



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB1471

Introduced 2/10/2005, by Rep. William B. Black

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-501
720 ILCS 5/36-1

from Ch. 95 1/2, par. 11-501
from Ch. 38, par. 36-1

Amends the Illinois Vehicle Code and the Criminal Code of 1961. Provides that a person who drives while under the influence of alcohol, drugs, or intoxicating compounds is guilty of aggravated dui if he or she had no valid driver's license or was not covered by liability insurance. Provides that the person's vehicle is subject to seizure and forfeiture.

LRB094 08861 DRH 39080 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

1 AN ACT concerning driving offenses.

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

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

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

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

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

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

15 (2) under the influence of alcohol;

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

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

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

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

31 (b) The fact that any person charged with violating this
32 Section is or has been legally entitled to use alcohol, other

1 drug or drugs, or intoxicating compound or compounds, or any
2 combination thereof, shall not constitute a defense against any
3 charge of violating this Section.

4 (b-1) With regard to penalties imposed under this Section:

5 (1) Any reference to a prior violation of subsection
6 (a) or a similar provision includes any violation of a
7 provision of a local ordinance or a provision of a law of
8 another state that is similar to a violation of subsection
9 (a) of this Section.

10 (2) Any penalty imposed for driving with a license that
11 has been revoked for a previous violation of subsection (a)
12 of this Section shall be in addition to the penalty imposed
13 for any subsequent violation of subsection (a).

14 (b-2) Except as otherwise provided in this Section, any
15 person convicted of violating subsection (a) of this Section is
16 guilty of a Class A misdemeanor.

17 (b-3) In addition to any other criminal or administrative
18 sanction for any second conviction of violating subsection (a)
19 or a similar provision committed within 5 years of a previous
20 violation of subsection (a) or a similar provision, the
21 defendant shall be sentenced to a mandatory minimum of 5 days
22 of imprisonment or assigned a mandatory minimum of 240 hours of
23 community service as may be determined by the court.

24 (b-4) In the case of a third or subsequent violation
25 committed within 5 years of a previous violation of subsection
26 (a) or a similar provision, in addition to any other criminal
27 or administrative sanction, a mandatory minimum term of either
28 10 days of imprisonment or 480 hours of community service shall
29 be imposed.

30 (b-5) The imprisonment or assignment of community service
31 under subsections (b-3) and (b-4) shall not be subject to
32 suspension, nor shall the person be eligible for a reduced
33 sentence.

34 (c) (Blank).

35 (c-1) (1) A person who violates subsection (a) during a
36 period in which his or her driving privileges are revoked

1 or suspended, where the revocation or suspension was for a
2 violation of subsection (a), Section 11-501.1, paragraph
3 (b) of Section 11-401, or for reckless homicide as defined
4 in Section 9-3 of the Criminal Code of 1961 is guilty of
5 aggravated driving under the influence of alcohol, other
6 drug or drugs, intoxicating compound or compounds, or any
7 combination thereof and is guilty of a Class 4 felony.

8 (2) A person who violates subsection (a) a third time,
9 if the third violation occurs during a period in which his
10 or her driving privileges are revoked or suspended where
11 the revocation or suspension was for a violation of
12 subsection (a), Section 11-501.1, paragraph (b) of Section
13 11-401, or for reckless homicide as defined in Section 9-3
14 of the Criminal Code of 1961, is guilty of aggravated
15 driving under the influence of alcohol, other drug or
16 drugs, intoxicating compound or compounds, or any
17 combination thereof and is guilty of a Class 3 felony.

18 (2.1) A person who violates subsection (a) a third
19 time, if the third violation occurs during a period in
20 which his or her driving privileges are revoked or
21 suspended where the revocation or suspension was for a
22 violation of subsection (a), Section 11-501.1, subsection
23 (b) of Section 11-401, or for reckless homicide as defined
24 in Section 9-3 of the Criminal Code of 1961, is guilty of
25 aggravated driving under the influence of alcohol, other
26 drug or drugs, intoxicating compound or compounds, or any
27 combination thereof and is guilty of a Class 3 felony; and
28 if the person receives a term of probation or conditional
29 discharge, he or she shall be required to serve a mandatory
30 minimum of 10 days of imprisonment or shall be assigned a
31 mandatory minimum of 480 hours of community service, as may
32 be determined by the court, as a condition of the probation
33 or conditional discharge. This mandatory minimum term of
34 imprisonment or assignment of community service shall not
35 be suspended or reduced by the court.

