



Rep. Chapin Rose

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LRB095 07293 DRH 37042 a

1 AMENDMENT TO SENATE BILL 607

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 607, AS AMENDED, by  
3 replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Illinois Vehicle Code is amended by  
6 changing Sections 6-101, 6-206.2, 6-303, and 11-501 and by  
7 adding Section 11-501.01 as follows:

8 (625 ILCS 5/6-101) (from Ch. 95 1/2, par. 6-101)

9 Sec. 6-101. Drivers must have licenses or permits.

10 (a) No person, except those expressly exempted by Section  
11 6-102, shall drive any motor vehicle upon a highway in this  
12 State unless such person has a valid license or permit, or a  
13 restricted driving permit, issued under the provisions of this  
14 Act.

15 (b) No person shall drive a motor vehicle unless he holds a  
16 valid license or permit, or a restricted driving permit issued

1 under the provisions of Section 6-205, 6-206, or 6-113 of this  
2 Act. Any person to whom a license is issued under the  
3 provisions of this Act must surrender to the Secretary of State  
4 all valid licenses or permits. No drivers license shall be  
5 issued to any person who holds a valid Foreign State license,  
6 identification card, or permit unless such person first  
7 surrenders to the Secretary of State any such valid Foreign  
8 State license, identification card, or permit.

9 (b-5) Any person who commits a violation of subsection (a)  
10 or (b) of this Section is guilty of a Class A misdemeanor, if  
11 at the time of the violation the person's driver's license or  
12 permit was cancelled under clause (a)9 of Section 6-201 of this  
13 Code.

14 (c) Any person licensed as a driver hereunder shall not be  
15 required by any city, village, incorporated town or other  
16 municipal corporation to obtain any other license to exercise  
17 the privilege thereby granted.

18 (d) In addition to other penalties imposed under this  
19 Section, any person in violation of this Section who is also in  
20 violation of Section 7-601 of this Code relating to mandatory  
21 insurance requirements shall have his or her motor vehicle  
22 immediately impounded by the arresting law enforcement  
23 officer. The motor vehicle may be released to any licensed  
24 driver upon a showing of proof of insurance for the motor  
25 vehicle that was impounded and the notarized written consent  
26 for the release by the vehicle owner.

1           (e) In addition to other penalties imposed under this  
2 Section, the vehicle of any person in violation of this Section  
3 who is also in violation of Section 7-601 of this Code relating  
4 to mandatory insurance requirements and who, in violating this  
5 Section, has caused death or personal injury to another person  
6 is subject to forfeiture under Sections 36-1 and 36-2 of the  
7 Criminal Code of 1961. For the purposes of this Section, a  
8 personal injury shall include any type A injury as indicated on  
9 the traffic accident report completed by a law enforcement  
10 officer that requires immediate professional attention in  
11 either a doctor's office or a medical facility. A type A injury  
12 shall include severely bleeding wounds, distorted extremities,  
13 and injuries that require the injured party to be carried from  
14 the scene.

15           (Source: P.A. 93-187, eff. 7-11-03; 93-895, eff. 1-1-05;  
16 94-993, eff. 1-1-07.)

17           (625 ILCS 5/6-206.2)

18           Sec. 6-206.2. Violations relating to an ignition interlock  
19 device.

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

1 with an operable motor vehicle.

2 (b) It is unlawful to blow into an ignition interlock  
3 device or to start a motor vehicle equipped with the device for  
4 the purpose of providing an operable motor vehicle to a person  
5 whose driving privilege is restricted by being prohibited from  
6 operating a motor vehicle not equipped with an ignition  
7 interlock device.

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

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

21 A person convicted of a violation of this subsection shall  
22 be punished by imprisonment for not more than 6 months or by a  
23 fine of not more than \$5,000, or both.

24 (e) If a person prohibited under Section 11-501.01  
25 ~~paragraph (2) or paragraph (3) of subsection (c 4) of Section~~  
26 ~~11-501~~ from driving any vehicle not equipped with an ignition

1 interlock device nevertheless is convicted of driving a vehicle  
2 that is not equipped with the device, that person is prohibited  
3 from driving any vehicle not equipped with an ignition  
4 interlock device for an additional period of time equal to the  
5 initial time period that the person was required to use an  
6 ignition interlock device.

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

8 (625 ILCS 5/6-303) (from Ch. 95 1/2, par. 6-303)

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

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

21 (b) The Secretary of State upon receiving a report of the  
22 conviction of any violation indicating a person was operating a  
23 motor vehicle during the time when said person's driver's  
24 license, permit or privilege was suspended by the Secretary, by  
25 the appropriate authority of another state, or pursuant to

1 Section 11-501.1; except as may be specifically allowed by a  
2 probationary license to drive, judicial driving permit or  
3 restricted driving permit issued pursuant to this Code or the  
4 law of another state; shall extend the suspension for the same  
5 period of time as the originally imposed suspension; however,  
6 if the period of suspension has then expired, the Secretary  
7 shall be authorized to suspend said person's driving privileges  
8 for the same period of time as the originally imposed  
9 suspension; and if the conviction was upon a charge which  
10 indicated that a vehicle was operated during the time when the  
11 person's driver's license, permit or privilege was revoked;  
12 except as may be allowed by a restricted driving permit issued  
13 pursuant to this Code or the law of another state; the  
14 Secretary shall not issue a driver's license for an additional  
15 period of one year from the date of such conviction indicating  
16 such person was operating a vehicle during such period of  
17 revocation.

18 (c) Any person convicted of violating this Section shall  
19 serve a minimum term of imprisonment of 10 consecutive days or  
20 30 days of community service when the person's driving  
21 privilege was revoked or suspended as a result of:

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

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

5           (3) a violation of Section 9-3 of the Criminal Code of  
6 1961, as amended, relating to the offense of reckless  
7 homicide; or

8           (4) a statutory summary suspension under Section  
9 11-501.1 of this Code.

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

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

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

19           (1) Seizure of the license plates of the person's  
20 vehicle.

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

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

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

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

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

22 (d-3) Any person convicted of a fourth, fifth, sixth,  
23 seventh, eighth, or ninth violation of this Section is guilty  
24 of a Class 4 felony and must serve a minimum term of  
25 imprisonment of 180 days if the revocation or suspension was  
26 for a violation of Section 11-401 or 11-501 of this Code, or a



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

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

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

26 (e) Any person in violation of this Section who is also in

1 violation of Section 7-601 of this Code relating to mandatory  
2 insurance requirements, in addition to other penalties imposed  
3 under this Section, shall have his or her motor vehicle  
4 immediately impounded by the arresting law enforcement  
5 officer. The motor vehicle may be released to any licensed  
6 driver upon a showing of proof of insurance for the vehicle  
7 that was impounded and the notarized written consent for the  
8 release by the vehicle owner.

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

12 (g) The motor vehicle used in a violation of this Section  
13 is subject to seizure and forfeiture as provided in Sections  
14 36-1 and 36-2 of the Criminal Code of 1961 if the person's  
15 driving privilege was revoked or suspended as a result of a  
16 violation listed in paragraph (1), (2), or (3) of subsection  
17 (c) of this Section or as a result of a summary suspension as  
18 provided in paragraph (4) of subsection (c) of this Section.

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

20 (625 ILCS 5/11-501) (from Ch. 95 1/2, par. 11-501)

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

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

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

4           (2) under the influence of alcohol;

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

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

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

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

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

25           (c) Penalties.

26           (1) Except as otherwise provided in this Section, any

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

3 (2) A person who violates subsection (a) or a similar  
4 provision a second time shall be sentenced to a mandatory  
5 minimum term of either 5 days of imprisonment or 240 hours  
6 of community service in addition to any other criminal or  
7 administrative sanction.

8 (3) A person who violates subsection (a) is subject to  
9 6 months of imprisonment, an additional mandatory minimum  
10 fine of \$1,000, and 25 days of community service in a  
11 program benefiting children if the person was transporting  
12 a person under the age of 16 at the time of the violation.

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

20 (5) A person who violates subsection (a) a second time,  
21 if at the time of the second violation the alcohol  
22 concentration in his or her blood, breath, or urine was  
23 0.16 or more based on the definition of blood, breath, or  
24 urine units in Section 11-501.2, shall be subject, in  
25 addition to any other penalty that may be imposed, to a  
26 mandatory minimum of 2 days of imprisonment and a mandatory

1       minimum fine of \$1,250.

2       (d) Aggravated driving under the influence of alcohol,  
3 other drug or drugs, or intoxicating compound or compounds, or  
4 any combination thereof.

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

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

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

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

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

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

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

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

20           (G) the person committed a violation of subsection  
21           (a) during a period in which the defendant's driving  
22           privileges are revoked or suspended, where the  
23           revocation or suspension was for a violation of  
24           subsection (a), Section 11-501.1, paragraph (b) of  
25           Section 11-401, or for reckless homicide as defined in  
26           Section 9-3 of the Criminal Code of 1961;

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

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

9           (J) the person in committing a violation of  
10          subsection (a) was involved in a motor vehicle accident  
11          that resulted in bodily harm, but not great bodily  
12          harm, to the child under the age of 16 being  
13          transported by the person, if the violation was the  
14          proximate cause of the injury; or

15          (K) the person in committing a second violation of  
16          subsection (a) or a similar provision was transporting  
17          a person under the age of 16.

