

1 AN ACT concerning intoxicants.

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

4 Section 5. The Liquor Control Act of 1934 is amended by
5 changing Section 6-20 as follows:

6 (235 ILCS 5/6-20) (from Ch. 43, par. 134a)

7 Sec. 6-20. Transfer, possession, and consumption of
8 alcoholic liquor; restrictions.

9 (a) Any person to whom the sale, gift or delivery of any
10 alcoholic liquor is prohibited because of age shall not
11 purchase, or accept a gift of such alcoholic liquor or have
12 such alcoholic liquor in his possession.

13 (b) If a licensee or his or her agents or employees
14 believes or has reason to believe that a sale or delivery of
15 any alcoholic liquor is prohibited because of the non-age of
16 the prospective recipient, he or she shall, before making such
17 sale or delivery demand presentation of some form of positive
18 identification, containing proof of age, issued by a public
19 officer in the performance of his or her official duties.

20 (c) No person shall transfer, alter, or deface such an
21 identification card; use the identification card of another;
22 carry or use a false or forged identification card; or obtain
23 an identification card by means of false information.

1 (d) No person shall purchase, accept delivery or have
2 possession of alcoholic liquor in violation of this Section.

3 (e) The consumption of alcoholic liquor by any person under
4 21 years of age is forbidden.

5 (f) Whoever violates any provisions of this Section shall
6 be guilty of a Class A misdemeanor.

7 (g) The possession and dispensing, or consumption by a
8 person under 21 years of age of alcoholic liquor in the
9 performance of a religious service or ceremony, or the
10 consumption by a person under 21 years of age under the direct
11 supervision and approval of the parents or parent or those
12 persons standing in loco parentis of such person under 21 years
13 of age in the privacy of a home, is not prohibited by this Act.
14 (Source: P.A. 90-432, eff. 1-1-98.)

15 Section 10. The Illinois Vehicle Code is amended by
16 changing Sections 2-118.1, 6-208, 6-208.1, 6-516, 6-517,
17 11-500, and 11-501 as follows:

18 (625 ILCS 5/2-118.1) (from Ch. 95 1/2, par. 2-118.1)

19 Sec. 2-118.1. Opportunity for hearing; statutory summary
20 alcohol or other drug related suspension.

21 (a) A statutory summary suspension of driving privileges
22 under Section 11-501.1 shall not become effective until the
23 person is notified in writing of the impending suspension and
24 informed that he may request a hearing in the circuit court of

1 venue under paragraph (b) of this Section and the statutory
2 summary suspension shall become effective as provided in
3 Section 11-501.1.

4 (b) Within 90 days after the notice of statutory summary
5 suspension served under Section 11-501.1, the person may make a
6 written request for a judicial hearing in the circuit court of
7 venue. The request to the circuit court shall state the grounds
8 upon which the person seeks to have the statutory summary
9 suspension rescinded. Within 30 days after receipt of the
10 written request or the first appearance date on the Uniform
11 Traffic Ticket issued pursuant to a violation of Section
12 11-501, or a similar provision of a local ordinance, the
13 hearing shall be conducted by the circuit court having
14 jurisdiction. This judicial hearing, request, or process shall
15 not stay or delay the statutory summary suspension. The
16 hearings shall proceed in the court in the same manner as in
17 other civil proceedings.

18 The hearing may be conducted upon a review of the law
19 enforcement officer's own official reports; provided however,
20 that the person may subpoena the officer. Failure of the
21 officer to answer the subpoena shall be considered grounds for
22 a continuance if in the court's discretion the continuance is
23 appropriate.

24 The scope of the hearing shall be limited to the issues of:

- 25 1. Whether the person was placed under arrest for an
26 offense as defined in Section 11-501, or a similar

1 provision of a local ordinance, as evidenced by the
2 issuance of a Uniform Traffic Ticket, or issued a Uniform
3 Traffic Ticket out of state as provided in subsection (a)
4 of Section 11-501.1; and

5 2. Whether the officer had reasonable grounds to
6 believe that the person was driving or in actual physical
7 control of a motor vehicle upon a highway while under the
8 influence of alcohol, other drug, or combination of both;
9 and

10 3. Whether the person, after being advised by the
11 officer that the privilege to operate a motor vehicle would
12 be suspended if the person refused to submit to and
13 complete the test or tests, did refuse to submit to or
14 complete the test or tests to determine the person's
15 alcohol or drug concentration; or

16 4. Whether the person, after being advised by the
17 officer that the privilege to operate a motor vehicle would
18 be suspended if the person submits to a chemical test, or
19 tests, and the test discloses an alcohol concentration of
20 0.08 or more, or any amount of a drug, substance, or
21 compound in the person's blood or urine resulting from the
22 unlawful use or consumption of cannabis listed in the
23 Cannabis Control Act, a controlled substance listed in the
24 Illinois Controlled Substances Act, ~~or~~ an intoxicating
25 compound as listed in the Use of Intoxicating Compounds
26 Act, or methamphetamine as listed in the Methamphetamine

1 Control and Community Protection Act, and the person did
2 submit to and complete the test or tests that determined an
3 alcohol concentration of 0.08 or more.

4 Upon the conclusion of the judicial hearing, the circuit
5 court shall sustain or rescind the statutory summary suspension
6 and immediately notify the Secretary of State. Reports received
7 by the Secretary of State under this Section shall be
8 privileged information and for use only by the courts, police
9 officers, and Secretary of State.

10 (Source: P.A. 92-458, eff. 8-22-01.)

11 (625 ILCS 5/6-208) (from Ch. 95 1/2, par. 6-208)

12 Sec. 6-208. Period of Suspension - Application After
13 Revocation.

14 (a) Except as otherwise provided by this Code or any other
15 law of this State, the Secretary of State shall not suspend a
16 driver's license, permit or privilege to drive a motor vehicle
17 on the highways for a period of more than one year.

