

1 AN ACT concerning transportation.

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

4 Section 5. The State Finance Act is amended by adding  
5 Section 5.675 as follows:

6 (30 ILCS 105/5.675 new)

7 Sec. 5.675. The Alcohol Monitoring Device Fund.

8 Section 10. The Illinois Vehicle Code is amended by  
9 changing Sections 6-206, 6-206.1, 6-206.2, 6-208.1, 6-208.2,  
10 6-303, 11-501, and 11-501.1 and adding Sections 1-101.9 and  
11 1-144.5 as follows:

12 (625 ILCS 5/1-101.9 new)

13 Sec. 1-101.9. Alternative alcohol monitoring device. A  
14 device approved by the Secretary of State that:

15 (1) measures blood alcohol concentration, by breath,  
16 transdermal absorption, or other means, with an accuracy equal  
17 to that required of an ignition interlock device;

18 (2) provides identification of the person being tested by  
19 the device;

20 (3) is capable of periodically measuring the blood alcohol  
21 concentration and storing the results of the test, along with

1 the date and time of the test;

2 (4) has features that make the device difficult to  
3 circumvent or tamper with, and records evidence of tampering;

4 (5) will maintain its calibration accuracy for a minimum  
5 time period established by the Secretary of State;

6 (6) will not be affected by factors the device may be  
7 subject to in normal operating conditions such as: power  
8 fluctuations; humidity; dust; vibration; electromagnetic  
9 fields; static; or radio frequency interference;

10 (7) is made by a manufacturer that is covered by product  
11 liability insurance equal to the amount required of ignition  
12 interlock device manufacturers;

13 (8) is capable of transmitting the blood alcohol  
14 concentration and other data in a format specified by rules of  
15 the Secretary of State; and

16 (9) meets other criteria established by rules of the  
17 Secretary of State.

18 (625 ILCS 5/1-144.5 new)

19 Sec. 1-144.5. Monitoring device driver's license. A  
20 license that allows a person whose driver's license has been  
21 summarily suspended under Section 11-501.1 to drive a vehicle,  
22 for the applicable period described in Section 6-206.1, if:

23 (1) the vehicle is equipped with an ignition interlock  
24 device as defined in Section 1-129.1; or

25 (2) the person uses an alternative alcohol monitoring

1 device as defined in Section 1-101.9.

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  
7 monitoring device driver's license, a ~~judicial driving~~  
8 ~~permit~~, probationary license to drive, or a restricted  
9 driving permit issued under this Code;

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

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

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

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

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

1           17. Has refused to submit to a test, or tests, as  
2           required under Section 11-501.1 of this Code and the person  
3           has not sought a hearing as provided for in Section  
4           11-501.1;

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

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

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

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

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

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

26          24. Has been convicted by a court-martial or punished

1 by non-judicial punishment by military authorities of the  
2 United States at a military installation in Illinois of or  
3 for a traffic related offense that is the same as or  
4 similar to an offense specified under Section 6-205 or  
5 6-206 of this Code;

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

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

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

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

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

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

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



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

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

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

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

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

24          36. Is under the age of 21 years at the time of arrest  
25          and has been convicted of not less than 2 offenses against  
26          traffic regulations governing the movement of vehicles

1 committed within any 24 month period. No revocation or  
2 suspension shall be entered more than 6 months after the  
3 date of last conviction;

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

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

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

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

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

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

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

26 (b) If any conviction forming the basis of a suspension or

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (d) This Section is subject to the provisions of the  
2 Drivers License Compact.

3 (e) 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 suspended or revoked under any  
6 provisions of this Code.

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

12 (Source: P.A. 93-120, eff. 1-1-04; 93-667, eff. 3-19-04;  
13 93-788, eff. 1-1-05; 93-955, eff. 8-19-04; 94-307, eff.  
14 9-30-05; 94-556, eff. 9-11-05; 94-930, eff. 6-26-06.)

15 (625 ILCS 5/6-206.1) (from Ch. 95 1/2, par. 6-206.1)

16 Sec. 6-206.1. Monitoring device driver's license ~~Judicial~~  
17 ~~Driving Permit~~. Declaration of Policy. It is hereby declared a  
18 policy of the State of Illinois that the driver who is impaired  
19 by alcohol, other drug or drugs, or intoxicating compound or  
20 compounds is a threat to the public safety and welfare.  
21 Therefore, to provide a deterrent to such practice and to  
22 remove problem drivers from the highway, a statutory summary  
23 driver's license suspension is appropriate. It is also  
24 recognized that driving is a privilege and therefore, that ~~in~~  
25 ~~some cases~~ the granting of limited driving privileges, where



1 consistent with public safety, is warranted during the period  
2 of suspension in the form of a monitoring device driver's  
3 license. A person who drives and fails to comply with the  
4 requirements of the monitoring device driver's license commits  
5 a violation of Section 6-303 of this Code ~~a judicial driving~~  
6 ~~permit to drive for the purpose of employment, receiving drug~~  
7 ~~treatment or medical care, and educational pursuits, where no~~  
8 ~~alternative means of transportation is available.~~

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

12 (a) Subsequent to a notification of a statutory summary  
13 suspension of driving privileges as provided in Section  
14 11-501.1, the Secretary of State shall issue to the first  
15 offender as defined in Section 11-500, if he or she has  
16 otherwise valid driving privileges, a monitoring device  
17 driver's license. This license shall be issued only to a first  
18 offender as defined in Section 11-500 whose license had been  
19 suspended because of that offense. This license is valid only  
20 with respect to the present suspension, not with respect to any  
21 subsequent suspension or any concurrent suspension for a  
22 separate offense. A monitoring device driver's license may  
23 ~~petition the circuit court of venue for a Judicial Driving~~  
24 ~~Permit, hereinafter referred as a JDP, to relieve undue~~  
25 ~~hardship. The court may issue a court order, pursuant to the~~  
26 ~~criteria contained in this Section, directing the Secretary of~~

1 ~~State to issue such a JDP to the petitioner. A JDP shall not~~  
2 ~~become effective prior to the 31st day of the original~~  
3 ~~statutory summary suspension and shall not be issued by the~~  
4 ~~Secretary of State until the person provides proof of~~  
5 ~~installation of an approved ignition interlock device, as~~  
6 ~~defined in Section 1-129.1, or an alternative alcohol~~  
7 ~~monitoring device, as defined in Section 1-101.9. The Secretary~~  
8 ~~of State may not be required to issue a monitoring device~~  
9 ~~driver's license for a person who wishes to serve the statutory~~  
10 ~~summary suspension of his or her driving privileges as provided~~  
11 ~~in Section 11-501.1 without the capacity to drive; however, (1)~~  
12 ~~if that person is found guilty of the underlying DUI offense~~  
13 ~~that is the basis for the suspension or is found guilty of~~  
14 ~~reckless driving resulting from a negotiated plea from that~~  
15 ~~underlying DUI offense, that person shall be required to have a~~  
16 ~~monitoring device driver's license for 12 months as a condition~~  
17 ~~of any sentence imposed by the court or as a condition of the~~  
18 ~~reinstatement of the person's driving privileges by the~~  
19 ~~Secretary of State; or (2) if the person is found not guilty,~~  
20 ~~after a trial, of the underlying DUI offense that is the basis~~  
21 ~~for the suspension, that person shall not be required to have a~~  
22 ~~monitoring device driver's license as a condition of the~~  
23 ~~reinstatement of the person's driving privileges by the~~  
24 ~~Secretary of State.~~

25 (a-1) A person issued a monitoring device driver's license  
26 may drive for any purpose and at any time, subject to the rules

1 adopted by the Secretary of State under subsection (h). The  
2 person must, at his or her own expense, drive only vehicles  
3 equipped with an ignition interlock device as defined in  
4 Section 1-129.1 and pay a fee of \$0.15 per day to the Secretary  
5 of State DUI Administration Fund. If the person, under penalty  
6 of perjury, certifies to the Secretary of State that he or she  
7 does not own, control, or have access to any vehicles on which  
8 an ignition interlock device could be installed, he or she must  
9 use an alternative alcohol monitoring device as defined in  
10 Section 1-101.9 and pay a fee of \$0.15 per day to the Secretary  
11 of State DUI Administration Fund. The Secretary of State shall  
12 not issue a monitoring device driver's license to any person  
13 for the operation of a commercial vehicle if the person's  
14 driving privileges have been suspended under any provision of  
15 this Code in accordance with 49 C.F.R. Part 384.

