



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB3422

Introduced 2/27/2007, by Rep. Gary Hannig

SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Vehicle Code. Provides that a person issued a restricted driving permit after being convicted of driving under the influence of alcohol or under the influence of a combination of alcohol and another drug or intoxicating compound may drive only a vehicle equipped with an ignition interlock device until his or her driver's license has been reinstated. Provides that if the person does not own a vehicle, he or she must use a transdermal alcohol monitoring device, or must have an ignition interlock device installed in a vehicle he or she does not own, until his or her driver's license has been reinstated. Provides that a person prohibited from driving a vehicle not equipped with the device commits a Class 4 felony if he or she drives a vehicle without the device. Sets additional penalties. Provides that the person commits a Class A misdemeanor if he or she leases, rents, or borrows a vehicle without telling the person from whom he or she rents, leases, or borrows the vehicle of his or her driving restriction. Provides that it is also a Class A misdemeanor to knowingly rent, lease, or loan a vehicle not equipped with the device to a person restricted to driving a vehicle equipped with the device. Sets additional penalties. Makes changes regarding administration of and funding for monitoring the use of ignition interlock and transdermal alcohol monitoring devices.

LRB095 07788 DRH 27949 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

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 10. The Illinois Vehicle Code is amended by
5 changing Sections 6-205, 6-206, 6-206.2, 6-208, and 11-501 and
6 adding Sections 1-209.2 and 1-209.3 as follows:

7 (625 ILCS 5/1-209.2 new)

8 Sec. 1-209.2. Transdermal alcohol measurement. The
9 detection and determination of the ethanol alcohol content in a
10 person's blood by using a transdermal alcohol monitoring
11 device, as defined in Section 1-209.3, that is in close and
12 constant contact with the skin.

13 (625 ILCS 5/1-209.3 new)

14 Sec. 1-209.3. Transdermal alcohol monitoring device. An
15 external and noninvasive device approved by the Secretary of
16 State that:

17 (1) is worn by a person 24 hours a day;

18 (2) provides at least one transdermal alcohol
19 measurement during each one-hour period; and

20 (3) transmits the transdermal alcohol measurements at
21 least one time in a period of 24 hours.

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

2 Sec. 6-205. Mandatory revocation of license or permit;
3 Hardship cases.

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

8 1. Reckless homicide resulting from the operation of a
9 motor vehicle;

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

16 3. Any felony under the laws of any State or the
17 federal government in the commission of which a motor
18 vehicle was used;

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

22 5. Perjury or the making of a false affidavit or
23 statement under oath to the Secretary of State under this
24 Code or under any other law relating to the ownership or
25 operation of motor vehicles;

26 6. Conviction upon 3 charges of violation of Section

1 11-503 of this Code relating to the offense of reckless
2 driving committed within a period of 12 months;

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

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

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

8 10. Violation of Section 12-5 of the Criminal Code of
9 1961 arising from the use of a motor vehicle;

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

13 12. Violation of paragraph (1) of subsection (b) of
14 Section 6-507, or a similar law of any other state,
15 relating to the unlawful operation of a commercial motor
16 vehicle;

17 13. Violation of paragraph (a) of Section 11-502 of
18 this Code or a similar provision of a local ordinance if
19 the driver has been previously convicted of a violation of
20 that Section or a similar provision of a local ordinance
21 and the driver was less than 21 years of age at the time of
22 the offense.

23 (b) The Secretary of State shall also immediately revoke
24 the license or permit of any driver in the following
25 situations:

26 1. Of any minor upon receiving the notice provided for

1 in Section 5-901 of the Juvenile Court Act of 1987 that the
2 minor has been adjudicated under that Act as having
3 committed an offense relating to motor vehicles prescribed
4 in Section 4-103 of this Code;

5 2. Of any person when any other law of this State
6 requires either the revocation or suspension of a license
7 or permit.

8 (c) Whenever a person is convicted of any of the offenses
9 enumerated in this Section, except for violations of
10 subdivision (a)(1), (a)(2), or (a)(5) of Section 11-501, the
11 court may recommend and the Secretary of State in his
12 discretion, without regard to whether the recommendation is
13 made by the court may, upon application, issue to the person a
14 restricted driving permit granting the privilege of driving a
15 motor vehicle between the petitioner's residence and
16 petitioner's place of employment or within the scope of the
17 petitioner's employment related duties, or to allow
18 transportation for the petitioner or a household member of the
19 petitioner's family for the receipt of necessary medical care
20 or, if the professional evaluation indicates, provide
21 transportation for the petitioner for alcohol remedial or
22 rehabilitative activity, or for the petitioner to attend
23 classes, as a student, in an accredited educational
24 institution; if the petitioner is able to demonstrate that no
25 alternative means of transportation is reasonably available
26 and the petitioner will not endanger the public safety or

1 welfare; provided that the Secretary's discretion shall be
2 limited to cases where undue hardship would result from a
3 failure to issue the restricted driving permit.

4 ~~If a person's license or permit has been revoked or~~
5 ~~suspended due to 2 or more convictions of violating Section~~
6 ~~11 501 of this Code or a similar provision of a local ordinance~~
7 ~~or a similar out of state offense, arising out of separate~~
8 ~~occurrences, that person, if issued a restricted driving~~
9 ~~permit, may not operate a vehicle unless it has been equipped~~
10 ~~with an ignition interlock device as defined in Section~~
11 ~~1-129.1.~~

12 ~~If a person's license or permit has been revoked or~~
13 ~~suspended 2 or more times within a 10 year period due to a~~
14 ~~single conviction of violating Section 11 501 of this Code or a~~
15 ~~similar provision of a local ordinance or a similar~~
16 ~~out of state offense, and a statutory summary suspension under~~
17 ~~Section 11 501.1, or 2 or more statutory summary suspensions,~~
18 ~~or combination of 2 offenses, or of an offense and a statutory~~
19 ~~summary suspension, arising out of separate occurrences, that~~
20 ~~person, if issued a restricted driving permit, may not operate~~
21 ~~a vehicle unless it has been equipped with an ignition~~
22 ~~interlock device as defined in Section 1-129.1. The person must~~
23 ~~pay to the Secretary of State DUI Administration Fund an amount~~
24 ~~not to exceed \$20 per month. The Secretary shall establish by~~
25 ~~rule the amount and the procedures, terms, and conditions~~
26 ~~relating to these fees. If the restricted driving permit was~~

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

1 rehabilitative program. The Secretary of State is authorized to
2 cancel a restricted driving permit if the permit holder does
3 not successfully complete the program. However, if an
4 individual's driving privileges have been revoked in
5 accordance with paragraph 13 of subsection (a) of this Section,
6 no restricted driving permit shall be issued until the
7 individual has served 6 months of the revocation period.

8 (d) (Blank). ~~Whenever a person under the age of 21 is~~
9 ~~convicted under Section 11 501 of this Code or a similar~~
10 ~~provision of a local ordinance, the Secretary of State shall~~
11 ~~revoke the driving privileges of that person. One year after~~
12 ~~the date of revocation, and upon application, the Secretary of~~
13 ~~State may, if satisfied that the person applying will not~~
14 ~~endanger the public safety or welfare, issue a restricted~~
15 ~~driving permit granting the privilege of driving a motor~~
16 ~~vehicle only between the hours of 5 a.m. and 9 p.m. or as~~
17 ~~otherwise provided by this Section for a period of one year.~~
18 ~~After this one year period, and upon reapplication for a~~
19 ~~license as provided in Section 6 106, upon payment of the~~
20 ~~appropriate reinstatement fee provided under paragraph (b) of~~
21 ~~Section 6 118, the Secretary of State, in his discretion, may~~
22 ~~issue the applicant a license, or extend the restricted driving~~
23 ~~permit as many times as the Secretary of State deems~~
24 ~~appropriate, by additional periods of not more than 12 months~~
25 ~~each, until the applicant attains 21 years of age.~~

