

1 AN ACT concerning transportation.

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

4 Section 5. The Illinois Vehicle Code is amended by
5 changing Section 11-501 as follows:

6 (625 ILCS 5/11-501) (from Ch. 95 1/2, par. 11-501)

7 Sec. 11-501. Driving while under the influence of alcohol,
8 other drug or drugs, intoxicating compound or compounds or any
9 combination thereof.

10 (a) A person shall not drive or be in actual physical
11 control of any vehicle within this State while:

12 (1) the alcohol concentration in the person's blood,
13 other bodily substance, or breath is 0.08 or more based on
14 the definition of blood and breath units in Section
15 11-501.2;

16 (2) under the influence of alcohol;

17 (3) under the influence of any intoxicating compound
18 or combination of intoxicating compounds to a degree that
19 renders the person incapable of driving safely;

20 (4) under the influence of any other drug or
21 combination of drugs to a degree that renders the person
22 incapable of safely driving;

23 (5) under the combined influence of alcohol, other

1 drug or drugs, or intoxicating compound or compounds to a
2 degree that renders the person incapable of safely
3 driving;

4 (6) there is any amount of a drug, substance, or
5 compound in the person's breath, blood, other bodily
6 substance, or urine resulting from the unlawful use or
7 consumption of a controlled substance listed in the
8 Illinois Controlled Substances Act, an intoxicating
9 compound listed in the Use of Intoxicating Compounds Act,
10 or methamphetamine as listed in the Methamphetamine
11 Control and Community Protection Act; or

12 (7) the person has, within 2 hours of driving or being
13 in actual physical control of a vehicle, a
14 tetrahydrocannabinol concentration in the person's whole
15 blood or other bodily substance as defined in paragraph 6
16 of subsection (a) of Section 11-501.2 of this Code.
17 Subject to all other requirements and provisions under
18 this Section, this paragraph (7) does not apply to the
19 lawful consumption of cannabis by a qualifying patient
20 licensed under the Compassionate Use of Medical Cannabis
21 Program Act who is in possession of a valid registry card
22 issued under that Act, unless that person is impaired by
23 the use of cannabis.

24 (b) The fact that any person charged with violating this
25 Section is or has been legally entitled to use alcohol,
26 cannabis under the Compassionate Use of Medical Cannabis

1 Program Act, other drug or drugs, or intoxicating compound or
2 compounds, or any combination thereof, shall not constitute a
3 defense against any charge of violating this Section.

4 (c) Penalties.

5 (1) Except as otherwise provided in this Section, any
6 person convicted of violating subsection (a) of this
7 Section is guilty of a Class A misdemeanor.

8 (2) A person who violates subsection (a) or a similar
9 provision a second time shall be sentenced to a mandatory
10 minimum term of either 5 days of imprisonment or 240 hours
11 of community service in addition to any other criminal or
12 administrative sanction.

13 (3) A person who violates subsection (a) is subject to
14 6 months of imprisonment, an additional mandatory minimum
15 fine of \$1,000, and 25 days of community service in a
16 program benefiting children if the person was transporting
17 a person under the age of 16 at the time of the violation.

18 (4) A person who violates subsection (a) a first time,
19 if the alcohol concentration in his or her blood, breath,
20 other bodily substance, or urine was 0.16 or more based on
21 the definition of blood, breath, other bodily substance,
22 or urine units in Section 11-501.2, shall be subject, in
23 addition to any other penalty that may be imposed, to a
24 mandatory minimum of 100 hours of community service and a
25 mandatory minimum fine of \$500.

26 (5) A person who violates subsection (a) a second

1 time, if at the time of the second violation the alcohol
2 concentration in his or her blood, breath, other bodily
3 substance, or urine was 0.16 or more based on the
4 definition of blood, breath, other bodily substance, or
5 urine units in Section 11-501.2, shall be subject, in
6 addition to any other penalty that may be imposed, to a
7 mandatory minimum of 2 days of imprisonment and a
8 mandatory minimum fine of \$1,250.

9 (d) Aggravated driving under the influence of alcohol,
10 other drug or drugs, or intoxicating compound or compounds, or
11 any combination thereof.

