

1 AN ACT in relation to vehicular offenses.

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

4 Section 5. The Illinois Vehicle Code is amended by  
5 changing Sections 11-204 and 11-204.1 as follows:

6 (625 ILCS 5/11-204) (from Ch. 95 1/2, par. 11-204)

7 Sec. 11-204. Fleeing or attempting to elude police  
8 officer.

9 (a) Any driver or operator of a motor vehicle who,  
10 having been given a visual or audible signal by a peace  
11 officer directing such driver or operator to bring his  
12 vehicle to a stop, wilfully fails or refuses to obey such  
13 direction, increases his speed, extinguishes his lights, or  
14 otherwise flees or attempts to elude the officer, is guilty  
15 of a Class 4 felony ~~Class-A-misdemeanor~~. The signal given by  
16 the peace officer may be by hand, voice, siren, red or blue  
17 light. Provided, the officer giving such signal shall be in  
18 police uniform, and, if driving a vehicle, such vehicle shall  
19 display illuminated oscillating, rotating or flashing red or  
20 blue lights which when used in conjunction with an audible  
21 horn or siren would indicate the vehicle to be an official  
22 police vehicle. Such requirement shall not preclude the use  
23 of amber or white oscillating, rotating or flashing lights in  
24 conjunction with red or blue oscillating, rotating or  
25 flashing lights as required in Section 12-215 of Chapter 12.

26 (b) Upon receiving notice of such conviction the  
27 Secretary of State shall suspend the drivers license of the  
28 person so convicted for a period of not more than 6 months  
29 for a first conviction and not more than 12 months for a  
30 second conviction.

31 (b-1) The motor vehicle used in a second or subsequent

1 violation of this Section is subject to seizure and  
2 forfeiture as provided in Sections 36-1 and 36-2 of the  
3 Criminal Code of 1961.

4 (c) A third or subsequent violation of this Section is a  
5 Class 3 4 felony.

6 (Source: P.A. 90-134, eff. 7-22-97.)

7 (625 ILCS 5/11-204.1) (from Ch. 95 1/2, par. 11-204.1)

8 Sec. 11-204.1. Aggravated fleeing or attempt to elude a  
9 police officer.

10 (a) The offense of aggravated fleeing or attempting to  
11 elude a police officer is committed by any driver or operator  
12 of a motor vehicle who flees or attempts to elude a police  
13 officer, after being given a visual or audible signal by a  
14 police officer in the manner prescribed in subsection (a) of  
15 Section 11-204 of this Code, and such flight or attempt to  
16 elude:

17 (1) is at a rate of speed at least 21 miles per  
18 hour over the legal speed limit;

19 (2) causes bodily injury to any individual; or

20 (3) causes damage in excess of \$300 to property.

21 (b) Any person convicted of a first violation of this  
22 Section shall be guilty of a Class 3 4 felony. Upon notice  
23 of such a conviction the Secretary of State shall forthwith  
24 revoke the driver's license of the person so convicted, as  
25 provided in Section 6-205 of this Code. Any person convicted  
26 of a second or subsequent violation of this Section shall be  
27 guilty of a Class 2 3 felony, and upon notice of such a  
28 conviction the Secretary of State shall forthwith revoke the  
29 driver's license of the person convicted, as provided in  
30 Section 6-205 of the Code.

31 (c) The motor vehicle used in a violation of this  
32 Section is subject to seizure and forfeiture as provided in  
33 Sections 36-1 and 36-2 of the Criminal Code of 1961.

1 (Source: P.A. 90-134, eff. 7-22-97.)

2 Section 10. The Criminal Code of 1961 is amended by  
3 changing Section 36-1 as follows:

4 (720 ILCS 5/36-1) (from Ch. 38, par. 36-1)

