



**93RD GENERAL ASSEMBLY**  
**State of Illinois**  
**2003 and 2004**

Introduced 02/09/04, by Paul D. Froehlich - John J. Millner

**SYNOPSIS AS INTRODUCED:**

625 ILCS 5/6-113	from Ch. 95 1/2, par. 6-113
625 ILCS 5/6-118	from Ch. 95 1/2, par. 6-118
625 ILCS 5/6-203.1	from Ch. 95 1/2, par. 6-203.1
625 ILCS 5/6-206	from Ch. 95 1/2, par. 6-206
625 ILCS 5/6-206.1	from Ch. 95 1/2, par. 6-206.1
625 ILCS 5/6-208.1	from Ch. 95 1/2, par. 6-208.1
625 ILCS 5/6-303	from Ch. 95 1/2, par. 6-303
625 ILCS 5/11-500	from Ch. 95 1/2, par. 11-500
625 ILCS 5/11-501	from Ch. 95 1/2, par. 11-501
625 ILCS 5/11-501.9 new	
730 ILCS 5/5-6-1	from Ch. 38, par. 1005-6-1

Amends the Illinois Vehicle Code. Authorizes and establishes procedures for the statutory summary suspension of driver's licenses of persons who are stopped for DUI and who refuse to submit to preliminary breath or field sobriety tests. Provides that any person in control of a motor vehicle in this State shall be deemed to have given consent to performing field sobriety tests and to providing a breath sample for testing. Provides that the results of a preliminary breath screening or field sobriety test may be used by the defendant in any DUI administrative or court proceeding and may be used by the State in rebuttal to an assertion that the test did not accurately reflect a person's alcohol concentration. Permits temporary impounding of vehicles in certain cases. Provides that after a statutory summary suspension has been imposed on a person who previously has never been convicted of or received a disposition of supervision for a DUI offense, the court may immediately grant the person a judicial driving permit, if the person also submitted to field sobriety tests before failing the test of breath or blood alcohol. Provides for a hearing and procedures for a person who has had his or her license suspended for a failure to submit to a breath screening or field sobriety test. Authorizes the Secretary of State to issue a restricted driving permit to a person who has had his or her license suspended for specified reasons if the person consents to a breath-alcohol ignition interlock device installed in his or her car. Amends the Unified Code of Corrections. Prohibits the court from assigning supervision to a defendant charged with driving a motor vehicle on a revoked or suspended license when the suspension or revocation was for violating the field sobriety test provision of the Vehicle Code if the defendant was convicted or assigned supervision within the last 10 years for driving on a revoked or suspended license. Makes other changes. Effective January 1, 2005.

LRB093 17901 DRH 43584 b

1 AN ACT concerning driving violations.

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 changing  
5 Sections 6-113, 6-118, 6-203.1, 6-206, 6-206.1, 6-208.1,  
6 6-303, 11-500, 11-501 and adding Section 11-501.9 as follows:

7 (625 ILCS 5/6-113) (from Ch. 95 1/2, par. 6-113)

8 Sec. 6-113. Restricted licenses and permits.

9 (a) The Secretary of State upon issuing a drivers license  
10 or permit shall have the authority whenever good cause appears  
11 to impose restrictions suitable to the licensee's driving  
12 ability with respect to the type of, or special mechanical  
13 control devices required on, a motor vehicle which the licensee  
14 may operate or such other restrictions applicable to the  
15 licensee as the Secretary of State may determine to be  
16 appropriate to assure the safe operation of a motor vehicle by  
17 the licensee.

18 (b) The Secretary of State may either issue a special  
19 restricted license or permit or may set forth such restrictions  
20 upon the usual license or permit form.

21 (c) The Secretary of State may issue a probationary license  
22 to a person whose driving privileges have been suspended  
23 pursuant to subsection (d) of this Section or subsections  
24 (a)(2), (a)(19) and (a)(20) of Section 6-206 of this Code. The  
25 Secretary of State shall promulgate rules pursuant to The  
26 Illinois Administrative Procedure Act, setting forth the  
27 conditions and criteria for the issuance and cancellation of  
28 probationary licenses.

29 (d) The Secretary of State may upon receiving satisfactory  
30 evidence of any violation of the restrictions of such license  
31 or permit suspend, revoke or cancel the same without  
32 preliminary hearing, but the licensee or permittee shall be

1 entitled to a hearing as in the case of a suspension or  
2 revocation.

3 (e) It is unlawful for any person to operate a motor  
4 vehicle in any manner in violation of the restrictions imposed  
5 on a restricted license or permit issued to him.

6 (f) Whenever the holder of a restricted driving permit is  
7 issued a citation for any of the following offenses including  
8 similar local ordinances, the restricted driving permit is  
9 immediately invalidated:

10 1. Reckless homicide resulting from the operation of a  
11 motor vehicle;

12 2. Violation of Section 11-501 of this Act relating to  
13 the operation of a motor vehicle while under the influence  
14 of intoxicating liquor or narcotic drugs;

15 3. Violation of Section 11-401 of this Act relating to  
16 the offense of leaving the scene of a traffic accident  
17 involving death or injury; or

18 4. Violation of Section 11-504 of this Act relating to  
19 the offense of drag racing;

20 The police officer issuing the citation shall confiscate  
21 the restricted driving permit and forward it, along with the  
22 citation, to the Clerk of the Circuit Court of the county in  
23 which the citation was issued.

24 (g) The Secretary of State may issue a special restricted  
25 license for a period of 12 months to individuals using vision  
26 aid arrangements other than standard eyeglasses or contact  
27 lenses, allowing the operation of a motor vehicle during  
28 nighttime hours. The Secretary of State shall adopt rules  
29 defining the terms and conditions by which the individual may  
30 obtain and renew this special restricted license. At a minimum,  
31 all drivers must meet the following requirements:

32 1. Possess a valid driver's license and have operated a  
33 motor vehicle during daylight hours for a period of 12  
34 months using vision aid arrangements other than standard  
35 eyeglasses or contact lenses.

36 2. Have a driving record that does not include any

1 traffic accidents that occurred during nighttime hours,  
2 for which the driver has been found to be at fault, during  
3 the 12 months before he or she applied for the special  
4 restricted license.

5 3. Successfully complete a road test administered  
6 during nighttime hours.

7 At a minimum, all drivers renewing this license must meet  
8 the following requirements:

9 1. Successfully complete a road test administered  
10 during nighttime hours.

11 2. Have a driving record that does not include any  
12 traffic accidents that occurred during nighttime hours,  
13 for which the driver has been found to be at fault, during  
14 the 12 months before he or she applied for the special  
15 restricted license.

16 (h) Any driver issued a special restricted license as  
17 defined in subsection (g) whose privilege to drive during  
18 nighttime hours has been suspended due to an accident occurring  
19 during nighttime hours may request a hearing as provided in  
20 Section 2-118 of this Code to contest that suspension. If it is  
21 determined that the accident for which the driver was at fault  
22 was not influenced by the driver's use of vision aid  
23 arrangements other than standard eyeglasses or contact lenses,  
24 the Secretary may reinstate that driver's privilege to drive  
25 during nighttime hours.

26 (i) Notwithstanding the provisions of Sections 6-208,  
27 6-208.1, and 6-208.2, the Secretary of State may, 30 days after  
28 the effective date of a suspension pursuant to Section 6-208,  
29 6-208.1, or 6-208.2 and in accordance with any rules the  
30 Secretary may promulgate, issue a restricted driving permit to  
31 a person who has applied for a restricted driver's permit and  
32 who has consented to have, at his or her expense, an ignition  
33 interlock device installed in his or her vehicle.

34 (Source: P.A. 92-274, eff. 1-1-02.)

35 (625 ILCS 5/6-118) (from Ch. 95 1/2, par. 6-118)

1           Sec. 6-118. Fees.

2           (a) The fee for licenses and permits under this Article is  
3 as follows:

4           Original driver's license ..... \$10

5           Original or renewal driver's license  
6           issued to 18, 19 and 20 year olds ..... 5

7           All driver's licenses for persons  
8           age 69 through age 80 ..... 5

9           All driver's licenses for persons  
10           age 81 through age 86 ..... 2

11           All driver's licenses for persons  
12           age 87 or older ..... 0

13           Renewal driver's license (except for  
14           applicants ages 18, 19 and 20 or  
15           age 69 and older) .....10

16           Original instruction permit issued to  
17           persons (except those age 69 and older)  
18           who do not hold or have not previously  
19           held an Illinois instruction permit or  
20           driver's license .....20

21           Instruction permit issued to any person  
22           holding an Illinois driver's license  
23           who wishes a change in classifications,  
24           other than at the time of renewal ..... 5

25           Any instruction permit issued to a person  
26           age 69 and older ..... 5

27           Instruction permit issued to any person,  
28           under age 69, not currently holding a  
29           valid Illinois driver's license or  
30           instruction permit but who has  
31           previously been issued either document  
32           in Illinois .....10

33           Restricted driving permit ..... 8

34           Duplicate or corrected driver's license  
35           or permit ..... 5

36           Duplicate or corrected restricted

1 driving permit ..... 5  
 2 Original or renewal M or L endorsement..... 5

3 SPECIAL FEES FOR COMMERCIAL DRIVER'S LICENSE

4 The fees for commercial driver licenses and permits  
 5 under Article V shall be as follows:

6 Commercial driver's license:

- 7 \$6 for the CDLIS/AAMVAnet Fund
- 8 (Commercial Driver's License Information
- 9 System/American Association of Motor Vehicle
- 10 Administrators network Trust Fund);
- 11 \$20 for the Motor Carrier Safety Inspection Fund;
- 12 \$10 for the driver's license;
- 13 and \$24 for the CDL: ..... \$60

14 Renewal commercial driver's license:

- 15 \$6 for the CDLIS/AAMVAnet Trust Fund;
- 16 \$20 for the Motor Carrier Safety Inspection Fund;
- 17 \$10 for the driver's license; and
- 18 \$24 for the CDL: ..... \$60

19 Commercial driver instruction permit

- 20 issued to any person holding a valid
- 21 Illinois driver's license for the
- 22 purpose of changing to a
- 23 CDL classification: \$6 for the
- 24 CDLIS/AAMVAnet Trust Fund;
- 25 \$20 for the Motor Carrier
- 26 Safety Inspection Fund; and
- 27 \$24 for the CDL classification ..... \$50

28 Commercial driver instruction permit

- 29 issued to any person holding a valid
- 30 Illinois CDL for the purpose of
- 31 making a change in a classification,
- 32 endorsement or restriction .....\$5

33 CDL duplicate or corrected license .....\$5

34 In order to ensure the proper implementation of the Uniform  
 35 Commercial Driver License Act, Article V of this Chapter, the  
 36 Secretary of State is empowered to pro-rate the \$24 fee for the

1 commercial driver's license proportionate to the expiration  
2 date of the applicant's Illinois driver's license.

