

1 AN ACT concerning transportation.

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

4 Section 5. The Illinois Vehicle Code is amended by changing  
5 Sections 6-205, 6-208 and 6-303 as follows:

6 (625 ILCS 5/6-205) (from Ch. 95 1/2, par. 6-205)

7 Sec. 6-205. Mandatory revocation of license or permit;  
8 Hardship cases.

9 (a) Except as provided in this Section, the Secretary of  
10 State shall immediately revoke the license, permit, or driving  
11 privileges of any driver upon receiving a report of the  
12 driver's conviction of any of the following offenses:

13 1. Reckless homicide resulting from the operation of a  
14 motor vehicle;

15 2. Violation of Section 11-501 of this Code or a  
16 similar provision of a local ordinance relating to the  
17 offense of operating or being in physical control of a  
18 vehicle while under the influence of alcohol, other drug or  
19 drugs, intoxicating compound or compounds, or any  
20 combination thereof;

21 3. Any felony under the laws of any State or the  
22 federal government in the commission of which a motor  
23 vehicle was used;

1           4. Violation of Section 11-401 of this Code relating to  
2 the offense of leaving the scene of a traffic accident  
3 involving death or personal injury;

4           5. Perjury or the making of a false affidavit or  
5 statement under oath to the Secretary of State under this  
6 Code or under any other law relating to the ownership or  
7 operation of motor vehicles;

8           6. Conviction upon 3 charges of violation of Section  
9 11-503 of this Code relating to the offense of reckless  
10 driving committed within a period of 12 months;

11           7. Conviction of any offense defined in Section 4-102  
12 of this Code;

13           8. Violation of Section 11-504 of this Code relating to  
14 the offense of drag racing;

15           9. Violation of Chapters 8 and 9 of this Code;

16           10. Violation of Section 12-5 of the Criminal Code of  
17 1961 arising from the use of a motor vehicle;

18           11. Violation of Section 11-204.1 of this Code relating  
19 to aggravated fleeing or attempting to elude a peace  
20 officer;

21           12. Violation of paragraph (1) of subsection (b) of  
22 Section 6-507, or a similar law of any other state,  
23 relating to the unlawful operation of a commercial motor  
24 vehicle;

25           13. Violation of paragraph (a) of Section 11-502 of  
26 this Code or a similar provision of a local ordinance if

1 the driver has been previously convicted of a violation of  
2 that Section or a similar provision of a local ordinance  
3 and the driver was less than 21 years of age at the time of  
4 the offense.

5 (b) The Secretary of State shall also immediately revoke  
6 the license or permit of any driver in the following  
7 situations:

8 1. Of any minor upon receiving the notice provided for  
9 in Section 5-901 of the Juvenile Court Act of 1987 that the  
10 minor has been adjudicated under that Act as having  
11 committed an offense relating to motor vehicles prescribed  
12 in Section 4-103 of this Code;

13 2. Of any person when any other law of this State  
14 requires either the revocation or suspension of a license  
15 or permit.

16 (c) Except as provided in subsection (c-5), whenever  
17 ~~whenever~~ a person is convicted of any of the offenses  
18 enumerated in this Section, the court may recommend and the  
19 Secretary of State in his discretion, without regard to whether  
20 the recommendation is made by the court may, upon application,  
21 issue to the person a restricted driving permit granting the  
22 privilege of driving a motor vehicle between the petitioner's  
23 residence and petitioner's place of employment or within the  
24 scope of the petitioner's employment related duties, or to  
25 allow transportation for the petitioner or a household member  
26 of the petitioner's family for the receipt of necessary medical

1 care or, if the professional evaluation indicates, provide  
2 transportation for the petitioner for alcohol remedial or  
3 rehabilitative activity, or for the petitioner to attend  
4 classes, as a student, in an accredited educational  
5 institution; if the petitioner is able to demonstrate that no  
6 alternative means of transportation is reasonably available  
7 and the petitioner will not endanger the public safety or  
8 welfare; provided that the Secretary's discretion shall be  
9 limited to cases where undue hardship would result from a  
10 failure to issue the restricted driving permit.

11 If a person's license or permit has been revoked or  
12 suspended due to 2 or more convictions of violating Section  
13 11-501 of this Code or a similar provision of a local ordinance  
14 or a similar out-of-state offense, arising out of separate  
15 occurrences, that person, if issued a restricted driving  
16 permit, may not operate a vehicle unless it has been equipped  
17 with an ignition interlock device as defined in Section  
18 1-129.1.

19 If a person's license or permit has been revoked or  
20 suspended 2 or more times within a 10 year period due to a  
21 single conviction of violating Section 11-501 of this Code or a  
22 similar provision of a local ordinance or a similar  
23 out-of-state offense, and a statutory summary suspension under  
24 Section 11-501.1, or 2 or more statutory summary suspensions,  
25 or combination of 2 offenses, or of an offense and a statutory  
26 summary suspension, arising out of separate occurrences, or if

1 a person has been convicted of one violation of Section 6-303  
2 of this Code committed while his or her driver's license,  
3 permit, or privilege was revoked because of a violation of  
4 Section 9-3 of the Criminal Code of 1961, relating to the  
5 offense of reckless homicide, or a similar provision of a law  
6 of another state, or because of the offense of aggravated  
7 driving under the influence of alcohol, other drug or drugs,  
8 intoxicating compound or compounds, or any combination  
9 thereof, based on involvement in a motor vehicle accident that  
10 caused great bodily harm or permanent disability or  
11 disfigurement or death to another, when the violation was a  
12 proximate cause of the injuries or death, as provided in  
13 subdivision (d)(1)(C) or (d)(1)(F) of Section 11-501 of this  
14 Code or a similar provision of a local ordinance or a similar  
15 provision of a law of another State, that person, if issued a  
16 restricted driving permit, may not operate a vehicle unless it  
17 has been equipped with an ignition interlock device as defined  
18 in Section 1-129.1. The person must pay to the Secretary of  
19 State DUI Administration Fund an amount not to exceed \$20 per  
20 month. The Secretary shall establish by rule the amount and the  
21 procedures, terms, and conditions relating to these fees. If  
22 the restricted driving permit was issued for employment  
23 purposes, then this provision does not apply to the operation  
24 of an occupational vehicle owned or leased by that person's  
25 employer. In each case the Secretary of State may issue a  
26 restricted driving permit for a period he deems appropriate,

1 except that the permit shall expire within one year from the  
2 date of issuance. The Secretary may not, however, issue a  
3 restricted driving permit to any person whose current  
4 revocation is the result of a second or subsequent conviction  
5 for a violation of Section 11-501 of this Code or a similar  
6 provision of a local ordinance relating to the offense of  
7 operating or being in physical control of a motor vehicle while  
8 under the influence of alcohol, other drug or drugs,  
9 intoxicating compound or compounds, or any similar  
10 out-of-state offense, or any combination thereof, until the  
11 expiration of at least one year from the date of the  
12 revocation. A restricted driving permit issued under this  
13 Section shall be subject to cancellation, revocation, and  
14 suspension by the Secretary of State in like manner and for  
15 like cause as a driver's license issued under this Code may be  
16 cancelled, revoked, or suspended; except that a conviction upon  
17 one or more offenses against laws or ordinances regulating the  
18 movement of traffic shall be deemed sufficient cause for the  
19 revocation, suspension, or cancellation of a restricted  
20 driving permit. The Secretary of State may, as a condition to  
21 the issuance of a restricted driving permit, require the  
22 applicant to participate in a designated driver remedial or  
23 rehabilitative program. The Secretary of State is authorized to  
24 cancel a restricted driving permit if the permit holder does  
25 not successfully complete the program. However, if an  
26 individual's driving privileges have been revoked in

1 accordance with paragraph 13 of subsection (a) of this Section,  
2 no restricted driving permit shall be issued until the  
3 individual has served 6 months of the revocation period.

4 (c-5) The Secretary may not issue a restricted driving  
5 permit to any person who has been convicted of a second or  
6 subsequent violation of Section 6-303 of this Code committed  
7 while his or her driver's license, permit, or privilege was  
8 revoked because of a violation of Section 9-3 of the Criminal  
9 Code of 1961, relating to the offense of reckless homicide, or  
10 a similar provision of a law of another state, or because of  
11 the offense of aggravated driving under the influence of  
12 alcohol, other drug or drugs, intoxicating compound or  
13 compounds, or any combination thereof, based on involvement in  
14 a motor vehicle accident that caused great bodily harm or  
15 permanent disability or disfigurement or death to another, when  
16 the violation was a proximate cause of the injuries or death,  
17 as provided in subdivision (d)(1)(C) or (d)(1)(F) of Section  
18 11-501 of this Code or a similar provision of a local ordinance  
19 or a similar provision of a law of another State.

