



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB4204

Introduced 11/16/2005, by Rep. Harry R. Ramey, Jr.

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-501

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

Amends the Illinois Vehicle Code. Provides that the additional fine collected by the circuit clerk from any person convicted of DUI shall be used to purchase law enforcement equipment that will assist in the prevention of alcohol and drug related crime and any other act related to criminal violence, rather than in the prevention of alcohol related criminal violence, throughout the State. Provides that the equipment purchased shall include vehicles. Effective immediately.

LRB094 15277 DRH 50468 b

1 AN ACT concerning transportation.

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 (Text of Section from P.A. 93-1093)

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

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

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

16 (2) under the influence of alcohol;

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

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

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

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

32 (b) The fact that any person charged with violating this

1 Section is or has been legally entitled to use alcohol, other
2 drug or drugs, or intoxicating compound or compounds, or any
3 combination thereof, shall not constitute a defense against any
4 charge of violating this Section.

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

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

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

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

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

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

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

35 (c) (Blank).

36 (c-1) (1) A person who violates subsection (a) during a

1 period in which his or her driving privileges are revoked
2 or suspended, where the revocation or suspension was for a
3 violation of subsection (a), Section 11-501.1, paragraph
4 (b) of Section 11-401, or for reckless homicide as defined
5 in Section 9-3 of the Criminal Code of 1961 is guilty of a
6 Class 4 felony.

7 (2) A person who violates subsection (a) a third time,
8 if the third violation occurs during a period in which his
9 or her driving privileges are revoked or suspended where
10 the revocation or suspension was for a violation of
11 subsection (a), Section 11-501.1, paragraph (b) of Section
12 11-401, or for reckless homicide as defined in Section 9-3
13 of the Criminal Code of 1961, is guilty of a Class 3
14 felony; and if the person receives a term of probation or
15 conditional discharge, he or she shall be required to serve
16 a mandatory minimum of 10 days of imprisonment or shall be
17 assigned a mandatory minimum of 480 hours of community
18 service, as may be determined by the court, as a condition
19 of the probation or conditional discharge. This mandatory
20 minimum term of imprisonment or assignment of community
21 service shall not be suspended or reduced by the court.

22 (2.2) A person who violates subsection (a), if the
23 violation occurs during a period in which his or her
24 driving privileges are revoked or suspended where the
25 revocation or suspension was for a violation of subsection
26 (a) or Section 11-501.1, shall also be sentenced to an
27 additional mandatory minimum term of 30 consecutive days of
28 imprisonment, 40 days of 24-hour periodic imprisonment, or
29 720 hours of community service, as may be determined by the
30 court. This mandatory term of imprisonment or assignment of
31 community service shall not be suspended or reduced by the
32 court.

33 (3) A person who violates subsection (a) a fourth or
34 subsequent time, if the fourth or subsequent violation
35 occurs during a period in which his or her driving
36 privileges are revoked or suspended where the revocation or

1 suspension was for a violation of subsection (a), Section
2 11-501.1, paragraph (b) of Section 11-401, or for reckless
3 homicide as defined in Section 9-3 of the Criminal Code of
4 1961, is guilty of a Class 2 felony and is not eligible for
5 a sentence of probation or conditional discharge.

6 (c-2) (Blank).

7 (c-3) (Blank).

8 (c-4) (Blank).

9 (c-5)(1) A person who violates subsection (a), if the
10 person was transporting a person under the age of 16 at the
11 time of the violation, is subject to an additional
12 mandatory minimum fine of \$1,000, an additional mandatory
13 minimum 140 hours of community service, which shall include
14 40 hours of community service in a program benefiting
15 children, and an additional 2 days of imprisonment. The
16 imprisonment or assignment of community service under this
17 subdivision (c-5)(1) is not subject to suspension, nor is
18 the person eligible for a reduced sentence.

19 (2) Except as provided in subdivisions (c-5)(3) and
20 (c-5)(4) a person who violates subsection (a) a second
21 time, if at the time of the second violation the person was
22 transporting a person under the age of 16, is subject to an
23 additional 10 days of imprisonment, an additional
24 mandatory minimum fine of \$1,000, and an additional
25 mandatory minimum 140 hours of community service, which
26 shall include 40 hours of community service in a program
27 benefiting children. The imprisonment or assignment of
28 community service under this subdivision (c-5)(2) is not
29 subject to suspension, nor is the person eligible for a
30 reduced sentence.

31 (3) Except as provided in subdivision (c-5)(4), any
32 person convicted of violating subdivision (c-5)(2) or a
33 similar provision within 10 years of a previous violation
34 of subsection (a) or a similar provision shall receive, in
35 addition to any other penalty imposed, a mandatory minimum
36 12 days imprisonment, an additional 40 hours of mandatory

1 community service in a program benefiting children, and a
2 mandatory minimum fine of \$1,750. The imprisonment or
3 assignment of community service under this subdivision
4 (c-5)(3) is not subject to suspension, nor is the person
5 eligible for a reduced sentence.

6 (4) Any person convicted of violating subdivision
7 (c-5)(2) or a similar provision within 5 years of a
8 previous violation of subsection (a) or a similar provision
9 shall receive, in addition to any other penalty imposed, an
10 additional 80 hours of mandatory community service in a
11 program benefiting children, an additional mandatory
12 minimum 12 days of imprisonment, and a mandatory minimum
13 fine of \$1,750. The imprisonment or assignment of community
14 service under this subdivision (c-5)(4) is not subject to
15 suspension, nor is the person eligible for a reduced
16 sentence.

17 (5) Any person convicted a third time for violating
18 subsection (a) or a similar provision, if at the time of
19 the third violation the person was transporting a person
20 under the age of 16, is guilty of a Class 4 felony and
21 shall receive, in addition to any other penalty imposed, an
22 additional mandatory fine of \$1,000, an additional
23 mandatory 140 hours of community service, which shall
24 include 40 hours in a program benefiting children, and a
25 mandatory minimum 30 days of imprisonment. The
26 imprisonment or assignment of community service under this
27 subdivision (c-5)(5) is not subject to suspension, nor is
28 the person eligible for a reduced sentence.

29 (6) Any person convicted of violating subdivision
30 (c-5)(5) or a similar provision a third time within 20
31 years of a previous violation of subsection (a) or a
32 similar provision is guilty of a Class 4 felony and shall
33 receive, in addition to any other penalty imposed, an
34 additional mandatory 40 hours of community service in a
35 program benefiting children, an additional mandatory fine
36 of \$3,000, and a mandatory minimum 120 days of

1 imprisonment. The imprisonment or assignment of community
2 service under this subdivision (c-5)(6) is not subject to
3 suspension, nor is the person eligible for a reduced
4 sentence.

5 (7) Any person convicted a fourth or subsequent time
6 for violating subsection (a) or a similar provision, if at
7 the time of the fourth or subsequent violation the person
8 was transporting a person under the age of 16, and if the
9 person's 3 prior violations of subsection (a) or a similar
10 provision occurred while transporting a person under the
11 age of 16 or while the alcohol concentration in his or her
12 blood, breath, or urine was 0.16 or more based on the
13 definition of blood, breath, or urine units in Section
14 11-501.2, is guilty of a Class 2 felony, is not eligible
15 for probation or conditional discharge, and is subject to a
16 minimum fine of \$3,000.

17 (c-6)(1) Any person convicted of a first violation of
18 subsection (a) or a similar provision, if the alcohol
19 concentration in his or her blood, breath, or urine was
20 0.16 or more based on the definition of blood, breath, or
21 urine units in Section 11-501.2, shall be subject, in
22 addition to any other penalty that may be imposed, to a
23 mandatory minimum of 100 hours of community service and a
24 mandatory minimum fine of \$500.

25 (2) Any person convicted of a second violation of
26 subsection (a) or a similar provision committed within 10
27 years of a previous violation of subsection (a) or a
28 similar provision, if at the time of the second violation
29 of subsection (a) or a similar provision the alcohol
30 concentration in his or her blood, breath, or urine was
31 0.16 or more based on the definition of blood, breath, or
32 urine units in Section 11-501.2, shall be subject, in
33 addition to any other penalty that may be imposed, to a
34 mandatory minimum of 2 days of imprisonment and a mandatory
35 minimum fine of \$1,250.

36 (3) Any person convicted of a third violation of

1 subsection (a) or a similar provision within 20 years of a
2 previous violation of subsection (a) or a similar
3 provision, if at the time of the third violation of
4 subsection (a) or a similar provision the alcohol
5 concentration in his or her blood, breath, or urine was
6 0.16 or more based on the definition of blood, breath, or
7 urine units in Section 11-501.2, is guilty of a Class 4
8 felony and shall be subject, in addition to any other
9 penalty that may be imposed, to a mandatory minimum of 90
10 days of imprisonment and a mandatory minimum fine of
11 \$2,500.

12 (4) Any person convicted of a fourth or subsequent
13 violation of subsection (a) or a similar provision, if at
14 the time of the fourth or subsequent violation the alcohol
15 concentration in his or her blood, breath, or urine was
16 0.16 or more based on the definition of blood, breath, or
17 urine units in Section 11-501.2, and if the person's 3
18 prior violations of subsection (a) or a similar provision
19 occurred while transporting a person under the age of 16 or
20 while the alcohol concentration in his or her blood,
21 breath, or urine was 0.16 or more based on the definition
22 of blood, breath, or urine units in Section 11-501.2, is
23 guilty of a Class 2 felony and 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 subsection
32 (a) or a similar provision for the third or subsequent
33 time;

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

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

6 (D) the person committed a violation of subsection
7 (a) for a second time and has been previously convicted
8 of violating Section 9-3 of the Criminal Code of 1961
9 or a similar provision of a law of another state
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 subsection (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 subsection (a)
24 was a proximate cause of the bodily harm; or

25 (F) the person, in committing a violation of
26 subsection (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 subsection (a) was a proximate
30 cause of the death.

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

1 a term of imprisonment, shall be sentenced to not less than
2 one year nor more than 12 years. Aggravated driving under
3 the influence of alcohol, other drug or drugs, or
4 intoxicating compound or compounds, or any combination
5 thereof as defined in subparagraph (F) of paragraph (1) of
6 this 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. Any person sentenced
16 under this subsection (d) who receives a term of probation
17 or conditional discharge must serve a minimum term of
18 either 480 hours of community service or 10 days of
19 imprisonment as a condition of the probation or conditional
20 discharge. This mandatory minimum term of imprisonment or
21 assignment of community service may not be suspended or
22 reduced by the court.

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

35 (e-1) Any person who is found guilty of or pleads guilty to
36 violating this Section, including any person receiving a

1 disposition of court supervision for violating this Section,
2 may be required by the Court to attend a victim impact panel
3 offered by, or under contract with, a County State's Attorney's
4 office, a probation and court services department, Mothers
5 Against Drunk Driving, or the Alliance Against Intoxicated
6 Motorists. All costs generated by the victim impact panel shall
7 be paid from fees collected from the offender or as may be
8 determined by the court.

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

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

18 (h) (Blank).