3 The fee for any duplicate license or permit shall be waived  
4 for any person age 60 or older who presents the Secretary of  
5 State's office with a police report showing that his license or  
6 permit was stolen.

7 No additional fee shall be charged for a driver's license,  
8 or for a commercial driver's license, when issued to the holder  
9 of an instruction permit for the same classification or type of  
10 license who becomes eligible for such license.

11 (b) Any person whose license or privilege to operate a  
12 motor vehicle in this State has been suspended or revoked under  
13 any provision of Chapter 6, Chapter 11, or Section 7-205,  
14 7-303, or 7-702 of the Family Financial Responsibility Law of  
15 this Code, shall in addition to any other fees required by this  
16 Code, pay a reinstatement fee as follows:

17	Summary suspension under Section 11-501.1 ...	\$250	Other
18	suspension .....		\$70
19	Revocation .....		\$500

20 However, any person whose license or privilege to operate a  
21 motor vehicle in this State has been suspended or revoked for a  
22 second or subsequent time for a violation of Section 11-501 ~~or~~  
23 ~~11-501.1~~ of this Code or a similar provision of a local  
24 ordinance, a violation of ~~or a similar out-of-state offense or~~  
25 Section 9-3 of the Criminal Code of 1961, or a failure to  
26 submit to a chemical test or tests of blood, breath, or urine  
27 pursuant to Section 11-501.1 or to a preliminary breath  
28 screening test or a field sobriety test or tests pursuant to  
29 Section 11-501.9 of this Code and each suspension or revocation  
30 was for a violation of Section 11-501 or 11-501.1 of this Code  
31 or a similar provision of a local ordinance, a violation of ~~or~~  
32 a similar out-of-state offense or Section 9-3 of the Criminal  
33 Code of 1961, a violation of any out-of-state offense similar  
34 to any of the offenses listed in this subsection (b), or a  
35 failure to submit to a chemical test or tests of blood, breath,  
36 or urine pursuant to Section 11-501.1 or to a preliminary

1 breath screening test or a field sobriety test or tests  
 2 pursuant to Section 11-501.9 of this Code or similar provisions  
 3 of an out-of-state jurisdiction shall pay, in addition to any  
 4 other fees required by this Code, a reinstatement fee as  
 5 follows:

6 Summary suspension under Section 11-501.1 or 11-501.9 \$500  
 7 Revocation .....\$500

8 (c) All fees collected under the provisions of this Chapter  
 9 6 shall be paid into the Road Fund in the State Treasury except  
 10 as follows:

11 1. The following amounts shall be paid into the Driver  
 12 Education Fund:

13 (A) \$16 of the \$20 fee for an original driver's  
 14 instruction permit;

15 (B) \$5 of the \$20 fee for an original driver's  
 16 license;

17 (C) \$5 of the \$20 fee for a 4 year renewal driver's  
 18 license; and

19 (D) \$4 of the \$8 fee for a restricted driving  
 20 permit.

21 2. \$30 of the \$250 fee for reinstatement of a license  
 22 summarily suspended under Section 11-501.1 or 11-501.9  
 23 shall be deposited into the Drunk and Drugged Driving  
 24 Prevention Fund. However, for a person whose license or  
 25 privilege to operate a motor vehicle in this State has been  
 26 suspended or revoked for a second or subsequent time for a  
 27 violation of Section 11-501 ~~or 11-501.1~~ of this Code or a  
 28 similar provision of a local ordinance, a violation of ~~or~~  
 29 Section 9-3 of the Criminal Code of 1961, a violation of  
 30 any out-of-state offense similar to any of the offenses  
 31 listed in this paragraph (2) of subsection (c), or a  
 32 failure to submit to a chemical test or tests of blood,  
 33 breath, or urine pursuant to Section 11-501.1 or to a  
 34 preliminary breath screening test or a field sobriety test  
 35 or tests pursuant to Section 11-501.9 of this Code or  
 36 similar provisions of an out-of-state jurisdiction, \$190



1 of the \$500 fee for reinstatement of a license summarily  
2 suspended under Section 11-501.1 or 11-501.9, and \$190 of  
3 the \$500 fee for reinstatement of a revoked license shall  
4 be deposited into the Drunk and Drugged Driving Prevention  
5 Fund.

6 3. \$6 of such original or renewal fee for a commercial  
7 driver's license and \$6 of the commercial driver  
8 instruction permit fee when such permit is issued to any  
9 person holding a valid Illinois driver's license, shall be  
10 paid into the CDLIS/AAMVAnet Trust Fund.

11 4. \$30 of the \$70 fee for reinstatement of a license  
12 suspended under the Family Financial Responsibility Law  
13 shall be paid into the Family Responsibility Fund.

14 5. The \$5 fee for each original or renewal M or L  
15 endorsement shall be deposited into the Cycle Rider Safety  
16 Training Fund.

17 6. \$20 of any original or renewal fee for a commercial  
18 driver's license or commercial driver instruction permit  
19 shall be paid into the Motor Carrier Safety Inspection  
20 Fund.

21 7. The following amounts shall be paid into the General  
22 Revenue Fund:

23 (A) \$190 of the \$250 reinstatement fee for a  
24 summary suspension under Section 11-501.1;

25 (B) \$40 of the \$70 reinstatement fee for any other  
26 suspension provided in subsection (b) of this Section;  
27 and

28 (C) \$440 of the \$500 reinstatement fee for a first  
29 offense revocation and \$310 of the \$500 reinstatement  
30 fee for a second or subsequent revocation.

31 (Source: P.A. 92-458, eff. 8-22-01; 93-32, eff. 1-1-04.)

32 (625 ILCS 5/6-203.1) (from Ch. 95 1/2, par. 6-203.1)

33 Sec. 6-203.1. (a) The Secretary of State is authorized to  
34 suspend the driving privileges of a person ~~persons~~:

35 (1) arrested in another state for driving under the

1 influence of alcohol, other drug or drugs, or intoxicating  
2 compound or compounds, or any combination thereof, or a  
3 similar provision, and who has refused to submit to a  
4 chemical test or tests, or to a preliminary breath  
5 screening test or a field sobriety test or tests under the  
6 provisions of implied consent, or-

7 (2) requested to submit to a preliminary breath  
8 screening test or a field sobriety test or tests in another  
9 state under provisions of implied consent and who has  
10 refused to submit to the test or tests.

11 (b) When a driving privilege has been suspended for a  
12 refusal as provided in paragraph (a) and the person is  
13 subsequently convicted of the underlying charge, for the same  
14 incident, any period served on suspension shall be credited  
15 toward the minimum period of revocation of driving privileges  
16 imposed pursuant to Section 6-206.

17 (Source: P.A. 90-779, eff. 1-1-99.)

18 (625 ILCS 5/6-206) (from Ch. 95 1/2, par. 6-206)

19 Sec. 6-206. Discretionary authority to suspend or revoke  
20 license or permit; Right to a hearing.

21 (a) The Secretary of State is authorized to suspend or  
22 revoke the driving privileges of any person without preliminary  
23 hearing upon a showing of the person's records or other  
24 sufficient evidence that the person:

25 1. Has committed an offense for which mandatory  
26 revocation of a driver's license or permit is required upon  
27 conviction;

28 2. Has been convicted of not less than 3 offenses  
29 against traffic regulations governing the movement of  
30 vehicles committed within any 12 month period. No  
31 revocation or suspension shall be entered more than 6  
32 months after the date of last conviction;

33 3. Has been repeatedly involved as a driver in motor  
34 vehicle collisions or has been repeatedly convicted of  
35 offenses against laws and ordinances regulating the

1 movement of traffic, to a degree that indicates lack of  
2 ability to exercise ordinary and reasonable care in the  
3 safe operation of a motor vehicle or disrespect for the  
4 traffic laws and the safety of other persons upon the  
5 highway;

6 4. Has by the unlawful operation of a motor vehicle  
7 caused or contributed to an accident resulting in death or  
8 injury requiring immediate professional treatment in a  
9 medical facility or doctor's office to any person, except  
10 that any suspension or revocation imposed by the Secretary  
11 of State under the provisions of this subsection shall  
12 start no later than 6 months after being convicted of  
13 violating a law or ordinance regulating the movement of  
14 traffic, which violation is related to the accident, or  
15 shall start not more than one year after the date of the  
16 accident, whichever date occurs later;

17 5. Has permitted an unlawful or fraudulent use of a  
18 driver's license, identification card, or permit;

19 6. Has been lawfully convicted of an offense or  
20 offenses in another state, including the authorization  
21 contained in Section 6-203.1, which if committed within  
22 this State would be grounds for suspension or revocation;

23 7. Has refused or failed to submit to an examination  
24 provided for by Section 6-207 or has failed to pass the  
25 examination;

26 8. Is ineligible for a driver's license or permit under  
27 the provisions of Section 6-103;

28 9. Has made a false statement or knowingly concealed a  
29 material fact or has used false information or  
30 identification in any application for a license,  
31 identification card, or permit;

32 10. Has possessed, displayed, or attempted to  
33 fraudulently use any license, identification card, or  
34 permit not issued to the person;

35 11. Has operated a motor vehicle upon a highway of this  
36 State when the person's driving privilege or privilege to

1 obtain a driver's license or permit was revoked or  
2 suspended unless the operation was authorized by a judicial  
3 driving permit, probationary license to drive, or a  
4 restricted driving permit issued under this Code;

5 12. Has submitted to any portion of the application  
6 process for another person or has obtained the services of  
7 another person to submit to any portion of the application  
8 process for the purpose of obtaining a license,  
9 identification card, or permit for some other person;

10 13. Has operated a motor vehicle upon a highway of this  
11 State when the person's driver's license or permit was  
12 invalid under the provisions of Sections 6-107.1 and 6-110;

13 14. Has committed a violation of Section 6-301,  
14 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B  
15 of the Illinois Identification Card Act;

16 15. Has been convicted of violating Section 21-2 of the  
17 Criminal Code of 1961 relating to criminal trespass to  
18 vehicles in which case, the suspension shall be for one  
19 year;

20 16. Has been convicted of violating Section 11-204 of  
21 this Code relating to fleeing from a peace officer;