20 (d) Whenever a person under the age of 21 is convicted  
21 under Section 11-501 of this Code or a similar provision of a  
22 local ordinance, the Secretary of State shall revoke the  
23 driving privileges of that person. One year after the date of  
24 revocation, and upon application, the Secretary of State may,  
25 if satisfied that the person applying will not endanger the  
26 public safety or welfare, issue a restricted driving permit

1 granting the privilege of driving a motor vehicle only between  
2 the hours of 5 a.m. and 9 p.m. or as otherwise provided by this  
3 Section for a period of one year. After this one year period,  
4 and upon reapplication for a license as provided in Section  
5 6-106, upon payment of the appropriate reinstatement fee  
6 provided under paragraph (b) of Section 6-118, the Secretary of  
7 State, in his discretion, may issue the applicant a license, or  
8 extend the restricted driving permit as many times as the  
9 Secretary of State deems appropriate, by additional periods of  
10 not more than 12 months each, until the applicant attains 21  
11 years of age.

12 If a person's license or permit has been revoked or  
13 suspended due to 2 or more convictions of violating Section  
14 11-501 of this Code or a similar provision of a local ordinance  
15 or a similar out-of-state offense, arising out of separate  
16 occurrences, that person, if issued a restricted driving  
17 permit, may not operate a vehicle unless it has been equipped  
18 with an ignition interlock device as defined in Section  
19 1-129.1.

20 If a person's license or permit has been revoked or  
21 suspended 2 or more times within a 10 year period due to a  
22 single conviction of violating Section 11-501 of this Code or a  
23 similar provision of a local ordinance or a similar  
24 out-of-state offense, and a statutory summary suspension under  
25 Section 11-501.1, or 2 or more statutory summary suspensions,  
26 or combination of 2 offenses, or of an offense and a statutory



1 summary suspension, arising out of separate occurrences, that  
2 person, if issued a restricted driving permit, may not operate  
3 a vehicle unless it has been equipped with an ignition  
4 interlock device as defined in Section 1-129.1. The person must  
5 pay to the Secretary of State DUI Administration Fund an amount  
6 not to exceed \$20 per month. The Secretary shall establish by  
7 rule the amount and the procedures, terms, and conditions  
8 relating to these fees. If the restricted driving permit was  
9 issued for employment purposes, then this provision does not  
10 apply to the operation of an occupational vehicle owned or  
11 leased by that person's employer. A restricted driving permit  
12 issued under this Section shall be subject to cancellation,  
13 revocation, and suspension by the Secretary of State in like  
14 manner and for like cause as a driver's license issued under  
15 this Code may be cancelled, revoked, or suspended; except that  
16 a conviction upon one or more offenses against laws or  
17 ordinances regulating the movement of traffic shall be deemed  
18 sufficient cause for the revocation, suspension, or  
19 cancellation of a restricted driving permit. The revocation  
20 periods contained in this subparagraph shall apply to similar  
21 out-of-state convictions.

22 (d-5) The revocation of the license, permit, or driving  
23 privileges of a person convicted of a third or subsequent  
24 violation of Section 6-303 of this Code committed while his or  
25 her driver's license, permit, or privilege was revoked because  
26 of a violation of Section 9-3 of the Criminal Code of 1961,

1 relating to the offense of reckless homicide, or a similar  
2 provision of a law of another state, or because of the offense  
3 of aggravated driving under the influence of alcohol, other  
4 drug or drugs, intoxicating compound or compounds, or any  
5 combination thereof, based on involvement in a motor vehicle  
6 accident that caused great bodily harm or permanent disability  
7 or disfigurement or death to another, when the violation was a  
8 proximate cause of the injuries or death, as provided in  
9 subdivision (d) (1) (C) or (d) (1) (F) of Section 11-501 of this  
10 Code or a similar provision of a local ordinance or a similar  
11 provision of a law of another State, is permanent. The  
12 Secretary may not, at any time, issue a license or permit to  
13 that person.

14 (e) This Section is subject to the provisions of the Driver  
15 License Compact.

16 (f) Any revocation imposed upon any person under  
17 subsections 2 and 3 of paragraph (b) that is in effect on  
18 December 31, 1988 shall be converted to a suspension for a like  
19 period of time.

20 (g) The Secretary of State shall not issue a restricted  
21 driving permit to a person under the age of 16 years whose  
22 driving privileges have been revoked under any provisions of  
23 this Code.

24 (h) The Secretary of State shall require the use of  
25 ignition interlock devices on all vehicles owned by an  
26 individual who has been convicted of a second or subsequent

1 offense under Section 11-501 of this Code or a similar  
2 provision of a local ordinance. The Secretary shall establish  
3 by rule and regulation the procedures for certification and use  
4 of the interlock system.

5 (i) The Secretary of State may not issue a restricted  
6 driving permit for a period of one year after a second or  
7 subsequent revocation of driving privileges under clause  
8 (a) (2) of this Section; however, one year after the date of a  
9 second or subsequent revocation of driving privileges under  
10 clause (a) (2) of this Section, the Secretary of State may, upon  
11 application, issue a restricted driving permit under the terms  
12 and conditions of subsection (c).

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

18 (Source: P.A. 93-120, eff. 1-1-04; 94-307, eff. 9-30-05.)

19 (625 ILCS 5/6-208) (from Ch. 95 1/2, par. 6-208)

20 Sec. 6-208. Period of Suspension - Application After  
21 Revocation.

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

1 (b) Any person whose license, permit or privilege to drive  
2 a motor vehicle on the highways has been revoked shall not be  
3 entitled to have such license, permit or privilege renewed or  
4 restored. However, such person may, except as provided under  
5 subsections ~~subsection~~ (d) and (d-5) of Section 6-205, make  
6 application for a license pursuant to Section 6-106 (i) if the  
7 revocation was for a cause which has been removed or (ii) as  
8 provided in the following subparagraphs:

9 1. Except as provided in subparagraphs 1.5, 2, 3, and  
10 4, and 5, the person may make application for a license  
11 after the expiration of one year from the effective date of  
12 the revocation or, in the case of a violation of paragraph  
13 (b) of Section 11-401 of this Code or a similar provision  
14 of a local ordinance, after the expiration of 3 years from  
15 the effective date of the revocation or, in the case of a  
16 violation of Section 9-3 of the Criminal Code of 1961 or a  
17 similar provision of a law of another state relating to the  
18 offense of reckless homicide or a violation of subparagraph  
19 (F) of paragraph 1 of subsection (d) of Section 11-501 of  
20 this Code relating to aggravated driving under the  
21 influence of alcohol, other drug or drugs, intoxicating  
22 compound or compounds, or any combination thereof, if the  
23 violation was the proximate cause of a death, after the  
24 expiration of 2 years from the effective date of the  
25 revocation or after the expiration of 24 months from the  
26 date of release from a period of imprisonment as provided

1 in Section 6-103 of this Code, whichever is later.

2 1.5. If the person is convicted of a violation of  
3 Section 6-303 of this Code committed while his or her  
4 driver's license, permit, or privilege was revoked because  
5 of a violation of Section 9-3 of the Criminal Code of 1961,  
6 relating to the offense of reckless homicide, or a similar  
7 provision of a law of another state, or because of the  
8 offense of aggravated driving under the influence of  
9 alcohol, other drug or drugs, intoxicating compound or  
10 compounds, or any combination thereof, based on  
11 involvement in a motor vehicle accident that caused great  
12 bodily harm or permanent disability or disfigurement or  
13 death to another, when the violation was a proximate cause  
14 of the injuries or death, as provided in subdivision  
15 (d) (1) (C) or (d) (1) (F) of Section 11-501 of this Code or a  
16 similar provision of a local ordinance or a similar  
17 provision of a law of another State, the person may not  
18 make application for a license or permit until the  
19 expiration of 3 years from the effective date of the most  
20 recent revocation.

