner to transport children,
15 elderly persons, or persons with disabilities who do not hold
16 driving privileges and are living in the petitioner's household
17 to and from daycare. The petitioner must demonstrate that no
18 alternative means of transportation is reasonably available
19 and that the petitioner will not endanger the public safety or
20 welfare.

21 (A) If a person's license or permit is revoked or
22 suspended due to 2 or more convictions of violating Section
23 11-501 of this Code or a similar provision of a local
24 ordinance or a similar out-of-state offense, or Section 9-3
25 of the Criminal Code of 1961 or the Criminal Code of 2012,
26 where the use of alcohol or other drugs is recited as an

1 element of the offense, or a similar out-of-state offense,
2 or a combination of these offenses, arising out of separate
3 occurrences, that person, if issued a restricted driving
4 permit, may not operate a vehicle unless it has been
5 equipped with an ignition interlock device as defined in
6 Section 1-129.1.

7 (B) If a person's license or permit is revoked or
8 suspended 2 or more times due to any combination of:

9 (i) a single conviction of violating Section
10 11-501 of this Code or a similar provision of a local
11 ordinance or a similar out-of-state offense or Section
12 9-3 of the Criminal Code of 1961 or the Criminal Code
13 of 2012, where the use of alcohol or other drugs is
14 recited as an element of the offense, or a similar
15 out-of-state offense; or

16 (ii) a statutory summary suspension or revocation
17 under Section 11-501.1; or

18 (iii) a suspension under Section 6-203.1;

19 arising out of separate occurrences; that person, if issued
20 a restricted driving permit, may not operate a vehicle
21 unless it has been equipped with an ignition interlock
22 device as defined in Section 1-129.1.

23 (B-5) If a person's license or permit is revoked or
24 suspended due to a conviction for a violation of
25 subparagraph (C) or (F) of paragraph (1) of subsection (d)
26 of Section 11-501 of this Code, or a similar provision of a

1 local ordinance or similar out-of-state offense, that
2 person, if issued a restricted driving permit, may not
3 operate a vehicle unless it has been equipped with an
4 ignition interlock device as defined in Section 1-129.1.

5 (C) The person issued a permit conditioned upon the use
6 of an ignition interlock device must pay to the Secretary
7 of State DUI Administration Fund an amount not to exceed
8 \$30 per month. The Secretary shall establish by rule the
9 amount and the procedures, terms, and conditions relating
10 to these fees.

11 (D) If the restricted driving permit is issued for
12 employment purposes, then the prohibition against
13 operating a motor vehicle that is not equipped with an
14 ignition interlock device does not apply to the operation
15 of an occupational vehicle owned or leased by that person's
16 employer when used solely for employment purposes. For any
17 person who, within a 5-year period, is convicted of a
18 second or subsequent offense under Section 11-501 of this
19 Code, or a similar provision of a local ordinance or
20 similar out-of-state offense, this employment exemption
21 does not apply until either a one-year period has elapsed
22 during which that person had his or her driving privileges
23 revoked or a one-year period has elapsed during which that
24 person had a restricted driving permit which required the
25 use of an ignition interlock device on every motor vehicle
26 owned or operated by that person.

1 (E) In each case the Secretary may issue a restricted
2 driving permit for a period deemed appropriate, except that
3 all permits shall expire no later than 2 years from the
4 date of issuance. A restricted driving permit issued under
5 this Section shall be subject to cancellation, revocation,
6 and suspension by the Secretary of State in like manner and
7 for like cause as a driver's license issued under this Code
8 may be cancelled, revoked, or suspended; except that a
9 conviction upon one or more offenses against laws or
10 ordinances regulating the movement of traffic shall be
11 deemed sufficient cause for the revocation, suspension, or
12 cancellation of a restricted driving permit. The Secretary
13 of State may, as a condition to the issuance of a
14 restricted driving permit, require the applicant to
15 participate in a designated driver remedial or
16 rehabilitative program. The Secretary of State is
17 authorized to cancel a restricted driving permit if the
18 permit holder does not successfully complete the program.

19 (F) A person subject to the provisions of paragraph 4
20 of subsection (b) of Section 6-208 of this Code may make
21 application for a restricted driving permit at a hearing
22 conducted under Section 2-118 of this Code after the
23 expiration of 5 years from the effective date of the most
24 recent revocation or after 5 years from the date of release
25 from a period of imprisonment resulting from a conviction
26 of the most recent offense, whichever is later, provided

1 the person, in addition to all other requirements of the
2 Secretary, shows by clear and convincing evidence:

3 (i) a minimum of 3 years of uninterrupted
4 abstinence from alcohol and the unlawful use or
5 consumption of cannabis under the Cannabis Control
6 Act, a controlled substance under the Illinois
7 Controlled Substances Act, an intoxicating compound
8 under the Use of Intoxicating Compounds Act, or
9 methamphetamine under the Methamphetamine Control and
10 Community Protection Act; and

11 (ii) the successful completion of any
12 rehabilitative treatment and involvement in any
13 ongoing rehabilitative activity that may be
14 recommended by a properly licensed service provider
15 according to an assessment of the person's alcohol or
16 drug use under Section 11-501.01 of this Code.

