



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4322

Introduced 1/16/2024, by Rep. John M. Cabello

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-501
750 ILCS 5/520 new

from Ch. 95 1/2, par. 11-501

Amends the Illinois Marriage and Dissolution of Marriage Act. Provides that if a defendant is found guilty of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof where the violation has resulted in the death of another, the court shall order the defendant to pay an amount reasonable and necessary for support of the minor child or children of any victims. Provides for the calculation of child support for a defendant ordered to pay child support under such circumstances. Makes a corresponding change in the Illinois Vehicle Code.

LRB103 33763 LNS 63577 b

1 AN ACT concerning civil law.

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 (Text of Section before amendment by P.A. 102-982)

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

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

13 (1) the alcohol concentration in the person's blood,
14 other bodily substance, or breath is 0.08 or more based on
15 the definition of blood and breath units in Section
16 11-501.2;

17 (2) under the influence of alcohol;

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

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

1 (5) under the combined influence of alcohol, other
2 drug or drugs, or intoxicating compound or compounds to a
3 degree that renders the person incapable of safely
4 driving;

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

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

25 (b) The fact that any person charged with violating this
26 Section is or has been legally entitled to use alcohol,

1 cannabis under the Compassionate Use of Medical Cannabis
2 Program Act, other drug or drugs, or intoxicating compound or
3 compounds, or any combination thereof, shall not constitute a
4 defense against any charge of violating this Section.

5 (c) Penalties.

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

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

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

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

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

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

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

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

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

24 (C) the person in committing a violation of
25 subsection (a) was involved in a motor vehicle
26 accident that resulted in great bodily harm or

1 permanent disability or disfigurement to another, when
2 the violation was a proximate cause of the injuries;

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

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

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

1 accident that resulted in the death of another person,
2 when the violation of subsection (a) was a proximate
3 cause of the death;

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

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

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

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

26 (K) the person in committing a second violation of

1 subsection (a) or a similar provision was transporting
2 a person under the age of 16; or

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

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

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

25 (C) A fourth violation of this Section or a similar
26 provision is a Class 2 felony, for which a sentence of

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

14 (D) A fifth violation of this Section or a similar
15 provision is a Class 1 felony, for which a sentence of
16 probation or conditional discharge may not be imposed. If
17 at the time of the violation, the alcohol concentration in
18 the defendant's blood, breath, other bodily substance, or
19 urine was 0.16 or more based on the definition of blood,
20 breath, other bodily substance, or urine units in Section
21 11-501.2, a mandatory minimum fine of \$5,000 shall be
22 imposed in addition to any other criminal or
23 administrative sanction. If at the time of the fifth
24 violation, the defendant was transporting a person under
25 the age of 16, a mandatory fine of \$25,000, and 25 days of
26 community service in a program benefiting children shall

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

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

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

21 (G) A violation of subparagraph (F) of paragraph (1)
22 of this subsection (d) is a Class 2 felony, for which the
23 defendant, unless the court determines that extraordinary
24 circumstances exist and require probation, shall be
25 sentenced to: (i) a term of imprisonment of not less than 3
26 years and not more than 14 years if the violation resulted

1 in the death of one person; or (ii) a term of imprisonment
2 of not less than 6 years and not more than 28 years if the
3 violation resulted in the deaths of 2 or more persons.

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

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

20 (J) A violation of subparagraph (D) of paragraph (1)
21 of this subsection (d) is a Class 3 felony, for which a
22 sentence of probation or conditional discharge may not be
23 imposed.

24 (3) Any person sentenced under this subsection (d) who
25 receives a term of probation or conditional discharge must
26 serve a minimum term of either 480 hours of community

1 service or 10 days of imprisonment as a condition of the
2 probation or conditional discharge in addition to any
3 other criminal or administrative sanction.

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

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

12 (g) Any penalty imposed for driving with a license that
13 has been revoked for a previous violation of subsection (a) of
14 this Section shall be in addition to the penalty imposed for
15 any subsequent violation of subsection (a).

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

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

20 (Text of Section after amendment by P.A. 102-982)

21 Sec. 11-501. Driving while under the influence of alcohol,
22 other drug or drugs, intoxicating compound or compounds or any
23 combination thereof.

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

1 (1) the alcohol concentration in the person's blood,
2 other bodily substance, or breath is 0.08 or more based on
3 the definition of blood and breath units in Section
4 11-501.2;

5 (2) under the influence of alcohol;

6 (3) under the influence of any intoxicating compound
7 or combination of intoxicating compounds to a degree that
8 renders the person incapable of driving safely;

9 (4) under the influence of any other drug or
10 combination of drugs to a degree that renders the person
11 incapable of safely driving;

12 (5) under the combined influence of alcohol, other
13 drug or drugs, or intoxicating compound or compounds to a
14 degree that renders the person incapable of safely
15 driving;

16 (6) there is any amount of a drug, substance, or
17 compound in the person's breath, blood, other bodily
18 substance, or urine resulting from the unlawful use or
19 consumption of a controlled substance listed in the
20 Illinois Controlled Substances Act, an intoxicating
21 compound listed in the Use of Intoxicating Compounds Act,
22 or methamphetamine as listed in the Methamphetamine
23 Control and Community Protection Act; or

24 (7) the person has, within 2 hours of driving or being
25 in actual physical control of a vehicle, a
26 tetrahydrocannabinol concentration in the person's whole

1 blood or other bodily substance as defined in paragraph 6
2 of subsection (a) of Section 11-501.2 of this Code.
3 Subject to all other requirements and provisions under
4 this Section, this paragraph (7) does not apply to the
5 lawful consumption of cannabis by a qualifying patient
6 licensed under the Compassionate Use of Medical Cannabis
7 Program Act who is in possession of a valid registry card
8 issued under that Act, unless that person is impaired by
9 the use of cannabis.