16 (a-2) Individuals who are issued a monitoring device  
17 driver's license and are required to drive employer-owned  
18 vehicles for employment purposes may have their employer  
19 complete a form, prescribed by the Secretary of State,  
20 indicating that the person may drive, for employment purposes  
21 only, a vehicle owned by the person's employer that is not  
22 equipped with an ignition interlock device. The person may not  
23 use this exemption to drive a school bus, school vehicle, or a  
24 vehicle designed to transport more than 15 passengers. The  
25 person may not use the exemption to drive an employer-owned  
26 motor vehicle that is owned by an entity that is wholly or

1 partially owned by the person holding the monitoring device  
2 driver's license. The person may not use the exemption to drive  
3 an employer-owned vehicle that is made available to the  
4 employee for personal use. The person may not drive the  
5 exempted vehicle more than 12 hours per day, 6 days per week.  
6 The form must be completed in its entirety and be in the  
7 driver's possession while operating an employer-owned vehicle  
8 not equipped with an ignition interlock device. and shall  
9 always be subject to the following criteria:

10 ~~1. If ordered for the purposes of employment, the JDP~~  
11 ~~shall be only for the purpose of providing the petitioner~~  
12 ~~the privilege of driving a motor vehicle between the~~  
13 ~~petitioner's residence and the petitioner's place of~~  
14 ~~employment and return; or within the scope of the~~  
15 ~~petitioner's employment related duties, shall be effective~~  
16 ~~only during and limited to those specific times and routes~~  
17 ~~actually required to commute or perform the petitioner's~~  
18 ~~employment related duties.~~

19 ~~2. The court, by a court order, may also direct the~~  
20 ~~Secretary of State to issue a JDP to allow transportation~~  
21 ~~for the petitioner, or a household member of the~~  
22 ~~petitioner's family, to receive alcohol, drug, or~~  
23 ~~intoxicating compound treatment or medical care, if the~~  
24 ~~petitioner is able to demonstrate that no alternative means~~  
25 ~~of transportation is reasonably available. Such JDP shall~~  
26 ~~be effective only during the specific times actually~~

1       ~~required to commute.~~

2           ~~3. The court, by a court order, may also direct the~~  
3       ~~Secretary of State to issue a JDP to allow transportation~~  
4       ~~by the petitioner for educational purposes upon~~  
5       ~~demonstrating that there are no alternative means of~~  
6       ~~transportation reasonably available to accomplish those~~  
7       ~~educational purposes. Such JDP shall be only for the~~  
8       ~~purpose of providing transportation to and from the~~  
9       ~~petitioner's residence and the petitioner's place of~~  
10       ~~educational activity, and only during the specific times~~  
11       ~~and routes actually required to commute or perform the~~  
12       ~~petitioner's educational requirement.~~

13       ~~4. The Court shall not issue an order granting a JDP to:~~

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

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

24           ~~(iii) Any person whose privilege to operate a motor~~  
25       ~~vehicle was invalid at the time of arrest for the current~~  
26       ~~violation of Section 11-501, or a similar provision of a~~

1 ~~local ordinance, except in cases where the cause for a~~  
2 ~~driver's license suspension has been removed at the time a~~  
3 ~~JDP is effective. In any case, should the Secretary of~~  
4 ~~State enter a suspension or revocation of driving~~  
5 ~~privileges pursuant to the provisions of this Code while~~  
6 ~~the JDP is in effect or pending, the Secretary shall take~~  
7 ~~the prescribed action and provide a notice to the person~~  
8 ~~and the court ordering the issuance of the JDP that all~~  
9 ~~driving privileges, including those provided by the~~  
10 ~~issuance of the JDP, have been withdrawn.~~

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

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

16 (b) (Blank). ~~Prior to ordering the issuance of a JDP the~~  
17 ~~Court should consider at least, but not be limited to, the~~  
18 ~~following issues:~~

19 ~~1. Whether the person is employed and no other means of~~  
20 ~~commuting to the place of employment is available or that~~  
21 ~~the person must drive as a condition of employment. The~~  
22 ~~employer shall certify the hours of employment and the need~~  
23 ~~and parameters necessary for driving as a condition to~~  
24 ~~employment.~~

25 ~~2. Whether the person must drive to secure alcohol or~~  
26 ~~other medical treatment for himself or a family member.~~

1           ~~3. Whether the person must drive for educational~~  
2           ~~purposes. The educational institution shall certify the~~  
3           ~~person's enrollment in and academic schedule at the~~  
4           ~~institution.~~

5           ~~4. Whether the person has been repeatedly convicted of~~  
6           ~~traffic violations or involved in motor vehicle accidents~~  
7           ~~to a degree which indicates disrespect for public safety.~~

8           ~~5. Whether the person has been convicted of a traffic~~  
9           ~~violation in connection with a traffic accident resulting~~  
10           ~~in the death of any person within the last 5 years.~~

11           ~~6. Whether the person is likely to obey the limited~~  
12           ~~provisions of the JDP.~~

13           ~~7. Whether the person has any additional traffic~~  
14           ~~violations pending in any court.~~

15           ~~For purposes of this Section, programs conducting~~  
16           ~~professional evaluations of a person's alcohol, other drug, or~~  
17           ~~intoxicating compound use must report, to the court of venue,~~  
18           ~~using a form prescribed by the Secretary of State. A copy of~~  
19           ~~such evaluations shall be sent to the Secretary of State by the~~  
20           ~~court. However, the evaluation information shall be privileged~~  
21           ~~and only available to courts and to the Secretary of State, but~~  
22           ~~shall not be admissible in the subsequent trial on the~~  
23           ~~underlying charge.~~

24           ~~(c) (Blank). The scope of any court order issued for a JDP~~  
25           ~~under this Section shall be limited to the operation of a motor~~  
26           ~~vehicle as provided for in subsection (a) of this Section and~~

1 ~~shall specify the petitioner's residence, place of employment~~  
2 ~~or location of educational institution, and the scope of job~~  
3 ~~related duties, if relevant. The JDP shall also specify days of~~  
4 ~~the week and specific hours of the day when the petitioner is~~  
5 ~~able to exercise the limited privilege of operating a motor~~  
6 ~~vehicle.~~

7 (c-1) ~~If the petitioner is issued a citation for a~~  
8 ~~violation of Section 6-303 during the period of a statutory~~  
9 ~~summary suspension entered under Section 11-501.1 of this Code,~~  
10 ~~or if the petitioner is charged with a violation of Section~~  
11 ~~11-501 or a similar provision of a local ordinance or a similar~~  
12 ~~out of state offense which occurs after the current violation~~  
13 ~~of Section 11-501 or a similar provision of a local ordinance,~~  
14 ~~the court may not grant the petitioner a JDP unless the~~  
15 ~~petitioner is acquitted or the citation or complaint is~~  
16 ~~otherwise dismissed.~~ If the person ~~petitioner~~ is issued a  
17 citation for a violation of Section 6-303 or a violation of  
18 Section 11-501 or a similar provision of a local ordinance or a  
19 similar out of state offense during the term of the monitoring  
20 device driver's license ~~JDP~~, the officer issuing the citation,  
21 or the law enforcement agency employing that officer, shall  
22 confiscate the monitoring device driver's license ~~JDP~~ and  
23 immediately send the monitoring device driver's license ~~JDP~~ and  
24 notice of the citation to the Secretary of State ~~court that~~  
25 ~~ordered the issuance of the JDP.~~ Within 10 days of receipt, the  
26 Secretary of State ~~issuing court~~, upon notice to the person



1 ~~petitioner~~, shall conduct a hearing to consider cancellation of  
2 the monitoring device driver's license ~~JDP~~. ~~If the court enters~~  
3 ~~an order of cancellation, the court shall forward the order to~~  
4 ~~the Secretary of State, and the Secretary shall cancel the JDP~~  
5 ~~and notify the petitioner of the cancellation.~~ If, however, the  
6 person ~~petitioner~~ is convicted of the offense before the  
7 monitoring device driver's license ~~JDP~~ has been cancelled, the  
8 court of venue shall send notice of conviction ~~to the court~~  
9 ~~that ordered issuance of the JDP.~~ ~~The court receiving the~~  
10 ~~notice shall immediately enter an order of cancellation and~~  
11 ~~forward the order~~ to the Secretary of State. The Secretary  
12 shall cancel the monitoring device driver's license ~~JDP~~ and  
13 notify the person ~~petitioner~~ of the cancellation.