17 In determining whether an applicant is eligible for a
18 restricted driving permit under this subparagraph (F), the
19 Secretary may consider any relevant evidence, including,
20 but not limited to, testimony, affidavits, records, and the
21 results of regular alcohol or drug tests. Persons subject
22 to the provisions of paragraph 4 of subsection (b) of
23 Section 6-208 of this Code and who have been convicted of
24 more than one violation of paragraph (3), paragraph (4), or
25 paragraph (5) of subsection (a) of Section 11-501 of this
26 Code shall not be eligible to apply for a restricted

1 driving permit under this subparagraph (F).

2 A restricted driving permit issued under this
3 subparagraph (F) shall provide that the holder may only
4 operate motor vehicles equipped with an ignition interlock
5 device as required under paragraph (2) of subsection (c) of
6 Section 6-205 of this Code and subparagraph (A) of
7 paragraph 3 of subsection (c) of this Section. The
8 Secretary may revoke a restricted driving permit or amend
9 the conditions of a restricted driving permit issued under
10 this subparagraph (F) if the holder operates a vehicle that
11 is not equipped with an ignition interlock device, or for
12 any other reason authorized under this Code.

13 A restricted driving permit issued under this
14 subparagraph (F) shall be revoked, and the holder barred
15 from applying for or being issued a restricted driving
16 permit in the future, if the holder is convicted of a
17 violation of Section 11-501 of this Code, a similar
18 provision of a local ordinance, or a similar offense in
19 another state.

20 (c-3) In the case of a suspension under paragraph 43 of
21 subsection (a), reports received by the Secretary of State
22 under this Section shall, except during the actual time the
23 suspension is in effect, be privileged information and for use
24 only by the courts, police officers, prosecuting authorities,
25 the driver licensing administrator of any other state, the
26 Secretary of State, or the parent or legal guardian of a driver

1 under the age of 18. However, beginning January 1, 2008, if the
2 person is a CDL holder, the suspension shall also be made
3 available to the driver licensing administrator of any other
4 state, the U.S. Department of Transportation, and the affected
5 driver or motor carrier or prospective motor carrier upon
6 request.

7 (c-4) In the case of a suspension under paragraph 43 of
8 subsection (a), the Secretary of State shall notify the person
9 by mail that his or her driving privileges and driver's license
10 will be suspended one month after the date of the mailing of
11 the notice.

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

19 (d) This Section is subject to the provisions of the
20 Drivers License Compact.

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

25 (f) In accordance with 49 C.F.R. 384, the Secretary of
26 State may not issue a restricted driving permit for the

1 operation of a commercial motor vehicle to a person holding a
2 CDL whose driving privileges have been suspended, revoked,
3 cancelled, or disqualified under any provisions of this Code.
4 (Source: P.A. 100-803, eff. 1-1-19; 101-90, eff. 7-1-20;
5 101-470, eff. 7-1-20; revised 9-23-19.)

6 (625 ILCS 5/6-508) (from Ch. 95 1/2, par. 6-508)
7 Sec. 6-508. Commercial Driver's License (CDL) -
8 qualification standards.

9 (a) Testing.

10 (1) General. No person shall be issued an original or
11 renewal CDL unless that person is domiciled in this State
12 or is applying for a non-domiciled CDL under Sections 6-509
13 and 6-510 of this Code. The Secretary shall cause to be
14 administered such tests as the Secretary deems necessary to
15 meet the requirements of 49 C.F.R. Part 383, subparts F, G,
16 H, and J.

17 (1.5) Effective July 1, 2014, no person shall be issued
18 an original CDL or an upgraded CDL that requires a skills
19 test unless that person has held a CLP, for a minimum of 14
20 calendar days, for the classification of vehicle and
21 endorsement, if any, for which the person is seeking a CDL.

22 (2) Third party testing. The Secretary of State may
23 authorize a "third party tester", pursuant to 49 C.F.R.
24 383.75 and 49 C.F.R. 384.228 and 384.229, to administer the
25 skills test or tests specified by the Federal Motor Carrier

1 Safety Administration pursuant to the Commercial Motor
2 Vehicle Safety Act of 1986 and any appropriate federal
3 rule.

4 (3) (i) Effective February 7, 2020, unless the person is
5 exempted by 49 CFR 380.603, no person shall be issued an
6 original (first time issuance) CDL, an upgraded CDL or a
7 school bus (S), passenger (P), or hazardous Materials (H)
8 endorsement unless the person has successfully completed
9 entry-level driver training (ELDT) taught by a training
10 provider listed on the federal Training Provider Registry.