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

26 (j) In addition to any other penalties and liabilities, a
27 person who is found guilty of or pleads guilty to violating
28 subsection (a), including any person placed on court
29 supervision for violating subsection (a), shall be fined \$500,
30 payable to the circuit clerk, who shall distribute the money as
31 follows: 20% to the law enforcement agency that made the arrest
32 and 80% shall be forwarded to the State Treasurer for deposit
33 into the General Revenue Fund. If the person has been
34 previously convicted of violating subsection (a) or a similar
35 provision of a local ordinance, the fine shall be \$1,000. In
36 the event that more than one agency is responsible for the

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

15 (k) The Secretary of State Police DUI Fund is created as a
16 special fund in the State treasury. All moneys received by the
17 Secretary of State Police under subsection (j) of this Section
18 shall be deposited into the Secretary of State Police DUI Fund
19 and, subject to appropriation, shall be used to purchase law
20 enforcement equipment to assist in the prevention of alcohol
21 and drug related crime and any other act related to ~~alcohol~~
22 ~~related~~ criminal violence throughout the State.

23 (l) Whenever an individual is sentenced for an offense
24 based upon an arrest for a violation of subsection (a) or a
25 similar provision of a local ordinance, and the professional
26 evaluation recommends remedial or rehabilitative treatment or
27 education, neither the treatment nor the education shall be the
28 sole disposition and either or both may be imposed only in
29 conjunction with another disposition. The court shall monitor
30 compliance with any remedial education or treatment
31 recommendations contained in the professional evaluation.
32 Programs conducting alcohol or other drug evaluation or
33 remedial education must be licensed by the Department of Human
34 Services. If the individual is not a resident of Illinois,
35 however, the court may accept an alcohol or other drug
36 evaluation or remedial education program in the individual's

1 state of residence. Programs providing treatment must be
2 licensed under existing applicable alcoholism and drug
3 treatment licensure standards.

4 (m) In addition to any other fine or penalty required by
5 law, an individual convicted of a violation of subsection (a),
6 Section 5-7 of the Snowmobile Registration and Safety Act,
7 Section 5-16 of the Boat Registration and Safety Act, or a
8 similar provision, whose operation of a motor vehicle,
9 snowmobile, or watercraft while in violation of subsection (a),
10 Section 5-7 of the Snowmobile Registration and Safety Act,
11 Section 5-16 of the Boat Registration and Safety Act, or a
12 similar provision proximately caused an incident resulting in
13 an appropriate emergency response, shall be required to make
14 restitution to a public agency for the costs of that emergency
15 response. The restitution may not exceed \$1,000 per public
16 agency for each emergency response. As used in this subsection
17 (m), "emergency response" means any incident requiring a
18 response by a police officer, a firefighter carried on the
19 rolls of a regularly constituted fire department, or an
20 ambulance.

21 (Source: P.A. 92-248, eff. 8-3-01; 92-418, eff. 8-17-01;
22 92-420, eff. 8-17-01; 92-429, eff. 1-1-02; 92-431, eff. 1-1-02;
23 92-651, eff. 7-11-02; 93-156, eff. 1-1-04; 93-213, eff.
24 7-18-03; 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800,
25 eff. 1-1-05; 93-840, eff. 7-30-04; 93-1093, eff. 3-29-05.)

26 (Text of Section from P.A. 94-110)

27 Sec. 11-501. Driving while under the influence of alcohol,
28 other drug or drugs, intoxicating compound or compounds or any
29 combination thereof.

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

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

35 (2) under the influence of alcohol;

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

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

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

10 (6) there is any amount of a drug, substance, or
11 compound in the person's breath, blood, or urine resulting
12 from the unlawful use or consumption of cannabis listed in
13 the Cannabis Control Act, a controlled substance listed in
14 the Illinois Controlled Substances Act, or an intoxicating
15 compound listed in the Use of Intoxicating Compounds Act.

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

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

22 (1) Any reference to a prior violation of subsection
23 (a) or a similar provision includes any violation of a
24 provision of a local ordinance or a provision of a law of
25 another state that is similar to a violation of subsection
26 (a) of this Section.

27 (2) Any penalty imposed for driving with a license that
28 has been revoked for a previous violation of subsection (a)
29 of this Section shall be in addition to the penalty imposed
30 for any subsequent violation of subsection (a).

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

34 (b-3) In addition to any other criminal or administrative
35 sanction for any second conviction of violating subsection (a)
36 or a similar provision committed within 5 years of a previous

1 violation of subsection (a) or a similar provision, the
2 defendant shall be sentenced to a mandatory minimum of 5 days
3 of imprisonment or assigned a mandatory minimum of 240 hours of
4 community service as may be determined by the court.

5 (b-4) In the case of a third or subsequent violation
6 committed within 5 years of a previous violation of subsection
7 (a) or a similar provision, in addition to any other criminal
8 or administrative sanction, a mandatory minimum term of either
9 10 days of imprisonment or 480 hours of community service shall
10 be imposed.

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

15 (c) (Blank).

16 (c-1) (1) A person who violates subsection (a) during a
17 period in which his or her driving privileges are revoked
18 or suspended, where the revocation or suspension was for a
19 violation of subsection (a), Section 11-501.1, paragraph
20 (b) of Section 11-401, or for reckless homicide as defined
21 in Section 9-3 of the Criminal Code of 1961 is guilty of a
22 Class 4 felony.

23 (2) A person who violates subsection (a) a third time,
24 if the third violation occurs during a period in which his
25 or her driving privileges are revoked or suspended where
26 the revocation or suspension was for a violation of
27 subsection (a), Section 11-501.1, paragraph (b) of Section
28 11-401, or for reckless homicide as defined in Section 9-3
29 of the Criminal Code of 1961, is guilty of a Class 3
30 felony; and if the person receives a term of probation or
31 conditional discharge, he or she shall be required to serve
32 a mandatory minimum of 10 days of imprisonment or shall be
33 assigned a mandatory minimum of 480 hours of community
34 service, as may be determined by the court, as a condition
35 of the probation or conditional discharge. This mandatory
36 minimum term of imprisonment or assignment of community

1 service shall not be suspended or reduced by the court.

2 (2.2) A person who violates subsection (a), if the
3 violation occurs during a period in which his or her
4 driving privileges are revoked or suspended where the
5 revocation or suspension was for a violation of subsection
6 (a) or Section 11-501.1, shall also be sentenced to an
7 additional mandatory minimum term of 30 consecutive days of
8 imprisonment, 40 days of 24-hour periodic imprisonment, or
9 720 hours of community service, as may be determined by the
10 court. This mandatory term of imprisonment or assignment of
11 community service shall not be suspended or reduced by the
12 court.

13 (3) A person who violates subsection (a) a fourth or
14 subsequent time, if the fourth or subsequent violation
15 occurs during a period in which his or her driving
16 privileges are revoked or suspended where the revocation or
17 suspension was for a violation of subsection (a), Section
18 11-501.1, paragraph (b) of Section 11-401, or for reckless
19 homicide as defined in Section 9-3 of the Criminal Code of
20 1961, is guilty of a Class 2 felony and is not eligible for
21 a sentence of probation or conditional discharge.

22 (c-2) (Blank).

23 (c-3) (Blank).

24 (c-4) (Blank).

25 (c-5) Except as provided in subsection (c-5.1), a person 21
26 years of age or older who violates subsection (a), if the
27 person was transporting a person under the age of 16 at the
28 time of the violation, is subject to 6 months of imprisonment,
29 an additional mandatory minimum fine of \$1,000, and 25 days of
30 community service in a program benefiting children. The
31 imprisonment or assignment of community service under this
32 subsection (c-5) is not subject to suspension, nor is the
33 person eligible for a reduced sentence.

34 (c-5.1) A person 21 years of age or older who is convicted
35 of violating subsection (a) of this Section a first time and
36 who in committing that violation was involved in a motor

1 vehicle accident that resulted in bodily harm to the child
2 under the age of 16 being transported by the person, if the
3 violation was the proximate cause of the injury, is guilty of a
4 Class 4 felony and is subject to one year of imprisonment, a
5 mandatory fine of \$2,500, and 25 days of community service in a
6 program benefiting children. The imprisonment or assignment to
7 community service under this subsection (c-5.1) shall not be
8 subject to suspension, nor shall the person be eligible for
9 probation in order to reduce the sentence or assignment.

10 (c-6) Except as provided in subsections (c-7) and (c-7.1),
11 a person 21 years of age or older who violates subsection (a) a
12 second time, if at the time of the second violation the person
13 was transporting a person under the age of 16, is subject to 6
14 months of imprisonment, an additional mandatory minimum fine of
15 \$1,000, and an additional mandatory minimum 140 hours of
16 community service, which shall include 40 hours of community
17 service in a program benefiting children. The imprisonment or
18 assignment of community service under this subsection (c-6) is
19 not subject to suspension, nor is the person eligible for a
20 reduced sentence.

21 (c-7) Except as provided in subsection (c-7.1), any person
22 21 years of age or older convicted of violating subsection
23 (c-6) or a similar provision within 10 years of a previous
24 violation of subsection (a) or a similar provision is guilty of
25 a Class 4 felony and, in addition to any other penalty imposed,
26 is subject to one year of imprisonment, 25 days of mandatory
27 community service in a program benefiting children, and a
28 mandatory fine of \$2,500. The imprisonment or assignment of
29 community service under this subsection (c-7) is not subject to
30 suspension, nor is the person eligible for a reduced sentence.

31 (c-7.1) A person 21 years of age or older who is convicted
32 of violating subsection (a) of this Section a second time
33 within 10 years and who in committing that violation was
34 involved in a motor vehicle accident that resulted in bodily
35 harm to the child under the age of 16 being transported, if the
36 violation was the proximate cause of the injury, is guilty of a

1 Class 4 felony and is subject to 18 months of imprisonment, a
2 mandatory fine of \$5,000, and 25 days of community service in a
3 program benefiting children. The imprisonment or assignment to
4 community service under this subsection (c-7.1) shall not be
5 subject to suspension, nor shall the person be eligible for
6 probation in order to reduce the sentence or assignment.

7 (c-8) (Blank).

8 (c-9) Any person 21 years of age or older convicted a third
9 time for violating subsection (a) or a similar provision, if at
10 the time of the third violation the person was transporting a
11 person under the age of 16, is guilty of a Class 4 felony and is
12 subject to 18 months of imprisonment, a mandatory fine of
13 \$2,500, and 25 days of community service in a program
14 benefiting children. The imprisonment or assignment of
15 community service under this subsection (c-9) is not subject to
16 suspension, nor is the person eligible for a reduced sentence.

17 (c-10) Any person 21 years of age or older convicted of
18 violating subsection (c-9) or a similar provision a third time
19 within 20 years of a previous violation of subsection (a) or a
20 similar provision is guilty of a Class 3 felony and, in
21 addition to any other penalty imposed, is subject to 3 years of
22 imprisonment, 25 days of community service in a program
23 benefiting children, and a mandatory fine of \$25,000. The
24 imprisonment or assignment of community service under this
25 subsection (c-10) is not subject to suspension, nor is the
26 person eligible for a reduced sentence.

27 (c-11) Any person 21 years of age or older convicted a
28 fourth or subsequent time for violating subsection (a) or a
29 similar provision, if at the time of the fourth or subsequent
30 violation the person was transporting a person under the age of
31 16, and if the person's 3 prior violations of subsection (a) or
32 a similar provision occurred while transporting a person under
33 the age of 16 or while the alcohol concentration in his or her
34 blood, breath, or urine was 0.16 or more based on the
35 definition of blood, breath, or urine units in Section
36 11-501.2, is guilty of a Class 2 felony, is not eligible for

1 probation or conditional discharge, and is subject to a minimum
2 fine of \$25,000.

