



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

SB3199

Introduced 11/14/2006, by Sen. John J. Cullerton

#### SYNOPSIS AS INTRODUCED:

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

Amends the Illinois Vehicle Code. Authorizes and establishes procedures for the statutory summary suspension of driver's licenses of persons who are stopped for DUI and who refuse to submit to preliminary breath tests. Provides that any person in control of a motor vehicle in this State shall be deemed to have given consent to providing a breath sample for testing. Provides that the results of a preliminary breath screening test may be used by the defendant in any DUI administrative or court proceeding and may be used by the State in rebuttal to an assertion that the test did not accurately reflect a person's alcohol concentration. Permits temporary impounding of vehicles in certain cases. Provides that after a statutory summary suspension has been imposed on a person who previously has never been convicted of or received a disposition of supervision for a DUI offense, the court may immediately grant the person a judicial driving permit, if the person also submitted to preliminary breath screening tests before failing the test of breath or blood alcohol. Provides for a hearing and procedures for a person who has had his or her license suspended for a failure to submit to a breath screening test. Authorizes the Secretary of State to issue a restricted driving permit to a person who has had his or her license suspended for specified reasons if the person consents to a breath-alcohol ignition interlock device installed in his or her car. Amends the Unified Code of Corrections. Prohibits the court from assigning supervision to a defendant charged with driving a motor vehicle on a revoked or suspended license when the suspension or revocation was for violating the preliminary breath screening test provision of the Vehicle Code if the defendant was convicted or assigned supervision within the last 10 years for driving on a revoked or suspended license. Makes other changes. Effective July 1, 2007.

LRB094 21836 DRH 60264 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

FISCAL NOTE ACT  
MAY APPLY

1 AN ACT concerning driving violations.

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

4 Section 5. The Illinois Vehicle Code is amended by changing  
5 Sections 6-113, 6-118, 6-203.1, 6-206, 6-206.1, 6-208.1,  
6 6-303, 11-501 and adding Section 11-501.9 as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (Text of Section before amendment by P.A. 94-1035)

2 Sec. 6-118. Fees.

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

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

6 Original or renewal driver's license

7 issued to 18, 19 and 20 year olds ..... 5

8 All driver's licenses for persons

9 age 69 through age 80 ..... 5

10 All driver's licenses for persons

11 age 81 through age 86 ..... 2

12 All driver's licenses for persons

13 age 87 or older ..... 0

14 Renewal driver's license (except for

15 applicants ages 18, 19 and 20 or

16 age 69 and older) ..... 10

17 Original instruction permit issued to

18 persons (except those age 69 and older)

19 who do not hold or have not previously

20 held an Illinois instruction permit or

21 driver's license ..... 20

22 Instruction permit issued to any person

23 holding an Illinois driver's license

24 who wishes a change in classifications,

25 other than at the time of renewal ..... 5

26 Any instruction permit issued to a person

27 age 69 and older ..... 5

28 Instruction permit issued to any person,

29 under age 69, not currently holding a

30 valid Illinois driver's license or

31 instruction permit but who has

32 previously been issued either document

33 in Illinois ..... 10

34 Restricted driving permit ..... 8

35 Duplicate or corrected driver's license

36 or permit ..... 5

1 Duplicate or corrected restricted  
2 driving permit ..... 5  
3 Original or renewal M or L endorsement..... 5

4 SPECIAL FEES FOR COMMERCIAL DRIVER'S LICENSE

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

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

15 Renewal commercial driver's license:  
16 \$6 for the CDLIS/AAMVAnet Trust Fund;  
17 \$20 for the Motor Carrier Safety Inspection Fund;  
18 \$10 for the driver's license; and  
19 \$24 for the CDL: ..... \$60

20 Commercial driver instruction permit  
21 issued to any person holding a valid  
22 Illinois driver's license for the  
23 purpose of changing to a  
24 CDL classification: \$6 for the  
25 CDLIS/AAMVAnet Trust Fund;  
26 \$20 for the Motor Carrier  
27 Safety Inspection Fund; and  
28 \$24 for the CDL classification ..... \$50

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

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

35 In order to ensure the proper implementation of the Uniform  
36 Commercial Driver License Act, Article V of this Chapter, the

1 Secretary of State is empowered to pro-rate the \$24 fee for the  
2 commercial driver's license proportionate to the expiration  
3 date of the applicant's Illinois driver's license.

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

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

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

|    |   |       |
|----|---|-------|
| 18 | Summary suspension under Section 11-501.1 ..... | \$250 |
| 19 | Other suspension .....                          | \$70  |
| 20 | Revocation .....                                | \$500 |

21 However, any person whose license or privilege to operate a  
22 motor vehicle in this State has been suspended or revoked for a  
23 second or subsequent time for a violation of Section 11-501 or  
24 11-501.1 of this Code or a similar provision of a local  
25 ordinance or a similar out-of-state offense or Section 9-3 of  
26 the Criminal Code of 1961 and each suspension or revocation was  
27 for a violation of Section 11-501 or 11-501.1 of this Code or a  
28 similar provision of a local ordinance or a similar  
29 out-of-state offense or Section 9-3 of the Criminal Code of  
30 1961 shall pay, in addition to any other fees required by this  
31 Code, a reinstatement fee as follows:

|    |   |       |
|----|---|-------|
| 32 | Summary suspension under Section 11-501.1 ..... | \$500 |
| 33 | Revocation .....                                | \$500 |

34 (c) All fees collected under the provisions of this Chapter  
35 6 shall be paid into the Road Fund in the State Treasury except  
36 as follows:

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

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

5                   (B) \$5 of the \$10 fee for an original driver's  
6 license;

7                   (C) \$5 of the \$10 fee for a 4 year renewal driver's  
8 license; and

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

11           2. \$30 of the \$250 fee for reinstatement of a license  
12 summarily suspended under Section 11-501.1 shall be  
13 deposited into the Drunk and Drugged Driving Prevention  
14 Fund. However, for a person whose license or privilege to  
15 operate a motor vehicle in this State has been suspended or  
16 revoked for a second or subsequent time for a violation of  
17 Section 11-501 or 11-501.1 of this Code or Section 9-3 of  
18 the Criminal Code of 1961, \$190 of the \$500 fee for  
19 reinstatement of a license summarily suspended under  
20 Section 11-501.1, and \$190 of the \$500 fee for  
21 reinstatement of a revoked license shall be deposited into  
22 the Drunk and Drugged Driving Prevention Fund.

23           3. \$6 of such original or renewal fee for a commercial  
24 driver's license and \$6 of the commercial driver  
25 instruction permit fee when such permit is issued to any  
26 person holding a valid Illinois driver's license, shall be  
27 paid into the CDLIS/AAMVAnet Trust Fund.

28           4. \$30 of the \$70 fee for reinstatement of a license  
29 suspended under the Family Financial Responsibility Law  
30 shall be paid into the Family Responsibility Fund.

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

34           6. \$20 of any original or renewal fee for a commercial  
35 driver's license or commercial driver instruction permit  
36 shall be paid into the Motor Carrier Safety Inspection



1 Fund.

2 7. The following amounts shall be paid into the General  
3 Revenue Fund:

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

6 (B) \$40 of the \$70 reinstatement fee for any other  
7 suspension provided in subsection (b) of this Section;  
8 and

9 (C) \$440 of the \$500 reinstatement fee for a first  
10 offense revocation and \$310 of the \$500 reinstatement  
11 fee for a second or subsequent revocation.

12 (Source: P.A. 92-458, eff. 8-22-01; 93-32, eff. 1-1-04; 93-788,  
13 eff. 1-1-05.)

14 (Text of Section after amendment by P.A. 94-1035)  
15 Sec. 6-118. Fees.

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

|    |   |      |
|----|---|------|
| 18 | Original driver's license .....         | \$10 |
| 19 | Original or renewal driver's license    |      |
| 20 | issued to 18, 19 and 20 year olds ..... | 5    |
| 21 | All driver's licenses for persons       |      |
| 22 | age 69 through age 80 .....             | 5    |
| 23 | All driver's licenses for persons       |      |
| 24 | age 81 through age 86 .....             | 2    |
| 25 | All driver's licenses for persons       |      |
| 26 | age 87 or older .....                   | 0    |
| 27 | Renewal driver's license (except for    |      |
| 28 | applicants ages 18, 19 and 20 or        |      |
| 29 | age 69 and older) .....                 | 10   |
| 30 | Original instruction permit issued to   |      |
| 31 | persons (except those age 69 and older) |      |
| 32 | who do not hold or have not previously  |      |
| 33 | held an Illinois instruction permit or  |      |
| 34 | driver's license .....                  | 20   |
| 35 | Instruction permit issued to any person |      |

1 holding an Illinois driver's license  
2 who wishes a change in classifications,  
3 other than at the time of renewal ..... 5  
4 Any instruction permit issued to a person  
5 age 69 and older ..... 5  
6 Instruction permit issued to any person,  
7 under age 69, not currently holding a  
8 valid Illinois driver's license or  
9 instruction permit but who has  
10 previously been issued either document  
11 in Illinois ..... 10  
12 Restricted driving permit ..... 8  
13 Duplicate or corrected driver's license  
14 or permit ..... 5  
15 Duplicate or corrected restricted  
16 driving permit ..... 5  
17 Original or renewal M or L endorsement ..... 5

18 SPECIAL FEES FOR COMMERCIAL DRIVER'S LICENSE

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

21 Commercial driver's license:  
22 \$6 for the CDLIS/AAMVAnet Fund  
23 (Commercial Driver's License Information  
24 System/American Association of Motor Vehicle  
25 Administrators network Trust Fund);  
26 \$20 for the Motor Carrier Safety Inspection Fund;  
27 \$10 for the driver's license;  
28 and \$24 for the CDL: ..... \$60

29 Renewal commercial driver's license:  
30 \$6 for the CDLIS/AAMVAnet Trust Fund;  
31 \$20 for the Motor Carrier Safety Inspection Fund;  
32 \$10 for the driver's license; and  
33 \$24 for the CDL: ..... \$60

34 Commercial driver instruction permit  
35 issued to any person holding a valid  
36 Illinois driver's license for the

1           purpose of changing to a  
2           CDL classification: \$6 for the  
3           CDLIS/AAMVAnet Trust Fund;  
4           \$20 for the Motor Carrier  
5           Safety Inspection Fund; and  
6           \$24 for the CDL classification ..... \$50  
7       Commercial driver instruction permit  
8           issued to any person holding a valid  
9           Illinois CDL for the purpose of  
10          making a change in a classification,  
11          endorsement or restriction ..... \$5  
12          CDL duplicate or corrected license ..... \$5

13       In order to ensure the proper implementation of the Uniform  
14       Commercial Driver License Act, Article V of this Chapter, the  
15       Secretary of State is empowered to pro-rate the \$24 fee for the  
16       commercial driver's license proportionate to the expiration  
17       date of the applicant's Illinois driver's license.

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

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

26       (b) Any person whose license or privilege to operate a  
27       motor vehicle in this State has been suspended or revoked under  
28       Section 3-707, any provision of Chapter 6, Chapter 11, or  
29       Section 7-205, 7-303, or 7-702 of the Family Financial  
30       Responsibility Law of this Code, shall in addition to any other  
31       fees required by this Code, pay a reinstatement fee as follows:

32           Suspension under Section 3-707 ..... \$100  
33           Summary suspension under Section 11-501.1 ..... \$250  
34           Other suspension ..... \$70  
35           Revocation ..... \$500

36       However, any person whose license or privilege to operate a

1 motor vehicle in this State has been suspended or revoked for a  
 2 second or subsequent time for a violation of Section 11-501 ~~or~~  
 3 ~~11-501.1~~ of this Code or a similar provision of a local  
 4 ordinance, a violation of ~~or a similar out-of-state offense or~~  
 5 Section 9-3 of the Criminal Code of 1961, or a failure to  
 6 submit to a chemical test or tests of blood, breath, or urine  
 7 pursuant to Section 11-501.1 or to a preliminary breath  
 8 screening test pursuant to Section 11-501.9 of this Code and  
 9 each suspension or revocation was for a violation of Section  
 10 11-501 or 11-501.1 of this Code or a similar provision of a  
 11 local ordinance, a violation of ~~or~~ a similar out-of-state  
 12 offense or Section 9-3 of the Criminal Code of 1961, a  
 13 violation of any out-of-state offense similar to any of the  
 14 offenses listed in this subsection (b), or a failure to submit  
 15 to a chemical test or tests of blood, breath, or urine pursuant  
 16 to Section 11-501.1 or to a preliminary breath screening test  
 17 pursuant to Section 11-501.9 of this Code or similar provisions  
 18 of an out-of-state jurisdiction shall pay, in addition to any  
 19 other fees required by this Code, a reinstatement fee as  
 20 follows:

|    |   |       |
|----|---|-------|
| 21 | Section 11-501.1 <u>or 11-501.9</u> ..... | \$500 |
| 22 | Revocation .....                          | \$500 |

23 (c) All fees collected under the provisions of this Chapter  
 24 6 shall be paid into the Road Fund in the State Treasury except  
 25 as follows:

- 26 1. The following amounts shall be paid into the Driver  
 27 Education Fund:
  - 28 (A) \$16 of the \$20 fee for an original driver's  
 29 instruction permit;
  - 30 (B) \$5 of the \$10 fee for an original driver's  
 31 license;
  - 32 (C) \$5 of the \$10 fee for a 4 year renewal driver's  
 33 license; and
  - 34 (D) \$4 of the \$8 fee for a restricted driving  
 35 permit.
- 36 2. \$30 of the \$250 fee for reinstatement of a license

1       summarily suspended under Section 11-501.1 or 11-501.9  
2       shall be deposited into the Drunk and Drugged Driving  
3       Prevention Fund. However, for a person whose license or  
4       privilege to operate a motor vehicle in this State has been  
5       suspended or revoked for a second or subsequent time for a  
6       violation of Section 11-501 ~~or 11-501.1~~ of this Code or a  
7       similar provision of a local ordinance, a violation of ~~or~~  
8       Section 9-3 of the Criminal Code of 1961, a violation of  
9       any out-of-state offense similar to any of the offenses  
10       listed in this paragraph (2) of subsection (c), or a  
11       failure to submit to a chemical test or tests of blood,  
12       breath, or urine pursuant to Section 11-501.1 or to a  
13       preliminary breath screening test pursuant to Section  
14       11-501.9 of this Code or similar provisions of an  
15       out-of-state jurisdiction, \$190 of the \$500 fee for  
16       reinstatement of a license summarily suspended under  
17       Section 11-501.1 or 11-501.9, and \$190 of the \$500 fee for  
18       reinstatement of a revoked license shall be deposited into  
19       the Drunk and Drugged Driving Prevention Fund.