22 17. Has refused to submit to a test, or tests, as  
23 required under Section 11-501.1 or 11-501.9 of this Code  
24 and the person has not sought a hearing as provided for in  
25 Section 11-501.1;

26 18. Has, since issuance of a driver's license or  
27 permit, been adjudged to be afflicted with or suffering  
28 from any mental disability or disease;

29 19. Has committed a violation of paragraph (a) or (b)  
30 of Section 6-101 relating to driving without a driver's  
31 license;

32 20. Has been convicted of violating Section 6-104  
33 relating to classification of driver's license;

34 21. Has been convicted of violating Section 11-402 of  
35 this Code relating to leaving the scene of an accident  
36 resulting in damage to a vehicle in excess of \$1,000, in

1           which case the suspension shall be for one year;

2           22. Has used a motor vehicle in violating paragraph  
3           (3), (4), (7), or (9) of subsection (a) of Section 24-1 of  
4           the Criminal Code of 1961 relating to unlawful use of  
5           weapons, in which case the suspension shall be for one  
6           year;

7           23. Has, as a driver, been convicted of committing a  
8           violation of paragraph (a) of Section 11-502 of this Code  
9           for a second or subsequent time within one year of a  
10          similar violation;

11          24. Has been convicted by a court-martial or punished  
12          by non-judicial punishment by military authorities of the  
13          United States at a military installation in Illinois of or  
14          for a traffic related offense that is the same as or  
15          similar to an offense specified under Section 6-205 or  
16          6-206 of this Code;

17          25. Has permitted any form of identification to be used  
18          by another in the application process in order to obtain or  
19          attempt to obtain a license, identification card, or  
20          permit;

21          26. Has altered or attempted to alter a license or has  
22          possessed an altered license, identification card, or  
23          permit;

24          27. Has violated Section 6-16 of the Liquor Control Act  
25          of 1934;

26          28. Has been convicted of the illegal possession, while  
27          operating or in actual physical control, as a driver, of a  
28          motor vehicle, of any controlled substance prohibited  
29          under the Illinois Controlled Substances Act or any  
30          cannabis prohibited under the provisions of the Cannabis  
31          Control Act, in which case the person's driving privileges  
32          shall be suspended for one year, and any driver who is  
33          convicted of a second or subsequent offense, within 5 years  
34          of a previous conviction, for the illegal possession, while  
35          operating or in actual physical control, as a driver, of a  
36          motor vehicle, of any controlled substance prohibited

1 under the provisions of the Illinois Controlled Substances  
2 Act or any cannabis prohibited under the Cannabis Control  
3 Act shall be suspended for 5 years. Any defendant found  
4 guilty of this offense while operating a motor vehicle,  
5 shall have an entry made in the court record by the  
6 presiding judge that this offense did occur while the  
7 defendant was operating a motor vehicle and order the clerk  
8 of the court to report the violation to the Secretary of  
9 State;

10 29. Has been convicted of the following offenses that  
11 were committed while the person was operating or in actual  
12 physical control, as a driver, of a motor vehicle: criminal  
13 sexual assault, predatory criminal sexual assault of a  
14 child, aggravated criminal sexual assault, criminal sexual  
15 abuse, aggravated criminal sexual abuse, juvenile pimping,  
16 soliciting for a juvenile prostitute and the manufacture,  
17 sale or delivery of controlled substances or instruments  
18 used for illegal drug use or abuse in which case the  
19 driver's driving privileges shall be suspended for one  
20 year;

21 30. Has been convicted a second or subsequent time for  
22 any combination of the offenses named in paragraph 29 of  
23 this subsection, in which case the person's driving  
24 privileges shall be suspended for 5 years;

25 31. Has refused to submit to a test as required by  
26 Section 11-501.6 or has submitted to a test resulting in an  
27 alcohol concentration of 0.08 or more or any amount of a  
28 drug, substance, or compound resulting from the unlawful  
29 use or consumption of cannabis as listed in the Cannabis  
30 Control Act, a controlled substance as listed in the  
31 Illinois Controlled Substances Act, or an intoxicating  
32 compound as listed in the Use of Intoxicating Compounds  
33 Act, in which case the penalty shall be as prescribed in  
34 Section 6-208.1;

35 32. Has been convicted of Section 24-1.2 of the  
36 Criminal Code of 1961 relating to the aggravated discharge

1 of a firearm if the offender was located in a motor vehicle  
2 at the time the firearm was discharged, in which case the  
3 suspension shall be for 3 years;

4 33. Has as a driver, who was less than 21 years of age  
5 on the date of the offense, been convicted a first time of  
6 a violation of paragraph (a) of Section 11-502 of this Code  
7 or a similar provision of a local ordinance;

8 34. Has committed a violation of Section 11-1301.5 of  
9 this Code;

10 35. Has committed a violation of Section 11-1301.6 of  
11 this Code;

12 36. Is under the age of 21 years at the time of arrest  
13 and has been convicted of not less than 2 offenses against  
14 traffic regulations governing the movement of vehicles  
15 committed within any 24 month period. No revocation or  
16 suspension shall be entered more than 6 months after the  
17 date of last conviction;

18 37. Has committed a violation of subsection (c) of  
19 Section 11-907 of this Code;

20 38. Has been convicted of a violation of Section 6-20  
21 of the Liquor Control Act of 1934 or a similar provision of  
22 a local ordinance; or

23 39. Has committed a second or subsequent violation of  
24 Section 11-1201 of this Code.

25 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,  
26 and 27 of this subsection, license means any driver's license,  
27 any traffic ticket issued when the person's driver's license is  
28 deposited in lieu of bail, a suspension notice issued by the  
29 Secretary of State, a duplicate or corrected driver's license,  
30 a probationary driver's license or a temporary driver's  
31 license.

32 (b) If any conviction forming the basis of a suspension or  
33 revocation authorized under this Section is appealed, the  
34 Secretary of State may rescind or withhold the entry of the  
35 order of suspension or revocation, as the case may be, provided  
36 that a certified copy of a stay order of a court is filed with

1 the Secretary of State. If the conviction is affirmed on  
2 appeal, the date of the conviction shall relate back to the  
3 time the original judgment of conviction was entered and the 6  
4 month limitation prescribed shall not apply.

5 (c) 1. Upon suspending or revoking the driver's license or  
6 permit of any person as authorized in this Section, the  
7 Secretary of State shall immediately notify the person in  
8 writing of the revocation or suspension. The notice to be  
9 deposited in the United States mail, postage prepaid, to  
10 the last known address of the person.

11 2. If the Secretary of State suspends the driver's  
12 license of a person under subsection 2 of paragraph (a) of  
13 this Section, a person's privilege to operate a vehicle as  
14 an occupation shall not be suspended, provided an affidavit  
15 is properly completed, the appropriate fee received, and a  
16 permit issued prior to the effective date of the  
17 suspension, unless 5 offenses were committed, at least 2 of  
18 which occurred while operating a commercial vehicle in  
19 connection with the driver's regular occupation. All other  
20 driving privileges shall be suspended by the Secretary of  
21 State. Any driver prior to operating a vehicle for  
22 occupational purposes only must submit the affidavit on  
23 forms to be provided by the Secretary of State setting  
24 forth the facts of the person's occupation. The affidavit  
25 shall also state the number of offenses committed while  
26 operating a vehicle in connection with the driver's regular  
27 occupation. The affidavit shall be accompanied by the  
28 driver's license. Upon receipt of a properly completed  
29 affidavit, the Secretary of State shall issue the driver a  
30 permit to operate a vehicle in connection with the driver's  
31 regular occupation only. Unless the permit is issued by the  
32 Secretary of State prior to the date of suspension, the  
33 privilege to drive any motor vehicle shall be suspended as  
34 set forth in the notice that was mailed under this Section.  
35 If an affidavit is received subsequent to the effective  
36 date of this suspension, a permit may be issued for the



1 remainder of the suspension period.

2 The provisions of this subparagraph shall not apply to  
3 any driver required to obtain a commercial driver's license  
4 under Section 6-507 during the period of a disqualification  
5 of commercial driving privileges under Section 6-514.

6 Any person who falsely states any fact in the affidavit  
7 required herein shall be guilty of perjury under Section  
8 6-302 and upon conviction thereof shall have all driving  
9 privileges revoked without further rights.

10 3. At the conclusion of a hearing under Section 2-118  
11 of this Code, the Secretary of State shall either rescind  
12 or continue an order of revocation or shall substitute an  
13 order of suspension; or, good cause appearing therefor,  
14 rescind, continue, change, or extend the order of  
15 suspension. If the Secretary of State does not rescind the  
16 order, the Secretary may upon application, to relieve undue  
17 hardship, issue a restricted driving permit granting the  
18 privilege of driving a motor vehicle between the  
19 petitioner's residence and petitioner's place of  
20 employment or within the scope of his employment related  
21 duties, or to allow transportation for the petitioner, or a  
22 household member of the petitioner's family, to receive  
23 necessary medical care and if the professional evaluation  
24 indicates, provide transportation for alcohol remedial or  
25 rehabilitative activity, or for the petitioner to attend  
26 classes, as a student, in an accredited educational  
27 institution; if the petitioner is able to demonstrate that  
28 no alternative means of transportation is reasonably  
29 available and the petitioner will not endanger the public  
30 safety or welfare.

31 If a person's license or permit has been revoked or  
32 suspended due to 2 or more convictions of violating Section  
33 11-501 of this Code or a similar provision of a local  
34 ordinance or a similar out-of-state offense, arising out of  
35 separate occurrences, that person, if issued a restricted  
36 driving permit, may not operate a vehicle unless it has

1           been equipped with an ignition interlock device as defined  
2           in Section 1-129.1.