10 (b) The fact that any person charged with violating this
11 Section is or has been legally entitled to use alcohol,
12 cannabis under the Compassionate Use of Medical Cannabis
13 Program Act, other drug or drugs, or intoxicating compound or
14 compounds, or any combination thereof, shall not constitute a
15 defense against any charge of violating this Section.

16 (c) Penalties.

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

20 (2) A person who violates subsection (a) or a similar
21 provision a second time shall be sentenced to a mandatory
22 minimum term of either 5 days of imprisonment or 240 hours
23 of community service in addition to any other criminal or
24 administrative sanction.

25 (3) A person who violates subsection (a) is subject to
26 6 months of imprisonment, an additional mandatory minimum

1 fine of \$1,000, and 25 days of community service in a
2 program benefiting children if the person was transporting
3 a person under the age of 16 at the time of the violation.

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

12 (5) A person who violates subsection (a) a second
13 time, if at the time of the second violation the alcohol
14 concentration in his or her blood, breath, other bodily
15 substance, or urine was 0.16 or more based on the
16 definition of blood, breath, other bodily substance, or
17 urine units in Section 11-501.2, shall be subject, in
18 addition to any other penalty that may be imposed, to a
19 mandatory minimum of 2 days of imprisonment and a
20 mandatory minimum fine of \$1,250.

21 (d) Aggravated driving under the influence of alcohol,
22 other drug or drugs, or intoxicating compound or compounds, or
23 any combination thereof.

24 (1) Every person convicted of committing a violation
25 of this Section shall be guilty of aggravated driving
26 under the influence of alcohol, other drug or drugs, or

1 intoxicating compound or compounds, or any combination
2 thereof if:

3 (A) the person committed a violation of subsection
4 (a) or a similar provision for the third or subsequent
5 time;

6 (B) the person committed a violation of subsection
7 (a) while driving a school bus with one or more
8 passengers on board;

9 (C) the person in committing a violation of
10 subsection (a) was involved in a motor vehicle crash
11 that resulted in great bodily harm or permanent
12 disability or disfigurement to another, when the
13 violation was a proximate cause of the injuries;

14 (D) the person committed a violation of subsection
15 (a) and has been previously convicted of violating
16 Section 9-3 of the Criminal Code of 1961 or the
17 Criminal Code of 2012 or a similar provision of a law
18 of another state relating to reckless homicide in
19 which the person was determined to have been under the
20 influence of alcohol, other drug or drugs, or
21 intoxicating compound or compounds as an element of
22 the offense or the person has previously been
23 convicted under subparagraph (C) or subparagraph (F)
24 of this paragraph (1);

25 (E) the person, in committing a violation of
26 subsection (a) while driving at any speed in a school

1 speed zone at a time when a speed limit of 20 miles per
2 hour was in effect under subsection (a) of Section
3 11-605 of this Code, was involved in a motor vehicle
4 crash that resulted in bodily harm, other than great
5 bodily harm or permanent disability or disfigurement,
6 to another person, when the violation of subsection
7 (a) was a proximate cause of the bodily harm;

8 (F) the person, in committing a violation of
9 subsection (a), was involved in a motor vehicle crash
10 or snowmobile, all-terrain vehicle, or watercraft
11 accident that resulted in the death of another person,
12 when the violation of subsection (a) was a proximate
13 cause of the death;

14 (G) the person committed a violation of subsection
15 (a) during a period in which the defendant's driving
16 privileges are revoked or suspended, where the
17 revocation or suspension was for a violation of
18 subsection (a) or a similar provision, Section
19 11-501.1, paragraph (b) of Section 11-401, or for
20 reckless homicide as defined in Section 9-3 of the
21 Criminal Code of 1961 or the Criminal Code of 2012;

22 (H) the person committed the violation while he or
23 she did not possess a driver's license or permit or a
24 restricted driving permit or a judicial driving permit
25 or a monitoring device driving permit;

26 (I) the person committed the violation while he or

1 she knew or should have known that the vehicle he or
2 she was driving was not covered by a liability
3 insurance policy;

4 (J) the person in committing a violation of
5 subsection (a) was involved in a motor vehicle crash
6 that resulted in bodily harm, but not great bodily
7 harm, to the child under the age of 16 being
8 transported by the person, if the violation was the
9 proximate cause of the injury;

10 (K) the person in committing a second violation of
11 subsection (a) or a similar provision was transporting
12 a person under the age of 16; or

13 (L) the person committed a violation of subsection
14 (a) of this Section while transporting one or more
15 passengers in a vehicle for-hire.

16 (2) (A) Except as provided otherwise, a person
17 convicted of aggravated driving under the influence of
18 alcohol, other drug or drugs, or intoxicating compound or
19 compounds, or any combination thereof is guilty of a Class
20 4 felony.