14 If the person ~~petitioner~~ is issued a citation for any other  
15 traffic related offense during the term of the monitoring  
16 device driver's license ~~JDP~~, the officer issuing the citation,  
17 or the law enforcement agency employing that officer, shall  
18 send notice of the citation to the Secretary of State ~~court~~  
19 ~~that ordered issuance of the JDP.~~ Upon receipt and notice to  
20 the person ~~petitioner~~ and an opportunity for a hearing, the  
21 Secretary of State ~~court~~ shall determine whether the violation  
22 constitutes grounds for cancellation of the monitoring device  
23 driver's license ~~JDP~~. ~~If the court enters an order of~~  
24 ~~cancellation, the court shall forward the order to the~~  
25 ~~Secretary of State, and the Secretary shall cancel the JDP and~~  
26 ~~shall notify the petitioner of the cancellation.~~

1       (c-5) A person required to have a monitoring device  
2 driver's license shall be considered indigent if his or her  
3 gross income for the immediately preceding tax year based on  
4 his or her State income tax return was less than 150% of the  
5 official poverty line for that same tax year established in the  
6 poverty guidelines issued by the Secretary of Health and Human  
7 Services under authority of Section 673(2) of the Community  
8 Services Block Grant Act, Subtitle B of Title VI of the Omnibus  
9 Budget Reconciliation Act of 1981, Public Law 97-35, 42 U.S.C.  
10 9902. To prove indigence, the person must complete an  
11 application, under penalty of perjury, as prescribed by the  
12 Secretary of State, and provide the application and supporting  
13 documentation to the provider of ignition interlock devices,  
14 upon which the device provider shall provide an ignition  
15 interlock device without cost to the indigent person. The  
16 device provider shall forward the application and supporting  
17 documentation to the Secretary of State and seek reimbursement  
18 from the Alcohol Monitoring Device Fund in an amount prescribed  
19 by the standard fee schedule established by the Secretary of  
20 State for Alcohol Monitoring Device Fund reimbursements.

21       ~~(d) (Blank). The Secretary of State shall, upon receiving a~~  
22 ~~court order from the court of venue, issue a JDP to a~~  
23 ~~successful Petitioner under this Section. Such court order form~~  
24 ~~shall also contain a notification, which shall be sent to the~~  
25 ~~Secretary of State, providing the name, driver's license number~~  
26 ~~and legal address of the successful petitioner, and the full~~

1 ~~and detailed description of the limitations of the JDP. This~~  
2 ~~information shall be available only to the courts, police~~  
3 ~~officers, and the Secretary of State, except during the actual~~  
4 ~~period the JDP is valid, during which time it shall be a public~~  
5 ~~record. The Secretary of State shall design and furnish to the~~  
6 ~~courts an official court order form to be used by the courts~~  
7 ~~when directing the Secretary of State to issue a JDP.~~

8 ~~Any submitted court order that contains insufficient data~~  
9 ~~or fails to comply with this Code shall not be utilized for JDP~~  
10 ~~issuance or entered to the driver record but shall be returned~~  
11 ~~to the issuing court indicating why the JDP cannot be so~~  
12 ~~entered. A notice of this action shall also be sent to the JDP~~  
13 ~~petitioner by the Secretary of State.~~

14 (e) (Blank). ~~The circuit court of venue may conduct the~~  
15 ~~judicial hearing, as provided in Section 2-118.1, and the JDP~~  
16 ~~hearing provided in this Section, concurrently. Such~~  
17 ~~concurrent hearing shall proceed in the court in the same~~  
18 ~~manner as in other civil proceedings.~~

19 (f) (Blank). ~~The circuit court of venue may, as a condition~~  
20 ~~of the issuance of a JDP, prohibit the person from operating a~~  
21 ~~motor vehicle not equipped with an ignition interlock device.~~

22 (g) The Secretary of State, in consultation with the  
23 Department of State Police and the Department of  
24 Transportation, shall adopt rules for implementing this  
25 Section. The rules adopted shall address issues including, but  
26 not limited to: compliance with the requirements of the

1 monitoring device driver's license; methods for determining  
2 compliance with those requirements; the consequences of  
3 noncompliance with those requirements; and the duties of a  
4 person or entity that supplies the ignition interlock devices  
5 or alternative alcohol monitoring devices required under this  
6 Section to offenders in this State. When adopting rules under  
7 this Section, the Secretary of State shall adopt, in its  
8 entirety, Title 92, Chapter II, Part 1001, Section 1001.442, of  
9 the Administrative Code of this State, BAIID Providers  
10 Certification Procedures and Responsibilities, Approval of  
11 Breath Alcohol Ignition Interlock Devices; Inspections; BAIID  
12 Installers Responsibilities; Disqualification of a BAIID  
13 Provider. The Secretary of State may also adopt additional  
14 rules, including but not limited to, ignition interlock device  
15 requirements, duties of ignition interlock device installers,  
16 approval and evaluation of ignition interlock devices seeking  
17 approval, and Department auditing procedures of ignition  
18 interlock devices, installers, and device data reporting  
19 systems and procedures. In addition, the Secretary of State  
20 shall adopt similar rules for approval of alternative alcohol  
21 monitoring devices, including: certification and  
22 responsibilities; inspections; installer responsibilities;  
23 auditing procedures of alternative alcohol monitoring devices,  
24 installers and device data reporting systems and procedures;  
25 and disqualification of an alternative alcohol monitoring  
26 device provider.

1       (h) The rules adopted under subsection (g) shall provide,  
2 at a minimum, that a person is not in compliance with the  
3 requirements of the monitoring device driver's license if he or  
4 she:

5           (1) provides valid breath or other samples that  
6 register blood alcohol levels in excess of the number of  
7 times allowed under the rules;

8           (2) if required to drive only a vehicle or vehicles  
9 equipped with an ignition interlock device, fails to  
10 provide a sufficient number of breath samples to account  
11 for his or her expected usage of the designated vehicle or  
12 vehicles, creating an inference that he or she might be  
13 driving another vehicle, one not equipped with an ignition  
14 interlock device;

15           (3) fails to successfully accomplish running retests  
16 as prescribed under the rules;

17           (4) fails to provide evidence sufficient to satisfy the  
18 Secretary of State that the ignition interlock device has  
19 been installed in the designated vehicle or vehicles or  
20 that the person is using the alternative alcohol monitoring  
21 device as required; or

22           (5) fails to follow any other applicable rules adopted  
23 by the Secretary of State.

24       (i) The rules adopted under subsection (g) shall provide  
25 that a person who fails to comply with the requirements of the  
26 monitoring device driver's license shall receive D.U.I.

1 evaluation services from a person or program licensed under  
2 Section 15-10 of the Alcoholism and Other Drug Abuse and  
3 Dependency Act.

4 (j) The rules adopted under subsection (g) shall provide  
5 that a person who fails to comply with the requirements of the  
6 monitoring device driver's license shall, for a period of 3  
7 months beyond the imposed suspension period, be required to  
8 drive only vehicles equipped with an ignition interlock device  
9 as defined in Section 1-129.1. If the person has no vehicle on  
10 which to install an ignition interlock device, he or she must  
11 use an alternative alcohol monitoring device.

12 (k) A person found to be in violation of the requirements  
13 of his or her monitoring device driver's license shall have the  
14 statutory summary suspension of his or her driving privileges  
15 extended for an additional 3 months beyond the imposed  
16 suspension period. Any subsequent violation of these  
17 requirements shall extend the suspension for another 3 months,  
18 meaning that the suspension of the driving privileges of a  
19 person who continues to fail to meet these requirements could  
20 be extended indefinitely.

21 (l) The rules adopted under subsection (g) shall provide  
22 that a person whose driving privileges have been suspended  
23 under Section 6-208.1 or 6-208.2 shall not have those  
24 privileges restored by the Secretary of State until he or she  
25 has been found by the Secretary of State to be in compliance  
26 with the requirements of the monitoring device driver's

1 license. If the original summary suspension period ordered  
2 under Section 6-208.1 or Section 6-208.2 has terminated, and  
3 the person is seeking restoration of driving privileges and  
4 cannot show proof of compliance with the requirements of the  
5 monitoring device driver's license for the time period as  
6 required under Section 6-208.1 or 6-208.2 less 15 days, or if  
7 the monitoring device driver's license was cancelled, the  
8 Secretary of State shall issue only a restricted driving permit  
9 requiring operating only a vehicle with an ignition interlock  
10 device as defined in Section 1-129.1 installed or use of an  
11 alternative alcohol monitoring device as defined in Section  
12 1.101.9 for a period of twice the original summary suspension  
13 period ordered under Section 6-208.1 or Section 6-208.2. The  
14 requirements of this subsection (l) do not apply to a person  
15 who is found not guilty of the underlying D.U.I. offense that  
16 was the basis of the suspension and monitoring device driver's  
17 license.

18 (m) The rules adopted under subsection (g) shall provide  
19 that a person or entity that supplies the ignition interlock  
20 devices or alternative alcohol monitoring devices required  
21 under this Section to offenders in this State shall, in  
22 addition to supplying only those devices which fully comply  
23 with all the rules adopted under subsection (g), provide the  
24 Secretary of State within 3 business days of inspection with  
25 monitoring reports in a standardized form or format as adopted  
26 by rule of the Secretary of State regarding the compliance of

1 each person with the requirements of his or her monitoring  
2 device driver's license. The monitoring and inspection  
3 performed by the persons or entities that provide ignition  
4 interlock devices or alternative alcohol monitoring devices  
5 under this Section shall include but not be limited to: a check  
6 of the calibration and proper operation of the device and  
7 recalibration; repair or replacement of the device if  
8 necessary; a physical or electronic inspection of the device  
9 for evidence of tampering or circumvention; and a downloading  
10 and reporting of the data collected by the device to the  
11 Secretary of State.