18 (b) Any person whose license, permit or privilege to drive
19 a motor vehicle on the highways has been revoked shall not be
20 entitled to have such license, permit or privilege renewed or
21 restored. However, such person may, except as provided under
22 subsection (d) of Section 6-205, make application for a license
23 pursuant to Section 6-106 (i) if the revocation was for a cause
24 which has been removed or (ii) as provided in the following
25 subparagraphs:

1 1. Except as provided in subparagraphs 2, 3, and 4, the
2 person may make application for a license after the
3 expiration of one year from the effective date of the
4 revocation or, in the case of a violation of paragraph (b)
5 of Section 11-401 of this Code or a similar provision of a
6 local ordinance, after the expiration of 3 years from the
7 effective date of the revocation or, in the case of a
8 violation of Section 9-3 of the Criminal Code of 1961 or a
9 similar provision of a law of another state relating to the
10 offense of reckless homicide or a violation of subparagraph
11 (F) of paragraph 1 of subsection (d) of Section 11-501 of
12 this Code relating to aggravated driving under the
13 influence of alcohol, other drug or drugs, intoxicating
14 compound or compounds, or any combination thereof, if the
15 violation was the proximate cause of a death, after the
16 expiration of 2 years from the effective date of the
17 revocation or after the expiration of 24 months from the
18 date of release from a period of imprisonment as provided
19 in Section 6-103 of this Code, whichever is later.

20 2. If such person is convicted of committing a second
21 violation within a 20 year period of:

22 (A) Section 11-501 of this Code, or a similar
23 provision of a local ordinance; or

24 (B) Paragraph (b) of Section 11-401 of this Code,
25 or a similar provision of a local ordinance; or

26 (C) Section 9-3 of the Criminal Code of 1961, as

1 amended, relating to the offense of reckless homicide;
2 or

3 (D) any combination of the above offenses
4 committed at different instances; then such person may
5 not make application for a license until after the
6 expiration of 5 years from the effective date of the
7 most recent revocation. The 20 year period shall be
8 computed by using the dates the offenses were committed
9 and shall also include similar out-of-state offenses
10 and similar offenses committed on a military
11 installation.

12 3. However, except as provided in subparagraph 4, if
13 such person is convicted of committing a third, or
14 subsequent, violation or any combination of the above
15 offenses, including similar out-of-state offenses and
16 similar offenses committed on a military installation,
17 contained in subparagraph 2, then such person may not make
18 application for a license until after the expiration of 10
19 years from the effective date of the most recent
20 revocation.

21 4. The person may not make application for a license if
22 the person is convicted of committing a fourth or
23 subsequent violation of Section 11-501 of this Code or a
24 similar provision of a local ordinance, Section 11-401 of
25 this Code, Section 9-3 of the Criminal Code of 1961, or a
26 combination of these offenses or similar provisions of

1 local ordinances or similar out-of-state offenses or
2 similar offenses committed on a military installation.

3 Notwithstanding any other provision of this Code, all
4 persons referred to in this paragraph (b) may not have their
5 privileges restored until the Secretary receives payment of the
6 required reinstatement fee pursuant to subsection (b) of
7 Section 6-118.

8 In no event shall the Secretary issue such license unless
9 and until such person has had a hearing pursuant to this Code
10 and the appropriate administrative rules and the Secretary is
11 satisfied, after a review or investigation of such person, that
12 to grant the privilege of driving a motor vehicle on the
13 highways will not endanger the public safety or welfare.

14 (c) (Blank).

15 (Source: P.A. 92-343, eff. 1-1-02; 92-418, eff. 8-17-01;
16 92-458, eff. 8-22-01; 92-651, eff. 7-11-02; 93-712, eff.
17 1-1-05; 93-788, eff. 1-1-05; revised 10-14-04.)

18 (625 ILCS 5/6-208.1) (from Ch. 95 1/2, par. 6-208.1)

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

21 (a) Unless the statutory summary suspension has been
22 rescinded, any person whose privilege to drive a motor vehicle
23 on the public highways has been summarily suspended, pursuant
24 to Section 11-501.1, shall not be eligible for restoration of
25 the privilege until the expiration of:

1 1. Six months from the effective date of the statutory
2 summary suspension for a refusal or failure to complete a
3 test or tests to determine the alcohol, drug, or
4 intoxicating compound concentration, pursuant to Section
5 11-501.1; or

6 2. Three months from the effective date of the
7 statutory summary suspension imposed following the
8 person's submission to a chemical test which disclosed an
9 alcohol concentration of 0.08 or more, or any amount of a
10 drug, substance, or intoxicating compound in such person's
11 breath, blood, or urine resulting from the unlawful use or
12 consumption of cannabis listed in the Cannabis Control Act,
13 a controlled substance listed in the Illinois Controlled
14 Substances Act, ~~or~~ an intoxicating compound listed in the
15 Use of Intoxicating Compounds Act, or methamphetamine as
16 listed in the Methamphetamine Control and Community
17 Protection Act, pursuant to Section 11-501.1; or

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

23 4. One year from the effective date of the summary
24 suspension imposed for any person other than a first
25 offender following submission to a chemical test which
26 disclosed an alcohol concentration of 0.08 or more pursuant

1 to Section 11-501.1 or any amount of a drug, substance or
2 compound in such person's blood or urine resulting from the
3 unlawful use or consumption of cannabis listed in the
4 Cannabis Control Act, a controlled substance listed in the
5 Illinois Controlled Substances Act, ~~or~~ an intoxicating
6 compound listed in the Use of Intoxicating Compounds Act,
7 or methamphetamine as listed in the Methamphetamine
8 Control and Community Protection Act.

9 (b) Following a statutory summary suspension of the
10 privilege to drive a motor vehicle under Section 11-501.1, ~~full~~
11 driving privileges shall be restored unless the person is
12 otherwise suspended, revoked, or cancelled ~~disqualified~~ by
13 this Code. If the court has reason to believe that the person's
14 driving privilege should not be restored, the court shall
15 notify the Secretary of State prior to the expiration of the
16 statutory summary suspension so appropriate action may be taken
17 pursuant to this Code.

18 (c) Driving ~~Full-driving~~ privileges may not be restored
19 until all applicable reinstatement fees, as provided by this
20 Code, have been paid to the Secretary of State and the
21 appropriate entry made to the driver's record.

22 (d) Where a driving privilege has been summarily suspended
23 under Section 11-501.1 and the person is subsequently convicted
24 of violating Section 11-501, or a similar provision of a local
25 ordinance, for the same incident, any period served on
26 statutory summary suspension shall be credited toward the

1 minimum period of revocation of driving privileges imposed
2 pursuant to Section 6-205.