20       3. \$6 of such original or renewal fee for a commercial  
21       driver's license and \$6 of the commercial driver  
22       instruction permit fee when such permit is issued to any  
23       person holding a valid Illinois driver's license, shall be  
24       paid into the CDLIS/AAMVAnet Trust Fund.

25       4. \$30 of the \$70 fee for reinstatement of a license  
26       suspended under the Family Financial Responsibility Law  
27       shall be paid into the Family Responsibility Fund.

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

31       6. \$20 of any original or renewal fee for a commercial  
32       driver's license or commercial driver instruction permit  
33       shall be paid into the Motor Carrier Safety Inspection  
34       Fund.

35       7. The following amounts shall be paid into the General  
36       Revenue Fund:

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

3 (B) \$40 of the \$70 reinstatement fee for any other  
4 suspension provided in subsection (b) of this Section;  
5 and

6 (C) \$440 of the \$500 reinstatement fee for a first  
7 offense revocation and \$310 of the \$500 reinstatement  
8 fee for a second or subsequent revocation.

9 (Source: P.A. 93-32, eff. 1-1-04; 93-788, eff. 1-1-05; 94-1035,  
10 eff. 7-1-07.)

11 (625 ILCS 5/6-203.1) (from Ch. 95 1/2, par. 6-203.1)

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

14 (1) arrested in another state for driving under the  
15 influence of alcohol, other drug or drugs, or intoxicating  
16 compound or compounds, or any combination thereof, or a  
17 similar provision, and who has refused to submit to a  
18 chemical test or tests, ~~or to a preliminary breath~~  
19 screening test under the provisions of implied consent, ~~or~~.

20 (2) requested to submit to a preliminary breath  
21 screening test in another state under provisions of implied  
22 consent and who has refused to submit to the test or tests.

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

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

30 (625 ILCS 5/6-206) (from Ch. 95 1/2, par. 6-206)

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

33 (a) The Secretary of State is authorized to suspend or  
34 revoke the driving privileges of any person without preliminary

1 hearing upon a showing of the person's records or other  
2 sufficient evidence that the person:

3 1. Has committed an offense for which mandatory  
4 revocation of a driver's license or permit is required upon  
5 conviction;

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

11 3. Has been repeatedly involved as a driver in motor  
12 vehicle collisions or has been repeatedly convicted of  
13 offenses against laws and ordinances regulating the  
14 movement of traffic, to a degree that indicates lack of  
15 ability to exercise ordinary and reasonable care in the  
16 safe operation of a motor vehicle or disrespect for the  
17 traffic laws and the safety of other persons upon the  
18 highway;

19 4. Has by the unlawful operation of a motor vehicle  
20 caused or contributed to an accident resulting in death or  
21 injury requiring immediate professional treatment in a  
22 medical facility or doctor's office to any person, except  
23 that any suspension or revocation imposed by the Secretary  
24 of State under the provisions of this subsection shall  
25 start no later than 6 months after being convicted of  
26 violating a law or ordinance regulating the movement of  
27 traffic, which violation is related to the accident, or  
28 shall start not more than one year after the date of the  
29 accident, whichever date occurs later;

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

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

36 7. Has refused or failed to submit to an examination

1 provided for by Section 6-207 or has failed to pass the  
2 examination;

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

5 9. Has made a false statement or knowingly concealed a  
6 material fact or has used false information or  
7 identification in any application for a license,  
8 identification card, or permit;

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

12 11. Has operated a motor vehicle upon a highway of this  
13 State when the person's driving privilege or privilege to  
14 obtain a driver's license or permit was revoked or  
15 suspended unless the operation was authorized by a judicial  
16 driving permit, probationary license to drive, or a  
17 restricted driving permit issued under this Code;

18 12. Has submitted to any portion of the application  
19 process for another person or has obtained the services of  
20 another person to submit to any portion of the application  
21 process for the purpose of obtaining a license,  
22 identification card, or permit for some other person;

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

26 14. Has committed a violation of Section 6-301,  
27 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B  
28 of the Illinois Identification Card Act;

29 15. Has been convicted of violating Section 21-2 of the  
30 Criminal Code of 1961 relating to criminal trespass to  
31 vehicles in which case, the suspension shall be for one  
32 year;

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

35 17. Has refused to submit to a test, or tests, as  
36 required under Section 11-501.1 or 11-501.9 of this Code



1 and the person has not sought a hearing as provided for in  
2 Section 11-501.1;

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

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

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

11 21. Has been convicted of violating Section 11-402 of  
12 this Code relating to leaving the scene of an accident  
13 resulting in damage to a vehicle in excess of \$1,000, in  
14 which case the suspension shall be for one year;

15 22. Has used a motor vehicle in violating paragraph  
16 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of  
17 the Criminal Code of 1961 relating to unlawful use of  
18 weapons, in which case the suspension shall be for one  
19 year;

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

24 24. Has been convicted by a court-martial or punished  
25 by non-judicial punishment by military authorities of the  
26 United States at a military installation in Illinois of or  
27 for a traffic related offense that is the same as or  
28 similar to an offense specified under Section 6-205 or  
29 6-206 of this Code;

30 25. Has permitted any form of identification to be used  
31 by another in the application process in order to obtain or  
32 attempt to obtain a license, identification card, or  
33 permit;

34 26. Has altered or attempted to alter a license or has  
35 possessed an altered license, identification card, or  
36 permit;

1           27. Has violated Section 6-16 of the Liquor Control Act  
2 of 1934;

3           28. Has been convicted of the illegal possession, while  
4 operating or in actual physical control, as a driver, of a  
5 motor vehicle, of any controlled substance prohibited  
6 under the Illinois Controlled Substances Act, any cannabis  
7 prohibited under the Cannabis Control Act, or any  
8 methamphetamine prohibited under the Methamphetamine  
9 Control and Community Protection Act, in which case the  
10 person's driving privileges shall be suspended for one  
11 year, and any driver who is convicted of a second or  
12 subsequent offense, within 5 years of a previous  
13 conviction, for the illegal possession, while operating or  
14 in actual physical control, as a driver, of a motor  
15 vehicle, of any controlled substance prohibited under the  
16 Illinois Controlled Substances Act, any cannabis  
17 prohibited under the Cannabis Control Act, or any  
18 methamphetamine prohibited under the Methamphetamine  
19 Control and Community Protection Act shall be suspended for  
20 5 years. Any defendant found guilty of this offense while  
21 operating a motor vehicle, shall have an entry made in the  
22 court record by the presiding judge that this offense did  
23 occur while the defendant was operating a motor vehicle and  
24 order the clerk of the court to report the violation to the  
25 Secretary of State;

26           29. Has been convicted of the following offenses that  
27 were committed while the person was operating or in actual  
28 physical control, as a driver, of a motor vehicle: criminal  
29 sexual assault, predatory criminal sexual assault of a  
30 child, aggravated criminal sexual assault, criminal sexual  
31 abuse, aggravated criminal sexual abuse, juvenile pimping,  
32 soliciting for a juvenile prostitute and the manufacture,  
33 sale or delivery of controlled substances or instruments  
34 used for illegal drug use or abuse in which case the  
35 driver's driving privileges shall be suspended for one  
36 year;

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

5           31. Has refused to submit to a test as required by  
6 Section 11-501.6 or has submitted to a test resulting in an  
7 alcohol concentration of 0.08 or more or any amount of a  
8 drug, substance, or compound resulting from the unlawful  
9 use or consumption of cannabis as listed in the Cannabis  
10 Control Act, a controlled substance as listed in the  
11 Illinois Controlled Substances Act, or an intoxicating  
12 compound as listed in the Use of Intoxicating Compounds  
13 Act, in which case the penalty shall be as prescribed in  
14 Section 6-208.1;

15           32. Has been convicted of Section 24-1.2 of the  
16 Criminal Code of 1961 relating to the aggravated discharge  
17 of a firearm if the offender was located in a motor vehicle  
18 at the time the firearm was discharged, in which case the  
19 suspension shall be for 3 years;

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

24           34. Has committed a violation of Section 11-1301.5 of  
25 this Code;

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

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

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

36           38. Has been convicted of a violation of Section 6-20

1 of the Liquor Control Act of 1934 or a similar provision of  
2 a local ordinance;

3 39. Has committed a second or subsequent violation of  
4 Section 11-1201 of this Code;

5 40. Has committed a violation of subsection (a-1) of  
6 Section 11-908 of this Code;

7 41. Has committed a second or subsequent violation of  
8 Section 11-605.1 of this Code within 2 years of the date of  
9 the previous violation, in which case the suspension shall  
10 be for 90 days; or

11 42. Has committed a violation of subsection (a-1) of  
12 Section 11-1301.3 of this Code.

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

20 (b) If any conviction forming the basis of a suspension or  
21 revocation authorized under this Section is appealed, the  
22 Secretary of State may rescind or withhold the entry of the  
23 order of suspension or revocation, as the case may be, provided  
24 that a certified copy of a stay order of a court is filed with  
25 the Secretary of State. If the conviction is affirmed on  
26 appeal, the date of the conviction shall relate back to the  
27 time the original judgment of conviction was entered and the 6  
28 month limitation prescribed shall not apply.

29 (c) 1. Upon suspending or revoking the driver's license or  
30 permit of any person as authorized in this Section, the  
31 Secretary of State shall immediately notify the person in  
32 writing of the revocation or suspension. The notice to be  
33 deposited in the United States mail, postage prepaid, to  
34 the last known address of the person.

35 2. If the Secretary of State suspends the driver's  
36 license of a person under subsection 2 of paragraph (a) of

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

26 The provisions of this subparagraph shall not apply to  
27 any driver required to possess a CDL for the purpose of  
28 operating a commercial motor vehicle.

29 Any person who falsely states any fact in the affidavit  
30 required herein shall be guilty of perjury under Section  
31 6-302 and upon conviction thereof shall have all driving  
32 privileges revoked without further rights.

33 3. At the conclusion of a hearing under Section 2-118  
34 of this Code, the Secretary of State shall either rescind  
35 or continue an order of revocation or shall substitute an  
36 order of suspension; or, good cause appearing therefor,

1 rescind, continue, change, or extend the order of  
2 suspension. If the Secretary of State does not rescind the  
3 order, the Secretary may upon application, to relieve undue  
4 hardship, issue a restricted driving permit granting the  
5 privilege of driving a motor vehicle between the  
6 petitioner's residence and petitioner's place of  
7 employment or within the scope of his employment related  
8 duties, or to allow transportation for the petitioner, or a  
9 household member of the petitioner's family, to receive  
10 necessary medical care and if the professional evaluation  
11 indicates, provide transportation for alcohol remedial or  
12 rehabilitative activity, or for the petitioner to attend  
13 classes, as a student, in an accredited educational  
14 institution; if the petitioner is able to demonstrate that  
15 no alternative means of transportation is reasonably  
16 available and the petitioner will not endanger the public  
17 safety or welfare.

18 If a person's license or permit has been revoked or  
19 suspended due to 2 or more convictions of violating Section  
20 11-501 of this Code or a similar provision of a local  
21 ordinance or a similar out-of-state offense, arising out of  
22 separate occurrences, that person, if issued a restricted  
23 driving permit, may not operate a vehicle unless it has  
24 been equipped with an ignition interlock device as defined  
25 in Section 1-129.1.

26 If a person's license or permit has been revoked or  
27 suspended 2 or more times within a 10 year period due to a  
28 single conviction of violating Section 11-501 of this Code  
29 or a similar provision of a local ordinance or a similar  
30 out-of-state offense, and a statutory summary suspension  
31 under Section 11-501.1, or 2 or more statutory summary  
32 suspensions, or combination of 2 offenses, or of an offense  
33 and a statutory summary suspension, arising out of separate  
34 occurrences, that person, if issued a restricted driving  
35 permit, may not operate a vehicle unless it has been  
36 equipped with an ignition interlock device as defined in

1 Section 1-129.1. The person must pay to the Secretary of  
2 State DUI Administration Fund an amount not to exceed \$20  
3 per month. The Secretary shall establish by rule the amount  
4 and the procedures, terms, and conditions relating to these  
5 fees. If the restricted driving permit was issued for  
6 employment purposes, then this provision does not apply to  
7 the operation of an occupational vehicle owned or leased by  
8 that person's employer. In each case the Secretary may  
9 issue a restricted driving permit for a period deemed  
10 appropriate, except that all permits shall expire within  
11 one year from the date of issuance. The Secretary may not,  
12 however, issue a restricted driving permit to any person  
13 whose current revocation is the result of a second or  
14 subsequent conviction for a violation of Section 11-501 of  
15 this Code or a similar provision of a local ordinance  
16 relating to the offense of operating or being in physical  
17 control of a motor vehicle while under the influence of  
18 alcohol, other drug or drugs, intoxicating compound or  
19 compounds, or any similar out-of-state offense, or any  
20 combination of those offenses, until the expiration of at  
21 least one year from the date of the revocation. A  
22 restricted driving permit issued under this Section shall  
23 be subject to cancellation, revocation, and suspension by  
24 the Secretary of State in like manner and for like cause as  
25 a driver's license issued under this Code may be cancelled,  
26 revoked, or suspended; except that a conviction upon one or  
27 more offenses against laws or ordinances regulating the  
28 movement of traffic shall be deemed sufficient cause for  
29 the revocation, suspension, or cancellation of a  
30 restricted driving permit. The Secretary of State may, as a  
31 condition to the issuance of a restricted driving permit,  
32 require the applicant to participate in a designated driver  
33 remedial or rehabilitative program. The Secretary of State  
34 is authorized to cancel a restricted driving permit if the  
35 permit holder does not successfully complete the program.

36 (c-5) The Secretary of State may, as a condition of the

1 reissuance of a driver's license or permit to an applicant  
2 whose driver's license or permit has been suspended before he  
3 or she reached the age of 18 years pursuant to any of the  
4 provisions of this Section, require the applicant to  
5 participate in a driver remedial education course and be  
6 retested under Section 6-109 of this Code.

7 (d) This Section is subject to the provisions of the  
8 Drivers License Compact.

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

13 (f) In accordance with 49 C.F.R. 384, the Secretary of  
14 State may not issue a restricted driving permit for the  
15 operation of a commercial motor vehicle to a person holding a  
16 CDL whose driving privileges have been suspended or revoked  
17 under any provisions of this Code.

18 (Source: P.A. 93-120, eff. 1-1-04; 93-667, eff. 3-19-04;  
19 93-788, eff. 1-1-05; 93-955, eff. 8-19-04; 94-307, eff.  
20 9-30-05; 94-556, eff. 9-11-05; 94-930, eff. 6-26-06.)