26 ~~If a person's license or permit has been revoked or~~

1 ~~suspended due to 2 or more convictions of violating Section~~
2 ~~11-501 of this Code or a similar provision of a local ordinance~~
3 ~~or a similar out-of-state offense, arising out of separate~~
4 ~~occurrences, that person, if issued a restricted driving~~
5 ~~permit, may not operate a vehicle unless it has been equipped~~
6 ~~with an ignition interlock device as defined in Section~~
7 ~~1-129.1.~~

8 ~~If a person's license or permit has been revoked or~~
9 ~~suspended 2 or more times within a 10 year period due to a~~
10 ~~single conviction of violating Section 11-501 of this Code or a~~
11 ~~similar provision of a local ordinance or a similar~~
12 ~~out-of-state offense, and a statutory summary suspension under~~
13 ~~Section 11-501.1, or 2 or more statutory summary suspensions,~~
14 ~~or combination of 2 offenses, or of an offense and a statutory~~
15 ~~summary suspension, arising out of separate occurrences, that~~
16 ~~person, if issued a restricted driving permit, may not operate~~
17 ~~a vehicle unless it has been equipped with an ignition~~
18 ~~interlock device as defined in Section 1-129.1. The person must~~
19 ~~pay to the Secretary of State DUI Administration Fund an amount~~
20 ~~not to exceed \$20 per month. The Secretary shall establish by~~
21 ~~rule the amount and the procedures, terms, and conditions~~
22 ~~relating to these fees. If the restricted driving permit was~~
23 ~~issued for employment purposes, then this provision does not~~
24 ~~apply to the operation of an occupational vehicle owned or~~
25 ~~leased by that person's employer. A restricted driving permit~~
26 ~~issued under this Section shall be subject to cancellation,~~

1 ~~revocation, and suspension by the Secretary of State in like~~
2 ~~manner and for like cause as a driver's license issued under~~
3 ~~this Code may be cancelled, revoked, or suspended; except that~~
4 ~~a conviction upon one or more offenses against laws or~~
5 ~~ordinances regulating the movement of traffic shall be deemed~~
6 ~~sufficient cause for the revocation, suspension, or~~
7 ~~cancellation of a restricted driving permit. The revocation~~
8 ~~periods contained in this subparagraph shall apply to similar~~
9 ~~out of state convictions.~~

10 (d-5) Whenever a person is convicted of violating
11 subdivision (a)(1), (a)(2), or (a)(5) of Section 11-501, the
12 Secretary of State shall issue a restricted driving permit to
13 that person. This permit is contingent upon the installation of
14 an ignition interlock device or, when applicable, the use of a
15 transdermal alcohol monitoring device, and shall remain in
16 effect until the person's driver's license has been reinstated.
17 Removal of an ignition interlock device before the person's
18 driver's license has been reinstated or tampering with an
19 ignition interlock device shall result in immediate
20 cancellation of the restricted driving permit and criminal
21 penalties, as provided in subsections (i-1) and (i-2) of
22 Section 11-501.

23 (e) This Section is subject to the provisions of the Driver
24 License Compact.

25 (f) Any revocation imposed upon any person under
26 subsections 2 and 3 of paragraph (b) that is in effect on

1 December 31, 1988 shall be converted to a suspension for a like
2 period of time.

3 (g) The Secretary of State shall not issue a restricted
4 driving permit to a person under the age of 16 years whose
5 driving privileges have been revoked under any provisions of
6 this Code.

7 (h) The Secretary of State shall require the use of
8 ignition interlock devices on all vehicles owned by an
9 individual who has been convicted of an ~~a second or subsequent~~
10 offense under Section 11-501 of this Code or a similar
11 provision of a local ordinance. The Secretary shall establish
12 by rule and regulation the procedures for certification and use
13 of the interlock system.

14 (i) The Secretary of State may not issue a restricted
15 driving permit for a period of one year after a second or
16 subsequent revocation of driving privileges under clause
17 (a)(2) of this Section; however, one year after the date of a
18 second or subsequent revocation of driving privileges under
19 clause (a)(2) of this Section, the Secretary of State may, upon
20 application, issue a restricted driving permit under the terms
21 and conditions of subsection (c).

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

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

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

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

5 (a) The Secretary of State is authorized to suspend or
6 revoke the driving privileges of any person without preliminary
7 hearing upon a showing of the person's records or other
8 sufficient evidence that the person:

9 1. Has committed an offense for which mandatory
10 revocation of a driver's license or permit is required upon
11 conviction;

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

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

25 4. Has by the unlawful operation of a motor vehicle

1 caused or contributed to an accident resulting in death or
2 injury requiring immediate professional treatment in a
3 medical facility or doctor's office to any person, except
4 that any suspension or revocation imposed by the Secretary
5 of State under the provisions of this subsection shall
6 start no later than 6 months after being convicted of
7 violating a law or ordinance regulating the movement of
8 traffic, which violation is related to the accident, or
9 shall start not more than one year after the date of the
10 accident, whichever date occurs later;

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

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

17 7. Has refused or failed to submit to an examination
18 provided for by Section 6-207 or has failed to pass the
19 examination;

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

22 9. Has made a false statement or knowingly concealed a
23 material fact or has used false information or
24 identification in any application for a license,
25 identification card, or permit;

26 10. Has possessed, displayed, or attempted to

1 fraudulently use any license, identification card, or
2 permit not issued to the person;

3 11. Has operated a motor vehicle upon a highway of this
4 State when the person's driving privilege or privilege to
5 obtain a driver's license or permit was revoked or
6 suspended unless the operation was authorized by a judicial
7 driving permit, probationary license to drive, or a
8 restricted driving permit issued under this Code;

9 12. Has submitted to any portion of the application
10 process for another person or has obtained the services of
11 another person to submit to any portion of the application
12 process for the purpose of obtaining a license,
13 identification card, or permit for some other person;

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

17 14. Has committed a violation of Section 6-301,
18 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B
19 of the Illinois Identification Card Act;

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

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

26 17. Has refused to submit to a test, or tests, as

1 required under Section 11-501.1 of this Code and the person
2 has not sought a hearing as provided for in Section
3 11-501.1;

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

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

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

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

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

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

25 24. Has been convicted by a court-martial or punished
26 by non-judicial punishment by military authorities of the

1 United States at a military installation in Illinois of or
2 for a traffic related offense that is the same as or
3 similar to an offense specified under Section 6-205 or
4 6-206 of this Code;

5 25. Has permitted any form of identification to be used
6 by another in the application process in order to obtain or
7 attempt to obtain a license, identification card, or
8 permit;

9 26. Has altered or attempted to alter a license or has
10 possessed an altered license, identification card, or
11 permit;

12 27. Has violated Section 6-16 of the Liquor Control Act
13 of 1934;

14 28. Has been convicted of the illegal possession, while
15 operating or in actual physical control, as a driver, of a
16 motor vehicle, of any controlled substance prohibited
17 under the Illinois Controlled Substances Act, any cannabis
18 prohibited under the Cannabis Control Act, or any
19 methamphetamine prohibited under the Methamphetamine
20 Control and Community Protection Act, in which case the
21 person's driving privileges shall be suspended for one
22 year, and any driver who is convicted of a second or
23 subsequent offense, within 5 years of a previous
24 conviction, for the illegal possession, while operating or
25 in actual physical control, as a driver, of a motor
26 vehicle, of any controlled substance prohibited under the

1 Illinois Controlled Substances Act, any cannabis
2 prohibited under the Cannabis Control Act, or any
3 methamphetamine prohibited under the Methamphetamine
4 Control and Community Protection Act shall be suspended for
5 5 years. Any defendant found guilty of this offense while
6 operating a motor vehicle, shall have an entry made in the
7 court record by the presiding judge that this offense did
8 occur while the defendant was operating a motor vehicle and
9 order the clerk of the court to report the violation to the
10 Secretary of State;