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

8 (f) Subsequent to an arrest of a first offender, for any
9 offense as defined in Section 11-501 or a similar provision of
10 a local ordinance, following a statutory summary suspension of
11 driving privileges pursuant to Section 11-501.1, for a first
12 offender, the circuit court may issue a court order directing
13 the Secretary of State to issue a judicial driving permit as
14 provided in Section 6-206.1. However, this JDP shall not be
15 effective prior to the 31st day of the statutory summary
16 suspension.

17 (g) Following a statutory summary suspension of driving
18 privileges pursuant to Section 11-501.1 where the person was
19 not a first offender, as defined in Section 11-500, the
20 Secretary of State may not issue a restricted driving permit.

21 (h) (Blank).

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

23 (625 ILCS 5/6-516) (from Ch. 95 1/2, par. 6-516)

24 Sec. 6-516. Implied consent requirements for commercial
25 motor vehicle drivers.

1 (a) Effective April 1, 1992, any person who drives a
2 commercial motor vehicle upon the highways is hereby deemed to
3 have given consent to submit to a test or tests, subject to the
4 provisions of Section 11-501.2 of this Code, of such person's
5 breath, blood or urine for the purpose of determining the
6 presence of alcohol, or other drugs, in such person's system.

7 (b) A test or tests may be administered at the direction of
8 a law enforcement officer, who after stopping or detaining the
9 commercial motor vehicle driver, has probable cause to believe
10 that driver was driving a commercial motor vehicle while having
11 alcohol or any amount of a drug, substance, or compound
12 resulting from the unlawful use or consumption of cannabis
13 listed in the Cannabis Control Act, ~~or~~ a controlled substance
14 listed in the Illinois Controlled Substances Act, or
15 methamphetamine as listed in the Methamphetamine Control and
16 Community Protection Act in such driver's system.

17 (c) Effective April 1, 1992, any person who operates a
18 school bus at the time of an accident involving the school bus
19 is hereby deemed to have given consent to submit to a test or
20 tests to be administered at the direction of a law enforcement
21 officer, subject to the provisions of Section 11-501.2 of this
22 Code, of the driver's breath, blood or urine for the purpose of
23 determining the presence of alcohol, or other drugs, in the
24 person's system.

25 (Source: P.A. 88-212.)

1 (625 ILCS 5/6-517) (from Ch. 95 1/2, par. 6-517)

2 Sec. 6-517. Commercial driver; implied consent warnings.

3 (a) Any person driving a commercial motor vehicle who is
4 requested by a police officer, pursuant to Section 6-516, to
5 submit to a chemical test or tests to determine the alcohol
6 concentration or any amount of a drug, substance, or compound
7 resulting from the unlawful use or consumption of cannabis
8 listed in the Cannabis Control Act, ~~or~~ a controlled substance
9 listed in the Illinois Controlled Substances Act, an
10 intoxicating compound listed in the Use of Intoxicating
11 Compounds Act, or methamphetamine as listed in the
12 Methamphetamine Control and Community Protection Act in such
13 person's system, must be warned by the police officer
14 requesting the test or tests that a refusal to submit to the
15 test or tests will result in that person being immediately
16 placed out-of-service for a period of 24 hours and being
17 disqualified from operating a commercial motor vehicle for a
18 period of not less than 12 months; the person shall also be
19 warned that if such person submits to testing which discloses
20 an alcohol concentration of greater than 0.00 but less than
21 0.04 or any amount of a drug, substance, or compound in such
22 person's blood or urine resulting from the unlawful use or
23 consumption of cannabis listed in the Cannabis Control Act, ~~or~~
24 a controlled substance listed in the Illinois Controlled
25 Substances Act, an intoxicating compound listed in the Use of
26 Intoxicating Compounds Act, or methamphetamine as listed in the

1 Methamphetamine Control and Community Protection Act, such
2 person shall be placed immediately out-of-service for a period
3 of 24 hours; if the person submits to testing which discloses
4 an alcohol concentration of 0.04 or more or any amount of a
5 drug, substance, or compound in such person's blood or urine
6 resulting from the unlawful use or consumption of cannabis
7 listed in the Cannabis Control Act, ~~or~~ a controlled substance
8 listed in the Illinois Controlled Substances Act, an
9 intoxicating compound listed in the Use of Intoxicating
10 Compounds Act, or methamphetamine as listed in the
11 Methamphetamine Control and Community Protection Act, such
12 person shall be placed immediately out-of-service and
13 disqualified from driving a commercial motor vehicle for a
14 period of at least 12 months; also the person shall be warned
15 that if such testing discloses an alcohol concentration of
16 0.08, or more or any amount of a drug, substance, or compound
17 in such person's blood or urine resulting from the unlawful use
18 or consumption of cannabis listed in the Cannabis Control Act, ~~or~~
19 ~~or~~ a controlled substance listed in the Illinois Controlled
20 Substances Act, an intoxicating compound listed in the Use of
21 Intoxicating Compounds Act, or methamphetamine as listed in the
22 Methamphetamine Control and Community Protection Act, in
23 addition to the person being immediately placed out-of-service
24 and disqualified for 12 months as provided in this UCDLA, the
25 results of such testing shall also be admissible in
26 prosecutions for violations of Section 11-501 of this Code, or

1 similar violations of local ordinances, however, such results
2 shall not be used to impose any driving sanctions pursuant to
3 Section 11-501.1 of this Code.

4 The person shall also be warned that any disqualification
5 imposed pursuant to this Section, shall be for life for any
6 such offense or refusal, or combination thereof; including a
7 conviction for violating Section 11-501 while driving a
8 commercial motor vehicle, or similar provisions of local
9 ordinances, committed a second time involving separate
10 incidents.