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

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

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

1 (C) Section 9-3 of the Criminal Code of 1961, as  
2 amended, relating to the offense of reckless homicide;  
3 or

4 (D) any combination of the above offenses  
5 committed at different instances;

6 then such person may not make application for a license  
7 until after the expiration of 5 years from the effective  
8 date of the most recent revocation. The 20 year period  
9 shall be computed by using the dates the offenses were  
10 committed and shall also include similar out-of-state  
11 offenses.

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,  
16 contained in subparagraph 2, then such person may not make  
17 application for a license until after the expiration of 10  
18 years from the effective date of the most recent  
19 revocation.

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

1           5. The person may not make application for a license or  
2           permit if the person is convicted of a third or subsequent  
3           violation of Section 6-303 of this Code committed while his  
4           or her driver's license, permit, or privilege was revoked  
5           because of a violation of Section 9-3 of the Criminal Code  
6           of 1961, relating to the offense of reckless homicide, or a  
7           similar provision of a law of another state, or because of  
8           the offense of aggravated driving under the influence of  
9           alcohol, other drug or drugs, intoxicating compound or  
10           compounds, or any combination thereof, based on  
11           involvement in a motor vehicle accident that caused great  
12           bodily harm or permanent disability or disfigurement or  
13           death to another, when the violation was a proximate cause  
14           of the injuries or death, as provided in subdivision  
15           (d) (1) (C) or (d) (1) (F) of Section 11-501 of this Code or a  
16           similar provision of a local ordinance or a similar  
17           provision of a law of another State.

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

23           In no event shall the Secretary issue such license unless  
24           and until such person has had a hearing pursuant to this Code  
25           and the appropriate administrative rules and the Secretary is  
26           satisfied, after a review or investigation of such person, that

1 to grant the privilege of driving a motor vehicle on the  
2 highways will not endanger the public safety or welfare.

3 (c) (Blank).

4 (Source: P.A. 92-343, eff. 1-1-02; 92-418, eff. 8-17-01;  
5 92-458, eff. 8-22-01; 92-651, eff. 7-11-02; 93-712, eff.  
6 1-1-05; 93-788, eff. 1-1-05; revised 10-14-04.)

7 (625 ILCS 5/6-303) (from Ch. 95 1/2, par. 6-303)

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

10 (a) Except as otherwise provided in subsection (a-5), any  
11 ~~Any~~ person who drives or is in actual physical control of a  
12 motor vehicle on any highway of this State at a time when such  
13 person's driver's license, permit or privilege to do so or the  
14 privilege to obtain a driver's license or permit is revoked or  
15 suspended as provided by this Code or the law of another state,  
16 except as may be specifically allowed by a judicial driving  
17 permit, family financial responsibility driving permit,  
18 probationary license to drive, or a restricted driving permit  
19 issued pursuant to this Code or under the law of another state,  
20 shall be guilty of a Class A misdemeanor.

21 (a-5) Any person who violates this Section as provided in  
22 subsection (a) while his or her driver's license, permit or  
23 privilege is revoked because of a violation of Section 9-3 of  
24 the Criminal Code of 1961, relating to the offense of reckless  
25 homicide or a similar provision of a law of another state, or



1 because of the offense of aggravated driving under the  
2 influence of alcohol, other drug or drugs, intoxicating  
3 compound or compounds, or any combination thereof, based on  
4 involvement in a motor vehicle accident that caused great  
5 bodily harm or permanent disability or disfigurement or death  
6 to another, when the violation was a proximate cause of the  
7 injuries or death, as provided in subdivision (d)(1)(C) or  
8 (d)(1)(F) of Section 11-501 of this Code or a similar provision  
9 of a local ordinance or a similar provision of a law of another  
10 State, is guilty of a Class 4 felony. The person shall be  
11 required to undergo a professional evaluation, as provided in  
12 Section 11-501 of this Code, to determine if an alcohol, drug,  
13 or intoxicating compound problem exists and the extent of the  
14 problem, and to undergo the imposition of treatment as  
15 appropriate.

16 (b) The Secretary of State upon receiving a report of the  
17 conviction of any violation indicating a person was operating a  
18 motor vehicle during the time when said person's driver's  
19 license, permit or privilege was suspended by the Secretary, by  
20 the appropriate authority of another state, or pursuant to  
21 Section 11-501.1; except as may be specifically allowed by a  
22 probationary license to drive, judicial driving permit or  
23 restricted driving permit issued pursuant to this Code or the  
24 law of another state; shall extend the suspension for the same  
25 period of time as the originally imposed suspension; however,  
26 if the period of suspension has then expired, the Secretary

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

12 (b-5) Any person convicted of violating this Section shall  
13 serve a minimum term of imprisonment of 30 consecutive days or  
14 300 hours of community service when the person's driving  
15 privilege was revoked or suspended as a result of a violation  
16 of Section 9-3 of the Criminal Code of 1961, as amended,  
17 relating to the offense of reckless homicide, or a similar  
18 provision of a law of another state, or because of the offense  
19 of aggravated driving under the influence of alcohol, other  
20 drug or drugs, intoxicating compound or compounds, or any  
21 combination thereof, based on involvement in a motor vehicle  
22 accident that caused great bodily harm or permanent disability  
23 or disfigurement or death to another, when the violation was a  
24 proximate cause of the injuries or death, as provided in  
25 subdivision (d) (1) (C) or (d) (1) (F) of Section 11-501 of this  
26 Code or a similar provision of a local ordinance or a similar

1 provision of a law of another State.

2 (c) Any person convicted of violating this Section shall  
3 serve a minimum term of imprisonment of 10 consecutive days or  
4 30 days of community service when the person's driving  
5 privilege was revoked or suspended as a result of:

6 (1) a violation of Section 11-501 of this Code or a  
7 similar provision of a local ordinance relating to the  
8 offense of operating or being in physical control of a  
9 vehicle while under the influence of alcohol, any other  
10 drug or any combination thereof; or

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

15 ~~(3) a violation of Section 9-3 of the Criminal Code of~~  
16 ~~1961, as amended, relating to the offense of reckless~~  
17 ~~homicide; or~~

18 ~~(4)~~ a statutory summary suspension under Section  
19 11-501.1 of this Code.

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

22 (c-1) Except as provided in subsections (c-5) and  
23 ~~subsection~~ (d), any person convicted of a second violation of  
24 this Section shall be ordered by the court to serve a minimum  
25 of 100 hours of community service.

26 (c-2) In addition to other penalties imposed under this

1 Section, the court may impose on any person convicted a fourth  
2 time of violating this Section any of the following:

3 (1) Seizure of the license plates of the person's  
4 vehicle.

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

7 (c-5) Any person convicted of a second violation of this  
8 Section is guilty of a Class 2 felony, is not eligible for  
9 probation or conditional discharge, and shall serve a mandatory  
10 term of imprisonment, if the revocation or suspension was for a  
11 violation of Section 9-3 of the Criminal Code of 1961, relating  
12 to the offense of reckless homicide, or a similar out-of-state  
13 offense, or because of the offense of aggravated driving under  
14 the influence of alcohol, other drug or drugs, intoxicating  
15 compound or compounds, or any combination thereof, based on  
16 involvement in a motor vehicle accident that caused great  
17 bodily harm or permanent disability or disfigurement or death  
18 to another, when the violation was a proximate cause of the  
19 injuries or death, as provided in subdivision (d)(1)(C) or  
20 (d)(1)(F) of Section 11-501 of this Code or a similar provision  
21 of a local ordinance or a similar provision of a law of another  
22 State.

23 (d) Any person convicted of a second violation of this  
24 Section shall be guilty of a Class 4 felony and shall serve a  
25 minimum term of imprisonment of 30 days or 300 hours of  
26 community service, as determined by the court, if the

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

8 (d-1) Except as provided in subsections ~~subsection~~ (d-2),  
9 (d-2.5), and ~~subsection~~ (d-3), any person convicted of a third  
10 or subsequent violation of this Section shall serve a minimum  
11 term of imprisonment of 30 days or 300 hours of community  
12 service, as determined by the court.

13 (d-2) Any person convicted of a third violation of this  
14 Section is guilty of a Class 4 felony and must serve a minimum  
15 term of imprisonment of 30 days if the revocation or suspension  
16 was for a violation of Section 11-401 or 11-501 of this Code,  
17 or a similar out-of-state offense, or a similar provision of a  
18 local ordinance, ~~a violation of Section 9-3 of the Criminal~~  
19 ~~Code of 1961, relating to the offense of reckless homicide, or~~  
20 ~~a similar out of state offense,~~ or a statutory summary  
21 suspension under Section 11-501.1 of this Code.