21 (625 ILCS 5/6-206.1) (from Ch. 95 1/2, par. 6-206.1)

22 Sec. 6-206.1. Judicial Driving Permit. Declaration of  
23 Policy. It is hereby declared a policy of the State of Illinois  
24 that the driver who is impaired by alcohol, other drug or  
25 drugs, or intoxicating compound or compounds is a threat to the  
26 public safety and welfare. Therefore, to provide a deterrent to  
27 such practice and to remove problem drivers from the highway, a  
28 statutory summary driver's license suspension is appropriate.  
29 It is also recognized that driving is a privilege and  
30 therefore, that in some cases the granting of limited driving  
31 privileges, where consistent with public safety, is warranted  
32 during the period of suspension in the form of a judicial  
33 driving permit to drive for the purpose of employment,  
34 receiving drug treatment or medical care, and educational  
35 pursuits, where no alternative means of transportation is



1 available.

2 The following procedures shall apply whenever a first  
3 offender is arrested for any offense as defined in Section  
4 11-501 or a similar provision of a local ordinance:

5 (a) Subsequent to a notification of a statutory summary  
6 suspension of driving privileges as provided in Section  
7 11-501.1, the first offender as defined in Section 11-500 may  
8 petition the circuit court of venue for a Judicial Driving  
9 Permit, hereinafter referred as a JDP, to relieve undue  
10 hardship. The court may issue a court order, pursuant to the  
11 criteria contained in this Section, directing the Secretary of  
12 State to issue such a JDP to the petitioner. Except as provided  
13 in subsection (f-1) of Section 6-208.1, a JDP shall not become  
14 effective prior to the 31st day of the original statutory  
15 summary suspension. A JDP ~~and~~ shall always be subject to the  
16 following criteria:

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

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

35 3. The court, by a court order, may also direct the  
36 Secretary of State to issue a JDP to allow transportation

1 by the petitioner for educational purposes upon  
2 demonstrating that there are no alternative means of  
3 transportation reasonably available to accomplish those  
4 educational purposes. Such JDP shall be only for the  
5 purpose of providing transportation to and from the  
6 petitioner's residence and the petitioner's place of  
7 educational activity, and only during the specific times  
8 and routes actually required to commute or perform the  
9 petitioner's educational requirement.

10 4. The Court shall not issue an order granting a JDP  
11 to:

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

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

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

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

2 (v) Any person for the operation of a commercial  
3 motor vehicle if the person's driving privileges have  
4 been suspended under any provision of this Code in  
5 accordance with 49 C.F.R. Part 384.

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

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

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

17 3. Whether the person must drive for educational  
18 purposes. The educational institution shall certify the  
19 person's enrollment in and academic schedule at the  
20 institution.

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

24 5. Whether the person has been convicted of a traffic  
25 violation in connection with a traffic accident resulting  
26 in the death of any person within the last 5 years.

27 6. Whether the person is likely to obey the limited  
28 provisions of the JDP.

29 7. Whether the person has any additional traffic  
30 violations pending in any court.

31 For purposes of this Section, programs conducting  
32 professional evaluations of a person's alcohol, other drug, or  
33 intoxicating compound use must report, to the court of venue,  
34 using a form prescribed by the Secretary of State. A copy of  
35 such evaluations shall be sent to the Secretary of State by the  
36 court. However, the evaluation information shall be privileged

1 and only available to courts and to the Secretary of State, but  
2 shall not be admissible in the subsequent trial on the  
3 underlying charge.

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

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

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

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

7 If the petitioner is issued a citation for any other  
8 traffic related offense during the term of the JDP, the officer  
9 issuing the citation, or the law enforcement agency employing  
10 that officer, shall send notice of the citation to the court  
11 that ordered issuance of the JDP. Upon receipt and notice to  
12 the petitioner and an opportunity for a hearing, the court  
13 shall determine whether the violation constitutes grounds for  
14 cancellation of the JDP. If the court enters an order of  
15 cancellation, the court shall forward the order to the  
16 Secretary of State, and the Secretary shall cancel the JDP and  
17 shall notify the petitioner of the cancellation.

18 (d) The Secretary of State shall, upon receiving a court  
19 order from the court of venue, issue a JDP to a successful  
20 Petitioner under this Section. Such court order form shall also  
21 contain a notification, which shall be sent to the Secretary of  
22 State, providing the name, driver's license number and legal  
23 address of the successful petitioner, and the full and detailed  
24 description of the limitations of the JDP. This information  
25 shall be available only to the courts, police officers, and the  
26 Secretary of State, except during the actual period the JDP is  
27 valid, during which time it shall be a public record. The  
28 Secretary of State shall design and furnish to the courts an  
29 official court order form to be used by the courts when  
30 directing the Secretary of State to issue a JDP.

31 Any submitted court order that contains insufficient data  
32 or fails to comply with this Code shall not be utilized for JDP  
33 issuance or entered to the driver record but shall be returned  
34 to the issuing court indicating why the JDP cannot be so  
35 entered. A notice of this action shall also be sent to the JDP  
36 petitioner by the Secretary of State.

1 (e) The circuit court of venue may conduct the judicial  
2 hearing, as provided in Section 2-118.1, and the JDP hearing  
3 provided in this Section, concurrently. Such concurrent  
4 hearing shall proceed in the court in the same manner as in  
5 other civil proceedings.

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

9 (Source: P.A. 94-307, eff. 9-30-05; 94-357, eff. 1-1-06;  
10 94-930, eff. 6-26-06.)

11 (625 ILCS 5/6-208.1) (from Ch. 95 1/2, par. 6-208.1)

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

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

19 1. Six months from the effective date of the statutory  
20 summary suspension for a refusal or failure to complete a  
21 test or tests to determine the alcohol, drug, or  
22 intoxicating compound concentration, pursuant to Section  
23 11-501.1~~+~~ or for a refusal or failure to complete a  
24 preliminary breath screening test pursuant to Section  
25 11-501.9; or

26 2. Three months from the effective date of the  
27 statutory summary suspension imposed following the  
28 person's submission to a chemical test which disclosed an  
29 alcohol concentration of 0.08 or more, or any amount of a  
30 drug, substance, or intoxicating compound in such person's  
31 breath, blood, or urine resulting from the unlawful use or  
32 consumption of cannabis listed in the Cannabis Control Act,  
33 a controlled substance listed in the Illinois Controlled  
34 Substances Act, or an intoxicating compound listed in the  
35 Use of Intoxicating Compounds Act, pursuant to Section

1 11-501.1; or

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

7 3.1. Two years from the effective date of the statutory  
8 summary suspension for any person other than a first  
9 offender who refuses or fails to complete a preliminary  
10 breath screening test pursuant to Section 11-501.9; or

11 4. One year from the effective date of the summary  
12 suspension imposed for any person other than a first  
13 offender following submission to a chemical test which  
14 disclosed an alcohol concentration of 0.08 or more pursuant  
15 to Section 11-501.1 or any amount of a drug, substance or  
16 compound in such person's blood or urine resulting from the  
17 unlawful use or consumption of cannabis listed in the  
18 Cannabis Control Act, a controlled substance listed in the  
19 Illinois Controlled Substances Act, or an intoxicating  
20 compound listed in the Use of Intoxicating Compounds Act.

21 (b) Following a statutory summary suspension of the  
22 privilege to drive a motor vehicle under Section 11-501.1 or  
23 11-501.9, full driving privileges shall be restored unless the  
24 person is otherwise disqualified by this Code. If the court has  
25 reason to believe that the person's driving privilege should  
26 not be restored, the court shall notify the Secretary of State  
27 prior to the expiration of the statutory summary suspension so  
28 appropriate action may be taken pursuant to this Code.

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

33 (d) Where a driving privilege has been summarily suspended  
34 under Section 11-501.1 or 11-501.9 and the person is  
35 subsequently convicted of violating Section 11-501, or a  
36 similar provision of a local ordinance, for the same incident,

1 any period served on statutory summary suspension shall be  
2 credited toward the minimum period of revocation of driving  
3 privileges imposed pursuant to Section 6-205.

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

10 (e-1) Following a statutory summary suspension of driving  
11 privileges under Section 11-501.1 for a first offender, if that  
12 person also (i) has never received a disposition of supervision  
13 for any offense as defined in Section 11-501 or a similar  
14 provision of a local ordinance and (ii) submitted to a  
15 preliminary breath screening test under Section 11-501.9  
16 before the statutory summary suspension was imposed under  
17 Section 11-501.1, the circuit court may, at any time after the  
18 statutory summary suspension has been imposed, issue a judicial  
19 driving permit under Section 6-206.1.

20 (f) Subsequent to an arrest of a first offender, for any  
21 offense as defined in Section 11-501 or a similar provision of  
22 a local ordinance, following a statutory summary suspension of  
23 driving privileges pursuant to Section 11-501.1, for a first  
24 offender, the circuit court may issue a court order directing  
25 the Secretary of State to issue a judicial driving permit as  
26 provided in Section 6-206.1. Except as provided in subsection  
27 (e-1), however, this JDP shall not be effective prior to the  
28 31st day of the statutory summary suspension.

29 (f-1) Following a statutory summary suspension of driving  
30 privileges pursuant to Section 11-501.9, for a first offender,  
31 the Secretary of State may, after at least 30 days from the  
32 effective date of the statutory summary suspension, issue a  
33 restricted driving permit as provided in subsection (g) of  
34 Section 11-501.9.

35 (g) Following a statutory summary suspension of driving  
36 privileges pursuant to Section 11-501.1 where the person was



1 not a first offender, as defined in Section 11-500, or refuses  
2 or fails to complete a preliminary breath screening test the  
3 Secretary of State may not issue a restricted driving permit.

4 (h) (Blank).

5 (i) When a person has refused to submit to or failed to  
6 complete a chemical test or tests of blood, breath, or urine  
7 pursuant to Section 11-501.1 or to a preliminary breath  
8 screening test pursuant to Section 11-501.9, the person's  
9 driving privileges shall be statutorily suspended under the  
10 provisions of both Sections, but the periods of statutory  
11 suspension shall run concurrently.

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

13 (625 ILCS 5/6-303) (from Ch. 95 1/2, par. 6-303)

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

16 (a) Any person who drives or is in actual physical control  
17 of a motor vehicle on any highway of this State at a time when  
18 such person's driver's license, permit or privilege to do so or  
19 the privilege to obtain a driver's license or permit is revoked  
20 or suspended as provided by this Code or the law of another  
21 state, except as may be specifically allowed by and subject to  
22 the conditions of a judicial driving permit, family financial  
23 responsibility driving permit, probationary license to drive,  
24 or a restricted driving permit issued pursuant to this Code or  
25 under the law of another state, shall be guilty of a Class A  
26 misdemeanor.

27 (b) The Secretary of State upon receiving a report of the  
28 conviction of any violation indicating a person was operating a  
29 motor vehicle during the time when said person's driver's  
30 license, permit or privilege was suspended by the Secretary, by  
31 the appropriate authority of another state, or pursuant to  
32 Section 11-501.1 or 11-501.9, except as may be specifically  
33 allowed by a probationary license to drive, judicial driving  
34 permit or restricted driving permit issued pursuant to this  
35 Code or the law of another state; shall extend the suspension

1 for the same period of time as the originally imposed  
2 suspension; however, if the period of suspension has then  
3 expired, the Secretary shall be authorized to suspend said  
4 person's driving privileges for the same period of time as the  
5 originally imposed suspension; and if the conviction was upon a  
6 charge which indicated that a vehicle was operated during the  
7 time when the person's driver's license, permit or privilege  
8 was revoked; except as may be allowed by a restricted driving  
9 permit issued pursuant to this Code or the law of another  
10 state; the Secretary shall not issue a driver's license for an  
11 additional period of one year from the date of such conviction  
12 indicating such person was operating a vehicle during such  
13 period of revocation.

14 (c) Any person convicted of violating this Section shall  
15 serve a minimum term of imprisonment of 10 consecutive days or  
16 30 days of community service when the person's driving  
17 privilege was revoked or suspended as a result of:

18 (1) a violation of Section 11-501 of this Code or a  
19 similar provision of a local ordinance relating to the  
20 offense of operating or being in physical control of a  
21 vehicle while under the influence of alcohol, any other  
22 drug or any combination thereof; or

23 (2) a violation of paragraph (b) of Section 11-401 of  
24 this Code or a similar provision of a local ordinance  
25 relating to the offense of leaving the scene of a motor  
26 vehicle accident involving personal injury or death; or

27 (3) a violation of Section 9-3 of the Criminal Code of  
28 1961, as amended, relating to the offense of reckless  
29 homicide; or

30 (4) a statutory summary suspension under Section  
31 11-501.1 or 11-501.9 of this Code.

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

34 (c-1) Except as provided in subsection (d), any person  
35 convicted of a second violation of this Section shall be  
36 ordered by the court to serve a minimum of 100 hours of

1 community service.

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

5 (1) Seizure of the license plates of the person's  
6 vehicle.

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

9 (d) Any person convicted of a second violation of this  
10 Section shall be guilty of a Class 4 felony and shall serve a  
11 minimum term of imprisonment of 30 days or 300 hours of  
12 community service, as determined by the court, if the  
13 revocation or suspension was for a violation of Section 11-401  
14 or 11-501 of this Code, or a similar out-of-state offense, or a  
15 similar provision of a local ordinance, a violation of Section  
16 9-3 of the Criminal Code of 1961, relating to the offense of  
17 reckless homicide, or a similar out-of-state offense, or a  
18 statutory summary suspension under Section 11-501.1 or  
19 11-501.9 of this Code.

20 (d-1) Except as provided in subsection (d-2) and subsection  
21 (d-3), any person convicted of a third or subsequent violation  
22 of this Section shall serve a minimum term of imprisonment of  
23 30 days or 300 hours of community service, as determined by the  
24 court.

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

34 (d-3) Any person convicted of a fourth, fifth, sixth,  
35 seventh, eighth, or ninth violation of this Section is guilty  
36 of a Class 4 felony and must serve a minimum term of

1 imprisonment of 180 days if the revocation or suspension was  
2 for a violation of Section 11-401 or 11-501 of this Code, or a  
3 similar out-of-state offense, or a similar provision of a local  
4 ordinance, a violation of Section 9-3 of the Criminal Code of  
5 1961, relating to the offense of reckless homicide, or a  
6 similar out-of-state offense, or a statutory summary  
7 suspension under Section 11-501.1 of this Code.

8 (d-4) Any person convicted of a tenth, eleventh, twelfth,  
9 thirteenth, or fourteenth violation of this Section is guilty  
10 of a Class 3 felony, and is not eligible for probation or  
11 conditional discharge, if the revocation or suspension was for  
12 a violation of Section 11-401 or 11-501 of this Code, or a  
13 similar out-of-state offense, or a similar provision of a local  
14 ordinance, a violation of Section 9-3 of the Criminal Code of  
15 1961, relating to the offense of reckless homicide, or a  
16 similar out-of-state offense, or a statutory summary  
17 suspension under Section 11-501.1 of this Code.

