



Filed: 3/10/2005

09400HB0396ham001

LRB094 05140 DRH 43529 a

1 AMENDMENT TO HOUSE BILL 396

2 AMENDMENT NO. _____. Amend House Bill 396 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing Section 6-206.1 as follows:

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

7 Sec. 6-206.1. Judicial Driving Permit. Declaration of
8 Policy. It is hereby declared a policy of the State of Illinois
9 that the driver who is impaired by alcohol, other drug or
10 drugs, or intoxicating compound or compounds is a threat to the
11 public safety and welfare. Therefore, to provide a deterrent to
12 such practice and to remove problem drivers from the highway, a
13 statutory summary driver's license suspension is appropriate.
14 It is also recognized that driving is a privilege and
15 therefore, that in some cases the granting of limited driving
16 privileges, where consistent with public safety, is warranted
17 during the period of suspension in the form of a judicial
18 driving permit to drive for the purpose of employment,
19 receiving drug treatment or medical care, and educational
20 pursuits, where no alternative means of transportation is
21 available.

22 The following procedures shall apply whenever a first
23 offender is arrested for any offense as defined in Section
24 11-501 or a similar provision of a local ordinance:

1 (a) Subsequent to a notification of a statutory summary
2 suspension of driving privileges as provided in Section
3 11-501.1, the first offender as defined in Section 11-500 may
4 petition the circuit court of venue for a Judicial Driving
5 Permit, hereinafter referred as a JDP, to relieve undue
6 hardship. The court may issue a court order, pursuant to the
7 criteria contained in this Section, directing the Secretary of
8 State to issue such a JDP to the petitioner. A JDP shall not
9 become effective prior to the 31st day of the original
10 statutory summary suspension and shall always be subject to the
11 following criteria:

12 1. If ordered for the purposes of employment, the JDP
13 shall be only for the purpose of providing the petitioner
14 the privilege of driving a motor vehicle between the
15 petitioner's residence and the petitioner's place of
16 employment and return; or within the scope of the
17 petitioner's employment related duties, shall be effective
18 only during and limited to those specific times and routes
19 actually required to commute or perform the petitioner's
20 employment related duties.

21 2. The court, by a court order, may also direct the
22 Secretary of State to issue a JDP to allow transportation
23 for the petitioner, or a household member of the
24 petitioner's family, to receive alcohol, drug, or
25 intoxicating compound treatment or medical care, if the
26 petitioner is able to demonstrate that no alternative means
27 of transportation is reasonably available. Such JDP shall
28 be effective only during the specific times actually
29 required to commute.

30 3. The court, by a court order, may also direct the
31 Secretary of State to issue a JDP to allow transportation
32 by the petitioner for educational purposes upon
33 demonstrating that there are no alternative means of
34 transportation reasonably available to accomplish those

1 educational purposes. Such JDP shall be only for the
2 purpose of providing transportation to and from the
3 petitioner's residence and the petitioner's place of
4 educational activity, and only during the specific times
5 and routes actually required to commute or perform the
6 petitioner's educational requirement.

7 4. The Court shall not issue an order granting a JDP
8 to:

9 (i) Any person unless and until the court, after
10 considering the results of a current professional
11 evaluation of the person's alcohol or other drug use by
12 an agency pursuant to Section 15-10 of the Alcoholism
13 and Other Drug Abuse and Dependency Act and other
14 appropriate investigation of the person, is satisfied
15 that granting the privilege of driving a motor vehicle
16 on the highways will not endanger the public safety or
17 welfare.

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

20 (iii) Any person whose privilege to operate a motor
21 vehicle was invalid at the time of arrest for the
22 current violation of Section 11-501, or a similar
23 provision of a local ordinance, except in cases where
24 the cause for a driver's license suspension has been
25 removed at the time a JDP is effective. In any case,
26 should the Secretary of State enter a suspension or
27 revocation of driving privileges pursuant to the
28 provisions of this Code while the JDP is in effect or
29 pending, the Secretary shall take the prescribed
30 action and provide a notice to the person and the court
31 ordering the issuance of the JDP that all driving
32 privileges, including those provided by the issuance
33 of the JDP, have been withdrawn.

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

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

4 1. Whether the person is employed and no other means of
5 commuting to the place of employment is available or that
6 the person must drive as a condition of employment. The
7 employer shall certify the hours of employment and the need
8 and parameters necessary for driving as a condition to
9 employment.

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

12 3. Whether the person must drive for educational
13 purposes. The educational institution shall certify the
14 person's enrollment in and academic schedule at the
15 institution.

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

19 5. Whether the person has been convicted of a traffic
20 violation in connection with a traffic accident resulting
21 in the death of any person within the last 5 years.

22 6. Whether the person is likely to obey the limited
23 provisions of the JDP.

24 7. Whether the person has any additional traffic
25 violations pending in any court.