11 (ii) Persons who obtain a CLP before February 7, 2020
12 are not required to complete ELDT if the person obtains a
13 CDL before the CLP or renewed CLP expires.

14 (iii) Except for persons seeking the H endorsement,
15 persons must complete the theory and behind-the-wheel
16 (range and public road) portions of ELDT within one year of
17 completing the first portion.

18 (iv) The Secretary shall adopt rules to implement this
19 subsection.

20 (b) Waiver of Skills Test. The Secretary of State may waive
21 the skills test specified in this Section for a driver
22 applicant for a commercial driver license who meets the
23 requirements of 49 C.F.R. 383.77. The Secretary of State shall
24 waive the skills tests specified in this Section for a driver
25 applicant who has military commercial motor vehicle
26 experience, subject to the requirements of 49 C.F.R. 383.77.

1 (b-1) No person shall be issued a CDL unless the person
2 certifies to the Secretary one of the following types of
3 driving operations in which he or she will be engaged:

- 4 (1) non-excepted interstate;
5 (2) non-excepted intrastate;
6 (3) excepted interstate; or
7 (4) excepted intrastate.

8 (b-2) (Blank).

9 (c) Limitations on issuance of a CDL. A CDL shall not be
10 issued to a person while the person is subject to a
11 disqualification from driving a commercial motor vehicle, or
12 unless otherwise permitted by this Code, while the person's
13 driver's license is suspended, revoked or cancelled in any
14 state, or any territory or province of Canada; nor may a CLP or
15 CDL be issued to a person who has a CLP or CDL issued by any
16 other state, or foreign jurisdiction, nor may a CDL be issued
17 to a person who has an Illinois CLP unless the person first
18 surrenders all of these licenses or permits. However, a person
19 may hold an Illinois CLP and an Illinois CDL providing the CLP
20 is necessary to train or practice for an endorsement or vehicle
21 classification not present on the current CDL. No CDL shall be
22 issued to or renewed for a person who does not meet the
23 requirement of 49 CFR 391.41(b)(11). The requirement may be met
24 with the aid of a hearing aid.

25 (c-1) The Secretary may issue a CDL with a school bus
26 driver endorsement to allow a person to drive the type of bus

1 described in subsection (d-5) of Section 6-104 of this Code.
2 The CDL with a school bus driver endorsement may be issued only
3 to a person meeting the following requirements:

4 (1) the person has submitted his or her fingerprints to
5 the Department of State Police in the form and manner
6 prescribed by the Department of State Police. These
7 fingerprints shall be checked against the fingerprint
8 records now and hereafter filed in the Department of State
9 Police and Federal Bureau of Investigation criminal
10 history records databases;

11 (2) the person has passed a written test, administered
12 by the Secretary of State, on charter bus operation,
13 charter bus safety, and certain special traffic laws
14 relating to school buses determined by the Secretary of
15 State to be relevant to charter buses, and submitted to a
16 review of the driver applicant's driving habits by the
17 Secretary of State at the time the written test is given;

18 (3) the person has demonstrated physical fitness to
19 operate school buses by submitting the results of a medical
20 examination, including tests for drug use; and

21 (4) the person has not been convicted of committing or
22 attempting to commit any one or more of the following
23 offenses: (i) those offenses defined in Sections 8-1.2,
24 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2,
25 10-3.1, 10-4, 10-5, 10-5.1, 10-6, 10-7, 10-9, 11-1.20,
26 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-6.5, 11-6.6,

1 11-9, 11-9.1, 11-9.3, 11-9.4, 11-14, 11-14.1, 11-14.3,
2 11-14.4, 11-15, 11-15.1, 11-16, 11-17, 11-17.1, 11-18,
3 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1,
4 11-20.1B, 11-20.3, 11-21, 11-22, 11-23, 11-24, 11-25,
5 11-26, 11-30, 12-2.6, 12-3.1, 12-3.3, 12-4, 12-4.1,
6 12-4.2, 12-4.2-5, 12-4.3, 12-4.4, 12-4.5, 12-4.6, 12-4.7,
7 12-4.9, 12-5.01, 12-6, 12-6.2, 12-7.1, 12-7.3, 12-7.4,
8 12-7.5, 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16,
9 12-16.2, 12-21.5, 12-21.6, 12-33, 12C-5, 12C-10, 12C-20,
10 12C-30, 12C-45, 16-16, 16-16.1, 18-1, 18-2, 18-3, 18-4,
11 18-5, 19-6, 20-1, 20-1.1, 20-1.2, 20-1.3, 20-2, 24-1,
12 24-1.1, 24-1.2, 24-1.2-5, 24-1.6, 24-1.7, 24-2.1, 24-3.3,
13 24-3.5, 24-3.8, 24-3.9, 31A-1, 31A-1.1, 33A-2, and 33D-1,
14 and in subsection (b) of Section 8-1, and in subdivisions
15 (a) (1), (a) (2), (b) (1), (e) (1), (e) (2), (e) (3), (e) (4),
16 and (f) (1) of Section 12-3.05, and in subsection (a) and
17 subsection (b), clause (1), of Section 12-4, and in
18 subsection (A), clauses (a) and (b), of Section 24-3, and
19 those offenses contained in Article 29D of the Criminal
20 Code of 1961 or the Criminal Code of 2012; (ii) those
21 offenses defined in the Cannabis Control Act except those
22 offenses defined in subsections (a) and (b) of Section 4,
23 and subsection (a) of Section 5 of the Cannabis Control
24 Act; (iii) those offenses defined in the Illinois
25 Controlled Substances Act; (iv) those offenses defined in
26 the Methamphetamine Control and Community Protection Act;