12 (n) Upon the Secretary of State receiving notice of a  
13 violation of the requirements of a monitoring device driver's  
14 license, the Secretary of State shall extend the term of the  
15 monitoring device driver's license for 3 months beyond the term  
16 of the current monitoring device driver's license or any  
17 previously imposed extension. The Secretary of State shall  
18 notify the person, and the entity providing service to that  
19 person, that the monitoring device driver's license term is  
20 being extended. The person shall be entitled to a hearing on  
21 the extension of the restriction. Based upon findings at the  
22 hearing, including aggravating and mitigating factors, the  
23 hearing officer may sustain the extension, rescind the  
24 extension, or reduce the period of extension. The Secretary of  
25 State shall also require the person to submit to a DUI  
26 evaluation and complete any recommended treatment.



1       (o) The rules adopted under subsection (g) shall provide  
2 that a person or entity that supplies the ignition interlock  
3 devices or alternate alcohol monitoring devices required under  
4 this Section to offenders in this State shall, for each  
5 ignition interlock device the person or entity installs in a  
6 vehicle or for each alternative alcohol monitoring device the  
7 person or entity supplies to a person, pay \$0.15 for each day a  
8 device is in service into the Alcohol Monitoring Device Fund.  
9 The amount charged shall be clearly indicated as a separate  
10 surcharge on each invoice that any person or entity that is  
11 authorized to provide either ignition interlock devices or  
12 alternative alcohol monitoring devices issues to any person  
13 using the devices. The Secretary of State shall conduct an  
14 annual review of the fund to determine whether the deposit  
15 level is sufficient to provide for indigent users. The  
16 Secretary of State may increase or decrease this deposit  
17 requirement as needed. Annually, the Secretary of State shall  
18 establish a standard fee schedule for claims against the  
19 Alcohol Monitoring Device Fund based on the average of the  
20 charges for a particular service assessed by the approved  
21 providers at the time of the annual review.

22       (p) The rules adopted under subsection (g) shall provide  
23 that, if a person or entity that supplies the ignition  
24 interlock devices or alternative alcohol monitoring devices  
25 required under this Section to offenders in this State is  
26 requested to provide one of those devices to a person who

1 presents evidence that he or she is indigent, as provided in  
2 subsection (c-5) of this Section, the person or entity shall  
3 supply the device to the person and shall seek reimbursement  
4 from the Alcohol Monitoring Device Fund.

5 (q) The Alcohol Monitoring Device Fund is created as a  
6 special fund in the State treasury. The Secretary of State  
7 shall, subject to appropriation by the General Assembly, use  
8 all moneys in the Alcohol Monitoring Device Fund to supply  
9 ignition interlock devices to indigent persons who are required  
10 under this Section to have these devices installed in their  
11 vehicles and to supply alternative alcohol monitoring devices  
12 to indigent persons who are required under this Section to use  
13 these devices.

14 (r) The rules adopted under subsection (q) shall provide  
15 that a person or entity that supplies ignition interlock  
16 devices or alternative monitoring devices required under this  
17 Section to offenders in this State shall, for each ignition  
18 interlock device the person or entity installs in a vehicle or  
19 for each alternative alcohol monitoring device the person or  
20 entity supplies to a person, collect from the person \$0.15 for  
21 each day a device is in service and pay the funds into the  
22 Secretary of State DUI Administration Fund. The amount  
23 collected shall be clearly indicated as a separate surcharge on  
24 each invoice that any person or entity that is authorized to  
25 provide either ignition interlock devices or alternative  
26 alcohol monitoring devices issues to any person using the

1 devices.

2 (Source: P.A. 94-307, eff. 9-30-05; 94-357, eff. 1-1-06;  
3 94-930, eff. 6-26-06.)

4 (625 ILCS 5/6-206.2)

5 Sec. 6-206.2. Violations relating to an ignition interlock  
6 device or alternative alcohol monitoring device.

7 (a) It is unlawful for any person whose driving privilege  
8 is restricted by being prohibited from operating a motor  
9 vehicle not equipped with an ignition interlock device to  
10 request or solicit any other person to blow into an ignition  
11 interlock device or to start a motor vehicle equipped with the  
12 device for the purpose of providing the person so restricted  
13 with an operable motor vehicle.

14 (b) It is unlawful to blow into an ignition interlock  
15 device or to start a motor vehicle equipped with the device for  
16 the purpose of providing an operable motor vehicle to a person  
17 whose driving privilege is restricted by being prohibited from  
18 operating a motor vehicle not equipped with an ignition  
19 interlock device.

20 (c) It is unlawful to tamper with, or circumvent the  
21 operation of, an ignition interlock device or an alternative  
22 alcohol monitoring device.

23 (d) Except as provided in subsection (c)(17) of Section  
24 5-6-3.1 of the Unified Code of Corrections or by rule, no  
25 person shall knowingly rent, lease, or lend a motor vehicle to

1 a person known to have his or her driving privilege restricted  
2 by being prohibited from operating a vehicle not equipped with  
3 an ignition interlock device, unless the vehicle is equipped  
4 with a functioning ignition interlock device. Any person whose  
5 driving privilege is so restricted shall notify any person  
6 intending to rent, lease, or loan a motor vehicle to the  
7 restricted person of the driving restriction imposed upon him  
8 or her.

9 (d-1) A person convicted of a violation of ~~this~~ subsection  
10 (d) shall be punished by imprisonment for not more than 6  
11 months or by a fine of not more than \$5,000, or both.

12 (e) If a person prohibited under ~~paragraph (2) or paragraph~~  
13 ~~(3) of subsection (c-4) of~~ Section 11-501 from driving any  
14 vehicle not equipped with an ignition interlock device  
15 nevertheless is convicted of driving a vehicle that is not  
16 equipped with the device, that person is prohibited from  
17 driving any vehicle not equipped with an ignition interlock  
18 device for an additional period of time equal to the initial  
19 time period that the person was required to use an ignition  
20 interlock device.

21 (f) If a person prohibited from driving any vehicle not  
22 equipped with an ignition interlock device is found to have  
23 violations on the device, that person is prohibited from  
24 driving any vehicle not equipped with an ignition interlock  
25 device for an additional period of time equal to the initial  
26 time period that the person was required to use an ignition

1 interlock device. For purposes of this Section, a person has a  
2 violation on the device if he or she:

3 (1) provides valid breath samples that register blood  
4 alcohol levels in excess of the amount allowed under the  
5 rules;

6 (2) fails to provide a sufficient number of breath  
7 samples to account for his or her expected usage of the  
8 designated vehicle or vehicles, creating an inference that  
9 he or she might be driving another vehicle, one not  
10 equipped with an ignition interlock device;

11 (3) fails to successfully accomplish running retests  
12 as prescribed under the rules;

13 (4) fails to provide evidence sufficient to satisfy the  
14 Secretary of State that the ignition interlock device has  
15 been installed in the designated vehicle or vehicles; or

16 (5) fails to follow any other applicable rules adopted  
17 by the Secretary of State.

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

19 (625 ILCS 5/6-208.1) (from Ch. 95 1/2, par. 6-208.1)

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

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

1 the privilege until the expiration of:

2 1. Except as otherwise provided in rules adopted under  
3 Section 6-206.1, 12 ~~Six~~ months from the effective date of  
4 the statutory summary suspension for a refusal or failure  
5 to complete a test or tests to determine the alcohol, drug,  
6 or intoxicating compound concentration, pursuant to  
7 Section 11-501.1; or

8 2. Except as otherwise provided in rules adopted under  
9 Section 6-206.1, 6 ~~Three~~ months from the effective date of  
10 the statutory summary suspension imposed following the  
11 person's submission to a chemical test which disclosed an  
12 alcohol concentration of 0.08 or more, or any amount of a  
13 drug, substance, or intoxicating compound in such person's  
14 breath, blood, or urine resulting from the unlawful use or  
15 consumption of cannabis listed in the Cannabis Control Act,  
16 a controlled substance listed in the Illinois Controlled  
17 Substances Act, or an intoxicating compound listed in the  
18 Use of Intoxicating Compounds Act, pursuant to Section  
19 11-501.1; or

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

25 4. One year from the effective date of the summary  
26 suspension imposed for any person other than a first

1 offender following submission to a chemical test which  
2 disclosed an alcohol concentration of 0.08 or more pursuant  
3 to Section 11-501.1 or any amount of a drug, substance or  
4 compound in such person's blood or urine resulting from the  
5 unlawful use or consumption of cannabis listed in the  
6 Cannabis Control Act, a controlled substance listed in the  
7 Illinois Controlled Substances Act, or an intoxicating  
8 compound listed in the Use of Intoxicating Compounds Act.

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

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

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

1 pursuant to Section 6-205.

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

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

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

21 (h) (Blank).