11 (b) If the person refuses or fails to complete testing, or
12 submits to a test which discloses an alcohol concentration of
13 at least 0.04, or any amount of a drug, substance, or compound
14 in such person's blood or urine resulting from the unlawful use
15 or consumption of cannabis listed in the Cannabis Control Act,
16 ~~or~~ a controlled substance listed in the Illinois Controlled
17 Substances Act, an intoxicating compound listed in the Use of
18 Intoxicating Compounds Act, or methamphetamine as listed in the
19 Methamphetamine Control and Community Protection Act, the law
20 enforcement officer must submit a Sworn Report to the Secretary
21 of State, in a form prescribed by the Secretary, certifying
22 that the test or tests was requested pursuant to paragraph (a);
23 that the person was warned, as provided in paragraph (a) and
24 that such person refused to submit to or failed to complete
25 testing, or submitted to a test which disclosed an alcohol
26 concentration of 0.04 or more, or any amount of a drug,

1 substance, or compound in such person's blood or urine
2 resulting from the unlawful use or consumption of cannabis
3 listed in the Cannabis Control Act, ~~or~~ a controlled substance
4 listed in the Illinois Controlled Substances Act, an
5 intoxicating compound listed in the Use of Intoxicating
6 Compounds Act, or methamphetamine as listed in the
7 Methamphetamine Control and Community Protection Act.

8 (c) The police officer submitting the Sworn Report under
9 this Section shall serve notice of the CDL disqualification on
10 the person and such CDL disqualification shall be effective as
11 provided in paragraph (d). In cases where the blood alcohol
12 concentration of 0.04 or more, or any amount of a drug,
13 substance, or compound in such person's blood or urine
14 resulting from the unlawful use or consumption of cannabis
15 listed in the Cannabis Control Act, ~~or~~ a controlled substance
16 listed in the Illinois Controlled Substances Act, an
17 intoxicating compound listed in the Use of Intoxicating
18 Compounds Act, or methamphetamine as listed in the
19 Methamphetamine Control and Community Protection Act, is
20 established by subsequent analysis of blood or urine collected
21 at the time of the request, the police officer shall give
22 notice as provided in this Section or by deposit in the United
23 States mail of such notice as provided in this Section or by
24 deposit in the United States mail of such notice in an envelope
25 with postage prepaid and addressed to such person's domiciliary
26 address as shown on the Sworn Report and the CDL

1 disqualification shall begin as provided in paragraph (d).

2 (d) The CDL disqualification referred to in this Section
3 shall take effect on the 46th day following the date the Sworn
4 Report was given to the affected person.

5 (e) Upon receipt of the Sworn Report from the police
6 officer, the Secretary of State shall disqualify the person
7 from driving any commercial motor vehicle and shall confirm the
8 CDL disqualification by mailing the notice of the effective
9 date to the person. However, should the Sworn Report be
10 defective by not containing sufficient information or be
11 completed in error, the confirmation of the CDL
12 disqualification shall not be mailed to the affected person or
13 entered into the record, instead the Sworn Report shall be
14 forwarded to the issuing agency identifying any such defect.

15 (Source: P.A. 90-43, eff. 7-2-97; 91-357, eff. 7-29-99.)

16 (625 ILCS 5/11-500) (from Ch. 95 1/2, par. 11-500)

17 Sec. 11-500. Definitions. For the purposes of interpreting
18 Sections 6-206.1 and 6-208.1 of this Code, "first offender"
19 shall mean any person who has not had a previous conviction or
20 court assigned supervision for violating Section 11-501, or a
21 similar provision of a local ordinance, or a conviction in any
22 other state for a violation of driving while under the
23 influence or a similar offense where the cause of action is the
24 same or substantially similar to this Code or similar offenses
25 committed on a military installation or any person who has not

1 had a driver's license suspension for violating Section
2 11-501.1 within 5 years prior to the date of the current
3 offense, except in cases where the driver submitted to chemical
4 testing resulting in an alcohol concentration of 0.08 or more,
5 or any amount of a drug, substance, or compound in such
6 person's blood or urine resulting from the unlawful use or
7 consumption of cannabis listed in the Cannabis Control Act, a
8 controlled substance listed in the Illinois Controlled
9 Substances Act, or an intoxicating compound listed in the Use
10 of Intoxicating Compounds Act, or methamphetamine as listed in
11 the Methamphetamine Control and Community Protection Act and
12 was subsequently found not guilty of violating Section 11-501,
13 or a similar provision of a local ordinance.

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

15 (625 ILCS 5/11-501) (from Ch. 95 1/2, par. 11-501)

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

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

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

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

25 (2) under the influence of alcohol;

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

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

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

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

1 another state or an offense committed on a military
2 installation that is similar to a violation of subsection
3 (a) of this Section.

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

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

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

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

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

1 sentence.

2 (c) (Blank).

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

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

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

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

19 (c-2) (Blank).

20 (c-3) (Blank).

21 (c-4) (Blank).

22 (c-5) (1) A person who violates subsection (a), if the
23 person was transporting a person under the age of 16 at the
24 time of the violation, is subject to an additional
25 mandatory minimum fine of \$1,000, an additional mandatory
26 minimum 140 hours of community service, which shall include

1 40 hours of community service in a program benefiting
2 children, and an additional 2 days of imprisonment. The
3 imprisonment or assignment of community service under this
4 subdivision (c-5)(1) is not subject to suspension, nor is
5 the person eligible for a reduced sentence.

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

18 (3) Except as provided in subdivision (c-5)(4), any
19 person convicted of violating subdivision (c-5)(2) or a
20 similar provision within 10 years of a previous violation
21 of subsection (a) or a similar provision shall receive, in
22 addition to any other penalty imposed, a mandatory minimum
23 12 days imprisonment, an additional 40 hours of mandatory
24 community service in a program benefiting children, and a
25 mandatory minimum fine of \$1,750. The imprisonment or
26 assignment of community service under this subdivision

1 (c-5)(3) is not subject to suspension, nor is the person
2 eligible for a reduced sentence.

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

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

26 (6) Any person convicted of violating subdivision

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

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

24 (c-6) (1) Any person convicted of a first violation of
25 subsection (a) or a similar provision, if the alcohol
26 concentration in his or her blood, breath, or urine was

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

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

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

1 days of imprisonment and a mandatory minimum fine of
2 \$2,500.