36 (2.2) A person who violates subsection (a), if the

1 violation occurs during a period in which his or her
2 driving privileges are revoked or suspended where the
3 revocation or suspension was for a violation of subsection
4 (a) or Section 11-501.1, is guilty of aggravated driving
5 under the influence of alcohol, other drug or drugs,
6 intoxicating compound or compounds, or any combination
7 thereof and shall also be sentenced to an additional
8 mandatory minimum term of 30 consecutive days of
9 imprisonment, 40 days of 24-hour periodic imprisonment, or
10 720 hours of community service, as may be determined by the
11 court. This mandatory term of imprisonment or assignment of
12 community service shall not be suspended or reduced by the
13 court.

14 (3) A person who violates subsection (a) a fourth or
15 subsequent time, if the fourth or subsequent violation
16 occurs during a period in which his or her driving
17 privileges are revoked or suspended where the revocation or
18 suspension was for a violation of subsection (a), Section
19 11-501.1, paragraph (b) of Section 11-401, or for reckless
20 homicide as defined in Section 9-3 of the Criminal Code of
21 1961, is guilty of aggravated driving under the influence
22 of alcohol, other drug or drugs, intoxicating compound or
23 compounds, or any combination thereof and is guilty of a
24 Class 2 felony, and is not eligible for a sentence of
25 probation or conditional discharge.

26 (c-2) (Blank).

27 (c-3) (Blank).

28 (c-4) (Blank).

29 (c-5) A person who violates subsection (a), if the person
30 was transporting a person under the age of 16 at the time of
31 the violation, is subject to an additional mandatory minimum
32 fine of \$1,000, an additional mandatory minimum 140 hours of
33 community service, which shall include 40 hours of community
34 service in a program benefiting children, and an additional 2
35 days of imprisonment. The imprisonment or assignment of
36 community service under this subsection (c-5) is not subject to

1 suspension, nor is the person eligible for a reduced sentence.

2 (c-6) Except as provided in subsections (c-7) and (c-8) a
3 person who violates subsection (a) a second time, if at the
4 time of the second violation the person was transporting a
5 person under the age of 16, is subject to an additional 10 days
6 of imprisonment, an additional mandatory minimum fine of
7 \$1,000, and an additional mandatory minimum 140 hours of
8 community service, which shall include 40 hours of community
9 service in a program benefiting children. The imprisonment or
10 assignment of community service under this subsection (c-6) is
11 not subject to suspension, nor is the person eligible for a
12 reduced sentence.

13 (c-7) Except as provided in subsection (c-8), any person
14 convicted of violating subsection (c-6) or a similar provision
15 within 10 years of a previous violation of subsection (a) or a
16 similar provision shall receive, in addition to any other
17 penalty imposed, a mandatory minimum 12 days imprisonment, an
18 additional 40 hours of mandatory community service in a program
19 benefiting children, and a mandatory minimum fine of \$1,750.
20 The imprisonment or assignment of community service under this
21 subsection (c-7) is not subject to suspension, nor is the
22 person eligible for a reduced sentence.

23 (c-8) Any person convicted of violating subsection (c-6) or
24 a similar provision within 5 years of a previous violation of
25 subsection (a) or a similar provision shall receive, in
26 addition to any other penalty imposed, an additional 80 hours
27 of mandatory community service in a program benefiting
28 children, an additional mandatory minimum 12 days of
29 imprisonment, and a mandatory minimum fine of \$1,750. The
30 imprisonment or assignment of community service under this
31 subsection (c-8) is not subject to suspension, nor is the
32 person eligible for a reduced sentence.

33 (c-9) Any person convicted a third time for violating
34 subsection (a) or a similar provision, if at the time of the
35 third violation the person was transporting a person under the
36 age of 16, is guilty of a Class 4 felony and shall receive, in

1 addition to any other penalty imposed, an additional mandatory
2 fine of \$1,000, an additional mandatory 140 hours of community
3 service, which shall include 40 hours in a program benefiting
4 children, and a mandatory minimum 30 days of imprisonment. The
5 imprisonment or assignment of community service under this
6 subsection (c-9) is not subject to suspension, nor is the
7 person eligible for a reduced sentence.

8 (c-10) Any person convicted of violating subsection (c-9)
9 or a similar provision a third time within 20 years of a
10 previous violation of subsection (a) or a similar provision is
11 guilty of a Class 4 felony and shall receive, in addition to
12 any other penalty imposed, an additional mandatory 40 hours of
13 community service in a program benefiting children, an
14 additional mandatory fine of \$3,000 ~~\$3000~~, and a mandatory
15 minimum 120 days of imprisonment. The imprisonment or
16 assignment of community service under this subsection (c-10) is
17 not subject to suspension, nor is the person eligible for a
18 reduced sentence.