3 (c-12) Any person convicted of a first violation of
4 subsection (a) or a similar provision, if the alcohol
5 concentration in his or her blood, breath, or urine was 0.16 or
6 more based on the definition of blood, breath, or urine units
7 in Section 11-501.2, shall be subject, in addition to any other
8 penalty that may be imposed, to a mandatory minimum of 100
9 hours of community service and a mandatory minimum fine of
10 \$500.

11 (c-13) Any person convicted of a second violation of
12 subsection (a) or a similar provision committed within 10 years
13 of a previous violation of subsection (a) or a similar
14 provision, if at the time of the second violation of subsection
15 (a) or a similar provision the alcohol concentration in his or
16 her blood, breath, or urine was 0.16 or more based on the
17 definition of blood, breath, or urine units in Section
18 11-501.2, shall be subject, in addition to any other penalty
19 that may be imposed, to a mandatory minimum of 2 days of
20 imprisonment and a mandatory minimum fine of \$1,250.

21 (c-14) Any person convicted of a third violation of
22 subsection (a) or a similar provision within 20 years of a
23 previous violation of subsection (a) or a similar provision, if
24 at the time of the third violation of subsection (a) or a
25 similar provision the alcohol concentration in his or her
26 blood, breath, or urine was 0.16 or more based on the
27 definition of blood, breath, or urine units in Section
28 11-501.2, is guilty of a Class 4 felony and shall be subject,
29 in addition to any other penalty that may be imposed, to a
30 mandatory minimum of 90 days of imprisonment and a mandatory
31 minimum fine of \$2,500.

32 (c-15) Any person convicted of a fourth or subsequent
33 violation of subsection (a) or a similar provision, if at the
34 time of the fourth or subsequent violation the alcohol
35 concentration in his or her blood, breath, or urine was 0.16 or
36 more based on the definition of blood, breath, or urine units

1 in Section 11-501.2, and if the person's 3 prior violations of
2 subsection (a) or a similar provision occurred while
3 transporting a person under the age of 16 or while the alcohol
4 concentration in his or her blood, breath, or urine was 0.16 or
5 more based on the definition of blood, breath, or urine units
6 in Section 11-501.2, is guilty of a Class 2 felony and is not
7 eligible for a sentence of probation or conditional discharge
8 and is subject to a minimum fine of \$2,500.

9 (d) (1) Every person convicted of committing a violation of
10 this Section shall be guilty of aggravated driving under
11 the influence of alcohol, other drug or drugs, or
12 intoxicating compound or compounds, or any combination
13 thereof if:

14 (A) the person committed a violation of subsection
15 (a) or a similar provision for the third or subsequent
16 time;

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

20 (C) the person in committing a violation of
21 subsection (a) was involved in a motor vehicle accident
22 that resulted in great bodily harm or permanent
23 disability or disfigurement to another, when the
24 violation was a proximate cause of the injuries;

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

35 (E) the person, in committing a violation of
36 subsection (a) while driving at any speed in a school

1 speed zone at a time when a speed limit of 20 miles per
2 hour was in effect under subsection (a) of Section
3 11-605 of this Code, was involved in a motor vehicle
4 accident that resulted in bodily harm, other than great
5 bodily harm or permanent disability or disfigurement,
6 to another person, when the violation of subsection (a)
7 was a proximate cause of the bodily harm; or

8 (F) the person, in committing a violation of
9 subsection (a), was involved in a motor vehicle,
10 snowmobile, all-terrain vehicle, or watercraft
11 accident that resulted in the death of another person,
12 when the violation of subsection (a) was a proximate
13 cause of the death.

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

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

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

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

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

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

1 (h) (Blank).

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

9 (j) In addition to any other penalties and liabilities, a
10 person who is found guilty of or pleads guilty to violating
11 subsection (a), including any person placed on court
12 supervision for violating subsection (a), shall be fined \$500,
13 payable to the circuit clerk, who shall distribute the money as
14 follows: 20% to the law enforcement agency that made the arrest
15 and 80% shall be forwarded to the State Treasurer for deposit
16 into the General Revenue Fund. If the person has been
17 previously convicted of violating subsection (a) or a similar
18 provision of a local ordinance, the fine shall be \$1,000. In
19 the event that more than one agency is responsible for the
20 arrest, the amount payable to law enforcement agencies shall be
21 shared equally. Any moneys received by a law enforcement agency
22 under this subsection (j) shall be used to purchase law
23 enforcement equipment that will assist in the prevention of
24 alcohol and drug related crime and any other act related to
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, and vehicles. Any moneys received by the Department of
29 State Police under this subsection (j) shall be deposited into
30 the State Police DUI Fund and shall be used to purchase law
31 enforcement equipment that will assist in the prevention of
32 alcohol and drug related crime and any other act related to
33 ~~alcohol related~~ criminal violence throughout the State.

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

1 shall be deposited into the Secretary of State Police DUI Fund
2 and, subject to appropriation, shall be used to purchase law
3 enforcement equipment to assist in the prevention of alcohol
4 and drug related crime and any other act related to alcohol
5 related criminal violence throughout the State.

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

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

1 response by a police officer, a firefighter carried on the
2 rolls of a regularly constituted fire department, or an
3 ambulance.

4 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;
5 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;
6 93-840, eff. 7-30-04; 94-110, eff. 1-1-06.)

7 (Text of Section from P.A. 94-113)

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

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

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

16 (2) under the influence of alcohol;

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

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

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

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

32 (b) The fact that any person charged with violating this
33 Section is or has been legally entitled to use alcohol, other
34 drug or drugs, or intoxicating compound or compounds, or any
35 combination thereof, shall not constitute a defense against any

1 charge of violating this Section.

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

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

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

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

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

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

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

32 (c) (Blank).

33 (c-1) (1) A person who violates subsection (a) during a
34 period in which his or her driving privileges are revoked
35 or suspended, where the revocation or suspension was for a
36 violation of subsection (a), Section 11-501.1, paragraph

1 (b) of Section 11-401, or for reckless homicide as defined
2 in Section 9-3 of the Criminal Code of 1961 is guilty of a
3 Class 4 felony.

4 (2) A person who violates subsection (a) a third time,
5 if the third violation occurs during a period in which his
6 or her driving privileges are revoked or suspended where
7 the revocation or suspension was for a violation of
8 subsection (a), Section 11-501.1, paragraph (b) of Section
9 11-401, or for reckless homicide as defined in Section 9-3
10 of the Criminal Code of 1961, is guilty of a Class 3
11 felony.

12 (2.1) A person who violates subsection (a) a third
13 time, if the third violation occurs during a period in
14 which his or her driving privileges are revoked or
15 suspended where the revocation or suspension was for a
16 violation of subsection (a), Section 11-501.1, subsection
17 (b) of Section 11-401, or for reckless homicide as defined
18 in Section 9-3 of the Criminal Code of 1961, is guilty of a
19 Class 3 felony; and if the person receives a term of
20 probation or conditional discharge, he or she shall be
21 required to serve a mandatory minimum of 10 days of
22 imprisonment or shall be assigned a mandatory minimum of
23 480 hours of community service, as may be determined by the
24 court, as a condition of the probation or conditional
25 discharge. This mandatory minimum term of imprisonment or
26 assignment of community service shall not be suspended or
27 reduced by the court.

28 (2.2) A person who violates subsection (a), if the
29 violation occurs during a period in which his or her
30 driving privileges are revoked or suspended where the
31 revocation or suspension was for a violation of subsection
32 (a) or Section 11-501.1, shall also be sentenced to an
33 additional mandatory minimum term of 30 consecutive days of
34 imprisonment, 40 days of 24-hour periodic imprisonment, or
35 720 hours of community service, as may be determined by the
36 court. This mandatory term of imprisonment or assignment of

1 community service shall not be suspended or reduced by the
2 court.

3 (3) A person who violates subsection (a) a fourth or
4 subsequent time, if the fourth or subsequent violation
5 occurs during a period in which his or her driving
6 privileges are revoked or suspended where the revocation or
7 suspension was for a violation of subsection (a), Section
8 11-501.1, paragraph (b) of Section 11-401, or for reckless
9 homicide as defined in Section 9-3 of the Criminal Code of
10 1961, is guilty of a Class 2 felony and is not eligible for
11 a sentence of probation or conditional discharge.

12 (c-2) (Blank).

13 (c-3) (Blank).

14 (c-4) (Blank).

15 (c-5) A person who violates subsection (a), if the person
16 was transporting a person under the age of 16 at the time of
17 the violation, is subject to an additional mandatory minimum
18 fine of \$1,000, an additional mandatory minimum 140 hours of
19 community service, which shall include 40 hours of community
20 service in a program benefiting children, and an additional 2
21 days of imprisonment. The imprisonment or assignment of
22 community service under this subsection (c-5) is not subject to
23 suspension, nor is the person eligible for a reduced sentence.

24 (c-6) Except as provided in subsections (c-7) and (c-8) a
25 person who violates subsection (a) a second time, if at the
26 time of the second violation the person was transporting a
27 person under the age of 16, is subject to an additional 10 days
28 of imprisonment, an additional mandatory minimum fine of
29 \$1,000, and an additional mandatory minimum 140 hours of
30 community service, which shall include 40 hours of community
31 service in a program benefiting children. The imprisonment or
32 assignment of community service under this subsection (c-6) is
33 not subject to suspension, nor is the person eligible for a
34 reduced sentence.

35 (c-7) Except as provided in subsection (c-8), any person
36 convicted of violating subsection (c-6) or a similar provision

1 within 10 years of a previous violation of subsection (a) or a
2 similar provision shall receive, in addition to any other
3 penalty imposed, a mandatory minimum 12 days imprisonment, an
4 additional 40 hours of mandatory community service in a program
5 benefiting children, and a mandatory minimum fine of \$1,750.
6 The imprisonment or assignment of community service under this
7 subsection (c-7) is not subject to suspension, nor is the
8 person eligible for a reduced sentence.

9 (c-8) Any person convicted of violating subsection (c-6) or
10 a similar provision within 5 years of a previous violation of
11 subsection (a) or a similar provision shall receive, in
12 addition to any other penalty imposed, an additional 80 hours
13 of mandatory community service in a program benefiting
14 children, an additional mandatory minimum 12 days of
15 imprisonment, and a mandatory minimum fine of \$1,750. The
16 imprisonment or assignment of community service under this
17 subsection (c-8) is not subject to suspension, nor is the
18 person eligible for a reduced sentence.

19 (c-9) Any person convicted a third time for violating
20 subsection (a) or a similar provision, if at the time of the
21 third violation the person was transporting a person under the
22 age of 16, is guilty of a Class 4 felony and shall receive, in
23 addition to any other penalty imposed, an additional mandatory
24 fine of \$1,000, an additional mandatory 140 hours of community
25 service, which shall include 40 hours in a program benefiting
26 children, and a mandatory minimum 30 days of imprisonment. The
27 imprisonment or assignment of community service under this
28 subsection (c-9) is not subject to suspension, nor is the
29 person eligible for a reduced sentence.

30 (c-10) Any person convicted of violating subsection (c-9)
31 or a similar provision a third time within 20 years of a
32 previous violation of subsection (a) or a similar provision is
33 guilty of a Class 4 felony and shall receive, in addition to
34 any other penalty imposed, an additional mandatory 40 hours of
35 community service in a program benefiting children, an
36 additional mandatory fine of \$3,000, and a mandatory minimum

1 120 days of imprisonment. The imprisonment or assignment of
2 community service under this subsection (c-10) is not subject
3 to suspension, nor is the person eligible for a reduced
4 sentence.