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

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

22 (A) the person committed a violation of subsection
23 (a) or a similar provision for the third or subsequent
24 time;

25 (B) the person committed a violation of subsection
26 (a) while driving a school bus with persons 18 years of

1 age or younger on board;

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

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

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

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

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

6 (2) Except as provided in this paragraph (2), a person
7 convicted of aggravated driving under the influence of
8 alcohol, other drug or drugs, or intoxicating compound or
9 compounds, or any combination thereof is guilty of a Class
10 4 felony. For a violation of subparagraph (C) of paragraph
11 (1) of this subsection (d), the defendant, if sentenced to
12 a term of imprisonment, shall be sentenced to not less than
13 one year nor more than 12 years. Aggravated driving under
14 the influence of alcohol, other drug or drugs, or
15 intoxicating compound or compounds, or any combination
16 thereof as defined in subparagraph (F) of paragraph (1) of
17 this subsection (d) is a Class 2 felony, for which the
18 defendant, if sentenced to a term of imprisonment, shall be
19 sentenced to: (A) a term of imprisonment of not less than 3
20 years and not more than 14 years if the violation resulted
21 in the death of one person; or (B) a term of imprisonment
22 of not less than 6 years and not more than 28 years if the
23 violation resulted in the deaths of 2 or more persons. For
24 any prosecution under this subsection (d), a certified copy
25 of the driving abstract of the defendant shall be admitted
26 as proof of any prior conviction. Any person sentenced

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

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

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

1 Motorists. All costs generated by the victim impact panel shall
2 be paid from fees collected from the offender or as may be
3 determined by the court.

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

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

13 (h) (Blank).

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

21 (j) In addition to any other penalties and liabilities, a
22 person who is found guilty of or pleads guilty to violating
23 subsection (a), including any person placed on court
24 supervision for violating subsection (a), shall be fined \$500,
25 payable to the circuit clerk, who shall distribute the money as
26 follows: 20% to the law enforcement agency that made the arrest

1 and 80% shall be forwarded to the State Treasurer for deposit
2 into the General Revenue Fund. If the person has been
3 previously convicted of violating subsection (a) or a similar
4 provision of a local ordinance, the fine shall be \$1,000. In
5 the event that more than one agency is responsible for the
6 arrest, the amount payable to law enforcement agencies shall be
7 shared equally. Any moneys received by a law enforcement agency
8 under this subsection (j) 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. Equipment and commodities
20 shall include, but are not limited to, in-car video cameras,
21 radar and laser speed detection devices, and alcohol breath
22 testers. Any moneys received by the Department of State Police
23 under this subsection (j) shall be deposited into the State
24 Police DUI Fund and shall be used for enforcement and
25 prevention of driving while under the influence of alcohol,
26 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

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

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

8 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;
9 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;
10 93-840, eff. 7-30-04; 93-1093, eff. 3-29-05; 94-963, eff.
11 6-28-06.)

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

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

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

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

21 (2) under the influence of alcohol;

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

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

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

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

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

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

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

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

26 (2) Any penalty imposed for driving with a license that

1 has been revoked for a previous violation of subsection (a)
2 of this Section shall be in addition to the penalty imposed
3 for any subsequent violation of subsection (a).

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

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

14 (b-4) In the case of a third or subsequent violation
15 committed within 5 years of a previous violation of subsection
16 (a) or a similar provision, in addition to any other criminal
17 or administrative sanction, a mandatory minimum term of either
18 10 days of imprisonment or 480 hours of community service shall
19 be imposed.

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

24 (c) (Blank).

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

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

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

21 (2.2) A person who violates subsection (a), if the
22 violation occurs during a period in which his or her
23 driving privileges are revoked or suspended where the
24 revocation or suspension was for a violation of subsection
25 (a) or Section 11-501.1, shall also be sentenced to an
26 additional mandatory minimum term of 30 consecutive days of

1 imprisonment, 40 days of 24-hour periodic imprisonment, or
2 720 hours of community service, as may be determined by the
3 court. This mandatory term of imprisonment or assignment of
4 community service shall not be suspended or reduced by the
5 court.

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

15 (c-2) (Blank).

16 (c-3) (Blank).

17 (c-4) (Blank).

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

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

13 (c-6) Except as provided in subsections (c-7) and (c-7.1),
14 a person 21 years of age or older who violates subsection (a) a
15 second time, if at the time of the second violation the person
16 was transporting a person under the age of 16, is subject to 6
17 months 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-7.1), any person
25 21 years of age or older convicted of violating subsection
26 (c-6) or a similar provision within 10 years of a previous

1 violation of subsection (a) or a similar provision is guilty of
2 a Class 4 felony and, in addition to any other penalty imposed,
3 is subject to one year of imprisonment, 25 days of mandatory
4 community service in a program benefiting children, and a
5 mandatory fine of \$2,500. The imprisonment or assignment of
6 community service under this subsection (c-7) is not subject to
7 suspension, nor is the person eligible for a reduced sentence.

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

20 (c-8) (Blank).

21 (c-9) Any person 21 years of age or older convicted a third
22 time for violating subsection (a) or a similar provision, if at
23 the time of the third violation the person was transporting a
24 person under the age of 16, is guilty of a Class 4 felony and is
25 subject to 18 months of imprisonment, a mandatory fine of
26 \$2,500, and 25 days of community service in a program

1 benefiting children. The imprisonment or assignment of
2 community service under this subsection (c-9) is not subject to
3 suspension, nor is the person eligible for a reduced sentence.

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

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

26 (c-12) Any person convicted of a first violation of

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

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

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

1 mandatory minimum of 90 days of imprisonment and a mandatory
2 minimum fine of \$2,500.

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

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

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

24 (B) the person committed a violation of subsection
25 (a) while driving a school bus with persons 18 years of
26 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,

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

5 (2) Except as provided in this paragraph (2), a person
6 convicted of aggravated driving under the influence of
7 alcohol, other drug or drugs, or intoxicating compound or
8 compounds, or any combination thereof is guilty of a Class
9 4 felony. For a violation of subparagraph (C) of paragraph
10 (1) of this subsection (d), the defendant, if sentenced to
11 a term of imprisonment, shall be sentenced to not less than
12 one year nor more than 12 years. Aggravated driving under
13 the influence of alcohol, other drug or drugs, or
14 intoxicating compound or compounds, or any combination
15 thereof as defined in subparagraph (F) of paragraph (1) of
16 this subsection (d) is a Class 2 felony, for which the
17 defendant, if sentenced to a term of imprisonment, shall be
18 sentenced to: (A) a term of imprisonment of not less than 3
19 years and not more than 14 years if the violation resulted
20 in the death of one person; or (B) a term of imprisonment
21 of not less than 6 years and not more than 28 years if the
22 violation resulted in the deaths of 2 or more persons. For
23 any prosecution under this subsection (d), a certified copy
24 of the driving abstract of the defendant shall be admitted
25 as proof of any prior conviction. Any person sentenced
26 under this subsection (d) who receives a term of probation

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

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

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

1 be paid from fees collected from the offender or as may be
2 determined by the court.

