

1 AN ACT in relation to vehicles.

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

4 Section 3. The Illinois Vehicle Code is amended by
5 changing Section 11-501 as follows:

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

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

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

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

15 (2) under the influence of alcohol;

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

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

23 (5) under the combined influence of alcohol, other
24 drug or drugs, or intoxicating compound or compounds to a
25 degree that renders the person incapable of safely
26 driving; or

27 (6) there is any amount of a drug, substance, or
28 compound in the person's breath, blood, or urine
29 resulting from the unlawful use or consumption of
30 cannabis listed in the Cannabis Control Act, a controlled
31 substance listed in the Illinois Controlled Substances

1 Act, or an intoxicating compound listed in the Use of
2 Intoxicating Compounds Act.

3 (b) The fact that any person charged with violating this
4 Section is or has been legally entitled to use alcohol, other
5 drug or drugs, or intoxicating compound or compounds, or any
6 combination thereof, shall not constitute a defense against
7 any charge of violating this Section.

8 (c) Except as provided under paragraphs (c-3), (c-4),
9 and (d) of this Section, every person convicted of violating
10 this Section or a similar provision of a local ordinance,
11 shall be guilty of a Class A misdemeanor and, in addition to
12 any other criminal or administrative action, for any second
13 conviction of violating this Section or a similar provision
14 of a law of another state or local ordinance committed within
15 5 years of a previous violation of this Section or a similar
16 provision of a local ordinance shall be mandatorily sentenced
17 to a minimum of 5 days of imprisonment or assigned to a
18 minimum of 30 days of community service as may be determined
19 by the court. Every person convicted of violating this
20 Section or a similar provision of a local ordinance shall be
21 subject to an additional mandatory minimum fine of \$500 and
22 an additional mandatory 5 days of community service in a
23 program benefiting children if the person committed a
24 violation of paragraph (a) or a similar provision of a local
25 ordinance while transporting a person under age 16. Every
26 person convicted a second time for violating this Section or
27 a similar provision of a local ordinance within 5 years of a
28 previous violation of this Section or a similar provision of
29 a law of another state or local ordinance shall be subject to
30 an additional mandatory minimum fine of \$500 and an
31 additional 10 days of mandatory community service in a
32 program benefiting children if the current offense was
33 committed while transporting a person under age 16. The
34 imprisonment or assignment under this subsection shall not be

1 subject to suspension nor shall the person be eligible for
2 probation in order to reduce the sentence or assignment.

3 (c-1) (1) A person who violates this Section during a
4 period in which his or her driving privileges are revoked
5 or suspended, where the revocation or suspension was for
6 a violation of this Section, Section 11-501.1, paragraph
7 (b) of Section 11-401, or Section 9-3 of the Criminal
8 Code of 1961 is guilty of a Class 4 felony.

9 (2) A person who violates this Section a third time
10 during a period in which his or her driving privileges
11 are revoked or suspended where the revocation or
12 suspension was for a violation of this Section, Section
13 11-501.1, paragraph (b) of Section 11-401, or Section 9-3
14 of the Criminal Code of 1961 is guilty of a Class 3
15 felony.

16 (3) A person who violates this Section a fourth or
17 subsequent time during a period in which his or her
18 driving privileges are revoked or suspended where the
19 revocation or suspension was for a violation of this
20 Section, Section 11-501.1, paragraph (b) of Section
21 11-401, or Section 9-3 of the Criminal Code of 1961 is
22 guilty of a Class 2 felony.

23 (c-2) (Blank).

24 (c-3) Every person convicted of violating this Section
25 or a similar provision of a local ordinance who had a child
26 under age 16 in the vehicle at the time of the offense shall
27 have his or her punishment under this Act enhanced by 2 days
28 of imprisonment for a first offense, 10 days of imprisonment
29 for a second offense, 30 days of imprisonment for a third
30 offense, and 90 days of imprisonment for a fourth or
31 subsequent offense, in addition to the fine and community
32 service required under subsection (c) and the possible
33 imprisonment required under subsection (d). The imprisonment
34 or assignment under this subsection shall not be subject to

1 suspension nor shall the person be eligible for probation in
2 order to reduce the sentence or assignment.

3 (c-4) When a person is convicted of violating Section
4 11-501 of this Code or a similar provision of a local
5 ordinance, the following penalties apply when his or her
6 blood, breath, or urine was .16 or more based on the
7 definition of blood, breath, or urine units in Section
8 11-501.2 or when that person is convicted of violating this
9 Section while transporting a child under the age of 16:

10 (1) A person who is convicted of violating
11 subsection (a) of Section 11-501 of this Code a first
12 time, in addition to any other penalty that may be
13 imposed under subsection (c), is subject to a mandatory
14 minimum of 100 hours of community service and a minimum
15 fine of \$500.

16 (2) A person who is convicted of violating
17 subsection (a) of Section 11-501 of this Code a second
18 time within 10 years, in addition to any other penalty
19 that may be imposed under subsection (c), is subject to a
20 mandatory minimum of 2 days of imprisonment and a minimum
21 fine of \$1,250.

22 (3) A person who is convicted of violating
23 subsection (a) of Section 11-501 of this Code a third
24 time within 20 years is guilty of a Class 4 felony and,
25 in addition to any other penalty that may be imposed
26 under subsection (c), is subject to a mandatory minimum
27 of 90 days of imprisonment and a minimum fine of \$2,500.

28 (4) A person who is convicted of violating this
29 subsection (c-4) a fourth or subsequent time is guilty of
30 a Class 2 felony and, in addition to any other penalty
31 that may be imposed under subsection (c), is not eligible
32 for a sentence of probation or conditional discharge and
33 is subject to a minimum fine of \$2,500.

34 (d) (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 this
6 Section, or a similar provision of a law of another
7 state or a local ordinance when the cause of action
8 is the same as or substantially similar to this
9 Section, for the third or subsequent time;

10 (B) the person committed a violation of
11 paragraph (a) while driving a school bus with
12 children on board;

13 (C) the person in committing a violation of
14 paragraph (a) was involved in a motor vehicle
15 accident that resulted in great bodily harm or
16 permanent disability or disfigurement to another,
17 when the violation was a proximate cause of the
18 injuries;

19 (D) the person committed a violation of
20 paragraph (a) for a second time and has been
21 previously convicted of violating Section 9-3 of the
22 Criminal Code of 1961 relating to reckless homicide
23 in which the person was determined to have been
24 under the influence of alcohol, other drug or drugs,
25 or intoxicating compound or compounds as an element
26 of the offense or the person has previously been
27 convicted under subparagraph (C) of this paragraph
28 (1); or

29 (E) the person, in committing a violation of
30 paragraph (a) while driving at any speed in a school
31 speed zone at a time when a speed limit of 20 miles
32 per hour was in effect under subsection (a) of
33 Section 11-605 of this Code, was involved in a motor
34 vehicle accident that resulted in bodily harm, other

1 than great bodily harm or permanent disability or
2 disfigurement, to another person, when the violation
3 of paragraph (a) was a proximate cause of the bodily
4 harm.

5 (2) Aggravated driving under the influence of
6 alcohol, other drug or drugs, or intoxicating compound or
7 compounds, or any combination thereof is a Class 4
8 felony. For a violation of subparagraph (C) of paragraph
9 (1) of this subsection (d), the defendant, if sentenced
10 to a term of imprisonment, shall be sentenced to not less
11 than one year nor more than 12 years. For any
12 prosecution under this subsection (d), a certified copy
13 of the driving abstract of the defendant shall be
14 admitted as proof of any prior conviction.

15 (e) After a finding of guilt and prior to any final
16 sentencing, or an order for supervision, for an offense based
17 upon an arrest for a violation of this Section or a similar
18 provision of a local ordinance, individuals shall be required
19 to undergo a professional evaluation to determine if an
20 alcohol, drug, or intoxicating compound abuse problem exists
21 and the extent of the problem, and undergo the imposition of
22 treatment as appropriate. Programs conducting these
23 evaluations shall be licensed by the Department of Human
24 Services. The cost of any professional evaluation shall be
25 paid for by the individual required to undergo the
26 professional evaluation.

27 (e-1) Any person who is found guilty of or pleads guilty
28 to violating this Section, including any person receiving a
29 disposition of court supervision for violating this Section,
30 may be required by the Court to attend a victim impact panel
31 offered by, or under contract with, a County State's
32 Attorney's office, a probation and court services department,
33 Mothers Against Drunk Driving, or the Alliance Against
34 Intoxicated Motorists. All costs generated by the victim

1 impact panel shall be paid from fees collected from the
2 offender or as may be determined by the court.

3 (f) Every person found guilty of violating this Section,
4 whose operation of a motor vehicle while in violation of this
5 Section proximately caused any incident resulting in an
6 appropriate emergency response, shall be liable for the
7 expense of an emergency response as provided under Section
8 5-5-3 of the Unified Code of Corrections.

9 (g) The Secretary of State shall revoke the driving
10 privileges of any person convicted under this Section or a
11 similar provision of a local ordinance.

12 (h) Every person sentenced under paragraph (2) or (3) of
13 subsection (c-1) of this Section or subsection (d) of this
14 Section and who receives a term of probation or conditional
15 discharge shall be required to serve a minimum term of either
16 60 days community service or 10 days of imprisonment as a
17 condition of the probation or conditional discharge. This
18 mandatory minimum term of imprisonment or assignment of
19 community service shall not be suspended and shall not be
20 subject to reduction by the court.

21 (i) The Secretary of State shall require the use of
22 ignition interlock devices on all vehicles owned by an
23 individual who has been convicted of a second or subsequent
24 offense of this Section or a similar provision of a local
25 ordinance. The Secretary shall establish by rule and
26 regulation the procedures for certification and use of the
27 interlock system.