21 (B) A third violation of this Section or a similar
22 provision is a Class 2 felony. If at the time of the third
23 violation the alcohol concentration in his or her blood,
24 breath, other bodily substance, or urine was 0.16 or more
25 based on the definition of blood, breath, other bodily
26 substance, or urine units in Section 11-501.2, a mandatory

1 minimum of 90 days of imprisonment and a mandatory minimum
2 fine of \$2,500 shall be imposed in addition to any other
3 criminal or administrative sanction. If at the time of the
4 third violation, the defendant was transporting a person
5 under the age of 16, a mandatory fine of \$25,000 and 25
6 days of community service in a program benefiting children
7 shall be imposed in addition to any other criminal or
8 administrative sanction.

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

24 (D) A fifth violation of this Section or a similar
25 provision is a Class 1 felony, for which a sentence of
26 probation or conditional discharge may not be imposed. If

1 at the time of the violation, the alcohol concentration in
2 the defendant's blood, breath, other bodily substance, or
3 urine was 0.16 or more based on the definition of blood,
4 breath, other bodily substance, or urine units in Section
5 11-501.2, a mandatory minimum fine of \$5,000 shall be
6 imposed in addition to any other criminal or
7 administrative sanction. If at the time of the fifth
8 violation, the defendant was transporting a person under
9 the age of 16, a mandatory fine of \$25,000, and 25 days of
10 community service in a program benefiting children shall
11 be imposed in addition to any other criminal or
12 administrative sanction.

13 (E) A sixth or subsequent violation of this Section or
14 similar provision is a Class X felony. If at the time of
15 the violation, the alcohol concentration in the
16 defendant's blood, breath, other bodily substance, or
17 urine was 0.16 or more based on the definition of blood,
18 breath, other bodily substance, or urine units in Section
19 11-501.2, a mandatory minimum fine of \$5,000 shall be
20 imposed in addition to any other criminal or
21 administrative sanction. If at the time of the violation,
22 the defendant was transporting a person under the age of
23 16, a mandatory fine of \$25,000 and 25 days of community
24 service in a program benefiting children shall be imposed
25 in addition to any other criminal or administrative
26 sanction.

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

5 (G) A violation of subparagraph (F) of paragraph (1)
6 of this subsection (d) is a Class 2 felony, for which the
7 defendant, unless the court determines that extraordinary
8 circumstances exist and require probation, shall be
9 sentenced to: (i) a term of imprisonment of not less than 3
10 years and not more than 14 years if the violation resulted
11 in the death of one person; or (ii) a term of imprisonment
12 of not less than 6 years and not more than 28 years if the
13 violation resulted in the deaths of 2 or more persons. The
14 defendant shall also be responsible to make child support
15 payments as determined by the court under Section 520 of
16 the Illinois Marriage and Dissolution of Marriage Act for
17 the minor child or children of any person or persons whose
18 deaths resulted from the violation.

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

24 (I) A violation of subparagraph (K) of paragraph (1)
25 of this subsection (d), is a Class 2 felony and a mandatory
26 fine of \$2,500, and 25 days of community service in a

1 program benefiting children shall be imposed in addition
2 to any other criminal or administrative sanction. If the
3 child being transported suffered bodily harm, but not
4 great bodily harm, in a motor vehicle crash, and the
5 violation was the proximate cause of that injury, a
6 mandatory fine of \$5,000 and 25 days of community service
7 in a program benefiting children shall be imposed in
8 addition to any other criminal or administrative sanction.

9 (J) A violation of subparagraph (D) of paragraph (1)
10 of this subsection (d) is a Class 3 felony, for which a
11 sentence of probation or conditional discharge may not be
12 imposed.

13 (3) Any person sentenced under this subsection (d) who
14 receives a term of probation or conditional discharge must
15 serve a minimum term of either 480 hours of community
16 service or 10 days of imprisonment as a condition of the
17 probation or conditional discharge in addition to any
18 other criminal or administrative sanction.

19 (e) Any reference to a prior violation of subsection (a)
20 or a similar provision includes any violation of a provision
21 of a local ordinance or a provision of a law of another state
22 or an offense committed on a military installation that is
23 similar to a violation of subsection (a) of this Section.

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

1 (g) Any penalty imposed for driving with a license that
2 has been revoked for a previous violation of subsection (a) of
3 this Section shall be in addition to the penalty imposed for
4 any subsequent violation of subsection (a).

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

8 (Source: P.A. 101-363, eff. 8-9-19; 102-982, eff. 7-1-23.)

9 Section 10. The Illinois Marriage and Dissolution of
10 Marriage Act is amended by adding Section 520 as follows:

11 (750 ILCS 5/520 new)

12 Sec. 520. Child support for aggravated driving under the
13 influence.

14 (a) If a defendant is found guilty of aggravated driving
15 under the influence of alcohol, other drug or drugs, or
16 intoxicating compound or compounds, or any combination thereof
17 under subparagraph (f) of paragraph (1) of subsection (d) of
18 Section 11-501 of the Illinois Vehicle Code where the
19 violation has resulted in the death of another, the court
20 shall order the defendant to pay an amount reasonable and
21 necessary for support of the minor child or children of any
22 victims. As used in this Section, "child" includes any child
23 under age 18 and any child age 19 or younger who is still
24 attending high school.

1 (1) Computation of basic child support obligation. The
2 court shall compute the basic child support obligation by
3 taking the following steps:

4 (A) determine the defendant's monthly net income;

5 (B) add the defendant and surviving parent's
6 monthly net incomes together to determine the combined
7 monthly net income;

8 (C) select the corresponding appropriate amount
9 from the schedule of basic child support obligation
10 based on the parties' combined monthly net income and
11 number of children; and

12 (D) calculate each party's percentage share of the
13 basic child support obligation.