3           If a person's license or permit has been revoked or  
4           suspended 2 or more times within a 10 year period due to a  
5           single conviction of violating Section 11-501 of this Code  
6           or a similar provision of a local ordinance or a similar  
7           out-of-state offense, and a statutory summary suspension  
8           under Section 11-501.1, or 2 or more statutory summary  
9           suspensions, or combination of 2 offenses, or of an offense  
10          and a statutory summary suspension, arising out of separate  
11          occurrences, that person, if issued a restricted driving  
12          permit, may not operate a vehicle unless it has been  
13          equipped with an ignition interlock device as defined in  
14          Section 1-129.1. The person must pay to the Secretary of  
15          State DUI Administration Fund an amount not to exceed \$20  
16          per month. The Secretary shall establish by rule the amount  
17          and the procedures, terms, and conditions relating to these  
18          fees. If the restricted driving permit was issued for  
19          employment purposes, then this provision does not apply to  
20          the operation of an occupational vehicle owned or leased by  
21          that person's employer. In each case the Secretary may  
22          issue a restricted driving permit for a period deemed  
23          appropriate, except that all permits shall expire within  
24          one year from the date of issuance. The Secretary may not,  
25          however, issue a restricted driving permit to any person  
26          whose current revocation is the result of a second or  
27          subsequent conviction for a violation of Section 11-501 of  
28          this Code or a similar provision of a local ordinance  
29          relating to the offense of operating or being in physical  
30          control of a motor vehicle while under the influence of  
31          alcohol, other drug or drugs, intoxicating compound or  
32          compounds, or any similar out-of-state offense, or any  
33          combination of those offenses, until the expiration of at  
34          least one year from the date of the revocation. A  
35          restricted driving permit issued under this Section shall  
36          be subject to cancellation, revocation, and suspension by

1 the Secretary of State in like manner and for like cause as  
2 a driver's license issued under this Code may be cancelled,  
3 revoked, or suspended; except that a conviction upon one or  
4 more offenses against laws or ordinances regulating the  
5 movement of traffic shall be deemed sufficient cause for  
6 the revocation, suspension, or cancellation of a  
7 restricted driving permit. The Secretary of State may, as a  
8 condition to the issuance of a restricted driving permit,  
9 require the applicant to participate in a designated driver  
10 remedial or rehabilitative program. The Secretary of State  
11 is authorized to cancel a restricted driving permit if the  
12 permit holder does not successfully complete the program.

13 (c-5) The Secretary of State may, as a condition of the  
14 reissuance of a driver's license or permit to an applicant  
15 whose driver's license or permit has been suspended before he  
16 or she reached the age of 18 years pursuant to any of the  
17 provisions of this Section, require the applicant to  
18 participate in a driver remedial education course and be  
19 retested under Section 6-109 of this Code.

20 (d) This Section is subject to the provisions of the  
21 Drivers License Compact.

22 (e) The Secretary of State shall not issue a restricted  
23 driving permit to a person under the age of 16 years whose  
24 driving privileges have been suspended or revoked under any  
25 provisions of this Code.

26 (Source: P.A. 92-283, eff. 1-1-02; 92-418, eff. 8-17-01;  
27 92-458, eff. 8-22-01; 92-651, eff. 7-11-02; 92-804, eff.  
28 1-1-03; 92-814, eff. 1-1-03; 93-120, eff. 1-1-04.)

29 (625 ILCS 5/6-206.1) (from Ch. 95 1/2, par. 6-206.1)

30 Sec. 6-206.1. Judicial Driving Permit. Declaration of  
31 Policy. It is hereby declared a policy of the State of Illinois  
32 that the driver who is impaired by alcohol, other drug or  
33 drugs, or intoxicating compound or compounds is a threat to the  
34 public safety and welfare. Therefore, to provide a deterrent to  
35 such practice and to remove problem drivers from the highway, a

1 statutory summary driver's license suspension is appropriate.  
2 It is also recognized that driving is a privilege and  
3 therefore, that in some cases the granting of limited driving  
4 privileges, where consistent with public safety, is warranted  
5 during the period of suspension in the form of a judicial  
6 driving permit to drive for the purpose of employment,  
7 receiving drug treatment or medical care, and educational  
8 pursuits, where no alternative means of transportation is  
9 available.

10 The following procedures shall apply whenever a first  
11 offender is arrested for any offense as defined in Section  
12 11-501 or a similar provision of a local ordinance:

13 (a) Subsequent to a notification of a statutory summary  
14 suspension of driving privileges as provided in Section  
15 11-501.1, the first offender as defined in Section 11-500 may  
16 petition the circuit court of venue for a Judicial Driving  
17 Permit, hereinafter referred as a JDP, to relieve undue  
18 hardship. The court may issue a court order, pursuant to the  
19 criteria contained in this Section, directing the Secretary of  
20 State to issue such a JDP to the petitioner. Except as provided  
21 in subsection (f-1) of Section 6-208.1, a JDP shall not become  
22 effective prior to the 31st day of the original statutory  
23 summary suspension. A JDP ~~and~~ shall always be subject to the  
24 following criteria:

25 1. If ordered for the purposes of employment, the JDP  
26 shall be only for the purpose of providing the petitioner  
27 the privilege of driving a motor vehicle between the  
28 petitioner's residence and the petitioner's place of  
29 employment and return; or within the scope of the  
30 petitioner's employment related duties, shall be effective  
31 only during and limited to those specific times and routes  
32 actually required to commute or perform the petitioner's  
33 employment related duties.

34 2. The court, by a court order, may also direct the  
35 Secretary of State to issue a JDP to allow transportation  
36 for the petitioner, or a household member of the

1 petitioner's family, to receive alcohol, drug, or  
2 intoxicating compound treatment or medical care, if the  
3 petitioner is able to demonstrate that no alternative means  
4 of transportation is reasonably available. Such JDP shall  
5 be effective only during the specific times actually  
6 required to commute.

7 3. The court, by a court order, may also direct the  
8 Secretary of State to issue a JDP to allow transportation  
9 by the petitioner for educational purposes upon  
10 demonstrating that there are no alternative means of  
11 transportation reasonably available to accomplish those  
12 educational purposes. Such JDP shall be only for the  
13 purpose of providing transportation to and from the  
14 petitioner's residence and the petitioner's place of  
15 educational activity, and only during the specific times  
16 and routes actually required to commute or perform the  
17 petitioner's educational requirement.

18 4. The Court shall not issue an order granting a JDP  
19 to:

20 (i) Any person unless and until the court, after  
21 considering the results of a current professional  
22 evaluation of the person's alcohol or other drug use by  
23 an agency pursuant to Section 15-10 of the Alcoholism  
24 and Other Drug Abuse and Dependency Act and other  
25 appropriate investigation of the person, is satisfied  
26 that granting the privilege of driving a motor vehicle  
27 on the highways will not endanger the public safety or  
28 welfare.

29 (ii) Any person who has been convicted of reckless  
30 homicide within the previous 5 years.

31 (iii) Any person whose privilege to operate a motor  
32 vehicle was invalid at the time of arrest for the  
33 current violation of Section 11-501, or a similar  
34 provision of a local ordinance, except in cases where  
35 the cause for a driver's license suspension has been  
36 removed at the time a JDP is effective. In any case,

1           should the Secretary of State enter a suspension or  
2           revocation of driving privileges pursuant to the  
3           provisions of this Code while the JDP is in effect or  
4           pending, the Secretary shall take the prescribed  
5           action and provide a notice to the person and the court  
6           ordering the issuance of the JDP that all driving  
7           privileges, including those provided by the issuance  
8           of the JDP, have been withdrawn.

9                   (iv) Any person under the age of 18 years.

10           (b) Prior to ordering the issuance of a JDP the Court  
11           should consider at least, but not be limited to, the following  
12           issues:

13                   1. Whether the person is employed and no other means of  
14                   commuting to the place of employment is available or that  
15                   the person must drive as a condition of employment. The  
16                   employer shall certify the hours of employment and the need  
17                   and parameters necessary for driving as a condition to  
18                   employment.

19                   2. Whether the person must drive to secure alcohol or  
20                   other medical treatment for himself or a family member.

21                   3. Whether the person must drive for educational  
22                   purposes. The educational institution shall certify the  
23                   person's enrollment in and academic schedule at the  
24                   institution.

25                   4. Whether the person has been repeatedly convicted of  
26                   traffic violations or involved in motor vehicle accidents  
27                   to a degree which indicates disrespect for public safety.

28                   5. Whether the person has been convicted of a traffic  
29                   violation in connection with a traffic accident resulting  
30                   in the death of any person within the last 5 years.

31                   6. Whether the person is likely to obey the limited  
32                   provisions of the JDP.

33                   7. Whether the person has any additional traffic  
34                   violations pending in any court.

35           For purposes of this Section, programs conducting  
36           professional evaluations of a person's alcohol, other drug, or

1 intoxicating compound use must report, to the court of venue,  
2 using a form prescribed by the Secretary of State. A copy of  
3 such evaluations shall be sent to the Secretary of State by the  
4 court. However, the evaluation information shall be privileged  
5 and only available to courts and to the Secretary of State, but  
6 shall not be admissible in the subsequent trial on the  
7 underlying charge.

8 (c) The scope of any court order issued for a JDP under  
9 this Section shall be limited to the operation of a motor  
10 vehicle as provided for in subsection (a) of this Section and  
11 shall specify the petitioner's residence, place of employment  
12 or location of educational institution, and the scope of job  
13 related duties, if relevant. The JDP shall also specify days of  
14 the week and specific hours of the day when the petitioner is  
15 able to exercise the limited privilege of operating a motor  
16 vehicle. If the Petitioner, who has been granted a JDP, is  
17 issued a citation for a traffic related offense, including  
18 operating a motor vehicle outside the limitations prescribed in  
19 the JDP or a violation of Section 6-303, or is convicted of any  
20 such an offense during the term of the JDP, the court shall  
21 consider cancellation of the limited driving permit. In any  
22 case, if the Petitioner commits an offense, as defined in  
23 Section 11-501, or a similar provision of a local ordinance, as  
24 evidenced by the issuance of a Uniform Traffic Ticket, the JDP  
25 shall be forwarded by the court of venue to the court ordering  
26 the issuance of the JDP, for cancellation. The court shall  
27 notify the Secretary of State of any such cancellation.

28 (d) The Secretary of State shall, upon receiving a court  
29 order from the court of venue, issue a JDP to a successful  
30 Petitioner under this Section. Such court order form shall also  
31 contain a notification, which shall be sent to the Secretary of  
32 State, providing the name, driver's license number and legal  
33 address of the successful petitioner, and the full and detailed  
34 description of the limitations of the JDP. This information  
35 shall be available only to the courts, police officers, and the  
36 Secretary of State, except during the actual period the JDP is

1 valid, during which time it shall be a public record. The  
2 Secretary of State shall design and furnish to the courts an  
3 official court order form to be used by the courts when  
4 directing the Secretary of State to issue a JDP.

5 Any submitted court order that contains insufficient data  
6 or fails to comply with this Code shall not be utilized for JDP  
7 issuance or entered to the driver record but shall be returned  
8 to the issuing court indicating why the JDP cannot be so  
9 entered. A notice of this action shall also be sent to the JDP  
10 petitioner by the Secretary of State.

11 (e) The circuit court of venue may conduct the judicial  
12 hearing, as provided in Section 2-118.1, and the JDP hearing  
13 provided in this Section, concurrently. Such concurrent  
14 hearing shall proceed in the court in the same manner as in  
15 other civil proceedings.