22 (d-2.5) Any person convicted of a third violation of this  
23 Section is guilty of a Class 1 felony, is not eligible for  
24 probation or conditional discharge, and must serve a mandatory  
25 term if the revocation or suspension was for a violation of  
26 Section 9-3 of the Criminal Code of 1961, relating to the

1 offense of reckless homicide, or a similar out-of-state  
2 offense, or because of the offense of aggravated driving under  
3 the influence of alcohol, other drug or drugs, intoxicating  
4 compound or compounds, or any combination thereof, based on  
5 involvement in a motor vehicle accident that caused great  
6 bodily harm or permanent disability or disfigurement or death  
7 to another, when the violation was a proximate cause of the  
8 injuries or death, as provided in subdivision (d)(1)(C) or  
9 (d)(1)(F) of Section 11-501 of this Code or a similar provision  
10 of a local ordinance or a similar provision of a law of another  
11 State.

12 (d-3) Any person convicted of a fourth, fifth, sixth,  
13 seventh, eighth, or ninth violation of this Section is guilty  
14 of a Class 4 felony and must serve a minimum term of  
15 imprisonment of 180 days if the revocation or suspension was  
16 for a violation of Section 11-401 or 11-501 of this Code, or a  
17 similar out-of-state offense, or a similar provision of a local  
18 ordinance, ~~a violation of Section 9-3 of the Criminal Code of~~  
19 ~~1961, relating to the offense of reckless homicide, or a~~  
20 ~~similar out-of-state offense,~~ or a statutory summary  
21 suspension under Section 11-501.1 of this Code.

22 (d-3.5) Any person convicted of a fourth or subsequent  
23 violation of this Section is guilty of a Class 1 felony, is not  
24 eligible for probation or conditional discharge, and must serve  
25 a mandatory term of imprisonment, and is eligible for an  
26 extended term, if the revocation or suspension was for a

1 violation of Section 9-3 of the Criminal Code of 1961, relating  
2 to the offense of reckless homicide, or a similar out-of-state  
3 offense, or because of the offense of aggravated driving under  
4 the influence of alcohol, other drug or drugs, intoxicating  
5 compound or compounds, or any combination thereof, based on  
6 involvement in a motor vehicle accident that caused great  
7 bodily harm or permanent disability or disfigurement or death  
8 to another, when the violation was a proximate cause of the  
9 injuries or death, as provided in subdivision (d)(1)(C) or  
10 (d)(1)(F) of Section 11-501 of this Code or a similar provision  
11 of a local ordinance or a similar provision of a law of another  
12 State.

13 (d-4) Any person convicted of a tenth, eleventh, twelfth,  
14 thirteenth, or fourteenth violation of this Section is guilty  
15 of a Class 3 felony, and is not eligible for probation or  
16 conditional discharge, if the revocation or suspension was for  
17 a violation of Section 11-401 or 11-501 of this Code, or a  
18 similar out-of-state offense, or a similar provision of a local  
19 ordinance, ~~a violation of Section 9-3 of the Criminal Code of~~  
20 ~~1961, relating to the offense of reckless homicide, or a~~  
21 ~~similar out-of-state offense,~~ or a statutory summary  
22 suspension under Section 11-501.1 of this Code.

23 (d-5) Any person convicted of a fifteenth or subsequent  
24 violation of this Section is guilty of a Class 2 felony, and is  
25 not eligible for probation or conditional discharge, if the  
26 revocation or suspension was for a violation of Section 11-401

1 or 11-501 of this Code, or a similar out-of-state offense, or a  
2 similar provision of a local ordinance, ~~a violation of Section~~  
3 ~~9-3 of the Criminal Code of 1961, relating to the offense of~~  
4 ~~reckless homicide, or a similar out-of-state offense,~~ or a  
5 statutory summary suspension under Section 11-501.1 of this  
6 Code.

7 (e) Any person in violation of this Section who is also in  
8 violation of Section 7-601 of this Code relating to mandatory  
9 insurance requirements, in addition to other penalties imposed  
10 under this Section, shall have his or her motor vehicle  
11 immediately impounded by the arresting law enforcement  
12 officer. The motor vehicle may be released to any licensed  
13 driver upon a showing of proof of insurance for the vehicle  
14 that was impounded and the notarized written consent for the  
15 release by the vehicle owner.

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

19 (g) The motor vehicle used in a violation of this Section  
20 is subject to seizure and forfeiture as provided in Sections  
21 36-1 and 36-2 of the Criminal Code of 1961 if the person's  
22 driving privilege was revoked or suspended as a result of a  
23 violation listed in paragraph (1), (2), or (3) of subsection  
24 (c) of this Section or as a result of a summary suspension as  
25 provided in paragraph (4) of subsection (c) of this Section.

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



1           Section 10. The Unified Code of Corrections is amended by  
2 changing Sections 5-5-3 and 5-6-1 as follows:

3           (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

4           Sec. 5-5-3. Disposition.

5           (a) Except as provided in Section 11-501 of the Illinois  
6 Vehicle Code, every person convicted of an offense shall be  
7 sentenced as provided in this Section.

8           (b) The following options shall be appropriate  
9 dispositions, alone or in combination, for all felonies and  
10 misdemeanors other than those identified in subsection (c) of  
11 this Section:

12                 (1) A period of probation.

13                 (2) A term of periodic imprisonment.

14                 (3) A term of conditional discharge.

15                 (4) A term of imprisonment.

16                 (5) An order directing the offender to clean up and  
17 repair the damage, if the offender was convicted under  
18 paragraph (h) of Section 21-1 of the Criminal Code of 1961  
19 (now repealed).

20                 (6) A fine.

21                 (7) An order directing the offender to make restitution  
22 to the victim under Section 5-5-6 of this Code.

23                 (8) A sentence of participation in a county impact  
24 incarceration program under Section 5-8-1.2 of this Code.

1           (9) A term of imprisonment in combination with a term  
2           of probation when the offender has been admitted into a  
3           drug court program under Section 20 of the Drug Court  
4           Treatment Act.

5           Neither a fine nor restitution shall be the sole  
6           disposition for a felony and either or both may be imposed only  
7           in conjunction with another disposition.

8           (c) (1) When a defendant is found guilty of first degree  
9           murder the State may either seek a sentence of imprisonment  
10          under Section 5-8-1 of this Code, or where appropriate seek  
11          a sentence of death under Section 9-1 of the Criminal Code  
12          of 1961.

13          (2) A period of probation, a term of periodic  
14          imprisonment or conditional discharge shall not be imposed  
15          for the following offenses. The court shall sentence the  
16          offender to not less than the minimum term of imprisonment  
17          set forth in this Code for the following offenses, and may  
18          order a fine or restitution or both in conjunction with  
19          such term of imprisonment:

20                 (A) First degree murder where the death penalty is  
21                 not imposed.

22                 (B) Attempted first degree murder.

23                 (C) A Class X felony.

24                 (D) A violation of Section 401.1 or 407 of the  
25                 Illinois Controlled Substances Act, or a violation of  
26                 subdivision (c) (1) or (c) (2) of Section 401 of that Act

1           which relates to more than 5 grams of a substance  
2           containing heroin or cocaine or an analog thereof.

3           (E) A violation of Section 5.1 or 9 of the Cannabis  
4           Control Act.

5           (F) A Class 2 or greater felony if the offender had  
6           been convicted of a Class 2 or greater felony within 10  
7           years of the date on which the offender committed the  
8           offense for which he or she is being sentenced, except  
9           as otherwise provided in Section 40-10 of the  
10          Alcoholism and Other Drug Abuse and Dependency Act.

11          (F-5) A violation of Section 24-1, 24-1.1, or  
12          24-1.6 of the Criminal Code of 1961 for which  
13          imprisonment is prescribed in those Sections.

14          (G) Residential burglary, except as otherwise  
15          provided in Section 40-10 of the Alcoholism and Other  
16          Drug Abuse and Dependency Act.

17          (H) Criminal sexual assault.

18          (I) Aggravated battery of a senior citizen.

19          (J) A forcible felony if the offense was related to  
20          the activities of an organized gang.