11 29. Has been convicted of the following offenses that
12 were committed while the person was operating or in actual
13 physical control, as a driver, of a motor vehicle: criminal
14 sexual assault, predatory criminal sexual assault of a
15 child, aggravated criminal sexual assault, criminal sexual
16 abuse, aggravated criminal sexual abuse, juvenile pimping,
17 soliciting for a juvenile prostitute and the manufacture,
18 sale or delivery of controlled substances or instruments
19 used for illegal drug use or abuse in which case the
20 driver's driving privileges shall be suspended for one
21 year;

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

26 31. Has refused to submit to a test as required by

1 Section 11-501.6 or has submitted to a test resulting in an
2 alcohol concentration of 0.08 or more or any amount of a
3 drug, substance, or compound resulting from the unlawful
4 use or consumption of cannabis as listed in the Cannabis
5 Control Act, a controlled substance as listed in the
6 Illinois Controlled Substances Act, or an intoxicating
7 compound as listed in the Use of Intoxicating Compounds
8 Act, in which case the penalty shall be as prescribed in
9 Section 6-208.1;

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

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

19 34. Has committed a violation of Section 11-1301.5 of
20 this Code;

21 35. Has committed a violation of Section 11-1301.6 of
22 this Code;

23 36. Is under the age of 21 years at the time of arrest
24 and has been convicted of not less than 2 offenses against
25 traffic regulations governing the movement of vehicles
26 committed within any 24 month period. No revocation or

1 suspension shall be entered more than 6 months after the
2 date of last conviction;

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

5 38. Has been convicted of a violation of Section 6-20
6 of the Liquor Control Act of 1934 or a similar provision of
7 a local ordinance;

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

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

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

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

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

25 (b) If any conviction forming the basis of a suspension or
26 revocation authorized under this Section is appealed, the

1 Secretary of State may rescind or withhold the entry of the
2 order of suspension or revocation, as the case may be, provided
3 that a certified copy of a stay order of a court is filed with
4 the Secretary of State. If the conviction is affirmed on
5 appeal, the date of the conviction shall relate back to the
6 time the original judgment of conviction was entered and the 6
7 month limitation prescribed shall not apply.

8 (c) 1. Upon suspending or revoking the driver's license or
9 permit of any person as authorized in this Section, the
10 Secretary of State shall immediately notify the person in
11 writing of the revocation or suspension. The notice to be
12 deposited in the United States mail, postage prepaid, to
13 the last known address of the person.

14 2. If the Secretary of State suspends the driver's
15 license of a person under subsection 2 of paragraph (a) of
16 this Section, a person's privilege to operate a vehicle as
17 an occupation shall not be suspended, provided an affidavit
18 is properly completed, the appropriate fee received, and a
19 permit issued prior to the effective date of the
20 suspension, unless 5 offenses were committed, at least 2 of
21 which occurred while operating a commercial vehicle in
22 connection with the driver's regular occupation. All other
23 driving privileges shall be suspended by the Secretary of
24 State. Any driver prior to operating a vehicle for
25 occupational purposes only must submit the affidavit on
26 forms to be provided by the Secretary of State setting

1 forth the facts of the person's occupation. The affidavit
2 shall also state the number of offenses committed while
3 operating a vehicle in connection with the driver's regular
4 occupation. The affidavit shall be accompanied by the
5 driver's license. Upon receipt of a properly completed
6 affidavit, the Secretary of State shall issue the driver a
7 permit to operate a vehicle in connection with the driver's
8 regular occupation only. Unless the permit is issued by the
9 Secretary of State prior to the date of suspension, the
10 privilege to drive any motor vehicle shall be suspended as
11 set forth in the notice that was mailed under this Section.
12 If an affidavit is received subsequent to the effective
13 date of this suspension, a permit may be issued for the
14 remainder of the suspension period.

15 The provisions of this subparagraph shall not apply to
16 any driver required to possess a CDL for the purpose of
17 operating a commercial motor vehicle.

18 Any person who falsely states any fact in the affidavit
19 required herein shall be guilty of perjury under Section
20 6-302 and upon conviction thereof shall have all driving
21 privileges revoked without further rights.

22 3. At the conclusion of a hearing under Section 2-118
23 of this Code, the Secretary of State shall either rescind
24 or continue an order of revocation or shall substitute an
25 order of suspension; or, good cause appearing therefor,
26 rescind, continue, change, or extend the order of

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

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

25 ~~If a person's license or permit has been revoked or~~
26 ~~suspended 2 or more times within a 10 year period due to a~~

1 ~~single conviction of violating Section 11-501 of this Code~~
2 ~~or a similar provision of a local ordinance or a similar~~
3 ~~out-of-state offense, and a statutory summary suspension~~
4 ~~under Section 11-501.1, or 2 or more statutory summary~~
5 ~~suspensions, or combination of 2 offenses, or of an offense~~
6 ~~and a statutory summary suspension, arising out of separate~~
7 ~~occurrences, that person, if issued a restricted driving~~
8 ~~permit, may not operate a vehicle unless it has been~~
9 ~~equipped with an ignition interlock device as defined in~~
10 ~~Section 1-129.1. The person must pay to the Secretary of~~
11 ~~State DUI Administration Fund an amount not to exceed \$20~~
12 ~~per month. The Secretary shall establish by rule the amount~~
13 ~~and the procedures, terms, and conditions relating to these~~
14 ~~fees. If the restricted driving permit was issued for~~
15 ~~employment purposes, then this provision does not apply to~~
16 ~~the operation of an occupational vehicle owned or leased by~~
17 ~~that person's employer. In each case the Secretary may~~
18 ~~issue a restricted driving permit for a period deemed~~
19 ~~appropriate, except that all permits shall expire within~~
20 ~~one year from the date of issuance. The Secretary may not,~~
21 ~~however, issue a restricted driving permit to any person~~
22 ~~whose current revocation is the result of a second or~~
23 ~~subsequent conviction for a violation of Section 11-501 of~~
24 ~~this Code or a similar provision of a local ordinance~~
25 ~~relating to the offense of operating or being in physical~~
26 ~~control of a motor vehicle while under the influence of~~

1 ~~alcohol, other drug or drugs, intoxicating compound or~~
2 ~~compounds, or any similar out-of-state offense, or any~~
3 ~~combination of those offenses, until the expiration of at~~
4 ~~least one year from the date of the revocation. A~~
5 restricted driving permit issued under this Section shall
6 be subject to cancellation, revocation, and suspension by
7 the Secretary of State in like manner and for like cause as
8 a driver's license issued under this Code may be cancelled,
9 revoked, or suspended; except that a conviction upon one or
10 more offenses against laws or ordinances regulating the
11 movement of traffic shall be deemed sufficient cause for
12 the revocation, suspension, or cancellation of a
13 restricted driving permit. The Secretary of State may, as a
14 condition to the issuance of a restricted driving permit,
15 require the applicant to participate in a designated driver
16 remedial or rehabilitative program. The Secretary of State
17 is authorized to cancel a restricted driving permit if the
18 permit holder does not successfully complete the program.

19 (c-5) The Secretary of State may, as a condition of the
20 reissuance of a driver's license or permit to an applicant
21 whose driver's license or permit has been suspended before he
22 or she reached the age of 18 years pursuant to any of the
23 provisions of this Section, require the applicant to
24 participate in a driver remedial education course and be
25 retested under Section 6-109 of this Code.

26 (d) This Section is subject to the provisions of the

1 Drivers License Compact.

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

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

11 (Source: P.A. 93-120, eff. 1-1-04; 93-667, eff. 3-19-04;
12 93-788, eff. 1-1-05; 93-955, eff. 8-19-04; 94-307, eff.
13 9-30-05; 94-556, eff. 9-11-05; 94-930, eff. 6-26-06.)

14 (625 ILCS 5/6-206.2)

15 Sec. 6-206.2. Violations relating to an ignition interlock
16 device.

17 (a) It is unlawful for any person whose driving privilege
18 is restricted by being prohibited from operating a motor
19 vehicle not equipped with an ignition interlock device to
20 request or solicit any other person to blow into an ignition
21 interlock device or to start a motor vehicle equipped with the
22 device for the purpose of providing the person so restricted
23 with an operable motor vehicle.