19 (c-11) Any person convicted a fourth or subsequent time for
20 violating subsection (a) or a similar provision, if at the time
21 of the fourth or subsequent violation the person was
22 transporting a person under the age of 16, and if the person's
23 3 prior violations of subsection (a) or a similar provision
24 occurred while transporting a person under the age of 16 or
25 while the alcohol concentration in his or her blood, breath, or
26 urine was 0.16 or more based on the definition of blood,
27 breath, or urine units in Section 11-501.2, is guilty of a
28 Class 2 felony, is not eligible for probation or conditional
29 discharge, and is subject to a minimum fine of \$3,000.

30 (c-12) Any person convicted of a first violation of
31 subsection (a) or a similar provision, if the alcohol
32 concentration in his or her blood, breath, or urine was 0.16 or
33 more based on the definition of blood, breath, or urine units
34 in Section 11-501.2, shall be subject, in addition to any other
35 penalty that may be imposed, to a mandatory minimum of 100
36 hours of community service and a mandatory minimum fine of

1 \$500.

2 (c-13) Any person convicted of a second violation of
3 subsection (a) or a similar provision committed within 10 years
4 of a previous violation of subsection (a) or a similar
5 provision committed within 10 years of a previous violation of
6 subsection (a) or a similar provision, if at the time of the
7 second violation of subsection (a) the alcohol concentration in
8 his or her blood, breath, or urine was 0.16 or more based on
9 the definition of blood, breath, or urine units in Section
10 11-501.2, shall be subject, in addition to any other penalty
11 that may be imposed, to a mandatory minimum of 2 days of
12 imprisonment and a mandatory minimum fine of \$1,250.

13 (c-14) Any person convicted of a third violation of
14 subsection (a) or a similar provision within 20 years of a
15 previous violation of subsection (a) or a similar provision, if
16 at the time of the third violation of subsection (a) or a
17 similar provision the alcohol concentration in his or her
18 blood, breath, or urine was 0.16 or more based on the
19 definition of blood, breath, or urine units in Section
20 11-501.2, is guilty of a Class 4 felony and shall be subject,
21 in addition to any other penalty that may be imposed, to a
22 mandatory minimum of 90 days of imprisonment and a mandatory
23 minimum fine of \$2,500.

24 (c-15) Any person convicted of a fourth or subsequent
25 violation of subsection (a) or a similar provision, if at the
26 time of the fourth or subsequent violation the alcohol
27 concentration in his or her blood, breath, or urine was 0.16 or
28 more based on the definition of blood, breath, or urine units
29 in Section 11-501.2, and if the person's 3 prior violations of
30 subsection (a) or a similar provision occurred while
31 transporting a person under the age of 16 or while the alcohol
32 concentration in his or her blood, breath, or urine was 0.16 or
33 more based on the definition of blood, breath, or urine units
34 in Section 11-501.2, is guilty of a Class 2 felony and is not
35 eligible for a sentence of probation or conditional discharge
36 and is subject to a minimum fine of \$2,500.

1 (d) (1) Every person convicted of committing a violation of
2 this Section shall be guilty of aggravated driving under
3 the influence of alcohol, other drug or drugs, or
4 intoxicating compound or compounds, or any combination
5 thereof if:

6 (A) the person committed a violation of subsection
7 (a) or a similar provision for the third or subsequent
8 time;

9 (B) the person committed a violation of subsection
10 (a) while driving a school bus with persons 18 years of
11 age or younger on board;

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

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

27 (E) the person, in committing a violation of
28 subsection (a) while driving at any speed in a school
29 speed zone at a time when a speed limit of 20 miles per
30 hour was in effect under subsection (a) of Section
31 11-605 of this Code, was involved in a motor vehicle
32 accident that resulted in bodily harm, other than great
33 bodily harm or permanent disability or disfigurement,
34 to another person, when the violation of subsection (a)
35 was a proximate cause of the bodily harm; or

36 (F) the person, in committing a violation of

1 subsection (a), was involved in a motor vehicle,
2 snowmobile, all-terrain vehicle, or watercraft
3 accident that resulted in the death of another person,
4 when the violation of subsection (a) was a proximate
5 cause of the death;~~;~~

6 (G) the person committed the violation while he or
7 she did not possess a driver's license or permit or a
8 restricted driving permit or a judicial driving
9 permit; or

10 (H) the person committed the violation while he or
11 she knew or should have known that the vehicle he or
12 she was driving was not covered by a liability
13 insurance policy.