1 (v) any offense committed or attempted in any other state
2 or against the laws of the United States, which if
3 committed or attempted in this State would be punishable as
4 one or more of the foregoing offenses; (vi) the offenses
5 defined in Sections 4.1 and 5.1 of the Wrongs to Children
6 Act or Section 11-9.1A of the Criminal Code of 1961 or the
7 Criminal Code of 2012; (vii) those offenses defined in
8 Section 6-16 of the Liquor Control Act of 1934 within the
9 last 20 years before the date of the application; and
10 (viii) those offenses defined in the Methamphetamine
11 Precursor Control Act.

12 The Department of State Police shall charge a fee for
13 conducting the criminal history records check, which shall be
14 deposited into the State Police Services Fund and may not
15 exceed the actual cost of the records check.

16 (c-2) The Secretary shall issue a CDL with a school bus
17 endorsement to allow a person to drive a school bus as defined
18 in this Section. The CDL shall be issued according to the
19 requirements outlined in 49 C.F.R. 383. A person may not
20 operate a school bus as defined in this Section without a
21 school bus endorsement. The Secretary of State may adopt rules
22 consistent with Federal guidelines to implement this
23 subsection (c-2).

24 (d) (Blank).

25 (Source: P.A. 101-185, eff. 1-1-20.)

1 Section 15. The Unified Code of Corrections is amended by
2 changing Section 5-6-3.1 as follows:

3 (730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)

4 Sec. 5-6-3.1. Incidents and conditions of supervision.

5 (a) When a defendant is placed on supervision, the court
6 shall enter an order for supervision specifying the period of
7 such supervision, and shall defer further proceedings in the
8 case until the conclusion of the period.

9 (b) The period of supervision shall be reasonable under all
10 of the circumstances of the case, but may not be longer than 2
11 years, unless the defendant has failed to pay the assessment
12 required by Section 10.3 of the Cannabis Control Act, Section
13 411.2 of the Illinois Controlled Substances Act, or Section 80
14 of the Methamphetamine Control and Community Protection Act, in
15 which case the court may extend supervision beyond 2 years.
16 Additionally, the court shall order the defendant to perform no
17 less than 30 hours of community service and not more than 120
18 hours of community service, if community service is available
19 in the jurisdiction and is funded and approved by the county
20 board where the offense was committed, when the offense (1) was
21 related to or in furtherance of the criminal activities of an
22 organized gang or was motivated by the defendant's membership
23 in or allegiance to an organized gang; or (2) is a violation of
24 any Section of Article 24 of the Criminal Code of 1961 or the
25 Criminal Code of 2012 where a disposition of supervision is not

1 prohibited by Section 5-6-1 of this Code. The community service
2 shall include, but not be limited to, the cleanup and repair of
3 any damage caused by violation of Section 21-1.3 of the
4 Criminal Code of 1961 or the Criminal Code of 2012 and similar
5 damages to property located within the municipality or county
6 in which the violation occurred. Where possible and reasonable,
7 the community service should be performed in the offender's
8 neighborhood.

9 For the purposes of this Section, "organized gang" has the
10 meaning ascribed to it in Section 10 of the Illinois Streetgang
11 Terrorism Omnibus Prevention Act.