28 (j) In addition to any other penalties and liabilities,
29 a person who is found guilty of or pleads guilty to violating
30 this Section, including any person placed on court
31 supervision for violating this Section, shall be fined \$100,
32 payable to the circuit clerk, who shall distribute the money
33 to the law enforcement agency that made the arrest. If the
34 person has been previously convicted of violating this

1 Section or a similar provision of a local ordinance, the fine
2 shall be \$200. In the event that more than one agency is
3 responsible for the arrest, the \$100 or \$200 shall be shared
4 equally. Any moneys received by a law enforcement agency
5 under this subsection (j) shall be used to purchase law
6 enforcement equipment that will assist in the prevention of
7 alcohol related criminal violence throughout the State. This
8 shall include, but is not limited to, in-car video cameras,
9 radar and laser speed detection devices, and alcohol breath
10 testers. Any moneys received by the Department of State
11 Police under this subsection (j) shall be deposited into the
12 State Police DUI Fund and shall be used to purchase law
13 enforcement equipment that will assist in the prevention of
14 alcohol related criminal violence throughout the State.

15 (Source: P.A. 91-126, eff. 7-16-99; 91-357, eff. 7-29-99;
16 91-692, eff. 4-13-00; 91-822, eff. 6-13-00; 92-248, eff.
17 8-3-01; 92-418, eff. 8-17-01; 92-420, eff. 8-17-01; 92-429,
18 eff. 1-1-02; 92-431, eff. 1-1-02; 92-651, eff. 7-11-02.)

19 Section 4. The Snowmobile Registration and Safety Act is
20 amended by changing Sections 2-2, 5-7, 5-7.1, 5-7.2, 5-7.3,
21 5-7.4, and 5-7.5 and adding Section 5-7.6 as follows:

22 (625 ILCS 40/2-2) (from Ch. 95 1/2, par. 602-2)

23 Sec. 2-2. Inspection; seizure; impoundment.

24 (a) Agents of the Department or other duly authorized
25 police officers may stop and inspect any snowmobile at any
26 time for the purpose of determining if the provisions of this
27 Act are being complied with. If the inspecting officer or
28 agent discovers any violation of the provisions of this Act,
29 he must issue a summons to the operator of such snowmobile
30 requiring that the operator appear before the circuit court
31 for the county within which the offense was committed.

32 (b) Every snowmobile subject to this Act, if under way

1 and upon being hailed by a designated law enforcement
2 officer, must stop immediately.

3 (c) Agents of the Department and other duly authorized
4 police officers may seize and impound, at the owner's
5 expense, any snowmobile involved in an accident or a
6 violation of subsection B of Section 5-1 or of Section 5-7 of
7 this Act.

8 (d) If a snowmobile is causing a traffic hazard because
9 of its position in relation to the highway or its physical
10 appearance is causing the impeding of traffic, its immediate
11 removal from the highway or private property adjacent to the
12 highway by a towing service may be authorized by a law
13 enforcement agency having jurisdiction.

14 (e) Whenever a peace officer reasonably believes that a
15 person under arrest for a violation of subsection B of
16 Section 5-1 or Section 5-7 of this Act or similar provision
17 of a local ordinance, is likely, upon release, to commit a
18 subsequent violation of subsection B of Section 5-1 or
19 Section 5-7 or a similar provision of a local ordinance, the
20 arresting officer shall have the snowmobile which the person
21 was operating at the time of the arrest impounded for a
22 period of not more than 12 hours after the time of the
23 arrest. The snowmobile may be released by the arresting law
24 enforcement agency without impoundment, or may be released
25 prior to the end of the impoundment period, however, if:

26 (1) the snowmobile was not owned by the person
27 under arrest, and the lawful owner requesting release of
28 the snowmobile possesses proof of ownership, and would
29 not, as determined by the arresting law enforcement
30 agency: (i) indicate a lack of ability to operate a
31 snowmobile in a safe manner, or (ii) otherwise, by
32 operating the snowmobile, be in violation of this Act; or

33 (2) the snowmobile is owned by the person under
34 arrest, and the person under arrest gives permission to

1 another person to operate the snowmobile, and the other
 2 person would not, as determined by the arresting law
 3 enforcement agency: (i) indicate a lack of ability to
 4 operate a snowmobile in a safe manner, or (ii) otherwise,
 5 by operating the snowmobile, be in violation of this Act.

6 (Source: P.A. 77-1312.)

7 (625 ILCS 40/5-7)

8 Sec. 5-7. Operating a snowmobile while under the
 9 influence of alcohol or other drug or drugs, intoxicating
 10 compound or compounds, or a combination of them; criminal
 11 penalties; suspension of operating privileges.

12 (a) A person may not operate or be in actual physical
 13 control of a snowmobile within this State while:

14 1. The alcohol concentration in that person's blood
 15 or breath is a concentration at which driving a motor
 16 vehicle is prohibited under subdivision (1) of subsection
 17 (a) of Section 11-501 of the Illinois Vehicle Code;

18 2. The person is under the influence of alcohol;

19 3. The person is under the influence of any other
 20 drug or combination of drugs to a degree that renders
 21 that person incapable of safely operating a snowmobile;

22 3.1. The person is under the influence of any
 23 intoxicating compound or combination of intoxicating
 24 compounds to a degree that renders the person incapable
 25 of safely operating a snowmobile;

26 4. The person is under the combined influence of
 27 alcohol and any other drug or drugs or intoxicating
 28 compound or compounds to a degree that renders that
 29 person incapable of safely operating a snowmobile; or

30 5. There is any amount of a drug, substance, or
 31 compound in that person's breath, blood, or urine
 32 resulting from the unlawful use or consumption of
 33 cannabis listed in the Cannabis Control Act, or

1 controlled substance listed in the Illinois Controlled
2 Substances Act, or intoxicating compound listed in the
3 use of Intoxicating Compounds Act.

4 (b) The fact that a person charged with violating this
5 Section is or has been legally entitled to use alcohol, ~~or~~
6 other drug or drugs, any intoxicating compound or compounds,
7 or any combination of them does not constitute a defense
8 against a charge of violating this Section.

9 (c) Every person convicted of violating this Section or
10 a similar provision of a local ordinance is guilty of a Class
11 A misdemeanor, except as otherwise provided in this Section.

12 (d) Every person convicted of violating this Section is
13 guilty of a Class 4 felony if:

14 1. The person has a previous conviction under this
15 Section; ~~or~~

16 2. The offense results in personal injury where a
17 person other than the operator suffers great bodily harm
18 or permanent disability or disfigurement, when the
19 violation was a proximate cause of the injuries. A person
20 guilty of a Class 4 felony under this paragraph 2, if
21 sentenced to a term of imprisonment, shall be sentenced
22 to not less than one year nor more than 12 years; or

23 3. The offense occurred during a period in which
24 the person's privileges to operate a snowmobile are
25 revoked or suspended, and the revocation or suspension
26 was for a violation of this Section or was imposed under
27 Section 5-7.1.

28 (e) Every person convicted of violating this Section is
29 guilty of a Class 2 felony if the offense results in the
30 death of a person. A person guilty of a Class 2 felony under
31 this subsection (e), if sentenced to a term of imprisonment,
32 shall be sentenced to a term of not less than 3 years and not
33 more than 14 years.

34 (e-1) Every person convicted of violating this Section

1 or a similar provision of a local ordinance who had a child
2 under the age of 16 on board the snowmobile at the time of
3 offense shall be subject to a mandatory minimum fine of \$500
4 and shall be subject to a mandatory minimum of 5 days of
5 community service in a program benefiting children. The
6 assignment under this subsection shall not be subject to
7 suspension nor shall the person be eligible for probation in
8 order to reduce the assignment.

9 (e-2) Every person found guilty of violating this
10 Section, whose operation of a snowmobile while in violation
11 of this Section proximately caused any incident resulting in
12 an appropriate emergency response, shall be liable for the
13 expense of an emergency response as provided under Section
14 5-5-3 of the Unified Code of Corrections.

15 (e-3) In addition to any other penalties and
16 liabilities, a person who is found guilty of violating this
17 Section, including any person placed on court supervision,
18 shall be fined \$100, payable to the circuit clerk, who shall
19 distribute the money to the law enforcement agency that made
20 the arrest. In the event that more than one agency is
21 responsible for the arrest, the \$100 shall be shared equally.
22 Any moneys received by a law enforcement agency under this
23 subsection (e-3) shall be used to purchase law enforcement
24 equipment or to provide law enforcement training that will
25 assist in the prevention of alcohol related criminal violence
26 throughout the State. Law enforcement equipment shall
27 include, but is not limited to, in-car video cameras, radar
28 and laser speed detection devices, and alcohol breath
29 testers.

30 (f) In addition to any criminal penalties imposed, the
31 Department of Natural Resources Conservation shall suspend
32 the snowmobile operation privileges of a person convicted or
33 found guilty of a misdemeanor under this Section for a period
34 of one year, except that first-time offenders receiving

1 supervision are exempt from this mandatory one year
2 suspension.

3 (g) In addition to any criminal penalties imposed, the
4 Department of Natural Resources shall suspend for a period of
5 5 years the snowmobile operation privileges of any person
6 convicted or found guilty of a felony under this Section or
7 ~~for a period of 5 years if the person is convicted of a~~
8 ~~felony under this Section.~~

9 (Source: P.A. 92-615, eff. 1-1-03.)

10 (625 ILCS 40/5-7.1)

11 Sec. 5-7.1. Implied consent.

12 (a) A person who operates or is in actual physical
13 control of a snowmobile in this State is deemed to have given
14 consent to a chemical test or tests of blood, breath, or
15 urine for the purpose of determining the content of alcohol,
16 ~~or other drug or drugs, intoxicating compound or compounds,~~
17 or a combination of them in ~~content of~~ that person's blood if
18 arrested for a violation of Section 5-7. The chemical test
19 or tests shall be administered at the direction of the
20 arresting officer. The law enforcement agency employing the
21 officer shall designate which tests shall be administered. A
22 urine test may be administered even after a blood or breath
23 test or both has been administered.