24 (b) It is unlawful to blow into an ignition interlock
25 device or to start a motor vehicle equipped with the device for

1 the purpose of providing an operable motor vehicle to a person
2 whose driving privilege is restricted by being prohibited from
3 operating a motor vehicle not equipped with an ignition
4 interlock device.

5 (c) It is unlawful to tamper with, or circumvent the
6 operation of, an ignition interlock device.

7 (d) Except as provided in subsection (c) (17) of Section
8 5-6-3.1 of the Unified Code of Corrections or by rule, no
9 person shall knowingly rent, lease, or lend a motor vehicle to
10 a person known to have his or her driving privilege restricted
11 by being prohibited from operating a vehicle not equipped with
12 an ignition interlock device, unless the vehicle is equipped
13 with a functioning ignition interlock device. Any person whose
14 driving privilege is so restricted shall notify any person
15 intending to rent, lease, or loan a motor vehicle to the
16 restricted person of the driving restriction imposed upon him
17 or her.

18 A person convicted of a violation of this subsection shall
19 be guilty of a Class A misdemeanor and shall be punished by a
20 fine of \$2,500 ~~be punished by imprisonment for not more than 6~~
21 ~~months or by a fine of not more than \$5,000, or both.~~

22 (e) If a person prohibited under ~~paragraph (2) or paragraph~~
23 ~~(3) of subsection (c-4) of~~ Section 11-501 from driving any
24 vehicle not equipped with an ignition interlock device
25 nevertheless is convicted of driving a vehicle that is not
26 equipped with the device, that person is prohibited from

1 driving any vehicle not equipped with an ignition interlock
2 device for an additional 2 years beyond the ~~period of time~~
3 ~~equal to the initial~~ time period that the person was required
4 to use an ignition interlock device.

5 (Source: P.A. 91-127, eff. 1-1-00; 92-418, eff. 8-17-01.)

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

7 Sec. 6-208. Period of Suspension - Application After
8 Revocation.

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

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

21 1. Except as provided in subparagraphs 2, 3, and 4, the
22 person may make application for a license after the
23 expiration of one year from the effective date of the
24 revocation or, in the case of a violation of paragraph (b)
25 of Section 11-401 of this Code or a similar provision of a

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

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

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

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

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

24 (D) any combination of the above offenses
25 committed at different instances;

26 then such person may not make application for a license

1 until after the expiration of 5 years from the effective
2 date of the most recent revocation. The 20 year period
3 shall be computed by using the dates the offenses were
4 committed and shall also include similar out-of-state
5 offenses.

6 3. However, except as provided in subparagraph 4, if
7 such person is convicted of committing a third, or
8 subsequent, violation or any combination of the above
9 offenses, including similar out-of-state offenses,
10 contained in subparagraph 2, then such person may not make
11 application for a license until after the expiration of 10
12 years from the effective date of the most recent
13 revocation.

14 4. The person may not make application for a license if
15 the person is convicted of committing a fourth or
16 subsequent violation of Section 11-501 of this Code or a
17 similar provision of a local ordinance, Section 11-401 of
18 this Code, Section 9-3 of the Criminal Code of 1961, or a
19 combination of these offenses or similar provisions of
20 local ordinances or similar out-of-state offenses.

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

26 In no event shall the Secretary issue such license unless

1 and until such person has had a hearing pursuant to this Code
2 and the appropriate administrative rules and the Secretary is
3 satisfied, after a review or investigation of such person, that
4 to grant the privilege of driving a motor vehicle on the
5 highways will not endanger the public safety or welfare.

6 (c) (Blank).

7 (d) If a person prohibited under Section 11-501 of this
8 Code from driving any vehicle not equipped with an ignition
9 interlock device nevertheless is convicted of driving a vehicle
10 that is not equipped with the device, that person is prohibited
11 from driving any vehicle not equipped with an ignition
12 interlock device for an additional 2 years beyond the time
13 period that the person was required to use an ignition
14 interlock device.

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

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

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

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

25 (1) the alcohol concentration in the person's blood or

1 breath is 0.08 or more based on the definition of blood and
2 breath units in Section 11-501.2;

3 (2) under the influence of alcohol;

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

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

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

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

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

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

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

26 (a) or a similar provision includes any violation of a

1 provision of a local ordinance or a provision of a law of
2 another state 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 installation
15 and continuous use of ignition interlock devices on all
16 vehicles owned by an individual who has been convicted of a
17 first, second, or third violation ~~second or subsequent offense~~
18 of subdivision (a)(1), (a)(2), or (a)(5) of this Section or a
19 similar provision of a local ordinance. The Secretary shall
20 establish by rule and regulation the procedures for
21 certification and use of the ignition interlock system.

22 The ignition interlock device installed in the vehicle of a
23 person convicted of a first, second, or third violation of
24 subdivision (a)(1), (a)(2), or (a)(5) of this Section shall
25 remain installed until the individual's driver's license has
26 been reinstated. Individuals with a fourth or subsequent

1 conviction of violating subdivision (a) (1), (a) (2), or (a) (3)
2 of this Section must install and maintain ignition interlock
3 devices on all vehicles they own and must keep the devices on
4 those vehicles indefinitely. Individuals who have been
5 convicted of violating subdivision (a) (1), (a) (2), or (a) (5) of
6 this Section or a similar provision of a local ordinance but do
7 not own a vehicle must either: use a transdermal alcohol
8 monitoring device until the individual's driver's license has
9 been reinstated or install an ignition interlock device in a
10 vehicle not owned by the individual until the individual's
11 driver's license has been reinstated. Upon installation, the
12 individual shall pay to the Secretary of State DUI
13 Administration Fund an annual fee of \$120 and shall continue to
14 pay this fee annually until the individual's driver's license
15 has been reinstated. The Secretary of State shall adopt rules
16 for the collection of this fee and for its payment in monthly
17 increments for necessary periods of less than one year.

18 (i-1) Individuals convicted of violating subsection (i)
19 shall be guilty of a Class 4 felony, shall not be eligible for
20 a sentence of probation or conditional discharge, and shall, in
21 addition to any other penalty imposed, be subject to a
22 mandatory minimum fine of \$2,500. This fine shall not be
23 suspended or reduced by the court.

24 (i-2) Individuals convicted of violating subsection (i) a
25 second or subsequent time shall be guilty of a Class 4 felony,
26 shall not be eligible for a sentence of probation or

1 conditional discharge, and shall, in addition to any other
2 penalty imposed, be subject to imprisonment of no less than 18
3 months. This term of imprisonment shall not be suspended or
4 reduced by the court.

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

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

20 (k) The Secretary of State Police DUI Fund is created as a
21 special fund in the State treasury. All moneys received by the
22 Secretary of State Police under subsection (j) of this Section
23 shall be deposited into the Secretary of State Police DUI Fund
24 and, subject to appropriation, shall be used for enforcement
25 and prevention of driving while under the influence of alcohol,
26 other drug or drugs, intoxicating compound or compounds or any

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

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

18 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;
19 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;
20 93-840, eff. 7-30-04; 93-1093, eff. 3-29-05; 94-963, eff.
21 6-28-06.)

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

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

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

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

6 (2) under the influence of alcohol;

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

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

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

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

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

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

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

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

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

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

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

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

5 (c) (Blank).

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

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

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

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

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

22 (c-2) (Blank).

23 (c-3) (Blank).

24 (c-4) (Blank).

25 (c-5) Except as provided in subsection (c-5.1), a person 21
26 years of age or older who violates subsection (a), if the

1 person was transporting a person under the age of 16 at the
2 time of the violation, is subject to 6 months of imprisonment,
3 an additional mandatory minimum fine of \$1,000, and 25 days of
4 community service in a program benefiting children. The
5 imprisonment or assignment of community service under this
6 subsection (c-5) is not subject to suspension, nor is the
7 person eligible for a reduced sentence.