16 (f) The circuit court of venue may, as a condition of the  
17 issuance of a JDP, prohibit the person from operating a motor  
18 vehicle not equipped with an ignition interlock device.  
19 (Source: P.A. 90-369, eff. 1-1-98; 90-779, eff. 1-1-99; 91-127,  
20 eff. 1-1-00.)

21 (625 ILCS 5/6-208.1) (from Ch. 95 1/2, par. 6-208.1)

22 Sec. 6-208.1. Period of statutory summary alcohol, other  
23 drug, or intoxicating compound related suspension.

24 (a) Unless the statutory summary suspension has been  
25 rescinded, any person whose privilege to drive a motor vehicle  
26 on the public highways has been summarily suspended, pursuant  
27 to Section 11-501.1 or 11-501.9, shall not be eligible for  
28 restoration of the privilege until the expiration of:

29 1. Six months from the effective date of the statutory  
30 summary suspension for a refusal or failure to complete a  
31 test or tests to determine the alcohol, drug, or  
32 intoxicating compound concentration, pursuant to Section  
33 11-501.1~~+~~ or for a refusal or failure to complete a  
34 preliminary breath screening test or a field sobriety test  
35 or tests pursuant to Section 11-501.9; or



1           2. Three months from the effective date of the  
2 statutory summary suspension imposed following the  
3 person's submission to a chemical test which disclosed an  
4 alcohol concentration of 0.08 or more, or any amount of a  
5 drug, substance, or intoxicating compound in such person's  
6 breath, blood, or urine resulting from the unlawful use or  
7 consumption of cannabis listed in the Cannabis Control Act,  
8 a controlled substance listed in the Illinois Controlled  
9 Substances Act, or an intoxicating compound listed in the  
10 Use of Intoxicating Compounds Act, pursuant to Section  
11 11-501.1; or

12           3. Three years from the effective date of the statutory  
13 summary suspension for any person other than a first  
14 offender who refuses or fails to complete a test or tests  
15 to determine the alcohol, drug, or intoxicating compound  
16 concentration pursuant to Section 11-501.1; or

17           3.1. Two years from the effective date of the statutory  
18 summary suspension for any person other than a first  
19 offender who refuses or fails to complete a preliminary  
20 breath screening test or a field sobriety test or tests  
21 pursuant to Section 11-501.9; or

22           4. One year from the effective date of the summary  
23 suspension imposed for any person other than a first  
24 offender following submission to a chemical test which  
25 disclosed an alcohol concentration of 0.08 or more pursuant  
26 to Section 11-501.1 or any amount of a drug, substance or  
27 compound in such person's blood or urine resulting from the  
28 unlawful use or consumption of cannabis listed in the  
29 Cannabis Control Act, a controlled substance listed in the  
30 Illinois Controlled Substances Act, or an intoxicating  
31 compound listed in the Use of Intoxicating Compounds Act.

32           (b) Following a statutory summary suspension of the  
33 privilege to drive a motor vehicle under Section 11-501.1 or  
34 11-501.9, full driving privileges shall be restored unless the  
35 person is otherwise disqualified by this Code. If the court has  
36 reason to believe that the person's driving privilege should

1 not be restored, the court shall notify the Secretary of State  
2 prior to the expiration of the statutory summary suspension so  
3 appropriate action may be taken pursuant to this Code.

4 (c) Full driving privileges may not be restored until all  
5 applicable reinstatement fees, as provided by this Code, have  
6 been paid to the Secretary of State and the appropriate entry  
7 made to the driver's record.

8 (d) Where a driving privilege has been summarily suspended  
9 under Section 11-501.1 or 11-501.9 and the person is  
10 subsequently convicted of violating Section 11-501, or a  
11 similar provision of a local ordinance, for the same incident,  
12 any period served on statutory summary suspension shall be  
13 credited toward the minimum period of revocation of driving  
14 privileges imposed pursuant to Section 6-205.

15 (e) Following a statutory summary suspension of driving  
16 privileges pursuant to Section 11-501.1, for a first offender,  
17 the circuit court may, after at least 30 days from the  
18 effective date of the statutory summary suspension or as  
19 provided in subsection (e-1), issue a judicial driving permit  
20 as provided in Section 6-206.1.

21 (e-1) Following a statutory summary suspension of driving  
22 privileges under Section 11-501.1 for a first offender, if that  
23 person also (i) has never received a disposition of supervision  
24 for any offense as defined in Section 11-501 or a similar  
25 provision of a local ordinance and (ii) submitted to field  
26 sobriety tests under Section 11-501.9 before the statutory  
27 summary suspension was imposed under Section 11-501.1, the  
28 circuit court may, at any time after the statutory summary  
29 suspension has been imposed, issue a judicial driving permit  
30 under Section 6-206.1.

31 (f) Subsequent to an arrest of a first offender, for any  
32 offense as defined in Section 11-501 or a similar provision of  
33 a local ordinance, following a statutory summary suspension of  
34 driving privileges pursuant to Section 11-501.1, for a first  
35 offender, the circuit court may issue a court order directing  
36 the Secretary of State to issue a judicial driving permit as

1 provided in Section 6-206.1. Except as provided in subsection  
2 (e-1), however, this JDP shall not be effective prior to the  
3 31st day of the statutory summary suspension.

4 (f-1) Following a statutory summary suspension of driving  
5 privileges pursuant to Section 11-501.9, for a first offender,  
6 the Secretary of State may, after at least 30 days from the  
7 effective date of the statutory summary suspension, issue a  
8 restricted driving permit as provided in subsection (g) of  
9 Section 11-501.9.

10 (g) Following a statutory summary suspension of driving  
11 privileges pursuant to Section 11-501.1 where the person was  
12 not a first offender, as defined in Section 11-500, or a  
13 preliminary breath screening test or a field sobriety test or  
14 tests the Secretary of State may not issue a restricted driving  
15 permit.

16 (h) (Blank).

17 (i) When a person has refused to submit to or failed to  
18 complete a chemical test or tests of blood, breath, or urine  
19 pursuant to Section 11-501.1 or to a preliminary breath  
20 screening test or a field sobriety test or tests pursuant to  
21 Section 11-501.9, the person's driving privileges shall be  
22 statutorily suspended under the provisions of both Sections,  
23 but the periods of statutory suspension shall run concurrently.

24 (Source: P.A. 91-357, eff. 7-29-99; 92-248, eff. 8-3-01.)

25 (625 ILCS 5/6-303) (from Ch. 95 1/2, par. 6-303)

26 Sec. 6-303. Driving while driver's license, permit or  
27 privilege to operate a motor vehicle is suspended or revoked.

28 (a) Any person who drives or is in actual physical control  
29 of a motor vehicle on any highway of this State at a time when  
30 such person's driver's license, permit or privilege to do so or  
31 the privilege to obtain a driver's license or permit is revoked  
32 or suspended as provided by this Code or the law of another  
33 state, except as may be specifically allowed by and subject to  
34 the conditions of a judicial driving permit, family financial  
35 responsibility driving permit, probationary license to drive,

1 or a restricted driving permit issued pursuant to this Code or  
2 under the law of another state, shall be guilty of a Class A  
3 misdemeanor.

4 (b) The Secretary of State upon receiving a report of the  
5 conviction of any violation indicating a person was operating a  
6 motor vehicle during the time when said person's driver's  
7 license, permit or privilege was suspended by the Secretary, by  
8 the appropriate authority of another state, or pursuant to  
9 Section 11-501.1 or 11-501.9, except as may be specifically  
10 allowed by a probationary license to drive, judicial driving  
11 permit or restricted driving permit issued pursuant to this  
12 Code or the law of another state; shall extend the suspension  
13 for the same period of time as the originally imposed  
14 suspension; however, if the period of suspension has then  
15 expired, the Secretary shall be authorized to suspend said  
16 person's driving privileges for the same period of time as the  
17 originally imposed suspension; and if the conviction was upon a  
18 charge which indicated that a vehicle was operated during the  
19 time when the person's driver's license, permit or privilege  
20 was revoked; except as may be allowed by a restricted driving  
21 permit issued pursuant to this Code or the law of another  
22 state; the Secretary shall not issue a driver's license for an  
23 additional period of one year from the date of such conviction  
24 indicating such person was operating a vehicle during such  
25 period of revocation.

26 (c) Any person convicted of violating this Section shall  
27 serve a minimum term of imprisonment of 10 consecutive days or  
28 30 days of community service when the person's driving  
29 privilege was revoked or suspended as a result of:

30 (1) a violation of Section 11-501 of this Code or a  
31 similar provision of a local ordinance relating to the  
32 offense of operating or being in physical control of a  
33 vehicle while under the influence of alcohol, any other  
34 drug or any combination thereof; or

35 (2) a violation of paragraph (b) of Section 11-401 of  
36 this Code or a similar provision of a local ordinance

1 relating to the offense of leaving the scene of a motor  
2 vehicle accident involving personal injury or death; or

3 (3) a violation of Section 9-3 of the Criminal Code of  
4 1961, as amended, relating to the offense of reckless  
5 homicide; or

6 (4) a statutory summary suspension under Section  
7 11-501.1 or 11-501.9 of this Code.

8 Such sentence of imprisonment or community service shall  
9 not be subject to suspension in order to reduce such sentence.

10 (c-1) Except as provided in subsection (d), any person  
11 convicted of a second violation of this Section shall be  
12 ordered by the court to serve a minimum of 100 hours of  
13 community service.

14 (c-2) In addition to other penalties imposed under this  
15 Section, the court may impose on any person convicted a fourth  
16 time of violating this Section any of the following:

17 (1) Seizure of the license plates of the person's  
18 vehicle.

19 (2) Immobilization of the person's vehicle for a period  
20 of time to be determined by the court.

21 (d) Any person convicted of a second violation of this  
22 Section shall be guilty of a Class 4 felony and shall serve a  
23 minimum term of imprisonment of 30 days or 300 hours of  
24 community service, as determined by the court, if the  
25 revocation or suspension was for a violation of Section 11-401  
26 or 11-501 of this Code, or a similar out-of-state offense, or a  
27 similar provision of a local ordinance, a violation of Section  
28 9-3 of the Criminal Code of 1961, relating to the offense of  
29 reckless homicide, or a similar out-of-state offense, or a  
30 statutory summary suspension under Section 11-501.1 or  
31 11-501.9 of this Code.