24 (a-1) For the purposes of this Section, an Illinois law
25 enforcement officer of this State who is investigating the
26 person for any offense defined in Section 5-7 may travel into
27 an adjoining state, where the person has been transported for
28 medical care to complete an investigation and to request that
29 the person submit to the test or tests set forth in this
30 Section. The requirements of this Section that the person be
31 arrested are inapplicable, but the officer shall issue the
32 person a uniform citation for an offense as defined in
33 Section 5-7 or a similar provision of a local ordinance prior

1 to requesting that the person submit to the test or tests.
2 The issuance of the uniform citation shall not constitute an
3 arrest, but shall be for the purpose of notifying the person
4 that he or she is subject to the provisions of this Section
5 and of the officer's belief of the existence of probable
6 cause to arrest. Upon returning to this State, the officer
7 shall file the uniform citation with the circuit clerk of the
8 county where the offense was committed and shall seek the
9 issuance of an arrest warrant or a summons for the person.

10 (a-2) Notwithstanding any ability to refuse under this
11 Act to submit to these tests or any ability to revoke the
12 implied consent to these tests, if a law enforcement officer
13 has probable cause to believe that a snowmobile operated by
14 or under actual physical control of a person under the
15 influence of alcohol, other drug or drugs, intoxicating
16 compound or compounds, or any combination of them has caused
17 the death or personal injury to another, that person shall
18 submit, upon the request of a law enforcement officer, to a
19 chemical test or tests of his or her blood, breath, or urine
20 for the purpose of determining the alcohol content or the
21 presence of any other drug or combination of both. For the
22 purposes of this Section, a personal injury includes severe
23 bleeding wounds, distorted extremities, and injuries that
24 require the injured party to be carried from the scene for
25 immediate professional attention in either a doctor's office
26 or a medical facility.

27 (b) A person who is dead, unconscious, or who is
28 otherwise in a condition rendering that person incapable of
29 refusal, is deemed not to have withdrawn the consent provided
30 in subsection (a), and the test or tests may be administered.

31 (c) A person requested to submit to a test as provided
32 in this Section shall be verbally advised by the law
33 enforcement officer requesting the test that a refusal to
34 submit to the test will result in suspension of that person's

1 privilege to operate a snowmobile for a minimum of 2 years.

2 (d) Following this warning, if a person under arrest
3 refuses upon the request of a law enforcement officer to
4 submit to a test designated by the officer, no tests test may
5 be given, but the law enforcement officer shall file with the
6 clerk of the circuit court for the county in which the arrest
7 was made, and with the Department of Natural Resources, a
8 sworn statement naming the person refusing to take and
9 complete the chemical test or tests requested under the
10 provisions of this Section. The sworn statement shall
11 identify the arrested person, the person's current residence
12 address and shall specify that a refusal by that person to
13 take the chemical test or tests was made. The sworn statement
14 shall include a statement that the officer had reasonable
15 cause to believe the person was operating or was in actual
16 physical control of the snowmobile within this State while
17 under the influence of alcohol, ~~or~~ other drug or drugs, an
18 intoxicating compound or compound, or a combination of them
19 and that a chemical test or tests were requested as an
20 incident to and following the lawful arrest for an offense as
21 defined in Section 5-7 or a similar provision of a local
22 ordinance, and that the person, after being arrested for an
23 offense arising out of acts alleged to have been committed
24 while operating a snowmobile, refused to submit to and
25 complete a chemical test or tests as requested by the law
26 enforcement officer.

27 (e) The law enforcement officer submitting the sworn
28 statement shall serve immediate written notice upon the
29 person refusing the chemical test or tests that the person's
30 privilege to operate a snowmobile within this State will be
31 suspended for a period of 2 years unless, within 28 days from
32 the date of the notice, the person requests in writing a
33 hearing on the suspension. ~~The clerk shall notify the person~~
34 ~~in writing that the person's privilege to operate a~~

1 snowmobile-will-be-suspended-for-a-minimum-of-2-years-unless,
2 within-28-days-from-the-date-of-mailing-of-the--notice,--that
3 person-requests-a-hearing-in-writing.

4 If the person desires a hearing, the person shall file a
5 complaint in the circuit court in the county where that
6 person was arrested within 28 days from the date of mailing
7 of the notice. The hearing shall proceed in the court in the
8 same manner as other civil proceedings. The hearing shall
9 cover only the following issues: (1) whether the person was
10 placed under arrest for an offense as defined in Section 5-7
11 or a similar provision of a local ordinance as evidenced by
12 the issuance of a uniform citation; (2) whether the
13 arresting officer had reasonable grounds to believe that the
14 person was operating a snowmobile while under the influence
15 of alcohol, or other drug or drugs, an intoxicating compound
16 or compounds, or a combination of them; and (3) whether that
17 person refused to submit to and complete the chemical test or
18 tests upon the request of the law enforcement officer.
19 Whether the person was informed that the person's privilege
20 to operate a snowmobile would be suspended if that person
21 refused to submit to the chemical test or tests may not be an
22 issue in the hearing.

23 If the person fails to request a hearing in writing
24 within 28 days of the date of the notice, or if a hearing is
25 held and the court finds against the person on the issues
26 before the court, the clerk shall immediately notify the
27 Department of Natural Resources Conservation-of--the--court's
28 decision, and the Department shall suspend the snowmobile
29 operation privileges of that person for at least 2 years.

30 (f) (Blank) If-the-person-fails-to-request-a-hearing--in
31 writing--within-28-days-of-the-date-of-mailing-of-the-notice,
32 the--clerk--shall--immediately--notify--the--Department--of
33 Conservation--that--no--request--for--a--hearing-was-received
34 within-the-statutory-time-period,-and-the-Department--shall

1 suspend--the--snowmobile--operation-privileges-of-that-person
2 for-at-least-2-years.

3 (f-1) If the person submits to a test that discloses an
4 alcohol concentration of 0.08 or more, or any amount of a
5 drug, substance, or intoxicating compound in the person's
6 breath, blood, or urine resulting from the unlawful use of
7 cannabis listed in the Cannabis Control Act, a controlled
8 substance listed in the Illinois Controlled Substances Act,
9 or an intoxicating compound listed in the Use of Intoxicating
10 Compounds Act, the law enforcement officer shall immediately
11 submit a sworn report to the circuit clerk of venue and the
12 Department of Natural Resources, certifying that the test or
13 tests was or were requested under subsection (a-1) of this
14 Section and the person submitted to testing that disclosed an
15 alcohol concentration of 0.08 or more.

16 In cases where the blood alcohol concentration of 0.08 or
17 greater or any amount of drug, substance, or compound
18 resulting from the unlawful use of cannabis, a controlled
19 substance, or an intoxicating compound is established by a
20 subsequent analysis of blood or urine collected at the time
21 of arrest, the arresting officer or arresting agency shall
22 immediately submit a sworn report to the circuit clerk of
23 venue and the Department of Natural Resources upon receipt of
24 the test results.

25 (g) A person must submit to each chemical test offered
26 by the law enforcement officer in order to comply with
27 implied consent provisions of this Section.

28 (h) The provision of Section 11-501.2 of the Illinois
29 Vehicle Code concerning the certification and use of chemical
30 tests applies to the use of those tests under this Section.

31 (Source: P.A. 89-55, eff. 1-1-96.)

32 (625 ILCS 40/5-7.2)

33 Sec. 5-7.2. Chemical and other tests.

1 (a) Upon the trial of a civil or criminal action or
2 proceeding arising out of acts alleged to have been committed
3 while under the influence of alcohol, the concentration of
4 alcohol in the person's blood or breath at the time alleged
5 as shown by analysis of the person's blood, urine, breath, or
6 other bodily substance gives rise to the presumptions
7 specified in subdivisions 1, 2, and 3 of subsection (b) of
8 Section 11-501.2 of the Illinois Vehicle Code.

9 (b) The provisions of subsection (a) shall not be
10 construed as limiting the introduction of any other relevant
11 evidence bearing upon the question whether the person was
12 under the influence of alcohol.

13 (c) If a person under arrest refuses to submit to a
14 chemical test under the provisions of Section 5-7.1, evidence
15 of refusal is admissible in a civil or criminal action or
16 proceeding arising out of acts alleged to have been committed
17 while the person under the influence of alcohol, ~~or~~ other
18 drug or drugs, an intoxicating compound or compounds, or a
19 combination of them was operating a snowmobile.

20 (Source: P.A. 89-55, eff. 1-1-96; 90-215, eff. 1-1-98.)

21 (625 ILCS 40/5-7.3)

22 Sec. 5-7.3. Supervision of operator; notification; 6
23 hour operating limitation.

24 (a) The owner of a snowmobile or person given
25 supervisory authority over a snowmobile, may not knowingly
26 permit a snowmobile to be operated by a person under the
27 influence of alcohol, ~~or~~ other drug or drugs, an intoxicating
28 compound or compounds, or a combination of them.

29 (b) Whenever a person is convicted or found guilty of a
30 violation of Section 5-7, including any person placed on
31 court supervision, the court shall notify the Office of Law
32 Enforcement of the Department of Natural Resources with the
33 records essential for the performance of the Department's

1 duties to monitor and enforce an order of suspension or
2 revocation concerning the person's privilege to operate a
3 snowmobile.

4 (c) A person who has been arrested and charged with
5 violating Section 5-7 may not operate a snowmobile within
6 this State for a period of 24 6 hours after that person's
7 arrest.

8 (Source: P.A. 89-55, eff. 1-1-96.)

9 (625 ILCS 40/5-7.4)

10 Sec. 5-7.4. Admissibility of chemical tests of blood
11 conducted in the regular course of providing emergency
12 medical treatment ~~alcohol~~-tests.

13 (a) Notwithstanding any other provision of law, the
14 ~~written~~ results of blood ~~alcohol~~ tests performed for the
15 purpose of determining the content of alcohol, other drug or
16 drugs, intoxicating compound or compounds, or any combination
17 of them in an individual's blood conducted upon persons
18 receiving medical treatment in a hospital emergency room, are
19 admissible in evidence as a business record exception to the
20 hearsay rule only in prosecutions for a violation of Section
21 5-7 of this Act or a similar provision of a local ordinance
22 or in prosecutions for reckless homicide brought under the
23 Criminal Code of 1961.