8 (c-5.1) A person 21 years of age or older who is convicted
9 of violating subsection (a) of this Section a first time and
10 who in committing that violation was involved in a motor
11 vehicle accident that resulted in bodily harm to the child
12 under the age of 16 being transported by the person, if the
13 violation was the proximate cause of the injury, is guilty of a
14 Class 4 felony and is subject to one year of imprisonment, a
15 mandatory fine of \$2,500, and 25 days of community service in a
16 program benefiting children. The imprisonment or assignment to
17 community service under this subsection (c-5.1) 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-6) Except as provided in subsections (c-7) and (c-7.1),
21 a person 21 years of age or older who violates subsection (a) a
22 second time, if at the time of the second violation the person
23 was transporting a person under the age of 16, is subject to 6
24 months of imprisonment, an additional mandatory minimum fine of
25 \$1,000, and an additional mandatory minimum 140 hours of
26 community service, which shall include 40 hours of community

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

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

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

1 (c-8) (Blank).

2 (c-9) Any person 21 years of age or older convicted a third
3 time for violating subsection (a) or a similar provision, if at
4 the time of the third violation the person was transporting a
5 person under the age of 16, is guilty of a Class 4 felony and is
6 subject to 18 months of imprisonment, a mandatory fine of
7 \$2,500, and 25 days of community service in a program
8 benefiting children. The imprisonment or assignment of
9 community service under this subsection (c-9) is not subject to
10 suspension, nor is the person eligible for a reduced sentence.

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

21 (c-11) Any person 21 years of age or older convicted a
22 fourth or subsequent time for violating subsection (a) or a
23 similar provision, if at the time of the fourth or subsequent
24 violation the person was transporting a person under the age of
25 16, and if the person's 3 prior violations of subsection (a) or
26 a similar provision occurred while transporting a person under

1 the age of 16 or while the alcohol concentration in his or her
2 blood, breath, or urine was 0.16 or more based on the
3 definition of blood, breath, or urine units in Section
4 11-501.2, is guilty of a Class 2 felony, is not eligible for
5 probation or conditional discharge, and is subject to a minimum
6 fine of \$25,000.

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

15 (c-13) Any person convicted of a second violation of
16 subsection (a) or a similar provision committed within 10 years
17 of a previous violation of subsection (a) or a similar
18 provision, if at the time of the second violation of subsection
19 (a) or a similar provision the alcohol concentration in his or
20 her 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, shall be subject, in addition to any other penalty
23 that may be imposed, to a mandatory minimum of 2 days of
24 imprisonment and a mandatory minimum fine of \$1,250.

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

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

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

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

1 thereof if:

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

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

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

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

23 (E) the person, in committing a violation of
24 subsection (a) while driving at any speed in a school
25 speed zone at a time when a speed limit of 20 miles per
26 hour was in effect under subsection (a) of Section

1 11-605 of this Code, was involved in a motor vehicle
2 accident that resulted in bodily harm, other than great
3 bodily harm or permanent disability or disfigurement,
4 to another person, when the violation of subsection (a)
5 was a proximate cause of the bodily harm; or

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

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

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

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

26 (e-1) Any person who is found guilty of or pleads guilty to

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

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

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

19 (h) (Blank).

20 (i) The Secretary of State shall require the installation
21 and continuous use of ignition interlock devices on all
22 vehicles owned by an individual who has been convicted of a
23 first, second, or third violation ~~second or subsequent offense~~
24 of subdivision (a)(1), (a)(2), or (a)(5) of this Section or a
25 similar provision of a local ordinance. The Secretary shall
26 establish by rule and regulation the procedures for

1 certification and use of the ignition interlock system.

2 The ignition interlock device installed in the vehicle of a
3 person convicted of a first, second, or third violation of
4 subdivision (a)(1), (a)(2), or (a)(5) of this Section shall
5 remain installed until the individual's driver's license has
6 been reinstated. Individuals with a fourth or subsequent
7 conviction of violating subdivision (a)(1), (a)(2), or (a)(3)
8 of this Section must install and maintain ignition interlock
9 devices on all vehicles they own and must keep the devices on
10 those vehicles indefinitely. Individuals who have been
11 convicted of violating subdivision (a)(1), (a)(2), or (a)(5) of
12 this Section or a similar provision of a local ordinance but do
13 not own a vehicle must either: use a transdermal alcohol
14 monitoring device until the individual's driver's license has
15 been reinstated or install an ignition interlock device in a
16 vehicle not owned by the individual until the individual's
17 driver's license has been reinstated. Upon installation, the
18 individual shall pay to the Secretary of State DUI
19 Administration Fund an annual fee of \$120 and shall continue to
20 pay this fee annually until the individual's driver's license
21 has been reinstated. The Secretary of State shall adopt rules
22 for the collection of this fee and for its payment in monthly
23 increments for necessary periods of less than one year.

24 (i-1) Individuals convicted of violating subsection (i)
25 shall be guilty of a Class 4 felony, shall not be eligible for
26 a sentence of probation or conditional discharge, and shall, in

1 addition to any other penalty imposed, be subject to a
2 mandatory minimum fine of \$2,500. This fine shall not be
3 suspended or reduced by the court.

4 (i-2) Individuals convicted of violating subsection (i) a
5 second or subsequent time shall be guilty of a Class 4 felony,
6 shall not be eligible for a sentence of probation or
7 conditional discharge, and shall, in addition to any other
8 penalty imposed, be subject to imprisonment of no less than 18
9 months. This term of imprisonment shall not be suspended or
10 reduced by the court.

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

1 special fund in the State treasury. All moneys received by the
2 Secretary of State Police under subsection (j) of this Section
3 shall be deposited into the Secretary of State Police DUI Fund
4 and, subject to appropriation, shall be used for enforcement
5 and 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 to assist in the prevention of alcohol related
10 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.

16 (1) Whenever an individual is sentenced for an offense
17 based upon an arrest for a violation of subsection (a) or a
18 similar provision of a local ordinance, and the professional
19 evaluation recommends remedial or rehabilitative treatment or
20 education, neither the treatment nor the education shall be the
21 sole disposition and either or both may be imposed only in
22 conjunction with another disposition. The court shall monitor
23 compliance with any remedial education or treatment
24 recommendations contained in the professional evaluation.
25 Programs conducting alcohol or other drug evaluation or
26 remedial education must be licensed by the Department of Human

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

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

24 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;
25 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;
26 93-840, eff. 7-30-04; 94-110, eff. 1-1-06; 94-963, eff.

1 6-28-06.)

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

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

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

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

11 (2) under the influence of alcohol;

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

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

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

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

1 compound listed in the Use of Intoxicating Compounds 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 that is similar to a violation of subsection
12 (a) of this Section.

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

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

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

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

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

11 (c) (Blank).

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

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

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

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

1 court.

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

11 (c-2) (Blank).

12 (c-3) (Blank).

13 (c-4) (Blank).

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

23 (c-6) Except as provided in subsections (c-7) and (c-8) a
24 person who violates subsection (a) a second time, if at the
25 time of the second violation the person was transporting a
26 person under the age of 16, is subject to an additional 10 days

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

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

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

1 person eligible for a reduced sentence.

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

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

24 (c-11) Any person convicted a fourth or subsequent time for
25 violating subsection (a) or a similar provision, if at the time
26 of the fourth or subsequent violation the person was

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

9 (c-12) Any person convicted of a first violation of
10 subsection (a) or a similar provision, if 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, shall be subject, in addition to any other
14 penalty that may be imposed, to a mandatory minimum of 100
15 hours of community service and a mandatory minimum fine of
16 \$500.

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

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

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

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

26 (d) (1) Every person convicted of committing a violation of

1 this Section shall be guilty of aggravated driving under
2 the influence of alcohol, other drug or drugs, or
3 intoxicating compound or compounds, or any combination
4 thereof if:

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

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

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

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

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

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

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

15 (2) Except as provided in this paragraph (2), 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. Aggravated driving under
23 the influence of alcohol, other drug or drugs, or
24 intoxicating compound or compounds, or any combination
25 thereof as defined in subparagraph (F) of paragraph (1) of
26 this subsection (d) is a Class 2 felony, for which the

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

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

1 Services. The cost of any professional evaluation shall be paid
2 for by the individual required to undergo the professional
3 evaluation.