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

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

12 (h) (Blank).

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

20 (j) In addition to any other penalties and liabilities, a
21 person who is found guilty of or pleads guilty to violating
22 subsection (a), including any person placed on court
23 supervision for violating subsection (a), shall be fined \$500,
24 payable to the circuit clerk, who shall distribute the money as
25 follows: 20% to the law enforcement agency that made the arrest
26 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

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

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

25 (l) Whenever an individual is sentenced for an offense
26 based upon an arrest for a violation of subsection (a) or a

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

16 (m) In addition to any other fine or penalty required by
17 law, an individual convicted of a violation of subsection (a),
18 Section 5-7 of the Snowmobile Registration and Safety Act,
19 Section 5-16 of the Boat Registration and Safety Act, or a
20 similar provision, whose operation of a motor vehicle,
21 snowmobile, or watercraft while in 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 proximately caused an incident resulting in
25 an appropriate emergency response, shall be required to make
26 restitution to a public agency for the costs of that emergency

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

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

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

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

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

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

20 (2) under the influence of alcohol;

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

24 (4) under the influence of any other drug or
25 combination of drugs to a degree that renders the person

1 incapable of safely driving;

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

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

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

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

19 (1) Any reference to a prior violation of subsection
20 (a) or a similar provision includes any violation of a
21 provision of a local ordinance or a provision of a law of
22 another state or an offense committed on a military
23 installation that is similar to a violation of subsection
24 (a) of this Section.

25 (2) Any penalty imposed for driving with a license that
26 has been revoked for a previous violation of subsection (a)

1 of this Section shall be in addition to the penalty imposed
2 for any subsequent violation of subsection (a).

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

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

13 (b-4) In the case of a third or subsequent violation
14 committed within 5 years of a previous violation of subsection
15 (a) or a similar provision, in addition to any other criminal
16 or administrative sanction, a mandatory minimum term of either
17 10 days of imprisonment or 480 hours of community service shall
18 be imposed.

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

23 (c) (Blank).

24 (c-1) (1) A person who violates subsection (a) during a
25 period in which his or her driving privileges are revoked
26 or suspended, where the revocation or suspension was for a

1 violation of subsection (a), Section 11-501.1, paragraph
2 (b) of Section 11-401, or for reckless homicide as defined
3 in Section 9-3 of the Criminal Code of 1961 is guilty of a
4 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), Section 11-501.1, paragraph (b) of Section
10 11-401, or for reckless homicide as defined in Section 9-3
11 of the Criminal Code of 1961, is guilty of a Class 3
12 felony.

13 (2.1) A person who violates subsection (a) a third
14 time, if the third violation occurs during a period in
15 which his or her driving privileges are revoked or
16 suspended where the revocation or suspension was for a
17 violation of subsection (a), Section 11-501.1, subsection
18 (b) of Section 11-401, or for reckless homicide as defined
19 in Section 9-3 of the Criminal Code of 1961, is guilty of a
20 Class 3 felony; and if the person receives a term of
21 probation or conditional discharge, he or she shall be
22 required to serve a mandatory minimum of 10 days of
23 imprisonment or shall be assigned a mandatory minimum of
24 480 hours of community service, as may be determined by the
25 court, as a condition of the probation or conditional
26 discharge. This mandatory minimum term of imprisonment or

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

3 (2.2) A person who violates subsection (a), if the
4 violation occurs during a period in which his or her
5 driving privileges are revoked or suspended where the
6 revocation or suspension was for a violation of subsection
7 (a) or Section 11-501.1, 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 subsequent time, if the fourth or subsequent violation
16 occurs during a period in which his or her driving
17 privileges are revoked or suspended where the revocation or
18 suspension was for a violation of subsection (a), Section
19 11-501.1, paragraph (b) of Section 11-401, or for reckless
20 homicide as defined in Section 9-3 of the Criminal Code of
21 1961, is guilty of a Class 2 felony and is not eligible for
22 a sentence of probation or conditional discharge.

23 (c-2) (Blank).

24 (c-3) (Blank).

25 (c-4) (Blank).

26 (c-5) A person who violates subsection (a), if the person

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

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

20 (c-7) Except as provided in subsection (c-8), any person
21 convicted of violating subsection (c-6) or a similar provision
22 within 10 years of a previous violation of subsection (a) or a
23 similar provision shall receive, in addition to any other
24 penalty imposed, a mandatory minimum 12 days imprisonment, an
25 additional 40 hours of mandatory community service in a program
26 benefiting children, and a mandatory minimum fine of \$1,750.

1 The imprisonment or assignment of community service under this
2 subsection (c-7) is not subject to suspension, nor is the
3 person eligible for a reduced sentence.

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

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

25 (c-10) Any person convicted of violating subsection (c-9)
26 or a similar provision a third time within 20 years of a

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

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

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

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

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

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

25 (c-15) Any person convicted of a fourth or subsequent
26 violation of subsection (a) or a similar provision, if at the

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

1 violation was a proximate cause of the injuries;

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

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

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

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

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

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

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

26 (f) Every person found guilty of violating this Section,

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

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

9 (h) (Blank).

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

17 (j) In addition to any other penalties and liabilities, a
18 person who is found guilty of or pleads guilty to violating
19 subsection (a), including any person placed on court
20 supervision for violating subsection (a), shall be fined \$500,
21 payable to the circuit clerk, who shall distribute the money as
22 follows: 20% to the law enforcement agency that made the arrest
23 and 80% shall be forwarded to the State Treasurer for deposit
24 into the General Revenue Fund. If the person has been
25 previously convicted of violating subsection (a) or a similar
26 provision of a local ordinance, the fine shall be \$1,000. In

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

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

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

22 (l) Whenever an individual is sentenced for an offense
23 based upon an arrest for a violation of subsection (a) or a
24 similar provision of a local ordinance, and the professional
25 evaluation recommends remedial or rehabilitative treatment or
26 education, neither the treatment nor the education shall be the

1 sole disposition and either or both may be imposed only in
2 conjunction with another disposition. The court shall monitor
3 compliance with any remedial education or treatment
4 recommendations contained in the professional evaluation.
5 Programs conducting alcohol or other drug evaluation or
6 remedial education must be licensed by the Department of Human
7 Services. If the individual is not a resident of Illinois,
8 however, the court may accept an alcohol or other drug
9 evaluation or remedial education program in the individual's
10 state of residence. Programs providing treatment must be
11 licensed under existing applicable alcoholism and drug
12 treatment licensure standards.