12 (c) The court may in addition to other reasonable
13 conditions relating to the nature of the offense or the
14 rehabilitation of the defendant as determined for each
15 defendant in the proper discretion of the court require that
16 the person:

17 (1) make a report to and appear in person before or
18 participate with the court or such courts, person, or
19 social service agency as directed by the court in the order
20 of supervision;

21 (2) pay a fine and costs;

22 (3) work or pursue a course of study or vocational
23 training;

24 (4) undergo medical, psychological or psychiatric
25 treatment; or treatment for drug addiction or alcoholism;

26 (5) attend or reside in a facility established for the

- 1 instruction or residence of defendants on probation;
- 2 (6) support his dependents;
- 3 (7) refrain from possessing a firearm or other
4 dangerous weapon;
- 5 (8) and in addition, if a minor:
- 6 (i) reside with his parents or in a foster home;
- 7 (ii) attend school;
- 8 (iii) attend a non-residential program for youth;
- 9 (iv) contribute to his own support at home or in a
10 foster home; or
- 11 (v) with the consent of the superintendent of the
12 facility, attend an educational program at a facility
13 other than the school in which the offense was
14 committed if he or she is placed on supervision for a
15 crime of violence as defined in Section 2 of the Crime
16 Victims Compensation Act committed in a school, on the
17 real property comprising a school, or within 1,000 feet
18 of the real property comprising a school;
- 19 (9) make restitution or reparation in an amount not to
20 exceed actual loss or damage to property and pecuniary loss
21 or make restitution under Section 5-5-6 to a domestic
22 violence shelter. The court shall determine the amount and
23 conditions of payment;
- 24 (10) perform some reasonable public or community
25 service;
- 26 (11) comply with the terms and conditions of an order

1 of protection issued by the court pursuant to the Illinois
2 Domestic Violence Act of 1986 or an order of protection
3 issued by the court of another state, tribe, or United
4 States territory. If the court has ordered the defendant to
5 make a report and appear in person under paragraph (1) of
6 this subsection, a copy of the order of protection shall be
7 transmitted to the person or agency so designated by the
8 court;

9 (12) reimburse any "local anti-crime program" as
10 defined in Section 7 of the Anti-Crime Advisory Council Act
11 for any reasonable expenses incurred by the program on the
12 offender's case, not to exceed the maximum amount of the
13 fine authorized for the offense for which the defendant was
14 sentenced;

15 (13) contribute a reasonable sum of money, not to
16 exceed the maximum amount of the fine authorized for the
17 offense for which the defendant was sentenced, (i) to a
18 "local anti-crime program", as defined in Section 7 of the
19 Anti-Crime Advisory Council Act, or (ii) for offenses under
20 the jurisdiction of the Department of Natural Resources, to
21 the fund established by the Department of Natural Resources
22 for the purchase of evidence for investigation purposes and
23 to conduct investigations as outlined in Section 805-105 of
24 the Department of Natural Resources (Conservation) Law;

25 (14) refrain from entering into a designated
26 geographic area except upon such terms as the court finds

1 appropriate. Such terms may include consideration of the
2 purpose of the entry, the time of day, other persons
3 accompanying the defendant, and advance approval by a
4 probation officer;

5 (15) refrain from having any contact, directly or
6 indirectly, with certain specified persons or particular
7 types of person, including but not limited to members of
8 street gangs and drug users or dealers;

9 (16) refrain from having in his or her body the
10 presence of any illicit drug prohibited by the Cannabis
11 Control Act, the Illinois Controlled Substances Act, or the
12 Methamphetamine Control and Community Protection Act,
13 unless prescribed by a physician, and submit samples of his
14 or her blood or urine or both for tests to determine the
15 presence of any illicit drug;

16 (17) refrain from operating any motor vehicle not
17 equipped with an ignition interlock device as defined in
18 Section 1-129.1 of the Illinois Vehicle Code; under this
19 condition the court may allow a defendant who is not
20 self-employed to operate a vehicle owned by the defendant's
21 employer that is not equipped with an ignition interlock
22 device in the course and scope of the defendant's
23 employment; and

24 (18) if placed on supervision for a sex offense as
25 defined in subsection (a-5) of Section 3-1-2 of this Code,
26 unless the offender is a parent or guardian of the person

1 under 18 years of age present in the home and no
2 non-familial minors are present, not participate in a
3 holiday event involving children under 18 years of age,
4 such as distributing candy or other items to children on
5 Halloween, wearing a Santa Claus costume on or preceding
6 Christmas, being employed as a department store Santa
7 Claus, or wearing an Easter Bunny costume on or preceding
8 Easter.

9 (c-5) If payment of restitution as ordered has not been
10 made, the victim shall file a petition notifying the sentencing
11 court, any other person to whom restitution is owed, and the
12 State's Attorney of the status of the ordered restitution
13 payments unpaid at least 90 days before the supervision
14 expiration date. If payment as ordered has not been made, the
15 court shall hold a review hearing prior to the expiration date,
16 unless the hearing is voluntarily waived by the defendant with
17 the knowledge that waiver may result in an extension of the
18 supervision period or in a revocation of supervision. If the
19 court does not extend supervision, it shall issue a judgment
20 for the unpaid restitution and direct the clerk of the circuit
21 court to file and enter the judgment in the judgment and lien
22 docket, without fee, unless it finds that the victim has
23 recovered a judgment against the defendant for the amount
24 covered by the restitution order. If the court issues a
25 judgment for the unpaid restitution, the court shall send to
26 the defendant at his or her last known address written

1 notification that a civil judgment has been issued for the
2 unpaid restitution.