24 The results of the tests are admissible only when each of
25 the following criteria are met:

26 1. The chemical tests performed upon an
27 individual's blood were ordered in the regular course of
28 providing emergency treatment and not at the request of
29 law enforcement authorities; and ~~The blood alcohol--tests~~
30 ~~were--ordered--by--a--physician--on--duty--at--the--hospital~~
31 ~~emergency-room-and-were-performed-in-the--regular--course~~
32 ~~of--providing--emergency--medical--treatment--in-order-to~~
33 ~~assist-the-physician-in-diagnosis-or-treatment;~~

1 2. The chemical tests performed upon an
 2 individual's blood were performed by the laboratory
 3 routinely used by the hospital. ~~The blood alcohol tests~~
 4 ~~were performed by the hospital's own laboratory; and~~

5 3. (Blank) ~~The written results of the blood alcohol~~
 6 ~~tests were received and considered by the physician on~~
 7 ~~duty at the hospital emergency room to assist that~~
 8 ~~physician in diagnosis or treatment.~~

9 Results of chemical tests performed upon an individual's
 10 blood are admissible into evidence regardless of the time
 11 that the records were prepared.

12 (b) The confidentiality provisions of law pertaining to
 13 medical records and medical treatment are not applicable with
 14 regard to chemical ~~blood alcohol~~ tests performed upon a
 15 person's blood or urine under the provisions of this Section
 16 in prosecutions as specified in subsection (a) of this
 17 Section. No person shall be liable for civil damages as a
 18 result of the evidentiary use of the results of chemical
 19 testing of the individual's ~~blood alcohol tests results~~ under
 20 this Section or as a result of that person's testimony made
 21 available under this Section.

22 (Source: P.A. 89-55, eff. 1-1-96; 89-626, eff. 8-9-96.)

23 (625 ILCS 40/5-7.5)

24 Sec. 5-7.5. Preliminary breath screening test. If a law
 25 enforcement officer has reasonable suspicion ~~probable cause~~
 26 to believe that a person is violating or has violated Section
 27 5-7 or a similar provision of a local ordinance, the officer,
 28 before an arrest, may request the person to provide a sample
 29 of his or her breath for a preliminary breath screening test
 30 using a portable device approved by the Department of State
 31 Police. The results of this preliminary breath screening
 32 test may be used by the law enforcement officer for the
 33 purpose of assisting with the determination of whether to

1 require a chemical test, as authorized under Sections 5-7.1
2 and 5-7.2 and the appropriate type of test to request. Any
3 chemical test authorized under Sections 5-7.1 and 5-7.2 may
4 be requested by the officer regardless of the result of the
5 preliminary breath screening test if probable cause for an
6 arrest exists. The result of a preliminary breath screening
7 test may be used by the defendant as evidence in an
8 administrative or court proceeding involving a violation of
9 Section 5-7 ~~or~~ 5-7.1.

10 (Source: P.A. 91-828, eff. 1-1-01.)

11 (625 ILCS 40/5-7.6 new)

12 Sec. 5-7.6. Reporting of test results of blood or urine
13 conducted in the regular course of providing emergency
14 medical treatment.

15 (a) Notwithstanding any other provision of law, the
16 results of blood or urine tests performed for the purpose of
17 determining the content of alcohol, other drug or drugs,
18 intoxicating compound or compounds, or any combination of
19 them in an individual's blood or urine, conducted upon
20 persons receiving medical treatment in a hospital emergency
21 room for injuries resulting from a snowmobile accident, shall
22 be disclosed to the Department of Natural Resources, or local
23 law enforcement agencies of jurisdiction, upon request. The
24 blood or urine tests are admissible in evidence as a business
25 record exception to the hearsay rule only in prosecutions for
26 violations of Section 5-7 of this Code or a similar provision
27 of a local ordinance, or in prosecutions for reckless
28 homicide brought under the Criminal Code of 1961.

29 (b) The confidentiality provisions of the law pertaining
30 to medical records and medical treatment shall not be
31 applicable with regard to tests performed upon an
32 individual's blood or urine under the provisions of
33 subsection (a) of this Section. No person shall be liable for

1 civil damages or professional discipline as a result of
2 disclosure or reporting of the tests or the evidentiary use
3 of an individual's blood or urine test results under this
4 Section or Section 5-7.4 or as a result of that person's
5 testimony made available under this Section or Section 5-7.4,
6 except for willful or wanton misconduct.

7 Section 5. The Boat Registration and Safety Act is
8 amended by changing Sections 2-2, 5-16, and 5-16a and adding
9 Section 5-16a.1 as follows:

10 (625 ILCS 45/2-2) (from Ch. 95 1/2, par. 312-2)

11 Sec. 2-2. Inspection; removal; impoundment.

12 (a) Agents of the Department or other duly authorized
13 police officers may board and inspect any boat at any time
14 for the purpose of determining if this Act is being complied
15 with. If the boarding officer or agent discovers any
16 violation of this Act, he may issue a summons to the operator
17 of the boat requiring that the operator appear before the
18 circuit court for the county within which the offense was
19 committed.

20 (b) Every vessel subject to this Act, if under way and
21 upon being hailed by a designated law enforcement officer,
22 must stop immediately and lay to.

23 (c) Agents of the Department and other duly authorized
24 police officers may enforce all federal laws and regulations
25 which have been mutually agreed upon by the federal and state
26 governments and are applicable to the operation of watercraft
27 on navigable waters and federal impoundments where concurrent
28 jurisdiction exists between the federal and state
29 governments.

30 (d) Agents of the Department and other duly authorized
31 police officers may seize and impound, at the owner's or
32 operator's expense, any watercraft involved in a boating

1 accident or a violation of Section 3A-21, 5-1, 5-2, or 5-16
2 of this Act.

3 (e) If a watercraft is causing a traffic hazard because
4 of its position on a waterway or its physical appearance is
5 causing the impeding of traffic, its immediate removal from
6 the waterway by a towing service may be authorized by a law
7 enforcement agency having jurisdiction.

8 (f) Whenever a peace officer reasonably believes that a
9 person under arrest for a violation of Section 5-1, 5-2 or
10 5-16 of this Act or similar provision of a local ordinance,
11 is likely, upon release, to commit a subsequent violation of
12 Section 5-1, 5-2 or 5-16 or a similar provision of a local
13 ordinance, the arresting officer shall have the watercraft
14 which the person was operating at the time of the arrest
15 impounded for a period of not more than 12 hours after the
16 time of the arrest. The watercraft may be released by the
17 arresting law enforcement agency without impoundment, or may
18 be released prior to the end of the impoundment period,
19 however, if:

20 (1) the watercraft was not owned by the person under
21 arrest, and the lawful owner requesting release possesses
22 proof of ownership, and would not, as determined by the
23 arresting law enforcement agency: (i) indicate a lack of
24 ability to operate a watercraft in a safe manner, or (ii)
25 otherwise, by operating the watercraft, be in violation
26 of this Act; or

27 (2) the watercraft is owned by the person under
28 arrest, and the person under arrest gives permission to
29 another person to operate the watercraft, and the other
30 person would not, as determined by the arresting law
31 enforcement agency: (i) indicate a lack of ability to operate
32 a watercraft in a safe manner, or (ii) otherwise, by
33 operating the watercraft, be in violation of this Act.

34 (Source: P.A. 87-798; 88-670, eff. 12-2-94.)

1 (625 ILCS 45/5-16)

2 Sec. 5-16. Operating a watercraft under the influence of
3 alcohol, other drug or drugs, intoxicating compound or
4 compounds, or combination thereof.

5 (A) 1. A person shall not operate or be in actual
6 physical control of any watercraft within this State
7 while:

8 (a) The alcohol concentration in such person's
9 blood or breath is a concentration at which driving
10 a motor vehicle is prohibited under subdivision (1)
11 of subsection (a) of Section 11-501 of the Illinois
12 Vehicle Code;

13 (b) Under the influence of alcohol;

14 (c) Under the influence of any other drug or
15 combination of drugs to a degree which renders such
16 person incapable of safely operating any watercraft;

17 (c-1) Under the influence of any intoxicating
18 compound or combination of intoxicating compounds to
19 a degree that renders the person incapable of safely
20 operating any watercraft;

21 (d) Under the combined influence of alcohol
22 and any other drug or drugs to a degree which
23 renders such person incapable of safely operating a
24 watercraft; or

25 (e) There is any amount of a drug, substance,
26 or compound in the person's blood or urine resulting
27 from the unlawful use or consumption of cannabis
28 listed as-defined in the Cannabis Control Act, ~~or~~ a
29 controlled substance listed in the Illinois
30 Controlled Substances Act, or an intoxicating
31 compound listed in the Use of Intoxicating Compounds
32 Act.

33 2. The fact that any person charged with violating
34 this Section is or has been legally entitled to use

1 alcohol, ~~or~~ other drug or drugs, any intoxicating
2 compound or compounds, or any combination of them ~~both,~~
3 shall not constitute a defense against any charge of
4 violating this Section.

5 3. Every person convicted of violating this Section
6 shall be guilty of a Class A misdemeanor, except as
7 otherwise provided in this Section.

8 4. Every person convicted of violating this Section
9 shall be guilty of a Class 4 felony if:

10 (a) He has a previous conviction under this
11 Section; ~~or~~

12 (b) The offense results in personal injury
13 where a person other than the operator suffers great
14 bodily harm or permanent disability or
15 disfigurement, when the violation was a proximate
16 cause of the injuries. A person guilty of a Class 4
17 felony under this subparagraph (b), if sentenced to
18 a term of imprisonment, shall be sentenced to a term
19 of not less than one year nor more than 12 years; or

20 (c) The offense occurred during a period in
21 which his or her privileges to operate a watercraft
22 are revoked or suspended, and the revocation or
23 suspension was for a violation of this Section or
24 was imposed under subsection (B).

25 5. Every person convicted of violating this Section
26 shall be guilty of a Class 2 felony if the offense
27 results in the death of a person. A person guilty of a
28 Class 2 felony under this paragraph 5, if sentenced to a
29 term of imprisonment, shall be sentenced to a term of not
30 less than 3 years and not more than 14 years.