21          Before July 1, 1994, for the purposes of this  
22          paragraph, "organized gang" means an association of 5  
23          or more persons, with an established hierarchy, that  
24          encourages members of the association to perpetrate  
25          crimes or provides support to the members of the  
26          association who do commit crimes.

1           Beginning July 1, 1994, for the purposes of this  
2 paragraph, "organized gang" has the meaning ascribed  
3 to it in Section 10 of the Illinois Streetgang  
4 Terrorism Omnibus Prevention Act.

5           (K) Vehicular hijacking.

6           (L) A second or subsequent conviction for the  
7 offense of hate crime when the underlying offense upon  
8 which the hate crime is based is felony aggravated  
9 assault or felony mob action.

10          (M) A second or subsequent conviction for the  
11 offense of institutional vandalism if the damage to the  
12 property exceeds \$300.

13          (N) A Class 3 felony violation of paragraph (1) of  
14 subsection (a) of Section 2 of the Firearm Owners  
15 Identification Card Act.

16          (O) A violation of Section 12-6.1 of the Criminal  
17 Code of 1961.

18          (P) A violation of paragraph (1), (2), (3), (4),  
19 (5), or (7) of subsection (a) of Section 11-20.1 of the  
20 Criminal Code of 1961.

21          (Q) A violation of Section 20-1.2 or 20-1.3 of the  
22 Criminal Code of 1961.

23          (R) A violation of Section 24-3A of the Criminal  
24 Code of 1961.

25          (S) (Blank).

26          (T) A second or subsequent violation of the

1 Methamphetamine Control and Community Protection Act.

2 (U) A second or subsequent violation of Section  
3 6-303 of the Illinois Vehicle Code committed while his  
4 or her driver's license, permit, or privilege was  
5 revoked because of a violation of Section 9-3 of the  
6 Criminal Code of 1961, relating to the offense of  
7 reckless homicide, or a similar provision of a law of  
8 another state, or because of the offense of aggravated  
9 driving under the influence of alcohol, other drug or  
10 drugs, intoxicating compound or compounds, or any  
11 combination thereof, based on involvement in a motor  
12 vehicle accident that caused great bodily harm or  
13 permanent disability or disfigurement or death to  
14 another, when the violation was a proximate cause of  
15 the injuries or death, as provided in subdivision  
16 (d) (1) (C) or (d) (1) (F) of Section 11-501 of the  
17 Illinois Vehicle Code or a similar provision of a local  
18 ordinance or a similar provision of a law of another  
19 State.

20 (3) (Blank).

21 (4) A minimum term of imprisonment of not less than 10  
22 consecutive days or 30 days of community service shall be  
23 imposed for a violation of paragraph (c) of Section 6-303  
24 of the Illinois Vehicle Code.

25 (4.1) (Blank).

26 (4.2) Except as provided in paragraphs ~~paragraph~~ (4.3)

1       and (4.8) of this subsection (c), a minimum of 100 hours of  
2       community service shall be imposed for a second violation  
3       of Section 6-303 of the Illinois Vehicle Code.

4           (4.3) A minimum term of imprisonment of 30 days or 300  
5       hours of community service, as determined by the court,  
6       shall be imposed for a second violation of subsection (c)  
7       of Section 6-303 of the Illinois Vehicle Code.

8           (4.4) Except as provided in paragraphs ~~paragraph~~  
9       (4.5), ~~and paragraph~~ (4.6), and (4.9) of this subsection  
10      (c), a minimum term of imprisonment of 30 days or 300 hours  
11      of community service, as determined by the court, shall be  
12      imposed for a third or subsequent violation of Section  
13      6-303 of the Illinois Vehicle Code.

14          (4.5) A minimum term of imprisonment of 30 days shall  
15      be imposed for a third violation of subsection (c) of  
16      Section 6-303 of the Illinois Vehicle Code.

17          (4.6) Except as provided in paragraph (4.10) of this  
18      subsection (c), a ~~A~~ minimum term of imprisonment of 180  
19      days shall be imposed for a fourth or subsequent violation  
20      of subsection (c) of Section 6-303 of the Illinois Vehicle  
21      Code.

22          (4.7) A minimum term of imprisonment of not less than  
23      30 consecutive days, or 300 hours of community service,  
24      shall be imposed for a violation of subsection (a-5) of  
25      Section 6-303 of the Illinois Vehicle Code, as provided in  
26      subsection (b-5) of that Section.

1           (4.8) A mandatory prison sentence shall be imposed for  
2           a second violation of subsection (a-5) of Section 6-303 of  
3           the Illinois Vehicle Code, as provided in subsection (c-5)  
4           of that Section. The person's driving privileges shall be  
5           revoked for a period of not less than 5 years from the date  
6           of his or her release from prison.

7           (4.9) A mandatory prison sentence of not less than 4  
8           and not more than 15 years shall be imposed for a third  
9           violation of subsection (a-5) of Section 6-303 of the  
10           Illinois Vehicle Code, as provided in subsection (d-2.5) of  
11           that Section. The person's driving privileges shall be  
12           revoked for the remainder of his or her life.

13           (4.10) A mandatory prison sentence for a Class 1 felony  
14           shall be imposed, and the person shall be eligible for an  
15           extended term sentence, for a fourth or subsequent  
16           violation of subsection (a-5) of Section 6-303 of the  
17           Illinois Vehicle Code, as provided in subsection (d-3.5) of  
18           that Section. The person's driving privileges shall be  
19           revoked for the remainder of his or her life.

20           (5) The court may sentence an offender convicted of a  
21           business offense or a petty offense or a corporation or  
22           unincorporated association convicted of any offense to:

23                   (A) a period of conditional discharge;

24                   (B) a fine;

25                   (C) make restitution to the victim under Section  
26           5-5-6 of this Code.

1           (5.1) In addition to any penalties imposed under  
2 paragraph (5) of this subsection (c), and except as  
3 provided in paragraph (5.2) or (5.3), a person convicted of  
4 violating subsection (c) of Section 11-907 of the Illinois  
5 Vehicle Code shall have his or her driver's license,  
6 permit, or privileges suspended for at least 90 days but  
7 not more than one year, if the violation resulted in damage  
8 to the property of another person.

9           (5.2) In addition to any penalties imposed under  
10 paragraph (5) of this subsection (c), and except as  
11 provided in paragraph (5.3), a person convicted of  
12 violating subsection (c) of Section 11-907 of the Illinois  
13 Vehicle Code shall have his or her driver's license,  
14 permit, or privileges suspended for at least 180 days but  
15 not more than 2 years, if the violation resulted in injury  
16 to another person.

17           (5.3) In addition to any penalties imposed under  
18 paragraph (5) of this subsection (c), a person convicted of  
19 violating subsection (c) of Section 11-907 of the Illinois  
20 Vehicle Code shall have his or her driver's license,  
21 permit, or privileges suspended for 2 years, if the  
22 violation resulted in the death of another person.

23           (5.4) In addition to any penalties imposed under  
24 paragraph (5) of this subsection (c), a person convicted of  
25 violating Section 3-707 of the Illinois Vehicle Code shall  
26 have his or her driver's license, permit, or privileges



1 suspended for 3 months and until he or she has paid a  
2 reinstatement fee of \$100.

3 (5.5) In addition to any penalties imposed under  
4 paragraph (5) of this subsection (c), a person convicted of  
5 violating Section 3-707 of the Illinois Vehicle Code during  
6 a period in which his or her driver's license, permit, or  
7 privileges were suspended for a previous violation of that  
8 Section shall have his or her driver's license, permit, or  
9 privileges suspended for an additional 6 months after the  
10 expiration of the original 3-month suspension and until he  
11 or she has paid a reinstatement fee of \$100.

12 (6) In no case shall an offender be eligible for a  
13 disposition of probation or conditional discharge for a  
14 Class 1 felony committed while he was serving a term of  
15 probation or conditional discharge for a felony.

16 (7) When a defendant is adjudged a habitual criminal  
17 under Article 33B of the Criminal Code of 1961, the court  
18 shall sentence the defendant to a term of natural life  
19 imprisonment.