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

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

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

23 (h) (Blank).

24 (i) The Secretary of State shall require the installation
25 and continuous use of ignition interlock devices on all
26 vehicles owned by an individual who has been convicted of a

1 first, second, or third violation ~~second or subsequent offense~~
2 of subdivision (a)(1), (a)(2), or (a)(5) of this Section or a
3 similar provision of a local ordinance. The Secretary shall
4 establish by rule and regulation the procedures for
5 certification and use of the ignition interlock system.

6 The ignition interlock device installed in the vehicle of a
7 person convicted of a first, second, or third violation of
8 subdivision (a)(1), (a)(2), or (a)(5) of this Section shall
9 remain installed until the individual's driver's license has
10 been reinstated. Individuals with a fourth or subsequent
11 conviction of violating subdivision (a)(1), (a)(2), or (a)(3)
12 of this Section must install and maintain ignition interlock
13 devices on all vehicles they own and must keep the devices on
14 those vehicles indefinitely. Individuals who have been
15 convicted of violating subdivision (a)(1), (a)(2), or (a)(5) of
16 this Section or a similar provision of a local ordinance but do
17 not own a vehicle must either: use a transdermal alcohol
18 monitoring device until the individual's driver's license has
19 been reinstated or install an ignition interlock device in a
20 vehicle not owned by the individual until the individual's
21 driver's license has been reinstated. Upon installation, the
22 individual shall pay to the Secretary of State DUI
23 Administration Fund an annual fee of \$120 and shall continue to
24 pay this fee annually until the individual's driver's license
25 has been reinstated. The Secretary of State shall adopt rules
26 for the collection of this fee and for its payment in monthly

1 increments for necessary periods of less than one year.

2 (i-1) Individuals convicted of violating subsection (i)
3 shall be guilty of a Class 4 felony, shall not be eligible for
4 a sentence of probation or conditional discharge, and shall, in
5 addition to any other penalty imposed, be subject to a
6 mandatory minimum fine of \$2,500. This fine shall not be
7 suspended or reduced by the court.

8 (i-2) Individuals convicted of violating subsection (i) a
9 second or subsequent time shall be guilty of a Class 4 felony,
10 shall not be eligible for a sentence of probation or
11 conditional discharge, and shall, in addition to any other
12 penalty imposed, be subject to imprisonment of no less than 18
13 months. This term of imprisonment shall not be suspended or
14 reduced by the court.

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; 94-113, eff. 1-1-06; 94-609, eff. 1-1-06;
5 94-963, eff. 6-28-06.)

6 (Text of Section from P.A. 94-114 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 (b) The fact that any person charged with violating this
7 Section is or has been legally entitled to use alcohol, other
8 drug or drugs, or intoxicating compound or compounds, or any
9 combination thereof, shall not constitute a defense against any
10 charge of violating this Section.

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

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

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

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

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

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

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

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

15 (c) (Blank).

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

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

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

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

15 (c-2) (Blank).

16 (c-3) (Blank).

17 (c-4) (Blank).

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

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

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

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

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

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

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

1 sentence.

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

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

21 (c-13) Any person convicted of a second violation of
22 subsection (a) or a similar provision committed within 10 years
23 of a previous violation of subsection (a) or a similar
24 provision committed within 10 years of a previous violation of
25 subsection (a) or a similar provision, if at the time of the
26 second violation of subsection (a) the alcohol concentration in

1 his or her blood, breath, or urine was 0.16 or more based on
2 the definition of blood, breath, or urine units in Section
3 11-501.2, shall be subject, in addition to any other penalty
4 that may be imposed, to a mandatory minimum of 2 days of
5 imprisonment and a mandatory minimum fine of \$1,250.

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

17 (c-15) Any person convicted of a fourth or fifth violation
18 of subsection (a) or a similar provision, if at the time of the
19 fourth or fifth violation the alcohol concentration in his or
20 her 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, and if the person's 3 prior violations of subsection
23 (a) or a similar provision occurred while transporting a person
24 under the age of 16 or while the alcohol concentration in his
25 or 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, is guilty of a Class 2 felony and is not eligible for
2 a sentence of probation or conditional discharge and is subject
3 to a minimum fine of \$2,500.

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

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

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

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

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

22 (D) the person committed a violation of subsection
23 (a) for a second time and has been previously convicted
24 of violating Section 9-3 of the Criminal Code of 1961
25 or a similar provision of a law of another state
26 relating to reckless homicide in which the person was

1 determined to have been under the influence of alcohol,
2 other drug or drugs, or intoxicating compound or
3 compounds as an element of the offense or the person
4 has previously been convicted under subparagraph (C)
5 or subparagraph (F) of this paragraph (1);

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

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

21 (2) Except as provided in this paragraph (2), a person
22 convicted of aggravated driving under the influence of
23 alcohol, other drug or drugs, or intoxicating compound or
24 compounds, or any combination thereof is guilty of a Class
25 4 felony. For a violation of subparagraph (C) of paragraph
26 (1) of this subsection (d), the defendant, if sentenced to

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

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

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

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

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

25 (g) The Secretary of State shall revoke the driving
26 privileges of any person convicted under this Section or a

1 similar provision of a local ordinance.

2 (h) (Blank).

3 (i) The Secretary of State shall require the installation
4 and continuous use of ignition interlock devices on all
5 vehicles owned by an individual who has been convicted of a
6 first, second, or third violation ~~second or subsequent offense~~
7 of subdivisions (a) (1), (a) (2), or (a) (5) of this Section or a
8 similar provision of a local ordinance. The Secretary shall
9 establish by rule and regulation the procedures for
10 certification and use of the ignition interlock system.

11 The ignition interlock device installed in the vehicle of a
12 person convicted of a first, second, or third violation of
13 subdivision (a) (1), (a) (2), or (a) (5) of this Section shall
14 remain installed until the individual's driver's license has
15 been reinstated. Individuals with a fourth or subsequent
16 conviction of violating subdivision (a) (1), (a) (2), or (a) (3)
17 of this Section must install and maintain ignition interlock
18 devices on all vehicles they own and must keep the devices on
19 those vehicles indefinitely. Individuals who have been
20 convicted of violating subdivision (a) (1), (a) (2), or (a) (5) of
21 this Section or a similar provision of a local ordinance but do
22 not own a vehicle must either: use a transdermal alcohol
23 monitoring device until the individual's driver's license has
24 been reinstated or install an ignition interlock device in a
25 vehicle not owned by the individual until the individual's
26 driver's license has been reinstated. Upon installation, the

1 individual shall pay to the Secretary of State DUI
2 Administration Fund an annual fee of \$120 and shall continue to
3 pay this fee annually until the individual's driver's license
4 has been reinstated. The Secretary of State shall adopt rules
5 for the collection of this fee and for its payment in monthly
6 increments for necessary periods of less than one year.

7 (i-1) Individuals convicted of violating subsection (i)
8 shall be guilty of a Class 4 felony, shall not be eligible for
9 a sentence of probation or conditional discharge, and shall, in
10 addition to any other penalty imposed, be subject to a
11 mandatory minimum fine of \$2,500. This fine shall not be
12 suspended or reduced by the court.

13 (i-2) Individuals convicted of violating subsection (i) a
14 second or subsequent time shall be guilty of a Class 4 felony,
15 shall not be eligible for a sentence of probation or
16 conditional discharge, and shall, in addition to any other
17 penalty imposed, be subject to imprisonment of no less than 18
18 months. This term of imprisonment shall not be suspended or
19 reduced by the court.

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; 94-114, eff. 1-1-06; 94-963, eff.
10 6-28-06.)