18 (d-5) Any person convicted of a fifteenth or subsequent  
19 violation of this Section is guilty of a Class 2 felony, and is  
20 not eligible for probation or conditional discharge, if the  
21 revocation or suspension was for a violation of Section 11-401  
22 or 11-501 of this Code, or a similar out-of-state offense, or a  
23 similar provision of a local ordinance, a violation of Section  
24 9-3 of the Criminal Code of 1961, relating to the offense of  
25 reckless homicide, or a similar out-of-state offense, or a  
26 statutory summary suspension under Section 11-501.1 of this  
27 Code.

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

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

4 (g) The motor vehicle used in a violation of this Section  
5 is subject to seizure and forfeiture as provided in Sections  
6 36-1 and 36-2 of the Criminal Code of 1961 if the person's  
7 driving privilege was revoked or suspended as a result of a  
8 violation listed in paragraph (1), (2), or (3) of subsection  
9 (c) of this Section or as a result of a summary suspension as  
10 provided in paragraph (4) of subsection (c) of this Section.

11 (Source: P.A. 94-112, eff. 1-1-06.)

12 (625 ILCS 5/11-500) (from Ch. 95 1/2, par. 11-500)

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

1 ordinance.

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

3 (625 ILCS 5/11-501) (from Ch. 95 1/2, par. 11-501)

4 (Text of Section from P.A. 93-1093 and 94-963)

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

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

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

13 (2) under the influence of alcohol;

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

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

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

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

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

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

35 (1) Any reference to a prior violation of subsection

1 (a) or a similar provision includes any violation of a  
2 provision of a local ordinance or a provision of a law of  
3 another state that is similar to a violation of subsection  
4 (a) of this Section.

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

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

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

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

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

29 (c) (Blank).

30 (c-1) (1) A person who violates subsection (a) during a  
31 period in which his or her driving privileges are revoked  
32 or suspended, where the revocation or suspension was for a  
33 violation of subsection (a) or a similar provision of a  
34 local ordinance, a failure to submit to a chemical test or  
35 tests of blood, breath, or urine pursuant to Section  
36 11-501.1, or a failure to submit to a preliminary breath

1 screening test pursuant to Section 11-501.9 of this Code, a  
2 violation of~~7~~ paragraph (b) of Section 11-401, or for  
3 reckless homicide as defined in Section 9-3 of the Criminal  
4 Code of 1961 is guilty of a Class 4 felony.

5 (2) A person who violates subsection (a) a third time,  
6 if the third violation occurs during a period in which his  
7 or her driving privileges are revoked or suspended where  
8 the revocation or suspension was for a violation of  
9 subsection (a) or a similar provision of a local ordinance,  
10 a failure to submit to a chemical test or tests of blood,  
11 breath, or urine pursuant to~~7~~ Section 11-501.1, or a  
12 failure to submit to a preliminary breath screening test  
13 pursuant to Section 11-501.9 of this Code, a violation of~~7~~  
14 paragraph (b) of Section 11-401, or for reckless homicide  
15 as defined in Section 9-3 of the Criminal Code of 1961, is  
16 guilty of a Class 3 felony; and if the person receives a  
17 term of probation or conditional discharge, he or she shall  
18 be required to serve a mandatory minimum of 10 days of  
19 imprisonment or shall be assigned a mandatory minimum of  
20 480 hours of community service, as may be determined by the  
21 court, as a condition of the probation or conditional  
22 discharge. This mandatory minimum term of imprisonment or  
23 assignment of community service shall not be suspended or  
24 reduced by the court.

25 (2.2) A person who violates subsection (a), if the  
26 violation occurs during a period in which his or her  
27 driving privileges are revoked or suspended where the  
28 revocation or suspension was for a violation of subsection  
29 (a) or a similar provision of a local ordinance, a failure  
30 to submit to a chemical test or tests of blood, breath, or  
31 urine pursuant to ~~or~~ Section 11-501.1, or a failure to  
32 submit to a preliminary breath screening test pursuant to  
33 Section 11-501.9 of this Code shall also be sentenced to an  
34 additional mandatory minimum term of 30 consecutive days of  
35 imprisonment, 40 days of 24-hour periodic imprisonment, or  
36 720 hours of community service, as may be determined by the



1 court. This mandatory term of imprisonment or assignment of  
2 community service shall not be suspended or reduced by the  
3 court.

4 (3) A person who violates subsection (a) a fourth or  
5 subsequent time, if the fourth or subsequent violation  
6 occurs during a period in which his or her driving  
7 privileges are revoked or suspended where the revocation or  
8 suspension was for a violation of subsection (a) or a  
9 similar provision of a local ordinance, a failure to submit  
10 to a chemical test or tests of blood, breath, or urine  
11 pursuant to Section 11-501.1, or a failure to submit to a  
12 preliminary breath screening test pursuant to Section  
13 11-501.9 of this Code, a violation of paragraph (b) of  
14 Section 11-401, or for reckless homicide as defined in  
15 Section 9-3 of the Criminal Code of 1961, is guilty of a  
16 Class 2 felony and is not eligible for a sentence of  
17 probation or conditional discharge.

18 (c-2) (Blank).

19 (c-3) (Blank).

20 (c-4) (Blank).

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

31 (2) Except as provided in subdivisions (c-5) (3) and  
32 (c-5) (4) a person who violates subsection (a) a second  
33 time, if at the time of the second violation the person was  
34 transporting a person under the age of 16, is subject to an  
35 additional 10 days of imprisonment, an additional  
36 mandatory minimum fine of \$1,000, and an additional

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

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

18 (4) Any person convicted of violating subdivision  
19 (c-5)(2) or a similar provision within 5 years of a  
20 previous violation of subsection (a) or a similar provision  
21 shall receive, in addition to any other penalty imposed, an  
22 additional 80 hours of mandatory community service in a  
23 program benefiting children, an additional mandatory  
24 minimum 12 days of imprisonment, and a mandatory minimum  
25 fine of \$1,750. The imprisonment or assignment of community  
26 service under this subdivision (c-5)(4) is not subject to  
27 suspension, nor is the person eligible for a reduced  
28 sentence.

29 (5) Any person convicted a third time for violating  
30 subsection (a) or a similar provision, if at the time of  
31 the third violation the person was transporting a person  
32 under the age of 16, is guilty of a Class 4 felony and  
33 shall receive, in addition to any other penalty imposed, an  
34 additional mandatory fine of \$1,000, an additional  
35 mandatory 140 hours of community service, which shall  
36 include 40 hours in a program benefiting children, and a

1 mandatory minimum 30 days of imprisonment. The  
2 imprisonment or assignment of community service under this  
3 subdivision (c-5)(5) is not subject to suspension, nor is  
4 the person eligible for a reduced sentence.

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

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

29 (c-6)(1) Any person convicted of a first violation of  
30 subsection (a) or a similar provision, if the alcohol  
31 concentration in his or her blood, breath, or urine was  
32 0.16 or more based on the definition of blood, breath, or  
33 urine units in Section 11-501.2, shall be subject, in  
34 addition to any other penalty that may be imposed, to a  
35 mandatory minimum of 100 hours of community service and a  
36 mandatory minimum fine of \$500.

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

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

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

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

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

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

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

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

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

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

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

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

35 (e) After a finding of guilt and prior to any final  
36 sentencing, or an order for supervision, for an offense based

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

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

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

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

30 (h) (Blank).

31 (i) The Secretary of State shall require the use of  
32 ignition interlock devices on all vehicles owned by an  
33 individual who has been convicted of a second or subsequent  
34 offense of this Section or a similar provision of a local  
35 ordinance. The Secretary shall establish by rule and regulation  
36 the procedures for certification and use of the interlock

1 system.

2 (j) In addition to any other penalties and liabilities, a  
3 person who is found guilty of or pleads guilty to violating  
4 subsection (a), including any person placed on court  
5 supervision for violating subsection (a), shall be fined \$500,  
6 payable to the circuit clerk, who shall distribute the money as  
7 follows: 20% to the law enforcement agency that made the arrest  
8 and 80% shall be forwarded to the State Treasurer for deposit  
9 into the General Revenue Fund. If the person has been  
10 previously convicted of violating subsection (a) or a similar  
11 provision of a local ordinance, the fine shall be \$1,000. In  
12 the event that more than one agency is responsible for the  
13 arrest, the amount payable to law enforcement agencies shall be  
14 shared equally. Any moneys received by a law enforcement agency  
15 under this subsection (j) shall be used for enforcement and  
16 prevention of driving while under the influence of alcohol,  
17 other drug or drugs, intoxicating compound or compounds or any  
18 combination thereof, as defined by this Section, including but  
19 not limited to the purchase of law enforcement equipment and  
20 commodities that will assist in the prevention of alcohol  
21 related criminal violence throughout the State; police officer  
22 training and education in areas related to alcohol related  
23 crime, including but not limited to DUI training; and police  
24 officer salaries, including but not limited to salaries for  
25 hire back funding for safety checkpoints, saturation patrols,  
26 and liquor store sting operations. Equipment and commodities  
27 shall include, but are not limited to, in-car video cameras,  
28 radar and laser speed detection devices, and alcohol breath  
29 testers. Any moneys received by the Department of State Police  
30 under this subsection (j) shall be deposited into the State  
31 Police DUI Fund and shall be used for enforcement and  
32 prevention of driving while under the influence of alcohol,  
33 other drug or drugs, intoxicating compound or compounds or any  
34 combination thereof, as defined by this Section, including but  
35 not limited to the purchase of law enforcement equipment and  
36 commodities that will assist in the prevention of alcohol



1 related criminal violence throughout the State; police officer  
2 training and education in areas related to alcohol related  
3 crime, including but not limited to DUI training; and police  
4 officer salaries, including but not limited to salaries for  
5 hire back funding for safety checkpoints, saturation patrols,  
6 and liquor store sting operations.

7 (k) The Secretary of State Police DUI Fund is created as a  
8 special fund in the State treasury. All moneys received by the  
9 Secretary of State Police under subsection (j) of this Section  
10 shall be deposited into the Secretary of State Police DUI Fund  
11 and, subject to appropriation, shall be used for enforcement  
12 and prevention of driving while under the influence of alcohol,  
13 other drug or drugs, intoxicating compound or compounds or any  
14 combination thereof, as defined by this Section, including but  
15 not limited to the purchase of law enforcement equipment and  
16 commodities to assist in the prevention of alcohol related  
17 criminal violence throughout the State; police officer  
18 training and education in areas related to alcohol related  
19 crime, including but not limited to DUI training; and police  
20 officer salaries, including but not limited to salaries for  
21 hire back funding for safety checkpoints, saturation patrols,  
22 and liquor store sting operations.

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. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;  
22 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;  
23 93-840, eff. 7-30-04; 93-1093, eff. 3-29-05; 94-963, eff.  
24 6-28-06.)

25 (Text of Section from P.A. 94-110 and 94-963)

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

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

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

34 (2) under the influence of alcohol;

35 (3) under the influence of any intoxicating compound or

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

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

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

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

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

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

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

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

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

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

1 defendant shall be sentenced to a mandatory minimum of 5 days  
2 of imprisonment or assigned a mandatory minimum of 240 hours of  
3 community service as may be determined by the court.

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

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

14 (c) (Blank).

15 (c-1) (1) A person who violates subsection (a) during a  
16 period in which his or her driving privileges are revoked  
17 or suspended, where the revocation or suspension was for a  
18 violation of subsection (a) or a similar provision of a  
19 local ordinance, a failure to submit to a chemical test or  
20 tests of blood, breath, or urine pursuant to Section  
21 11-501.1, or a failure to submit to a preliminary breath  
22 screening test pursuant to Section 11-501.9 of this Code, a  
23 violation of paragraph (b) of Section 11-401, or for  
24 reckless homicide as defined in Section 9-3 of the Criminal  
25 Code of 1961 is guilty of a Class 4 felony.

26 (2) A person who violates subsection (a) a third time,  
27 if the third violation occurs during a period in which his  
28 or her driving privileges are revoked or suspended where  
29 the revocation or suspension was for a violation of  
30 subsection (a) or a similar provision of a local ordinance,  
31 a failure to submit to a chemical test or tests of blood,  
32 breath, or urine pursuant to Section 11-501.1, or a  
33 failure to submit to a preliminary breath screening test  
34 pursuant to Section 11-501.9 of this Code, a violation of  
35 paragraph (b) of Section 11-401, or for reckless homicide  
36 as defined in Section 9-3 of the Criminal Code of 1961, is

1 guilty of a Class 3 felony; and if the person receives a  
2 term of probation or conditional discharge, he or she shall  
3 be required to serve a mandatory minimum of 10 days of  
4 imprisonment or shall be assigned a mandatory minimum of  
5 480 hours of community service, as may be determined by the  
6 court, as a condition of the probation or conditional  
7 discharge. This mandatory minimum term of imprisonment or  
8 assignment of community service shall not be suspended or  
9 reduced by the court.

10 (2.2) A person who violates subsection (a), if the  
11 violation occurs during a period in which his or her  
12 driving privileges are revoked or suspended where the  
13 revocation or suspension was for a violation of subsection  
14 (a) or a similar provision of a local ordinance, a failure  
15 to submit to a chemical test or tests of blood, breath, or  
16 urine pursuant to ~~or~~ Section 11-501.1, or a failure to  
17 submit to a preliminary breath screening test pursuant to  
18 Section 11-501.9 of this Code shall also be sentenced to an  
19 additional mandatory minimum term of 30 consecutive days of  
20 imprisonment, 40 days of 24-hour periodic imprisonment, or  
21 720 hours of community service, as may be determined by the  
22 court. This mandatory term of imprisonment or assignment of  
23 community service shall not be suspended or reduced by the  
24 court.

25 (3) A person who violates subsection (a) a fourth or  
26 subsequent time, if the fourth or subsequent violation  
27 occurs during a period in which his or her driving  
28 privileges are revoked or suspended where the revocation or  
29 suspension was for a violation of subsection (a) or a  
30 similar provision of a local ordinance, a failure to submit  
31 to a chemical test or tests of blood, breath, or urine  
32 pursuant to, Section 11-501.1, or a failure to submit to a  
33 preliminary breath screening test pursuant to Section  
34 11-501.9 of this Code, a violation of, paragraph (b) of  
35 Section 11-401, or for reckless homicide as defined in  
36 Section 9-3 of the Criminal Code of 1961, is guilty of a

1 Class 2 felony and is not eligible for a sentence of  
2 probation or conditional discharge.

3 (c-2) (Blank).

4 (c-3) (Blank).

5 (c-4) (Blank).