14 (2) Duty of support. The court shall determine child
15 support in each case by applying the child support
16 guidelines unless the court makes a finding that
17 application of the guidelines would be inappropriate,
18 after considering the best interests of the child and
19 evidence which shows relevant factors including, but not
20 limited to, one or more of the following:

21 (A) the financial resources and needs of the
22 child;

23 (B) the financial resources and needs of a
24 surviving parent;

25 (C) the standard of living the child would have
26 enjoyed had the death of the parent or parents not

1 resulted; and

2 (D) the physical and emotional condition of the
3 child and the child's educational needs.

4 (3) Income.

5 (A) As used in this Section, "gross income" means
6 the total of all income from all sources, except
7 "gross income" does not include (i) benefits received
8 from means-tested public assistance programs,
9 including, but not limited to, Temporary Assistance
10 for Needy Families, Supplemental Security Income, and
11 the Supplemental Nutrition Assistance Program or (ii)
12 benefits and income received for other children in the
13 household, including, but not limited to, child
14 support, survivor benefits, and foster care payments.
15 "Gross income" includes maintenance treated as taxable
16 income for federal income tax purposes to the payee
17 and received pursuant to a court order in the pending
18 proceedings or any other proceedings and shall be
19 included in the payee's gross income for purposes of
20 calculating the child support obligation.

21 (B) As used in this Section, "net income" means
22 gross income minus either the standardized tax amount
23 calculated pursuant to subparagraph (C) or the
24 individualized tax amount calculated pursuant to
25 subparagraph (D), and minus any adjustments pursuant
26 to subparagraph (F). The standardized tax amount shall

1 be used unless the requirements for an individualized
2 tax amount set forth in subparagraph (E) are met. "Net
3 income" includes maintenance not includable in the
4 gross taxable income of the payee for federal income
5 tax purposes under a court order in the pending
6 proceedings or any other proceedings and shall be
7 included in the payee's net income for purposes of
8 calculating the child support obligation.

9 (C) As used in this Section, "standardized tax
10 amount" means the total of federal and State income
11 taxes for a single person claiming the standard tax
12 deduction, one personal exemption, and the applicable
13 number of dependency exemptions for the minor child or
14 children of the parties, and Social Security and
15 Medicare tax calculated at the Federal Insurance
16 Contributions Act rate.

17 (D) As used in this Section, "individualized tax
18 amount" means the aggregate of the following taxes:

19 (I) federal income tax (properly calculated
20 withholding or estimated payments);

21 (II) State income tax (properly calculated
22 withholding or estimated payments); and

23 (III) Social Security or self-employment tax,
24 if applicable (or, if none, mandatory retirement
25 contributions required by law or as a condition of
26 employment) and Medicare tax calculated at the

1 Federal Insurance Contributions Act rate.

2 (E) In lieu of a standardized tax amount, a
3 determination of an individualized tax amount may be
4 made under item (I), (II), or (III). If an
5 individualized tax amount determination is made under
6 this subparagraph, all relevant tax attributes
7 (including filing status, allocation of dependency
8 exemptions, and whether a party is to claim the use of
9 the standard deduction or itemized deductions for
10 federal income tax purposes) shall be as the parties
11 agree or as the court determines. To determine a
12 party's reported income, the court may order the party
13 to complete an Internal Revenue Service Form 4506-T,
14 Request for Tax Transcript.

15 (I) Agreement. Irrespective of whether the
16 parties agree on any other issue before the court,
17 if they jointly stipulate for the record the
18 parties' concurrence on a computation method for
19 the individualized tax amount that is different
20 from the method set forth under subparagraph (D),
21 the stipulated method shall be used by the court
22 unless the court rejects the proposed stipulated
23 method for good cause.

24 (II) Summary hearing. If the court determines
25 child support in a summary hearing under Section
26 501 and an eligible party opts in to the

1 individualized tax amount method under this item
2 (II), the individualized tax amount shall be
3 determined by the court on the basis of
4 information contained in one or both parties'
5 Supreme Court approved financial affidavit and
6 relevant supporting documents under applicable
7 court rules. No party, however, is eligible to opt
8 in unless the party, under applicable court rules,
9 has served the other party with the required
10 Supreme Court approved financial affidavit and has
11 substantially produced supporting documents
12 required by the applicable court rules.

13 (III) Evidentiary hearing. If the court
14 determines child support in an evidentiary
15 hearing, whether for purposes of a temporary order
16 or at the conclusion of a proceeding, item (II)
17 does not apply. In each such case (unless item (I)
18 governs), the individualized tax amount shall be
19 as determined by the court on the basis of the
20 record established.

21 (F) Adjustments to income.

22 (I) Multifamily adjustment. If the defendant
23 is also legally responsible for support of the
24 defendant's own child and not subject to the
25 present proceeding, there shall be an adjustment
26 to net income as follows:

1 (i) Multifamily adjustment with court
2 order. The court shall deduct from the
3 defendant's net income the amount of child
4 support actually paid by the defendant
5 pursuant to a support order unless the court
6 makes a finding that it would cause economic
7 hardship to the child.

8 (ii) Multifamily adjustment without court
9 order. Upon the request or application of a
10 defendant actually supporting a presumed,
11 acknowledged, or adjudicated child living in
12 or outside of that defendant's household,
13 there shall be an adjustment to child support.
14 The court shall deduct from the defendant's
15 net income the amount of financial support
16 actually paid by the defendant for the child
17 or 75% of the support the defendant should pay
18 under the child support guidelines (before
19 this adjustment), whichever is less, unless
20 the court makes a finding that it would cause
21 economic hardship to the child. The adjustment
22 shall be calculated using the defendant's
23 income alone.