11 (Text of Section from P.A. 94-116 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 (b) The fact that any person charged with violating this
12 Section is or has been legally entitled to use alcohol, other
13 drug or drugs, or intoxicating compound or compounds, or any
14 combination thereof, shall not constitute a defense against any
15 charge of violating this Section.

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

17 (1) Any reference to a prior violation of subsection
18 (a) or a similar provision includes any violation of a
19 provision of a local ordinance or a provision of a law of
20 another state 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 violation committed within 5
11 years of a previous violation of subsection (a) or a similar
12 provision, the defendant is guilty of a Class 2 felony, and in
13 addition to any other criminal or administrative sanction, a
14 mandatory minimum term of either 10 days of imprisonment or 480
15 hours of community service shall 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 is guilty of a Class 2 felony.

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

20 (2.2) A person who violates subsection (a), if the
21 violation occurs during a period in which his or her
22 driving privileges are revoked or suspended where the
23 revocation or suspension was for a violation of subsection
24 (a) or Section 11-501.1, shall also be sentenced to an
25 additional mandatory minimum term of 30 consecutive days of
26 imprisonment, 40 days of 24-hour periodic imprisonment, or

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

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

8 (4) A person who violates subsection (a) a fifth or
9 subsequent time is guilty of a Class 1 felony and is not
10 eligible for a sentence of probation or conditional
11 discharge.

12 (c-2) (Blank).

13 (c-3) (Blank).

14 (c-4) (Blank).

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

24 (c-6) Except as provided in subsections (c-7) and (c-8) a
25 person who violates subsection (a) a second time, if at the
26 time of the second violation the person was transporting a

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

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

19 (c-8) Any person convicted of violating subsection (c-6) or
20 a similar provision within 5 years of a previous violation of
21 subsection (a) or a similar provision shall receive, in
22 addition to any other penalty imposed, an additional 80 hours
23 of mandatory community service in a program benefiting
24 children, an additional mandatory minimum 12 days of
25 imprisonment, and a mandatory minimum fine of \$1,750. The
26 imprisonment or assignment of community service under this

1 subsection (c-8) is not subject to suspension, nor is the
2 person eligible for a reduced sentence.

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

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

25 (c-11) Any person convicted a fourth time for violating
26 subsection (a) or a similar provision, if at the time of the

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

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

18 (c-13) Any person convicted of a second violation of
19 subsection (a) or a similar provision committed within 10 years
20 of a previous violation of subsection (a) or a similar
21 provision committed within 10 years of a previous violation of
22 subsection (a) or a similar provision, if at the time of the
23 second violation of subsection (a) the alcohol concentration in
24 his or her blood, breath, or urine was 0.16 or more based on
25 the definition of blood, breath, or urine units in Section
26 11-501.2, shall be subject, in addition to any other penalty

1 that may be imposed, to a mandatory minimum of 2 days of
2 imprisonment and a mandatory minimum fine of \$1,250.

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

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

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

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

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

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

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

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

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

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

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

24 (e) After a finding of guilt and prior to any final
25 sentencing, or an order for supervision, for an offense based
26 upon an arrest for a violation of this Section or a similar

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

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

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

26 (g) The Secretary of State shall revoke the driving

1 privileges of any person convicted under this Section or a
2 similar provision of a local ordinance.

3 (h) (Blank).

4 (i) The Secretary of State shall require the installation
5 and continuous use of ignition interlock devices on all
6 vehicles owned by an individual who has been convicted of a
7 first, second, or third violation ~~second or subsequent offense~~
8 of subdivision (a) (1), (a) (2), or (a) (5) of this Section or a
9 similar provision of a local ordinance. The Secretary shall
10 establish by rule and regulation the procedures for
11 certification and use of the ignition interlock system.

12 The ignition interlock device installed in the vehicle of a
13 person convicted of a first, second, or third violation of
14 subdivision (a) (1), (a) (2), or (a) (5) of this Section shall
15 remain installed until the individual's driver's license has
16 been reinstated. Individuals with a fourth or subsequent
17 conviction of violating subdivision (a) (1), (a) (2), or (a) (3)
18 of this Section must install and maintain ignition interlock
19 devices on all vehicles they own and must keep the devices on
20 those vehicles indefinitely. Individuals who have been
21 convicted of violating subdivision (a) (1), (a) (2), or (a) (5) of
22 this Section or a similar provision of a local ordinance but do
23 not own a vehicle must either: use a transdermal alcohol
24 monitoring device until the individual's driver's license has
25 been reinstated or install an ignition interlock device in a
26 vehicle not owned by the individual until the individual's

1 driver's license has been reinstated. Upon installation, the
2 individual shall pay to the Secretary of State DUI
3 Administration Fund an annual fee of \$120 and shall continue to
4 pay this fee annually until the individual's driver's license
5 has been reinstated. The Secretary of State shall adopt rules
6 for the collection of this fee and for its payment in monthly
7 increments for necessary periods of less than one year.

8 (i-1) Individuals convicted of violating subsection (i)
9 shall be guilty of a Class 4 felony, shall not be eligible for
10 a sentence of probation or conditional discharge, and shall, in
11 addition to any other penalty imposed, be subject to a
12 mandatory minimum fine of \$2,500. This fine shall not be
13 suspended or reduced by the court.

14 (i-2) Individuals convicted of violating subsection (i) a
15 second or subsequent time shall be guilty of a Class 4 felony,
16 shall not be eligible for a sentence of probation or
17 conditional discharge, and shall, in addition to any other
18 penalty imposed, be subject to imprisonment of no less than 18
19 months. This term of imprisonment shall not be suspended or
20 reduced by the court.

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; 94-116, eff. 1-1-06; 94-963, eff.
11 6-28-06.)

12 (Text of Section from P.A. 94-329 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 (b) The fact that any person charged with violating this
13 Section is or has been legally entitled to use alcohol, other
14 drug or drugs, or intoxicating compound or compounds, or any
15 combination thereof, shall not constitute a defense against any
16 charge of violating this Section.

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

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

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

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

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

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

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

21 (c) (Blank).

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

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

5 (2) A person who violates subsection (a) a third time,
6 if the third violation occurs during a period in which his
7 or her driving privileges are revoked or suspended where
8 the revocation or suspension was for a violation of
9 subsection (a), 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 aggravated
12 driving under the influence of alcohol, other drug or
13 drugs, intoxicating compound or compounds, or any
14 combination thereof and is guilty of a Class 3 felony.

15 (2.1) A person who violates subsection (a) a third
16 time, if the third violation occurs during a period in
17 which his or her driving privileges are revoked or
18 suspended where the revocation or suspension was for a
19 violation of subsection (a), Section 11-501.1, subsection
20 (b) of Section 11-401, or for reckless homicide as defined
21 in Section 9-3 of the Criminal Code of 1961, is guilty of
22 aggravated driving under the influence of alcohol, other
23 drug or drugs, intoxicating compound or compounds, or any
24 combination thereof and is guilty of a Class 3 felony; and
25 if the person receives a term of probation or conditional
26 discharge, he or she shall be required to serve a mandatory

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

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

21 (3) A person who violates subsection (a) a fourth or
22 subsequent time, if the fourth or subsequent violation
23 occurs during a period in which his or her driving
24 privileges are revoked or suspended where the revocation or
25 suspension was for a violation of subsection (a), Section
26 11-501.1, paragraph (b) of Section 11-401, or for reckless

1 homicide as defined in Section 9-3 of the Criminal Code of
2 1961, is guilty of aggravated driving under the influence
3 of alcohol, other drug or drugs, intoxicating compound or
4 compounds, or any combination thereof and is guilty of a
5 Class 2 felony, and is not eligible for a sentence of
6 probation or conditional discharge.

7 (c-2) (Blank).

8 (c-3) (Blank).

9 (c-4) (Blank).