12 (1) Every person convicted of committing a violation
13 of this Section shall be guilty of aggravated driving
14 under the influence of alcohol, other drug or drugs, or
15 intoxicating compound or compounds, or any combination
16 thereof if:

17 (A) the person committed a violation of subsection
18 (a) or a similar provision for the third or subsequent
19 time;

20 (B) the person committed a violation of subsection
21 (a) while driving a school bus with one or more
22 passengers on board;

23 (C) the person in committing a violation of
24 subsection (a) was involved in a motor vehicle
25 accident that resulted in great bodily harm or
26 permanent disability or disfigurement to another, when

1 the violation was a proximate cause of the injuries;

2 (D) the person committed a violation of subsection
3 (a) and has been previously convicted of violating
4 Section 9-3 of the Criminal Code of 1961 or the
5 Criminal Code of 2012 or a similar provision of a law
6 of another state relating to reckless homicide in
7 which the person was determined to have been under the
8 influence of alcohol, other drug or drugs, or
9 intoxicating compound or compounds as an element of
10 the offense or the person has previously been
11 convicted under subparagraph (C) or subparagraph (F)
12 of this paragraph (1);

13 (E) the person, in committing a violation of
14 subsection (a) while driving at any speed in a school
15 speed zone at a time when a speed limit of 20 miles per
16 hour was in effect under subsection (a) of Section
17 11-605 of this Code, was involved in a motor vehicle
18 accident that resulted in bodily harm, other than
19 great bodily harm or permanent disability or
20 disfigurement, to another person, when the violation
21 of subsection (a) was a proximate cause of the bodily
22 harm;

23 (F) the person, in committing a violation of
24 subsection (a), was involved in a motor vehicle,
25 snowmobile, all-terrain vehicle, or watercraft
26 accident that resulted in the death of another person,

1 when the violation of subsection (a) was a proximate
2 cause of the death;

3 (G) the person committed a violation of subsection
4 (a) during a period in which the defendant's driving
5 privileges are revoked or suspended, where the
6 revocation or suspension was for a violation of
7 subsection (a) or a similar provision, Section
8 11-501.1, paragraph (b) of Section 11-401, or for
9 reckless homicide as defined in Section 9-3 of the
10 Criminal Code of 1961 or the Criminal Code of 2012;

11 (H) the person committed the violation while he or
12 she did not possess a driver's license or permit or a
13 restricted driving permit or a judicial driving permit
14 or a monitoring device driving permit;

15 (I) the person committed the violation while he or
16 she knew or should have known that the vehicle he or
17 she was driving was not covered by a liability
18 insurance policy;

19 (J) the person in committing a violation of
20 subsection (a) was involved in a motor vehicle
21 accident that resulted in bodily harm, but not great
22 bodily harm, to the child under the age of 16 being
23 transported by the person, if the violation was the
24 proximate cause of the injury;

25 (K) the person in committing a second violation of
26 subsection (a) or a similar provision was transporting

1 a person under the age of 16; ~~or~~

2 (L) the person committed a violation of subsection
3 (a) of this Section while transporting one or more
4 passengers in a vehicle for-hire; or.

5 (M) the person in committing a violation of
6 subsection (a) was involved in a motor vehicle
7 accident that resulted in the severe injury or death
8 of a police animal, service animal, accelerant
9 detection dog, or search and rescue dog.

10 (2) (A) Except as provided otherwise, a person
11 convicted of aggravated driving under the influence of
12 alcohol, other drug or drugs, or intoxicating compound or
13 compounds, or any combination thereof is guilty of a Class
14 4 felony.

15 (B) A third violation of this Section or a similar
16 provision is a Class 2 felony. If at the time of the third
17 violation the alcohol concentration in his or her blood,
18 breath, other bodily substance, or urine was 0.16 or more
19 based on the definition of blood, breath, other bodily
20 substance, or urine units in Section 11-501.2, a mandatory
21 minimum of 90 days of imprisonment and a mandatory minimum
22 fine of \$2,500 shall be imposed in addition to any other
23 criminal or administrative sanction. If at the time of the
24 third violation, the defendant was transporting a person
25 under the age of 16, a mandatory fine of \$25,000 and 25
26 days of community service in a program benefiting children

1 shall be imposed in addition to any other criminal or
2 administrative sanction.

3 (C) A fourth violation of this Section or a similar
4 provision is a Class 2 felony, for which a sentence of
5 probation or conditional discharge may not be imposed. If
6 at the time of the violation, the alcohol concentration in
7 the defendant's blood, breath, other bodily substance, or
8 urine was 0.16 or more based on the definition of blood,
9 breath, other bodily substance, or urine units in Section
10 11-501.2, a mandatory minimum fine of \$5,000 shall be
11 imposed in addition to any other criminal or
12 administrative sanction. If at the time of the fourth
13 violation, the defendant was transporting a person under
14 the age of 16 a mandatory fine of \$25,000 and 25 days of
15 community service in a program benefiting children shall
16 be imposed in addition to any other criminal or
17 administrative sanction.