18          (2) (A) Except as provided otherwise, a person  
19          convicted of aggravated driving under the influence of  
20          alcohol, other drug or drugs, or intoxicating compound or  
21          compounds, or any combination thereof is guilty of a Class  
22          4 felony.

23          (B) A third violation of this Section or a similar  
24          provision is a Class 2 felony. If at the time of the third  
25          violation the alcohol concentration in his or her blood,  
26          breath, or urine was 0.16 or more based on the definition

1       of blood, breath, or urine units in Section 11-501.2, a  
2       mandatory minimum of 90 days of imprisonment and a  
3       mandatory minimum fine of \$2,500 shall be imposed in  
4       addition to any other criminal or administrative sanction.  
5       If at the time of the third violation, the defendant was  
6       transporting a person under the age of 16, a mandatory fine  
7       of \$25,000 and 25 days of community service in a program  
8       benefiting children shall be imposed in addition to any  
9       other criminal or administrative sanction.

10       (C) A fourth violation of this Section or a similar  
11       provision is a Class 2 felony, for which a sentence of  
12       probation or conditional discharge may not be imposed. If  
13       at the time of the violation, the alcohol concentration in  
14       the defendant's blood, breath, or urine was 0.16 or more  
15       based on the definition of blood, breath, or urine units in  
16       Section 11-501.2, a mandatory minimum fine of \$5,000 shall  
17       be imposed in addition to any other criminal or  
18       administrative sanction. If at the time of the fourth  
19       violation, the defendant was transporting a person under  
20       the age of 16 a mandatory fine of \$25,000 and 25 days of  
21       community service in a program benefiting children shall be  
22       imposed in addition to any other criminal or administrative  
23       sanction.

24       (D) A fifth violation of this Section or a similar  
25       provision is a Class 1 felony, for which a sentence of  
26       probation or conditional discharge may not be imposed. If



1 at the time of the violation, the alcohol concentration in  
2 the defendant's blood, breath, or urine was 0.16 or more  
3 based on the definition of blood, breath, or urine units in  
4 Section 11-501.2, a mandatory minimum fine of \$5,000 shall  
5 be imposed in addition to any other criminal or  
6 administrative sanction. If at the time of the fifth  
7 violation, the defendant was transporting a person under  
8 the age of 16, a mandatory fine of \$25,000, and 25 days of  
9 community service in a program benefiting children shall be  
10 imposed in addition to any other criminal or administrative  
11 sanction.

12 (E) A sixth or subsequent violation of this Section or  
13 similar provision is a Class X felony. If at the time of  
14 the violation, the alcohol concentration in the  
15 defendant's blood, breath, or urine was 0.16 or more based  
16 on the definition of blood, breath, or urine units in  
17 Section 11-501.2, a mandatory minimum fine of \$5,000 shall  
18 be imposed in addition to any other criminal or  
19 administrative sanction. If at the time of the violation,  
20 the defendant was transporting a person under the age of  
21 16, a mandatory fine of \$25,000 and 25 days of community  
22 service in a program benefiting children shall be imposed  
23 in addition to any other criminal or administrative  
24 sanction.

25 (F) For a violation of subparagraph (C) of paragraph  
26 (1) of this subsection (d), the defendant, if sentenced to

1 a term of imprisonment, shall be sentenced to not less than  
2 one year nor more than 12 years.

3 (G) A violation of subparagraph (F) of paragraph (1) of  
4 this subsection (d) is a Class 2 felony, for which the  
5 defendant, unless the court determines that extraordinary  
6 circumstances exist and require probation, shall be  
7 sentenced to: (i) a term of imprisonment of not less than 3  
8 years and not more than 14 years if the violation resulted  
9 in the death of one person; or (ii) a term of imprisonment  
10 of not less than 6 years and not more than 28 years if the  
11 violation resulted in the deaths of 2 or more persons.

12 (H) For a violation of subparagraph (J) of paragraph  
13 (1) of this subsection (d), a mandatory fine of \$2,500, and  
14 25 days of community service in a program benefiting  
15 children shall be imposed in addition to any other criminal  
16 or administrative sanction.

17 (I) A violation of subparagraph (K) of paragraph (1) of  
18 this subsection (d), is a Class 2 felony and a mandatory  
19 fine of \$2,500, and 25 days of community service in a  
20 program benefiting children shall be imposed in addition to  
21 any other criminal or administrative sanction. If the child  
22 being transported suffered bodily harm, but not great  
23 bodily harm, in a motor vehicle accident, and the violation  
24 was the proximate cause of that injury, a mandatory fine of  
25 \$5,000 and 25 days of community service in a program  
26 benefiting children shall be imposed in addition to any

1 other criminal or administrative sanction.

2 (3) Any person sentenced under this subsection (d) who  
3 receives a term of probation or conditional discharge must  
4 serve a minimum term of either 480 hours of community  
5 service or 10 days of imprisonment as a condition of the  
6 probation or conditional discharge in addition to any other  
7 criminal or administrative sanction.

8 (e) Any reference to a prior violation of subsection (a) or  
9 a similar provision includes any violation of a provision of a  
10 local ordinance or a provision of a law of another state that  
11 is similar to a violation of subsection (a) of this Section.

12 (f) The imposition of a mandatory term of imprisonment or  
13 assignment of community service for a violation of this Section  
14 shall not be suspended or reduced by the court.

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

19 (h) For any prosecution under this Section, a certified  
20 copy of the driving abstract of the defendant shall be admitted  
21 as proof of any prior conviction.

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

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

26 ~~(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 ~~(e-2) (Blank).~~

22 ~~(e-3) (Blank).~~

23 ~~(e-4) (Blank).~~

24 ~~(e-5) (1) A person who violates subsection (a), if the~~  
25 ~~person was transporting a person under the age of 16 at the~~  
26 ~~time of the violation, is subject to an additional~~

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

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

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



1 ~~mandatory minimum fine of \$1,750. The imprisonment or~~  
2 ~~assignment of community service under this subdivision~~  
3 ~~(c-5)(3) is not subject to suspension, nor is the person~~  
4 ~~eligible for a reduced sentence.~~

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

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

1 ~~the person eligible for a reduced sentence.~~

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

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

26 ~~(c-6) (1) Any person convicted of a first violation of~~

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

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

19 ~~(3) Any person convicted of a third violation of~~  
20 ~~subsection (a) or a similar provision within 20 years of a~~  
21 ~~previous violation of subsection (a) or a similar~~  
22 ~~provision, if at the time of the third violation of~~  
23 ~~subsection (a) or a similar provision the alcohol~~  
24 ~~concentration in his or her blood, breath, or urine was~~  
25 ~~0.16 or more based on the definition of blood, breath, or~~  
26 ~~urine units in Section 11-501.2, is guilty of a Class 4~~

1 ~~felony and shall be subject, in addition to any other~~  
2 ~~penalty that may be imposed, to a mandatory minimum of 90~~  
3 ~~days of imprisonment and a mandatory minimum fine of~~  
4 ~~\$2,500.~~

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

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

24 ~~(A) the person committed a violation of subsection~~  
25 ~~(a) or a similar provision for the third or subsequent~~  
26 ~~time;~~

1           ~~(B) the person committed a violation of subsection~~  
2           ~~(a) while driving a school bus with persons 18 years of~~  
3           ~~age or younger on board;~~

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

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

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

1           ~~was a proximate cause of the bodily harm; or~~

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

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

1 ~~of the driving abstract of the defendant shall be admitted~~  
2 ~~as proof of any prior conviction. Any person sentenced~~  
3 ~~under this subsection (d) who receives a term of probation~~  
4 ~~or conditional discharge must serve a minimum term of~~  
5 ~~either 480 hours of community service or 10 days of~~  
6 ~~imprisonment as a condition of the probation or conditional~~  
7 ~~discharge. This mandatory minimum term of imprisonment or~~  
8 ~~assignment of community service may not be suspended or~~  
9 ~~reduced by the court.~~

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

22 ~~(c-1) Any person who is found guilty of or pleads guilty to~~  
23 ~~violating this Section, including any person receiving a~~  
24 ~~disposition of court supervision for violating this Section,~~  
25 ~~may be required by the Court to attend a victim impact panel~~  
26 ~~offered by, or under contract with, a County State's Attorney's~~

1 ~~office, a probation and court services department, Mothers~~  
2 ~~Against Drunk Driving, or the Alliance Against Intoxicated~~  
3 ~~Motorists. All costs generated by the victim impact panel shall~~  
4 ~~be paid from fees collected from the offender or as may be~~  
5 ~~determined by the court.~~

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

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

15 ~~(h) (Blank).~~

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

23 ~~(j) In addition to any other penalties and liabilities, a~~  
24 ~~person who is found guilty of or pleads guilty to violating~~  
25 ~~subsection (a), including any person placed on court~~  
26 ~~supervision for violating subsection (a), shall be fined \$500,~~



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

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

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

1 ~~and liquor store sting operations.~~

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

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

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

10 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;  
11 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;  
12 93-840, eff. 7-30-04; 93-1093, eff. 3-29-05; 94-963, eff.  
13 6-28-06.)