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

15 (c-5.1) A person 21 years of age or older who is convicted  
16 of violating subsection (a) of this Section a first time and  
17 who in committing that violation was involved in a motor  
18 vehicle accident that resulted in bodily harm to the child  
19 under the age of 16 being transported by the person, if the  
20 violation was the proximate cause of the injury, is guilty of a  
21 Class 4 felony and is subject to one year of imprisonment, a  
22 mandatory fine of \$2,500, and 25 days of community service in a  
23 program benefiting children. The imprisonment or assignment to  
24 community service under this subsection (c-5.1) shall not be  
25 subject to suspension, nor shall the person be eligible for  
26 probation in order to reduce the sentence or assignment.

27 (c-6) Except as provided in subsections (c-7) and (c-7.1),  
28 a person 21 years of age or older who violates subsection (a) a  
29 second time, if at the time of the second violation the person  
30 was transporting a person under the age of 16, is subject to 6  
31 months of imprisonment, an additional mandatory minimum fine of  
32 \$1,000, and an additional mandatory minimum 140 hours of  
33 community service, which shall include 40 hours of community  
34 service in a program benefiting children. The imprisonment or  
35 assignment of community service under this subsection (c-6) is  
36 not subject to suspension, nor is the person eligible for a

1 reduced sentence.

2 (c-7) Except as provided in subsection (c-7.1), any person  
3 21 years of age or older convicted of violating subsection  
4 (c-6) or a similar provision within 10 years of a previous  
5 violation of subsection (a) or a similar provision is guilty of  
6 a Class 4 felony and, in addition to any other penalty imposed,  
7 is subject to one year of imprisonment, 25 days of mandatory  
8 community service in a program benefiting children, and a  
9 mandatory fine of \$2,500. The imprisonment or assignment of  
10 community service under this subsection (c-7) is not subject to  
11 suspension, nor is the person eligible for a reduced sentence.

12 (c-7.1) A person 21 years of age or older who is convicted  
13 of violating subsection (a) of this Section a second time  
14 within 10 years and who in committing that violation was  
15 involved in a motor vehicle accident that resulted in bodily  
16 harm to the child under the age of 16 being transported, if the  
17 violation was the proximate cause of the injury, is guilty of a  
18 Class 4 felony and is subject to 18 months of imprisonment, a  
19 mandatory fine of \$5,000, and 25 days of community service in a  
20 program benefiting children. The imprisonment or assignment to  
21 community service under this subsection (c-7.1) shall not be  
22 subject to suspension, nor shall the person be eligible for  
23 probation in order to reduce the sentence or assignment.

24 (c-8) (Blank).

25 (c-9) Any person 21 years of age or older convicted a third  
26 time for violating subsection (a) or a similar provision, if at  
27 the time of the third violation the person was transporting a  
28 person under the age of 16, is guilty of a Class 4 felony and is  
29 subject to 18 months of imprisonment, a mandatory fine of  
30 \$2,500, and 25 days of community service in a program  
31 benefiting children. The imprisonment or assignment of  
32 community service under this subsection (c-9) is not subject to  
33 suspension, nor is the person eligible for a reduced sentence.

34 (c-10) Any person 21 years of age or older convicted of  
35 violating subsection (c-9) or a similar provision a third time  
36 within 20 years of a previous violation of subsection (a) or a

1 similar provision is guilty of a Class 3 felony and, in  
2 addition to any other penalty imposed, is subject to 3 years of  
3 imprisonment, 25 days of community service in a program  
4 benefiting children, and a mandatory fine of \$25,000. The  
5 imprisonment or assignment of community service under this  
6 subsection (c-10) is not subject to suspension, nor is the  
7 person eligible for a reduced sentence.

8 (c-11) Any person 21 years of age or older convicted a  
9 fourth or subsequent time for violating subsection (a) or a  
10 similar provision, if at the time of the fourth or subsequent  
11 violation the person was transporting a person under the age of  
12 16, and if the person's 3 prior violations of subsection (a) or  
13 a similar provision occurred while transporting a person under  
14 the age of 16 or while the alcohol concentration in his or her  
15 blood, breath, or urine was 0.16 or more based on the  
16 definition of blood, breath, or urine units in Section  
17 11-501.2, is guilty of a Class 2 felony, is not eligible for  
18 probation or conditional discharge, and is subject to a minimum  
19 fine of \$25,000.

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

28 (c-13) Any person convicted of a second violation of  
29 subsection (a) or a similar provision committed within 10 years  
30 of a previous violation of subsection (a) or a similar  
31 provision, if at the time of the second violation of subsection  
32 (a) or a similar provision the alcohol concentration in his or  
33 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, shall be subject, in addition to any other penalty  
36 that may be imposed, to a mandatory minimum of 2 days of



1 imprisonment and a mandatory minimum fine of \$1,250.

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

13 (c-15) Any person convicted of a fourth or subsequent  
14 violation of subsection (a) or a similar provision, if at the  
15 time of the fourth or subsequent violation the alcohol  
16 concentration in his or her blood, breath, or urine was 0.16 or  
17 more based on the definition of blood, breath, or urine units  
18 in Section 11-501.2, and if the person's 3 prior violations of  
19 subsection (a) or a similar provision occurred while  
20 transporting a person under the age of 16 or while the alcohol  
21 concentration in his or her blood, breath, or urine was 0.16 or  
22 more based on the definition of blood, breath, or urine units  
23 in Section 11-501.2, is guilty of a Class 2 felony and is not  
24 eligible for a sentence of probation or conditional discharge  
25 and is 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 for enforcement and  
4 prevention of driving while under the influence of alcohol,  
5 other drug or drugs, intoxicating compound or compounds or any  
6 combination thereof, as defined by this Section, including but  
7 not limited to the purchase of law enforcement equipment and  
8 commodities that will assist in the prevention of alcohol  
9 related criminal violence throughout the State; police officer  
10 training and education in areas related to alcohol related  
11 crime, including but not limited to DUI training; and police  
12 officer salaries, including but not limited to salaries for  
13 hire back funding for safety checkpoints, saturation patrols,  
14 and liquor store sting operations. Equipment and commodities  
15 shall include, but are not limited to, in-car video cameras,  
16 radar and laser speed detection devices, and alcohol breath  
17 testers. Any moneys received by the Department of State Police  
18 under this subsection (j) shall be deposited into the State  
19 Police DUI Fund and shall be used for enforcement and  
20 prevention of driving while under the influence of alcohol,  
21 other drug or drugs, intoxicating compound or compounds or any  
22 combination thereof, as defined by this Section, including but  
23 not limited to the purchase of law enforcement equipment and  
24 commodities that will assist in the prevention of alcohol  
25 related criminal violence throughout the State; police officer  
26 training and education in areas related to alcohol related  
27 crime, including but not limited to DUI training; and police  
28 officer salaries, including but not limited to salaries for  
29 hire back funding for safety checkpoints, saturation patrols,  
30 and liquor store sting operations.

31 (k) The Secretary of State Police DUI Fund is created as a  
32 special fund in the State treasury. All moneys received by the  
33 Secretary of State Police under subsection (j) of this Section  
34 shall be deposited into the Secretary of State Police DUI Fund  
35 and, subject to appropriation, shall be used for enforcement  
36 and prevention of driving while under the influence of alcohol,

1 other drug or drugs, intoxicating compound or compounds or any  
2 combination thereof, as defined by this Section, including but  
3 not limited to the purchase of law enforcement equipment and  
4 commodities to assist in the prevention of alcohol related  
5 criminal violence throughout the State; police officer  
6 training and education in areas related to alcohol related  
7 crime, including but not limited to DUI training; and police  
8 officer salaries, including but not limited to salaries for  
9 hire back funding for safety checkpoints, saturation patrols,  
10 and liquor store sting operations.

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

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

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

9 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;  
10 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;  
11 93-840, eff. 7-30-04; 94-110, eff. 1-1-06; 94-963, eff.  
12 6-28-06.)

13 (Text of Section from P.A. 94-113, 94-609, and 94-963)

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) or a similar provision of a  
7 local ordinance, a failure to submit to a chemical test or  
8 tests of blood, breath, or urine pursuant to Section  
9 11-501.1, or a failure to submit to a preliminary breath  
10 screening test pursuant to Section 11-501.9 of this Code, a  
11 violation of paragraph (b) of Section 11-401, or for  
12 reckless homicide as defined in Section 9-3 of the Criminal  
13 Code of 1961 is guilty of a Class 4 felony.

14 (2) A person who violates subsection (a) a third time,  
15 if the third violation occurs during a period in which his  
16 or her driving privileges are revoked or suspended where  
17 the revocation or suspension was for a violation of  
18 subsection (a) or a similar provision of a local ordinance,  
19 a failure to submit to a chemical test or tests of blood,  
20 breath, or urine pursuant to Section 11-501.1, or a  
21 failure to submit to a preliminary breath screening test  
22 pursuant to Section 11-501.9 of this Code, a violation of  
23 paragraph (b) of Section 11-401, or for reckless homicide  
24 as defined in Section 9-3 of the Criminal Code of 1961, is  
25 guilty of a Class 3 felony.

26 (2.1) A person who violates subsection (a) a third  
27 time, if the third violation occurs during a period in  
28 which his or her driving privileges are revoked or  
29 suspended where the revocation or suspension was for a  
30 violation of subsection (a) or a similar provision of a  
31 local ordinance, a failure to submit to a chemical test or  
32 tests of blood, breath, or urine pursuant to Section  
33 11-501.1, or a failure to submit to a preliminary breath  
34 screening test pursuant to Section 11-501.9 of this Code, a  
35 violation of subsection (b) of Section 11-401, or for  
36 reckless homicide as defined in Section 9-3 of the Criminal

1 Code of 1961, is guilty of a Class 3 felony; and if the  
2 person receives a term of probation or conditional  
3 discharge, he or she shall be required to serve a mandatory  
4 minimum of 10 days of imprisonment or shall be assigned a  
5 mandatory minimum of 480 hours of community service, as may  
6 be determined by the court, as a condition of the probation  
7 or conditional discharge. This mandatory minimum term of  
8 imprisonment or assignment of community service shall not  
9 be suspended or reduced by the court.

10 (2.2) A person who violates subsection (a), if the  
11 violation occurs during a period in which his or her  
12 driving privileges are revoked or suspended where the  
13 revocation or suspension was for a violation of subsection  
14 (a) or a similar provision of a local ordinance, a failure  
15 to submit to a chemical test or tests of blood, breath, or  
16 urine pursuant to ~~or~~ Section 11-501.1, or a failure to  
17 submit to a preliminary breath screening test pursuant to  
18 Section 11-501.9 of this Code shall also be sentenced to an  
19 additional mandatory minimum term of 30 consecutive days of  
20 imprisonment, 40 days of 24-hour periodic imprisonment, or  
21 720 hours of community service, as may be determined by the  
22 court. This mandatory term of imprisonment or assignment of  
23 community service shall not be suspended or reduced by the  
24 court.

25 (3) A person who violates subsection (a) a fourth or  
26 subsequent time, if the fourth or subsequent violation  
27 occurs during a period in which his or her driving  
28 privileges are revoked or suspended where the revocation or  
29 suspension was for a violation of subsection (a) or a  
30 similar provision of a local ordinance, a failure to submit  
31 to a chemical test or tests of blood, breath, or urine  
32 pursuant to, Section 11-501.1, or a failure to submit to a  
33 preliminary breath screening test pursuant to Section  
34 11-501.9 of this Code, a violation of, paragraph (b) of  
35 Section 11-401, or for reckless homicide as defined in  
36 Section 9-3 of the Criminal Code of 1961, is guilty of a

1 Class 2 felony and is not eligible for a sentence of  
2 probation or conditional discharge.

3 (c-2) (Blank).

4 (c-3) (Blank).

5 (c-4) (Blank).

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

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

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

36 (c-8) Any person convicted of violating subsection (c-6) or

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

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

21 (c-10) Any person convicted of violating subsection (c-9)  
22 or a similar provision a third time within 20 years of a  
23 previous violation of subsection (a) or a similar provision is  
24 guilty of a Class 4 felony and shall receive, in addition to  
25 any other penalty imposed, an additional mandatory 40 hours of  
26 community service in a program benefiting children, an  
27 additional mandatory fine of \$3,000, and a mandatory minimum  
28 120 days of imprisonment. The imprisonment or assignment of  
29 community service under this subsection (c-10) is not subject  
30 to suspension, nor is the person eligible for a reduced  
31 sentence.

32 (c-11) Any person convicted a fourth or subsequent time for  
33 violating subsection (a) or a similar provision, if at the time  
34 of the fourth or subsequent violation the person was  
35 transporting a person under the age of 16, and if the person's  
36 3 prior violations of subsection (a) or a similar provision

1 occurred while transporting a person under the age of 16 or  
2 while the alcohol concentration in his or her blood, breath, or  
3 urine was 0.16 or more based on the definition of blood,  
4 breath, or urine units in Section 11-501.2, is guilty of a  
5 Class 2 felony, is not eligible for probation or conditional  
6 discharge, and is subject to a minimum fine of \$3,000.

7 (c-12) Any person convicted of a first violation of  
8 subsection (a) or a similar provision, if the alcohol  
9 concentration in his or her blood, breath, or urine was 0.16 or  
10 more based on the definition of blood, breath, or urine units  
11 in Section 11-501.2, shall be subject, in addition to any other  
12 penalty that may be imposed, to a mandatory minimum of 100  
13 hours of community service and a mandatory minimum fine of  
14 \$500.

15 (c-13) Any person convicted of a second violation of  
16 subsection (a) or a similar provision committed within 10 years  
17 of a previous violation of subsection (a) or a similar  
18 provision committed within 10 years of a previous violation of  
19 subsection (a) or a similar provision, if at the time of the  
20 second violation of subsection (a) the alcohol concentration in  
21 his or her blood, breath, or urine was 0.16 or more based on  
22 the definition of blood, breath, or urine units in Section  
23 11-501.2, shall be subject, in addition to any other penalty  
24 that may be imposed, to a mandatory minimum of 2 days of  
25 imprisonment and a mandatory minimum fine of \$1,250.

26 (c-14) Any person convicted of a third violation of  
27 subsection (a) or a similar provision within 20 years of a  
28 previous violation of subsection (a) or a similar provision, if  
29 at the time of the third violation of subsection (a) or a  
30 similar provision the alcohol concentration in his or her  
31 blood, breath, or urine was 0.16 or more based on the  
32 definition of blood, breath, or urine units in Section  
33 11-501.2, is guilty of a Class 4 felony and shall be subject,  
34 in addition to any other penalty that may be imposed, to a  
35 mandatory minimum of 90 days of imprisonment and a mandatory  
36 minimum fine of \$2,500.