32 (d-1) Except as provided in subsection (d-2) and subsection  
33 (d-3), any person convicted of a third or subsequent violation  
34 of this Section shall serve a minimum term of imprisonment of  
35 30 days or 300 hours of community service, as determined by the  
36 court.

1 (d-2) Any person convicted of a third violation of this  
2 Section is guilty of a Class 4 felony and must serve a minimum  
3 term of imprisonment of 30 days if the revocation or suspension  
4 was for a violation of Section 11-401 or 11-501 of this Code,  
5 or a similar out-of-state offense, or a similar provision of a  
6 local ordinance, a violation of Section 9-3 of the Criminal  
7 Code of 1961, relating to the offense of reckless homicide, or  
8 a similar out-of-state offense, or a statutory summary  
9 suspension under Section 11-501.1 of this Code.

10 (d-3) Any person convicted of a fourth or subsequent  
11 violation of this Section is guilty of a Class 4 felony and  
12 must serve a minimum term of imprisonment of 180 days if the  
13 revocation or suspension was for a violation of Section 11-401  
14 or 11-501 of this Code, or a similar out-of-state offense, or a  
15 similar provision of a local ordinance, a violation of Section  
16 9-3 of the Criminal Code of 1961, relating to the offense of  
17 reckless homicide, or a similar out-of-state offense, or a  
18 statutory summary suspension under Section 11-501.1 of this  
19 Code.

20 (e) Any person in violation of this Section who is also in  
21 violation of Section 7-601 of this Code relating to mandatory  
22 insurance requirements, in addition to other penalties imposed  
23 under this Section, shall have his or her motor vehicle  
24 immediately impounded by the arresting law enforcement  
25 officer. The motor vehicle may be released to any licensed  
26 driver upon a showing of proof of insurance for the vehicle  
27 that was impounded and the notarized written consent for the  
28 release by the vehicle owner.

29 (f) For any prosecution under this Section, a certified  
30 copy of the driving abstract of the defendant shall be admitted  
31 as proof of any prior conviction.

32 (g) The motor vehicle used in a violation of this Section  
33 is subject to seizure and forfeiture as provided in Sections  
34 36-1 and 36-2 of the Criminal Code of 1961 if the person's  
35 driving privilege was revoked or suspended as a result of a  
36 violation listed in paragraph (1), (2), or (3) of subsection

1 (c) of this Section or as a result of a summary suspension as  
2 provided in paragraph (4) of subsection (c) of this Section.

3 (Source: P.A. 91-692, eff. 4-13-00; 92-340, eff. 8-10-01;  
4 92-688, eff. 7-16-02.)

5 (625 ILCS 5/11-500) (from Ch. 95 1/2, par. 11-500)

6 Sec. 11-500. Definitions. For the purposes of interpreting  
7 Sections 6-206.1 and 6-208.1 of this Code, "first offender"  
8 shall mean: (i) any person who has not had a previous  
9 conviction or court assigned supervision for violating Section  
10 11-501, or a similar provision of a local ordinance, or a  
11 conviction in any other state for a violation of driving while  
12 under the influence or a similar offense where the cause of  
13 action is the same or substantially similar to this Code, or  
14 (ii) any person who has not had a driver's license suspension  
15 for violating Section 11-501.1 or 11-501.9 within 5 years prior  
16 to the date of the current offense or failure to submit to or  
17 complete a chemical test or tests of blood, breath, or urine  
18 pursuant to Section 11-501.1 or a preliminary breath screening  
19 test or a field sobriety test or tests pursuant to Section  
20 11-501.9, except in cases where the driver submitted to  
21 chemical testing resulting in an alcohol concentration of 0.08  
22 or more, or any amount of a drug, substance, or compound in  
23 such person's blood or urine resulting from the unlawful use or  
24 consumption of cannabis listed in the Cannabis Control Act, a  
25 controlled substance listed in the Illinois Controlled  
26 Substances Act, or an intoxicating compound listed in the Use  
27 of Intoxicating Compounds Act and was subsequently found not  
28 guilty of violating Section 11-501, or a similar provision of a  
29 local ordinance.

30 (Source: P.A. 90-43, eff. 7-2-97; 90-779, eff. 1-1-99.)

31 (625 ILCS 5/11-501) (from Ch. 95 1/2, par. 11-501)

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

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

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

6 (2) under the influence of alcohol;

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

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

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

16 (6) there is any amount of a drug, substance, or  
17 compound in the person's breath, blood, or urine resulting  
18 from the unlawful use or consumption of cannabis listed in  
19 the Cannabis Control Act, a controlled substance listed in  
20 the Illinois Controlled Substances Act, or an intoxicating  
21 compound listed in the Use of Intoxicating Compounds Act.

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

27 (c) Except as provided under paragraphs (c-3), (c-4), and  
28 (d) of this Section, every person convicted of violating this  
29 Section or a similar provision of a local ordinance, shall be  
30 guilty of a Class A misdemeanor and, in addition to any other  
31 criminal or administrative action, for any second conviction of  
32 violating this Section or a similar provision of a law of  
33 another state or local ordinance committed within 5 years of a  
34 previous violation of this Section or a similar provision of a  
35 local ordinance shall be mandatorily sentenced to a minimum of  
36 5 days of imprisonment or assigned to a minimum of 30 days of



1 community service as may be determined by the court. Every  
2 person convicted of violating this Section or a similar  
3 provision of a local ordinance shall be subject to an  
4 additional mandatory minimum fine of \$500 and an additional  
5 mandatory 5 days of community service in a program benefiting  
6 children if the person committed a violation of paragraph (a)  
7 or a similar provision of a local ordinance while transporting  
8 a person under age 16. Every person convicted a second time for  
9 violating this Section or a similar provision of a local  
10 ordinance within 5 years of a previous violation of this  
11 Section or a similar provision of a law of another state or  
12 local ordinance shall be subject to an additional mandatory  
13 minimum fine of \$500 and an additional 10 days of mandatory  
14 community service in a program benefiting children if the  
15 current offense was committed while transporting a person under  
16 age 16. The imprisonment or assignment under this subsection  
17 shall not be subject to suspension nor shall the person be  
18 eligible for probation in order to reduce the sentence or  
19 assignment.

20 (c-1) (1) A person who violates this Section during a  
21 period in which his or her driving privileges are revoked  
22 or suspended, where the revocation or suspension was for a  
23 violation of this Section or a similar provision of a local  
24 ordinance, a failure to submit to a chemical test or tests  
25 of blood, breath, or urine pursuant to ~~7~~ Section 11-501.1 or  
26 a failure to submit to a preliminary breath screening test  
27 or a field sobriety test or tests pursuant to Section  
28 11-501.9 of this Code, a violation of ~~7~~ paragraph (b) of  
29 Section 11-401 of this Code, or a violation of Section 9-3  
30 of the Criminal Code of 1961 is guilty of a Class 4 felony.

31 (2) A person who violates this Section a third time  
32 during a period in which his or her driving privileges are  
33 revoked or suspended where the revocation or suspension was  
34 for a violation of this Section, or a similar violation of  
35 a local ordinance, a failure to submit to a chemical test  
36 or tests of blood, breath, or urine pursuant to Section

1       11-501.1 or a failure to submit to a preliminary breath  
2       screening test or a field sobriety test or tests pursuant  
3       to Section 11-501.9 of this Code, a violation of~~7~~ paragraph  
4       (b) of Section 11-401 of this Code, or a violation of  
5       Section 9-3 of the Criminal Code of 1961 is guilty of a  
6       Class 3 felony.

7               (3) A person who violates this Section a fourth or  
8       subsequent time during a period in which his or her driving  
9       privileges are revoked or suspended where the revocation or  
10      suspension was for a violation of this Section or a similar  
11      violation of a local ordinance, a failure to submit to a  
12      chemical test or tests of blood, breath, or urine pursuant  
13      to~~7~~ Section 11-501.1 or a failure to submit to a  
14      preliminary breath screening test or a field sobriety test  
15      or tests pursuant to Section 11-501.9 of this Code, a  
16      violation of~~7~~ paragraph (b) of Section 11-401 of this Code,  
17      ~~or~~ a violation of Section 9-3 of the Criminal Code of 1961  
18      is guilty of a Class 2 felony.

19               (c-2) (Blank).

20               (c-3) Every person convicted of violating this Section or a  
21      similar provision of a local ordinance who had a child under  
22      age 16 in the vehicle at the time of the offense shall have his  
23      or her punishment under this Act enhanced by 2 days of  
24      imprisonment for a first offense, 10 days of imprisonment for a  
25      second offense, 30 days of imprisonment for a third offense,  
26      and 90 days of imprisonment for a fourth or subsequent offense,  
27      in addition to the fine and community service required under  
28      subsection (c) and the possible imprisonment required under  
29      subsection (d). The imprisonment or assignment under this  
30      subsection shall not be subject to suspension nor shall the  
31      person be eligible for probation in order to reduce the  
32      sentence or assignment.

33               (c-4) When a person is convicted of violating Section  
34      11-501 of this Code or a similar provision of a local  
35      ordinance, the following penalties apply when his or her blood,  
36      breath, or urine was .16 or more based on the definition of

1 blood, breath, or urine units in Section 11-501.2 or when that  
2 person is convicted of violating this Section while  
3 transporting a child under the age of 16:

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

9 (2) A person who is convicted of violating subsection  
10 (a) of Section 11-501 of this Code a second time within 10  
11 years, in addition to any other penalty that may be imposed  
12 under subsection (c), is subject to a mandatory minimum of  
13 2 days of imprisonment and a minimum fine of \$1,250.

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

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

26 (d) (1) Every person convicted of committing a violation of  
27 this Section shall be guilty of aggravated driving under  
28 the influence of alcohol, other drug or drugs, or  
29 intoxicating compound or compounds, or any combination  
30 thereof if:

31 (A) the person committed a violation of this  
32 Section, or a similar provision of a law of another  
33 state or a local ordinance when the cause of action is  
34 the same as or substantially similar to this Section,  
35 for the third or subsequent time;

36 (B) the person committed a violation of paragraph

1 (a) while driving a school bus with children on board;

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

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

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

25 (F) the person, in committing a violation of  
26 paragraph (a), was involved in a motor vehicle,  
27 snowmobile, all-terrain vehicle, or watercraft  
28 accident that resulted in the death of another person,  
29 when the violation of paragraph (a) was a proximate  
30 cause of the death.