31 5.1. A person convicted of violating this Section
32 or a similar provision of a local ordinance who had a
33 child under the age of 16 aboard the watercraft at the
34 time of offense is subject to a mandatory minimum fine of

1 \$500 and to a mandatory minimum of 5 days of community
2 service in a program benefiting children. The assignment
3 under this paragraph 5.1 is not subject to suspension and
4 the person is not eligible for probation in order to
5 reduce the assignment.

6 5.2. A person found guilty of violating this
7 Section, if his or her operation of a watercraft while in
8 violation of this Section proximately caused any incident
9 resulting in an appropriate emergency response, is liable
10 for the expense of an emergency response as provided
11 under Section 5-5-3 of the Unified Code of Corrections.

12 5.3. In addition to any other penalties and
13 liabilities, a person who is found guilty of violating
14 this Section, including any person placed on court
15 supervision, shall be fined \$100, payable to the circuit
16 clerk, who shall distribute the money to the law
17 enforcement agency that made the arrest. In the event
18 that more than one agency is responsible for the arrest,
19 the \$100 shall be shared equally. Any moneys received by
20 a law enforcement agency under this paragraph 5.3 shall
21 be used to purchase law enforcement equipment or to
22 provide law enforcement training that will assist in the
23 prevention of alcohol related criminal violence
24 throughout the State. Law enforcement equipment shall
25 include, but is not limited to, in-car video cameras,
26 radar and laser speed detection devices, and alcohol
27 breath testers.

28 6. (a) In addition to any criminal penalties
29 imposed, the Department of Natural Resources shall
30 suspend the watercraft operation privileges of any
31 person convicted or found guilty of a misdemeanor
32 under this Section for a period of one year, except
33 that a first time offender is exempt from this
34 mandatory one year suspension.

1 (b) In addition to any criminal penalties
2 imposed, the Department of Natural Resources shall
3 suspend the watercraft operation privileges of any
4 person convicted of a felony under this Section for
5 a period of 3 years.

6 (B) 1. Any person who operates or is in actual physical
7 control of any watercraft upon the waters of this State
8 shall be deemed to have given consent to a chemical test
9 or tests of blood, breath or urine for the purpose of
10 determining the content of alcohol, other drug or drugs,
11 intoxicating compound or compounds, or combination
12 thereof in the content-of-such person's blood if arrested
13 for any offense of subsection (A) above. The chemical
14 test or tests shall be administered at the direction of
15 the arresting officer. The law enforcement agency
16 employing the officer shall designate which of the tests
17 shall be administered. A urine test may be administered
18 even after a blood or breath test or both has been
19 administered.

20 1.1. For the purposes of this Section, an Illinois
21 Law Enforcement officer of this State who is
22 investigating the person for any offense defined in
23 Section 5-16 may travel into an adjoining state, where
24 the person has been transported for medical care to
25 complete an investigation, and may request that the
26 person submit to the test or tests set forth in this
27 Section. The requirements of this Section that the
28 person be arrested are inapplicable, but the officer
29 shall issue the person a uniform citation for an offense
30 as defined in Section 5-16 or a similar provision of a
31 local ordinance prior to requesting that the person
32 submit to the test or tests. The issuance of the uniform
33 citation shall not constitute an arrest, but shall be for
34 the purpose of notifying the person that he or she is

1 subject to the provisions of this Section and of the
2 officer's belief in the existence of probable cause to
3 arrest. Upon returning to this State, the officer shall
4 file the uniform citation with the circuit clerk of the
5 county where the offense was committed and shall seek the
6 issuance of an arrest warrant or a summons for the
7 person.

8 1.2. Notwithstanding any ability to refuse under
9 this Act to submit to these tests or any ability to
10 revoke the implied consent to these tests, if a law
11 enforcement officer has probable cause to believe that a
12 watercraft operated by or under actual physical control
13 of a person under the influence of alcohol, other drug or
14 drugs, intoxicating compound or compounds, or any
15 combination of them has caused the death of or personal
16 injury to another, that person shall submit, upon the
17 request of a law enforcement officer, to a chemical test
18 or tests of his or her blood, breath, or urine for the
19 purpose of determining the alcohol content or the
20 presence of any other drug, intoxicating compound, or
21 combination of them. For the purposes of this Section, a
22 personal injury includes severe bleeding wounds,
23 distorted extremities, and injuries that require the
24 injured party to be carried from the scene for immediate
25 professional attention in either a doctor's office or a
26 medical facility.

27 2. Any person who is dead, unconscious or who is
28 otherwise in a condition rendering such person incapable
29 of refusal, shall be deemed not to have withdrawn the
30 consent provided above, and the test may be administered.

31 3. A person requested to submit to a chemical test
32 as provided above shall be verbally advised by the law
33 enforcement officer requesting the test that a refusal to
34 submit to the test will result in suspension of such

1 person's privilege to operate a watercraft for a minimum
2 of 2 years. Following this warning, if a person under
3 arrest refuses upon the request of a law enforcement
4 officer to submit to a test designated by the officer, no
5 test none shall be given, but the law enforcement officer
6 shall file with the clerk of the circuit court for the
7 county in which the arrest was made, and with the
8 Department of Natural Resources, a sworn statement naming
9 the person refusing to take and complete the chemical
10 test or tests requested under the provisions of this
11 Section. Such sworn statement shall identify the
12 arrested person, such person's current residence address
13 and shall specify that a refusal by such person to take
14 the chemical test or tests was made. Such sworn
15 statement shall include a statement that the arresting
16 officer had reasonable cause to believe the person was
17 operating or was in actual physical control of the
18 watercraft within this State while under the influence of
19 alcohol, other drug or drugs, intoxicating compound or
20 compounds, or combination thereof and that such chemical
21 test or tests were made as an incident to and following
22 the lawful arrest for an offense as defined in this
23 Section or a similar provision of a local ordinance, and
24 that the person after being arrested for an offense
25 arising out of acts alleged to have been committed while
26 so operating a watercraft refused to submit to and
27 complete a chemical test or tests as requested by the law
28 enforcement officer.

29 3.1. The law enforcement officer submitting the
30 sworn statement as provided in paragraph 3 of this
31 subsection (B) shall serve immediate written notice upon
32 the person refusing the chemical test or tests that the
33 person's privilege to operate a watercraft within this
34 State will be suspended for a period of 2 years unless,

1 within 28 days from the date of the notice, the person
2 requests in writing a hearing on the suspension.

3 The--clerk--shall--thereupon--notify--such--person--in
4 writing--that--the--person's--privilege--to---operate---a
5 watercraft--will--be--suspended--unless,--within--28--days--from
6 the--date--of--mailing--of--the--notice,--such--person--shall
7 request--in--writing--a--hearing--thereon; If the person
8 desires a hearing, such person shall file a complaint in
9 the circuit court for and in the county in which such
10 person was arrested for such hearing. Such hearing shall
11 proceed in the court in the same manner as other civil
12 proceedings, shall cover only the issues of whether the
13 person was placed under arrest for an offense as defined
14 in this Section or a similar provision of a local
15 ordinance as evidenced by the issuance of a uniform
16 citation; whether the arresting officer had reasonable
17 grounds to believe that such person was operating a
18 watercraft while under the influence of alcohol, other
19 drug or drugs, intoxicating compound or compounds, or
20 combination thereof; and whether such person refused to
21 submit and complete the chemical test or tests upon the
22 request of the law enforcement officer. Whether the
23 person was informed that such person's privilege to
24 operate a watercraft would be suspended if such person
25 refused to submit to the chemical test or tests shall not
26 be an issue.

27 If the person fails to request in writing a hearing
28 within 28 days from the date of notice, or if a hearing
29 is held and the court finds against the person on the
30 issues before the court, the clerk shall immediately
31 notify the Department of Natural Resources ~~of the court's~~
32 decision, and the Department shall suspend the watercraft
33 operation privileges of the person for at least 2 years.

34 3.2. If the person submits to a test that discloses

1 an alcohol concentration of 0.08 or more, or any amount
2 of a drug, substance or intoxicating compound in the
3 person's breath, blood, or urine resulting from the
4 unlawful use of cannabis listed in the Cannabis Control
5 Act, a controlled substance listed in the Illinois
6 Controlled Substances Act, or an intoxicating compound
7 listed in the Use of Intoxicating Compounds Act, the law
8 enforcement officer shall immediately submit a sworn
9 report to the circuit clerk of venue and the Department
10 of Natural Resources, certifying that the test or tests
11 were requested under paragraph 1 of this subsection (B)
12 and the person submitted to testing that disclosed an
13 alcohol concentration of 0.08 or more.

14 In cases where the blood alcohol concentration of
15 0.08 or greater or any amount of drug, substance or
16 compound resulting from the unlawful use of cannabis, a
17 controlled substance or an intoxicating compound is
18 established by a subsequent analysis of blood or urine
19 collected at the time of arrest, the arresting officer or
20 arresting agency shall immediately submit a sworn report
21 to the circuit clerk of venue and the Department of
22 Natural Resources upon receipt of the test results.

23 4. A person must submit to each chemical test
24 offered by the law enforcement officer in order to comply
25 with the implied consent provisions of this Section.

26 5. The provisions of Section 11-501.2 of the
27 Illinois Vehicle Code, as amended, concerning the
28 certification and use of chemical tests apply to the use
29 of such tests under this Section.

30 (C) Upon the trial of any civil or criminal action or
31 proceeding arising out of acts alleged to have been committed
32 by any person while operating a watercraft while under the
33 influence of alcohol, the concentration of alcohol in the
34 person's blood or breath at the time alleged as shown by

1 analysis of a person's blood, urine, breath, or other bodily
2 substance shall give rise to the presumptions specified in
3 subdivisions 1, 2, and 3 of subsection (b) of Section
4 11-501.2 of the Illinois Vehicle Code. The foregoing
5 provisions of this subsection (C) shall not be construed as
6 limiting the introduction of any other relevant evidence
7 bearing upon the question whether the person was under the
8 influence of alcohol.

9 (D) If a person under arrest refuses to submit to a
10 chemical test under the provisions of this Section, evidence
11 of refusal shall be admissible in any civil or criminal
12 action or proceeding arising out of acts alleged to have been
13 committed while the person under the influence of alcohol, ~~or~~
14 other drug or drugs, intoxicating compound or compounds, or
15 combination of them both was operating a watercraft.