24 (3.1) Business income. For purposes of calculating
25 child support, "net business income from the operation of
26 a business" means gross receipts minus ordinary and

1 necessary expenses required to carry on the trade or
2 business. As used in this paragraph, "business" includes,
3 but is not limited to, sole proprietorships, closely held
4 corporations, partnerships, other flow-through business
5 entities, and self-employment. The court shall apply the
6 following:

7 (A) The accelerated component of depreciation and
8 any business expenses determined either judicially or
9 administratively to be inappropriate or excessive
10 shall be excluded from the total of ordinary and
11 necessary business expenses to be deducted in the
12 determination of net business income from gross
13 business income.

14 (B) Any item of reimbursement or in-kind payment
15 received by a defendant from a business, including,
16 but not limited to, a company car, reimbursed meals,
17 free housing, or a housing allowance, shall be counted
18 as income if not otherwise included in the defendant's
19 gross income, if the item is significant in amount and
20 reduces personal expenses.

21 (3.2) Unemployment or underemployment. If the
22 defendant is voluntarily unemployed or underemployed,
23 child support shall be calculated based on a determination
24 of potential income. A determination of potential income
25 shall be made by determining employment potential and
26 probable earnings level based on the defendant's work

1 history, occupational qualifications, prevailing job
2 opportunities, the ownership by a defendant of a
3 substantial non-income producing asset, and earnings
4 levels in the community. If there is insufficient work
5 history to determine employment potential and probable
6 earnings level, there shall be a rebuttable presumption
7 that the defendant's potential income is 75% of the most
8 recent United States Department of Health and Human
9 Services Federal Poverty Guidelines for a family of one
10 person.

11 (3.3) Rebuttable presumption in favor of guidelines.
12 There is a rebuttable presumption in any judicial or
13 administrative proceeding for child support that the
14 amount of the child support obligation that would result
15 from the application of the child support guidelines is
16 the correct amount of child support.

17 (3.3a) Minimum child support obligation. There is a
18 rebuttable presumption that a minimum child support
19 obligation of \$40 per month, per child, will be entered
20 for a defendant who has actual or imputed gross income at
21 or less than 75% of the most recent United States
22 Department of Health and Human Services Federal Poverty
23 Guidelines for a family of one person, with a maximum
24 total child support obligation for the defendant of \$120
25 per month to be divided equally among all of the
26 defendant's children.

1 (3.3b) Zero dollar child support order. For a
2 defendant with no gross income who receives only
3 means-tested assistance, or who cannot work due to a
4 medically proven disability, incarceration, or
5 institutionalization, there is a rebuttable presumption
6 that the \$40 per month minimum support order is
7 inapplicable and a zero dollar order shall be entered.

8 (3.4) Deviation factors. In any action to establish or
9 modify child support, whether pursuant to a temporary or
10 final administrative or court order, the child support
11 guidelines shall be used as a rebuttable presumption for
12 the establishment or modification of the amount of child
13 support. The court may deviate from the child support
14 guidelines if the application would be inequitable,
15 unjust, or inappropriate. Any deviation from the
16 guidelines shall be accompanied by written findings by the
17 court specifying the reasons for the deviation and the
18 presumed amount under the child support guidelines without
19 a deviation. These reasons may include:

20 (A) extraordinary medical expenditures necessary
21 to preserve the life or health of a surviving parent or
22 a child subject to the child support order;

23 (B) additional expenses incurred for a child
24 subject to the child support order who has special
25 medical, physical, or developmental needs; and

26 (C) any other factor the court determines should

1 be applied upon a finding that the application of the
2 child support guidelines would be inappropriate, after
3 considering the best interests of the child.

4 (3.5) Income in excess of the schedule of basic child
5 support obligation. A court may use its discretion to
6 determine child support if the combined adjusted net
7 income exceeds the highest level of the schedule of basic
8 child support obligation, except that the basic child
9 support obligation shall not be less than the highest
10 level of combined net income set forth in the schedule of
11 basic child support obligation.

12 (3.6) Extracurricular activities and school expenses.
13 The court, in its discretion, in addition to the basic
14 child support obligation, may order the defendant to
15 contribute to the reasonable school and extracurricular
16 activity expenses incurred which are intended to enhance
17 the educational, athletic, social, or cultural development
18 of the child.

19 (3.7) Child care expenses. The court, in its
20 discretion, in addition to the basic child support
21 obligation, may order the defendant to contribute to the
22 reasonable child care expenses of the child. The child
23 care expenses shall be made payable directly to a party or
24 directly to the child care provider at the time of child
25 care services.

26 (A) "Child care expenses" means actual expenses

1 reasonably necessary to enable a parent or nonparent
2 custodian to be employed, to attend educational or
3 vocational training programs to improve employment
4 opportunities, or to search for employment. "Child
5 care expenses" includes deposits for securing
6 placement in a child care program and the cost of
7 before and after school care and camps when school is
8 not in session. A child's special needs shall be a
9 consideration in determining reasonable child care
10 expenses.

11 (B) Child care expenses shall be prorated in
12 proportion to each party's percentage share of
13 combined net income, and may be added to the basic
14 child support obligation if not paid directly by each
15 party to the provider of child care services. The
16 obligor's and obligee's portion of actual child care
17 expenses shall appear in the support order. If
18 allowed, the value of the federal income tax credit
19 for child care shall be subtracted from the actual
20 cost to determine the net child care costs.