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

23 (625 ILCS 5/6-208.2)

24 Sec. 6-208.2. Restoration of driving privileges; persons  
25 under age 21.



1 (a) Unless the suspension based upon consumption of alcohol  
2 by a minor or refusal to submit to testing has been rescinded  
3 by the Secretary of State in accordance with item (c)(3) of  
4 Section 6-206 of this Code, a person whose privilege to drive a  
5 motor vehicle on the public highways has been suspended under  
6 Section 11-501.8 is not eligible for restoration of the  
7 privilege until the expiration of:

8 1. Six months from the effective date of the  
9 suspension, followed by 6 months of a monitoring device  
10 driver's license as defined in Section 1-144.5, for a  
11 refusal or failure to complete a test or tests to determine  
12 the alcohol concentration under Section 11-501.8;

13 2. Three months from the effective date of the  
14 suspension, followed by 3 months of a monitoring device  
15 driver's license as defined in Section 1-144.5, imposed  
16 following the person's submission to a chemical test which  
17 disclosed an alcohol concentration greater than 0.00 under  
18 Section 11-501.8;

19 3. Two years from the effective date of the suspension,   
20 followed by one year of a monitoring device driver's  
21 license as defined in Section 1-144.5, for a person who has  
22 been previously suspended under Section 11-501.8 and who  
23 refuses or fails to complete a test or tests to determine  
24 the alcohol concentration under Section 11-501.8; or

25 4. One year from the effective date of the suspension,   
26 followed by 12 months of a monitoring device driver's

1        license as defined by Section 1-144.5, imposed for a person  
2        who has been previously suspended under Section 11-501.8  
3        following submission to a chemical test that disclosed an  
4        alcohol concentration greater than 0.00 under Section  
5        11-501.8.

6        (b) Following a suspension of the privilege to drive a  
7        motor vehicle under Section 11-501.8, full driving privileges  
8        shall be restored unless the person is otherwise disqualified  
9        by this Code.

10       (c) Full driving privileges may not be restored until all  
11       applicable reinstatement fees, as provided by this Code, have  
12       been paid to the Secretary of State and the appropriate entry  
13       made to the driver's record. The Secretary of State may also,  
14       as a condition of the reissuance of a driver's license or  
15       permit to an individual under the age of 18 years whose driving  
16       privileges have been suspended pursuant to Section 11-501.8,  
17       require the applicant to participate in a driver remedial  
18       education course and be retested under Section 6-109.

19       (d) Where a driving privilege has been suspended under  
20       Section 11-501.8 and the person is subsequently convicted of  
21       violating Section 11-501, or a similar provision of a local  
22       ordinance, for the same incident, any period served on that  
23       suspension shall be credited toward the minimum period of  
24       revocation of driving privileges imposed under Section 6-205.

25       (e) Following a suspension of driving privileges under  
26       Section 11-501.8 for a person who has not had his or her

1 driving privileges previously suspended under that Section,  
2 the Secretary of State may issue a restricted driving permit  
3 after at least 30 days from the effective date of the  
4 suspension.

5 (f) Following a second or subsequent suspension of driving  
6 privileges under Section 11-501.8, the Secretary of State may  
7 issue a restricted driving permit after at least 12 months from  
8 the effective date of the suspension.

9 (g) (Blank).

10 (h) Any restricted driving permit considered under this  
11 Section is subject to the provisions of item (e) of Section  
12 11-501.8.

13 (Source: P.A. 92-248, eff. 8-3-01.)

14 (625 ILCS 5/6-303) (from Ch. 95 1/2, par. 6-303)

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

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

1 this Code or under the law of another state, shall be guilty of  
2 a Class A misdemeanor.

3 (b) The Secretary of State upon receiving a report of the  
4 conviction of any violation indicating a person was operating a  
5 motor vehicle during the time when said person's driver's  
6 license, permit or privilege was suspended by the Secretary, by  
7 the appropriate authority of another state, or pursuant to  
8 Section 11-501.1; except as may be specifically allowed by a  
9 probationary license to drive, a monitoring device driver's  
10 license, ~~judicial driving permit~~ or a restricted driving permit  
11 issued pursuant to this Code or the law of another state; shall  
12 extend the suspension for the same period of time as the  
13 originally imposed suspension; however, if the period of  
14 suspension has then expired, the Secretary shall be authorized  
15 to suspend said person's driving privileges for the same period  
16 of time as the originally imposed suspension; and if the  
17 conviction was upon a charge which indicated that a vehicle was  
18 operated during the time when the person's driver's license,  
19 permit or privilege was revoked; except as may be allowed by a  
20 restricted driving permit issued pursuant to this Code or the  
21 law of another state; the Secretary shall not issue a driver's  
22 license for an additional period of one year from the date of  
23 such conviction indicating such person was operating a vehicle  
24 during such period of revocation.

25 (c) Any person convicted of violating this Section shall  
26 serve a minimum term of imprisonment of 10 consecutive days or

1 30 days of community service when the person's driving  
2 privilege was revoked or suspended as a result of:

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

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

12 (3) a violation of Section 9-3 of the Criminal Code of  
13 1961, as amended, relating to the offense of reckless  
14 homicide; or

15 (4) a statutory summary suspension under Section  
16 11-501.1 of this Code.

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

19 (c-1) Except as provided in subsection (d), any person  
20 convicted of a second violation of this Section shall be  
21 ordered by the court to serve a minimum of 100 hours of  
22 community service.

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

26 (1) Seizure of the license plates of the person's

1 vehicle.

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

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

15 (d-1) Except as provided in subsection (d-2) and subsection  
16 (d-3), any person convicted of a third or subsequent violation  
17 of this Section shall serve a minimum term of imprisonment of  
18 30 days or 300 hours of community service, as determined by the  
19 court.

20 (d-2) Any person convicted of a third violation of this  
21 Section is guilty of a Class 4 felony and must serve a minimum  
22 term of imprisonment of 30 days if the revocation or suspension  
23 was for a violation of Section 11-401 or 11-501 of this Code,  
24 or a similar out-of-state offense, or a similar provision of a  
25 local ordinance, a violation of Section 9-3 of the Criminal  
26 Code of 1961, relating to the offense of reckless homicide, or

1 a similar out-of-state offense, or a statutory summary  
2 suspension under Section 11-501.1 of this Code.

3 (d-3) Any person convicted of a fourth, fifth, sixth,  
4 seventh, eighth, or ninth violation of this Section is guilty  
5 of a Class 4 felony and must serve a minimum term of  
6 imprisonment of 180 days if the revocation or suspension was  
7 for a violation of Section 11-401 or 11-501 of this Code, or a  
8 similar out-of-state offense, or a similar provision of a local  
9 ordinance, a violation of Section 9-3 of the Criminal Code of  
10 1961, relating to the offense of reckless homicide, or a  
11 similar out-of-state offense, or a statutory summary  
12 suspension under Section 11-501.1 of this Code.

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

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

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

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

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

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

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



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

2 (Text of Section from P.A. 93-1093 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; and if the person receives a term of probation or

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

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

19 (3) A person who violates subsection (a) a fourth or  
20 subsequent time, if the fourth or subsequent violation  
21 occurs during a period in which his or her driving  
22 privileges are revoked or suspended where the revocation or  
23 suspension was for a violation of subsection (a), Section  
24 11-501.1, paragraph (b) of Section 11-401, or for reckless  
25 homicide as defined in Section 9-3 of the Criminal Code of  
26 1961, is guilty of a Class 2 felony and is not eligible for

1 a sentence of probation or conditional discharge.

2 (c-2) (Blank).

3 (c-3) (Blank).

4 (c-4) (Blank).

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

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

1           (3) Except as provided in subdivision (c-5)(4), any  
2 person convicted of violating subdivision (c-5)(2) or a  
3 similar provision within 10 years of a previous violation  
4 of subsection (a) or a similar provision shall receive, in  
5 addition to any other penalty imposed, a mandatory minimum  
6 12 days imprisonment, an additional 40 hours of mandatory  
7 community service in a program benefiting children, and a  
8 mandatory minimum fine of \$1,750. The imprisonment or  
9 assignment of community service under this subdivision  
10 (c-5)(3) is not subject to suspension, nor is the person  
11 eligible for a reduced sentence.

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

23           (5) Any person convicted a third time for violating  
24 subsection (a) or a similar provision, if at the time of  
25 the third violation the person was transporting a person  
26 under the age of 16, is guilty of a Class 4 felony and

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

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

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

1 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  
5 for probation or conditional discharge, and is subject to a  
6 minimum fine of \$3,000.

7 (c-6) (1) 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  
10 0.16 or more based on the definition of blood, breath, or  
11 urine units in Section 11-501.2, shall be subject, in  
12 addition to any other penalty that may be imposed, to a  
13 mandatory minimum of 100 hours of community service and a  
14 mandatory minimum fine of \$500.