5 (c-11) Any person convicted a fourth or subsequent time for
6 violating subsection (a) or a similar provision, if at the time
7 of the fourth or subsequent violation the person was
8 transporting a person under the age of 16, and if the person's
9 3 prior violations of subsection (a) or a similar provision
10 occurred while transporting a person under the age of 16 or
11 while the alcohol concentration in his or her blood, breath, or
12 urine was 0.16 or more based on the definition of blood,
13 breath, or urine units in Section 11-501.2, is guilty of a
14 Class 2 felony, is not eligible for probation or conditional
15 discharge, and is subject to a minimum fine of \$3,000.

16 (c-12) Any person convicted of a first violation of
17 subsection (a) or a similar provision, if the alcohol
18 concentration in his or her blood, breath, or urine was 0.16 or
19 more based on the definition of blood, breath, or urine units
20 in Section 11-501.2, shall be subject, in addition to any other
21 penalty that may be imposed, to a mandatory minimum of 100
22 hours of community service and a mandatory minimum fine of
23 \$500.

24 (c-13) Any person convicted of a second violation of
25 subsection (a) or a similar provision committed within 10 years
26 of a previous violation of subsection (a) or a similar
27 provision committed within 10 years of a previous violation of
28 subsection (a) or a similar provision, if at the time of the
29 second violation of subsection (a) the alcohol concentration in
30 his or her blood, breath, or urine was 0.16 or more based on
31 the definition of blood, breath, or urine units in Section
32 11-501.2, shall be subject, in addition to any other penalty
33 that may be imposed, to a mandatory minimum of 2 days of
34 imprisonment and a mandatory minimum fine of \$1,250.

35 (c-14) Any person convicted of a third violation of
36 subsection (a) or a similar provision within 20 years of a

1 previous violation of subsection (a) or a similar provision, if
2 at the time of the third violation of subsection (a) or a
3 similar provision the alcohol concentration in his or her
4 blood, breath, or urine was 0.16 or more based on the
5 definition of blood, breath, or urine units in Section
6 11-501.2, is guilty of a Class 4 felony and shall be subject,
7 in addition to any other penalty that may be imposed, to a
8 mandatory minimum of 90 days of imprisonment and a mandatory
9 minimum fine of \$2,500.

10 (c-15) Any person convicted of a fourth or subsequent
11 violation of subsection (a) or a similar provision, if at the
12 time of the fourth or subsequent violation the alcohol
13 concentration in his or her blood, breath, or urine was 0.16 or
14 more based on the definition of blood, breath, or urine units
15 in Section 11-501.2, and if the person's 3 prior violations of
16 subsection (a) or a similar provision occurred while
17 transporting a person under the age of 16 or while the alcohol
18 concentration in his or her blood, breath, or urine was 0.16 or
19 more based on the definition of blood, breath, or urine units
20 in Section 11-501.2, is guilty of a Class 2 felony and is not
21 eligible for a sentence of probation or conditional discharge
22 and is subject to a minimum fine of \$2,500.

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

28 (A) the person committed a violation of subsection
29 (a) or a similar provision for the third or subsequent
30 time;

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

34 (C) the person in committing a violation of
35 subsection (a) was involved in a motor vehicle accident
36 that resulted in great bodily harm or permanent

1 disability or disfigurement to another, when the
2 violation was a proximate cause of the injuries;

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

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

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

28 (2) Except as provided in this paragraph (2), a person
29 convicted of aggravated driving under the influence of
30 alcohol, other drug or drugs, or intoxicating compound or
31 compounds, or any combination thereof is guilty of a Class
32 4 felony. For a violation of subparagraph (C) of paragraph
33 (1) of this subsection (d), the defendant, if sentenced to
34 a term of imprisonment, shall be sentenced to not less than
35 one year nor more than 12 years. Aggravated driving under
36 the influence of alcohol, other drug or drugs, or

1 intoxicating compound or compounds, or any combination
2 thereof as defined in subparagraph (F) of paragraph (1) of
3 this subsection (d) is a Class 2 felony, for which the
4 defendant, unless the court determines that extraordinary
5 circumstances exist and require probation, shall be
6 sentenced to: (A) a term of imprisonment of not less than 3
7 years and not more than 14 years if the violation resulted
8 in the death of one person; or (B) a term of imprisonment
9 of not less than 6 years and not more than 28 years if the
10 violation resulted in the deaths of 2 or more persons. For
11 any prosecution under this subsection (d), a certified copy
12 of the driving abstract of the defendant shall be admitted
13 as proof of any prior conviction. Any person sentenced
14 under this subsection (d) who receives a term of probation
15 or conditional discharge must serve a minimum term of
16 either 480 hours of community service or 10 days of
17 imprisonment as a condition of the probation or conditional
18 discharge. This mandatory minimum term of imprisonment or
19 assignment of community service may not be suspended or
20 reduced by the court.

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

33 (e-1) Any person who is found guilty of or pleads guilty to
34 violating this Section, including any person receiving a
35 disposition of court supervision for violating this Section,
36 may be required by the Court to attend a victim impact panel

1 offered by, or under contract with, a County State's Attorney's
2 office, a probation and court services department, Mothers
3 Against Drunk Driving, or the Alliance Against Intoxicated
4 Motorists. All costs generated by the victim impact panel shall
5 be paid from fees collected from the offender or as may be
6 determined by the court.

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

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

16 (h) (Blank).

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

24 (j) In addition to any other penalties and liabilities, a
25 person who is found guilty of or pleads guilty to violating
26 subsection (a), including any person placed on court
27 supervision for violating subsection (a), shall be fined \$500,
28 payable to the circuit clerk, who shall distribute the money as
29 follows: 20% to the law enforcement agency that made the arrest
30 and 80% shall be forwarded to the State Treasurer for deposit
31 into the General Revenue Fund. If the person has been
32 previously convicted of violating subsection (a) or a similar
33 provision of a local ordinance, the fine shall be \$1,000. In
34 the event that more than one agency is responsible for the
35 arrest, the amount payable to law enforcement agencies shall be
36 shared equally. Any moneys received by a law enforcement agency

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

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

21 (l) Whenever an individual is sentenced for an offense
22 based upon an arrest for a violation of subsection (a) or a
23 similar provision of a local ordinance, and the professional
24 evaluation recommends remedial or rehabilitative treatment or
25 education, neither the treatment nor the education shall be the
26 sole disposition and either or both may be imposed only in
27 conjunction with another disposition. The court shall monitor
28 compliance with any remedial education or treatment
29 recommendations contained in the professional evaluation.
30 Programs conducting alcohol or other drug evaluation or
31 remedial education must be licensed by the Department of Human
32 Services. If the individual is not a resident of Illinois,
33 however, the court may accept an alcohol or other drug
34 evaluation or remedial education program in the individual's
35 state of residence. Programs providing treatment must be
36 licensed under existing applicable alcoholism and drug

1 treatment licensure standards.

2 (m) In addition to any other fine or penalty required by
3 law, an individual convicted of a violation of subsection (a),
4 Section 5-7 of the Snowmobile Registration and Safety Act,
5 Section 5-16 of the Boat Registration and Safety Act, or a
6 similar provision, whose operation of a motor vehicle,
7 snowmobile, or watercraft while in violation of subsection (a),
8 Section 5-7 of the Snowmobile Registration and Safety Act,
9 Section 5-16 of the Boat Registration and Safety Act, or a
10 similar provision proximately caused an incident resulting in
11 an appropriate emergency response, shall be required to make
12 restitution to a public agency for the costs of that emergency
13 response. The restitution may not exceed \$1,000 per public
14 agency for each emergency response. As used in this subsection
15 (m), "emergency response" means any incident requiring a
16 response by a police officer, a firefighter carried on the
17 rolls of a regularly constituted fire department, or an
18 ambulance.

19 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;
20 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;
21 93-840, eff. 7-30-04; 94-113, eff. 1-1-06.)

22 (Text of Section from P.A. 94-114)

23 Sec. 11-501. Driving while under the influence of alcohol,
24 other drug or drugs, intoxicating compound or compounds or any
25 combination thereof.

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

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

31 (2) under the influence of alcohol;

32 (3) under the influence of any intoxicating compound or
33 combination of intoxicating compounds to a degree that
34 renders the person incapable of driving safely;

35 (4) under the influence of any other drug or

1 combination of drugs to a degree that renders the person
2 incapable of safely driving;

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

6 (6) there is any amount of a drug, substance, or
7 compound in the person's breath, blood, or urine resulting
8 from the unlawful use or consumption of cannabis listed in
9 the Cannabis Control Act, a controlled substance listed in
10 the Illinois Controlled Substances Act, or an intoxicating
11 compound listed in the Use of Intoxicating Compounds Act.

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

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

18 (1) Any reference to a prior violation of subsection
19 (a) or a similar provision includes any violation of a
20 provision of a local ordinance or a provision of a law of
21 another state that is similar to a violation of subsection
22 (a) of this Section.

23 (2) Any penalty imposed for driving with a license that
24 has been revoked for a previous violation of subsection (a)
25 of this Section shall be in addition to the penalty imposed
26 for any subsequent violation of subsection (a).

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

30 (b-3) In addition to any other criminal or administrative
31 sanction for any second conviction of violating subsection (a)
32 or a similar provision committed within 5 years of a previous
33 violation of subsection (a) or a similar provision, the
34 defendant shall be sentenced to a mandatory minimum of 5 days
35 of imprisonment or assigned a mandatory minimum of 240 hours of
36 community service as may be determined by the court.

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

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

11 (c) (Blank).

12 (c-1) (1) A person who violates subsection (a) during a
13 period in which his or her driving privileges are revoked
14 or suspended, where the revocation or suspension was for a
15 violation of subsection (a), Section 11-501.1, paragraph
16 (b) of Section 11-401, or for reckless homicide as defined
17 in Section 9-3 of the Criminal Code of 1961 is guilty of a
18 Class 4 felony.

19 (2) A person who violates subsection (a) a third time,
20 if the third violation occurs during a period in which his
21 or her driving privileges are revoked or suspended where
22 the revocation or suspension was for a violation of
23 subsection (a), Section 11-501.1, paragraph (b) of Section
24 11-401, or for reckless homicide as defined in Section 9-3
25 of the Criminal Code of 1961, is guilty of a Class 3
26 felony.

27 (2.1) A person who violates subsection (a) a third
28 time, if the third violation occurs during a period in
29 which his or her driving privileges are revoked or
30 suspended where the revocation or suspension was for a
31 violation of subsection (a), Section 11-501.1, subsection
32 (b) of Section 11-401, or for reckless homicide as defined
33 in Section 9-3 of the Criminal Code of 1961, is guilty of a
34 Class 3 felony; and if the person receives a term of
35 probation or conditional discharge, he or she shall be
36 required to serve a mandatory minimum of 10 days of

1 imprisonment or shall be assigned a mandatory minimum of
2 480 hours of community service, as may be determined by the
3 court, as a condition of the probation or conditional
4 discharge. This mandatory minimum term of imprisonment or
5 assignment of community service shall not be suspended or
6 reduced by the court.

7 (2.2) A person who violates subsection (a), if the
8 violation occurs during a period in which his or her
9 driving privileges are revoked or suspended where the
10 revocation or suspension was for a violation of subsection
11 (a) or Section 11-501.1, shall also be sentenced to an
12 additional mandatory minimum term of 30 consecutive days of
13 imprisonment, 40 days of 24-hour periodic imprisonment, or
14 720 hours of community service, as may be determined by the
15 court. This mandatory term of imprisonment or assignment of
16 community service shall not be suspended or reduced by the
17 court.