20 (8) When a defendant, over the age of 21 years, is  
21 convicted of a Class 1 or Class 2 felony, after having  
22 twice been convicted in any state or federal court of an  
23 offense that contains the same elements as an offense now  
24 classified in Illinois as a Class 2 or greater Class felony  
25 and such charges are separately brought and tried and arise  
26 out of different series of acts, such defendant shall be

1 sentenced as a Class X offender. This paragraph shall not  
2 apply unless (1) the first felony was committed after the  
3 effective date of this amendatory Act of 1977; and (2) the  
4 second felony was committed after conviction on the first;  
5 and (3) the third felony was committed after conviction on  
6 the second. A person sentenced as a Class X offender under  
7 this paragraph is not eligible to apply for treatment as a  
8 condition of probation as provided by Section 40-10 of the  
9 Alcoholism and Other Drug Abuse and Dependency Act.

10 (9) A defendant convicted of a second or subsequent  
11 offense of ritualized abuse of a child may be sentenced to  
12 a term of natural life imprisonment.

13 (10) (Blank).

14 (11) The court shall impose a minimum fine of \$1,000  
15 for a first offense and \$2,000 for a second or subsequent  
16 offense upon a person convicted of or placed on supervision  
17 for battery when the individual harmed was a sports  
18 official or coach at any level of competition and the act  
19 causing harm to the sports official or coach occurred  
20 within an athletic facility or within the immediate  
21 vicinity of the athletic facility at which the sports  
22 official or coach was an active participant of the athletic  
23 contest held at the athletic facility. For the purposes of  
24 this paragraph (11), "sports official" means a person at an  
25 athletic contest who enforces the rules of the contest,  
26 such as an umpire or referee; "athletic facility" means an

1 indoor or outdoor playing field or recreational area where  
2 sports activities are conducted; and "coach" means a person  
3 recognized as a coach by the sanctioning authority that  
4 conducted the sporting event.

5 (12) A person may not receive a disposition of court  
6 supervision for a violation of Section 5-16 of the Boat  
7 Registration and Safety Act if that person has previously  
8 received a disposition of court supervision for a violation  
9 of that Section.

10 (d) In any case in which a sentence originally imposed is  
11 vacated, the case shall be remanded to the trial court. The  
12 trial court shall hold a hearing under Section 5-4-1 of the  
13 Unified Code of Corrections which may include evidence of the  
14 defendant's life, moral character and occupation during the  
15 time since the original sentence was passed. The trial court  
16 shall then impose sentence upon the defendant. The trial court  
17 may impose any sentence which could have been imposed at the  
18 original trial subject to Section 5-5-4 of the Unified Code of  
19 Corrections. If a sentence is vacated on appeal or on  
20 collateral attack due to the failure of the trier of fact at  
21 trial to determine beyond a reasonable doubt the existence of a  
22 fact (other than a prior conviction) necessary to increase the  
23 punishment for the offense beyond the statutory maximum  
24 otherwise applicable, either the defendant may be re-sentenced  
25 to a term within the range otherwise provided or, if the State  
26 files notice of its intention to again seek the extended

1 sentence, the defendant shall be afforded a new trial.

2 (e) In cases where prosecution for aggravated criminal  
3 sexual abuse under Section 12-16 of the Criminal Code of 1961  
4 results in conviction of a defendant who was a family member of  
5 the victim at the time of the commission of the offense, the  
6 court shall consider the safety and welfare of the victim and  
7 may impose a sentence of probation only where:

8 (1) the court finds (A) or (B) or both are appropriate:

9 (A) the defendant is willing to undergo a court  
10 approved counseling program for a minimum duration of 2  
11 years; or

12 (B) the defendant is willing to participate in a  
13 court approved plan including but not limited to the  
14 defendant's:

15 (i) removal from the household;

16 (ii) restricted contact with the victim;

17 (iii) continued financial support of the  
18 family;

19 (iv) restitution for harm done to the victim;

20 and

21 (v) compliance with any other measures that  
22 the court may deem appropriate; and

23 (2) the court orders the defendant to pay for the  
24 victim's counseling services, to the extent that the court  
25 finds, after considering the defendant's income and  
26 assets, that the defendant is financially capable of paying

1           for such services, if the victim was under 18 years of age  
2           at the time the offense was committed and requires  
3           counseling as a result of the offense.

4           Probation may be revoked or modified pursuant to Section  
5           5-6-4; except where the court determines at the hearing that  
6           the defendant violated a condition of his or her probation  
7           restricting contact with the victim or other family members or  
8           commits another offense with the victim or other family  
9           members, the court shall revoke the defendant's probation and  
10          impose a term of imprisonment.

11          For the purposes of this Section, "family member" and  
12          "victim" shall have the meanings ascribed to them in Section  
13          12-12 of the Criminal Code of 1961.

14          (f) This Article shall not deprive a court in other  
15          proceedings to order a forfeiture of property, to suspend or  
16          cancel a license, to remove a person from office, or to impose  
17          any other civil penalty.

18          (g) Whenever a defendant is convicted of an offense under  
19          Sections 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-18.1,  
20          11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1, 12-15 or 12-16  
21          of the Criminal Code of 1961, the defendant shall undergo  
22          medical testing to determine whether the defendant has any  
23          sexually transmissible disease, including a test for infection  
24          with human immunodeficiency virus (HIV) or any other identified  
25          causative agent of acquired immunodeficiency syndrome (AIDS).  
26          Any such medical test shall be performed only by appropriately

1 licensed medical practitioners and may include an analysis of  
2 any bodily fluids as well as an examination of the defendant's  
3 person. Except as otherwise provided by law, the results of  
4 such test shall be kept strictly confidential by all medical  
5 personnel involved in the testing and must be personally  
6 delivered in a sealed envelope to the judge of the court in  
7 which the conviction was entered for the judge's inspection in  
8 camera. Acting in accordance with the best interests of the  
9 victim and the public, the judge shall have the discretion to  
10 determine to whom, if anyone, the results of the testing may be  
11 revealed. The court shall notify the defendant of the test  
12 results. The court shall also notify the victim if requested by  
13 the victim, and if the victim is under the age of 15 and if  
14 requested by the victim's parents or legal guardian, the court  
15 shall notify the victim's parents or legal guardian of the test  
16 results. The court shall provide information on the  
17 availability of HIV testing and counseling at Department of  
18 Public Health facilities to all parties to whom the results of  
19 the testing are revealed and shall direct the State's Attorney  
20 to provide the information to the victim when possible. A  
21 State's Attorney may petition the court to obtain the results  
22 of any HIV test administered under this Section, and the court  
23 shall grant the disclosure if the State's Attorney shows it is  
24 relevant in order to prosecute a charge of criminal  
25 transmission of HIV under Section 12-16.2 of the Criminal Code  
26 of 1961 against the defendant. The court shall order that the

1 cost of any such test shall be paid by the county and may be  
2 taxed as costs against the convicted defendant.

3 (g-5) When an inmate is tested for an airborne communicable  
4 disease, as determined by the Illinois Department of Public  
5 Health including but not limited to tuberculosis, the results  
6 of the test shall be personally delivered by the warden or his  
7 or her designee in a sealed envelope to the judge of the court  
8 in which the inmate must appear for the judge's inspection in  
9 camera if requested by the judge. Acting in accordance with the  
10 best interests of those in the courtroom, the judge shall have  
11 the discretion to determine what if any precautions need to be  
12 taken to prevent transmission of the disease in the courtroom.

13 (h) Whenever a defendant is convicted of an offense under  
14 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the  
15 defendant shall undergo medical testing to determine whether  
16 the defendant has been exposed to human immunodeficiency virus  
17 (HIV) or any other identified causative agent of acquired  
18 immunodeficiency syndrome (AIDS). Except as otherwise provided  
19 by law, the results of such test shall be kept strictly  
20 confidential by all medical personnel involved in the testing  
21 and must be personally delivered in a sealed envelope to the  
22 judge of the court in which the conviction was entered for the  
23 judge's inspection in camera. Acting in accordance with the  
24 best interests of the public, the judge shall have the  
25 discretion to determine to whom, if anyone, the results of the  
26 testing may be revealed. The court shall notify the defendant

1 of a positive test showing an infection with the human  
2 immunodeficiency virus (HIV). The court shall provide  
3 information on the availability of HIV testing and counseling  
4 at Department of Public Health facilities to all parties to  
5 whom the results of the testing are revealed and shall direct  
6 the State's Attorney to provide the information to the victim  
7 when possible. A State's Attorney may petition the court to  
8 obtain the results of any HIV test administered under this  
9 Section, and the court shall grant the disclosure if the  
10 State's Attorney shows it is relevant in order to prosecute a  
11 charge of criminal transmission of HIV under Section 12-16.2 of  
12 the Criminal Code of 1961 against the defendant. The court  
13 shall order that the cost of any such test shall be paid by the  
14 county and may be taxed as costs against the convicted  
15 defendant.