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

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

4 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;
5 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;
6 93-840, eff. 7-30-04; 94-113, eff. 1-1-06; 94-609, eff. 1-1-06;
7 94-963, eff. 6-28-06.)

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

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

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

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

17 (2) under the influence of alcohol;

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

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

24 (5) under the combined influence of alcohol, other drug
25 or drugs, or intoxicating compound or compounds to a degree

1 that renders the person incapable of safely driving; or

2 (6) there is any amount of a drug, substance, or
3 compound in the person's breath, blood, or urine resulting
4 from the unlawful use or consumption of cannabis listed in
5 the Cannabis Control Act, a controlled substance listed in
6 the Illinois Controlled Substances Act, ~~or~~ an intoxicating
7 compound listed in the Use of Intoxicating Compounds Act,
8 or methamphetamine as listed in the Methamphetamine
9 Control and Community Protection Act.

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

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

16 (1) Any reference to a prior violation of subsection
17 (a) or a similar provision includes any violation of a
18 provision of a local ordinance or a provision of a law of
19 another state or an offense committed on a military
20 installation that is similar to a violation of subsection
21 (a) of this Section.

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

26 (b-2) Except as otherwise provided in this Section, any

1 person convicted of violating subsection (a) of this Section is
2 guilty of a Class A misdemeanor.

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

10 (b-4) In the case of a third or subsequent violation
11 committed within 5 years of a previous violation of subsection
12 (a) or a similar provision, in addition to any other criminal
13 or administrative sanction, a mandatory minimum term of either
14 10 days of imprisonment or 480 hours of community service shall
15 be imposed.

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

20 (c) (Blank).

21 (c-1) (1) A person who violates subsection (a) during a
22 period in which his or her driving privileges are revoked
23 or suspended, where the revocation or suspension was for a
24 violation of subsection (a), Section 11-501.1, paragraph
25 (b) of Section 11-401, or for reckless homicide as defined
26 in Section 9-3 of the Criminal Code of 1961 is guilty of a

1 Class 4 felony.

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

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

26 (2.2) A person who violates subsection (a), if the

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

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

20 (c-2) (Blank).

21 (c-3) (Blank).

22 (c-4) (Blank).

23 (c-5) A person who violates subsection (a), if the person
24 was transporting a person under the age of 16 at the time of
25 the violation, is subject to an additional mandatory minimum
26 fine of \$1,000, an additional mandatory minimum 140 hours of

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

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

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

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

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

22 (c-10) Any person convicted of violating subsection (c-9)
23 or a similar provision a third time within 20 years of a
24 previous violation of subsection (a) or a similar provision is
25 guilty of a Class 4 felony and shall receive, in addition to
26 any other penalty imposed, an additional mandatory 40 hours of

1 community service in a program benefiting children, an
2 additional mandatory fine of \$3,000, and a mandatory minimum
3 120 days of imprisonment. The imprisonment or assignment of
4 community service under this subsection (c-10) is not subject
5 to suspension, nor is the person eligible for a reduced
6 sentence.

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

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

26 (c-13) Any person convicted of a second violation of

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

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

22 (c-15) Any person convicted of a fourth or fifth violation
23 of subsection (a) or a similar provision, if at the time of the
24 fourth or fifth violation the alcohol concentration in his or
25 her blood, breath, or urine was 0.16 or more based on the
26 definition of blood, breath, or urine units in Section

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

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

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

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

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

22 (C) the person in committing a violation of
23 subsection (a) was involved in a motor vehicle accident
24 that resulted in great bodily harm or permanent
25 disability or disfigurement to another, when the
26 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 (2) Except as provided in this paragraph (2), a person

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

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

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

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.

4 (k) The Secretary of State Police DUI Fund is created as a
5 special fund in the State treasury. All moneys received by the
6 Secretary of State Police under subsection (j) of this Section
7 shall be deposited into the Secretary of State Police DUI Fund
8 and, subject to appropriation, shall be used for enforcement
9 and 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 to assist in the prevention of alcohol related
14 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 (l) Whenever an individual is sentenced for an offense
21 based upon an arrest for a violation of subsection (a) or a
22 similar provision of a local ordinance, and the professional
23 evaluation recommends remedial or rehabilitative treatment or
24 education, neither the treatment nor the education shall be the
25 sole disposition and either or both may be imposed only in
26 conjunction with another disposition. The court shall monitor

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

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

1 ambulance.

2 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;
3 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;
4 93-840, eff. 7-30-04; 94-114, eff. 1-1-06; 94-963, eff.
5 6-28-06.)

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

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

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

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

15 (2) under the influence of alcohol;

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

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

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

25 (6) there is any amount of a drug, substance, or

1 compound in the person's breath, blood, or urine resulting
2 from the unlawful use or consumption of cannabis listed in
3 the Cannabis Control Act, a controlled substance listed in
4 the Illinois Controlled Substances Act, ~~or~~ an intoxicating
5 compound listed in the Use of Intoxicating Compounds Act,
6 or methamphetamine as listed in the Methamphetamine
7 Control and Community Protection Act.

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

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

14 (1) Any reference to a prior violation of subsection
15 (a) or a similar provision includes any violation of a
16 provision of a local ordinance or a provision of a law of
17 another state or an offense committed on a military
18 installation that is similar to a violation of subsection
19 (a) of this Section.

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

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

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

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

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

18 (c) (Blank).

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

26 (2) A person who violates subsection (a) a third time

1 is guilty of a Class 2 felony.