21 (C) The amount of child care expenses shall be
22 adequate to obtain reasonable and necessary child
23 care. The actual child care expenses shall be used to
24 calculate the child care expenses, if available. When
25 actual child care expenses vary, the actual child care
26 expenses may be averaged over the most recent 12-month

1 period. When a party is temporarily unemployed or
2 temporarily not attending educational or vocational
3 training programs, future child care expenses shall be
4 based upon prospective expenses to be incurred upon
5 return to employment or educational or vocational
6 training programs.

7 (D) An order for child care expenses may be
8 modified upon a showing of a substantial change in
9 circumstances. The party incurring child care expenses
10 shall notify the other party within 14 days of any
11 change in the amount of child care expenses that would
12 affect the annualized child care amount as determined
13 in the support order.

14 (4) Health care.

15 (A) A portion of the basic child support
16 obligation is intended to cover basic ordinary
17 out-of-pocket medical expenses. The court, in its
18 discretion, in addition to the basic child support
19 obligation, shall also provide for the child's current
20 and future medical needs by the defendant to initiate
21 health insurance coverage for the child through
22 currently effective health insurance policies held by
23 the parent, purchase one or more or all health,
24 dental, or vision insurance policies for the child, or
25 provide for the child's current and future medical
26 needs through some other manner.

1 (B) The court, in its discretion, may order the
2 defendant to contribute to the reasonable health care
3 needs of the child not covered by insurance,
4 including, but not limited to, unreimbursed medical,
5 dental, orthodontic, or vision expenses and any
6 prescription medication for the child not covered
7 under the child's health insurance.

8 (C) If neither the child nor children have access
9 to appropriate private health insurance coverage, the
10 court may order the defendant to:

11 (I) provide health insurance coverage at any
12 time it becomes available at a reasonable cost; or

13 (II) apply for public health insurance
14 coverage for the child and pay a reasonable amount
15 of the cost of health insurance for the child.

16 The order may also provide that any time private
17 health insurance coverage is available at a reasonable
18 cost it will be provided instead of cash medical
19 support. As used in this Section, "cash medical
20 support" means an amount ordered to be paid toward the
21 cost of health insurance provided by a public entity
22 or by another person through employment or otherwise
23 or for other medical costs not covered by insurance.

24 (D) The amount to be added to the basic child
25 support obligation shall be the actual amount of the
26 total health insurance premium that is attributable to

1 the child who is the subject of the order. If this
2 amount is not available or cannot be verified, the
3 total cost of the health insurance premium shall be
4 divided by the total number of persons covered by the
5 policy. The cost per person derived from this
6 calculation shall be multiplied by the number of
7 children who are the subject of the order and who are
8 covered under the health insurance policy. This amount
9 shall be added to the basic child support obligation
10 and shall be allocated between the parties in
11 proportion to the parties' respective net incomes.

12 (E) After the health insurance premium for the
13 child is added to the basic child support obligation
14 and allocated between the parties in proportion to the
15 parties' respective incomes for child support
16 purposes, if the defendant is paying the premium, the
17 amount calculated for the obligee's share of the
18 health insurance premium for the child shall be
19 deducted from the defendant's share of the total child
20 support obligation. If the obligee is paying for
21 private health insurance for the child, the child
22 support obligation shall be increased by the
23 defendant's share of the premium payment. The
24 defendant's and obligee's portion of health insurance
25 costs shall appear in the support order.

26 (F) Prior to allowing the health insurance

1 adjustment, the defendant requesting the adjustment
2 must submit proof that the child has been enrolled in a
3 health insurance plan and must submit proof of the
4 cost of the premium. The court shall require the
5 defendant receiving the adjustment to annually submit
6 proof of continued coverage of the child to the
7 obligee, or as designated by the court.

8 (G) A reasonable cost for providing health
9 insurance coverage for the child may not exceed 5% of
10 the defendant's gross income. A defendant with a net
11 income below 133% of the most recent United States
12 Department of Health and Human Services Federal
13 Poverty Guidelines or whose child is covered by
14 Medicaid based on the defendant's income may not be
15 ordered to contribute toward or provide private
16 coverage, unless private coverage is obtainable
17 without any financial contribution by the defendant.

18 (H) If dental or vision insurance is included as
19 part of the employer's medical plan, the coverage
20 shall be maintained for the child. If not included in
21 the employer's medical plan, adding the dental or
22 vision insurance for the child is at the discretion of
23 the court.

24 (5) If the net income cannot be determined because of
25 default or any other reason, the court shall order support
26 in an amount considered reasonable in the particular case.

1 The final order in all cases shall state the support level
2 in dollar amounts. However, if the court finds that the
3 child support amount cannot be expressed exclusively as a
4 dollar amount because all or a portion of the defendant's
5 net income is uncertain as to source, time of payment, or
6 amount, the court may order a percentage amount of support
7 in addition to a specific dollar amount and enter such
8 other orders as may be necessary to determine and enforce,
9 on a timely basis, the applicable support ordered.

10 (6) If (i) the defendant was properly served with a
11 request for discovery of financial information relating to
12 the defendant's ability to provide child support, (ii) the
13 defendant failed to comply with the request, despite
14 having been ordered to do so by the court, and (iii) the
15 defendant is not present at the hearing to determine
16 support despite having received proper notice, then any
17 relevant financial information concerning the defendant's
18 ability to provide child support that was obtained
19 pursuant to subpoena and proper notice shall be admitted
20 into evidence without the need to establish any further
21 foundation for its admission.

