

SB1405



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB1405

Introduced 2/6/2023, by Sen. Steve McClure

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-501

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

Amends the Illinois Vehicle Code. Provides that a violation of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compounds, or any combination thereof, involving a motor vehicle, snowmobile, all-terrain vehicle, or watercraft accident that results in the death of one person and great bodily harm or permanent disability or disfigurement of one or more other persons is a Class 2 felony punishable by a term of imprisonment of not less than 4 years and not more than 20 years. Provides that the Act may be referred to as Lindsey's Law.

LRB103 26413 MXP 52776 b

A BILL FOR

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 1. This Act may be referred to as Lindsey's Law.

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

7 (625 ILCS 5/11-501) (from Ch. 95 1/2, par. 11-501)

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

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

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

14 (1) the alcohol concentration in the person's blood,
15 other bodily substance, or breath is 0.08 or more based on
16 the definition of blood and breath units in Section
17 11-501.2;

18 (2) under the influence of alcohol;

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

22 (4) under the influence of any other drug or

1 combination of drugs to a degree that renders the person
2 incapable of safely driving;

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

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

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

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

7 (c) Penalties.

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

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

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

21 (4) A person who violates subsection (a) a first time,
22 if the alcohol concentration in his or her blood, breath,
23 other bodily substance, or urine was 0.16 or more based on
24 the definition of blood, breath, other bodily substance,
25 or urine units in Section 11-501.2, shall be subject, in
26 addition to any other penalty that may be imposed, to a

1 mandatory minimum of 100 hours of community service and a
2 mandatory minimum fine of \$500.

3 (5) A person who violates subsection (a) a second
4 time, if at the time of the second violation the alcohol
5 concentration in his or her blood, breath, other bodily
6 substance, or urine was 0.16 or more based on the
7 definition of blood, breath, other bodily substance, or
8 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 2 days of imprisonment and a
11 mandatory minimum fine of \$1,250.

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

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

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

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

26 (C) the person in committing a violation of

1 subsection (a) was involved in a motor vehicle
2 accident that resulted in great bodily harm or
3 permanent disability or disfigurement to another, when
4 the violation was a proximate cause of the injuries;

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

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

26 (F) the person, in committing a violation of

1 subsection (a), was involved in a motor vehicle,
2 snowmobile, all-terrain vehicle, or watercraft
3 accident that resulted in the death of another person,
4 when the violation of subsection (a) was a proximate
5 cause of the death;

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

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

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

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

1 proximate cause of the injury;

2 (K) the person in committing a second violation of
3 subsection (a) or a similar provision was transporting
4 a person under the age of 16; or

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

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

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

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

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

1 the age of 16, a mandatory fine of \$25,000, and 25 days of
2 community service in a program benefiting children shall
3 be imposed in addition to any other criminal or
4 administrative sanction.

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

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

23 (G) A violation of subparagraph (F) of paragraph (1)
24 of this subsection (d) is a Class 2 felony, for which the
25 defendant, unless the court determines that extraordinary
26 circumstances exist and require probation, shall be

1 sentenced to: (i) a term of imprisonment of not less than 3
2 years and not more than 14 years if the violation resulted
3 in the death of one person; or (ii) a term of imprisonment
4 of not less than 6 years and not more than 28 years if the
5 violation resulted in the deaths of 2 or more persons.

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

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

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

26 (3) Any person sentenced under this subsection (d) who

1 receives a term of probation or conditional discharge must
2 serve a minimum term of either 480 hours of community
3 service or 10 days of imprisonment as a condition of the
4 probation or conditional discharge in addition to any
5 other criminal or administrative sanction.

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

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

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

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

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

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

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

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

3 (1) the alcohol concentration in the person's blood,
4 other bodily substance, or breath is 0.08 or more based on
5 the definition of blood and breath units in Section
6 11-501.2;

7 (2) under the influence of alcohol;

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

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

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

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

26 (7) the person has, within 2 hours of driving or being

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

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

18 (c) Penalties.

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

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

1 (3) A person who violates subsection (a) is subject to
2 6 months of imprisonment, an additional mandatory minimum
3 fine of \$1,000, and 25 days of community service in a
4 program benefiting children if the person was transporting
5 a person under the age of 16 at the time of the violation.

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

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

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

26 (1) Every person convicted of committing a violation

1 of this Section shall be guilty of aggravated driving
2 under the influence of alcohol, other drug or drugs, or
3 intoxicating compound or compounds, or any combination
4 thereof if:

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

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

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

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

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

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

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

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

1 or a monitoring device driving permit;

2 (I) the person committed the violation while he or
3 she knew or should have known that the vehicle he or
4 she was driving was not covered by a liability
5 insurance policy;

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

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

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

18 (2) (A) Except as provided otherwise, a person
19 convicted of aggravated driving under the influence of
20 alcohol, other drug or drugs, or intoxicating compound or
21 compounds, or any combination thereof is guilty of a Class
22 4 felony.

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

1 based on the definition of blood, breath, other bodily
2 substance, or urine units in Section 11-501.2, a mandatory
3 minimum of 90 days of imprisonment and a mandatory minimum
4 fine of \$2,500 shall be imposed in addition to any other
5 criminal or administrative sanction. If at the time of the
6 third violation, the defendant was transporting a person
7 under the age of 16, a mandatory fine of \$25,000 and 25
8 days of community service in a program benefiting children
9 shall be imposed in addition to any other criminal or
10 administrative sanction.

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

26 (D) A fifth violation of this Section or a similar

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

15 (E) A sixth or subsequent violation of this Section or
16 similar provision is a Class X felony. If at the time of
17 the violation, the alcohol concentration in the
18 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 violation,
24 the defendant was transporting a person under the age of
25 16, a mandatory fine of \$25,000 and 25 days of community
26 service in a program benefiting children shall be imposed

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

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

7 (G) A violation of subparagraph (F) of paragraph (1)
8 of this subsection (d) is a Class 2 felony, for which the
9 defendant, unless the court determines that extraordinary
10 circumstances exist and require probation, shall be
11 sentenced to: (i) a term of imprisonment of not less than 3
12 years and not more than 14 years if the violation resulted
13 in the death of one person; ~~or~~ (ii) a term of imprisonment
14 of not less than 6 years and not more than 28 years if the
15 violation resulted in the deaths of 2 or more persons; or
16 (iii) a term of imprisonment of not less than 4 years and
17 not more than 20 years if the violation resulted in the
18 death of one person and great bodily harm or permanent
19 disability or disfigurement of one or more other persons.

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

25 (I) A violation of subparagraph (K) of paragraph (1)
26 of this subsection (d), is a Class 2 felony and a mandatory

1 fine of \$2,500, and 25 days of community service in a
2 program benefiting children shall be imposed in addition
3 to any other criminal or administrative sanction. If the
4 child being transported suffered bodily harm, but not
5 great bodily harm, in a motor vehicle crash, and the
6 violation was the proximate cause of that injury, a
7 mandatory fine of \$5,000 and 25 days of community service
8 in a program benefiting children shall be imposed in
9 addition to any other criminal or administrative sanction.

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

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

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

25 (f) The imposition of a mandatory term of imprisonment or
26 assignment of community service for a violation of this

1 Section shall not be suspended or reduced by the court.

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

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

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

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.