18 (3) A person who violates subsection (a) a fourth or
19 fifth time, if the fourth or fifth violation occurs during
20 a period in which his or her driving privileges are revoked
21 or suspended where the revocation or suspension was for a
22 violation of subsection (a), Section 11-501.1, paragraph
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 a
25 Class 2 felony and is not eligible for a sentence of
26 probation or conditional discharge.

27 (c-2) (Blank).

28 (c-3) (Blank).

29 (c-4) (Blank).

30 (c-5) A person who violates subsection (a), if the person
31 was transporting a person under the age of 16 at the time of
32 the violation, is subject to an additional mandatory minimum
33 fine of \$1,000, an additional mandatory minimum 140 hours of
34 community service, which shall include 40 hours of community
35 service in a program benefiting children, and an additional 2
36 days of imprisonment. The imprisonment or assignment of

1 community service under this subsection (c-5) is not subject to
2 suspension, nor is the person eligible for a reduced sentence.

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

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

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

34 (c-9) Any person convicted a third time for violating
35 subsection (a) or a similar provision, if at the time of the
36 third violation the person was transporting a person under the

1 age of 16, is guilty of a Class 4 felony and shall receive, in
2 addition to any other penalty imposed, an additional mandatory
3 fine of \$1,000, an additional mandatory 140 hours of community
4 service, which shall include 40 hours in a program benefiting
5 children, and a mandatory minimum 30 days of imprisonment. The
6 imprisonment or assignment of community service under this
7 subsection (c-9) is not subject to suspension, nor is the
8 person eligible for a reduced sentence.

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

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

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

1 hours of community service and a mandatory minimum fine of
2 \$500.

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

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

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

1 to a minimum fine of \$2,500.

2 (c-16) Any person convicted of a sixth or subsequent
3 violation of subsection (a) is guilty of a Class X felony.

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

9 (A) the person committed a violation of subsection
10 (a) or a similar provision for the third or subsequent
11 time;

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

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

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

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

1 to another person, when the violation of subsection (a)
2 was a proximate cause of the bodily harm; or

3 (F) the person, in committing a violation of
4 subsection (a), was involved in a motor vehicle,
5 snowmobile, all-terrain vehicle, or watercraft
6 accident that resulted in the death of another person,
7 when the violation of subsection (a) was a proximate
8 cause of the death.

9 (2) Except as provided in this paragraph (2), a person
10 convicted of aggravated driving under the influence of
11 alcohol, other drug or drugs, or intoxicating compound or
12 compounds, or any combination thereof is guilty of a Class
13 4 felony. For a violation of subparagraph (C) of paragraph
14 (1) of this subsection (d), the defendant, if sentenced to
15 a term of imprisonment, shall be sentenced to not less than
16 one year nor more than 12 years. Aggravated driving under
17 the influence of alcohol, other drug or drugs, or
18 intoxicating compound or compounds, or any combination
19 thereof as defined in subparagraph (F) of paragraph (1) of
20 this subsection (d) is a Class 2 felony, for which the
21 defendant, if sentenced to a term of imprisonment, shall be
22 sentenced to: (A) a term of imprisonment of not less than 3
23 years and not more than 14 years if the violation resulted
24 in the death of one person; or (B) a term of imprisonment
25 of not less than 6 years and not more than 28 years if the
26 violation resulted in the deaths of 2 or more persons. For
27 any prosecution under this subsection (d), a certified copy
28 of the driving abstract of the defendant shall be admitted
29 as proof of any prior conviction. Any person sentenced
30 under this subsection (d) who receives a term of probation
31 or conditional discharge must serve a minimum term of
32 either 480 hours of community service or 10 days of
33 imprisonment as a condition of the probation or conditional
34 discharge. This mandatory minimum term of imprisonment or
35 assignment of community service may not be suspended or
36 reduced by the court.

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

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

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

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

32 (h) (Blank).

33 (i) The Secretary of State shall require the use of
34 ignition interlock devices on all vehicles owned by an
35 individual who has been convicted of a second or subsequent
36 offense of this Section or a similar provision of a local

1 ordinance. The Secretary shall establish by rule and regulation
2 the procedures for certification and use of the interlock
3 system.

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

29 (k) The Secretary of State Police DUI Fund is created as a
30 special fund in the State treasury. All moneys received by the
31 Secretary of State Police under subsection (j) of this Section
32 shall be deposited into the Secretary of State Police DUI Fund
33 and, subject to appropriation, shall be used to purchase law
34 enforcement equipment to assist in the prevention of alcohol
35 and drug related crime and any other act related to ~~alcohol~~
36 ~~related~~ criminal violence throughout the State.

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

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

35 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;
36 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;

1 93-840, eff. 7-30-04; 94-114, eff. 1-1-06.)

2 (Text of Section from P.A. 94-116)

3 Sec. 11-501. Driving while under the influence of alcohol,
4 other drug or drugs, intoxicating compound or compounds or any
5 combination thereof.

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

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

11 (2) under the influence of alcohol;

12 (3) under the influence of any intoxicating compound or
13 combination of intoxicating compounds to a degree that
14 renders the person incapable of driving safely;

15 (4) under the influence of any other drug or
16 combination of drugs to a degree that renders the person
17 incapable of safely driving;

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

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

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

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

33 (1) Any reference to a prior violation of subsection
34 (a) or a similar provision includes any violation of a
35 provision of a local ordinance or a provision of a law of

1 another state that is similar to a violation of subsection
2 (a) of this Section.

3 (2) Any penalty imposed for driving with a license that
4 has been revoked for a previous violation of subsection (a)
5 of this Section shall be in addition to the penalty imposed
6 for any subsequent violation of subsection (a).

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

10 (b-3) In addition to any other criminal or administrative
11 sanction for any second conviction of violating subsection (a)
12 or a similar provision committed within 5 years of a previous
13 violation of subsection (a) or a similar provision, the
14 defendant shall be sentenced to a mandatory minimum of 5 days
15 of imprisonment or assigned a mandatory minimum of 240 hours of
16 community service as may be determined by the court.

17 (b-4) In the case of a third violation committed within 5
18 years of a previous violation of subsection (a) or a similar
19 provision, the defendant is guilty of a Class 2 felony, and in
20 addition to any other criminal or administrative sanction, a
21 mandatory minimum term of either 10 days of imprisonment or 480
22 hours of community service shall be imposed.

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

27 (c) (Blank).

28 (c-1) (1) A person who violates subsection (a) during a
29 period in which his or her driving privileges are revoked
30 or suspended, where the revocation or suspension was for a
31 violation of subsection (a), Section 11-501.1, paragraph
32 (b) of Section 11-401, or for reckless homicide as defined
33 in Section 9-3 of the Criminal Code of 1961 is guilty of a
34 Class 4 felony.

35 (2) A person who violates subsection (a) a third time
36 is guilty of a Class 2 felony.

1 (2.1) A person who violates subsection (a) a third
2 time, if the third violation occurs during a period in
3 which his or her driving privileges are revoked or
4 suspended where the revocation or suspension was for a
5 violation of subsection (a), Section 11-501.1, subsection
6 (b) of Section 11-401, or for reckless homicide as defined
7 in Section 9-3 of the Criminal Code of 1961, is guilty of a
8 Class 2 felony; and if the person receives a term of
9 probation or conditional discharge, he or she shall be
10 required to serve a mandatory minimum of 10 days of
11 imprisonment or shall be assigned a mandatory minimum of
12 480 hours of community service, as may be determined by the
13 court, as a condition of the probation or conditional
14 discharge. This mandatory minimum term of imprisonment or
15 assignment of community service shall not be suspended or
16 reduced by the court.

17 (2.2) A person who violates subsection (a), if the
18 violation occurs during a period in which his or her
19 driving privileges are revoked or suspended where the
20 revocation or suspension was for a violation of subsection
21 (a) or Section 11-501.1, shall also be sentenced to an
22 additional mandatory minimum term of 30 consecutive days of
23 imprisonment, 40 days of 24-hour periodic imprisonment, or
24 720 hours of community service, as may be determined by the
25 court. This mandatory term of imprisonment or assignment of
26 community service shall not be suspended or reduced by the
27 court.

28 (3) A person who violates subsection (a) a fourth time
29 is guilty of a Class 2 felony and is not eligible for a
30 sentence of probation or conditional discharge.

31 (4) A person who violates subsection (a) a fifth or
32 subsequent time is guilty of a Class 1 felony and is not
33 eligible for a sentence of probation or conditional
34 discharge.

35 (c-2) (Blank).

36 (c-3) (Blank).

1 (c-4) (Blank).

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

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

22 (c-7) Except as provided in subsection (c-8), any person
23 convicted of violating subsection (c-6) or a similar provision
24 within 10 years of a previous violation of subsection (a) or a
25 similar provision shall receive, in addition to any other
26 penalty imposed, a mandatory minimum 12 days imprisonment, an
27 additional 40 hours of mandatory community service in a program
28 benefiting children, and a mandatory minimum fine of \$1,750.
29 The imprisonment or assignment of community service under this
30 subsection (c-7) is not subject to suspension, nor is the
31 person eligible for a reduced sentence.

32 (c-8) Any person convicted of violating subsection (c-6) or
33 a similar provision within 5 years of a previous violation of
34 subsection (a) or a similar provision shall receive, in
35 addition to any other penalty imposed, an additional 80 hours
36 of mandatory community service in a program benefiting

1 children, an additional mandatory minimum 12 days of
2 imprisonment, and a mandatory minimum fine of \$1,750. The
3 imprisonment or assignment of community service under this
4 subsection (c-8) is not subject to suspension, nor is the
5 person eligible for a reduced sentence.

6 (c-9) Any person convicted a third time for violating
7 subsection (a) or a similar provision, if at the time of the
8 third violation the person was transporting a person under the
9 age of 16, is guilty of a Class 2 felony and shall receive, in
10 addition to any other penalty imposed, an additional mandatory
11 fine of \$1,000, an additional mandatory 140 hours of community
12 service, which shall include 40 hours in a program benefiting
13 children, and a mandatory minimum 30 days of imprisonment. The
14 imprisonment or assignment of community service under this
15 subsection (c-9) is not subject to suspension, nor is the
16 person eligible for a reduced sentence.

17 (c-10) Any person convicted of violating subsection (c-9)
18 or a similar provision a third time within 20 years of a
19 previous violation of subsection (a) or a similar provision is
20 guilty of a Class 2 felony and shall receive, in addition to
21 any other penalty imposed, an additional mandatory 40 hours of
22 community service in a program benefiting children, an
23 additional mandatory fine of \$3,000, and a mandatory minimum
24 120 days of imprisonment. The imprisonment or assignment of
25 community service under this subsection (c-10) is not subject
26 to suspension, nor is the person eligible for a reduced
27 sentence.

28 (c-11) Any person convicted a fourth time for violating
29 subsection (a) or a similar provision, if at the time of the
30 fourth violation the person was transporting a person under the
31 age of 16, and if the person's 3 prior violations of subsection
32 (a) or a similar provision occurred while transporting a person
33 under the age of 16 or while the alcohol concentration in his
34 or her blood, breath, or urine was 0.16 or more based on the
35 definition of blood, breath, or urine units in Section
36 11-501.2, is guilty of a Class 2 felony, is not eligible for

1 probation or conditional discharge, and is subject to a minimum
2 fine of \$3,000.