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

26 (3) Any person convicted of a third violation of



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

12 (4) Any person convicted of a fourth or subsequent  
13 violation of subsection (a) or a similar provision, if at  
14 the time of the fourth or subsequent violation the alcohol  
15 concentration in his or her blood, breath, or urine was  
16 0.16 or more based on the definition of blood, breath, or  
17 urine units in Section 11-501.2, and if the person's 3  
18 prior violations of subsection (a) or a similar provision  
19 occurred while transporting a person under the age of 16 or  
20 while the alcohol concentration in his or her blood,  
21 breath, or urine was 0.16 or more based on the definition  
22 of blood, breath, or urine units in Section 11-501.2, is  
23 guilty of a Class 2 felony and is not eligible for a  
24 sentence of probation or conditional discharge and is  
25 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, if sentenced to a term of imprisonment, shall be  
2 sentenced to: (A) a term of imprisonment of not less than 3  
3 years and not more than 14 years if the violation resulted  
4 in the death of one person; or (B) a term of imprisonment  
5 of not less than 6 years and not more than 28 years if the  
6 violation resulted in the deaths of 2 or more persons. For  
7 any prosecution under this subsection (d), a certified copy  
8 of the driving abstract of the defendant shall be admitted  
9 as proof of any prior conviction. Any person sentenced  
10 under this subsection (d) who receives a term of probation  
11 or conditional discharge must serve a minimum term of  
12 either 480 hours of community service or 10 days of  
13 imprisonment as a condition of the probation or conditional  
14 discharge. This mandatory minimum term of imprisonment or  
15 assignment of community service may not be suspended or  
16 reduced by the court.

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

1 for by the individual required to undergo the professional  
2 evaluation.

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

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

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

22 (h) (Blank).

23 (i) The Secretary of State shall require the use of  
24 ignition interlock devices on all vehicles owned by an  
25 individual who has been convicted of a second or subsequent  
26 offense of this Section or a similar provision of a local

1 ordinance. The Secretary shall establish by rule and regulation  
2 the procedures for certification and use of the interlock  
3 system.

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

1 hire back funding for safety checkpoints, saturation patrols,  
2 and liquor store sting operations. Equipment and commodities  
3 shall include, but are not limited to, in-car video cameras,  
4 radar and laser speed detection devices, and alcohol breath  
5 testers. Any moneys received by the Department of State Police  
6 under this subsection (j) shall be deposited into the State  
7 Police DUI Fund and 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.

19 (k) The Secretary of State Police DUI Fund is created as a  
20 special fund in the State treasury. All moneys received by the  
21 Secretary of State Police under subsection (j) of this Section  
22 shall be deposited into the Secretary of State Police DUI Fund  
23 and, subject to appropriation, shall be used for enforcement  
24 and 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 to assist in the prevention of alcohol related  
3 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 (1) Whenever an individual is sentenced for an offense  
10 based upon an arrest for a violation of subsection (a) or a  
11 similar provision of a local ordinance, and the professional  
12 evaluation recommends remedial or rehabilitative treatment or  
13 education, neither the treatment nor the education shall be the  
14 sole disposition and either or both may be imposed only in  
15 conjunction with another disposition. The court shall monitor  
16 compliance with any remedial education or treatment  
17 recommendations contained in the professional evaluation.  
18 Programs conducting alcohol or other drug evaluation or  
19 remedial education must be licensed by the Department of Human  
20 Services. If the individual is not a resident of Illinois,  
21 however, the court may accept an alcohol or other drug  
22 evaluation or remedial education program in the individual's  
23 state of residence. Programs providing treatment must be  
24 licensed under existing applicable alcoholism and drug  
25 treatment licensure standards.

26 (m) In addition to any other fine or penalty required by



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

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

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

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

25 (a) A person shall not drive or be in actual physical

1 control of any vehicle within this State while:

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

5 (2) under the influence of alcohol;

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

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

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

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

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

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

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

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

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

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

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

26          (b-5) The imprisonment or assignment of community service

1 under subsections (b-3) and (b-4) shall not be subject to  
2 suspension, nor shall the person be eligible for a reduced  
3 sentence.

4 (c) (Blank).

5 (c-1) (1) A person who violates subsection (a) during a  
6 period in which his or her driving privileges are revoked  
7 or suspended, where the revocation or suspension was for a  
8 violation of subsection (a), Section 11-501.1, paragraph  
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 4 felony.

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

1           (2.2) A person who violates subsection (a), if the  
2 violation occurs during a period in which his or her  
3 driving privileges are revoked or suspended where the  
4 revocation or suspension was for a violation of subsection  
5 (a) or Section 11-501.1, shall also be sentenced to an  
6 additional mandatory minimum term of 30 consecutive days of  
7 imprisonment, 40 days of 24-hour periodic imprisonment, or  
8 720 hours of community service, as may be determined by the  
9 court. This mandatory term of imprisonment or assignment of  
10 community service shall not be suspended or reduced by the  
11 court.

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

21           (c-2) (Blank).

22           (c-3) (Blank).

23           (c-4) (Blank).

24           (c-5) Except as provided in subsection (c-5.1), a person 21  
25 years of age or older who violates subsection (a), if the  
26 person was transporting a person under the age of 16 at the

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

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

19 (c-6) Except as provided in subsections (c-7) and (c-7.1),  
20 a person 21 years of age or older who violates subsection (a) a  
21 second time, if at the time of the second violation the person  
22 was transporting a person under the age of 16, is subject to 6  
23 months 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-7.1), any person  
5 21 years of age or older convicted of violating subsection  
6 (c-6) or a similar provision within 10 years of a previous  
7 violation of subsection (a) or a similar provision is guilty of  
8 a Class 4 felony and, in addition to any other penalty imposed,  
9 is subject to one year of imprisonment, 25 days of mandatory  
10 community service in a program benefiting children, and a  
11 mandatory fine of \$2,500. The imprisonment or assignment of  
12 community service under this subsection (c-7) is not subject to  
13 suspension, nor is the person eligible for a reduced sentence.

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

26 (c-8) (Blank).

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

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

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



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

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

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

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

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

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

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

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

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

18 (h) (Blank).

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

26 (j) In addition to any other penalties and liabilities, a

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

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

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



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

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

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

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

13 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;  
14 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;  
15 93-840, eff. 7-30-04; 94-110, eff. 1-1-06; 94-963, eff.  
16 6-28-06.)

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

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

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

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

1 (2) under the influence of alcohol;

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

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

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

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

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

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

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

1 (a) of this Section.

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

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

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

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

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

26 (c) (Blank).

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

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

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

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

6 (2.2) A person who violates subsection (a), if the  
7 violation occurs during a period in which his or her  
8 driving privileges are revoked or suspended where the  
9 revocation or suspension was for a violation of subsection  
10 (a) or Section 11-501.1, shall also be sentenced to an  
11 additional mandatory minimum term of 30 consecutive days of  
12 imprisonment, 40 days of 24-hour periodic imprisonment, or  
13 720 hours of community service, as may be determined by the  
14 court. This mandatory term of imprisonment or assignment of  
15 community service shall not be suspended or reduced by the  
16 court.

17 (3) A person who violates subsection (a) a fourth or  
18 subsequent time, if the fourth or subsequent violation  
19 occurs during a period in which his or her driving  
20 privileges are revoked or suspended where the revocation or  
21 suspension was for a violation of subsection (a), Section  
22 11-501.1, paragraph (b) of Section 11-401, or for reckless  
23 homicide as defined in Section 9-3 of the Criminal Code of  
24 1961, is guilty of a Class 2 felony and is not eligible for  
25 a sentence of probation or conditional discharge.

26 (c-2) (Blank).

1 (c-3) (Blank).

2 (c-4) (Blank).

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

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

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

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

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

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



1 person eligible for a reduced sentence.

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

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

24 (c-12) 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 0.16 or

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

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

17 (c-14) 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 provision, if  
20 at the time of the third violation of subsection (a) or a  
21 similar provision the alcohol concentration in his or her  
22 blood, breath, or urine was 0.16 or more based on the  
23 definition of blood, breath, or urine units in Section  
24 11-501.2, is guilty of a Class 4 felony and shall be subject,  
25 in addition to any other penalty that may be imposed, to a  
26 mandatory minimum of 90 days of imprisonment and a mandatory

1 minimum fine of \$2,500.

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

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

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

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

26 (C) the person in committing a violation of

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

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

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

24 (F) the person, in committing a violation of  
25 subsection (a), was involved in a motor vehicle,  
26 snowmobile, all-terrain vehicle, or watercraft

1 accident that resulted in the death of another person,  
2 when the violation of subsection (a) was a proximate  
3 cause of the death.

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

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

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

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

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

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

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

12 (h) (Blank).

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

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

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



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

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

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

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

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

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

7 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;  
8 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;  
9 93-840, eff. 7-30-04; 94-113, eff. 1-1-06; 94-609, eff. 1-1-06;  
10 94-963, eff. 6-28-06.)