22 (a-5) In an action to enforce an order for child support
23 based on the defendant's failure to make support payments as
24 required by the order, notice of proceedings to hold the
25 defendant in contempt for that failure may be served on the
26 defendant by personal service or by regular mail addressed to

1 the last known address of the defendant. The last known
2 address of the defendant may be determined from records of the
3 clerk of the court, from the Federal Case Registry of Child
4 Support Orders, or by any other reasonable means.

5 (b) Failure to comply with an order to pay support shall be
6 punishable as in other cases of contempt. In addition to other
7 penalties provided by law the court may, after finding the
8 defendant guilty of contempt, order that the defendant be:

9 (1) placed on probation with such conditions of
10 probation as the court deems advisable;

11 (2) sentenced to periodic imprisonment for a period
12 not to exceed 6 months; provided, however, that the court
13 may permit the defendant to be released for periods of
14 time during the day or night to:

15 (A) work; or

16 (B) conduct a business or other self-employed
17 occupation.

18 If a defendant who is found guilty of contempt for failure
19 to comply with an order to pay support is a person who conducts
20 a business or who is self-employed, the court in addition to
21 other penalties provided by law may order that the defendant
22 do one or more of the following: (i) provide to the court
23 monthly financial statements showing income and expenses from
24 the business or the self-employment; (ii) seek employment and
25 report periodically to the court with a diary, listing, or
26 other memorandum of his or her employment search efforts; or

1 (iii) report to the Department of Employment Security for job
2 search services to find employment that will be subject to
3 withholding for child support.

4 If there is a unity of interest and ownership sufficient
5 to render no financial separation between a defendant and
6 another person or persons or business entity, the court may
7 pierce the ownership veil of the person, persons, or business
8 entity to discover assets of the defendant held in the name of
9 that person, those persons, or that business entity. The
10 following circumstances are sufficient to authorize a court to
11 order discovery of the assets of a person, persons, or
12 business entity and to compel the application of any
13 discovered assets toward payment on the judgment for support:

14 (1) the defendant and the person, persons, or business
15 entity maintain records together.

16 (2) the defendant and the person, persons, or business
17 entity fail to maintain an arm's length relationship
18 between themselves with regard to any assets.

19 (3) the defendant transfers assets to the person,
20 persons, or business entity with the intent to perpetrate
21 a fraud on the obligee.

22 With respect to assets which are real property, no order
23 entered under this paragraph shall affect the rights of bona
24 fide purchasers, mortgagees, judgment creditors, or other lien
25 holders who acquire their interests in the property prior to
26 the time a notice of lis pendens pursuant to the Code of Civil

1 Procedure or a copy of the order is placed of record in the
2 office of the recorder of deeds for the county in which the
3 real property is located.

4 The court may also order in cases where the defendant is 90
5 days or more delinquent in payment of support or has been
6 adjudicated in arrears in an amount equal to 90 days
7 obligation or more, that the defendant's Illinois driving
8 privileges be suspended until the court determines that the
9 defendant is in compliance with the order of support. The
10 court may also order that the defendant be issued a family
11 financial responsibility driving permit that would allow
12 limited driving privileges for employment and medical purposes
13 in accordance with Section 7-702.1 of the Illinois Vehicle
14 Code. The clerk of the circuit court shall certify the order
15 suspending the driving privileges of the defendant or granting
16 the issuance of a family financial responsibility driving
17 permit to the Secretary of State on forms prescribed by the
18 Secretary of State. Upon receipt of the authenticated
19 documents, the Secretary of State shall suspend the
20 defendant's driving privileges until further order of the
21 court and shall, if ordered by the court, subject to the
22 provisions of Section 7-702.1 of the Illinois Vehicle Code,
23 issue a family financial responsibility driving permit to the
24 defendant.

25 In addition to the penalties or punishment that may be
26 imposed under this Section, any person whose conduct

1 constitutes a violation of Section 15 of the Non-Support
2 Punishment Act may be prosecuted under the Non-Support
3 Punishment Act, and a person convicted under the Non-Support
4 Punishment Act may be sentenced in accordance with the
5 Non-Support Punishment Act. The sentence may include, but need
6 not be limited to, a requirement that the person perform
7 community service under Section 50 of the Non-Support
8 Punishment or participate in a work alternative program under
9 Section 50 of the Non-Support Punishment. A person may not be
10 required to participate in a work alternative program under
11 Section 50 of the Non-Support Punishment Act if the person is
12 currently participating in a work program pursuant to Section
13 505.1 of this Act.

14 A support obligation, or any portion of a support
15 obligation, which becomes due and remains unpaid as of the end
16 of each month, excluding the child support that was due for
17 that month to the extent that it was not paid in that month,
18 shall accrue simple interest as set forth in Section 12-109 of
19 the Code of Civil Procedure. An order for support shall
20 contain a statement that a support obligation required under
21 the order, or any portion of a support obligation required
22 under the order, that becomes due and remains unpaid as of the
23 end of each month, excluding the child support that was due for
24 that month to the extent that it was not paid in that month,
25 shall accrue simple interest as set forth in Section 12-109 of
26 the Code of Civil Procedure. Failure to include the statement

1 in the order for support does not affect the validity of the
2 order or the accrual of interest as provided in this Section.