16 (E) The owner of any watercraft or any person given
17 supervisory authority over a watercraft, may not knowingly
18 permit a watercraft to be operated by any person under the
19 influence of alcohol, other drug or drugs, intoxicating
20 compound or compounds, or combination thereof.

21 (F) Whenever any person is convicted or found guilty of
22 a violation of this Section, including any person placed on
23 court supervision, the court shall notify the Office Division
24 of Law Enforcement of the Department of Natural Resources, to
25 provide the Department with the records essential for the
26 performance of the Department's duties to monitor and enforce
27 any order of suspension or revocation concerning the
28 privilege to operate a watercraft.

29 (G) No person who has been arrested and charged for
30 violating paragraph 1 of subsection (A) of this Section shall
31 operate any watercraft within this State for a period of 24 6
32 hours after such arrest.

33 (Source: P.A. 92-615, eff. 1-1-03.)

1 (625 ILCS 45/5-16a) (from Ch. 95 1/2, par. 315-11a)
 2 Sec. 5-16a. Admissibility of chemical tests of written
 3 blood alcohol-test-results conducted in the regular course of
 4 providing emergency medical treatment.

5 (a) Notwithstanding any other provision of law, the
 6 written results of blood alcohol tests conducted upon persons
 7 receiving medical treatment in a hospital emergency room are
 8 admissible in evidence as a business record exception to the
 9 hearsay rule only in prosecutions for any violation of
 10 Section 5-16 of this Act or a similar provision of a local
 11 ordinance or in prosecutions for reckless homicide brought
 12 under the Criminal Code of 1961, when:

13 (1) the chemical tests performed upon an
 14 individual's blood were ordered in the regular course of
 15 providing emergency treatment and not at the request of
 16 law enforcement authorities; and

17 (2) the chemical tests performed upon an
 18 individual's blood were performed by the laboratory
 19 routinely used by the hospital.

20 Results of chemical tests performed upon an individual's
 21 blood are admissible into evidence regardless of the time
 22 that the records were prepared. each--of--the--following
 23 criteria-are-met:

24 (1)--the--blood--alcohol--tests--were--ordered--by--a
 25 physician-on-duty-at-the-hospital-emergency-room-and-were
 26 performed-in-the-regular-course--of--providing--emergency
 27 medical--treatment--in--order--to--assist--the--physician--in
 28 diagnosis-or-treatment;

29 (2)--the--blood--alcohol--tests--were--performed--by--the
 30 hospital's-own-laboratory;-and

31 (3)--the--written--results--of--the--blood--alcohol--tests
 32 were-received-and-considered-by-the-physician-on-duty--at
 33 the--hospital--emergency-room-to-assist-that-physician-in
 34 diagnosis-or-treatment.

1 (b) The confidentiality provisions of law pertaining to
2 medical records and medical treatment shall not be applicable
3 with regard to chemical blood-alcohol tests performed upon an
4 individual's blood or urine under the provisions of this
5 Section in prosecutions as specified in subsection (a) of
6 this Section. No person shall be liable for civil damages as
7 a result of the evidentiary use of the results of chemical
8 testing of an individual's blood blood-alcohol--test--results
9 under this Section or as a result of that person's testimony
10 made available under this Section.
11 (Source: P.A. 87-803; 88-670, eff. 12-2-94.)

12 (625 ILCS 45/5-16a.1 new)

13 Sec. 5-16a.1. Reporting of test results of blood or urine
14 conducted in the regular course of providing emergency
15 medical treatment.

16 (a) Notwithstanding any other provision of law, the
17 results of blood or urine tests performed for the purpose of
18 determining the content of alcohol, other drug or drugs,
19 intoxicating compound or compounds, or any combination of
20 them in an individual's blood or urine, conducted upon
21 persons receiving medical treatment in a hospital emergency
22 room for injuries resulting from a boating accident, shall be
23 disclosed to the Department of Natural Resources or local law
24 enforcement agencies of jurisdiction, upon request. The
25 blood or urine tests are admissible in evidence as a business
26 record exception to the hearsay rule only in prosecutions for
27 violations of Section 5-16 of this Code or a similar
28 provision of a local ordinance, or in prosecutions for
29 reckless homicide brought under the Criminal Code of 1961.

30 (b) The confidentiality provisions of the law pertaining
31 to medical records and medical treatment shall not be
32 applicable with regard to tests performed upon an
33 individual's blood or urine under the provisions of

1 subsection (a) of this Section. No person is liable for
 2 civil damages or professional discipline as a result of
 3 disclosure or reporting of the tests or the evidentiary use
 4 of an individual's blood or urine test results under this
 5 Section or Section 5-16a, or as a result of that person's
 6 testimony made available under this Section or Section 5-16a,
 7 except for willful or wanton misconduct.

8 Section 10. The Unified Code of Corrections is amended
 9 by changing Section 5-5-3 as follows:

10 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

11 Sec. 5-5-3. Disposition.

12 (a) Every person convicted of an offense shall be
 13 sentenced as provided in this Section.

14 (b) The following options shall be appropriate
 15 dispositions, alone or in combination, for all felonies and
 16 misdemeanors other than those identified in subsection (c) of
 17 this Section:

18 (1) A period of probation.

19 (2) A term of periodic imprisonment.

20 (3) A term of conditional discharge.

21 (4) A term of imprisonment.

22 (5) An order directing the offender to clean up and
 23 repair the damage, if the offender was convicted under
 24 paragraph (h) of Section 21-1 of the Criminal Code of
 25 1961.

26 (6) A fine.

27 (7) An order directing the offender to make
 28 restitution to the victim under Section 5-5-6 of this
 29 Code.

30 (8) A sentence of participation in a county impact
 31 incarceration program under Section 5-8-1.2 of this Code.

32 Whenever an individual is sentenced for an offense based

1 upon an arrest for a violation of Section 11-501 of the
2 Illinois Vehicle Code, or a similar provision of a local
3 ordinance, and the professional evaluation recommends
4 remedial or rehabilitative treatment or education, neither
5 the treatment nor the education shall be the sole disposition
6 and either or both may be imposed only in conjunction with
7 another disposition. The court shall monitor compliance with
8 any remedial education or treatment recommendations contained
9 in the professional evaluation. Programs conducting alcohol
10 or other drug evaluation or remedial education must be
11 licensed by the Department of Human Services. However, if
12 the individual is not a resident of Illinois, the court may
13 accept an alcohol or other drug evaluation or remedial
14 education program in the state of such individual's
15 residence. Programs providing treatment must be licensed
16 under existing applicable alcoholism and drug treatment
17 licensure standards.

18 In addition to any other fine or penalty required by law,
19 any individual convicted of a violation of Section 11-501 of
20 the Illinois Vehicle Code, Section 5-7 of the Snowmobile
21 Registration and Safety Act, Section 5-16 of the Boat
22 Registration and Safety Act, or a similar provision of local
23 ordinance, whose operation of a motor vehicle while in
24 violation of Section 11-501, Section 5-7, Section 5-16, or
25 such ordinance proximately caused an incident resulting in an
26 appropriate emergency response, shall be required to make
27 restitution to a public agency for the costs of that
28 emergency response. Such restitution shall not exceed \$500
29 per public agency for each such emergency response. For the
30 purpose of this paragraph, emergency response shall mean any
31 incident requiring a response by: a police officer as defined
32 under Section 1-162 of the Illinois Vehicle Code; a fireman
33 carried on the rolls of a regularly constituted fire
34 department; and an ambulance as defined under Section 4.05 of

1 the Emergency Medical Services (EMS) Systems Act.

2 Neither a fine nor restitution shall be the sole
3 disposition for a felony and either or both may be imposed
4 only in conjunction with another disposition.

5 (c) (1) When a defendant is found guilty of first degree
6 murder the State may either seek a sentence of
7 imprisonment under Section 5-8-1 of this Code, or where
8 appropriate seek a sentence of death under Section 9-1 of
9 the Criminal Code of 1961.

10 (2) A period of probation, a term of periodic
11 imprisonment or conditional discharge shall not be
12 imposed for the following offenses. The court shall
13 sentence the offender to not less than the minimum term
14 of imprisonment set forth in this Code for the following
15 offenses, and may order a fine or restitution or both in
16 conjunction with such term of imprisonment:

17 (A) First degree murder where the death
18 penalty is not imposed.

19 (B) Attempted first degree murder.

20 (C) A Class X felony.

21 (D) A violation of Section 401.1 or 407 of the
22 Illinois Controlled Substances Act, or a violation
23 of subdivision (c)(1) or (c)(2) of Section 401 of
24 that Act which relates to more than 5 grams of a
25 substance containing heroin or cocaine or an analog
26 thereof.

27 (E) A violation of Section 5.1 or 9 of the
28 Cannabis Control Act.

29 (F) A Class 2 or greater felony if the
30 offender had been convicted of a Class 2 or greater
31 felony within 10 years of the date on which the
32 offender committed the offense for which he or she
33 is being sentenced, except as otherwise provided in
34 Section 40-10 of the Alcoholism and Other Drug Abuse

1 and Dependency Act.

2 (G) Residential burglary, except as otherwise
3 provided in Section 40-10 of the Alcoholism and
4 Other Drug Abuse and Dependency Act.

5 (H) Criminal sexual assault, except as
6 otherwise provided in subsection (e) of this
7 Section.

8 (I) Aggravated battery of a senior citizen.

9 (J) A forcible felony if the offense was
10 related to the activities of an organized gang.

11 Before July 1, 1994, for the purposes of this
12 paragraph, "organized gang" means an association of
13 5 or more persons, with an established hierarchy,
14 that encourages members of the association to
15 perpetrate crimes or provides support to the members
16 of the association who do commit crimes.

17 Beginning July 1, 1994, for the purposes of
18 this paragraph, "organized gang" has the meaning
19 ascribed to it in Section 10 of the Illinois
20 Streetgang Terrorism Omnibus Prevention Act.

21 (K) Vehicular hijacking.

22 (L) A second or subsequent conviction for the
23 offense of hate crime when the underlying offense
24 upon which the hate crime is based is felony
25 aggravated assault or felony mob action.