11 (Text of Section from P.A. 94-114 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 or subsequent violation  
11 committed within 5 years of a previous violation of subsection  
12 (a) or a similar provision, in addition to any other criminal  
13 or administrative sanction, a mandatory minimum term of either  
14 10 days of imprisonment or 480 hours of community service shall  
15 be imposed.

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

20 (c) (Blank).

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

1 Class 4 felony.

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

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

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

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

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

20 (c-2) (Blank).

21 (c-3) (Blank).

22 (c-4) (Blank).

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (2) Except as provided in this paragraph (2), a person

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

1 reduced by the court.

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

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

24 (f) Every person found guilty of violating this Section,  
25 whose operation of a motor vehicle while in violation of this  
26 Section proximately caused any incident resulting in an

1 appropriate emergency response, shall be liable for the expense  
2 of an emergency response as provided under Section 5-5-3 of the  
3 Unified Code of Corrections.

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

7 (h) (Blank).

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

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



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

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

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

20 (l) Whenever an individual is sentenced for an offense  
21 based upon an arrest for a violation of subsection (a) or a  
22 similar provision of a local ordinance, and the professional  
23 evaluation recommends remedial or rehabilitative treatment or  
24 education, neither the treatment nor the education shall be the  
25 sole disposition and either or both may be imposed only in  
26 conjunction with another disposition. The court shall monitor

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

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

1 ambulance.

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

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

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

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

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

15 (2) under the influence of alcohol;

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

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

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

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

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

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

25 (2.1) A person who violates subsection (a) a third  
26 time, if the third violation occurs during a period in

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

15           (2.2) A person who violates subsection (a), if the  
16          violation occurs during a period in which his or her  
17          driving privileges are revoked or suspended where the  
18          revocation or suspension was for a violation of subsection  
19          (a) or Section 11-501.1, shall also be sentenced to an  
20          additional mandatory minimum term of 30 consecutive days of  
21          imprisonment, 40 days of 24-hour periodic imprisonment, or  
22          720 hours of community service, as may be determined by the  
23          court. This mandatory term of imprisonment or assignment of  
24          community service shall not be suspended or reduced by the  
25          court.

26           (3) A person who violates subsection (a) a fourth time

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

3 (4) A person who violates subsection (a) a fifth or  
4 subsequent time is guilty of a Class 1 felony and is not  
5 eligible for a sentence of probation or conditional  
6 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 2 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 2 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 time for violating  
21 subsection (a) or a similar provision, if at the time of the  
22 fourth violation the person was transporting a person under the  
23 age of 16, and if the person's 3 prior violations of subsection  
24 (a) or a similar provision occurred while transporting a person  
25 under the age of 16 or while the alcohol concentration in his  
26 or her blood, breath, or urine was 0.16 or more based on the

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

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

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

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

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 2 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 violation of  
10 subsection (a) or a similar provision, if at the time of the  
11 fourth violation the alcohol concentration in his or her blood,  
12 breath, or urine was 0.16 or more based on the definition of  
13 blood, breath, or urine units in Section 11-501.2, and if the  
14 person's 3 prior violations of subsection (a) or a similar  
15 provision occurred while transporting a person under the age of  
16 16 or while 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, is guilty of  
19 a Class 2 felony and is not eligible for a sentence of  
20 probation or conditional discharge and is subject to a minimum  
21 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 (2) Except as provided in this paragraph (2) and in  
12 paragraphs (3) and (4) of subsection (c-1), 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. Except as provided in  
20 paragraph (4) of subsection (c-1), aggravated driving  
21 under the influence of alcohol, other drug, or drugs,  
22 intoxicating compounds or compounds, or any combination  
23 thereof as defined in subparagraph (A) of paragraph (1) of  
24 this subsection (d) is a Class 2 felony. Aggravated driving  
25 under the influence of alcohol, other drug or drugs, or  
26 intoxicating compound or compounds, or any combination

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

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

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

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

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

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

24 (h) (Blank).

25 (i) The Secretary of State shall require the use of  
26 ignition interlock devices on all vehicles owned by an



1 individual who has been convicted of a second or subsequent  
2 offense of this Section or a similar provision of a local  
3 ordinance. The Secretary shall establish by rule and regulation  
4 the procedures for certification and use of the interlock  
5 system.

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

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

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

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

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

1 treatment licensure standards.

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

19 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;  
20 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;  
21 93-840, eff. 7-30-04; 94-116, eff. 1-1-06; 94-963, eff.  
22 6-28-06.)

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

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

1 combination thereof.

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

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

7 (2) under the influence of alcohol;

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

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

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

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

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

1 charge of violating this Section.

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

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

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

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

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

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

1 be imposed.

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

6 (c) (Blank).

7 (c-1) (1) A person who violates subsection (a) during a  
8 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  
13 aggravated driving under the influence of alcohol, other  
14 drug or drugs, intoxicating compound or compounds, or any  
15 combination thereof and is guilty of a Class 4 felony.

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

26 (2.1) A person who violates subsection (a) a third

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

18 (2.2) A person who violates subsection (a), if the  
19 violation occurs during a period in which his or her  
20 driving privileges are revoked or suspended where the  
21 revocation or suspension was for a violation of subsection  
22 (a) or Section 11-501.1, is guilty of aggravated driving  
23 under the influence of alcohol, other drug or drugs,  
24 intoxicating compound or compounds, or any combination  
25 thereof and shall also be sentenced to an additional  
26 mandatory minimum term of 30 consecutive days of



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

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

18 (c-2) (Blank).

19 (c-3) (Blank).

20 (c-4) (Blank).

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

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

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

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

25 (c-8) Any person convicted of violating subsection (c-6) or  
26 a similar provision within 5 years of a previous violation of

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

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

20 (c-10) Any person convicted of violating subsection (c-9)  
21 or a similar provision a third time within 20 years of a  
22 previous violation of subsection (a) or a similar provision is  
23 guilty of a Class 4 felony and shall receive, in addition to  
24 any other penalty imposed, an additional mandatory 40 hours of  
25 community service in a program benefiting children, an  
26 additional mandatory fine of \$3,000, and a mandatory minimum

1 120 days of imprisonment. The imprisonment or assignment of  
2 community service under this subsection (c-10) is not subject  
3 to suspension, nor is the person eligible for a reduced  
4 sentence.

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

16 (c-12) Any person convicted of a first violation of  
17 subsection (a) or a similar provision, if 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, shall be subject, in addition to any other  
21 penalty that may be imposed, to a mandatory minimum of 100  
22 hours of community service and a mandatory minimum fine of  
23 \$500.

24 (c-13) Any person convicted of a second violation of  
25 subsection (a) or a similar provision committed within 10 years  
26 of a previous violation of subsection (a) or a similar

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

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

20 (c-15) Any person convicted of a fourth or subsequent  
21 violation of subsection (a) or a similar provision, if at the  
22 time of the fourth or subsequent violation the alcohol  
23 concentration in his or her blood, breath, or urine was 0.16 or  
24 more based on the definition of blood, breath, or urine units  
25 in Section 11-501.2, and if the person's 3 prior violations of  
26 subsection (a) or a similar provision occurred while

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

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

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

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

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

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

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

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

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

22 (G) the person committed the violation while he or  
23 she did not possess a driver's license or permit or a  
24 restricted driving permit or a monitoring device  
25 driver's license ~~a judicial driving permit~~; or

26 (H) the person committed the violation while he or

1 she knew or should have known that the vehicle he or  
2 she was driving was not covered by a liability  
3 insurance policy.

4 (2) Except as provided in this paragraph (2) and in  
5 paragraphs (2), (2.1), and (3) of subsection (c-1), a  
6 person convicted of aggravated driving under the influence  
7 of alcohol, other drug or drugs, or intoxicating compound  
8 or compounds, or any combination thereof is guilty of a  
9 Class 4 felony. For a violation of subparagraph (C) of  
10 paragraph (1) of this subsection (d), the defendant, if  
11 sentenced to a term of imprisonment, shall be sentenced to  
12 not less than one year nor more than 12 years. Aggravated  
13 driving under the influence of alcohol, other drug or  
14 drugs, or intoxicating compound or compounds, or any  
15 combination thereof as defined in subparagraph (F) of  
16 paragraph (1) of this subsection (d) is a Class 2 felony,  
17 for which the defendant, if sentenced to a term of  
18 imprisonment, shall be sentenced to: (A) a term of  
19 imprisonment of not less than 3 years and not more than 14  
20 years if the violation resulted in the death of one person;  
21 or (B) a term of imprisonment of not less than 6 years and  
22 not more than 28 years if the violation resulted in the  
23 deaths of 2 or more persons. For any prosecution under this  
24 subsection (d), a certified copy of the driving abstract of  
25 the defendant shall be admitted as proof of any prior  
26 conviction. Any person sentenced under this subsection (d)



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

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

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

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

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

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

12 (h) (Blank).