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

19 (c-6) Except as provided in subsections (c-7) and (c-8) a
20 person who violates subsection (a) a second time, if at the
21 time of the second violation the person was transporting a
22 person under the age of 16, is subject to an additional 10 days
23 of imprisonment, an additional mandatory minimum fine of
24 \$1,000, and an additional mandatory minimum 140 hours of
25 community service, which shall include 40 hours of community
26 service in a program benefiting children. The imprisonment or

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

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

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

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

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

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

20 (c-11) Any person convicted a fourth or subsequent time for
21 violating subsection (a) or a similar provision, if at the time
22 of the fourth or subsequent violation the person was
23 transporting a person under the age of 16, and if the person's
24 3 prior violations of subsection (a) or a similar provision
25 occurred while transporting a person under the age of 16 or
26 while the alcohol concentration in his or her blood, breath, or

1 urine was 0.16 or more based on the definition of blood,
2 breath, or urine units in Section 11-501.2, is guilty of a
3 Class 2 felony, is not eligible for probation or conditional
4 discharge, and is subject to a minimum fine of \$3,000.

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

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

24 (c-14) Any person convicted of a third violation of
25 subsection (a) or a similar provision within 20 years of a
26 previous violation of subsection (a) or a similar provision, if

1 at the time of the third violation of subsection (a) or a
2 similar provision the alcohol concentration in his or her
3 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 4 felony and shall be subject,
6 in addition to any other penalty that may be imposed, to a
7 mandatory minimum of 90 days of imprisonment and a mandatory
8 minimum fine of \$2,500.

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

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

1 (A) the person committed a violation of subsection
2 (a) or a similar provision for the third or subsequent
3 time;

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

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

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

22 (E) the person, in committing a violation of
23 subsection (a) while driving at any speed in a school
24 speed zone at a time when a speed limit of 20 miles per
25 hour was in effect under subsection (a) of Section
26 11-605 of this Code, was involved in a motor vehicle

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

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

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

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

19 (2) Except as provided in this paragraph (2) and in
20 paragraphs (2), (2.1), and (3) of subsection (c-1), a
21 person convicted of aggravated driving under the influence
22 of alcohol, other drug or drugs, or intoxicating compound
23 or compounds, or any combination thereof is guilty of a
24 Class 4 felony. For a violation of subparagraph (C) of
25 paragraph (1) of this subsection (d), the defendant, if
26 sentenced to a term of imprisonment, shall be sentenced to

1 not less than one year nor more than 12 years. Aggravated
2 driving under the influence of alcohol, other drug or
3 drugs, or intoxicating compound or compounds, or any
4 combination thereof as defined in subparagraph (F) of
5 paragraph (1) of this subsection (d) is a Class 2 felony,
6 for which the defendant, if sentenced to a term of
7 imprisonment, shall be sentenced to: (A) a term of
8 imprisonment of not less than 3 years and not more than 14
9 years if the violation resulted in the death of one person;
10 or (B) a term of imprisonment of not less than 6 years and
11 not more than 28 years if the violation resulted in the
12 deaths of 2 or more persons. For any prosecution under this
13 subsection (d), a certified copy of the driving abstract of
14 the defendant shall be admitted as proof of any prior
15 conviction. Any person sentenced under this subsection (d)
16 who receives a term of probation or conditional discharge
17 must serve a minimum term of either 480 hours of community
18 service or 10 days of imprisonment as a condition of the
19 probation or conditional discharge. This mandatory minimum
20 term of imprisonment or assignment of community service may
21 not be suspended or 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 installation
3 and continuous use of ignition interlock devices on all
4 vehicles owned by an individual who has been convicted of a
5 first, second, or third violation ~~second or subsequent offense~~
6 of subdivision (a) (1), (a) (2), or (a) (5) of this Section or a
7 similar provision of a local ordinance. The Secretary shall
8 establish by rule and regulation the procedures for
9 certification and use of the ignition interlock system.

10 The ignition interlock device installed in the vehicle of a
11 person convicted of a first, second, or third violation of
12 subdivision (a) (1), (a) (2), or (a) (5) of this Section shall
13 remain installed until the individual's driver's license has
14 been reinstated. Individuals with a fourth or subsequent
15 conviction of violating subdivision (a) (1), (a) (2), or (a) (3)
16 of this Section must install and maintain ignition interlock
17 devices on all vehicles they own and must keep the devices on
18 those vehicles indefinitely. Individuals who have been
19 convicted of violating subdivision (a) (1), (a) (2), or (a) (5) of
20 this Section or a similar provision of a local ordinance but do
21 not own a vehicle must either: use a transdermal alcohol
22 monitoring device until the individual's driver's license has
23 been reinstated or install an ignition interlock device in a
24 vehicle not owned by the individual until the individual's
25 driver's license has been reinstated. Upon installation, the
26 individual shall pay to the Secretary of State DUI

1 Administration Fund an annual fee of \$120 and shall continue to
2 pay this fee annually until the individual's driver's license
3 has been reinstated. The Secretary of State shall adopt rules
4 for the collection of this fee and for its payment in monthly
5 increments for necessary periods of less than one year.

6 (i-1) Individuals convicted of violating subsection (i)
7 shall be guilty of a Class 4 felony, shall not be eligible for
8 a sentence of probation or conditional discharge, and shall, in
9 addition to any other penalty imposed, be subject to a
10 mandatory minimum fine of \$2,500. This fine shall not be
11 suspended or reduced by the court.

12 (i-2) Individuals convicted of violating subsection (i) a
13 second or subsequent time shall be guilty of a Class 4 felony,
14 shall not be eligible for a sentence of probation or
15 conditional discharge, and shall, in addition to any other
16 penalty imposed, be subject to imprisonment of no less than 18
17 months. This term of imprisonment shall not be suspended or
18 reduced by the court.

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

1 previously convicted of violating subsection (a) or a similar
2 provision of a local ordinance, the fine shall be \$1,000. In
3 the event that more than one agency is responsible for the
4 arrest, the amount payable to law enforcement agencies shall be
5 shared equally. Any moneys received by a law enforcement agency
6 under this subsection (j) shall be used for enforcement and
7 prevention of driving while under the influence of alcohol,
8 other drug or drugs, intoxicating compound or compounds or any
9 combination thereof, as defined by this Section, including but
10 not limited to the purchase of law enforcement equipment and
11 commodities that will assist in the prevention of alcohol
12 related criminal violence throughout the State; police officer
13 training and education in areas related to alcohol related
14 crime, including but not limited to DUI training; and police
15 officer salaries, including but not limited to salaries for
16 hire back funding for safety checkpoints, saturation patrols,
17 and liquor store sting operations. Equipment and commodities
18 shall include, but are not limited to, in-car video cameras,
19 radar and laser speed detection devices, and alcohol breath
20 testers. Any moneys received by the Department of State Police
21 under this subsection (j) shall be deposited into the State
22 Police DUI Fund and 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.

8 (k) The Secretary of State Police DUI Fund is created as a
9 special fund in the State treasury. All moneys received by the
10 Secretary of State Police under subsection (j) of this Section
11 shall be deposited into the Secretary of State Police DUI Fund
12 and, subject to appropriation, shall be used for enforcement
13 and 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 to assist in the prevention of alcohol related
18 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 (l) Whenever an individual is sentenced for an offense
25 based upon an arrest for a violation of subsection (a) or a
26 similar provision of a local ordinance, and the professional

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

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

1 agency for each emergency response. As used in this subsection
2 (m), "emergency response" means any incident requiring a
3 response by a police officer, a firefighter carried on the
4 rolls of a regularly constituted fire department, or an
5 ambulance.

6 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;
7 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;
8 93-840, eff. 7-30-04; 94-329, eff. 1-1-06; 94-963, eff.
9 6-28-06.)

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Statutes amended in order of appearance

- 625 ILCS 5/1-209.2 new
- 625 ILCS 5/1-209.3 new
- 625 ILCS 5/6-205 from Ch. 95 1/2, par. 6-205
- 625 ILCS 5/6-206 from Ch. 95 1/2, par. 6-206
- 625 ILCS 5/6-206.2
- 625 ILCS 5/6-208 from Ch. 95 1/2, par. 6-208
- 625 ILCS 5/11-501 from Ch. 95 1/2, par. 11-501