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

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

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

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

23 ~~(2) under the influence of alcohol;~~

24 ~~(3) under the influence of any intoxicating compound or~~  
25 ~~combination of intoxicating compounds to a degree that~~

1 ~~renders the person incapable of driving safely;~~

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

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

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

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

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

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

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

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

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

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

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

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

23 ~~(c) (Blank).~~

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

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

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

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

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

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

14 ~~(c 2) (Blank).~~

15 ~~(c 3) (Blank).~~

16 ~~(c 4) (Blank).~~

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

26 ~~(c 5.1) A person 21 years of age or older who is convicted~~



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

12 ~~(c-6) Except as provided in subsections (c-7) and (c-7.1),~~  
13 ~~a person 21 years of age or older who violates subsection (a) a~~  
14 ~~second time, if at the time of the second violation the person~~  
15 ~~was transporting a person under the age of 16, is subject to 6~~  
16 ~~months 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-7.1), any person~~  
24 ~~21 years of age or older convicted of violating subsection~~  
25 ~~(c-6) or a similar provision within 10 years of a previous~~  
26 ~~violation of subsection (a) or a similar provision is guilty of~~

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

7 ~~(c 7.1) A person 21 years of age or older who is convicted~~  
8 ~~of violating subsection (a) of this Section a second time~~  
9 ~~within 10 years and who in committing that violation was~~  
10 ~~involved in a motor vehicle accident that resulted in bodily~~  
11 ~~harm to the child under the age of 16 being transported, if the~~  
12 ~~violation was the proximate cause of the injury, is guilty of a~~  
13 ~~Class 4 felony and is subject to 18 months of imprisonment, a~~  
14 ~~mandatory fine of \$5,000, and 25 days of community service in a~~  
15 ~~program benefiting children. The imprisonment or assignment to~~  
16 ~~community service under this subsection (c 7.1) 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 8) (Blank).~~

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

1 ~~community service under this subsection (c-9) is not subject to~~  
2 ~~suspension, nor is the person eligible for a reduced sentence.~~

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

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

25 ~~(c-12) Any person convicted of a first violation of~~  
26 ~~subsection (a) or a similar provision, if the alcohol~~

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

7 ~~(c 13) Any person convicted of a second violation of~~  
8 ~~subsection (a) or a similar provision committed within 10 years~~  
9 ~~of a previous violation of subsection (a) or a similar~~  
10 ~~provision, if at the time of the second violation of subsection~~  
11 ~~(a) or a similar provision the alcohol concentration in his or~~  
12 ~~her blood, breath, or urine was 0.16 or more based on the~~  
13 ~~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, if sentenced to a term of imprisonment, shall be~~  
17 ~~sentenced to: (A) a term of imprisonment of not less than 3~~  
18 ~~years and not more than 14 years if the violation resulted~~  
19 ~~in the death of one person; or (B) a term of imprisonment~~  
20 ~~of not less than 6 years and not more than 28 years if the~~  
21 ~~violation resulted in the deaths of 2 or more persons. For~~  
22 ~~any prosecution under this subsection (d), a certified copy~~  
23 ~~of the driving abstract of the defendant shall be admitted~~  
24 ~~as proof of any prior conviction. Any person sentenced~~  
25 ~~under this subsection (d) who receives a term of probation~~  
26 ~~or conditional discharge must serve a minimum term of~~

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

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

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



1 ~~determined by the court.~~

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

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

11 ~~(h) (Blank).~~

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

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

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

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

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

24 ~~(l) Whenever an individual is sentenced for an offense~~  
25 ~~based upon an arrest for a violation of subsection (a) or a~~  
26 ~~similar provision of a local ordinance, and the professional~~

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

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

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

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

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

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

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

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

19 ~~(2) under the influence of alcohol;~~

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

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

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

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

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

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

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

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

25          ~~(b 2) Except as otherwise provided in this Section, any~~  
26          ~~person convicted of violating subsection (a) of this Section is~~

1 ~~guilty of a Class A misdemeanor.~~

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

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

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

19 ~~(c) (Blank).~~

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

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

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

25           ~~(2.2) A person who violates subsection (a), if the~~  
26           ~~violation occurs during a period in which his or her~~



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

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

19 ~~(e-2) (Blank).~~

20 ~~(e-3) (Blank).~~

21 ~~(e-4) (Blank).~~

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

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

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

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

26 ~~(c 8) Any person convicted of violating subsection (c 6) or~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 ~~(D) the person committed a violation of subsection~~  
25 ~~(a) for a second time and has been previously convicted~~  
26 ~~of violating Section 9-3 of the Criminal Code of 1961~~

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

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

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

23 ~~(2) Except as provided in this paragraph (2), a person~~  
24 ~~convicted of aggravated driving under the influence of~~  
25 ~~alcohol, other drug or drugs, or intoxicating compound or~~  
26 ~~compounds, or any combination thereof is guilty of a Class~~

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

26 ~~(e) After a finding of guilt and prior to any final~~



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

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

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

1 ~~Unified Code of Corrections.~~

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

5 ~~(h) (Blank).~~

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

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

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

1 ~~and liquor store sting operations.~~

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

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

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

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

26 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;

1 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;  
2 93-840, eff. 7-30-04; 94-113, eff. 1-1-06; 94-609, eff. 1-1-06;  
3 94-963, eff. 6-28-06.)

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

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

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

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

13 ~~(2) under the influence of alcohol;~~

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

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

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

23 ~~(6) there is any amount of a drug, substance, or~~  
24 ~~compound in the person's breath, blood, or urine resulting~~  
25 ~~from the unlawful use or consumption of cannabis listed in~~

1 ~~the Cannabis Control Act, a controlled substance listed in~~  
2 ~~the Illinois Controlled Substances Act, or an intoxicating~~  
3 ~~compound listed in the Use of Intoxicating Compounds Act.~~

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

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

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

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

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

22 ~~(b-3) In addition to any other criminal or administrative~~  
23 ~~sanction for any second conviction of violating subsection (a)~~  
24 ~~or a similar provision committed within 5 years of a previous~~  
25 ~~violation of subsection (a) or a similar provision, the~~  
26 ~~defendant shall be sentenced to a mandatory minimum of 5 days~~

1 ~~of imprisonment or assigned a mandatory minimum of 240 hours of~~  
2 ~~community service as may be determined by the court.~~

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

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

13 ~~(c) (Blank).~~

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

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



1 ~~of the Criminal Code of 1961, is guilty of a Class 3~~  
2 ~~felony.~~

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

19 ~~(2.2) A person who violates subsection (a), if the~~  
20 ~~violation occurs during a period in which his or her~~  
21 ~~driving privileges are revoked or suspended where the~~  
22 ~~revocation or suspension was for a violation of subsection~~  
23 ~~(a) or Section 11 501.1, shall also be sentenced to an~~  
24 ~~additional mandatory minimum term of 30 consecutive days of~~  
25 ~~imprisonment, 40 days of 24 hour periodic imprisonment, or~~  
26 ~~720 hours of community service, as may be determined by the~~

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

4 ~~(3) A person who violates subsection (a) a fourth or~~  
5 ~~fifth time, if the fourth or fifth violation occurs during~~  
6 ~~a 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 2 felony and is not eligible for a sentence of~~  
12 ~~probation or conditional discharge.~~

13 ~~(c 2) (Blank).~~

14 ~~(c 3) (Blank).~~

15 ~~(c 4) (Blank).~~

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

25 ~~(c 6) Except as provided in subsections (c 7) and (c 8) a~~  
26 ~~person who violates subsection (a) a second time, if at the~~

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

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

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

1 ~~imprisonment or assignment of community service under this~~  
2 ~~subsection (c-8) is not subject to suspension, nor is the~~  
3 ~~person eligible for a reduced sentence.~~

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

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

26 ~~(c-11) Any person convicted a fourth or fifth time for~~

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

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

19 ~~(c 13) Any person convicted of a second violation of~~  
20 ~~subsection (a) or a similar provision committed within 10 years~~  
21 ~~of a previous violation of subsection (a) or a similar~~  
22 ~~provision committed within 10 years of a previous violation of~~  
23 ~~subsection (a) or a similar provision, if at the time of the~~  
24 ~~second violation of subsection (a) the alcohol concentration in~~  
25 ~~his or her blood, breath, or urine was 0.16 or more based on~~  
26 ~~the definition of blood, breath, or urine units in Section~~

1 ~~11-501.2, shall be subject, in addition to any other penalty~~  
2 ~~that may be imposed, to a mandatory minimum of 2 days of~~  
3 ~~imprisonment and a mandatory minimum fine of \$1,250.~~

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

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

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

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

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

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

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

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

20 ~~(D) the person committed a violation of subsection~~  
21 ~~(a) for a second time and has been previously convicted~~  
22 ~~of violating Section 9-3 of the Criminal Code of 1961~~  
23 ~~or a similar provision of a law of another state~~  
24 ~~relating to reckless homicide in which the person was~~  
25 ~~determined to have been under the influence of alcohol,~~  
26 ~~other drug or drugs, or intoxicating compound or~~

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

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

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

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



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

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

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

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

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

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

26 ~~(h) (Blank).~~

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

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

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

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

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

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

1 ~~state of residence. Programs providing treatment must be~~  
2 ~~licensed under existing applicable alcoholism and drug~~  
3 ~~treatment licensure standards.~~

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

21 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;  
22 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;  
23 93-840, eff. 7-30-04; 94-114, eff. 1-1-06; 94-963, eff.  
24 6-28-06.)