3 (d) The court shall defer entering any judgment on the
4 charges until the conclusion of the supervision.

5 (e) At the conclusion of the period of supervision, if the
6 court determines that the defendant has successfully complied
7 with all of the conditions of supervision, the court shall
8 discharge the defendant and enter a judgment dismissing the
9 charges.

10 (f) Discharge and dismissal upon a successful conclusion of
11 a disposition of supervision shall be deemed without
12 adjudication of guilt and shall not be termed a conviction for
13 purposes of disqualification or disabilities imposed by law
14 upon conviction of a crime. Two years after the discharge and
15 dismissal under this Section, unless the disposition of
16 supervision was for a violation of Sections 3-707, 3-708,
17 3-710, 5-401.3, or 11-503 of the Illinois Vehicle Code or a
18 similar provision of a local ordinance, or for a violation of
19 Sections 12-3.2, 16-25, or 16A-3 of the Criminal Code of 1961
20 or the Criminal Code of 2012, in which case it shall be 5 years
21 after discharge and dismissal, a person may have his record of
22 arrest sealed or expunged as may be provided by law. However,
23 any defendant placed on supervision before January 1, 1980, may
24 move for sealing or expungement of his arrest record, as
25 provided by law, at any time after discharge and dismissal
26 under this Section. A person placed on supervision for a sexual

1 offense committed against a minor as defined in clause
2 (a) (1) (L) of Section 5.2 of the Criminal Identification Act or
3 for a violation of Section 11-501 of the Illinois Vehicle Code
4 or a similar provision of a local ordinance shall not have his
5 or her record of arrest sealed or expunged.

6 (g) A defendant placed on supervision and who during the
7 period of supervision undergoes mandatory drug or alcohol
8 testing, or both, or is assigned to be placed on an approved
9 electronic monitoring device, shall be ordered to pay the costs
10 incidental to such mandatory drug or alcohol testing, or both,
11 and costs incidental to such approved electronic monitoring in
12 accordance with the defendant's ability to pay those costs. The
13 county board with the concurrence of the Chief Judge of the
14 judicial circuit in which the county is located shall establish
15 reasonable fees for the cost of maintenance, testing, and
16 incidental expenses related to the mandatory drug or alcohol
17 testing, or both, and all costs incidental to approved
18 electronic monitoring, of all defendants placed on
19 supervision. The concurrence of the Chief Judge shall be in the
20 form of an administrative order. The fees shall be collected by
21 the clerk of the circuit court, except as provided in an
22 administrative order of the Chief Judge of the circuit court.
23 The clerk of the circuit court shall pay all moneys collected
24 from these fees to the county treasurer who shall use the
25 moneys collected to defray the costs of drug testing, alcohol
26 testing, and electronic monitoring. The county treasurer shall

1 deposit the fees collected in the county working cash fund
2 under Section 6-27001 or Section 6-29002 of the Counties Code,
3 as the case may be.

4 The Chief Judge of the circuit court of the county may by
5 administrative order establish a program for electronic
6 monitoring of offenders, in which a vendor supplies and
7 monitors the operation of the electronic monitoring device, and
8 collects the fees on behalf of the county. The program shall
9 include provisions for indigent offenders and the collection of
10 unpaid fees. The program shall not unduly burden the offender
11 and shall be subject to review by the Chief Judge.

12 The Chief Judge of the circuit court may suspend any
13 additional charges or fees for late payment, interest, or
14 damage to any device.

15 (h) A disposition of supervision is a final order for the
16 purposes of appeal.

17 (i) The court shall impose upon a defendant placed on
18 supervision after January 1, 1992 or to community service under
19 the supervision of a probation or court services department
20 after January 1, 2004, as a condition of supervision or
21 supervised community service, a fee of \$50 for each month of
22 supervision or supervised community service ordered by the
23 court, unless after determining the inability of the person
24 placed on supervision or supervised community service to pay
25 the fee, the court assesses a lesser fee. The court may not
26 impose the fee on a minor who is placed in the guardianship or

1 custody of the Department of Children and Family Services under
2 the Juvenile Court Act of 1987 while the minor is in placement.
3 The fee shall be imposed only upon a defendant who is actively
4 supervised by the probation and court services department. The
5 fee shall be collected by the clerk of the circuit court. The
6 clerk of the circuit court shall pay all monies collected from
7 this fee to the county treasurer for deposit in the probation
8 and court services fund pursuant to Section 15.1 of the
9 Probation and Probation Officers Act.