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

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

19 (A) the person committed a violation of subsection  
20 (a) or a similar provision for the third or subsequent  
21 time;

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

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

30 (D) the person committed a violation of subsection  
31 (a) for a second time and has been previously convicted  
32 of violating Section 9-3 of the Criminal Code of 1961  
33 or a similar provision of a law of another state  
34 relating to reckless homicide in which the person was  
35 determined to have been under the influence of alcohol,  
36 other drug or drugs, or intoxicating compound or

1 compounds as an element of the offense or the person  
2 has previously been convicted under subparagraph (C)  
3 or subparagraph (F) of this paragraph (1);

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

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

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

1 violation resulted in the deaths of 2 or more persons. For  
2 any prosecution under this subsection (d), a certified copy  
3 of the driving abstract of the defendant shall be admitted  
4 as proof of any prior conviction. Any person sentenced  
5 under this subsection (d) who receives a term of probation  
6 or conditional discharge must serve a minimum term of  
7 either 480 hours of community service or 10 days of  
8 imprisonment as a condition of the probation or conditional  
9 discharge. This mandatory minimum term of imprisonment or  
10 assignment of community service may not be suspended or  
11 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 for enforcement and  
29 prevention of driving while under the influence of alcohol,  
30 other drug or drugs, intoxicating compound or compounds or any  
31 combination thereof, as defined by this Section, including but  
32 not limited to the purchase of law enforcement equipment and  
33 commodities that will assist in the prevention of alcohol  
34 related criminal violence throughout the State; police officer  
35 training and education in areas related to alcohol related  
36 crime, including but not limited to DUI training; and police

1 officer salaries, including but not limited to salaries for  
2 hire back funding for safety checkpoints, saturation patrols,  
3 and liquor store sting operations. Equipment and commodities  
4 shall include, but are not limited to, in-car video cameras,  
5 radar and laser speed detection devices, and alcohol breath  
6 testers. Any moneys received by the Department of State Police  
7 under this subsection (j) shall be deposited into the State  
8 Police DUI Fund and shall be used for enforcement and  
9 prevention of driving while under the influence of alcohol,  
10 other drug or drugs, intoxicating compound or compounds or any  
11 combination thereof, as defined by this Section, including but  
12 not limited to the purchase of law enforcement equipment and  
13 commodities that will assist in the prevention of alcohol  
14 related criminal violence throughout the State; police officer  
15 training and education in areas related to alcohol related  
16 crime, including but not limited to DUI training; and police  
17 officer salaries, including but not limited to salaries for  
18 hire back funding for safety checkpoints, saturation patrols,  
19 and liquor store sting operations.

20 (k) The Secretary of State Police DUI Fund is created as a  
21 special fund in the State treasury. All moneys received by the  
22 Secretary of State Police under subsection (j) of this Section  
23 shall be deposited into the Secretary of State Police DUI Fund  
24 and, subject to appropriation, shall be used for enforcement  
25 and prevention of driving while under the influence of alcohol,  
26 other drug or drugs, intoxicating compound or compounds or any  
27 combination thereof, as defined by this Section, including but  
28 not limited to the purchase of law enforcement equipment and  
29 commodities to assist in the prevention of alcohol related  
30 criminal violence throughout the State; police officer  
31 training and education in areas related to alcohol related  
32 crime, including but not limited to DUI training; and police  
33 officer salaries, including but not limited to salaries for  
34 hire back funding for safety checkpoints, saturation patrols,  
35 and liquor store sting operations.

36 (l) Whenever an individual is sentenced for an offense

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

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

34 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;  
35 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;  
36 93-840, eff. 7-30-04; 94-113, eff. 1-1-06; 94-609, eff. 1-1-06;

1 94-963, eff. 6-28-06.)

2 (Text of Section from P.A. 94-114 and 94-963)

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 or subsequent violation  
18 committed within 5 years of a previous violation of subsection  
19 (a) or a similar provision, in addition to any other criminal  
20 or administrative sanction, a mandatory minimum term of either  
21 10 days of imprisonment or 480 hours of community service shall  
22 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) or a similar provision of a  
32 local ordinance, a failure to submit to a chemical test or  
33 tests of blood, breath, or urine pursuant to Section  
34 11-501.1, or a failure to submit to a preliminary breath  
35 screening test pursuant to Section 11-501.9 of this Code, a  
36 violation of paragraph (b) of Section 11-401, or for

1 reckless homicide as defined in Section 9-3 of the Criminal  
2 Code of 1961 is guilty of a Class 4 felony.

3 (2) A person who violates subsection (a) a third time,  
4 if the third violation occurs during a period in which his  
5 or her driving privileges are revoked or suspended where  
6 the revocation or suspension was for a violation of  
7 subsection (a) or a similar provision of a local ordinance,  
8 a failure to submit to a chemical test or tests of blood,  
9 breath, or urine pursuant to Section 11-501.1, or a  
10 failure to submit to a preliminary breath screening test  
11 pursuant to Section 11-501.9 of this Code, a violation of  
12 paragraph (b) of Section 11-401, or for reckless homicide  
13 as defined in Section 9-3 of the Criminal Code of 1961, is  
14 guilty of a Class 3 felony.

15 (2.1) A person who violates subsection (a) a third  
16 time, if the third violation occurs during a period in  
17 which his or her driving privileges are revoked or  
18 suspended where the revocation or suspension was for a  
19 violation of subsection (a) or a similar provision of a  
20 local ordinance, a failure to submit to a chemical test or  
21 tests of blood, breath, or urine pursuant to Section  
22 11-501.1, or a failure to submit to a preliminary breath  
23 screening test pursuant to Section 11-501.9 of this Code, a  
24 violation of subsection (b) of Section 11-401, or for  
25 reckless homicide as defined in Section 9-3 of the Criminal  
26 Code of 1961, is guilty of a Class 3 felony; and if the  
27 person receives a term of probation or conditional  
28 discharge, he or she shall be required to serve a mandatory  
29 minimum of 10 days of imprisonment or shall be assigned a  
30 mandatory minimum of 480 hours of community service, as may  
31 be determined by the court, as a condition of the probation  
32 or conditional discharge. This mandatory minimum term of  
33 imprisonment or assignment of community service shall not  
34 be suspended or reduced by the court.

35 (2.2) A person who violates subsection (a), if the  
36 violation occurs during a period in which his or her

1 driving privileges are revoked or suspended where the  
2 revocation or suspension was for a violation of subsection  
3 (a) or a similar provision of a local ordinance, a failure  
4 to submit to a chemical test or tests of blood, breath, or  
5 urine pursuant to ~~or~~ Section 11-501.1, or a failure to  
6 submit to a preliminary breath screening test pursuant to  
7 Section 11-501.9 of this Code shall also be sentenced to an  
8 additional mandatory minimum term of 30 consecutive days of  
9 imprisonment, 40 days of 24-hour periodic imprisonment, or  
10 720 hours of community service, as may be determined by the  
11 court. This mandatory term of imprisonment or assignment of  
12 community service shall not be suspended or reduced by the  
13 court.

14 (3) A person who violates subsection (a) a fourth or  
15 fifth time, if the fourth or fifth violation occurs during  
16 a period in which his or her driving privileges are revoked  
17 or suspended where the revocation or suspension was for a  
18 violation of subsection (a) or a similar provision of a  
19 local ordinance, a failure to submit to a chemical test or  
20 tests of blood, breath, or urine pursuant to~~r~~ Section  
21 11-501.1, or a failure to submit to a preliminary breath  
22 screening test pursuant to Section 11-501.9 of this Code, a  
23 violation of~~r~~ paragraph (b) of Section 11-401, or for  
24 reckless homicide as defined in Section 9-3 of the Criminal  
25 Code of 1961, is guilty of a Class 2 felony and is not  
26 eligible for a sentence of probation or conditional  
27 discharge.

28 (c-2) (Blank).

29 (c-3) (Blank).

30 (c-4) (Blank).

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

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

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

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

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

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



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

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

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

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

1 penalty that may be imposed, to a mandatory minimum of 100  
2 hours of community service and a mandatory minimum fine of  
3 \$500.

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

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

26 (c-15) Any person convicted of a fourth or fifth violation  
27 of subsection (a) or a similar provision, if at the time of the  
28 fourth or fifth violation the alcohol concentration in his or  
29 her blood, breath, or urine was 0.16 or more based on the  
30 definition of blood, breath, or urine units in Section  
31 11-501.2, 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 and is not eligible for

1 a sentence of probation or conditional discharge and is subject  
2 to a minimum fine of \$2,500.

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

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

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

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

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

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

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

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

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

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

1 reduced by the court.

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

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

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

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

33 (h) (Blank).

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

1 offense of this Section or a similar provision of a local  
2 ordinance. The Secretary shall establish by rule and regulation  
3 the procedures for certification and use of the interlock  
4 system.

5 (j) In addition to any other penalties and liabilities, a  
6 person who is found guilty of or pleads guilty to violating  
7 subsection (a), including any person placed on court  
8 supervision for violating subsection (a), shall be fined \$500,  
9 payable to the circuit clerk, who shall distribute the money as  
10 follows: 20% to the law enforcement agency that made the arrest  
11 and 80% shall be forwarded to the State Treasurer for deposit  
12 into the General Revenue Fund. If the person has been  
13 previously convicted of violating subsection (a) or a similar  
14 provision of a local ordinance, the fine shall be \$1,000. In  
15 the event that more than one agency is responsible for the  
16 arrest, the amount payable to law enforcement agencies shall be  
17 shared equally. Any moneys received by a law enforcement agency  
18 under this subsection (j) shall be used for enforcement and  
19 prevention of driving while under the influence of alcohol,  
20 other drug or drugs, intoxicating compound or compounds or any  
21 combination thereof, as defined by this Section, including but  
22 not limited to the purchase of law enforcement equipment and  
23 commodities that will assist in the prevention of alcohol  
24 related criminal violence throughout the State; police officer  
25 training and education in areas related to alcohol related  
26 crime, including but not limited to DUI training; and police  
27 officer salaries, including but not limited to salaries for  
28 hire back funding for safety checkpoints, saturation patrols,  
29 and liquor store sting operations. Equipment and commodities  
30 shall include, but are not limited to, in-car video cameras,  
31 radar and laser speed detection devices, and alcohol breath  
32 testers. Any moneys received by the Department of State Police  
33 under this subsection (j) shall be deposited into the State  
34 Police DUI Fund and shall be used for enforcement and  
35 prevention of driving while under the influence of alcohol,  
36 other drug or drugs, intoxicating compound or compounds or any

1 combination thereof, as defined by this Section, including but  
2 not limited to the purchase of law enforcement equipment and  
3 commodities that will assist in the prevention of alcohol  
4 related criminal violence throughout the State; police officer  
5 training and education in areas related to alcohol related  
6 crime, including but not limited to DUI training; and police  
7 officer salaries, including but not limited to salaries for  
8 hire back funding for safety checkpoints, saturation patrols,  
9 and liquor store sting operations.

10 (k) The Secretary of State Police DUI Fund is created as a  
11 special fund in the State treasury. All moneys received by the  
12 Secretary of State Police under subsection (j) of this Section  
13 shall be deposited into the Secretary of State Police DUI Fund  
14 and, subject to appropriation, shall be used for enforcement  
15 and prevention of driving while under the influence of alcohol,  
16 other drug or drugs, intoxicating compound or compounds or any  
17 combination thereof, as defined by this Section, including but  
18 not limited to the purchase of law enforcement equipment and  
19 commodities to assist in the prevention of alcohol related  
20 criminal violence throughout the State; police officer  
21 training and education in areas related to alcohol related  
22 crime, including but not limited to DUI training; and police  
23 officer salaries, including but not limited to salaries for  
24 hire back funding for safety checkpoints, saturation patrols,  
25 and liquor store sting operations.

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

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

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

24 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;  
25 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;  
26 93-840, eff. 7-30-04; 94-114, eff. 1-1-06; 94-963, eff.  
27 6-28-06.)

28 (Text of Section from P.A. 94-116 and 94-963)

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

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

34 (1) the alcohol concentration in the person's blood or  
35 breath is 0.08 or more based on the definition of blood and



1 breath units in Section 11-501.2;

2 (2) under the influence of alcohol;

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

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

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

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

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

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

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

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

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

36 (b-3) In addition to any other criminal or administrative

1 sanction for any second conviction of violating subsection (a)  
2 or a similar provision committed within 5 years of a previous  
3 violation of subsection (a) or a similar provision, the  
4 defendant shall be sentenced to a mandatory minimum of 5 days  
5 of imprisonment or assigned a mandatory minimum of 240 hours of  
6 community service as may be determined by the court.

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

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

17 (c) (Blank).

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

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

31 (2.1) A person who violates subsection (a) a third  
32 time, if the third violation occurs during a period in  
33 which his or her driving privileges are revoked or  
34 suspended where the revocation or suspension was for a  
35 violation of subsection (a) or a similar provision of a  
36 local ordinance, a failure to submit to a chemical test or

1 tests of blood, breath, or urine pursuant to Section  
2 11-501.1, or a failure to submit to a preliminary breath  
3 screening test pursuant to Section 11-501.9 of this Code, a  
4 violation of subsection (b) of Section 11-401, or for  
5 reckless homicide as defined in Section 9-3 of the Criminal  
6 Code of 1961, is guilty of a Class 2 felony; and if the  
7 person receives a term of probation or conditional  
8 discharge, he or she shall be required to serve a mandatory  
9 minimum of 10 days of imprisonment or shall be assigned a  
10 mandatory minimum of 480 hours of community service, as may  
11 be determined by the court, as a condition of the probation  
12 or conditional discharge. This mandatory minimum term of  
13 imprisonment or assignment of community service shall not  
14 be suspended or reduced by the court.

15 (2.2) A person who violates subsection (a), if the  
16 violation occurs during a period in which his or her  
17 driving privileges are revoked or suspended where the  
18 revocation or suspension was for a violation of subsection  
19 (a) or a similar provision of a local ordinance, a failure  
20 to submit to a chemical test or tests of blood, breath, or  
21 urine pursuant to ~~or~~ Section 11-501.1, or a failure to  
22 submit to a preliminary breath screening test pursuant to  
23 Section 11-501.9 of this Code shall also be sentenced to an  
24 additional mandatory minimum term of 30 consecutive days of  
25 imprisonment, 40 days of 24-hour periodic imprisonment, or  
26 720 hours of community service, as may be determined by the  
27 court. This mandatory term of imprisonment or assignment of  
28 community service shall not be suspended or reduced by the  
29 court.

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

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

1 (c-2) (Blank).

2 (c-3) (Blank).

3 (c-4) (Blank).

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

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

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

34 (c-8) Any person convicted of violating subsection (c-6) or  
35 a similar provision within 5 years of a previous violation of  
36 subsection (a) or a similar provision shall receive, in

1 addition to any other penalty imposed, an additional 80 hours  
2 of mandatory community service in a program benefiting  
3 children, an additional mandatory minimum 12 days of  
4 imprisonment, and a mandatory minimum fine of \$1,750. The  
5 imprisonment or assignment of community service under this  
6 subsection (c-8) is not subject to suspension, nor is the  
7 person eligible for a reduced sentence.