26 (M) A second or subsequent conviction for the
27 offense of institutional vandalism if the damage to
28 the property exceeds \$300.

29 (N) A Class 3 felony violation of paragraph
30 (1) of subsection (a) of Section 2 of the Firearm
31 Owners Identification Card Act.

32 (O) A violation of Section 12-6.1 of the
33 Criminal Code of 1961.

34 (P) A violation of paragraph (1), (2), (3),

1 (4), (5), or (7) of subsection (a) of Section
2 11-20.1 of the Criminal Code of 1961.

3 (Q) A violation of Section 20-1.2 of the
4 Criminal Code of 1961.

5 (R) A violation of Section 24-3A of the
6 Criminal Code of 1961.

7 (S) A violation of Section 11-501(c-1)(3) of
8 the Illinois Vehicle Code.

9 (3) A minimum term of imprisonment of not less than
10 5 days or 30 days of community service as may be
11 determined by the court shall be imposed for a second
12 violation committed within 5 years of a previous
13 violation of Section 11-501 of the Illinois Vehicle Code
14 or a similar provision of a local ordinance. In the case
15 of a third or subsequent violation committed within 5
16 years of a previous violation of Section 11-501 of the
17 Illinois Vehicle Code or a similar provision of a local
18 ordinance, a minimum term of either 10 days of
19 imprisonment or 60 days of community service shall be
20 imposed.

21 (4) A minimum term of imprisonment of not less than
22 10 consecutive days or 30 days of community service shall
23 be imposed for a violation of paragraph (c) of Section
24 6-303 of the Illinois Vehicle Code.

25 (4.1) A minimum term of 30 consecutive days of
26 imprisonment, 40 days of 24 hour periodic imprisonment or
27 720 hours of community service, as may be determined by
28 the court, shall be imposed for a violation of Section
29 11-501 of the Illinois Vehicle Code during a period in
30 which the defendant's driving privileges are revoked or
31 suspended, where the revocation or suspension was for a
32 violation of Section 11-501 or Section 11-501.1 of that
33 Code.

34 (4.2) Except as provided in paragraph (4.3) of this

1 subsection (c), a minimum of 100 hours of community
2 service shall be imposed for a second violation of
3 Section 6-303 of the Illinois Vehicle Code.

4 (4.3) A minimum term of imprisonment of 30 days or
5 300 hours of community service, as determined by the
6 court, shall be imposed for a second violation of
7 subsection (c) of Section 6-303 of the Illinois Vehicle
8 Code.

9 (4.4) Except as provided in paragraph (4.5) and
10 paragraph (4.6) of this subsection (c), a minimum term of
11 imprisonment of 30 days or 300 hours of community
12 service, as determined by the court, shall be imposed for
13 a third or subsequent violation of Section 6-303 of the
14 Illinois Vehicle Code.

15 (4.5) A minimum term of imprisonment of 30 days
16 shall be imposed for a third violation of subsection (c)
17 of Section 6-303 of the Illinois Vehicle Code.

18 (4.6) A minimum term of imprisonment of 180 days
19 shall be imposed for a fourth or subsequent violation of
20 subsection (c) of Section 6-303 of the Illinois Vehicle
21 Code.

22 (5) The court may sentence an offender convicted of
23 a business offense or a petty offense or a corporation or
24 unincorporated association convicted of any offense to:

25 (A) a period of conditional discharge;

26 (B) a fine;

27 (C) make restitution to the victim under
28 Section 5-5-6 of this Code.

29 (5.1) In addition to any penalties imposed under
30 paragraph (5) of this subsection (c), and except as
31 provided in paragraph (5.2) or (5.3), a person convicted
32 of violating subsection (c) of Section 11-907 of the
33 Illinois Vehicle Code shall have his or her driver's
34 license, permit, or privileges suspended for at least 90

1 days but not more than one year, if the violation
2 resulted in damage to the property of another person.

3 (5.2) In addition to any penalties imposed under
4 paragraph (5) of this subsection (c), and except as
5 provided in paragraph (5.3), a person convicted of
6 violating subsection (c) of Section 11-907 of the
7 Illinois Vehicle Code shall have his or her driver's
8 license, permit, or privileges suspended for at least 180
9 days but not more than 2 years, if the violation resulted
10 in injury to another person.

11 (5.3) In addition to any penalties imposed under
12 paragraph (5) of this subsection (c), a person convicted
13 of violating subsection (c) of Section 11-907 of the
14 Illinois Vehicle Code shall have his or her driver's
15 license, permit, or privileges suspended for 2 years, if
16 the violation resulted in the death of another person.

17 (6) In no case shall an offender be eligible for a
18 disposition of probation or conditional discharge for a
19 Class 1 felony committed while he was serving a term of
20 probation or conditional discharge for a felony.

21 (7) When a defendant is adjudged a habitual
22 criminal under Article 33B of the Criminal Code of 1961,
23 the court shall sentence the defendant to a term of
24 natural life imprisonment.

25 (8) When a defendant, over the age of 21 years, is
26 convicted of a Class 1 or Class 2 felony, after having
27 twice been convicted in any state or federal court of an
28 offense that contains the same elements as an offense now
29 classified in Illinois as a Class 2 or greater Class
30 felony and such charges are separately brought and tried
31 and arise out of different series of acts, such defendant
32 shall be sentenced as a Class X offender. This paragraph
33 shall not apply unless (1) the first felony was committed
34 after the effective date of this amendatory Act of 1977;

1 and (2) the second felony was committed after conviction
2 on the first; and (3) the third felony was committed
3 after conviction on the second. A person sentenced as a
4 Class X offender under this paragraph is not eligible to
5 apply for treatment as a condition of probation as
6 provided by Section 40-10 of the Alcoholism and Other
7 Drug Abuse and Dependency Act.

8 (9) A defendant convicted of a second or subsequent
9 offense of ritualized abuse of a child may be sentenced
10 to a term of natural life imprisonment.

11 (10) When a person is convicted of violating
12 Section 11-501 of the Illinois Vehicle Code or a similar
13 provision of a local ordinance, the following penalties
14 apply when his or her blood, breath, or urine was .16 or
15 more based on the definition of blood, breath, or urine
16 units in Section 11-501.2 or that person is convicted of
17 violating Section 11-501 of the Illinois Vehicle Code
18 while transporting a child under the age of 16:

19 (A) For a first violation of subsection (a) of
20 Section 11-501, in addition to any other penalty
21 that may be imposed under subsection (c) of Section
22 11-501: a mandatory minimum of 100 hours of
23 community service and a minimum fine of \$500.

24 (B) For a second violation of subsection (a)
25 of Section 11-501, in addition to any other penalty
26 that may be imposed under subsection (c) of Section
27 11-501 within 10 years: a mandatory minimum of 2
28 days of imprisonment and a minimum fine of \$1,250.

29 (C) For a third violation of subsection (a) of
30 Section 11-501, in addition to any other penalty
31 that may be imposed under subsection (c) of Section
32 11-501 within 20 years: a mandatory minimum of 90
33 days of imprisonment and a minimum fine of \$2,500.

34 (D) For a fourth or subsequent violation of

1 subsection (a) of Section 11-501: ineligibility for
2 a sentence of probation or conditional discharge and
3 a minimum fine of \$2,500.

4 (d) In any case in which a sentence originally imposed
5 is vacated, the case shall be remanded to the trial court.
6 The trial court shall hold a hearing under Section 5-4-1 of
7 the Unified Code of Corrections which may include evidence of
8 the defendant's life, moral character and occupation during
9 the time since the original sentence was passed. The trial
10 court shall then impose sentence upon the defendant. The
11 trial court may impose any sentence which could have been
12 imposed at the original trial subject to Section 5-5-4 of the
13 Unified Code of Corrections. If a sentence is vacated on
14 appeal or on collateral attack due to the failure of the
15 trier of fact at trial to determine beyond a reasonable doubt
16 the existence of a fact (other than a prior conviction)
17 necessary to increase the punishment for the offense beyond
18 the statutory maximum otherwise applicable, either the
19 defendant may be re-sentenced to a term within the range
20 otherwise provided or, if the State files notice of its
21 intention to again seek the extended sentence, the defendant
22 shall be afforded a new trial.

23 (e) In cases where prosecution for criminal sexual
24 assault or aggravated criminal sexual abuse under Section
25 12-13 or 12-16 of the Criminal Code of 1961 results in
26 conviction of a defendant who was a family member of the
27 victim at the time of the commission of the offense, the
28 court shall consider the safety and welfare of the victim and
29 may impose a sentence of probation only where:

30 (1) the court finds (A) or (B) or both are
31 appropriate:

32 (A) the defendant is willing to undergo a
33 court approved counseling program for a minimum
34 duration of 2 years; or

1 (B) the defendant is willing to participate in
2 a court approved plan including but not limited to
3 the defendant's:

4 (i) removal from the household;

5 (ii) restricted contact with the victim;

6 (iii) continued financial support of the
7 family;

8 (iv) restitution for harm done to the
9 victim; and

10 (v) compliance with any other measures
11 that the court may deem appropriate; and

12 (2) the court orders the defendant to pay for the
13 victim's counseling services, to the extent that the
14 court finds, after considering the defendant's income and
15 assets, that the defendant is financially capable of
16 paying for such services, if the victim was under 18
17 years of age at the time the offense was committed and
18 requires counseling as a result of the offense.

19 Probation may be revoked or modified pursuant to Section
20 5-6-4; except where the court determines at the hearing that
21 the defendant violated a condition of his or her probation
22 restricting contact with the victim or other family members
23 or commits another offense with the victim or other family
24 members, the court shall revoke the defendant's probation and
25 impose a term of imprisonment.

26 For the purposes of this Section, "family member" and
27 "victim" shall have the meanings ascribed to them in Section
28 12-12 of the Criminal Code of 1961.

29 (f) This Article shall not deprive a court in other
30 proceedings to order a forfeiture of property, to suspend or
31 cancel a license, to remove a person from office, or to
32 impose any other civil penalty.