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

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

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

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

9           ~~(2) under the influence of alcohol;~~

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

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

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

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

25       ~~(b) The fact that any person charged with violating this~~  
26 ~~Section is or has been legally entitled to use alcohol, other~~

1 ~~drug or drugs, or intoxicating compound or compounds, or any~~  
2 ~~combination thereof, shall not constitute a defense against any~~  
3 ~~charge of violating this Section.~~

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

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

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

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

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

24 ~~(b 4) In the case of a third violation committed within 5~~  
25 ~~years of a previous violation of subsection (a) or a similar~~  
26 ~~provision, the defendant is guilty of a Class 2 felony, and in~~



1 ~~addition to any other criminal or administrative sanction, a~~  
2 ~~mandatory minimum term of either 10 days of imprisonment or 480~~  
3 ~~hours of community service shall be imposed.~~

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

8 ~~(c) (Blank).~~

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

16 ~~(2) A person who violates subsection (a) a third time~~  
17 ~~is guilty of a Class 2 felony.~~

18 ~~(2.1) A person who violates subsection (a) a third~~  
19 ~~time, if the third violation occurs during a period in~~  
20 ~~which his or her driving privileges are revoked or~~  
21 ~~suspended where the revocation or suspension was for a~~  
22 ~~violation of subsection (a), Section 11-501.1, subsection~~  
23 ~~(b) of Section 11-401, or for reckless homicide as defined~~  
24 ~~in Section 9-3 of the Criminal Code of 1961, is guilty of a~~  
25 ~~Class 2 felony; and if the person receives a term of~~  
26 ~~probation or conditional discharge, he or she shall be~~

1 ~~required to serve a mandatory minimum of 10 days of~~  
2 ~~imprisonment or shall be assigned a mandatory minimum of~~  
3 ~~480 hours of community service, as may be determined by the~~  
4 ~~court, as a condition of the probation or conditional~~  
5 ~~discharge. This mandatory minimum term of imprisonment or~~  
6 ~~assignment of community service shall not be suspended or~~  
7 ~~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 time~~  
20 ~~is guilty of a Class 2 felony and is not eligible for a~~  
21 ~~sentence of probation or conditional discharge.~~

22 ~~(4) A person who violates subsection (a) a fifth or~~  
23 ~~subsequent time is guilty of a Class 1 felony and is not~~  
24 ~~eligible for a sentence of probation or conditional~~  
25 ~~discharge.~~

26 ~~(e 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 2 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 2 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 time for violating~~  
14 ~~subsection (a) or a similar provision, if at the time of the~~  
15 ~~fourth violation the person was transporting a person under the~~  
16 ~~age of 16, and if the person's 3 prior violations of subsection~~  
17 ~~(a) or a similar provision occurred while transporting a person~~  
18 ~~under the age of 16 or while the alcohol concentration in his~~  
19 ~~or 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, is guilty of a Class 2 felony, is not eligible for~~  
22 ~~probation or conditional discharge, and is subject to a minimum~~  
23 ~~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 2 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 violation of~~  
3 ~~subsection (a) or a similar provision, if at the time of the~~  
4 ~~fourth violation the alcohol concentration in his or her blood,~~  
5 ~~breath, or urine was 0.16 or more based on the definition of~~  
6 ~~blood, breath, or urine units in Section 11 501.2, and if the~~  
7 ~~person's 3 prior violations of subsection (a) or a similar~~  
8 ~~provision occurred while transporting a person under the age of~~  
9 ~~16 or while the alcohol concentration in his or her blood,~~  
10 ~~breath, or urine was 0.16 or more based on the definition of~~  
11 ~~blood, breath, or urine units in Section 11 501.2, is guilty of~~  
12 ~~a Class 2 felony and is not eligible for a sentence of~~  
13 ~~probation or conditional discharge and is subject to a minimum~~  
14 ~~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) and in~~  
5 ~~paragraphs (3) and (4) of subsection (c 1), a person~~  
6 ~~convicted of aggravated driving under the influence of~~  
7 ~~alcohol, other drug or drugs, or intoxicating compound or~~  
8 ~~compounds, or any combination thereof is guilty of a Class~~  
9 ~~4 felony. For a violation of subparagraph (C) of paragraph~~  
10 ~~(1) of this subsection (d), the defendant, if sentenced to~~  
11 ~~a term of imprisonment, shall be sentenced to not less than~~  
12 ~~one year nor more than 12 years. Except as provided in~~  
13 ~~paragraph (4) of subsection (c 1), aggravated driving~~  
14 ~~under the influence of alcohol, other drug, or drugs,~~  
15 ~~intoxicating compounds or compounds, or any combination~~  
16 ~~thereof as defined in subparagraph (A) of paragraph (1) of~~  
17 ~~this subsection (d) is a Class 2 felony. Aggravated driving~~  
18 ~~under the influence of alcohol, other drug or drugs, or~~  
19 ~~intoxicating compound or compounds, or any combination~~  
20 ~~thereof as defined in subparagraph (F) of paragraph (1) of~~  
21 ~~this subsection (d) is a Class 2 felony, for which the~~  
22 ~~defendant, if sentenced to a term of imprisonment, shall be~~  
23 ~~sentenced to: (A) a term of imprisonment of not less than 3~~  
24 ~~years and not more than 14 years if the violation resulted~~  
25 ~~in the death of one person; or (B) a term of imprisonment~~  
26 ~~of not less than 6 years and not more than 28 years if the~~

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

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

24 ~~(c-1) Any person who is found guilty of or pleads guilty to~~  
25 ~~violating this Section, including any person receiving a~~  
26 ~~disposition of court supervision for violating this Section,~~

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

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

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

17 ~~(h) (Blank).~~

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

25 ~~(j) In addition to any other penalties and liabilities, a~~  
26 ~~person who is found guilty of or pleads guilty to violating~~

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

1 ~~under this subsection (j) shall be deposited into the State~~  
2 ~~Police DUI Fund and shall be used for enforcement and~~  
3 ~~prevention of driving while under the influence of alcohol,~~  
4 ~~ether 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.~~

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

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

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

12 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;  
13 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;  
14 93-840, eff. 7-30-04; 94-116, eff. 1-1-06; 94-963, eff.  
15 6-28-06.)

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

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

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

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

25 ~~(2) under the influence of alcohol;~~

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

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

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

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

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

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

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



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

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

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

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

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

25           ~~(c) (Blank).~~

26           ~~(c 1) (1) A person who violates subsection (a) during a~~

1 ~~period in which his or her driving privileges are revoked~~  
2 ~~or suspended, where the revocation or suspension was for a~~  
3 ~~violation of subsection (a), Section 11-501.1, paragraph~~  
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~~  
6 ~~aggravated driving under the influence of alcohol, other~~  
7 ~~drug or drugs, intoxicating compound or compounds, or any~~  
8 ~~combination thereof and is guilty of a Class 4 felony.~~

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

19 ~~(2.1) A person who violates subsection (a) a third~~  
20 ~~time, if the third violation occurs during a period in~~  
21 ~~which his or her driving privileges are revoked or~~  
22 ~~suspended where the revocation or suspension was for a~~  
23 ~~violation of subsection (a), Section 11-501.1, subsection~~  
24 ~~(b) of Section 11-401, or for reckless homicide as defined~~  
25 ~~in Section 9-3 of the Criminal Code of 1961, is guilty of~~  
26 ~~aggravated driving under the influence of alcohol, other~~

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

11 ~~(2.2) A person who violates subsection (a), if the~~  
12 ~~violation occurs during a period in which his or her~~  
13 ~~driving privileges are revoked or suspended where the~~  
14 ~~revocation or suspension was for a violation of subsection~~  
15 ~~(a) or Section 11 501.1, is guilty of aggravated driving~~  
16 ~~under the influence of alcohol, other drug or drugs,~~  
17 ~~intoxicating compound or compounds, or any combination~~  
18 ~~thereof and shall also be sentenced to an additional~~  
19 ~~mandatory minimum term of 30 consecutive days of~~  
20 ~~imprisonment, 40 days of 24-hour periodic imprisonment, or~~  
21 ~~720 hours of community service, as may be determined by the~~  
22 ~~court. This mandatory term of imprisonment or assignment of~~  
23 ~~community service shall not be suspended or reduced by the~~  
24 ~~court.~~

25 ~~(3) A person who violates subsection (a) a fourth or~~  
26 ~~subsequent time, if the fourth or subsequent violation~~

1 ~~occurs during a period in which his or her driving~~  
2 ~~privileges are revoked or suspended where the revocation or~~  
3 ~~suspension was for a violation of subsection (a), Section~~  
4 ~~11-501.1, paragraph (b) of Section 11-401, or for reckless~~  
5 ~~homicide as defined in Section 9-3 of the Criminal Code of~~  
6 ~~1961, is guilty of aggravated driving under the influence~~  
7 ~~of alcohol, other drug or drugs, intoxicating compound or~~  
8 ~~compounds, or any combination thereof and is guilty of a~~  
9 ~~Class 2 felony, and is not eligible for a sentence of~~  
10 ~~probation or conditional discharge.~~

11 ~~(c-2) (Blank).~~

12 ~~(c-3) (Blank).~~

13 ~~(c-4) (Blank).~~

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

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

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

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

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

1 ~~person eligible for a reduced sentence.~~

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

15 ~~(G) the person committed the violation while he or~~  
16 ~~she did not possess a driver's license or permit or a~~  
17 ~~restricted driving permit or a judicial driving~~  
18 ~~permit; or~~

19 ~~(H) the person committed the violation while he or~~  
20 ~~she knew or should have known that the vehicle he or~~  
21 ~~she was driving was not covered by a liability~~  
22 ~~insurance policy.~~

23 ~~(2) Except as provided in this paragraph (2) and in~~  
24 ~~paragraphs (2), (2.1), and (3) of subsection (c-1), a~~  
25 ~~person convicted of aggravated driving under the influence~~  
26 ~~of alcohol, other drug or drugs, or intoxicating compound~~

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

26 ~~(e) After a finding of guilt and prior to any final~~

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

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

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

1 ~~Unified Code of Corrections.~~

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

5 ~~(h) (Blank).~~

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

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

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

1 ~~and liquor store sting operations.~~

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

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

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

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

26 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;



1 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;  
2 93-840, eff. 7-30-04; 94-329, eff. 1-1-06; 94-963, eff.  
3 6-28-06.)