14 (2) Except as provided in this paragraph (2) and in
15 paragraphs (2), (2.1), and (3) of subsection (c-1), a
16 person convicted of aggravated driving under the influence
17 of alcohol, other drug or drugs, or intoxicating compound
18 or compounds, or any combination thereof is guilty of a
19 Class 4 felony. For a violation of subparagraph (C) of
20 paragraph (1) of this subsection (d), the defendant, if
21 sentenced to a term of imprisonment, shall be sentenced to
22 not less than one year nor more than 12 years. Aggravated
23 driving under the influence of alcohol, other drug or
24 drugs, or intoxicating compound or compounds, or any
25 combination thereof as defined in subparagraph (F) of
26 paragraph (1) of this subsection (d) is a Class 2 felony,
27 for which the defendant, if sentenced to a term of
28 imprisonment, shall be sentenced to: (A) a term of
29 imprisonment of not less than 3 years and not more than 14
30 years if the violation resulted in the death of one person;
31 or (B) a term of imprisonment of not less than 6 years and
32 not more than 28 years if the violation resulted in the
33 deaths of 2 or more persons. For any prosecution under this
34 subsection (d), a certified copy of the driving abstract of
35 the defendant shall be admitted as proof of any prior
36 conviction. Any person sentenced under this subsection (d)

1 who receives a term of probation or conditional discharge
2 must serve a minimum term of either 480 hours of community
3 service or 10 days of imprisonment as a condition of the
4 probation or conditional discharge. This mandatory minimum
5 term of imprisonment or assignment of community service may
6 not be suspended or reduced by the court.

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

19 (e-1) Any person who is found guilty of or pleads guilty to
20 violating this Section, including any person receiving a
21 disposition of court supervision for violating this Section,
22 may be required by the Court to attend a victim impact panel
23 offered by, or under contract with, a County State's Attorney's
24 office, a probation and court services department, Mothers
25 Against Drunk Driving, or the Alliance Against Intoxicated
26 Motorists. All costs generated by the victim impact panel shall
27 be paid from fees collected from the offender or as may be
28 determined by the court.

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

35 (g) The Secretary of State shall revoke the driving
36 privileges of any person convicted under this Section or a

1 similar provision of a local ordinance.

2 (h) (Blank).

3 (i) The Secretary of State shall require the use of
4 ignition interlock devices on all vehicles owned by an
5 individual who has been convicted of a second or subsequent
6 offense of this Section or a similar provision of a local
7 ordinance. The Secretary shall establish by rule and regulation
8 the procedures for certification and use of the interlock
9 system.

10 (j) In addition to any other penalties and liabilities, a
11 person who is found guilty of or pleads guilty to violating
12 subsection (a), including any person placed on court
13 supervision for violating subsection (a), shall be fined \$500,
14 payable to the circuit clerk, who shall distribute the money as
15 follows: 20% to the law enforcement agency that made the arrest
16 and 80% shall be forwarded to the State Treasurer for deposit
17 into the General Revenue Fund. If the person has been
18 previously convicted of violating subsection (a) or a similar
19 provision of a local ordinance, the fine shall be \$1,000. In
20 the event that more than one agency is responsible for the
21 arrest, the amount payable to law enforcement agencies shall be
22 shared equally. Any moneys received by a law enforcement agency
23 under this subsection (j) shall be used to purchase law
24 enforcement equipment that will assist in the prevention of
25 alcohol related criminal violence throughout the State. This
26 shall include, but is not limited to, in-car video cameras,
27 radar and laser speed detection devices, and alcohol breath
28 testers. Any moneys received by the Department of State Police
29 under this subsection (j) shall be deposited into the State
30 Police DUI Fund and shall be used to purchase law enforcement
31 equipment that will assist in the prevention of alcohol related
32 criminal violence throughout the State.

33 (k) The Secretary of State Police DUI Fund is created as a
34 special fund in the State treasury. All moneys received by the
35 Secretary of State Police under subsection (j) of this Section
36 shall be deposited into the Secretary of State Police DUI Fund

1 and, subject to appropriation, shall be used to purchase law
2 enforcement equipment to assist in the prevention of alcohol
3 related criminal violence throughout the State.

4 (l) Whenever an individual is sentenced for an offense
5 based upon an arrest for a violation of subsection (a) or a
6 similar provision of a local ordinance, and the professional
7 evaluation recommends remedial or rehabilitative treatment or
8 education, neither the treatment nor the education shall be the
9 sole disposition and either or both may be imposed only in
10 conjunction with another disposition. The court shall monitor
11 compliance with any remedial education or treatment
12 recommendations contained in the professional evaluation.
13 Programs conducting alcohol or other drug evaluation or
14 remedial education must be licensed by the Department of Human
15 Services. If the individual is not a resident of Illinois,
16 however, the court may accept an alcohol or other drug
17 evaluation or remedial education program in the individual's
18 state of residence. Programs providing treatment must be
19 licensed under existing applicable alcoholism and drug
20 treatment licensure standards.