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

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

30 (c-11) Any person convicted a fourth time for violating  
31 subsection (a) or a similar provision, if at the time of the  
32 fourth violation the person was transporting a person under the  
33 age of 16, and if the person's 3 prior violations of subsection  
34 (a) or a similar provision occurred while transporting a person  
35 under the age of 16 or while the alcohol concentration in his  
36 or her blood, breath, or urine was 0.16 or more based on the

1 definition of blood, breath, or urine units in Section  
2 11-501.2, is guilty of a Class 2 felony, is not eligible for  
3 probation or conditional discharge, and is subject to a minimum  
4 fine of \$3,000.

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

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

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

35 (c-15) Any person convicted of a fourth violation of  
36 subsection (a) or a similar provision, if at the time of the

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

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

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

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

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

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

1 or subparagraph (F) of this paragraph (1);

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

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

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



1 years and not more than 14 years if the violation resulted  
2 in the death of one person; or (B) a term of imprisonment  
3 of not less than 6 years and not more than 28 years if the  
4 violation resulted in the deaths of 2 or more persons. For  
5 any prosecution under this subsection (d), a certified copy  
6 of the driving abstract of the defendant shall be admitted  
7 as proof of any prior conviction. Any person sentenced  
8 under this subsection (d) who receives a term of probation  
9 or conditional discharge must serve a minimum term of  
10 either 480 hours of community service or 10 days of  
11 imprisonment as a condition of the probation or conditional  
12 discharge. This mandatory minimum term of imprisonment or  
13 assignment of community service may not be suspended or  
14 reduced by the court.

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

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

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

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

10 (h) (Blank).

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

18 (j) In addition to any other penalties and liabilities, a  
19 person who is found guilty of or pleads guilty to violating  
20 subsection (a), including any person placed on court  
21 supervision for violating subsection (a), shall be fined \$500,  
22 payable to the circuit clerk, who shall distribute the money as  
23 follows: 20% to the law enforcement agency that made the arrest  
24 and 80% shall be forwarded to the State Treasurer for deposit  
25 into the General Revenue Fund. If the person has been  
26 previously convicted of violating subsection (a) or a similar  
27 provision of a local ordinance, the fine shall be \$1,000. In  
28 the event that more than one agency is responsible for the  
29 arrest, the amount payable to law enforcement agencies shall be  
30 shared equally. Any moneys received by a law enforcement agency  
31 under this subsection (j) shall be used for enforcement and  
32 prevention of driving while under the influence of alcohol,  
33 other drug or drugs, intoxicating compound or compounds or any  
34 combination thereof, as defined by this Section, including but  
35 not limited to the purchase of law enforcement equipment and  
36 commodities that will assist in the prevention of alcohol

1 related criminal violence throughout the State; police officer  
2 training and education in areas related to alcohol related  
3 crime, including but not limited to DUI training; and police  
4 officer salaries, including but not limited to salaries for  
5 hire back funding for safety checkpoints, saturation patrols,  
6 and liquor store sting operations. Equipment and commodities  
7 shall include, but are not limited to, in-car video cameras,  
8 radar and laser speed detection devices, and alcohol breath  
9 testers. Any moneys received by the Department of State Police  
10 under this subsection (j) shall be deposited into the State  
11 Police DUI Fund and shall be used for enforcement and  
12 prevention of driving while under the influence of alcohol,  
13 other drug or drugs, intoxicating compound or compounds or any  
14 combination thereof, as defined by this Section, including but  
15 not limited to the purchase of law enforcement equipment and  
16 commodities that will assist in the prevention of alcohol  
17 related criminal violence throughout the State; police officer  
18 training and education in areas related to alcohol related  
19 crime, including but not limited to DUI training; and police  
20 officer salaries, including but not limited to salaries for  
21 hire back funding for safety checkpoints, saturation patrols,  
22 and liquor store sting operations.

23 (k) The Secretary of State Police DUI Fund is created as a  
24 special fund in the State treasury. All moneys received by the  
25 Secretary of State Police under subsection (j) of this Section  
26 shall be deposited into the Secretary of State Police DUI Fund  
27 and, subject to appropriation, shall be used for enforcement  
28 and prevention of driving while under the influence of alcohol,  
29 other drug or drugs, intoxicating compound or compounds or any  
30 combination thereof, as defined by this Section, including but  
31 not limited to the purchase of law enforcement equipment and  
32 commodities to assist in the prevention of alcohol related  
33 criminal violence throughout the State; police officer  
34 training and education in areas related to alcohol related  
35 crime, including but not limited to DUI training; and police  
36 officer salaries, including but not limited to salaries for

1 hire back funding for safety checkpoints, saturation patrols,  
2 and liquor store sting operations.

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

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

1 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;  
2 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;  
3 93-840, eff. 7-30-04; 94-116, eff. 1-1-06; 94-963, eff.  
4 6-28-06.)

5 (Text of Section from P.A. 94-329 and 94-963)

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

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

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

14 (2) under the influence of alcohol;

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

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

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

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

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

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

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

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

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

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

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

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

30 (c) (Blank).

31 (c-1) (1) A person who violates subsection (a) during a  
32 period in which his or her driving privileges are revoked  
33 or suspended, where the revocation or suspension was for a  
34 violation of subsection (a) or a similar provision of a  
35 local ordinance, a failure to submit to a chemical test or  
36 tests of blood, breath, or urine pursuant to Section

1        11-501.1, or a failure to submit to a preliminary breath  
2        screening test pursuant to Section 11-501.9 of this Code, a  
3        violation of paragraph (b) of Section 11-401, or for  
4        reckless homicide as defined in Section 9-3 of the Criminal  
5        Code of 1961 is guilty of aggravated driving under the  
6        influence of alcohol, other drug or drugs, intoxicating  
7        compound or compounds, or any combination thereof and is  
8        guilty of a Class 4 felony.

9            (2) A person who violates subsection (a) a third time,  
10        if the third violation occurs during a period in which his  
11        or her driving privileges are revoked or suspended where  
12        the revocation or suspension was for a violation of  
13        subsection (a) or a similar provision of a local ordinance,  
14        a failure to submit to a chemical test or tests of blood,  
15        breath, or urine pursuant to Section 11-501.1, or a  
16        failure to submit to a preliminary breath screening test  
17        pursuant to Section 11-501.9 of this Code, a violation of  
18        paragraph (b) of Section 11-401, or for reckless homicide  
19        as defined in Section 9-3 of the Criminal Code of 1961, is  
20        guilty of aggravated driving under the influence of  
21        alcohol, other drug or drugs, intoxicating compound or  
22        compounds, or any combination thereof and is guilty of a  
23        Class 3 felony.

24            (2.1) A person who violates subsection (a) a third  
25        time, if the third violation occurs during a period in  
26        which his or her driving privileges are revoked or  
27        suspended where the revocation or suspension was for a  
28        violation of subsection (a) or a similar provision of a  
29        local ordinance, a failure to submit to a chemical test or  
30        tests of blood, breath, or urine pursuant to Section  
31        11-501.1, or a failure to submit to a preliminary breath  
32        screening test pursuant to Section 11-501.9 of this Code, a  
33        violation of subsection (b) of Section 11-401, or for  
34        reckless homicide as defined in Section 9-3 of the Criminal  
35        Code of 1961, is guilty of aggravated driving under the  
36        influence of alcohol, other drug or drugs, intoxicating

1 compound or compounds, or any combination thereof and is  
2 guilty of a Class 3 felony; and if the person receives a  
3 term of probation or conditional discharge, he or she shall  
4 be required to serve a mandatory minimum of 10 days of  
5 imprisonment or shall be assigned a mandatory minimum of  
6 480 hours of community service, as may be determined by the  
7 court, as a condition of the probation or conditional  
8 discharge. This mandatory minimum term of imprisonment or  
9 assignment of community service shall not be suspended or  
10 reduced by the court.

11 (2.2) A person who violates subsection (a), if the  
12 violation occurs during a period in which his or her  
13 driving privileges are revoked or suspended where the  
14 revocation or suspension was for a violation of subsection  
15 (a) or a similar provision of a local ordinance, a failure  
16 to submit to a chemical test or tests of blood, breath, or  
17 urine pursuant to ~~or~~ Section 11-501.1, or a failure to  
18 submit to a preliminary breath screening test pursuant to  
19 Section 11-501.9 of this Code 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 shall also be sentenced to an  
23 additional mandatory minimum term of 30 consecutive days of  
24 imprisonment, 40 days of 24-hour periodic imprisonment, or  
25 720 hours of community service, as may be determined by the  
26 court. This mandatory term of imprisonment or assignment of  
27 community service shall not be suspended or reduced by the  
28 court.

29 (3) A person who violates subsection (a) a fourth or  
30 subsequent time, if the fourth or subsequent violation  
31 occurs during a period in which his or her driving  
32 privileges are revoked or suspended where the revocation or  
33 suspension was for a violation of subsection (a) or a  
34 similar provision of a local ordinance, a failure to submit  
35 to a chemical test or tests of blood, breath, or urine  
36 pursuant to~~7~~ Section 11-501.1, or a failure to submit to a



1       preliminary breath screening test pursuant to Section  
2       11-501.9 of this Code, a violation of~~7~~ paragraph (b) of  
3       Section 11-401, or for reckless homicide as defined in  
4       Section 9-3 of the Criminal Code of 1961, is guilty of  
5       aggravated driving under the influence of alcohol, other  
6       drug or drugs, intoxicating compound or compounds, or any  
7       combination thereof and is guilty of a Class 2 felony, and  
8       is not eligible for a sentence of probation or conditional  
9       discharge.

10       (c-2) (Blank).

11       (c-3) (Blank).

12       (c-4) (Blank).

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

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

33       (c-7) Except as provided in subsection (c-8), any person  
34       convicted of violating subsection (c-6) or a similar provision  
35       within 10 years of a previous violation of subsection (a) or a  
36       similar provision shall receive, in addition to any other

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

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

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

28 (c-10) Any person convicted of violating subsection (c-9)  
29 or a similar provision a third time within 20 years of a  
30 previous violation of subsection (a) or a similar provision is  
31 guilty of a Class 4 felony and shall receive, in addition to  
32 any other penalty imposed, an additional mandatory 40 hours of  
33 community service in a program benefiting children, an  
34 additional mandatory fine of \$3,000, and a mandatory minimum  
35 120 days of imprisonment. The imprisonment or assignment of  
36 community service under this subsection (c-10) is not subject

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

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

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

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

33 (c-14) Any person convicted of a third violation of  
34 subsection (a) or a similar provision within 20 years of a  
35 previous violation of subsection (a) or a similar provision, if  
36 at the time of the third violation of subsection (a) or a

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

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

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

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

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

32 (C) the person in committing a violation of  
33 subsection (a) was involved in a motor vehicle accident  
34 that resulted in great bodily harm or permanent  
35 disability or disfigurement to another, when the  
36 violation was a proximate cause of the injuries;

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

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

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

26 (G) the person committed the violation while he or  
27 she did not possess a driver's license or permit or a  
28 restricted driving permit or a judicial driving  
29 permit; or

30 (H) the person committed the violation while he or  
31 she knew or should have known that the vehicle he or  
32 she was driving was not covered by a liability  
33 insurance policy.

34 (2) Except as provided in this paragraph (2) and in  
35 paragraphs (2), (2.1), and (3) of subsection (c-1), a  
36 person convicted of aggravated driving under the influence

1 of alcohol, other drug or drugs, or intoxicating compound  
2 or compounds, or any combination thereof is guilty of a  
3 Class 4 felony. For a violation of subparagraph (C) of  
4 paragraph (1) of this subsection (d), the defendant, if  
5 sentenced to a term of imprisonment, shall be sentenced to  
6 not less than one year nor more than 12 years. Aggravated  
7 driving under the influence of alcohol, other drug or  
8 drugs, or intoxicating compound or compounds, or any  
9 combination thereof as defined in subparagraph (F) of  
10 paragraph (1) of this subsection (d) is a Class 2 felony,  
11 for which the defendant, if sentenced to a term of  
12 imprisonment, shall be sentenced to: (A) a term of  
13 imprisonment of not less than 3 years and not more than 14  
14 years if the violation resulted in the death of one person;  
15 or (B) a term of imprisonment of not less than 6 years and  
16 not more than 28 years if the violation resulted in the  
17 deaths of 2 or more persons. For any prosecution under this  
18 subsection (d), a certified copy of the driving abstract of  
19 the defendant shall be admitted as proof of any prior  
20 conviction. Any person sentenced under this subsection (d)  
21 who receives a term of probation or conditional discharge  
22 must serve a minimum term of either 480 hours of community  
23 service or 10 days of imprisonment as a condition of the  
24 probation or conditional discharge. This mandatory minimum  
25 term of imprisonment or assignment of community service may  
26 not be suspended or 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 for enforcement and  
8 prevention of driving while under the influence of alcohol,  
9 other drug or drugs, intoxicating compound or compounds or any  
10 combination thereof, as defined by this Section, including but  
11 not limited to the purchase of law enforcement equipment and  
12 commodities that will assist in the prevention of alcohol  
13 related criminal violence throughout the State; police officer  
14 training and education in areas related to alcohol related  
15 crime, including but not limited to DUI training; and police  
16 officer salaries, including but not limited to salaries for  
17 hire back funding for safety checkpoints, saturation patrols,  
18 and liquor store sting operations. Equipment and commodities  
19 shall include, but are not limited to, in-car video cameras,  
20 radar and laser speed detection devices, and alcohol breath  
21 testers. Any moneys received by the Department of State Police  
22 under this subsection (j) shall be deposited into the State  
23 Police DUI Fund and shall be used for enforcement and  
24 prevention of driving while under the influence of alcohol,  
25 other drug or drugs, intoxicating compound or compounds or any  
26 combination thereof, as defined by this Section, including but  
27 not limited to the purchase of law enforcement equipment and  
28 commodities that will assist in the prevention of alcohol  
29 related criminal violence throughout the State; police officer  
30 training and education in areas related to alcohol related  
31 crime, including but not limited to DUI training; and police  
32 officer salaries, including but not limited to salaries for  
33 hire back funding for safety checkpoints, saturation patrols,  
34 and liquor store sting operations.

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



1 Secretary of State Police under subsection (j) of this Section  
2 shall be deposited into the Secretary of State Police DUI Fund  
3 and, subject to appropriation, shall be used for enforcement  
4 and prevention of driving while under the influence of alcohol,  
5 other drug or drugs, intoxicating compound or compounds or any  
6 combination thereof, as defined by this Section, including but  
7 not limited to the purchase of law enforcement equipment and  
8 commodities to assist in the prevention of alcohol related  
9 criminal violence throughout the State; police officer  
10 training and education in areas related to alcohol related  
11 crime, including but not limited to DUI training; and police  
12 officer salaries, including but not limited to salaries for  
13 hire back funding for safety checkpoints, saturation patrols,  
14 and liquor store sting operations.