4 (625 ILCS 5/11-501.01 new)

5 Sec. 11-501.01. Additional administrative sanctions.

6 (a) After a finding of guilt and prior to any final  
7 sentencing or an order for supervision, for an offense based  
8 upon an arrest for a violation of Section 11-501 or a similar  
9 provision of a local ordinance, individuals shall be required  
10 to undergo a professional evaluation to determine if an  
11 alcohol, drug, or intoxicating compound abuse problem exists  
12 and the extent of the problem, and undergo the imposition of  
13 treatment as appropriate. Programs conducting these  
14 evaluations shall be licensed by the Department of Human  
15 Services. The cost of any professional evaluation shall be paid  
16 for by the individual required to undergo the professional  
17 evaluation.

18 (b) Any person who is found guilty of or pleads guilty to  
19 violating Section 11-501, including any person receiving a  
20 disposition of court supervision for violating that Section,  
21 may be required by the Court to attend a victim impact panel  
22 offered by, or under contract with, a county State's Attorney's  
23 office, a probation and court services department, Mothers  
24 Against Drunk Driving, or the Alliance Against Intoxicated  
25 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 (c) Every person found guilty of violating Section 11-501,  
4 whose operation of a motor vehicle while in violation of that  
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 in subsection (i) of this  
8 Section.

9 (d) The Secretary of State shall revoke the driving  
10 privileges of any person convicted under Section 11-501 or a  
11 similar provision of a local ordinance.

12 (e) The Secretary of State shall require the use of  
13 ignition interlock devices on all vehicles owned by an  
14 individual who has been convicted of a second or subsequent  
15 offense of Section 11-501 or a similar provision of a local  
16 ordinance. The Secretary shall establish by rule and regulation  
17 the procedures for certification and use of the interlock  
18 system.

19 (f) In addition to any other penalties and liabilities, a  
20 person who is found guilty of or pleads guilty to violating  
21 Section 11-501, including any person placed on court  
22 supervision for violating Section 11-501, shall be assessed  
23 \$500, payable to the circuit clerk, who shall distribute the  
24 money as follows: 20% to the law enforcement agency that made  
25 the arrest, and 80% shall be forwarded to the State Treasurer  
26 for deposit into the General Revenue Fund. If the person has

1 been previously convicted of violating Section 11-501 or a  
2 similar provision of a local ordinance, the fine shall be  
3 \$1,000. In the event that more than one agency is responsible  
4 for the arrest, the amount payable to law enforcement agencies  
5 shall be shared equally. Any moneys received by a law  
6 enforcement agency under this subsection (f) shall be used to  
7 purchase law enforcement equipment that will assist in the  
8 prevention of alcohol related criminal violence throughout the  
9 State. This shall include, but is not limited to, in-car video  
10 cameras, radar and laser speed detection devices, and alcohol  
11 breath testers. Any moneys received by the Department of State  
12 Police under this subsection (f) shall be deposited into the  
13 State Police DUI Fund and shall be used to purchase law  
14 enforcement equipment that will assist in the prevention of  
15 alcohol related criminal violence throughout the State.

16 (g) The Secretary of State Police DUI Fund is created as a  
17 special fund in the State treasury. All moneys received by the  
18 Secretary of State Police under subsection (f) of this Section  
19 shall be deposited into the Secretary of State Police DUI Fund  
20 and, subject to appropriation, shall be used to purchase law  
21 enforcement equipment to assist in the prevention of alcohol  
22 related criminal violence throughout the State.

23 (h) Whenever an individual is sentenced for an offense  
24 based upon an arrest for a violation of Section 11-501 or a  
25 similar provision of a local ordinance, and the professional  
26 evaluation recommends remedial or rehabilitative treatment or

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

14 (i) In addition to any other fine or penalty required by  
15 law, an individual convicted of a violation of Section 11-501,  
16 Section 5-7 of the Snowmobile Registration and Safety Act,  
17 Section 5-16 of the Boat Registration and Safety Act, or a  
18 similar provision, whose operation of a motor vehicle,  
19 snowmobile, or watercraft while in violation of Section 11-501,  
20 Section 5-7 of the Snowmobile Registration and Safety Act,  
21 Section 5-16 of the Boat Registration and Safety Act, or a  
22 similar provision proximately caused an incident resulting in  
23 an appropriate emergency response, shall be required to make  
24 restitution to a public agency for the costs of that emergency  
25 response. The restitution may not exceed \$1,000 per public  
26 agency for each emergency response. As used in this subsection

1 (i), "emergency response" means any incident requiring a  
2 response by a police officer, a firefighter carried on the  
3 rolls of a regularly constituted fire department, or an  
4 ambulance.

5 Section 10. If and only if Senate Bill 300 of the 95th  
6 General Assembly becomes law and the changes to Section 6-206.1  
7 of the Illinois Vehicle Code in that bill become law in the  
8 form in which they appear in House Amendment No. 1 to that  
9 bill, the Illinois Vehicle Code is amended by changing Section  
10 6-206.1 as follows:

11 (625 ILCS 5/6-206.1) (from Ch. 95 1/2, par. 6-206.1)

12 Sec. 6-206.1. Monitoring Device Driving Permit.  
13 Declaration of Policy. It is hereby declared a policy of the  
14 State of Illinois that the driver who is impaired by alcohol,  
15 other drug or drugs, or intoxicating compound or compounds is a  
16 threat to the public safety and welfare. Therefore, to provide  
17 a deterrent to such practice and to remove problem drivers from  
18 the highway, a statutory summary driver's license suspension is  
19 appropriate. It is also recognized that driving is a privilege  
20 and therefore, that the granting of driving privileges, in a  
21 manner consistent with public safety, is warranted during the  
22 period of suspension in the form of a monitoring device driving  
23 permit. A person who drives and fails to comply with the  
24 requirements of the monitoring device driving permit commits a

1 violation of Section 6-303 of this Code.

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

5 (a) Subsequent to a notification of a statutory summary  
6 suspension of driving privileges as provided in Section  
7 11-501.1, the court, after informing the first offender, as  
8 defined in Section 11-500, of his or her right to a monitoring  
9 device driving permit, hereinafter referred to as a MDDP, and  
10 of the obligations of the MDDP, shall enter an order directing  
11 the Secretary of State to issue a MDDP to the offender, unless  
12 the offender has opted, in writing, not to have a MDDP issued.  
13 However, the court shall not enter the order directing the  
14 Secretary of State to issue the MDDP, if the court finds:

15 (1) The offender's driver's license is otherwise  
16 invalid ~~valid~~;

17 (2) Death ~~No death~~ or great bodily harm resulted from  
18 the arrest for Section 11-501;

19 (3) That the offender has ~~not~~ been previously convicted  
20 of reckless homicide; or ~~and~~

21 (4) That the offender is ~~not~~ less than 18 years of age.

22 Any court order for a MDDP shall order the person to pay the  
23 Secretary of State a MDDP Administration Fee an amount not to  
24 exceed \$30 per month. The Secretary shall establish by rule the  
25 amount and the procedures, terms, and conditions relating to  
26 these fees. The order shall further specify that the offender

1 must have an ignition interlock device installed within 14 days  
2 of the date the Secretary issues the MDDP, and shall specify  
3 the vehicle in which the device is to be installed. The  
4 ignition interlock device provider must notify the Secretary,  
5 in a manner and form prescribed by the Secretary, of the  
6 installation. If the Secretary does not receive notice of  
7 installation, the Secretary shall cancel the MDDP.

8 A MDDP shall not become effective prior to the 31st day of the  
9 original statutory summary suspension.

10 (a-1) A person issued a MDDP may drive for any purpose and  
11 at any time, subject to the rules adopted by the Secretary of  
12 State under subsection (g). The person must, at his or her own  
13 expense, drive only vehicles equipped with an ignition  
14 interlock device as defined in Section 1-129.1, but in no event  
15 shall such person drive a commercial motor vehicle.