3 (c-12) Any person convicted of a first violation of
4 subsection (a) or a similar provision, if the alcohol
5 concentration in his or her blood, breath, or urine was 0.16 or
6 more based on the definition of blood, breath, or urine units
7 in Section 11-501.2, shall be subject, in addition to any other
8 penalty that may be imposed, to a mandatory minimum of 100
9 hours of community service and a mandatory minimum fine of
10 \$500.

11 (c-13) Any person convicted of a second violation of
12 subsection (a) or a similar provision committed within 10 years
13 of a previous violation of subsection (a) or a similar
14 provision committed within 10 years of a previous violation of
15 subsection (a) or a similar provision, if at the time of the
16 second violation of subsection (a) the alcohol concentration in
17 his or her blood, breath, or urine was 0.16 or more based on
18 the definition of blood, breath, or urine units in Section
19 11-501.2, shall be subject, in addition to any other penalty
20 that may be imposed, to a mandatory minimum of 2 days of
21 imprisonment and a mandatory minimum fine of \$1,250.

22 (c-14) Any person convicted of a third violation of
23 subsection (a) or a similar provision within 20 years of a
24 previous violation of subsection (a) or a similar provision, if
25 at the time of the third violation of subsection (a) or a
26 similar provision the alcohol concentration in his or her
27 blood, breath, or urine was 0.16 or more based on the
28 definition of blood, breath, or urine units in Section
29 11-501.2, is guilty of a Class 2 felony and shall be subject,
30 in addition to any other penalty that may be imposed, to a
31 mandatory minimum of 90 days of imprisonment and a mandatory
32 minimum fine of \$2,500.

33 (c-15) Any person convicted of a fourth violation of
34 subsection (a) or a similar provision, if at the time of the
35 fourth violation the alcohol concentration in his or her blood,
36 breath, or urine was 0.16 or more based on the definition of

1 blood, breath, or urine units in Section 11-501.2, and if the
2 person's 3 prior violations of subsection (a) or a similar
3 provision occurred while transporting a person under the age of
4 16 or while the alcohol concentration in his or her blood,
5 breath, or urine was 0.16 or more based on the definition of
6 blood, breath, or urine units in Section 11-501.2, is guilty of
7 a Class 2 felony and is not eligible for a sentence of
8 probation or conditional discharge and is subject to a minimum
9 fine of \$2,500.

10 (d) (1) Every person convicted of committing a violation of
11 this Section shall be guilty of aggravated driving under
12 the influence of alcohol, other drug or drugs, or
13 intoxicating compound or compounds, or any combination
14 thereof if:

15 (A) the person committed a violation of subsection
16 (a) or a similar provision for the third or subsequent
17 time;

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

21 (C) the person in committing a violation of
22 subsection (a) was involved in a motor vehicle accident
23 that resulted in great bodily harm or permanent
24 disability or disfigurement to another, when the
25 violation was a proximate cause of the injuries;

26 (D) the person committed a violation of subsection
27 (a) for a second time and has been previously convicted
28 of violating Section 9-3 of the Criminal Code of 1961
29 or a similar provision of a law of another state
30 relating to reckless homicide in which the person was
31 determined to have been under the influence of alcohol,
32 other drug or drugs, or intoxicating compound or
33 compounds as an element of the offense or the person
34 has previously been convicted under subparagraph (C)
35 or subparagraph (F) of this paragraph (1);

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

1 subsection (a) while driving at any speed in a school
2 speed zone at a time when a speed limit of 20 miles per
3 hour was in effect under subsection (a) of Section
4 11-605 of this Code, was involved in a motor vehicle
5 accident that resulted in bodily harm, other than great
6 bodily harm or permanent disability or disfigurement,
7 to another person, when the violation of subsection (a)
8 was a proximate cause of the bodily harm; or

9 (F) the person, in committing a violation of
10 subsection (a), was involved in a motor vehicle,
11 snowmobile, all-terrain vehicle, or watercraft
12 accident that resulted in the death of another person,
13 when the violation of subsection (a) was a proximate
14 cause of the death.

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

1 of not less than 6 years and not more than 28 years if the
2 violation resulted in the deaths of 2 or more persons. For
3 any prosecution under this subsection (d), a certified copy
4 of the driving abstract of the defendant shall be admitted
5 as proof of any prior conviction. Any person sentenced
6 under this subsection (d) who receives a term of probation
7 or conditional discharge must serve a minimum term of
8 either 480 hours of community service or 10 days of
9 imprisonment as a condition of the probation or conditional
10 discharge. This mandatory minimum term of imprisonment or
11 assignment of community service may not be suspended or
12 reduced by the court.

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

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

35 (f) Every person found guilty of violating this Section,
36 whose operation of a motor vehicle while in violation of this

1 Section proximately caused any incident resulting in an
2 appropriate emergency response, shall be liable for the expense
3 of an emergency response as provided under Section 5-5-3 of the
4 Unified Code of Corrections.

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

8 (h) (Blank).

9 (i) The Secretary of State shall require the use of
10 ignition interlock devices on all vehicles owned by an
11 individual who has been convicted of a second or subsequent
12 offense of this Section or a similar provision of a local
13 ordinance. The Secretary shall establish by rule and regulation
14 the procedures for certification and use of the interlock
15 system.

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

1 the State Police DUI Fund and shall be used to purchase law
2 enforcement equipment that will assist in the prevention of
3 alcohol and drug related crime and any other act related to
4 ~~alcohol related~~ criminal violence throughout the State.

5 (k) The Secretary of State Police DUI Fund is created as a
6 special fund in the State treasury. All moneys received by the
7 Secretary of State Police under subsection (j) of this Section
8 shall be deposited into the Secretary of State Police DUI Fund
9 and, subject to appropriation, shall be used to purchase law
10 enforcement equipment to assist in the prevention of alcohol
11 and drug related crime and any other act related to ~~alcohol~~
12 ~~related~~ criminal violence throughout the State.

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

30 (m) In addition to any other fine or penalty required by
31 law, an individual convicted of a violation of subsection (a),
32 Section 5-7 of the Snowmobile Registration and Safety Act,
33 Section 5-16 of the Boat Registration and Safety Act, or a
34 similar provision, whose operation of a motor vehicle,
35 snowmobile, or watercraft while in violation of subsection (a),
36 Section 5-7 of the Snowmobile Registration and Safety Act,

1 Section 5-16 of the Boat Registration and Safety Act, or a
2 similar provision proximately caused an incident resulting in
3 an appropriate emergency response, shall be required to make
4 restitution to a public agency for the costs of that emergency
5 response. The restitution may not exceed \$1,000 per public
6 agency for each emergency response. As used in this subsection
7 (m), "emergency response" means any incident requiring a
8 response by a police officer, a firefighter carried on the
9 rolls of a regularly constituted fire department, or an
10 ambulance.

11 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;
12 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;
13 93-840, eff. 7-30-04; 94-116, eff. 1-1-06.)

14 (Text of Section from P.A. 94-329)

15 Sec. 11-501. Driving while under the influence of alcohol,
16 other drug or drugs, intoxicating compound or compounds or any
17 combination thereof.

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

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

23 (2) under the influence of alcohol;

24 (3) under the influence of any intoxicating compound or
25 combination of intoxicating compounds to a degree that
26 renders the person incapable of driving safely;

27 (4) under the influence of any other drug or
28 combination of drugs to a degree that renders the person
29 incapable of safely driving;

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

33 (6) there is any amount of a drug, substance, or
34 compound in the person's breath, blood, or urine resulting
35 from the unlawful use or consumption of cannabis listed in

1 the Cannabis Control Act, a controlled substance listed in
2 the Illinois Controlled Substances Act, or an intoxicating
3 compound listed in the Use of Intoxicating Compounds Act.

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

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

10 (1) Any reference to a prior violation of subsection
11 (a) or a similar provision includes any violation of a
12 provision of a local ordinance or a provision of a law of
13 another state that is similar to a violation of subsection
14 (a) of this Section.

15 (2) Any penalty imposed for driving with a license that
16 has been revoked for a previous violation of subsection (a)
17 of this Section shall be in addition to the penalty imposed
18 for any subsequent violation of subsection (a).

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

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

29 (b-4) In the case of a third or subsequent violation
30 committed within 5 years of a previous violation of subsection
31 (a) or a similar provision, in addition to any other criminal
32 or administrative sanction, a mandatory minimum term of either
33 10 days of imprisonment or 480 hours of community service shall
34 be imposed.

35 (b-5) The imprisonment or assignment of community service
36 under subsections (b-3) and (b-4) shall not be subject to

1 suspension, nor shall the person be eligible for a reduced
2 sentence.

3 (c) (Blank).

4 (c-1) (1) A person who violates subsection (a) during a
5 period in which his or her driving privileges are revoked
6 or suspended, where the revocation or suspension was for a
7 violation of subsection (a), Section 11-501.1, paragraph
8 (b) of Section 11-401, or for reckless homicide as defined
9 in Section 9-3 of the Criminal Code of 1961 is guilty of
10 aggravated driving under the influence of alcohol, other
11 drug or drugs, intoxicating compound or compounds, or any
12 combination thereof and is guilty of a Class 4 felony.

13 (2) A person who violates subsection (a) a third time,
14 if the third violation occurs during a period in which his
15 or her driving privileges are revoked or suspended where
16 the revocation or suspension was for a violation of
17 subsection (a), Section 11-501.1, paragraph (b) of Section
18 11-401, or for reckless homicide as defined in Section 9-3
19 of the Criminal Code of 1961, is guilty of aggravated
20 driving under the influence of alcohol, other drug or
21 drugs, intoxicating compound or compounds, or any
22 combination thereof and is guilty of a Class 3 felony.

23 (2.1) A person who violates subsection (a) a third
24 time, if the third violation occurs during a period in
25 which his or her driving privileges are revoked or
26 suspended where the revocation or suspension was for a
27 violation of subsection (a), Section 11-501.1, subsection
28 (b) of Section 11-401, or for reckless homicide as defined
29 in Section 9-3 of the Criminal Code of 1961, is guilty of
30 aggravated driving under the influence of alcohol, other
31 drug or drugs, intoxicating compound or compounds, or any
32 combination thereof and is guilty of a Class 3 felony; and
33 if the person receives a term of probation or conditional
34 discharge, he or she shall be required to serve a mandatory
35 minimum of 10 days of imprisonment or shall be assigned a
36 mandatory minimum of 480 hours of community service, as may

1 be determined by the court, as a condition of the probation
2 or conditional discharge. This mandatory minimum term of
3 imprisonment or assignment of community service shall not
4 be suspended or reduced by the court.

5 (2.2) A person who violates subsection (a), if the
6 violation occurs during a period in which his or her
7 driving privileges are revoked or suspended where the
8 revocation or suspension was for a violation of subsection
9 (a) or Section 11-501.1, is guilty of aggravated driving
10 under the influence of alcohol, other drug or drugs,
11 intoxicating compound or compounds, or any combination
12 thereof and shall also be sentenced to an additional
13 mandatory minimum term of 30 consecutive days of
14 imprisonment, 40 days of 24-hour periodic imprisonment, or
15 720 hours of community service, as may be determined by the
16 court. This mandatory term of imprisonment or assignment of
17 community service shall not be suspended or reduced by the
18 court.