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

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

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

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

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

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

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

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

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

7 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;  
8 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;  
9 93-840, eff. 7-30-04; 94-329, eff. 1-1-06; 94-963, eff.  
10 6-28-06.)

11 (625 ILCS 5/11-501.1) (from Ch. 95 1/2, par. 11-501.1)

12 Sec. 11-501.1. Suspension of drivers license; statutory  
13 summary alcohol, other drug or drugs, or intoxicating compound  
14 or compounds related suspension; implied consent.

15 (a) Any person who drives or is in actual physical control  
16 of a motor vehicle upon the public highways of this State shall  
17 be deemed to have given consent, subject to the provisions of  
18 Section 11-501.2, to a chemical test or tests of blood, breath,  
19 or urine for the purpose of determining the content of alcohol,  
20 other drug or drugs, or intoxicating compound or compounds or  
21 any combination thereof in the person's blood if arrested, as  
22 evidenced by the issuance of a Uniform Traffic Ticket, for any  
23 offense as defined in Section 11-501 or a similar provision of  
24 a local ordinance, or if arrested for violating Section 11-401.  
25 The test or tests shall be administered at the direction of the

1 arresting officer. The law enforcement agency employing the  
2 officer shall designate which of the aforesaid tests shall be  
3 administered. A urine test may be administered even after a  
4 blood or breath test or both has been administered. For  
5 purposes of this Section, an Illinois law enforcement officer  
6 of this State who is investigating the person for any offense  
7 defined in Section 11-501 may travel into an adjoining state,  
8 where the person has been transported for medical care, to  
9 complete an investigation and to request that the person submit  
10 to the test or tests set forth in this Section. The  
11 requirements of this Section that the person be arrested are  
12 inapplicable, but the officer shall issue the person a Uniform  
13 Traffic Ticket for an offense as defined in Section 11-501 or a  
14 similar provision of a local ordinance prior to requesting that  
15 the person submit to the test or tests. The issuance of the  
16 Uniform Traffic Ticket shall not constitute an arrest, but  
17 shall be for the purpose of notifying the person that he or she  
18 is subject to the provisions of this Section and of the  
19 officer's belief of the existence of probable cause to arrest.  
20 Upon returning to this State, the officer shall file the  
21 Uniform Traffic Ticket with the Circuit Clerk of the county  
22 where the offense was committed, and shall seek the issuance of  
23 an arrest warrant or a summons for the person.

24 (b) Any person who is dead, unconscious, or who is  
25 otherwise in a condition rendering the person incapable of  
26 refusal, shall be deemed not to have withdrawn the consent

1 provided by paragraph (a) of this Section and the test or tests  
2 may be administered, subject to the provisions of Section  
3 11-501.2.

4 (c) A person requested to submit to a test as provided  
5 above shall be warned by the law enforcement officer requesting  
6 the test that a refusal to submit to the test will result in  
7 the statutory summary suspension of the person's privilege to  
8 operate a motor vehicle as provided in Section 6-208.1 of this  
9 Code. The person shall also be warned by the law enforcement  
10 officer that if the person submits to the test or tests  
11 provided in paragraph (a) of this Section and the alcohol  
12 concentration in the person's blood or breath is 0.08 or  
13 greater, or any amount of a drug, substance, or compound  
14 resulting from the unlawful use or consumption of cannabis as  
15 covered by the Cannabis Control Act, a controlled substance  
16 listed in the Illinois Controlled Substances Act, or an  
17 intoxicating compound listed in the Use of Intoxicating  
18 Compounds Act is detected in the person's blood or urine, a  
19 statutory summary suspension of the person's privilege to  
20 operate a motor vehicle, as provided in Sections 6-208.1 and  
21 11-501.1 of this Code, will be imposed.

22 A person who is under the age of 21 at the time the person  
23 is requested to submit to a test as provided above shall, in  
24 addition to the warnings provided for in this Section, be  
25 further warned by the law enforcement officer requesting the  
26 test that if the person submits to the test or tests provided



1 in paragraph (a) of this Section and the alcohol concentration  
2 in the person's blood or breath is greater than 0.00 and less  
3 than 0.08, a suspension of the person's privilege to operate a  
4 motor vehicle, as provided under Sections 6-208.2 and 11-501.8  
5 of this Code, will be imposed. The results of this test shall  
6 be admissible in a civil or criminal action or proceeding  
7 arising from an arrest for an offense as defined in Section  
8 11-501 of this Code or a similar provision of a local ordinance  
9 or pursuant to Section 11-501.4 in prosecutions for reckless  
10 homicide brought under the Criminal Code of 1961. These test  
11 results, however, shall be admissible only in actions or  
12 proceedings directly related to the incident upon which the  
13 test request was made.

14 (d) If the person refuses testing or submits to a test that  
15 discloses an alcohol concentration of 0.08 or more, or any  
16 amount of a drug, substance, or intoxicating compound in the  
17 person's breath, blood, or urine resulting from the unlawful  
18 use or consumption of cannabis listed in the Cannabis Control  
19 Act, a controlled substance listed in the Illinois Controlled  
20 Substances Act, or an intoxicating compound listed in the Use  
21 of Intoxicating Compounds Act, the law enforcement officer  
22 shall immediately submit a sworn report to the circuit court of  
23 venue and the Secretary of State, certifying that the test or  
24 tests was or were requested under paragraph (a) and the person  
25 refused to submit to a test, or tests, or submitted to testing  
26 that disclosed an alcohol concentration of 0.08 or more.

1           (e) Upon receipt of the sworn report of a law enforcement  
2 officer submitted under paragraph (d), the Secretary of State  
3 shall enter the statutory summary suspension for the periods  
4 specified in Section 6-208.1, and effective as provided in  
5 paragraph (g).

6           If the person is a first offender as defined in Section  
7 11-500 of this Code, and is not convicted of a violation of  
8 Section 11-501 of this Code or a similar provision of a local  
9 ordinance, then reports received by the Secretary of State  
10 under this Section shall, except during the actual time the  
11 Statutory Summary Suspension is in effect, be privileged  
12 information and for use only by the courts, police officers,  
13 prosecuting authorities or the Secretary of State.

14           (f) The law enforcement officer submitting the sworn report  
15 under paragraph (d) shall serve immediate notice of the  
16 statutory summary suspension on the person and the suspension  
17 shall be effective as provided in paragraph (g). In cases where  
18 the blood alcohol concentration of 0.08 or greater or any  
19 amount of a drug, substance, or compound resulting from the  
20 unlawful use or consumption of cannabis as covered by the  
21 Cannabis Control Act, a controlled substance listed in the  
22 Illinois Controlled Substances Act, or an intoxicating  
23 compound listed in the Use of Intoxicating Compounds Act is  
24 established by a subsequent analysis of blood or urine  
25 collected at the time of arrest, the arresting officer or  
26 arresting agency shall give notice as provided in this Section

1 or by deposit in the United States mail of the notice in an  
2 envelope with postage prepaid and addressed to the person at  
3 his address as shown on the Uniform Traffic Ticket and the  
4 statutory summary suspension shall begin as provided in  
5 paragraph (g). The officer shall confiscate any Illinois  
6 driver's license or permit on the person at the time of arrest.  
7 If the person has a valid driver's license or permit, the  
8 officer shall issue the person a receipt, in a form prescribed  
9 by the Secretary of State, that will allow that person to drive  
10 during the periods provided for in paragraph (g). The officer  
11 shall immediately forward the driver's license or permit to the  
12 circuit court of venue along with the sworn report provided for  
13 in paragraph (d).

14 (g) The statutory summary suspension referred to in this  
15 Section shall take effect on the 46th day following the date  
16 the notice of the statutory summary suspension was given to the  
17 person.

18 (h) The following procedure shall apply whenever a person  
19 is arrested for any offense as defined in Section 11-501 or a  
20 similar provision of a local ordinance:

21 Upon receipt of the sworn report from the law enforcement  
22 officer, the Secretary of State shall confirm the statutory  
23 summary suspension by mailing a notice of the effective date of  
24 the suspension to the person and the court of venue. The notice  
25 shall inform the person that the person is required to obtain  
26 an ignition interlock device or an alternative alcohol

1 monitoring device as provided in Section 6-206. However, should  
2 the sworn report be defective by not containing sufficient  
3 information or be completed in error, the confirmation of the  
4 statutory summary suspension shall not be mailed to the person  
5 or entered to the record; instead, the sworn report shall be  
6 forwarded to the court of venue with a copy returned to the  
7 issuing agency identifying any defect.

8 (Source: P.A. 94-115, eff. 1-1-06.)

9 Section 98. The changes made by this amendatory Act of the  
10 95th General Assembly apply only to persons arrested for  
11 driving under the influence of alcohol, other drug or drugs,  
12 intoxication compound or compounds, or any combination  
13 thereof, on or after the effective date of this amendatory Act  
14 of the 95th General Assembly.

15 Section 99. Effective date. This Act takes effect January  
16 1, 2008.