09400SB1914sam001   LRB094 10583 DRH 43696 a

1   AMENDMENT TO SENATE BILL 1914

2   AMENDMENT NO. _____. Amend Senate Bill 1914 by replacing

3   everything after the enacting clause with the following:

4   "Section 5. The Illinois Vehicle Code is amended by

5   changing Section 11-501.5 as follows:

6   (625 ILCS 5/11-501.5) (from Ch. 95 1/2, par. 11-501.5)

7   Sec. 11-501.5. Preliminary Breath Screening Test.

8   (a) If ~~If~~ a law enforcement officer has reasonable

9   suspicion to believe that a person is violating or has violated

10   Section 11-501 or a similar provision of a local ordinance, the

11   officer, prior to an arrest, may request the person to provide

12   a sample of his or her breath for a preliminary breath

13   screening test using a portable device approved by the

14   Department of State Police. The person may refuse the test. The

15   results of this preliminary breath screening test may be used

16   by the law enforcement officer for the purpose of assisting

17   with the determination of whether to require a chemical test as

18   authorized under Sections 11-501.1 and 11-501.2, and the

19   appropriate type of test to request. Any chemical test

20   authorized under Sections 11-501.1 and 11-501.2 may be

21   requested by the officer regardless of the result of the

22   preliminary breath screening test, if probable cause for an

23   arrest exists. The result of a preliminary breath screening

24   test may be used by the defendant as evidence in any

1   administrative or court proceeding involving a violation of
2   Section 11-501 or 11-501.1.

3   (b) The Department of State Police shall create a pilot
4   program to establish the effectiveness of pupillometer
5   technology (the measurement of the pupil's reaction to light)
6   as a noninvasive technique to detect and measure possible
7   impairment of any person who drives or is in actual physical
8   control of a motor vehicle resulting from the suspected usage
9   of alcohol, other drug or drugs, intoxicating compound or
10   compounds or any combination thereof. This technology shall
11   also be used to detect fatigue levels of the operator of a
12   Commercial Motor Vehicle as defined in Section 6-500(6),
13   pursuant to Section 18b-105 (Part 395-Hours of Service of
14   Drivers) of the Illinois Vehicle Code. A State Police officer
15   may request that the operator of a commercial motor vehicle
16   have his or her eyes examined or tested with a pupillometer
17   device. The person may refuse the examination or test. The
18   State Police officer shall have the device readily available to
19   limit undue delays.

20   If a State Police officer has reasonable suspicion to
21   believe that a person is violating or has violated Section
22   11-501, the officer may use the pupillometer technology, when
23   available. The officer, prior to an arrest, may request the
24   person to have his or her eyes examined or tested with a
25   pupillometer device. The person may refuse the examination or
26   test. The results of this examination or test may be used by
27   the officer for the purpose of assisting with the determination
28   of whether to require a chemical test as authorized under
29   Sections 11-501.1 and 11-501.2 and the appropriate type of test
30   to request. Any chemical test authorized under Sections
31   11-501.1 and 11-501.2 may be requested by the officer
32   regardless of the result of the pupillometer examination or
33   test, if probable cause for an arrest exists. The result of the
34   examination or test may be used by the defendant as evidence in

1   any administrative or court proceeding involving a violation of

2   11-501 or 11-501.1.

3   The pilot program shall last for a period of 18 months and

4   involve the testing of 15 pupillometer devices. Within 90 days

5   of the completion of the pilot project, the Department of State

6   Police shall file a report with the President of the Senate and

7   Speaker of the House evaluating the project.

8   (Source: P.A. 91-828, eff. 1-1-01; 91-881, eff. 6-30-00; 92-16,

9   eff. 6-28-01.)".