16 (i) All fines and penalties imposed under this Section for  
17 any violation of Chapters 3, 4, 6, and 11 of the Illinois  
18 Vehicle Code, or a similar provision of a local ordinance, and  
19 any violation of the Child Passenger Protection Act, or a  
20 similar provision of a local ordinance, shall be collected and  
21 disbursed by the circuit clerk as provided under Section 27.5  
22 of the Clerks of Courts Act.

23 (j) In cases when prosecution for any violation of Section  
24 11-6, 11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1, 11-16, 11-17,  
25 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,  
26 11-21, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal



1 Code of 1961, any violation of the Illinois Controlled  
2 Substances Act, any violation of the Cannabis Control Act, or  
3 any violation of the Methamphetamine Control and Community  
4 Protection Act results in conviction, a disposition of court  
5 supervision, or an order of probation granted under Section 10  
6 of the Cannabis Control Act, Section 410 of the Illinois  
7 Controlled Substance Act, or Section 70 of the Methamphetamine  
8 Control and Community Protection Act of a defendant, the court  
9 shall determine whether the defendant is employed by a facility  
10 or center as defined under the Child Care Act of 1969, a public  
11 or private elementary or secondary school, or otherwise works  
12 with children under 18 years of age on a daily basis. When a  
13 defendant is so employed, the court shall order the Clerk of  
14 the Court to send a copy of the judgment of conviction or order  
15 of supervision or probation to the defendant's employer by  
16 certified mail. If the employer of the defendant is a school,  
17 the Clerk of the Court shall direct the mailing of a copy of  
18 the judgment of conviction or order of supervision or probation  
19 to the appropriate regional superintendent of schools. The  
20 regional superintendent of schools shall notify the State Board  
21 of Education of any notification under this subsection.

22 (j-5) A defendant at least 17 years of age who is convicted  
23 of a felony and who has not been previously convicted of a  
24 misdemeanor or felony and who is sentenced to a term of  
25 imprisonment in the Illinois Department of Corrections shall as  
26 a condition of his or her sentence be required by the court to

1 attend educational courses designed to prepare the defendant  
2 for a high school diploma and to work toward a high school  
3 diploma or to work toward passing the high school level Test of  
4 General Educational Development (GED) or to work toward  
5 completing a vocational training program offered by the  
6 Department of Corrections. If a defendant fails to complete the  
7 educational training required by his or her sentence during the  
8 term of incarceration, the Prisoner Review Board shall, as a  
9 condition of mandatory supervised release, require the  
10 defendant, at his or her own expense, to pursue a course of  
11 study toward a high school diploma or passage of the GED test.  
12 The Prisoner Review Board shall revoke the mandatory supervised  
13 release of a defendant who wilfully fails to comply with this  
14 subsection (j-5) upon his or her release from confinement in a  
15 penal institution while serving a mandatory supervised release  
16 term; however, the inability of the defendant after making a  
17 good faith effort to obtain financial aid or pay for the  
18 educational training shall not be deemed a wilful failure to  
19 comply. The Prisoner Review Board shall recommit the defendant  
20 whose mandatory supervised release term has been revoked under  
21 this subsection (j-5) as provided in Section 3-3-9. This  
22 subsection (j-5) does not apply to a defendant who has a high  
23 school diploma or has successfully passed the GED test. This  
24 subsection (j-5) does not apply to a defendant who is  
25 determined by the court to be developmentally disabled or  
26 otherwise mentally incapable of completing the educational or

1 vocational program.

2 (k) A court may not impose a sentence or disposition for a  
3 felony or misdemeanor that requires the defendant to be  
4 implanted or injected with or to use any form of birth control.

5 (l) (A) Except as provided in paragraph (C) of subsection  
6 (l), whenever a defendant, who is an alien as defined by  
7 the Immigration and Nationality Act, is convicted of any  
8 felony or misdemeanor offense, the court after sentencing  
9 the defendant may, upon motion of the State's Attorney,  
10 hold sentence in abeyance and remand the defendant to the  
11 custody of the Attorney General of the United States or his  
12 or her designated agent to be deported when:

13 (1) a final order of deportation has been issued  
14 against the defendant pursuant to proceedings under  
15 the Immigration and Nationality Act, and

16 (2) the deportation of the defendant would not  
17 deprecate the seriousness of the defendant's conduct  
18 and would not be inconsistent with the ends of justice.

19 Otherwise, the defendant shall be sentenced as  
20 provided in this Chapter V.

21 (B) If the defendant has already been sentenced for a  
22 felony or misdemeanor offense, or has been placed on  
23 probation under Section 10 of the Cannabis Control Act,  
24 Section 410 of the Illinois Controlled Substances Act, or  
25 Section 70 of the Methamphetamine Control and Community  
26 Protection Act, the court may, upon motion of the State's

1 Attorney to suspend the sentence imposed, commit the  
2 defendant to the custody of the Attorney General of the  
3 United States or his or her designated agent when:

4 (1) a final order of deportation has been issued  
5 against the defendant pursuant to proceedings under  
6 the Immigration and Nationality Act, and

7 (2) the deportation of the defendant would not  
8 deprecate the seriousness of the defendant's conduct  
9 and would not be inconsistent with the ends of justice.

10 (C) This subsection (1) does not apply to offenders who  
11 are subject to the provisions of paragraph (2) of  
12 subsection (a) of Section 3-6-3.

13 (D) Upon motion of the State's Attorney, if a defendant  
14 sentenced under this Section returns to the jurisdiction of  
15 the United States, the defendant shall be recommitted to  
16 the custody of the county from which he or she was  
17 sentenced. Thereafter, the defendant shall be brought  
18 before the sentencing court, which may impose any sentence  
19 that was available under Section 5-5-3 at the time of  
20 initial sentencing. In addition, the defendant shall not be  
21 eligible for additional good conduct credit for  
22 meritorious service as provided under Section 3-6-6.

23 (m) A person convicted of criminal defacement of property  
24 under Section 21-1.3 of the Criminal Code of 1961, in which the  
25 property damage exceeds \$300 and the property damaged is a  
26 school building, shall be ordered to perform community service

1 that may include cleanup, removal, or painting over the  
2 defacement.

3 (n) The court may sentence a person convicted of a  
4 violation of Section 12-19, 12-21, or 16-1.3 of the Criminal  
5 Code of 1961 (i) to an impact incarceration program if the  
6 person is otherwise eligible for that program under Section  
7 5-8-1.1, (ii) to community service, or (iii) if the person is  
8 an addict or alcoholic, as defined in the Alcoholism and Other  
9 Drug Abuse and Dependency Act, to a substance or alcohol abuse  
10 program licensed under that Act.

11 (o) Whenever a person is convicted of a sex offense as  
12 defined in Section 2 of the Sex Offender Registration Act, the  
13 defendant's driver's license or permit shall be subject to  
14 renewal on an annual basis in accordance with the provisions of  
15 license renewal established by the Secretary of State.

16 (Source: P.A. 93-44, eff. 7-1-03; 93-156, eff. 1-1-04; 93-169,  
17 eff. 7-10-03; 93-301, eff. 1-1-04; 93-419, eff. 1-1-04; 93-546,  
18 eff. 1-1-04; 93-694, eff. 7-9-04; 93-782, eff. 1-1-05; 93-800,  
19 eff. 1-1-05; 93-1014, eff. 1-1-05; 94-72, eff. 1-1-06; 94-556,  
20 eff. 9-11-05; 94-993, eff. 1-1-07; 94-1035, eff. 7-1-07;  
21 revised 8-28-06.)

22 (730 ILCS 5/5-6-1) (from Ch. 38, par. 1005-6-1)

23 Sec. 5-6-1. Sentences of Probation and of Conditional  
24 Discharge and Disposition of Supervision. The General Assembly  
25 finds that in order to protect the public, the criminal justice

1 system must compel compliance with the conditions of probation  
2 by responding to violations with swift, certain and fair  
3 punishments and intermediate sanctions. The Chief Judge of each  
4 circuit shall adopt a system of structured, intermediate  
5 sanctions for violations of the terms and conditions of a  
6 sentence of probation, conditional discharge or disposition of  
7 supervision.