16 (a-2) Persons who are issued a MDDP and must drive  
17 employer-owned vehicles in the course of their employment  
18 duties may seek permission from the court to drive an  
19 employer-owned vehicle that does not have an ignition interlock  
20 device. The employee shall provide to the court a form,  
21 prescribed by the Secretary of State, completed by the employer  
22 verifying that the employee must drive an employer-owned  
23 vehicle in the course of employment. If approved by the court,  
24 the form must be file stamped and must be in the driver's  
25 possession while operating an employer-owner vehicle not  
26 equipped with an ignition interlock device. No person may use

1 this exemption to drive a school bus, school vehicle, or a  
2 vehicle designed to transport more than 15 passengers. No  
3 person may use this exemption to drive an employer-owned motor  
4 vehicle that is owned by an entity that is wholly or partially  
5 owned by the person holding the MDDP, or by an family member of  
6 the person holding the MDDP. No person may use this exemption  
7 to drive an employer-owned vehicle that is made available to  
8 the employee for personal use. No person may drive the exempted  
9 vehicle more than 12 hours per day, 6 days per week.

10 (b) (Blank).

11 (c) (Blank).

12 (c-1)

13 If the person is issued a citation for a violation of Section  
14 6-303 or a violation of Section 11-501 or a similar provision  
15 of a local ordinance or a similar out of state offense during  
16 the term of the MDDP, the officer issuing the citation, or the  
17 law enforcement agency employing that officer, shall  
18 confiscate the MDDP and immediately send the MDDP and notice of  
19 the citation to the court that ordered the issuance of the  
20 MDDP. Within 10 days of receipt, the issuing court, upon notice  
21 to the person, shall conduct a hearing to consider cancellation  
22 of the MDDP. If the court enters an order of cancellation, the  
23 court shall forward the order to the Secretary of State, and  
24 the Secretary shall cancel the MDDP and notify the person of  
25 the cancellation. If, however, the person is convicted of the  
26 offense before the MDDP has been cancelled, the court of venue



1 shall send notice of conviction to the court that ordered  
2 issuance of the MDDP. The court receiving the notice shall  
3 immediately enter an order of cancellation and forward the  
4 order to the Secretary of State. The Secretary shall cancel the  
5 MDDP ~~JDP~~ and notify the person of the cancellation.

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

17 (c-5) If the court determines that the person seeking the  
18 MDDP is indigent, the court shall provide the person with a  
19 written document, in a form prescribed by the Secretary of  
20 State, as evidence of that determination, and the person shall  
21 provide that written document to an ignition interlock device  
22 provider. The provider shall install an ignition interlock  
23 device on that person's vehicle without charge to the person,  
24 and seek reimbursement from the Indigent BAIID Fund.

25 (d) The Secretary of State shall, upon receiving a court  
26 order from the court of venue, issue a MDDP to a person who

1 applies under this Section. Such court order form shall also  
2 contain a notification, which shall be sent to the Secretary of  
3 State, providing the name, driver's license number and legal  
4 address of the applicant. This information shall be available  
5 only to the courts, police officers, and the Secretary of  
6 State, except during the actual period the MDDP is valid,  
7 during which time it shall be a public record. The Secretary of  
8 State shall design and furnish to the courts an official court  
9 order form to be used by the courts when directing the  
10 Secretary of State to issue a MDDP.

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

17 (e) (Blank).

18 (f) (Blank).

19 (g) The Secretary of State shall adopt rules for  
20 implementing this Section. The rules adopted shall address  
21 issues including, but not limited to: compliance with the  
22 requirements of the MDDP; methods for determining compliance  
23 with those requirements; the consequences of noncompliance  
24 with those requirements; what constitutes a violation of the  
25 MDDP; and the duties of a person or entity that supplies the  
26 ignition interlock device.

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

4           (1) tampers or attempts to tamper with or circumvent  
5 the proper operation of the ignition interlock device;

6           (2) provides valid breath samples that register blood  
7 alcohol levels in excess of the number of times allowed  
8 under the rules;

9           (3) fails to provide evidence sufficient to satisfy the  
10 Secretary that the ignition interlock device has been  
11 installed in the designated vehicle or vehicles; or

12           (4) fails to follow any other applicable rules adopted  
13 by the Secretary.

14           (i) Any person or entity that supplies an ignition  
15 interlock device as provided under this Section shall, in  
16 addition to supplying only those devices which fully comply  
17 with all the rules adopted under subsection (g), provide the  
18 Secretary, within 7 days of inspection, all monitoring reports  
19 of each person who has had an ignition interlock device  
20 installed. These reports shall be furnished in a manner or form  
21 as prescribed by the Secretary.

22           (j) Upon making a determination that a violation of the  
23 requirements of the MDDP has occurred, the Secretary shall  
24 extend the summary suspension period for an additional 3 months  
25 beyond the originally imposed summary suspension period,  
26 during which time the person shall only be allowed to drive

1 vehicles equipped with an ignition interlock device; provided  
2 further there are no limitations on the number of times the  
3 summary suspension may be extended. Any person whose summary  
4 suspension is extended pursuant to this Section shall have the  
5 right to contest the extension through an administrative  
6 hearing with the Secretary. If the summary suspension has  
7 already terminated prior to the Secretary receiving the  
8 monitoring report that shows a violation, the Secretary shall  
9 be authorized to suspend the person's driving privileges for 3  
10 months. The only permit the person shall be eligible for during  
11 this new suspension period is a MDDP.

12 (k) A person who has had his or her summary suspension  
13 extended for the third time shall have his or her vehicle  
14 impounded for a period of 30 days, at the person's own expense.  
15 A person who has his or her summary suspension extended for the  
16 fourth time shall have his or her vehicle subject to seizure  
17 and forfeiture. The Secretary shall notify the prosecuting  
18 authority of any third or fourth extensions. Upon receipt of  
19 the notification, the prosecuting authority shall impound or  
20 forfeit the vehicle.

21 (l) A person whose driving privileges have been suspended  
22 under Section 11-501.1 of this Code and who had a MDDP that was  
23 cancelled pursuant to subsection (c-1) of this Section, shall  
24 not be eligible for reinstatement when the summary suspension  
25 is scheduled to terminate, but instead shall be eligible only  
26 to apply for a restricted driving permit. If a restricted

1 driving permit is granted, the offender may only operate  
2 vehicles equipped with an ignition interlock device, for a  
3 period of not less than twice the original summary suspension  
4 period.

5 (m) Any person or entity that supplies an ignition  
6 interlock device under this Section shall, for each ignition  
7 interlock device installed, pay 5% of the total gross revenue  
8 received for the device into the Indigent BAIID Fund. This 5%  
9 shall be clearly indicated as a separate surcharge on each  
10 invoice that is issued. The Secretary shall conduct an annual  
11 review of the fund to determine whether the surcharge is  
12 sufficient to provide for indigent users. The Secretary may  
13 increase or decrease this surcharge requirement as needed.

14 (n) Any person or entity that supplies an ignition  
15 interlock device under this Section that is requested to  
16 provide an ignition interlock device to a person who presents  
17 written documentation of indigency from the court, as provided  
18 in subsection (c-5) of this Section, shall install the device  
19 on the person's vehicle without charge to the person and shall  
20 seek reimbursement from the Indigent BAIID Fund.

21 (o) The Indigent BAIID Fund is created as a special fund in  
22 the State treasury. The Secretary of State shall, subject to  
23 appropriation by the General Assembly, use all money in the  
24 Indigent BAIID Fund to reimburse ignition interlock device  
25 providers who have installed devices in vehicles of indigent  
26 persons pursuant to court orders issued under this Section. The

1 Secretary shall make payments to such providers every 3 months.  
2 If the amount of money in the fund at the time payments are  
3 made is not sufficient to pay all requests for reimbursement  
4 submitted during that 3 month period, the Secretary shall make  
5 payments on a pro-rata basis, and those payments shall be  
6 considered payment in full for the requests submitted.

7 (p) The Monitoring Device Driving Permit Administration  
8 Fee Fund is created as a special fund in the State treasury.  
9 The Secretary of State shall, subject to appropriation by the  
10 General Assembly, use the money paid into this fund to offset  
11 its administrative costs for administering MDDPs.

12 (Source: P.A. 94-307, eff. 9-30-05; 94-357, eff. 1-1-06;  
13 94-930, eff. 6-26-06; 09500SB0300ham001.)