18 (D) A fifth violation of this Section or a similar
19 provision is a Class 1 felony, for which a sentence of
20 probation or conditional discharge may not be imposed. If
21 at the time of the violation, the alcohol concentration in
22 the defendant's blood, breath, other bodily substance, or
23 urine was 0.16 or more based on the definition of blood,
24 breath, other bodily substance, or urine units in Section
25 11-501.2, a mandatory minimum fine of \$5,000 shall be
26 imposed in addition to any other criminal or

1 administrative sanction. If at the time of the fifth
2 violation, the defendant was transporting a person under
3 the age of 16, a mandatory fine of \$25,000, and 25 days of
4 community service in a program benefiting children shall
5 be imposed in addition to any other criminal or
6 administrative sanction.

7 (E) A sixth or subsequent violation of this Section or
8 similar provision is a Class X felony. If at the time of
9 the violation, the alcohol concentration in the
10 defendant's blood, breath, other bodily substance, or
11 urine was 0.16 or more based on the definition of blood,
12 breath, other bodily substance, or urine units in Section
13 11-501.2, a mandatory minimum fine of \$5,000 shall be
14 imposed in addition to any other criminal or
15 administrative sanction. If at the time of the violation,
16 the defendant was transporting a person under the age of
17 16, a mandatory fine of \$25,000 and 25 days of community
18 service in a program benefiting children shall be imposed
19 in addition to any other criminal or administrative
20 sanction.

21 (F) For a violation of subparagraph (C) of paragraph
22 (1) of this subsection (d), the defendant, if sentenced to
23 a term of imprisonment, shall be sentenced to not less
24 than one year nor more than 12 years.

25 (G) A violation of subparagraph (F) of paragraph (1)
26 of this subsection (d) is a Class 2 felony, for which the

1 defendant, unless the court determines that extraordinary
2 circumstances exist and require probation, shall be
3 sentenced to: (i) a term of imprisonment of not less than 3
4 years and not more than 14 years if the violation resulted
5 in the death of one person; or (ii) a term of imprisonment
6 of not less than 6 years and not more than 28 years if the
7 violation resulted in the deaths of 2 or more persons.

8 (H) For a violation of subparagraph (J) of paragraph
9 (1) of this subsection (d), a mandatory fine of \$2,500,
10 and 25 days of community service in a program benefiting
11 children shall be imposed in addition to any other
12 criminal or administrative sanction.

13 (I) A violation of subparagraph (K) of paragraph (1)
14 of this subsection (d), is a Class 2 felony and a mandatory
15 fine of \$2,500, and 25 days of community service in a
16 program benefiting children shall be imposed in addition
17 to any other criminal or administrative sanction. If the
18 child being transported suffered bodily harm, but not
19 great bodily harm, in a motor vehicle accident, and the
20 violation was the proximate cause of that injury, a
21 mandatory fine of \$5,000 and 25 days of community service
22 in a program benefiting children shall be imposed in
23 addition to any other criminal or administrative sanction.

24 (J) A violation of subparagraph (D) of paragraph (1)
25 of this subsection (d) is a Class 3 felony, for which a
26 sentence of probation or conditional discharge may not be

1 imposed.

2 (3) Any person sentenced under this subsection (d) who
3 receives a term of probation or conditional discharge must
4 serve a minimum term of either 480 hours of community
5 service or 10 days of imprisonment as a condition of the
6 probation or conditional discharge in addition to any
7 other criminal or administrative sanction.

8 (e) Any reference to a prior violation of subsection (a)
9 or a similar provision includes any violation of a provision
10 of a local ordinance or a provision of a law of another state
11 or an offense committed on a military installation that is
12 similar to a violation of subsection (a) of this Section.

13 (f) The imposition of a mandatory term of imprisonment or
14 assignment of community service for a violation of this
15 Section shall not be suspended or reduced by the court.

16 (g) Any penalty imposed for driving with a license that
17 has been revoked for a previous violation of subsection (a) of
18 this Section shall be in addition to the penalty imposed for
19 any subsequent violation of subsection (a).

20 (h) For any prosecution under this Section, a certified
21 copy of the driving abstract of the defendant shall be
22 admitted as proof of any prior conviction.

23 (Source: P.A. 101-363, eff. 8-9-19.)