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

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

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

13 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;  
14 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;  
15 93-840, eff. 7-30-04; 94-329, eff. 1-1-06; 94-963, eff.  
16 6-28-06.)

17 (625 ILCS 5/11-501.9 new)

18 Sec. 11-501.9. Mandatory preliminary breath screening  
19 test.

20 (a) The General Assembly finds that: (1) the incidence of  
21 motorists suspected of driving under the influence of alcohol,  
22 other drugs, or intoxicating compounds who refuse to perform  
23 voluntary preliminary breath screening tests has risen to  
24 alarming proportions; (2) motorists who refuse these tests  
25 frequently drive under the influence of alcohol, drugs, or  
26 intoxicating compounds but are nonetheless often able to avoid  
27 the loss or suspension of driving privileges by refusing to  
28 perform these tests; (3) these motorists pose a substantial  
29 danger to the lives and property both of other motorists and of  
30 pedestrians; (4) the State of Illinois has the duty to protect  
31 the lives and property of its citizens as they travel upon the  
32 roads and highways of this State, and that duty gives rise to a  
33 special need to ensure that those roads and highways are free  
34 from the dangers posed by impaired motorists; (5) persons who  
35 operate motor vehicles upon the roads and highways of this

1 State engage in an inherently dangerous activity that directly  
2 affects the safety of the public, and consequently, such  
3 persons are subject to reasonable measures designed to make  
4 road and highway travel safe; (6) the only effective and  
5 realistic response to the crisis presented by motorists  
6 refusing to voluntarily perform preliminary breath screening  
7 tests is to require persons suspected of driving under the  
8 influence of alcohol, drugs, or intoxicating compounds to  
9 perform these tests; and (7) the required performance of these  
10 tests based on individualized reasonable suspicion is a  
11 necessary, unobtrusive, and reasonable measure designed to  
12 promote the State's special need to make its roads and highways  
13 safe.

14 (b) Any person who drives or is in actual physical control  
15 of a motor vehicle within this State shall be deemed to have  
16 given consent to providing a sample of his or her breath for a  
17 preliminary breath screening test using a portable device  
18 approved by the Department of State Police and checked for  
19 accuracy by the law enforcement agency utilizing the device at  
20 intervals not exceeding 3 months if the law enforcement officer  
21 has reasonable suspicion based on specific and articulable  
22 facts and rational inferences from those facts to believe that  
23 the person is violating or has violated Section 11-501 or a  
24 similar provision of a local ordinance. These tests shall be  
25 conducted expeditiously in the vicinity of the location in  
26 which the person was stopped by a law enforcement officer  
27 trained to administer these tests under standards set forth by  
28 the Illinois Law Enforcement Training Standards Board. The  
29 results of the preliminary breath screening test may be used by  
30 the law enforcement officer for the purpose of assisting with  
31 the determination of whether to require a chemical test as  
32 authorized under Sections 11-501.1 and 11-501.2, and the  
33 appropriate type of test to request. The decision to administer  
34 a preliminary breath screening test shall at all times be in  
35 the discretion of the law enforcement officer. Any chemical  
36 test authorized under Sections 11-501.1 and 11-501.2 may be

1 requested by the officer regardless of the result of the  
2 preliminary breath screening test, if probable cause for an  
3 arrest otherwise exists. The preliminary breath screening test  
4 shall be administered in accordance with rules the Director of  
5 the Illinois State Police may adopt. The result of a  
6 preliminary breath screening test may be used by the defendant  
7 as evidence in any administrative or court proceeding involving  
8 a violation of Section 11-501 or 11-501.1 and may be used by  
9 the State as evidence in any administrative or court proceeding  
10 to establish probable cause for a violation of Section 11-501  
11 or in rebuttal to an assertion that a test conducted pursuant  
12 to Section 11-501.1 did not accurately reflect a person's  
13 degree of alcohol concentration in the person's breath or blood  
14 at the time the person was in control of the motor vehicle.

15 For the purposes of this Section, a law enforcement officer  
16 of this State who is investigating a person for any offense set  
17 forth in Section 11-501 may travel to an adjoining state to  
18 which the person has been transported for medical care to  
19 complete an investigation and request that the person submit to  
20 the test set forth in this Section.

21 (c) A person requested to submit to any test as provided in  
22 subsection (b) of this Section shall be warned by the law  
23 enforcement officer requesting the test prior to administering  
24 the test or tests that a refusal to submit to any test will  
25 result in the statutory summary suspension of the person's  
26 privilege to operate a motor vehicle as provided in Section  
27 6-208.1 of this Code.

28 (d) If a person refuses to perform a preliminary breath  
29 screening test requested by a law enforcement officer, the law  
30 enforcement officer shall immediately submit a sworn report to  
31 the Secretary of State on a form prescribed by the Secretary,  
32 certifying that the test was requested under subsection (b) and  
33 that the person refused to submit to the test.

34 (e) Upon receipt of the sworn report of a law enforcement  
35 officer submitted under subsection (d), the Secretary of State  
36 shall enter the statutory summary suspension for the periods

1 specified in Section 6-208.1, and effective as provided in  
2 subsection (i). If the person is a first offender as defined in  
3 Section 11-500 of this Code, and is not convicted of a  
4 violation of Section 11-501 of this Code or a similar provision  
5 of a local ordinance, then reports received by the Secretary of  
6 State under this Section shall, except during the actual time  
7 the statutory summary suspension is in effect, be privileged  
8 information and for use only by the courts, police officers,  
9 prosecuting authorities, or the Secretary of State.

10 (f) The law enforcement officer submitting the sworn report  
11 under subsection (d) shall serve immediate notice of the  
12 statutory summary suspension on the person. The suspension  
13 shall be effective on the 46th day following the date the  
14 statutory summary suspension was given to the person. Upon  
15 receipt of the sworn report from the law enforcement officer,  
16 the Secretary of State shall confirm the statutory summary  
17 suspension by mailing a notice of the effective date of the  
18 suspension to the person and to the court of venue if the  
19 person was given a citation at the time of the notice of  
20 suspension by the law enforcement officer and the person's  
21 driver's license was forwarded to the court. If the sworn  
22 report is defective because it does not contain sufficient  
23 information or it has been completed in error, the confirmation  
24 of the statutory summary suspension must not be mailed to the  
25 person or entered to the record; instead, the sworn report must  
26 be returned to the issuing agency, identifying any defect.

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

35 (1) whether the officer had reasonable suspicion based  
36 on specific and articulable facts and inferences from those

1 facts to believe that the person was driving or in actual  
2 physical control of a motor vehicle upon the public  
3 highways of this State while under the influence of  
4 alcohol, another drug, or a combination of both, or  
5 intoxicating compounds; and

6 (2) whether the person, after being advised by the law  
7 enforcement officer that the privilege to operate a motor  
8 vehicle would be suspended if the person refused to submit  
9 to and complete a preliminary breath screening test,  
10 refused to submit to or complete such test.

11 The hearing may be conducted upon a review of the law  
12 enforcement officer's own official reports; however, the  
13 person may subpoena the officer. Failure of the officer to  
14 answer the subpoena shall be considered grounds for the person  
15 to obtain a continuance if, in the opinion of the hearing  
16 officer, the continuance is appropriate. At the conclusion of  
17 the hearing, the Secretary may rescind, continue or modify the  
18 order of suspension. If the Secretary does not rescind the  
19 sanction, and the person is a first offender as defined by  
20 Section 11-500, upon application being made and good cause  
21 shown, the Secretary may issue the person a restricted driving  
22 permit effective no sooner than the 31st day following the date  
23 on which the statutory summary suspension took effect. The  
24 restricted driving permit may be granted to relieve undue  
25 hardship by allowing driving for employment, educational, and  
26 medical purposes outlined in item (3) of subsection (c) of  
27 Section 6-206 of this Code. The provisions of item (3) of  
28 subsection (c) of Section 6-206 shall apply.

29 (h) When specific and articulable facts and the inferences  
30 from those facts give rise to a rational basis for concluding  
31 that the driver of a vehicle is impaired from alcohol, drugs,  
32 intoxicating compounds or a combination of them to the extent  
33 that the continued operation of the vehicle by the driver would  
34 constitute a clear and present danger to any person, the law  
35 enforcement officer may secure the driver's vehicle for up to  
36 24 hours. For the purpose of this subsection, "secure" means

1 that the officer may: (i) direct the driver not to operate the  
2 vehicle; (ii) take possession of the driver's vehicle keys,  
3 (iii) impound the vehicle, or (iv) take other reasonable steps  
4 to ensure the driver does not operate the vehicle. If the  
5 vehicle is impounded, the driver shall be liable for all costs  
6 of impoundment. The law enforcement officer may release the  
7 vehicle to a person other than the driver if: (i) that other  
8 person is the owner or renter of the vehicle or the driver is  
9 owner of the vehicle and gives permission to the other person  
10 to operate the vehicle and (ii) the other person possesses a  
11 valid operator's license and would not, as determined by the  
12 law enforcement officer, either have a lack of ability to  
13 operate the vehicle in a safe manner or be operating the  
14 vehicle in violation of this Code.

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

17 (730 ILCS 5/5-6-1) (from Ch. 38, par. 1005-6-1)

18 Sec. 5-6-1. Sentences of Probation and of Conditional  
19 Discharge and Disposition of Supervision. The General Assembly  
20 finds that in order to protect the public, the criminal justice  
21 system must compel compliance with the conditions of probation  
22 by responding to violations with swift, certain and fair  
23 punishments and intermediate sanctions. The Chief Judge of each  
24 circuit shall adopt a system of structured, intermediate  
25 sanctions for violations of the terms and conditions of a  
26 sentence of probation, conditional discharge or disposition of  
27 supervision.

28 (a) Except where specifically prohibited by other  
29 provisions of this Code, the court shall impose a sentence of  
30 probation or conditional discharge upon an offender unless,  
31 having regard to the nature and circumstance of the offense,  
32 and to the history, character and condition of the offender,  
33 the court is of the opinion that:

34 (1) his imprisonment or periodic imprisonment is

1 necessary for the protection of the public; or

2 (2) probation or conditional discharge would deprecate  
3 the seriousness of the offender's conduct and would be  
4 inconsistent with the ends of justice; or

5 (3) a combination of imprisonment with concurrent or  
6 consecutive probation when an offender has been admitted  
7 into a drug court program under Section 20 of the Drug  
8 Court Treatment Act is necessary for the protection of the  
9 public and for the rehabilitation of the offender.

10 The court shall impose as a condition of a sentence of  
11 probation, conditional discharge, or supervision, that the  
12 probation agency may invoke any sanction from the list of  
13 intermediate sanctions adopted by the chief judge of the  
14 circuit court for violations of the terms and conditions of the  
15 sentence of probation, conditional discharge, or supervision,  
16 subject to the provisions of Section 5-6-4 of this Act.

17 (b) The court may impose a sentence of conditional  
18 discharge for an offense if the court is of the opinion that  
19 neither a sentence of imprisonment nor of periodic imprisonment  
20 nor of probation supervision is appropriate.

21 (b-1) Subsections (a) and (b) of this Section do not apply  
22 to a defendant charged with a misdemeanor or felony under the  
23 Illinois Vehicle Code or reckless homicide under Section 9-3 of  
24 the Criminal Code of 1961 if the defendant within the past 12  
25 months has been convicted of or pleaded guilty to a misdemeanor  
26 or felony under the Illinois Vehicle Code or reckless homicide  
27 under Section 9-3 of the Criminal Code of 1961.

28 (c) The court may, upon a plea of guilty or a stipulation  
29 by the defendant of the facts supporting the charge or a  
30 finding of guilt, defer further proceedings and the imposition  
31 of a sentence, and enter an order for supervision of the  
32 defendant, if the defendant is not charged with: (i) a Class A  
33 misdemeanor, as defined by the following provisions of the  
34 Criminal Code of 1961: Sections 11-9.1; 12-3.2; 12-15; 26-5;  
35 31-1; 31-6; 31-7; subsections (b) and (c) of Section 21-1;  
36 paragraph (1) through (5), (8), (10), and (11) of subsection



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

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

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

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

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

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

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

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

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

1 (e) The provisions of paragraph (c) shall not apply to a  
2 defendant charged with violating Section 16A-3 of the Criminal  
3 Code of 1961 if said defendant has within the last 5 years  
4 been:

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

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

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

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

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

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

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

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

35 (h) The provisions of paragraph (c) shall not apply to a  
36 defendant under the age of 21 years charged with violating a

1 serious traffic offense as defined in Section 1-187.001 of the  
2 Illinois Vehicle Code:

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

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

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

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

1 been:

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

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

8 (k) The provisions of paragraph (c) shall not apply to a  
9 defendant charged with violating any provision of the Illinois  
10 Vehicle Code or a similar provision of a local ordinance that  
11 governs the movement of vehicles if, within the 12 months  
12 preceding the date of the defendant's arrest, the defendant has  
13 been assigned court supervision on 2 occasions for a violation  
14 that governs the movement of vehicles under the Illinois  
15 Vehicle Code or a similar provision of a local ordinance.

16 (l) A defendant charged with violating any provision of the  
17 Illinois Vehicle Code who, after a court appearance in the same  
18 matter, receives a disposition of supervision under subsection  
19 (c) shall pay an additional fee of \$20, to be collected as  
20 provided in Sections 27.5 and 27.6 of the Clerks of Courts Act.  
21 In addition to the \$20 fee, the person shall also pay a fee of  
22 \$5, which, if not waived by the court, shall be collected as  
23 provided in Sections 27.5 and 27.6 of the Clerks of Courts Act.  
24 The \$20 fee shall be disbursed as provided in Section 16-104c  
25 of the Illinois Vehicle Code. If the \$5 fee is collected, \$4.50  
26 of the fee shall be deposited into the Circuit Court Clerk  
27 Operation and Administrative Fund created by the Clerk of the  
28 Circuit Court and 50 cents of the fee shall be deposited into  
29 the Prisoner Review Board Vehicle and Equipment Fund in the  
30 State treasury.

31 (Source: P.A. 93-388, eff. 7-25-03; 93-1014, eff. 1-1-05;  
32 94-169, eff. 1-1-06; 94-330, eff. 1-1-06; 94-375, eff. 1-1-06;  
33 94-1009, eff. 1-1-07.)

34 Section 95. No acceleration or delay. Where this Act makes  
35 changes in a statute that is represented in this Act by text

1 that is not yet or no longer in effect (for example, a Section  
2 represented by multiple versions), the use of that text does  
3 not accelerate or delay the taking effect of (i) the changes  
4 made by this Act or (ii) provisions derived from any other  
5 Public Act.

6 Section 99. Effective date. This Act takes effect July 1,  
7 2007.