19 (3) A person who violates subsection (a) a fourth or
20 subsequent time, if the fourth or subsequent violation
21 occurs during a period in which his or her driving
22 privileges are revoked or suspended where the revocation or
23 suspension was for a violation of subsection (a), Section
24 11-501.1, paragraph (b) of Section 11-401, or for reckless
25 homicide as defined in Section 9-3 of the Criminal Code of
26 1961, is guilty of aggravated driving under the influence
27 of alcohol, other drug or drugs, intoxicating compound or
28 compounds, or any combination thereof and is guilty of a
29 Class 2 felony, and is not eligible for a sentence of
30 probation or conditional discharge.

31 (c-2) (Blank).

32 (c-3) (Blank).

33 (c-4) (Blank).

34 (c-5) A person who violates subsection (a), if the person
35 was transporting a person under the age of 16 at the time of
36 the violation, is subject to an additional mandatory minimum

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

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

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

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

1 person eligible for a reduced sentence.

2 (c-9) Any person convicted a third time for violating
3 subsection (a) or a similar provision, if at the time of the
4 third violation the person was transporting a person under the
5 age of 16, is guilty of a Class 4 felony and shall receive, in
6 addition to any other penalty imposed, an additional mandatory
7 fine of \$1,000, an additional mandatory 140 hours of community
8 service, which shall include 40 hours in a program benefiting
9 children, and a mandatory minimum 30 days of imprisonment. The
10 imprisonment or assignment of community service under this
11 subsection (c-9) is not subject to suspension, nor is the
12 person eligible for a reduced sentence.

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

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

35 (c-12) Any person convicted of a first violation of
36 subsection (a) or a similar provision, if the alcohol

1 concentration in his or her blood, breath, or urine was 0.16 or
2 more based on the definition of blood, breath, or urine units
3 in Section 11-501.2, shall be subject, in addition to any other
4 penalty that may be imposed, to a mandatory minimum of 100
5 hours of community service and a mandatory minimum fine of
6 \$500.

7 (c-13) Any person convicted of a second violation of
8 subsection (a) or a similar provision committed within 10 years
9 of a previous violation of subsection (a) or a similar
10 provision committed within 10 years of a previous violation of
11 subsection (a) or a similar provision, if at the time of the
12 second violation of subsection (a) the alcohol concentration in
13 his or her blood, breath, or urine was 0.16 or more based on
14 the definition of blood, breath, or urine units in Section
15 11-501.2, shall be subject, in addition to any other penalty
16 that may be imposed, to a mandatory minimum of 2 days of
17 imprisonment and a mandatory minimum fine of \$1,250.

18 (c-14) Any person convicted of a third violation of
19 subsection (a) or a similar provision within 20 years of a
20 previous violation of subsection (a) or a similar provision, if
21 at the time of the third violation of subsection (a) or a
22 similar provision the alcohol concentration in his or her
23 blood, breath, or urine was 0.16 or more based on the
24 definition of blood, breath, or urine units in Section
25 11-501.2, is guilty of a Class 4 felony and shall be subject,
26 in addition to any other penalty that may be imposed, to a
27 mandatory minimum of 90 days of imprisonment and a mandatory
28 minimum fine of \$2,500.

29 (c-15) Any person convicted of a fourth or subsequent
30 violation of subsection (a) or a similar provision, if at the
31 time of the fourth or subsequent violation 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, and if the person's 3 prior violations of
35 subsection (a) or a similar provision occurred while
36 transporting a person under the age of 16 or while the alcohol

1 concentration in his or her blood, breath, or urine was 0.16 or
2 more based on the definition of blood, breath, or urine units
3 in Section 11-501.2, is guilty of a Class 2 felony and is not
4 eligible for a sentence of probation or conditional discharge
5 and is subject to a minimum fine of \$2,500.

6 (d) (1) Every person convicted of committing a violation of
7 this Section shall be guilty of aggravated driving under
8 the influence of alcohol, other drug or drugs, or
9 intoxicating compound or compounds, or any combination
10 thereof if:

11 (A) the person committed a violation of subsection
12 (a) or a similar provision for the third or subsequent
13 time;

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

17 (C) the person in committing a violation of
18 subsection (a) was involved in a motor vehicle accident
19 that resulted in great bodily harm or permanent
20 disability or disfigurement to another, when the
21 violation was a proximate cause of the injuries;

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

32 (E) the person, in committing a violation of
33 subsection (a) while driving at any speed in a school
34 speed zone at a time when a speed limit of 20 miles per
35 hour was in effect under subsection (a) of Section
36 11-605 of this Code, was involved in a motor vehicle

1 accident that resulted in bodily harm, other than great
2 bodily harm or permanent disability or disfigurement,
3 to another person, when the violation of subsection (a)
4 was a proximate cause of the bodily harm; or

5 (F) the person, in committing a violation of
6 subsection (a), was involved in a motor vehicle,
7 snowmobile, all-terrain vehicle, or watercraft
8 accident that resulted in the death of another person,
9 when the violation of subsection (a) was a proximate
10 cause of the death;

11 (G) the person committed the violation while he or
12 she did not possess a driver's license or permit or a
13 restricted driving permit or a judicial driving
14 permit; or

15 (H) the person committed the violation while he or
16 she knew or should have known that the vehicle he or
17 she was driving was not covered by a liability
18 insurance policy.

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

1 not more than 28 years if the violation resulted in the
2 deaths of 2 or more persons. For any prosecution under this
3 subsection (d), a certified copy of the driving abstract of
4 the defendant shall be admitted as proof of any prior
5 conviction. Any person sentenced under this subsection (d)
6 who receives a term of probation or conditional discharge
7 must serve a minimum term of either 480 hours of community
8 service or 10 days of imprisonment as a condition of the
9 probation or conditional discharge. This mandatory minimum
10 term of imprisonment or assignment of community service may
11 not be suspended or reduced by the court.

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

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

34 (f) Every person found guilty of violating this Section,
35 whose operation of a motor vehicle while in violation of this
36 Section proximately caused any incident resulting in an

1 appropriate emergency response, shall be liable for the expense
2 of an emergency response as provided under Section 5-5-3 of the
3 Unified Code of Corrections.

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

7 (h) (Blank).

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

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

1 enforcement equipment that will assist in the prevention of
2 alcohol and drug related crime and any other act related to
3 ~~alcohol related~~ criminal violence throughout the State.

4 (k) The Secretary of State Police DUI Fund is created as a
5 special fund in the State treasury. All moneys received by the
6 Secretary of State Police under subsection (j) of this Section
7 shall be deposited into the Secretary of State Police DUI Fund
8 and, subject to appropriation, shall be used to purchase law
9 enforcement equipment to assist in the prevention of alcohol
10 and drug related crime and any other act related to ~~alcohol~~
11 ~~related~~ criminal violence throughout the State.

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

29 (m) In addition to any other fine or penalty required by
30 law, an individual convicted of a violation of subsection (a),
31 Section 5-7 of the Snowmobile Registration and Safety Act,
32 Section 5-16 of the Boat Registration and Safety Act, or a
33 similar provision, whose operation of a motor vehicle,
34 snowmobile, or watercraft while in violation of subsection (a),
35 Section 5-7 of the Snowmobile Registration and Safety Act,
36 Section 5-16 of the Boat Registration and Safety Act, or a

1 similar provision proximately caused an incident resulting in
2 an appropriate emergency response, shall be required to make
3 restitution to a public agency for the costs of that emergency
4 response. The restitution may not exceed \$1,000 per public
5 agency for each emergency response. As used in this subsection
6 (m), "emergency response" means any incident requiring a
7 response by a police officer, a firefighter carried on the
8 rolls of a regularly constituted fire department, or an
9 ambulance.

10 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;
11 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;
12 93-840, eff. 7-30-04; 94-329, eff. 1-1-06.)

13 (Text of Section from P.A. 94-609)

14 Sec. 11-501. Driving while under the influence of alcohol,
15 other drug or drugs, intoxicating compound or compounds or any
16 combination thereof.

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

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

22 (2) under the influence of alcohol;

23 (3) under the influence of any intoxicating compound or
24 combination of intoxicating compounds to a degree that
25 renders the person incapable of driving safely;

26 (4) under the influence of any other drug or
27 combination of drugs to a degree that renders the person
28 incapable of safely driving;

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

32 (6) there is any amount of a drug, substance, or
33 compound in the person's breath, blood, or urine resulting
34 from the unlawful use or consumption of cannabis listed in
35 the Cannabis Control Act, a controlled substance listed in

1 the Illinois Controlled Substances Act, or an intoxicating
2 compound listed in the Use of Intoxicating Compounds Act.

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

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

9 (1) Any reference to a prior violation of subsection
10 (a) or a similar provision includes any violation of a
11 provision of a local ordinance or a provision of a law of
12 another state that is similar to a violation of subsection
13 (a) of this Section.

14 (2) Any penalty imposed for driving with a license that
15 has been revoked for a previous violation of subsection (a)
16 of this Section shall be in addition to the penalty imposed
17 for any subsequent violation of subsection (a).

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

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

28 (b-4) In the case of a third or subsequent violation
29 committed within 5 years of a previous violation of subsection
30 (a) or a similar provision, in addition to any other criminal
31 or administrative sanction, a mandatory minimum term of either
32 10 days of imprisonment or 480 hours of community service shall
33 be imposed.

34 (b-5) The imprisonment or assignment of community service
35 under subsections (b-3) and (b-4) shall not be subject to
36 suspension, nor shall the person be eligible for a reduced

1 sentence.

2 (c) (Blank).

3 (c-1) (1) A person who violates subsection (a) during a
4 period in which his or her driving privileges are revoked
5 or suspended, where the revocation or suspension was for a
6 violation of subsection (a), Section 11-501.1, paragraph
7 (b) of Section 11-401, or for reckless homicide as defined
8 in Section 9-3 of the Criminal Code of 1961 is guilty of a
9 Class 4 felony.

10 (2) A person who violates subsection (a) a third time,
11 if the third violation occurs during a period in which his
12 or her driving privileges are revoked or suspended where
13 the revocation or suspension was for a violation of
14 subsection (a), Section 11-501.1, paragraph (b) of Section
15 11-401, or for reckless homicide as defined in Section 9-3
16 of the Criminal Code of 1961, is guilty of a Class 3
17 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 a
25 Class 3 felony; and if the person receives a term of
26 probation or conditional discharge, he or she shall be
27 required to serve a mandatory minimum of 10 days of
28 imprisonment or shall be assigned a mandatory minimum of
29 480 hours of community service, as may be determined by the
30 court, as a condition of the probation or conditional
31 discharge. This mandatory minimum term of imprisonment or
32 assignment of community service shall not be suspended or
33 reduced by the court.

34 (2.2) A person who violates subsection (a), if the
35 violation occurs during a period in which his or her
36 driving privileges are revoked or suspended where the

1 revocation or suspension was for a violation of subsection
2 (a) or Section 11-501.1, shall also be sentenced to an
3 additional mandatory minimum term of 30 consecutive days of
4 imprisonment, 40 days of 24-hour periodic imprisonment, or
5 720 hours of community service, as may be determined by the
6 court. This mandatory term of imprisonment or assignment of
7 community service shall not be suspended or reduced by the
8 court.