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

18 (2.2) A person who violates subsection (a), if the
19 violation occurs during a period in which his or her
20 driving privileges are revoked or suspended where the
21 revocation or suspension was for a violation of subsection
22 (a) or Section 11-501.1, 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

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

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

6 (4) A person who violates subsection (a) a fifth or
7 subsequent time is guilty of a Class 1 felony and is not
8 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

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

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

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

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

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

23 (c-11) Any person convicted a fourth time for violating
24 subsection (a) or a similar provision, if at the time of the
25 fourth violation the person was transporting a person under the
26 age of 16, and if the person's 3 prior violations of subsection

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

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

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

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

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

25 (d) (1) Every person convicted of committing a violation of
26 this Section shall be guilty of aggravated driving under

1 the influence of alcohol, other drug or drugs, or
2 intoxicating compound or compounds, or any combination
3 thereof if:

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

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

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

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

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

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

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

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

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

22 (e) After a finding of guilt and prior to any final
23 sentencing, or an order for supervision, for an offense based
24 upon an arrest for a violation of this Section or a similar
25 provision of a local ordinance, individuals shall be required
26 to undergo a professional evaluation to determine if an

1 alcohol, drug, or intoxicating compound abuse problem exists
2 and the extent of the problem, and undergo the imposition of
3 treatment as appropriate. Programs conducting these
4 evaluations shall be licensed by the Department of Human
5 Services. The cost of any professional evaluation shall be paid
6 for by the individual required to undergo the professional
7 evaluation.

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

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

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

1 (h) (Blank).

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

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

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

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

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

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

1 evaluation or remedial education program in the individual's
2 state of residence. Programs providing treatment must be
3 licensed under existing applicable alcoholism and drug
4 treatment licensure standards.

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

22 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;
23 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;
24 93-840, eff. 7-30-04; 94-116, eff. 1-1-06; 94-963, eff.
25 6-28-06.)

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

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

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

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

10 (2) under the influence of alcohol;

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

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

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

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

1 Control and Community Protection Act.

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

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

8 (1) Any reference to a prior violation of subsection
9 (a) or a similar provision includes any violation of a
10 provision of a local ordinance or a provision of a law of
11 another state or an offense committed on a military
12 installation 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

1 community service as may be determined by the court.

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

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

12 (c) (Blank).

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

22 (2) A person who violates subsection (a) a third time,
23 if the third violation occurs during a period in which his
24 or her driving privileges are revoked or suspended where
25 the revocation or suspension was for a violation of
26 subsection (a), Section 11-501.1, paragraph (b) of Section

1 11-401, or for reckless homicide as defined in Section 9-3
2 of the Criminal Code of 1961, is guilty of aggravated
3 driving under the influence of alcohol, other drug or
4 drugs, intoxicating compound or compounds, or any
5 combination thereof and is guilty of a Class 3 felony.

6 (2.1) A person who violates subsection (a) a third
7 time, if the third violation occurs during a period in
8 which his or her driving privileges are revoked or
9 suspended where the revocation or suspension was for a
10 violation of subsection (a), Section 11-501.1, subsection
11 (b) of Section 11-401, or for reckless homicide as defined
12 in Section 9-3 of the Criminal Code of 1961, is guilty of
13 aggravated driving under the influence of alcohol, other
14 drug or drugs, intoxicating compound or compounds, or any
15 combination thereof and is guilty of a Class 3 felony; and
16 if the person receives a term of probation or conditional
17 discharge, he or she shall be required to serve a mandatory
18 minimum of 10 days of imprisonment or shall be assigned a
19 mandatory minimum of 480 hours of community service, as may
20 be determined by the court, as a condition of the probation
21 or conditional discharge. This mandatory minimum term of
22 imprisonment or assignment of community service shall not
23 be suspended or reduced by the court.

24 (2.2) A person who violates subsection (a), if the
25 violation occurs during a period in which his or her
26 driving privileges are revoked or suspended where the

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

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

24 (c-2) (Blank).

25 (c-3) (Blank).

26 (c-4) (Blank).

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

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

21 (c-7) Except as provided in subsection (c-8), any person
22 convicted of violating subsection (c-6) or a similar provision
23 within 10 years of a previous violation of subsection (a) or a
24 similar provision shall receive, in addition to any other
25 penalty imposed, a mandatory minimum 12 days imprisonment, an
26 additional 40 hours of mandatory community service in a program

1 benefiting children, and a mandatory minimum fine of \$1,750.
2 The imprisonment or assignment of community service under this
3 subsection (c-7) is not subject to suspension, nor is the
4 person eligible for a reduced sentence.

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

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

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

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

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

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

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 subsequent

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

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

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

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

24 (C) the person in committing a violation of
25 subsection (a) was involved in a motor vehicle accident
26 that resulted in great bodily harm or permanent

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

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

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

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

1 cause of the death;

2 (G) the person committed the violation while he or
3 she did not possess a driver's license or permit or a
4 restricted driving permit or a judicial driving
5 permit; or

6 (H) the person committed the violation while he or
7 she knew or should have known that the vehicle he or
8 she was driving was not covered by a liability
9 insurance policy.

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

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

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

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

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

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

1 testers. Any moneys received by the Department of State Police
2 under this subsection (j) shall be deposited into the State
3 Police DUI Fund and 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.

15 (k) The Secretary of State Police DUI Fund is created as a
16 special fund in the State treasury. All moneys received by the
17 Secretary of State Police under subsection (j) of this Section
18 shall be deposited into the Secretary of State Police DUI Fund
19 and, subject to appropriation, shall be used for enforcement
20 and 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 to assist in the prevention of alcohol related
25 criminal violence throughout the State; police officer
26 training and education in areas related to alcohol related

1 crime, including but not limited to DUI training; and police
2 officer salaries, including but not limited to salaries for
3 hire back funding for safety checkpoints, saturation patrols,
4 and liquor store sting operations.

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

22 (m) In addition to any other fine or penalty required by
23 law, an individual convicted of a violation of subsection (a),
24 Section 5-7 of the Snowmobile Registration and Safety Act,
25 Section 5-16 of the Boat Registration and Safety Act, or a
26 similar provision, 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.)

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Statutes amended in order of appearance

235 ILCS 5/6-20	from Ch. 43, par. 134a
625 ILCS 5/2-118.1	from Ch. 95 1/2, par. 2-118.1
625 ILCS 5/6-208	from Ch. 95 1/2, par. 6-208
625 ILCS 5/6-208.1	from Ch. 95 1/2, par. 6-208.1
625 ILCS 5/6-516	from Ch. 95 1/2, par. 6-516
625 ILCS 5/6-517	from Ch. 95 1/2, par. 6-517
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