3 (c) Any new or existing support order entered by the court
4 under this Section shall be deemed to be a series of judgments
5 against the person obligated to pay support thereunder, each
6 such judgment to be in the amount of each payment or
7 installment of support and each such judgment to be deemed
8 entered as of the date the corresponding payment or
9 installment becomes due under the terms of the support order.
10 Each such judgment shall have the full force, effect, and
11 attributes of any other judgment of this State, including the
12 ability to be enforced. Notwithstanding any other State or
13 local law to the contrary, a lien arises by operation of law
14 against the real and personal property of the defendant for
15 each installment of overdue support owed by the defendant.

16 (d) When child support is to be paid through the clerk of
17 the court in a county of 500,000 inhabitants or less, the order
18 shall direct the defendant to pay to the clerk, in addition to
19 the child support payments, all fees imposed by the county
20 board under paragraph (4) of subsection (bb) of Section 27.1a
21 of the Clerks of Courts Act. When child support is to be paid
22 through the clerk of the court in a county of more than 500,000
23 but less than 3,000,000 inhabitants, the order shall direct
24 the defendant to pay to the clerk, in addition to the child
25 support payments, all fees imposed by the county board under
26 paragraph (4) of subsection (bb) of Section 27.2 of the Clerks

1 of Courts Act. Unless paid pursuant to an Income Withholding
2 Order or Notice for Support, the payment of the fee shall be by
3 payment acceptable to the clerk and shall be made to the order
4 of the clerk.

5 (e) All orders for support, when entered or modified,
6 shall include a provision requiring the defendant to notify
7 the court and, in cases in which a party is receiving child and
8 spouse services under Article X of the Illinois Public Aid
9 Code, the Department of Healthcare and Family Services, within
10 7 days, (i) of the name and address of any new employer of the
11 defendant, (ii) whether the defendant has access to health
12 insurance coverage through the employer or other group
13 coverage and, if so, the policy name and number and the names
14 of persons covered under the policy, except only the initials
15 of any covered minors shall be included, and (iii) of any new
16 residential or mailing address or telephone number of the
17 defendant. In any subsequent action to enforce a support
18 order, upon a sufficient showing that a diligent effort has
19 been made to ascertain the location of the defendant, service
20 of process or provision of notice necessary in the case may be
21 made at the last known address of the defendant in any manner
22 expressly provided by the Code of Civil Procedure or this Act,
23 which service shall be sufficient for purposes of due process.

24 (f) An order for support shall include a date on which the
25 current support obligation terminates. The termination date
26 shall be no earlier than the date on which the child covered by

1 the order will attain the age of 18. However, if the child will
2 not graduate from high school until after attaining the age of
3 18, then the termination date shall be no earlier than the
4 earlier of the date on which the child's high school
5 graduation will occur or the date on which the child will
6 attain the age of 19. The order for support shall state that
7 the termination date does not apply to any arrearage that may
8 remain unpaid on that date. Nothing in this subsection shall
9 be construed to prevent the court from modifying the order or
10 terminating the order if the child is otherwise emancipated.

11 (g) If there is an unpaid arrearage or delinquency (as
12 those terms are defined in the Income Withholding for Support
13 Act) equal to at least one month's support obligation on the
14 termination date stated in the order for support or, if there
15 is no termination date stated in the order, on the date the
16 child attains the age of majority or is otherwise emancipated,
17 the periodic amount required to be paid for current support of
18 that child immediately prior to that date shall automatically
19 continue to be an obligation, not as current support but as
20 periodic payment toward satisfaction of the unpaid arrearage
21 or delinquency. The periodic payment shall be in addition to
22 any periodic payment previously required for satisfaction of
23 the arrearage or delinquency. The total periodic amount to be
24 paid toward satisfaction of the arrearage or delinquency may
25 be enforced and collected by any method provided by law for
26 enforcement and collection of child support, including, but

1 not limited to, income withholding under the Income
2 Withholding for Support Act. Each order for support must
3 contain a statement notifying the parties of the requirements
4 of this subsection. Failure to include the statement in the
5 order for support does not affect the validity of the order or
6 the operation of the provisions of this subsection with regard
7 to the order. This subsection shall not be construed to
8 prevent or affect the establishment or modification of an
9 order for support of a minor child or the establishment or
10 modification of an order for support of a nonminor child or
11 educational expenses under Section 513.

12 (h) An order entered under this Section shall include a
13 provision requiring a defendant to report to the surviving
14 parent or nonparent custodian and to the clerk of court within
15 10 days each time he or she obtains new employment, and each
16 time his or her employment is terminated for any reason. The
17 report shall be in writing and shall, in the case of new
18 employment, include the name and address of the new employer.
19 Failure to report new employment or the termination of current
20 employment, if coupled with nonpayment of support for a period
21 in excess of 60 days, is indirect criminal contempt. For an
22 arrest for failure to report new employment, bond shall be set
23 in the amount of the child support that should have been paid
24 during the period of unreported employment. An order entered
25 under this Section shall also include a provision requiring
26 either the defendant and the obligee to advise the other of a

1 change in residence within 5 days of the change except when the
2 court finds that the physical, mental, or emotional health of
3 a party or that of a child, or both, would be seriously
4 endangered by disclosure of the party's address.

5 (i) The court does not lose the powers of contempt,
6 driver's license suspension, or other child support
7 enforcement mechanisms, including, but not limited to,
8 criminal prosecution as set forth in this Act, upon the
9 emancipation of the minor child.

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