10 A circuit court may not impose a probation fee in excess of
11 \$25 per month unless the circuit court has adopted, by
12 administrative order issued by the chief judge, a standard
13 probation fee guide determining an offender's ability to pay.
14 Of the amount collected as a probation fee, not to exceed \$5 of
15 that fee collected per month may be used to provide services to
16 crime victims and their families.

17 The Court may only waive probation fees based on an
18 offender's ability to pay. The probation department may
19 re-evaluate an offender's ability to pay every 6 months, and,
20 with the approval of the Director of Court Services or the
21 Chief Probation Officer, adjust the monthly fee amount. An
22 offender may elect to pay probation fees due in a lump sum. Any
23 offender that has been assigned to the supervision of a
24 probation department, or has been transferred either under
25 subsection (h) of this Section or under any interstate compact,
26 shall be required to pay probation fees to the department

1 supervising the offender, based on the offender's ability to
2 pay.

3 (j) All fines and costs imposed under this Section for any
4 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle
5 Code, or a similar provision of a local ordinance, and any
6 violation of the Child Passenger Protection Act, or a similar
7 provision of a local ordinance, shall be collected and
8 disbursed by the circuit clerk as provided under the Criminal
9 and Traffic Assessment Act.

10 (k) A defendant at least 17 years of age who is placed on
11 supervision for a misdemeanor in a county of 3,000,000 or more
12 inhabitants and who has not been previously convicted of a
13 misdemeanor or felony may as a condition of his or her
14 supervision be required by the court to attend educational
15 courses designed to prepare the defendant for a high school
16 diploma and to work toward a high school diploma or to work
17 toward passing high school equivalency testing or to work
18 toward completing a vocational training program approved by the
19 court. The defendant placed on supervision must attend a public
20 institution of education to obtain the educational or
21 vocational training required by this subsection (k). The
22 defendant placed on supervision shall be required to pay for
23 the cost of the educational courses or high school equivalency
24 testing if a fee is charged for those courses or testing. The
25 court shall revoke the supervision of a person who wilfully
26 fails to comply with this subsection (k). The court shall

1 resentence the defendant upon revocation of supervision as
2 provided in Section 5-6-4. This subsection (k) does not apply
3 to a defendant who has a high school diploma or has
4 successfully passed high school equivalency testing. This
5 subsection (k) does not apply to a defendant who is determined
6 by the court to be a person with a developmental disability or
7 otherwise mentally incapable of completing the educational or
8 vocational program.

9 (1) The court shall require a defendant placed on
10 supervision for possession of a substance prohibited by the
11 Cannabis Control Act, the Illinois Controlled Substances Act,
12 or the Methamphetamine Control and Community Protection Act
13 after a previous conviction or disposition of supervision for
14 possession of a substance prohibited by the Cannabis Control
15 Act, the Illinois Controlled Substances Act, or the
16 Methamphetamine Control and Community Protection Act or a
17 sentence of probation under Section 10 of the Cannabis Control
18 Act or Section 410 of the Illinois Controlled Substances Act
19 and after a finding by the court that the person is addicted,
20 to undergo treatment at a substance abuse program approved by
21 the court.

22 (m) The Secretary of State shall require anyone placed on
23 court supervision for a violation of Section 3-707 of the
24 Illinois Vehicle Code or a similar provision of a local
25 ordinance to give proof of his or her financial responsibility
26 as defined in Section 7-315 of the Illinois Vehicle Code. The

1 proof shall be maintained by the individual in a manner
2 satisfactory to the Secretary of State for a minimum period of
3 3 years after the date the proof is first filed. The proof
4 shall be limited to a single action per arrest and may not be
5 affected by any post-sentence disposition. The Secretary of
6 State shall suspend the driver's license of any person
7 determined by the Secretary to be in violation of this
8 subsection. This subsection does not apply to a person who, at
9 the time of the offense, was operating a motor vehicle
10 registered in a state other than Illinois.

11 (n) Any offender placed on supervision for any offense that
12 the court or probation department has determined to be sexually
13 motivated as defined in the Sex Offender Management Board Act
14 shall be required to refrain from any contact, directly or
15 indirectly, with any persons specified by the court and shall
16 be available for all evaluations and treatment programs
17 required by the court or the probation department.

18 (o) An offender placed on supervision for a sex offense as
19 defined in the Sex Offender Management Board Act shall refrain
20 from residing at the same address or in the same condominium
21 unit or apartment unit or in the same condominium complex or
22 apartment complex with another person he or she knows or
23 reasonably should know is a convicted sex offender or has been
24 placed on supervision for a sex offense. The provisions of this
25 subsection (o) do not apply to a person convicted of a sex
26 offense who is placed in a Department of Corrections licensed

1 transitional housing facility for sex offenders.