21 (m) In addition to any other fine or penalty required by
22 law, an individual convicted of a violation of subsection (a),
23 Section 5-7 of the Snowmobile Registration and Safety Act,
24 Section 5-16 of the Boat Registration and Safety Act, or a
25 similar provision, whose operation of a motor vehicle,
26 snowmobile, or watercraft while in violation of subsection (a),
27 Section 5-7 of the Snowmobile Registration and Safety Act,
28 Section 5-16 of the Boat Registration and Safety Act, or a
29 similar provision proximately caused an incident resulting in
30 an appropriate emergency response, shall be required to make
31 restitution to a public agency for the costs of that emergency
32 response. The restitution may not exceed \$1,000 per public
33 agency for each emergency response. As used in this subsection
34 (m), "emergency response" means any incident requiring a
35 response by a police officer, a firefighter carried on the
36 rolls of a regularly constituted fire department, or an

1 ambulance.

2 (Source: P.A. 92-248, eff. 8-3-01; 92-418, eff. 8-17-01;
3 92-420, eff. 8-17-01; 92-429, eff. 1-1-02; 92-431, eff. 1-1-02;
4 92-651, eff. 7-11-02; 93-156, eff. 1-1-04; 93-213, eff.
5 7-18-03; 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800,
6 eff. 1-1-05; 93-840, eff. 7-30-04; revised 1-13-05.)

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

9 (720 ILCS 5/36-1) (from Ch. 38, par. 36-1)

10 Sec. 36-1. Seizure. Any vessel, vehicle or aircraft used
11 with the knowledge and consent of the owner in the commission
12 of, or in the attempt to commit as defined in Section 8-4 of
13 this Code, an offense prohibited by (a) Section 9-1, 9-3, 10-2,
14 11-6, 11-15.1, 11-19.1, 11-19.2, 11-20.1, 12-4.1, 12-4.2,
15 12-4.2-5, 12-4.3, 12-4.6, 12-7.3, 12-7.4, 12-13, 12-14, 18-2,
16 19-1, 19-2, 19-3, 20-1, 20-2, 20.5-6, 24-1.2, 24-1.2-5, 24-1.5,
17 or 28-1 of this Code, paragraph (a) of Section 12-4 of this
18 Code, paragraph (a) of Section 12-15 or paragraphs (a), (c) or
19 (d) of Section 12-16 of this Code, or paragraph (a)(6) or
20 (a)(7) of Section 24-1 of this Code; (b) Section 21, 22, 23, 24
21 or 26 of the Cigarette Tax Act if the vessel, vehicle or
22 aircraft contains more than 10 cartons of such cigarettes; (c)
23 Section 28, 29 or 30 of the Cigarette Use Tax Act if the
24 vessel, vehicle or aircraft contains more than 10 cartons of
25 such cigarettes; (d) Section 44 of the Environmental Protection
26 Act; (e) 11-204.1 of the Illinois Vehicle Code; (f) the
27 offenses described in the following provisions of the Illinois
28 Vehicle Code: Section 11-501 subdivisions (c-1)(1), (c-1)(2),
29 (c-1)(3), (d)(1)(A), ~~(d)(1)(D)~~, (d)(1)(G), or (d)(1)(H);
30 (g) an offense described in subsection (g) of Section 6-303 of
31 the Illinois Vehicle Code; or (h) an offense described in
32 subsection (e) of Section 6-101 of the Illinois Vehicle Code;
33 may be seized and delivered forthwith to the sheriff of the
34 county of seizure.

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

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

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

32 If the spouse of the owner of a vehicle seized for an
33 offense described in subsection (g) of Section 6-303 of the
34 Illinois Vehicle Code, a violation of subdivision (c-1)(1),
35 (c-1)(2), (c-1)(3), (d)(1)(A), or (d)(1)(D) of Section 11-501
36 of the Illinois Vehicle Code, or Section 9-3 of this Code makes

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

20 Property declared contraband under Section 40 of the
21 Illinois Streetgang Terrorism Omnibus Prevention Act may be
22 seized and forfeited under this Article.

23 (Source: P.A. 92-57, eff. 1-1-02; 92-688, eff. 7-16-02; 93-187,
24 eff. 7-11-03.)