33 (g) Whenever a defendant is convicted of an offense
34 under Sections 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18,

1 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1,
2 12-15 or 12-16 of the Criminal Code of 1961, the defendant
3 shall undergo medical testing to determine whether the
4 defendant has any sexually transmissible disease, including a
5 test for infection with human immunodeficiency virus (HIV) or
6 any other identified causative agent of acquired
7 immunodeficiency syndrome (AIDS). Any such medical test
8 shall be performed only by appropriately licensed medical
9 practitioners and may include an analysis of any bodily
10 fluids as well as an examination of the defendant's person.
11 Except as otherwise provided by law, the results of such test
12 shall be kept strictly confidential by all medical personnel
13 involved in the testing and must be personally delivered in a
14 sealed envelope to the judge of the court in which the
15 conviction was entered for the judge's inspection in camera.
16 Acting in accordance with the best interests of the victim
17 and the public, the judge shall have the discretion to
18 determine to whom, if anyone, the results of the testing may
19 be revealed. The court shall notify the defendant of the test
20 results. The court shall also notify the victim if requested
21 by the victim, and if the victim is under the age of 15 and
22 if requested by the victim's parents or legal guardian, the
23 court shall notify the victim's parents or legal guardian of
24 the test results. The court shall provide information on the
25 availability of HIV testing and counseling at Department of
26 Public Health facilities to all parties to whom the results
27 of the testing are revealed and shall direct the State's
28 Attorney to provide the information to the victim when
29 possible. A State's Attorney may petition the court to obtain
30 the results of any HIV test administered under this Section,
31 and the court shall grant the disclosure if the State's
32 Attorney shows it is relevant in order to prosecute a charge
33 of criminal transmission of HIV under Section 12-16.2 of the
34 Criminal Code of 1961 against the defendant. The court shall

1 order that the cost of any such test shall be paid by the
2 county and may be taxed as costs against the convicted
3 defendant.

4 (g-5) When an inmate is tested for an airborne
5 communicable disease, as determined by the Illinois
6 Department of Public Health including but not limited to
7 tuberculosis, the results of the test shall be personally
8 delivered by the warden or his or her designee in a sealed
9 envelope to the judge of the court in which the inmate must
10 appear for the judge's inspection in camera if requested by
11 the judge. Acting in accordance with the best interests of
12 those in the courtroom, the judge shall have the discretion
13 to determine what if any precautions need to be taken to
14 prevent transmission of the disease in the courtroom.

15 (h) Whenever a defendant is convicted of an offense
16 under Section 1 or 2 of the Hypodermic Syringes and Needles
17 Act, the defendant shall undergo medical testing to determine
18 whether the defendant has been exposed to human
19 immunodeficiency virus (HIV) or any other identified
20 causative agent of acquired immunodeficiency syndrome (AIDS).
21 Except as otherwise provided by law, the results of such test
22 shall be kept strictly confidential by all medical personnel
23 involved in the testing and must be personally delivered in a
24 sealed envelope to the judge of the court in which the
25 conviction was entered for the judge's inspection in camera.
26 Acting in accordance with the best interests of the public,
27 the judge shall have the discretion to determine to whom, if
28 anyone, the results of the testing may be revealed. The court
29 shall notify the defendant of a positive test showing an
30 infection with the human immunodeficiency virus (HIV). The
31 court shall provide information on the availability of HIV
32 testing and counseling at Department of Public Health
33 facilities to all parties to whom the results of the testing
34 are revealed and shall direct the State's Attorney to provide

1 the information to the victim when possible. A State's
2 Attorney may petition the court to obtain the results of any
3 HIV test administered under this Section, and the court
4 shall grant the disclosure if the State's Attorney shows it
5 is relevant in order to prosecute a charge of criminal
6 transmission of HIV under Section 12-16.2 of the Criminal
7 Code of 1961 against the defendant. The court shall order
8 that the cost of any such test shall be paid by the county
9 and may be taxed as costs against the convicted defendant.

10 (i) All fines and penalties imposed under this Section
11 for any violation of Chapters 3, 4, 6, and 11 of the Illinois
12 Vehicle Code, or a similar provision of a local ordinance,
13 and any violation of the Child Passenger Protection Act, or a
14 similar provision of a local ordinance, shall be collected
15 and disbursed by the circuit clerk as provided under Section
16 27.5 of the Clerks of Courts Act.

17 (j) In cases when prosecution for any violation of
18 Section 11-6, 11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1,
19 11-16, 11-17, 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1,
20 11-19.2, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15, or
21 12-16 of the Criminal Code of 1961, any violation of the
22 Illinois Controlled Substances Act, or any violation of the
23 Cannabis Control Act results in conviction, a disposition of
24 court supervision, or an order of probation granted under
25 Section 10 of the Cannabis Control Act or Section 410 of the
26 Illinois Controlled Substance Act of a defendant, the court
27 shall determine whether the defendant is employed by a
28 facility or center as defined under the Child Care Act of
29 1969, a public or private elementary or secondary school, or
30 otherwise works with children under 18 years of age on a
31 daily basis. When a defendant is so employed, the court
32 shall order the Clerk of the Court to send a copy of the
33 judgment of conviction or order of supervision or probation
34 to the defendant's employer by certified mail. If the

1 employer of the defendant is a school, the Clerk of the Court
2 shall direct the mailing of a copy of the judgment of
3 conviction or order of supervision or probation to the
4 appropriate regional superintendent of schools. The regional
5 superintendent of schools shall notify the State Board of
6 Education of any notification under this subsection.

7 (j-5) A defendant at least 17 years of age who is
8 convicted of a felony and who has not been previously
9 convicted of a misdemeanor or felony and who is sentenced to
10 a term of imprisonment in the Illinois Department of
11 Corrections shall as a condition of his or her sentence be
12 required by the court to attend educational courses designed
13 to prepare the defendant for a high school diploma and to
14 work toward a high school diploma or to work toward passing
15 the high school level Test of General Educational Development
16 (GED) or to work toward completing a vocational training
17 program offered by the Department of Corrections. If a
18 defendant fails to complete the educational training required
19 by his or her sentence during the term of incarceration, the
20 Prisoner Review Board shall, as a condition of mandatory
21 supervised release, require the defendant, at his or her own
22 expense, to pursue a course of study toward a high school
23 diploma or passage of the GED test. The Prisoner Review
24 Board shall revoke the mandatory supervised release of a
25 defendant who wilfully fails to comply with this subsection
26 (j-5) upon his or her release from confinement in a penal
27 institution while serving a mandatory supervised release
28 term; however, the inability of the defendant after making a
29 good faith effort to obtain financial aid or pay for the
30 educational training shall not be deemed a wilful failure to
31 comply. The Prisoner Review Board shall recommit the
32 defendant whose mandatory supervised release term has been
33 revoked under this subsection (j-5) as provided in Section
34 3-3-9. This subsection (j-5) does not apply to a defendant

1 who has a high school diploma or has successfully passed the
2 GED test. This subsection (j-5) does not apply to a defendant
3 who is determined by the court to be developmentally disabled
4 or otherwise mentally incapable of completing the educational
5 or vocational program.

6 (k) A court may not impose a sentence or disposition for
7 a felony or misdemeanor that requires the defendant to be
8 implanted or injected with or to use any form of birth
9 control.

10 (l) (A) Except as provided in paragraph (C) of
11 subsection (l), whenever a defendant, who is an alien as
12 defined by the Immigration and Nationality Act, is
13 convicted of any felony or misdemeanor offense, the court
14 after sentencing the defendant may, upon motion of the
15 State's Attorney, hold sentence in abeyance and remand
16 the defendant to the custody of the Attorney General of
17 the United States or his or her designated agent to be
18 deported when:

19 (1) a final order of deportation has been
20 issued against the defendant pursuant to proceedings
21 under the Immigration and Nationality Act, and

22 (2) the deportation of the defendant would not
23 deprecate the seriousness of the defendant's conduct
24 and would not be inconsistent with the ends of
25 justice.

26 Otherwise, the defendant shall be sentenced as
27 provided in this Chapter V.

28 (B) If the defendant has already been sentenced for
29 a felony or misdemeanor offense, or has been placed on
30 probation under Section 10 of the Cannabis Control Act or
31 Section 410 of the Illinois Controlled Substances Act,
32 the court may, upon motion of the State's Attorney to
33 suspend the sentence imposed, commit the defendant to the
34 custody of the Attorney General of the United States or

1 his or her designated agent when:

2 (1) a final order of deportation has been
3 issued against the defendant pursuant to proceedings
4 under the Immigration and Nationality Act, and

5 (2) the deportation of the defendant would not
6 deprecate the seriousness of the defendant's conduct
7 and would not be inconsistent with the ends of
8 justice.

9 (C) This subsection (1) does not apply to offenders
10 who are subject to the provisions of paragraph (2) of
11 subsection (a) of Section 3-6-3.

12 (D) Upon motion of the State's Attorney, if a
13 defendant sentenced under this Section returns to the
14 jurisdiction of the United States, the defendant shall be
15 recommitted to the custody of the county from which he or
16 she was sentenced. Thereafter, the defendant shall be
17 brought before the sentencing court, which may impose any
18 sentence that was available under Section 5-5-3 at the
19 time of initial sentencing. In addition, the defendant
20 shall not be eligible for additional good conduct credit
21 for meritorious service as provided under Section 3-6-6.

22 (m) A person convicted of criminal defacement of
23 property under Section 21-1.3 of the Criminal Code of 1961,
24 in which the property damage exceeds \$300 and the property
25 damaged is a school building, shall be ordered to perform
26 community service that may include cleanup, removal, or
27 painting over the defacement.

28 (Source: P.A. 91-357, eff. 7-29-99; 91-404, eff. 1-1-00;
29 91-663, eff. 12-22-99; 91-695, eff. 4-13-00; 91-953, eff.
30 2-23-01; 92-183, eff. 7-27-01; 92-248, eff. 8-3-01; 92-283,
31 eff. 1-1-02; 92-340, eff. 8-10-01; 92-418, eff. 8-17-01;
32 92-422, eff. 8-17-01; 92-651, eff. 7-11-02; 92-698, eff.
33 7-19-02.)