14 Section 15. The Unified Code of Corrections is amended by  
15 changing Sections 5-6-3 and 5-8-7 as follows:

16 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

17 Sec. 5-6-3. Conditions of Probation and of Conditional  
18 Discharge.

19 (a) The conditions of probation and of conditional  
20 discharge shall be that the person:

21 (1) not violate any criminal statute of any  
22 jurisdiction;

23 (2) report to or appear in person before such person or  
24 agency as directed by the court;

1           (3) refrain from possessing a firearm or other  
2 dangerous weapon;

3           (4) not leave the State without the consent of the  
4 court or, in circumstances in which the reason for the  
5 absence is of such an emergency nature that prior consent  
6 by the court is not possible, without the prior  
7 notification and approval of the person's probation  
8 officer. Transfer of a person's probation or conditional  
9 discharge supervision to another state is subject to  
10 acceptance by the other state pursuant to the Interstate  
11 Compact for Adult Offender Supervision;

12           (5) permit the probation officer to visit him at his  
13 home or elsewhere to the extent necessary to discharge his  
14 duties;

15           (6) perform no less than 30 hours of community service  
16 and not more than 120 hours of community service, if  
17 community service is available in the jurisdiction and is  
18 funded and approved by the county board where the offense  
19 was committed, where the offense was related to or in  
20 furtherance of the criminal activities of an organized gang  
21 and was motivated by the offender's membership in or  
22 allegiance to an organized gang. The community service  
23 shall include, but not be limited to, the cleanup and  
24 repair of any damage caused by a violation of Section  
25 21-1.3 of the Criminal Code of 1961 and similar damage to  
26 property located within the municipality or county in which

1 the violation occurred. When possible and reasonable, the  
2 community service should be performed in the offender's  
3 neighborhood. For purposes of this Section, "organized  
4 gang" has the meaning ascribed to it in Section 10 of the  
5 Illinois Streetgang Terrorism Omnibus Prevention Act;

6 (7) if he or she is at least 17 years of age and has  
7 been sentenced to probation or conditional discharge for a  
8 misdemeanor or felony in a county of 3,000,000 or more  
9 inhabitants and has not been previously convicted of a  
10 misdemeanor or felony, may be required by the sentencing  
11 court to attend educational courses designed to prepare the  
12 defendant for a high school diploma and to work toward a  
13 high school diploma or to work toward passing the high  
14 school level Test of General Educational Development (GED)  
15 or to work toward completing a vocational training program  
16 approved by the court. The person on probation or  
17 conditional discharge must attend a public institution of  
18 education to obtain the educational or vocational training  
19 required by this clause (7). The court shall revoke the  
20 probation or conditional discharge of a person who wilfully  
21 fails to comply with this clause (7). The person on  
22 probation or conditional discharge shall be required to pay  
23 for the cost of the educational courses or GED test, if a  
24 fee is charged for those courses or test. The court shall  
25 resentence the offender whose probation or conditional  
26 discharge has been revoked as provided in Section 5-6-4.



1 This clause (7) does not apply to a person who has a high  
2 school diploma or has successfully passed the GED test.  
3 This clause (7) does not apply to a person who is  
4 determined by the court to be developmentally disabled or  
5 otherwise mentally incapable of completing the educational  
6 or vocational program;

7 (8) if convicted of possession of a substance  
8 prohibited by the Cannabis Control Act, the Illinois  
9 Controlled Substances Act, or the Methamphetamine Control  
10 and Community Protection Act after a previous conviction or  
11 disposition of supervision for possession of a substance  
12 prohibited by the Cannabis Control Act or Illinois  
13 Controlled Substances Act or after a sentence of probation  
14 under Section 10 of the Cannabis Control Act, Section 410  
15 of the Illinois Controlled Substances Act, or Section 70 of  
16 the Methamphetamine Control and Community Protection Act  
17 and upon a finding by the court that the person is  
18 addicted, undergo treatment at a substance abuse program  
19 approved by the court;

20 (8.5) if convicted of a felony sex offense as defined  
21 in the Sex Offender Management Board Act, the person shall  
22 undergo and successfully complete sex offender treatment  
23 by a treatment provider approved by the Board and conducted  
24 in conformance with the standards developed under the Sex  
25 Offender Management Board Act;

26 (8.6) if convicted of a sex offense as defined in the

1 Sex Offender Management Board Act, refrain from residing at  
2 the same address or in the same condominium unit or  
3 apartment unit or in the same condominium complex or  
4 apartment complex with another person he or she knows or  
5 reasonably should know is a convicted sex offender or has  
6 been placed on supervision for a sex offense; the  
7 provisions of this paragraph do not apply to a person  
8 convicted of a sex offense who is placed in a Department of  
9 Corrections licensed transitional housing facility for sex  
10 offenders; ~~and~~

11 (9) if convicted of a felony, physically surrender at a  
12 time and place designated by the court, his or her Firearm  
13 Owner's Identification Card and any and all firearms in his  
14 or her possession; and

15 (10) if convicted of a sex offense as defined in  
16 subsection (a-5) of Section 3-1-2 of this Code, unless the  
17 offender is a parent or guardian of the person under 18  
18 years of age present in the home and no non-familial minors  
19 are present, not participate in a holiday event involving  
20 children under 18 years of age, such as distributing candy  
21 or other items to children on Halloween, wearing a Santa  
22 Claus costume on or preceding Christmas, being employed as  
23 a department store Santa Claus, or wearing an Easter Bunny  
24 costume on or preceding Easter.

25 (b) The Court may in addition to other reasonable  
26 conditions relating to the nature of the offense or the

1 rehabilitation of the defendant as determined for each  
2 defendant in the proper discretion of the Court require that  
3 the person:

4 (1) serve a term of periodic imprisonment under Article  
5 7 for a period not to exceed that specified in paragraph  
6 (d) of Section 5-7-1;

7 (2) pay a fine and costs;

8 (3) work or pursue a course of study or vocational  
9 training;

10 (4) undergo medical, psychological or psychiatric  
11 treatment; or treatment for drug addiction or alcoholism;

12 (5) attend or reside in a facility established for the  
13 instruction or residence of defendants on probation;

14 (6) support his dependents;

15 (7) and in addition, if a minor:

16 (i) reside with his parents or in a foster home;

17 (ii) attend school;

18 (iii) attend a non-residential program for youth;

19 (iv) contribute to his own support at home or in a  
20 foster home;

21 (v) with the consent of the superintendent of the  
22 facility, attend an educational program at a facility  
23 other than the school in which the offense was  
24 committed if he or she is convicted of a crime of  
25 violence as defined in Section 2 of the Crime Victims  
26 Compensation Act committed in a school, on the real

1 property comprising a school, or within 1,000 feet of  
2 the real property comprising a school;

3 (8) make restitution as provided in Section 5-5-6 of  
4 this Code;

5 (9) perform some reasonable public or community  
6 service;

7 (10) serve a term of home confinement. In addition to  
8 any other applicable condition of probation or conditional  
9 discharge, the conditions of home confinement shall be that  
10 the offender:

11 (i) remain within the interior premises of the  
12 place designated for his confinement during the hours  
13 designated by the court;

14 (ii) admit any person or agent designated by the  
15 court into the offender's place of confinement at any  
16 time for purposes of verifying the offender's  
17 compliance with the conditions of his confinement; and

18 (iii) if further deemed necessary by the court or  
19 the Probation or Court Services Department, be placed  
20 on an approved electronic monitoring device, subject  
21 to Article 8A of Chapter V;

22 (iv) for persons convicted of any alcohol,  
23 cannabis or controlled substance violation who are  
24 placed on an approved monitoring device as a condition  
25 of probation or conditional discharge, the court shall  
26 impose a reasonable fee for each day of the use of the

1 device, as established by the county board in  
2 subsection (g) of this Section, unless after  
3 determining the inability of the offender to pay the  
4 fee, the court assesses a lesser fee or no fee as the  
5 case may be. This fee shall be imposed in addition to  
6 the fees imposed under subsections (g) and (i) of this  
7 Section. The fee shall be collected by the clerk of the  
8 circuit court. The clerk of the circuit court shall pay  
9 all monies collected from this fee to the county  
10 treasurer for deposit in the substance abuse services  
11 fund under Section 5-1086.1 of the Counties Code; and

12 (v) for persons convicted of offenses other than  
13 those referenced in clause (iv) above and who are  
14 placed on an approved monitoring device as a condition  
15 of probation or conditional discharge, the court shall  
16 impose a reasonable fee for each day of the use of the  
17 device, as established by the county board in  
18 subsection (g) of this Section, unless after  
19 determining the inability of the defendant to pay the  
20 fee, the court assesses a lesser fee or no fee as the  
21 case may be. This fee shall be imposed in addition to  
22 the fees imposed under subsections (g) and (i) of this  
23 Section. The fee shall be collected by the clerk of the  
24 circuit court. The clerk of the circuit court shall pay  
25 all monies collected from this fee to the county  
26 treasurer who shall use the monies collected to defray

1           the costs of corrections. The county treasurer shall  
2           deposit the fee collected in the county working cash  
3           fund under Section 6-27001 or Section 6-29002 of the  
4           Counties Code, as the case may be.

5           (11) comply with the terms and conditions of an order  
6           of protection issued by the court pursuant to the Illinois  
7           Domestic Violence Act of 1986, as now or hereafter amended,  
8           or an order of protection issued by the court of another  
9           state, tribe, or United States territory. A copy of the  
10          order of protection shall be transmitted to the probation  
11          officer or agency having responsibility for the case;

12          (12) reimburse any "local anti-crime program" as  
13          defined in Section 7 of the Anti-Crime Advisory Council Act  
14          for any reasonable expenses incurred by the program on the  
15          offender's case, not to exceed the maximum amount of the  
16          fine authorized for the offense for which the defendant was  
17          sentenced;

18          (13) contribute a reasonable sum of money, not to  
19          exceed the maximum amount of the fine authorized for the  
20          offense for which the defendant was sentenced, to a "local  
21          anti-crime program", as defined in Section 7 of the  
22          Anti-Crime Advisory Council Act;

23          (14) refrain from entering into a designated  
24          geographic area except upon such terms as the court finds  
25          appropriate. Such terms may include consideration of the  
26          purpose of the entry, the time of day, other persons

1 accompanying the defendant, and advance approval by a  
2 probation officer, if the defendant has been placed on  
3 probation or advance approval by the court, if the  
4 defendant was placed on conditional discharge;

5 (15) refrain from having any contact, directly or  
6 indirectly, with certain specified persons or particular  
7 types of persons, including but not limited to members of  
8 street gangs and drug users or dealers;

9 (16) refrain from having in his or her body the  
10 presence of any illicit drug prohibited by the Cannabis  
11 Control Act, the Illinois Controlled Substances Act, or the  
12 Methamphetamine Control and Community Protection Act,  
13 unless prescribed by a physician, and submit samples of his  
14 or her blood or urine or both for tests to determine the  
15 presence of any illicit drug.