9 (3) A person who violates subsection (a) a fourth or
10 subsequent time, if the fourth or subsequent violation
11 occurs during a period in which his or her driving
12 privileges are revoked or suspended where the revocation or
13 suspension was for a violation of subsection (a), Section
14 11-501.1, paragraph (b) of Section 11-401, or for reckless
15 homicide as defined in Section 9-3 of the Criminal Code of
16 1961, is guilty of a Class 2 felony and is not eligible for
17 a sentence of probation or conditional discharge.

18 (c-2) (Blank).

19 (c-3) (Blank).

20 (c-4) (Blank).

21 (c-5) A person who violates subsection (a), if the person
22 was transporting a person under the age of 16 at the time of
23 the violation, is subject to an additional mandatory minimum
24 fine of \$1,000, an additional mandatory minimum 140 hours of
25 community service, which shall include 40 hours of community
26 service in a program benefiting children, and an additional 2
27 days of imprisonment. The imprisonment or assignment of
28 community service under this subsection (c-5) is not subject to
29 suspension, nor is the person eligible for a reduced sentence.

30 (c-6) Except as provided in subsections (c-7) and (c-8) a
31 person who violates subsection (a) a second time, if at the
32 time of the second violation the person was transporting a
33 person under the age of 16, is subject to an additional 10 days
34 of imprisonment, an additional mandatory minimum fine of
35 \$1,000, and an additional mandatory minimum 140 hours of
36 community service, which shall include 40 hours of community

1 service in a program benefiting children. The imprisonment or
2 assignment of community service under this subsection (c-6) is
3 not subject to suspension, nor is the person eligible for a
4 reduced sentence.

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

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

25 (c-9) Any person convicted a third time for violating
26 subsection (a) or a similar provision, if at the time of the
27 third violation the person was transporting a person under the
28 age of 16, is guilty of a Class 4 felony and shall receive, in
29 addition to any other penalty imposed, an additional mandatory
30 fine of \$1,000, an additional mandatory 140 hours of community
31 service, which shall include 40 hours in a program benefiting
32 children, and a mandatory minimum 30 days of imprisonment. The
33 imprisonment or assignment of community service under this
34 subsection (c-9) is not subject to suspension, nor is the
35 person eligible for a reduced sentence.

36 (c-10) Any person convicted of violating subsection (c-9)

1 or a similar provision a third time within 20 years of a
2 previous violation of subsection (a) or a similar provision is
3 guilty of a Class 4 felony and shall receive, in addition to
4 any other penalty imposed, an additional mandatory 40 hours of
5 community service in a program benefiting children, an
6 additional mandatory fine of \$3,000, and a mandatory minimum
7 120 days of imprisonment. The imprisonment or assignment of
8 community service under this subsection (c-10) is not subject
9 to suspension, nor is the person eligible for a reduced
10 sentence.

11 (c-11) Any person convicted a fourth or subsequent time for
12 violating subsection (a) or a similar provision, if at the time
13 of the fourth or subsequent violation the person was
14 transporting a person under the age of 16, and if the person's
15 3 prior violations of subsection (a) or a similar provision
16 occurred while transporting a person under the age of 16 or
17 while the alcohol concentration in his or her blood, breath, or
18 urine was 0.16 or more based on the definition of blood,
19 breath, or urine units in Section 11-501.2, is guilty of a
20 Class 2 felony, is not eligible for probation or conditional
21 discharge, and is subject to a minimum fine of \$3,000.

22 (c-12) Any person convicted of a first violation of
23 subsection (a) or a similar provision, if the alcohol
24 concentration in his or her blood, breath, or urine was 0.16 or
25 more based on the definition of blood, breath, or urine units
26 in Section 11-501.2, shall be subject, in addition to any other
27 penalty that may be imposed, to a mandatory minimum of 100
28 hours of community service and a mandatory minimum fine of
29 \$500.

30 (c-13) Any person convicted of a second violation of
31 subsection (a) or a similar provision committed within 10 years
32 of a previous violation of subsection (a) or a similar
33 provision committed within 10 years of a previous violation of
34 subsection (a) or a similar provision, if at the time of the
35 second violation of subsection (a) the alcohol concentration in
36 his or her blood, breath, or urine was 0.16 or more based on

1 the definition of blood, breath, or urine units in Section
2 11-501.2, shall be subject, in addition to any other penalty
3 that may be imposed, to a mandatory minimum of 2 days of
4 imprisonment and a mandatory minimum fine of \$1,250.

5 (c-14) Any person convicted of a third violation of
6 subsection (a) or a similar provision within 20 years of a
7 previous violation of subsection (a) or a similar provision, if
8 at the time of the third violation of subsection (a) or a
9 similar provision the alcohol concentration in his or her
10 blood, breath, or urine was 0.16 or more based on the
11 definition of blood, breath, or urine units in Section
12 11-501.2, is guilty of a Class 4 felony and shall be subject,
13 in addition to any other penalty that may be imposed, to a
14 mandatory minimum of 90 days of imprisonment and a mandatory
15 minimum fine of \$2,500.

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

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

34 (A) the person committed a violation of subsection
35 (a) or a similar provision for the third or subsequent
36 time;

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

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

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

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

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

34 (2) Except as provided in this paragraph (2), a person
35 convicted of aggravated driving under the influence of
36 alcohol, other drug or drugs, or intoxicating compound or

1 compounds, or any combination thereof is guilty of a Class
2 4 felony. For a violation of subparagraph (C) of paragraph
3 (1) of this subsection (d), the defendant, if sentenced to
4 a term of imprisonment, shall be sentenced to not less than
5 one year nor more than 12 years. Aggravated driving under
6 the influence of alcohol, other drug or drugs, or
7 intoxicating compound or compounds, or any combination
8 thereof as defined in subparagraph (F) of paragraph (1) of
9 this subsection (d) is a Class 2 felony, for which the
10 defendant, unless the court determines that extraordinary
11 circumstances exist and require probation, shall be
12 sentenced to: (A) a term of imprisonment of not less than 3
13 years and not more than 14 years if the violation resulted
14 in the death of one person; or (B) a term of imprisonment
15 of not less than 6 years and not more than 28 years if the
16 violation resulted in the deaths of 2 or more persons. For
17 any prosecution under this subsection (d), a certified copy
18 of the driving abstract of the defendant shall be admitted
19 as proof of any prior conviction. Any person sentenced
20 under this subsection (d) who receives a term of probation
21 or conditional discharge must serve a minimum term of
22 either 480 hours of community service or 10 days of
23 imprisonment as a condition of the probation or conditional
24 discharge. This mandatory minimum term of imprisonment or
25 assignment of community service may not be suspended or
26 reduced by the court.

27 (e) After a finding of guilt and prior to any final
28 sentencing, or an order for supervision, for an offense based
29 upon an arrest for a violation of this Section or a similar
30 provision of a local ordinance, individuals shall be required
31 to undergo a professional evaluation to determine if an
32 alcohol, drug, or intoxicating compound abuse problem exists
33 and the extent of the problem, and undergo the imposition of
34 treatment as appropriate. Programs conducting these
35 evaluations shall be licensed by the Department of Human
36 Services. The cost of any professional evaluation shall be paid

1 for by the individual required to undergo the professional
2 evaluation.

3 (e-1) Any person who is found guilty of or pleads guilty to
4 violating this Section, including any person receiving a
5 disposition of court supervision for violating this Section,
6 may be required by the Court to attend a victim impact panel
7 offered by, or under contract with, a County State's Attorney's
8 office, a probation and court services department, Mothers
9 Against Drunk Driving, or the Alliance Against Intoxicated
10 Motorists. All costs generated by the victim impact panel shall
11 be paid from fees collected from the offender or as may be
12 determined by the court.

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

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

22 (h) (Blank).

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

30 (j) In addition to any other penalties and liabilities, a
31 person who is found guilty of or pleads guilty to violating
32 subsection (a), including any person placed on court
33 supervision for violating subsection (a), shall be fined \$500,
34 payable to the circuit clerk, who shall distribute the money as
35 follows: 20% to the law enforcement agency that made the arrest
36 and 80% shall be forwarded to the State Treasurer for deposit

1 into the General Revenue Fund. If the person has been
2 previously convicted of violating subsection (a) or a similar
3 provision of a local ordinance, the fine shall be \$1,000. In
4 the event that more than one agency is responsible for the
5 arrest, the amount payable to law enforcement agencies shall be
6 shared equally. Any moneys received by a law enforcement agency
7 under this subsection (j) shall be used to purchase law
8 enforcement equipment that will assist in the prevention of
9 alcohol and drug related crime and any other act related to
10 ~~alcohol related~~ criminal violence throughout the State. This
11 shall include, but is not limited to, in-car video cameras,
12 radar and laser speed detection devices, ~~and~~ alcohol breath
13 testers, and vehicles. Any moneys received by the Department of
14 State Police under this subsection (j) shall be deposited into
15 the State Police DUI Fund and shall be used to purchase law
16 enforcement equipment that will assist in the prevention of
17 alcohol and drug related crime and any other act related to
18 ~~alcohol related~~ criminal violence throughout the State.

19 (k) The Secretary of State Police DUI Fund is created as a
20 special fund in the State treasury. All moneys received by the
21 Secretary of State Police under subsection (j) of this Section
22 shall be deposited into the Secretary of State Police DUI Fund
23 and, subject to appropriation, shall be used to purchase law
24 enforcement equipment to assist in the prevention of alcohol
25 and drug related crime and any other act related to ~~alcohol~~
26 ~~related~~ criminal violence throughout the State.

27 (l) Whenever an individual is sentenced for an offense
28 based upon an arrest for a violation of subsection (a) or a
29 similar provision of a local ordinance, and the professional
30 evaluation recommends remedial or rehabilitative treatment or
31 education, neither the treatment nor the education shall be the
32 sole disposition and either or both may be imposed only in
33 conjunction with another disposition. The court shall monitor
34 compliance with any remedial education or treatment
35 recommendations contained in the professional evaluation.
36 Programs conducting alcohol or other drug evaluation or

1 remedial education must be licensed by the Department of Human
2 Services. If the individual is not a resident of Illinois,
3 however, the court may accept an alcohol or other drug
4 evaluation or remedial education program in the individual's
5 state of residence. Programs providing treatment must be
6 licensed under existing applicable alcoholism and drug
7 treatment licensure standards.

8 (m) In addition to any other fine or penalty required by
9 law, an individual convicted of a violation of subsection (a),
10 Section 5-7 of the Snowmobile Registration and Safety Act,
11 Section 5-16 of the Boat Registration and Safety Act, or a
12 similar provision, whose operation of a motor vehicle,
13 snowmobile, or watercraft while in violation of subsection (a),
14 Section 5-7 of the Snowmobile Registration and Safety Act,
15 Section 5-16 of the Boat Registration and Safety Act, or a
16 similar provision proximately caused an incident resulting in
17 an appropriate emergency response, shall be required to make
18 restitution to a public agency for the costs of that emergency
19 response. The restitution may not exceed \$1,000 per public
20 agency for each emergency response. As used in this subsection
21 (m), "emergency response" means any incident requiring a
22 response by a police officer, a firefighter carried on the
23 rolls of a regularly constituted fire department, or an
24 ambulance.

25 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;
26 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;
27 93-840, eff. 7-30-04; 94-609, eff. 1-1-06.)

28 Section 95. No acceleration or delay. Where this Act makes
29 changes in a statute that is represented in this Act by text
30 that is not yet or no longer in effect (for example, a Section
31 represented by multiple versions), the use of that text does
32 not accelerate or delay the taking effect of (i) the changes
33 made by this Act or (ii) provisions derived from any other
34 Public Act.

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.