31 (2) Except as provided in this paragraph (2),  
32 aggravated driving under the influence of alcohol, other  
33 drug or drugs, or intoxicating compound or compounds, or  
34 any combination thereof is a Class 4 felony. For a  
35 violation of subparagraph (C) of paragraph (1) of this  
36 subsection (d), the defendant, if sentenced to a term of

1 imprisonment, shall be sentenced to not less than one year  
2 nor more than 12 years. Aggravated driving under the  
3 influence of alcohol, other drug or drugs, or intoxicating  
4 compound or compounds, or any combination thereof as  
5 defined in subparagraph (F) of paragraph (1) of this  
6 subsection (d) is a Class 2 felony, for which the  
7 defendant, if sentenced to a term of imprisonment, shall be  
8 sentenced to: (A) a term of imprisonment of not less than 3  
9 years and not more than 14 years if the violation resulted  
10 in the death of one person; or (B) a term of imprisonment  
11 of not less than 6 years and not more than 28 years if the  
12 violation resulted in the deaths of 2 or more persons. For  
13 any prosecution under this subsection (d), a certified copy  
14 of the driving abstract of the defendant shall be admitted  
15 as proof of any prior conviction.

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

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

1 determined by the court.

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

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

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

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

27 (j) In addition to any other penalties and liabilities, a  
28 person who is found guilty of or pleads guilty to violating  
29 this Section, including any person placed on court supervision  
30 for violating this Section, shall be fined \$100, payable to the  
31 circuit clerk, who shall distribute the money to the law  
32 enforcement agency that made the arrest. If the person has been  
33 previously convicted of violating this Section or a similar  
34 provision of a local ordinance, the fine shall be \$200. In the  
35 event that more than one agency is responsible for the arrest,  
36 the \$100 or \$200 shall be shared equally. Any moneys received

1 by a law enforcement agency under this subsection (j) shall be  
2 used to purchase law enforcement equipment that will assist in  
3 the prevention of alcohol related criminal violence throughout  
4 the State. This shall include, but is not limited to, in-car  
5 video cameras, radar and laser speed detection devices, and  
6 alcohol breath testers. Any moneys received by the Department  
7 of State Police under this subsection (j) shall be deposited  
8 into the State Police DUI Fund and shall be used to purchase  
9 law enforcement equipment that will assist in the prevention of  
10 alcohol related criminal violence throughout the State.

11 (k) The Secretary of State Police DUI Fund is created as a  
12 special fund in the State treasury. All moneys received by the  
13 Secretary of State Police under subsection (j) of this Section  
14 shall be deposited into the Secretary of State Police DUI Fund  
15 and, subject to appropriation, shall be used to purchase law  
16 enforcement equipment to assist in the prevention of alcohol  
17 related criminal violence throughout the State.

18 (Source: P.A. 92-248, eff. 8-3-01; 92-418, eff. 8-17-01;  
19 92-420, eff. 8-17-01; 92-429, eff. 1-1-02; 92-431, eff. 1-1-02;  
20 92-651, eff. 7-11-02; 93-156, eff. 1-1-04; 93-213, eff.  
21 7-18-03; 93-584, eff. 8-22-03; revised 8-27-03.)

22 (625 ILCS 5/11-501.9 new)

23 Sec. 11-501.9. Mandatory preliminary breath screening test  
24 and field sobriety tests.

25 (a) The General Assembly finds that: (1) the incidence of  
26 motorists suspected of driving under the influence of alcohol,  
27 other drugs, or intoxicating compounds who refuse to perform  
28 voluntary preliminary breath screening tests or field sobriety  
29 tests has risen to alarming proportions; (2) motorists who  
30 refuse these tests frequently drive under the influence of  
31 alcohol, drugs, or intoxicating compounds but are nonetheless  
32 often able to avoid the loss or suspension of driving  
33 privileges by refusing to perform these tests; (3) these  
34 motorists pose a substantial danger to the lives and property  
35 both of other motorists and of pedestrians; (4) the State of

1 Illinois has the duty to protect the lives and property of its  
2 citizens as they travel upon the roads and highways of this  
3 State, and that duty gives rise to a special need to ensure  
4 that those roads and highways are free from the dangers posed  
5 by impaired motorists; (5) persons who operate motor vehicles  
6 upon the roads and highways of this State engage in an  
7 inherently dangerous activity that directly affects the safety  
8 of the public, and consequently, such persons are subject to  
9 reasonable measures designed to make road and highway travel  
10 safe; (6) the only effective and realistic response to the  
11 crisis presented by motorists refusing to voluntarily perform  
12 preliminary breath screening tests or field sobriety tests is  
13 to require persons suspected of driving under the influence of  
14 alcohol, drugs, or intoxicating compounds to perform these  
15 tests; and (7) the required performance of these tests based on  
16 individualized reasonable suspicion is a necessary,  
17 unobtrusive, and reasonable measure designed to promote the  
18 State's special need to make its roads and highways safe.

19 (b) Any person who drives or is in actual physical control  
20 of a motor vehicle within this State shall be deemed to have  
21 given consent to performing any field sobriety test or tests  
22 approved by the Illinois Law Enforcement Training Standards  
23 Board and to providing a sample of his or her breath for a  
24 preliminary breath screening test using a portable device  
25 approved by the Department of State Police and checked for  
26 accuracy by the law enforcement agency utilizing the device at  
27 intervals not exceeding 3 months if the law enforcement officer  
28 has reasonable suspicion based on specific and articulable  
29 facts and rational inferences from those facts to believe that  
30 the person is violating or has violated Section 11-501 or a  
31 similar provision of a local ordinance. These tests shall be  
32 conducted expeditiously in the vicinity of the location in  
33 which the person was stopped by a law enforcement officer  
34 trained to administer these tests under standards set forth by  
35 the Illinois Law Enforcement Training Standards Board. The  
36 results of the field sobriety test or tests or the preliminary



1 breath screening test may be used by the law enforcement  
2 officer for the purpose of assisting with the determination of  
3 whether to require a chemical test as authorized under Sections  
4 11-501.1 and 11-501.2, and the appropriate type of test to  
5 request. The decision to administer a field sobriety test or  
6 tests or a preliminary breath screening test shall at all times  
7 be in the discretion of the law enforcement officer. Any  
8 chemical test authorized under Sections 11-501.1 and 11-501.2  
9 may be requested by the officer regardless of the result of the  
10 field sobriety test or tests or of the preliminary breath  
11 screening test, if probable cause for an arrest otherwise  
12 exists. The preliminary breath screening test shall be  
13 administered in accordance with rules the Director of the  
14 Illinois State Police may adopt. The result of a field sobriety  
15 test or test or of a preliminary breath screening test may be  
16 used by the defendant as evidence in any administrative or  
17 court proceeding involving a violation of Section 11-501 or  
18 11-501.1 and may be used by the State as evidence in any  
19 administrative or court proceeding to establish probable cause  
20 for a violation of Section 11-501 or in rebuttal to an  
21 assertion that a test conducted pursuant to Section 11-501.1  
22 did not accurately reflect a person's degree of alcohol  
23 concentration in the person's breath or blood at the time the  
24 person was in control of the motor vehicle.

25 For the purposes of this Section, a law enforcement officer  
26 of this State who is investigating a person for any offense set  
27 forth in Section 11-501 may travel to an adjoining state to  
28 which the person has been transported for medical care to  
29 complete an investigation and request that the person submit to  
30 the test set forth in this Section.

31 (c) A person requested to submit to any test as provided in  
32 subsection (b) of this Section shall be warned by the law  
33 enforcement officer requesting the test prior to administering  
34 the test or tests that a refusal to submit to any test will  
35 result in the statutory summary suspension of the person's  
36 privilege to operate a motor vehicle as provided in Section

1 6-208.1 of this Code.

2 (d) If a person refuses to perform a field sobriety test or  
3 tests or a preliminary breath screening test requested by a law  
4 enforcement officer, the law enforcement officer shall  
5 immediately submit a sworn report to the Secretary of State on  
6 a form prescribed by the Secretary, certifying that the test  
7 was requested under subsection (b) and that the person refused  
8 to submit to the test.

9 (e) Upon receipt of the sworn report of a law enforcement  
10 officer submitted under subsection (d), the Secretary of State  
11 shall enter the statutory summary suspension for the periods  
12 specified in Section 6-208.1, and effective as provided in  
13 subsection (i). If the person is a first offender as defined in  
14 Section 11-500 of this Code, and is not convicted of a  
15 violation of Section 11-501 of this Code or a similar provision  
16 of a local ordinance, then reports received by the Secretary of  
17 State under this Section shall, except during the actual time  
18 the statutory summary suspension is in effect, be privileged  
19 information and for use only by the courts, police officers,  
20 prosecuting authorities, or the Secretary of State.

21 (f) The law enforcement officer submitting the sworn report  
22 under subsection (d) shall serve immediate notice of the  
23 statutory summary suspension on the person. The suspension  
24 shall be effective on the 46th day following the date the  
25 statutory summary suspension was given to the person. Upon  
26 receipt of the sworn report from the law enforcement officer,  
27 the Secretary of State shall confirm the statutory summary  
28 suspension by mailing a notice of the effective date of the  
29 suspension to the person and to the court of venue if the  
30 person was given a citation at the time of the notice of  
31 suspension by the law enforcement officer and the person's  
32 driver's license was forwarded to the court. If the sworn  
33 report is defective because it does not contain sufficient  
34 information or it has been completed in error, the confirmation  
35 of the statutory summary suspension must not be mailed to the  
36 person or entered to the record; instead, the sworn report must

1 be returned to the issuing agency, identifying any defect.

2 (g) A driver may contest the suspension of his or her  
3 driving privileges by requesting an administrative hearing  
4 with the Secretary in accordance with Section 2-118 of this  
5 Code. The administrative hearing shall be held within 30 days  
6 of the request unless the person requests a continuance. The  
7 petition for this hearing does not stay or delay the effective  
8 date of the impending suspension. The scope of the hearing  
9 shall be limited to the issues of:

10 (1) whether the officer had reasonable suspicion based  
11 on specific and articulable facts and inferences from those  
12 facts to believe that the person was driving or in actual  
13 physical control of a motor vehicle upon the public  
14 highways of this State while under the influence of  
15 alcohol, another drug, or a combination of both, or  
16 intoxicating compounds; and

17 (2) whether the person, after being advised by the law  
18 enforcement officer that the privilege to operate a motor  
19 vehicle would be suspended if the person refused to submit  
20 to and complete a field sobriety test or tests or a  
21 preliminary breath screening test, refused to submit to or  
22 complete such test.

