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09300HB3821ham002

LRB093 12239 DRH 49025 a

1 AMENDMENT TO HOUSE BILL 3821

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3821, AS AMENDED, in  
3 Section 5, Sec. 5-16, subsection (A), by replacing paragraph 4  
4 with the following:

5 "4. Every person convicted of violating this Section  
6 shall be guilty of a Class 4 felony if:

7 (a) He has a previous conviction under this  
8 Section;

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

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

22 in Section 5, Sec. 5-16, subsection (A), by replacing paragraph  
23 6 with the following:

24 "6. (a) In addition to any criminal penalties imposed,  
25 the Department of Natural Resources shall suspend the

1 watercraft operation privileges of any person  
2 convicted or found guilty of a misdemeanor under this  
3 Section, or a similar provision of a local ordinance or  
4 Title 46, Part A, Chapter 23, Section 2302 of the U.S.  
5 Code of Federal Regulations, for a period of one year,  
6 except that a first time offender who is placed on  
7 court supervision is exempt from this mandatory one  
8 year suspension.

9 (b) In addition to any criminal penalties imposed,  
10 the Department of Natural Resources shall suspend the  
11 watercraft operation privileges of any person  
12 convicted of a felony under this Section, or a similar  
13 provision of a local ordinance or federal law, or  
14 Section 9-3 of the Criminal Code, for a period of 3  
15 years."; and

16 in Section 5, Sec. 6-1, by replacing the second paragraph of  
17 subsection A-1 with the following:

18 "As used in this Section, "personal injury" means any  
19 injury requiring medical treatment beyond first aid."; and

20 in Section 5, Sec. 6-1, by replacing subsections B and C with  
21 the following:

22 "B. In the case of collision, accident, or other casualty  
23 involving a vessel, the operator, if the collision, accident,  
24 or other casualty results in death or injury to a person or  
25 damage to property in excess of \$2,000 or there is a complete  
26 loss of the vessel ~~\$500~~, shall file with the Department a full  
27 description of the collision, accident, or other casualty,  
28 including information as the Department may by regulation  
29 require. Reports of the accidents must be filed with the  
30 Department on a Department Accident Report form within 5 days.

31 C. Reports of accidents resulting in personal injury, where  
32 a person sustains an injury requiring medical attention beyond

1 ~~first aid is incapacitated for a period exceeding 72 hours,~~  
2 must be filed with the Department on a Department Accident  
3 Report form within 5 days. Accidents that result in loss of  
4 life shall be reported to the Department on a Department form  
5 within 48 hours."; and

6 in Section 5, by replacing Secs. 11A-4 and 11A-5 with the  
7 following:

8 "(625 ILCS 45/11A-4) (from Ch. 95 1/2, par. 321A-4)

9 Sec. 11A-4. Any person who is convicted of a violation of  
10 Sections 5-1,~~5-2~~ or 11A-5 of this Act, in addition to any  
11 other penalties authorized in this Act, may in the discretion  
12 of the court be refused the privilege of operating any  
13 watercraft on any of the waterways of this State for a period  
14 of not less than one year.

15 Any person who is convicted of a violation of Section 5-2  
16 of this Act or subsection A-1 of Section 6-1 of this Act, in  
17 addition to any other penalties authorized in this Act, shall  
18 have his or her privilege of operating any watercraft on any of  
19 the waterways of this State suspended by the Department for a  
20 period of not less than one year.

21 (Source: P.A. 85-149.)

22 (625 ILCS 45/11A-5) (from Ch. 95 1/2, par. 321A-5)

23 Sec. 11A-5. A person may not operate a watercraft during  
24 the time that the person's privilege to operate a watercraft is  
25 suspended or revoked in this State, by another state, or by a  
26 federal agency. Any person who operates any watercraft during  
27 the period when he is denied the privilege to so operate is  
28 guilty of a Class A misdemeanor for a first offense and a Class  
29 4 felony for a second or subsequent offense.

30 (Source: P.A. 85-149.)".