8 (a) Except where specifically prohibited by other  
9 provisions of this Code, the court shall impose a sentence of  
10 probation or conditional discharge upon an offender unless,  
11 having regard to the nature and circumstance of the offense,  
12 and to the history, character and condition of the offender,  
13 the court is of the opinion that:

14 (1) his imprisonment or periodic imprisonment is  
15 necessary for the protection of the public; or

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

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

24 The court shall impose as a condition of a sentence of  
25 probation, conditional discharge, or supervision, that the  
26 probation agency may invoke any sanction from the list of

1 intermediate sanctions adopted by the chief judge of the  
2 circuit court for violations of the terms and conditions of the  
3 sentence of probation, conditional discharge, or supervision,  
4 subject to the provisions of Section 5-6-4 of this Act.

5 (b) The court may impose a sentence of conditional  
6 discharge for an offense if the court is of the opinion that  
7 neither a sentence of imprisonment nor of periodic imprisonment  
8 nor of probation supervision is appropriate.

9 (b-1) Subsections (a) and (b) of this Section do not apply  
10 to a defendant charged with a misdemeanor or felony under the  
11 Illinois Vehicle Code or reckless homicide under Section 9-3 of  
12 the Criminal Code of 1961 if the defendant within the past 12  
13 months has been convicted of or pleaded guilty to a misdemeanor  
14 or felony under the Illinois Vehicle Code or reckless homicide  
15 under Section 9-3 of the Criminal Code of 1961.

16 (c) The court may, upon a plea of guilty or a stipulation  
17 by the defendant of the facts supporting the charge or a  
18 finding of guilt, defer further proceedings and the imposition  
19 of a sentence, and enter an order for supervision of the  
20 defendant, if the defendant is not charged with: (i) a Class A  
21 misdemeanor, as defined by the following provisions of the  
22 Criminal Code of 1961: Sections 11-9.1; 12-3.2; 12-15; 26-5;  
23 31-1; 31-6; 31-7; subsections (b) and (c) of Section 21-1;  
24 paragraph (1) through (5), (8), (10), and (11) of subsection  
25 (a) of Section 24-1; (ii) a Class A misdemeanor violation of  
26 Section 3.01, 3.03-1, or 4.01 of the Humane Care for Animals

1 Act; or (iii) felony. If the defendant is not barred from  
2 receiving an order for supervision as provided in this  
3 subsection, the court may enter an order for supervision after  
4 considering the circumstances of the offense, and the history,  
5 character and condition of the offender, if the court is of the  
6 opinion that:

7 (1) the offender is not likely to commit further  
8 crimes;

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

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

14 (c-5) Subsections (a), (b), and (c) of this Section do not  
15 apply to a defendant charged with a second or subsequent  
16 violation of Section 6-303 of the Illinois Vehicle Code  
17 committed while his or her driver's license, permit or  
18 privileges were revoked because of a violation of Section 9-3  
19 of the Criminal Code of 1961, relating to the offense of  
20 reckless homicide, or a similar provision of a law of another  
21 state, or because of the offense of aggravated driving under  
22 the influence of alcohol, other drug or drugs, intoxicating  
23 compound or compounds, or any combination thereof, based on  
24 involvement in a motor vehicle accident that caused great  
25 bodily harm or permanent disability or disfigurement or death  
26 to another, when the violation was a proximate cause of the



1 injuries or death, as provided in subdivision (d)(1)(C) or  
2 (d)(1)(F) of Section 11-501 of the Illinois Vehicle Code or a  
3 similar provision of a local ordinance or a similar provision  
4 of a law of another State.

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

9 (1) convicted for a violation of Section 11-501 of the  
10 Illinois Vehicle Code or a similar provision of a local  
11 ordinance or any similar law or ordinance of another state;  
12 or

13 (2) assigned supervision for a violation of Section  
14 11-501 of the Illinois Vehicle Code or a similar provision  
15 of a local ordinance or any similar law or ordinance of  
16 another state; or

17 (3) pleaded guilty to or stipulated to the facts  
18 supporting a charge or a finding of guilty to a violation  
19 of Section 11-503 of the Illinois Vehicle Code or a similar  
20 provision of a local ordinance or any similar law or  
21 ordinance of another state, and the plea or stipulation was  
22 the result of a plea agreement.

23 The court shall consider the statement of the prosecuting  
24 authority with regard to the standards set forth in this  
25 Section.

26 (e) The provisions of paragraph (c) shall not apply to a

1 defendant charged with violating Section 16A-3 of the Criminal  
2 Code of 1961 if said defendant has within the last 5 years  
3 been:

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

6 (2) assigned supervision for a violation of Section  
7 16A-3 of the Criminal Code of 1961.

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

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

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

22 (1) convicted for a violation of Section 3-707, 3-708,  
23 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar  
24 provision of a local ordinance; or

25 (2) assigned supervision for a violation of Section  
26 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle

1 Code or a similar provision of a local ordinance.

2 The court shall consider the statement of the prosecuting  
3 authority with regard to the standards set forth in this  
4 Section.

5 (h) The provisions of paragraph (c) shall not apply to a  
6 defendant under the age of 21 years charged with violating a  
7 serious traffic offense as defined in Section 1-187.001 of the  
8 Illinois Vehicle Code:

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

21 (2) if the defendant has previously been sentenced  
22 under the provisions of paragraph (c) on or after January  
23 1, 1998 for any serious traffic offense as defined in  
24 Section 1-187.001 of the Illinois Vehicle Code.

25 (i) The provisions of paragraph (c) shall not apply to a  
26 defendant charged with violating Section 3-707 of the Illinois

1 Vehicle Code or a similar provision of a local ordinance if the  
2 defendant has been assigned supervision for a violation of  
3 Section 3-707 of the Illinois Vehicle Code or a similar  
4 provision of a local ordinance.

5 (j) The provisions of paragraph (c) shall not apply to a  
6 defendant charged with violating Section 6-303 of the Illinois  
7 Vehicle Code or a similar provision of a local ordinance when  
8 the revocation or suspension was for a violation of Section  
9 11-501 or a similar provision of a local ordinance or a  
10 violation of Section 11-501.1 or paragraph (b) of Section  
11 11-401 of the Illinois Vehicle Code, ~~or a violation of Section~~  
12 ~~9-3 of the Criminal Code of 1961~~ if the defendant has within  
13 the last 10 years been:

14 (1) convicted for a violation of Section 6-303 of the  
15 Illinois Vehicle Code or a similar provision of a local  
16 ordinance; or

17 (2) assigned supervision for a violation of Section  
18 6-303 of the Illinois Vehicle Code or a similar provision  
19 of a local ordinance.

20 (k) The provisions of paragraph (c) shall not apply to a  
21 defendant charged with violating any provision of the Illinois  
22 Vehicle Code or a similar provision of a local ordinance that  
23 governs the movement of vehicles if, within the 12 months  
24 preceding the date of the defendant's arrest, the defendant has  
25 been assigned court supervision on 2 occasions for a violation  
26 that governs the movement of vehicles under the Illinois

1 Vehicle Code or a similar provision of a local ordinance.

2 (1) A defendant charged with violating any provision of the  
3 Illinois Vehicle Code who, after a court appearance in the same  
4 matter, receives a disposition of supervision under subsection  
5 (c) shall pay an additional fee of \$20, to be collected as  
6 provided in Sections 27.5 and 27.6 of the Clerks of Courts Act.  
7 In addition to the \$20 fee, the person shall also pay a fee of  
8 \$5, which, if not waived by the court, shall be collected as  
9 provided in Sections 27.5 and 27.6 of the Clerks of Courts Act.  
10 The \$20 fee shall be disbursed as provided in Section 16-104c  
11 of the Illinois Vehicle Code. If the \$5 fee is collected, \$4.50  
12 of the fee shall be deposited into the Circuit Court Clerk  
13 Operation and Administrative Fund created by the Clerk of the  
14 Circuit Court and 50 cents of the fee shall be deposited into  
15 the Prisoner Review Board Vehicle and Equipment Fund in the  
16 State treasury.

17 (Source: P.A. 93-388, eff. 7-25-03; 93-1014, eff. 1-1-05;  
18 94-169, eff. 1-1-06; 94-330, eff. 1-1-06; 94-375, eff. 1-1-06;  
19 94-1009, eff. 1-1-07.)