5 Sec. 36-1. Seizure. Any vessel, vehicle or aircraft  
6 used with the knowledge and consent of the owner in the  
7 commission of, or in the attempt to commit as defined in  
8 Section 8-4 of this Code, an offense prohibited by (a)  
9 Section 9-1, 9-3, 10-2, 11-6, 11-15.1, 11-19.1, 11-19.2,  
10 11-20.1, 12-4.1, 12-4.2, 12-4.2-5, 12-4.3, 12-4.6, 12-7.3,  
11 12-7.4, 12-13, 12-14, 18-2, 19-1, 19-2, 19-3, 20-1, 20-2,  
12 20.5-6, 24-1.2, 24-1.2-5, 24-1.5, or 28-1 of this Code,  
13 paragraph (a) of Section 12-4 of this Code, paragraph (a) of  
14 Section 12-15 or paragraphs (a), (c) or (d) of Section 12-16  
15 of this Code, or paragraph (a)(6) or (a)(7) of Section 24-1  
16 of this Code; (b) Section 21, 22, 23, 24 or 26 of the  
17 Cigarette Tax Act if the vessel, vehicle or aircraft contains  
18 more than 10 cartons of such cigarettes; (c) Section 28, 29  
19 or 30 of the Cigarette Use Tax Act if the vessel, vehicle or  
20 aircraft contains more than 10 cartons of such cigarettes;  
21 (d) Section 44 of the Environmental Protection Act; (e)  
22 11-204.1 of the Illinois Vehicle Code; (f) the offenses  
23 described in the following provisions of the Illinois Vehicle  
24 Code: Section 11-501 subdivisions (c-1)(1), (c-1)(2),  
25 (c-1)(3), (d)(1)(A), or (d)(1)(D); or (g) an offense  
26 described in subsection (g) of Section 6-303 of the Illinois  
27 Vehicle Code; or (h) an offense described in subsection (b-1)  
28 of Section 11-204 of the Illinois Vehicle Code; may be seized  
29 and delivered forthwith to the sheriff of the county of  
30 seizure.

31 Within 15 days after such delivery the sheriff shall give  
32 notice of seizure to each person according to the following

1 method: Upon each such person whose right, title or interest  
2 is of record in the office of the Secretary of State, the  
3 Secretary of Transportation, the Administrator of the Federal  
4 Aviation Agency, or any other Department of this State, or  
5 any other state of the United States if such vessel, vehicle  
6 or aircraft is required to be so registered, as the case may  
7 be, by mailing a copy of the notice by certified mail to the  
8 address as given upon the records of the Secretary of State,  
9 the Department of Aeronautics, Department of Public Works and  
10 Buildings or any other Department of this State or the United  
11 States if such vessel, vehicle or aircraft is required to be  
12 so registered. Within that 15 day period the sheriff shall  
13 also notify the State's Attorney of the county of seizure  
14 about the seizure.

15 In addition, any mobile or portable equipment used in the  
16 commission of an act which is in violation of Section 7g of  
17 the Metropolitan Water Reclamation District Act shall be  
18 subject to seizure and forfeiture under the same procedures  
19 provided in this Article for the seizure and forfeiture of  
20 vessels, vehicles and aircraft, and any such equipment shall  
21 be deemed a vessel, vehicle or aircraft for purposes of this  
22 Article.

23 When a person discharges a firearm at another individual  
24 from a vehicle with the knowledge and consent of the owner of  
25 the vehicle and with the intent to cause death or great  
26 bodily harm to that individual and as a result causes death  
27 or great bodily harm to that individual, the vehicle shall be  
28 subject to seizure and forfeiture under the same procedures  
29 provided in this Article for the seizure and forfeiture of  
30 vehicles used in violations of clauses (a), (b), (c), or (d)  
31 of this Section.

32 If the spouse of the owner of a vehicle seized for an  
33 offense described in subsection (g) of Section 6-303 of the  
34 Illinois Vehicle Code, a violation of subdivision (c-1)(1),

1 (c-1)(2), (c-1)(3), (d)(1)(A), or (d)(1)(D) of Section 11-501  
2 of the Illinois Vehicle Code, or Section 9-3 of this Code  
3 makes a showing that the seized vehicle is the only source of  
4 transportation and it is determined that the financial  
5 hardship to the family as a result of the seizure outweighs  
6 the benefit to the State from the seizure, the vehicle may be  
7 forfeited to the spouse or family member and the title to the  
8 vehicle shall be transferred to the spouse or family member  
9 who is properly licensed and who requires the use of the  
10 vehicle for employment or family transportation purposes. A  
11 written declaration of forfeiture of a vehicle under this  
12 Section shall be sufficient cause for the title to be  
13 transferred to the spouse or family member. The provisions  
14 of this paragraph shall apply only to one forfeiture per  
15 vehicle. If the vehicle is the subject of a subsequent  
16 forfeiture proceeding by virtue of a subsequent conviction of  
17 either spouse or the family member, the spouse or family  
18 member to whom the vehicle was forfeited under the first  
19 forfeiture proceeding may not utilize the provisions of this  
20 paragraph in another forfeiture proceeding. If the owner of  
21 the vehicle seized owns more than one vehicle, the procedure  
22 set out in this paragraph may be used for only one vehicle.

23 Property declared contraband under Section 40 of the  
24 Illinois Streetgang Terrorism Omnibus Prevention Act may be  
25 seized and forfeited under this Article.

26 (Source: P.A. 91-876, eff. 1-1-01; 92-57, eff. 1-1-02;  
27 92-688, eff. 7-16-02.)

28 Section 99. Effective date. This Act takes effect upon  
29 becoming law.