2 (p) An offender placed on supervision for an offense
3 committed on or after June 1, 2008 (the effective date of
4 Public Act 95-464) that would qualify the accused as a child
5 sex offender as defined in Section 11-9.3 or 11-9.4 of the
6 Criminal Code of 1961 or the Criminal Code of 2012 shall
7 refrain from communicating with or contacting, by means of the
8 Internet, a person who is not related to the accused and whom
9 the accused reasonably believes to be under 18 years of age.
10 For purposes of this subsection (p), "Internet" has the meaning
11 ascribed to it in Section 16-0.1 of the Criminal Code of 2012;
12 and a person is not related to the accused if the person is
13 not: (i) the spouse, brother, or sister of the accused; (ii) a
14 descendant of the accused; (iii) a first or second cousin of
15 the accused; or (iv) a step-child or adopted child of the
16 accused.

17 (q) An offender placed on supervision for an offense
18 committed on or after June 1, 2008 (the effective date of
19 Public Act 95-464) that would qualify the accused as a child
20 sex offender as defined in Section 11-9.3 or 11-9.4 of the
21 Criminal Code of 1961 or the Criminal Code of 2012 shall, if so
22 ordered by the court, refrain from communicating with or
23 contacting, by means of the Internet, a person who is related
24 to the accused and whom the accused reasonably believes to be
25 under 18 years of age. For purposes of this subsection (q),
26 "Internet" has the meaning ascribed to it in Section 16-0.1 of

1 the Criminal Code of 2012; and a person is related to the
2 accused if the person is: (i) the spouse, brother, or sister of
3 the accused; (ii) a descendant of the accused; (iii) a first or
4 second cousin of the accused; or (iv) a step-child or adopted
5 child of the accused.

6 (r) An offender placed on supervision for an offense under
7 Section 11-6, 11-9.1, 11-14.4 that involves soliciting for a
8 juvenile prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or
9 11-21 of the Criminal Code of 1961 or the Criminal Code of
10 2012, or any attempt to commit any of these offenses, committed
11 on or after June 1, 2009 (the effective date of Public Act
12 95-983) shall:

13 (i) not access or use a computer or any other device
14 with Internet capability without the prior written
15 approval of the court, except in connection with the
16 offender's employment or search for employment with the
17 prior approval of the court;

18 (ii) submit to periodic unannounced examinations of
19 the offender's computer or any other device with Internet
20 capability by the offender's probation officer, a law
21 enforcement officer, or assigned computer or information
22 technology specialist, including the retrieval and copying
23 of all data from the computer or device and any internal or
24 external peripherals and removal of such information,
25 equipment, or device to conduct a more thorough inspection;

26 (iii) submit to the installation on the offender's

1 computer or device with Internet capability, at the
2 offender's expense, of one or more hardware or software
3 systems to monitor the Internet use; and

4 (iv) submit to any other appropriate restrictions
5 concerning the offender's use of or access to a computer or
6 any other device with Internet capability imposed by the
7 court.

8 (s) An offender placed on supervision for an offense that
9 is a sex offense as defined in Section 2 of the Sex Offender
10 Registration Act that is committed on or after January 1, 2010
11 (the effective date of Public Act 96-362) that requires the
12 person to register as a sex offender under that Act, may not
13 knowingly use any computer scrub software on any computer that
14 the sex offender uses.

15 (t) An offender placed on supervision for a sex offense as
16 defined in the Sex Offender Registration Act committed on or
17 after January 1, 2010 (the effective date of Public Act 96-262)
18 shall refrain from accessing or using a social networking
19 website as defined in Section 17-0.5 of the Criminal Code of
20 2012.

21 (u) Jurisdiction over an offender may be transferred from
22 the sentencing court to the court of another circuit with the
23 concurrence of both courts. Further transfers or retransfers of
24 jurisdiction are also authorized in the same manner. The court
25 to which jurisdiction has been transferred shall have the same
26 powers as the sentencing court. The probation department within

1 the circuit to which jurisdiction has been transferred may
2 impose probation fees upon receiving the transferred offender,
3 as provided in subsection (i). The probation department from
4 the original sentencing court shall retain all probation fees
5 collected prior to the transfer.

6 (Source: P.A. 99-78, eff. 7-20-15; 99-143, eff. 7-27-15;
7 99-642, eff. 7-28-16; 99-797, eff. 8-12-16; 100-159, eff.
8 8-18-17; 100-201, eff. 8-18-17; 100-987, eff. 7-1-19.)

9 Section 95. No acceleration or delay. Where this Act makes
10 changes in a statute that is represented in this Act by text
11 that is not yet or no longer in effect (for example, a Section
12 represented by multiple versions), the use of that text does
13 not accelerate or delay the taking effect of (i) the changes
14 made by this Act or (ii) provisions derived from any other
15 Public Act.

16 Section 999. Effective date. This Act takes effect upon
17 becoming law.