23 The hearing may be conducted upon a review of the law  
24 enforcement officer's own official reports; however, the  
25 person may subpoena the officer. Failure of the officer to  
26 answer the subpoena shall be considered grounds for the person  
27 to obtain a continuance if, in the opinion of the hearing  
28 officer, the continuance is appropriate. At the conclusion of  
29 the hearing, the Secretary may rescind, continue or modify the  
30 order of suspension. If the Secretary does not rescind the  
31 sanction, and the person is a first offender as defined by  
32 Section 11-500, upon application being made and good cause  
33 shown, the Secretary may issue the person a restricted driving  
34 permit effective no sooner than the 31st day following the date  
35 on which the statutory summary suspension took effect. The  
36 restricted driving permit may be granted to relieve undue

1 hardship by allowing driving for employment, educational, and  
2 medical purposes outlined in item (3) of subsection (c) of  
3 Section 6-206 of this Code. The provisions of item (3) of  
4 subsection (c) of Section 6-206 shall apply.

5 (h) When specific and articulable facts and the inferences  
6 from those facts give rise to a rational basis for concluding  
7 that the driver of a vehicle is impaired from alcohol, drugs,  
8 intoxicating compounds or a combination of them to the extent  
9 that the continued operation of the vehicle by the driver would  
10 constitute a clear and present danger to any person, the law  
11 enforcement officer may secure the driver's vehicle for up to  
12 24 hours. For the purpose of this subsection, "secure" means  
13 that the officer may: (i) direct the driver not to operate the  
14 vehicle; (ii) take possession of the driver's vehicle keys,  
15 (iii) impound the vehicle, or (iv) take other reasonable steps  
16 to ensure the driver does not operate the vehicle. If the  
17 vehicle is impounded, the driver shall be liable for all costs  
18 of impoundment. The law enforcement officer may release the  
19 vehicle to a person other than the driver if: (i) that other  
20 person is the owner or renter of the vehicle or the driver is  
21 owner of the vehicle and gives permission to the other person  
22 to operate the vehicle and (ii) the other person possesses a  
23 valid operator's license and would not, as determined by the  
24 law enforcement officer, either have a lack of ability to  
25 operate the vehicle in a safe manner or be operating the  
26 vehicle in violation of this Code.

27 Section 10. The Unified Code of Corrections is amended by  
28 changing Section 5-6-1 as follows:

29 (730 ILCS 5/5-6-1) (from Ch. 38, par. 1005-6-1)

30 Sec. 5-6-1. Sentences of Probation and of Conditional  
31 Discharge and Disposition of Supervision. The General Assembly  
32 finds that in order to protect the public, the criminal justice  
33 system must compel compliance with the conditions of probation  
34 by responding to violations with swift, certain and fair

1 punishments and intermediate sanctions. The Chief Judge of each  
2 circuit shall adopt a system of structured, intermediate  
3 sanctions for violations of the terms and conditions of a  
4 sentence of probation, conditional discharge or disposition of  
5 supervision.

6 (a) Except where specifically prohibited by other  
7 provisions of this Code, the court shall impose a sentence of  
8 probation or conditional discharge upon an offender unless,  
9 having regard to the nature and circumstance of the offense,  
10 and to the history, character and condition of the offender,  
11 the court is of the opinion that:

12 (1) his imprisonment or periodic imprisonment is  
13 necessary for the protection of the public; or

14 (2) probation or conditional discharge would deprecate  
15 the seriousness of the offender's conduct and would be  
16 inconsistent with the ends of justice.

17 The court shall impose as a condition of a sentence of  
18 probation, conditional discharge, or supervision, that the  
19 probation agency may invoke any sanction from the list of  
20 intermediate sanctions adopted by the chief judge of the  
21 circuit court for violations of the terms and conditions of the  
22 sentence of probation, conditional discharge, or supervision,  
23 subject to the provisions of Section 5-6-4 of this Act.

24 (b) The court may impose a sentence of conditional  
25 discharge for an offense if the court is of the opinion that  
26 neither a sentence of imprisonment nor of periodic imprisonment  
27 nor of probation supervision is appropriate.

28 (c) The court may, upon a plea of guilty or a stipulation  
29 by the defendant of the facts supporting the charge or a  
30 finding of guilt, defer further proceedings and the imposition  
31 of a sentence, and enter an order for supervision of the  
32 defendant, if the defendant is not charged with: (i) a Class A  
33 misdemeanor, as defined by the following provisions of the  
34 Criminal Code of 1961: Sections 12-3.2; 12-15; 26-5; 31-1;  
35 31-6; 31-7; subsections (b) and (c) of Section 21-1; paragraph  
36 (1) through (5), (8), (10), and (11) of subsection (a) of

1 Section 24-1; (ii) a Class A misdemeanor violation of Section  
2 3.01, 3.03-1, or 4.01 of the Humane Care for Animals Act; or  
3 (iii) felony. If the defendant is not barred from receiving an  
4 order for supervision as provided in this subsection, the court  
5 may enter an order for supervision after considering the  
6 circumstances of the offense, and the history, character and  
7 condition of the offender, if the court is of the opinion that:

8 (1) the offender is not likely to commit further  
9 crimes;

10 (2) the defendant and the public would be best served  
11 if the defendant were not to receive a criminal record; and

12 (3) in the best interests of justice an order of  
13 supervision is more appropriate than a sentence otherwise  
14 permitted under this Code.

15 (d) The provisions of paragraph (c) shall not apply to a  
16 defendant charged with violating Section 11-501 of the Illinois  
17 Vehicle Code or a similar provision of a local ordinance when  
18 the defendant has previously been:

19 (1) convicted for a violation of Section 11-501 of the  
20 Illinois Vehicle Code or a similar provision of a local  
21 ordinance or any similar law or ordinance of another state;  
22 or

23 (2) assigned supervision for a violation of Section  
24 11-501 of the Illinois Vehicle Code or a similar provision  
25 of a local ordinance or any similar law or ordinance of  
26 another state; or

27 (3) pleaded guilty to or stipulated to the facts  
28 supporting a charge or a finding of guilty to a violation  
29 of Section 11-503 of the Illinois Vehicle Code or a similar  
30 provision of a local ordinance or any similar law or  
31 ordinance of another state, and the plea or stipulation was  
32 the result of a plea agreement.

33 The court shall consider the statement of the prosecuting  
34 authority with regard to the standards set forth in this  
35 Section.

36 (e) The provisions of paragraph (c) shall not apply to a

1 defendant charged with violating Section 16A-3 of the Criminal  
2 Code of 1961 if said defendant has within the last 5 years  
3 been:

4 (1) convicted for a violation of Section 16A-3 of the  
5 Criminal Code of 1961; or

6 (2) assigned supervision for a violation of Section  
7 16A-3 of the Criminal Code of 1961 or similar provision of  
8 an out-of-state jurisdiction.

9 The court shall consider the statement of the prosecuting  
10 authority with regard to the standards set forth in this  
11 Section.

12 (f) The provisions of paragraph (c) shall not apply to a  
13 defendant charged with violating Sections 15-111, 15-112,  
14 15-301, paragraph (b) of Section 6-104, Section 11-605, or  
15 Section 11-1414 of the Illinois Vehicle Code or a similar  
16 provision of a local ordinance or out-of-state jurisdiction.

17 (g) Except as otherwise provided in paragraph (i) of this  
18 Section, the provisions of paragraph (c) shall not apply to a  
19 defendant charged with violating Section 3-707, 3-708, 3-710,  
20 or 5-401.3 of the Illinois Vehicle Code or a similar provision  
21 of a local ordinance if the defendant has within the last 5  
22 years been:

23 (1) convicted for a violation of Section 3-707, 3-708,  
24 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar  
25 provision of a local ordinance or out-of-state  
26 jurisdiction; or

27 (2) assigned supervision for a violation of Section  
28 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle  
29 Code or a similar provision of a local ordinance or  
30 out-of-state jurisdiction.

31 The court shall consider the statement of the prosecuting  
32 authority with regard to the standards set forth in this  
33 Section.

34 (h) The provisions of paragraph (c) shall not apply to a  
35 defendant under the age of 21 years charged with violating a  
36 serious traffic offense as defined in Section 1-187.001 of the

1 Illinois Vehicle Code:

2 (1) unless the defendant, upon payment of the fines,  
3 penalties, and costs provided by law, agrees to attend and  
4 successfully complete a traffic safety program approved by  
5 the court under standards set by the Conference of Chief  
6 Circuit Judges. The accused shall be responsible for  
7 payment of any traffic safety program fees. If the accused  
8 fails to file a certificate of successful completion on or  
9 before the termination date of the supervision order, the  
10 supervision shall be summarily revoked and conviction  
11 entered. The provisions of Supreme Court Rule 402 relating  
12 to pleas of guilty do not apply in cases when a defendant  
13 enters a guilty plea under this provision; or

14 (2) if the defendant has previously been sentenced  
15 under the provisions of paragraph (c) on or after January  
16 1, 1998 for any serious traffic offense as defined in  
17 Section 1-187.001 of the Illinois Vehicle Code.

18 (i) The provisions of paragraph (c) shall not apply to a  
19 defendant charged with violating Section 3-707 of the Illinois  
20 Vehicle Code or a similar provision of a local ordinance if the  
21 defendant has been assigned supervision for a violation of  
22 Section 3-707 of the Illinois Vehicle Code or a similar  
23 provision of a local ordinance or out-of-state jurisdiction.

24 (j) The provisions of paragraph (c) shall not apply to a  
25 defendant charged with violating Section 6-303 of the Illinois  
26 Vehicle Code or a similar provision of a local ordinance or  
27 out-of-state jurisdiction when the revocation or suspension  
28 was for a violation of Section 11-501 or a similar provision of  
29 a local ordinance, a failure to submit to a chemical test or  
30 tests of blood, breath, or urine pursuant to violation of  
31 Section 11-501.1 or to a preliminary breath screening test or a  
32 field sobriety test or tests pursuant to Section 11-501.9 of  
33 the Illinois Vehicle Code, a violation of ~~or~~ paragraph (b) of  
34 Section 11-401 of the Illinois Vehicle Code, or a violation of  
35 Section 9-3 of the Criminal Code of 1961 if the defendant has  
36 within the last 10 years been:



1           (1) convicted for a violation of Section 6-303 of the  
2 Illinois Vehicle Code or a similar provision of a local  
3 ordinance or out-of-state jurisdiction; or

4           (2) assigned supervision for a violation of Section  
5 6-303 of the Illinois Vehicle Code or a similar provision  
6 of a local ordinance or out-of-state jurisdiction.

7 (Source: P.A. 93-388, eff. 7-25-03.)

8           Section 99. Effective date. This Act takes effect on  
9 January 1, 2005.