26 For purposes of this Section, programs conducting
27 professional evaluations of a person's alcohol, other drug, or
28 intoxicating compound use must report, to the court of venue,
29 using a form prescribed by the Secretary of State. A copy of
30 such evaluations shall be sent to the Secretary of State by the
31 court. However, the evaluation information shall be privileged
32 and only available to courts and to the Secretary of State, but
33 shall not be admissible in the subsequent trial on the
34 underlying charge.

1 (c) The scope of any court order issued for a JDP under
2 this Section shall be limited to the operation of a motor
3 vehicle as provided for in subsection (a) of this Section and
4 shall specify the petitioner's residence, place of employment
5 or location of educational institution, and the scope of job
6 related duties, if relevant. The JDP shall also specify days of
7 the week and specific hours of the day when the petitioner is
8 able to exercise the limited privilege of operating a motor
9 vehicle.

10 (c-1) If the petitioner is issued a citation for a
11 violation of Section 6-303 during the period of a statutory
12 summary suspension entered under Section 11-501.1 of this Code,
13 or if the petitioner is charged with a violation of Section
14 11-501 or a similar provision of a local ordinance or a similar
15 out of state offense which occurs after the current violation
16 of Section 11-501 or a similar provision of a local ordinance,
17 the court may not grant the petitioner a JDP unless the
18 petitioner is acquitted or the citation or complaint is
19 otherwise dismissed.

20 If the petitioner is issued a citation for a violation of
21 Section 6-303 or a violation of Section 11-501 or a similar
22 provision of a local ordinance or a similar out of state
23 offense during the term of the JDP, the officer issuing the
24 citation, or the law enforcement agency employing that officer,
25 shall confiscate the JDP and immediately send the JDP and
26 notice of the citation to the court that ordered the issuance
27 of the JDP. Within 10 days of receipt, the issuing court, upon
28 notice to the petitioner, shall conduct a hearing to consider
29 cancellation of the JDP. If the court enters an order of
30 cancellation, the court shall forward the order to the
31 Secretary of State, and the Secretary shall cancel the JDP and
32 notify the petitioner of the cancellation. If, however, the
33 petitioner is convicted of the offense before the JDP has been
34 cancelled, the court of venue shall send notice of conviction

1 to the court that ordered issuance of the JDP. The court
2 receiving the notice shall immediately enter an order of
3 cancellation and forward the order to the Secretary of State.
4 The Secretary shall cancel the JDP and notify the petitioner of
5 the cancellation.

6 If the petitioner is issued a citation for any other
7 traffic related offense during the term of the JDP, the officer
8 issuing the citation, or the law enforcement agency employing
9 that officer, shall send notice of the citation to the court
10 that ordered issuance of the JDP. Upon receipt and notice to
11 the petitioner and an opportunity for a hearing, the court
12 shall determine whether the violation constitutes grounds for
13 cancellation of the JDP. If the court enters an order of
14 cancellation, the court shall forward the order to the
15 Secretary of State, and the Secretary shall cancel the JDP and
16 shall notify the petitioner of the cancellation. ~~If the~~
17 ~~Petitioner, who has been granted a JDP, is issued a citation~~
18 ~~for a traffic related offense, including operating a motor~~
19 ~~vehicle outside the limitations prescribed in the JDP or a~~
20 ~~violation of Section 6-303, or is convicted of any such an~~
21 ~~offense during the term of the JDP, the court shall consider~~
22 ~~cancellation of the limited driving permit. In any case, if the~~
23 ~~Petitioner commits an offense, as defined in Section 11-501, or~~
24 ~~a similar provision of a local ordinance, as evidenced by the~~
25 ~~issuance of a Uniform Traffic Ticket, the JDP shall be~~
26 ~~forwarded by the court of venue to the court ordering the~~
27 ~~issuance of the JDP, for cancellation. The court shall notify~~
28 ~~the Secretary of State of any such cancellation.~~

29 (d) The Secretary of State shall, upon receiving a court
30 order from the court of venue, issue a JDP to a successful
31 Petitioner under this Section. Such court order form shall also
32 contain a notification, which shall be sent to the Secretary of
33 State, providing the name, driver's license number and legal
34 address of the successful petitioner, and the full and detailed

1 description of the limitations of the JDP. This information
2 shall be available only to the courts, police officers, and the
3 Secretary of State, except during the actual period the JDP is
4 valid, during which time it shall be a public record. The
5 Secretary of State shall design and furnish to the courts an
6 official court order form to be used by the courts when
7 directing the Secretary of State to issue a JDP.

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

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

19 (f) The circuit court of venue may, as a condition of the
20 issuance of a JDP, prohibit the person from operating a motor
21 vehicle not equipped with an ignition interlock device.

22 (Source: P.A. 90-369, eff. 1-1-98; 90-779, eff. 1-1-99; 91-127,
23 eff. 1-1-00.)".