16 (c) The court may as a condition of probation or of  
17 conditional discharge require that a person under 18 years of  
18 age found guilty of any alcohol, cannabis or controlled  
19 substance violation, refrain from acquiring a driver's license  
20 during the period of probation or conditional discharge. If  
21 such person is in possession of a permit or license, the court  
22 may require that the minor refrain from driving or operating  
23 any motor vehicle during the period of probation or conditional  
24 discharge, except as may be necessary in the course of the  
25 minor's lawful employment.

26 (d) An offender sentenced to probation or to conditional

1 discharge shall be given a certificate setting forth the  
2 conditions thereof.

3 (e) Except where the offender has committed a fourth or  
4 subsequent violation of subsection (c) of Section 6-303 of the  
5 Illinois Vehicle Code, the court shall not require as a  
6 condition of the sentence of probation or conditional discharge  
7 that the offender be committed to a period of imprisonment in  
8 excess of 6 months. This 6 month limit shall not include  
9 periods of confinement given pursuant to a sentence of county  
10 impact incarceration under Section 5-8-1.2. ~~This 6 month limit  
11 does not apply to a person sentenced to probation as a result  
12 of a conviction of a fourth or subsequent violation of  
13 subsection (c-4) of Section 11-501 of the Illinois Vehicle Code  
14 or a similar provision of a local ordinance.~~

15 Persons committed to imprisonment as a condition of  
16 probation or conditional discharge shall not be committed to  
17 the Department of Corrections.

18 (f) The court may combine a sentence of periodic  
19 imprisonment under Article 7 or a sentence to a county impact  
20 incarceration program under Article 8 with a sentence of  
21 probation or conditional discharge.

22 (g) An offender sentenced to probation or to conditional  
23 discharge and who during the term of either undergoes mandatory  
24 drug or alcohol testing, or both, or is assigned to be placed  
25 on an approved electronic monitoring device, shall be ordered  
26 to pay all costs incidental to such mandatory drug or alcohol



1 testing, or both, and all costs incidental to such approved  
2 electronic monitoring in accordance with the defendant's  
3 ability to pay those costs. The county board with the  
4 concurrence of the Chief Judge of the judicial circuit in which  
5 the county is located shall establish reasonable fees for the  
6 cost of maintenance, testing, and incidental expenses related  
7 to the mandatory drug or alcohol testing, or both, and all  
8 costs incidental to approved electronic monitoring, involved  
9 in a successful probation program for the county. The  
10 concurrence of the Chief Judge shall be in the form of an  
11 administrative order. The fees shall be collected by the clerk  
12 of the circuit court. The clerk of the circuit court shall pay  
13 all moneys collected from these fees to the county treasurer  
14 who shall use the moneys collected to defray the costs of drug  
15 testing, alcohol testing, and electronic monitoring. The  
16 county treasurer shall deposit the fees collected in the county  
17 working cash fund under Section 6-27001 or Section 6-29002 of  
18 the Counties Code, as the case may be.

19 (h) Jurisdiction over an offender may be transferred from  
20 the sentencing court to the court of another circuit with the  
21 concurrence of both courts. Further transfers or retransfers of  
22 jurisdiction are also authorized in the same manner. The court  
23 to which jurisdiction has been transferred shall have the same  
24 powers as the sentencing court.

25 (i) The court shall impose upon an offender sentenced to  
26 probation after January 1, 1989 or to conditional discharge

1 after January 1, 1992 or to community service under the  
2 supervision of a probation or court services department after  
3 January 1, 2004, as a condition of such probation or  
4 conditional discharge or supervised community service, a fee of  
5 \$50 for each month of probation or conditional discharge  
6 supervision or supervised community service ordered by the  
7 court, unless after determining the inability of the person  
8 sentenced to probation or conditional discharge or supervised  
9 community service to pay the fee, the court assesses a lesser  
10 fee. The court may not impose the fee on a minor who is made a  
11 ward of the State under the Juvenile Court Act of 1987 while  
12 the minor is in placement. The fee shall be imposed only upon  
13 an offender who is actively supervised by the probation and  
14 court services department. The fee shall be collected by the  
15 clerk of the circuit court. The clerk of the circuit court  
16 shall pay all monies collected from this fee to the county  
17 treasurer for deposit in the probation and court services fund  
18 under Section 15.1 of the Probation and Probation Officers Act.

19 A circuit court may not impose a probation fee under this  
20 subsection (i) in excess of \$25 per month unless: (1) the  
21 circuit court has adopted, by administrative order issued by  
22 the chief judge, a standard probation fee guide determining an  
23 offender's ability to pay, under guidelines developed by the  
24 Administrative Office of the Illinois Courts; and (2) the  
25 circuit court has authorized, by administrative order issued by  
26 the chief judge, the creation of a Crime Victim's Services

1 Fund, to be administered by the Chief Judge or his or her  
2 designee, for services to crime victims and their families. Of  
3 the amount collected as a probation fee, up to \$5 of that fee  
4 collected per month may be used to provide services to crime  
5 victims and their families.

6 This amendatory Act of the 93rd General Assembly deletes  
7 the \$10 increase in the fee under this subsection that was  
8 imposed by Public Act 93-616. This deletion is intended to  
9 control over any other Act of the 93rd General Assembly that  
10 retains or incorporates that fee increase.

11 (i-5) In addition to the fees imposed under subsection (i)  
12 of this Section, in the case of an offender convicted of a  
13 felony sex offense (as defined in the Sex Offender Management  
14 Board Act) or an offense that the court or probation department  
15 has determined to be sexually motivated (as defined in the Sex  
16 Offender Management Board Act), the court or the probation  
17 department shall assess additional fees to pay for all costs of  
18 treatment, assessment, evaluation for risk and treatment, and  
19 monitoring the offender, based on that offender's ability to  
20 pay those costs either as they occur or under a payment plan.

21 (j) All fines and costs imposed under this Section for any  
22 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle  
23 Code, or a similar provision of a local ordinance, and any  
24 violation of the Child Passenger Protection Act, or a similar  
25 provision of a local ordinance, shall be collected and  
26 disbursed by the circuit clerk as provided under Section 27.5

1 of the Clerks of Courts Act.

2 (k) Any offender who is sentenced to probation or  
3 conditional discharge for a felony sex offense as defined in  
4 the Sex Offender Management Board Act or any offense that the  
5 court or probation department has determined to be sexually  
6 motivated as defined in the Sex Offender Management Board Act  
7 shall be required to refrain from any contact, directly or  
8 indirectly, with any persons specified by the court and shall  
9 be available for all evaluations and treatment programs  
10 required by the court or the probation department.

11 (Source: P.A. 93-475, eff. 8-8-03; 93-616, eff. 1-1-04; 93-970,  
12 eff. 8-20-04; 94-159, eff. 7-11-05; 94-161, eff. 7-11-05;  
13 94-556, eff. 9-11-05; revised 8-19-05.)

14 (730 ILCS 5/5-8-7) (from Ch. 38, par. 1005-8-7)

15 Sec. 5-8-7. Calculation of Term of Imprisonment.

16 (a) A sentence of imprisonment shall commence on the date  
17 on which the offender is received by the Department or the  
18 institution at which the sentence is to be served.

19 (b) The offender shall be given credit on the determinate  
20 sentence or maximum term and the minimum period of imprisonment  
21 for time spent in custody as a result of the offense for which  
22 the sentence was imposed, at the rate specified in Section  
23 3-6-3 of this Code. Except when prohibited by subsection (d),  
24 the trial court may give credit to the defendant for time spent  
25 in home detention, or when the defendant has been confined for

1 psychiatric or substance abuse treatment prior to judgment, if  
2 the court finds that the detention or confinement was  
3 custodial.

4 (c) An offender arrested on one charge and prosecuted on  
5 another charge for conduct which occurred prior to his arrest  
6 shall be given credit on the determinate sentence or maximum  
7 term and the minimum term of imprisonment for time spent in  
8 custody under the former charge not credited against another  
9 sentence.

10 (d) An offender sentenced to a term of imprisonment for an  
11 offense listed in paragraph (2) of subsection (c) of Section  
12 5-5-3 of this Code, or for an offense listed in subdivision  
13 (d)(2)(c) in paragraph (3) of subsection (e-1) of Section  
14 11-501 of the Illinois Vehicle Code that was committed while  
15 the offender's driving privileges were revoked or suspended as  
16 provided in subdivision (d)(1)(G) of that Section, shall not  
17 receive credit for time spent in home detention prior to  
18 judgment.

19 (Source: P.A. 93-800, eff. 1-1-05.)

20 Section 99. Effective date. Section 10 of this Act takes  
21 effect on January 1, 2009."