

1 AN ACT concerning transportation.

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

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

7 (625 ILCS 5/6-101) (from Ch. 95 1/2, par. 6-101)

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

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

14 (b) No person shall drive a motor vehicle unless he holds a
15 valid license or permit, or a restricted driving permit issued
16 under the provisions of Section 6-205, 6-206, or 6-113 of this
17 Act. Any person to whom a license is issued under the
18 provisions of this Act must surrender to the Secretary of State
19 all valid licenses or permits. No drivers license shall be
20 issued to any person who holds a valid Foreign State license,
21 identification card, or permit unless such person first
22 surrenders to the Secretary of State any such valid Foreign
23 State license, identification card, or permit.

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

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

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

19 (e) In addition to other penalties imposed under this
20 Section, the vehicle of any person in violation of this Section
21 who is also in violation of Section 7-601 of this Code relating
22 to mandatory insurance requirements and who, in violating this
23 Section, has caused death or personal injury to another person
24 is subject to forfeiture under Sections 36-1 and 36-2 of the
25 Criminal Code of 1961. For the purposes of this Section, a
26 personal injury shall include any type A injury as indicated on

1 the traffic accident report completed by a law enforcement
2 officer that requires immediate professional attention in
3 either a doctor's office or a medical facility. A type A injury
4 shall include severely bleeding wounds, distorted extremities,
5 and injuries that require the injured party to be carried from
6 the scene.

7 (Source: P.A. 93-187, eff. 7-11-03; 93-895, eff. 1-1-05;
8 94-993, eff. 1-1-07.)

9 (625 ILCS 5/6-206.2)

10 Sec. 6-206.2. Violations relating to an ignition interlock
11 device.

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

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

25 (c) It is unlawful to tamper with, or circumvent the

1 operation of, an ignition interlock device.

2 (d) Except as provided in subsection (c)(17) of Section
3 5-6-3.1 of the Unified Code of Corrections or by rule, no
4 person shall knowingly rent, lease, or lend a motor vehicle to
5 a person known to have his or her driving privilege restricted
6 by being prohibited from operating a vehicle not equipped with
7 an ignition interlock device, unless the vehicle is equipped
8 with a functioning ignition interlock device. Any person whose
9 driving privilege is so restricted shall notify any person
10 intending to rent, lease, or loan a motor vehicle to the
11 restricted person of the driving restriction imposed upon him
12 or her.

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

16 (e) If a person prohibited under Section 11-501.01
17 ~~paragraph (2) or paragraph (3) of subsection (c 4) of Section~~
18 ~~11-501~~ from driving any vehicle not equipped with an ignition
19 interlock device nevertheless is convicted of driving a vehicle
20 that is not equipped with the device, that person is prohibited
21 from driving any vehicle not equipped with an ignition
22 interlock device for an additional period of time equal to the
23 initial time period that the person was required to use an
24 ignition interlock device.

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

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

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

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

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

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

10 (c) Any person convicted of violating this Section shall
11 serve a minimum term of imprisonment of 10 consecutive days or
12 30 days of community service when the person's driving
13 privilege was revoked or suspended as a result of:

14 (1) a violation of Section 11-501 of this Code or a
15 similar provision of a local ordinance relating to the
16 offense of operating or being in physical control of a
17 vehicle while under the influence of alcohol, any other
18 drug or any combination thereof; or

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

23 (3) a violation of Section 9-3 of the Criminal Code of
24 1961, as amended, relating to the offense of reckless
25 homicide; or

26 (4) a statutory summary suspension under Section

1 11-501.1 of this Code.

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

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

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

11 (1) Seizure of the license plates of the person's
12 vehicle.

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

15 (d) Any person convicted of a second violation of this
16 Section shall be guilty of a Class 4 felony and shall serve a
17 minimum term of imprisonment of 30 days or 300 hours of
18 community service, as determined by the court, 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 (d-1) Except as provided in subsection (d-2) and subsection

1 (d-3), any person convicted of a third or subsequent violation
2 of this Section shall serve a minimum term of imprisonment of
3 30 days or 300 hours of community service, as determined by the
4 court.

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

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

24 (d-4) Any person convicted of a tenth, eleventh, twelfth,
25 thirteenth, or fourteenth violation of this Section is guilty
26 of a Class 3 felony, and is not eligible for probation or

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

8 (d-5) Any person convicted of a fifteenth or subsequent
9 violation of this Section is guilty of a Class 2 felony, and is
10 not eligible for probation or conditional discharge, if the
11 revocation or suspension was for a violation of Section 11-401
12 or 11-501 of this Code, or a similar out-of-state offense, or a
13 similar provision of a local ordinance, a violation of Section
14 9-3 of the Criminal Code of 1961, relating to the offense of
15 reckless homicide, or a similar out-of-state offense, or a
16 statutory summary suspension under Section 11-501.1 of this
17 Code.

18 (e) Any person in violation of this Section who is also in
19 violation of Section 7-601 of this Code relating to mandatory
20 insurance requirements, in addition to other penalties imposed
21 under this Section, 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 vehicle
25 that was impounded and the notarized written consent for the
26 release by the vehicle owner.

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

4 (g) The motor vehicle used in a violation of this Section
5 is subject to seizure and forfeiture as provided in Sections
6 36-1 and 36-2 of the Criminal Code of 1961 if the person's
7 driving privilege was revoked or suspended as a result of a
8 violation listed in paragraph (1), (2), or (3) of subsection
9 (c) of this Section or as a result of a summary suspension as
10 provided in paragraph (4) of subsection (c) of this Section.

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

12 (625 ILCS 5/11-501) (from Ch. 95 1/2, par. 11-501)

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

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

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

21 (2) under the influence of alcohol;

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

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

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

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

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

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

17 (c) Penalties.

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

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

26 (3) A person who violates subsection (a) is subject to

1 6 months of imprisonment, an additional mandatory minimum
2 fine of \$1,000, and 25 days of community service in a
3 program benefiting children if the person was transporting
4 a person under the age of 16 at the time of the violation.

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

12 (5) A person who violates subsection (a) a second time,
13 if at the time of the second violation the alcohol
14 concentration in his or her blood, breath, or urine was
15 0.16 or more based on the definition of blood, breath, or
16 urine units in Section 11-501.2, shall be subject, in
17 addition to any other penalty that may be imposed, to a
18 mandatory minimum of 2 days of imprisonment and a mandatory
19 minimum fine of \$1,250.

20 (d) Aggravated driving under the influence of alcohol,
21 other drug or drugs, or intoxicating compound or compounds, or
22 any combination thereof.

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

1 thereof if:

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

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

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

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

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

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

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

12 (G) the person committed a violation of subsection
13 (a) during a period in which the defendant's driving
14 privileges are revoked or suspended, where the
15 revocation or suspension was for a violation of
16 subsection (a), Section 11-501.1, paragraph (b) of
17 Section 11-401, or for reckless homicide as defined in
18 Section 9-3 of the Criminal Code of 1961;

19 (H) the person committed the violation while he or
20 she did not possess a driver's license or permit or a
21 restricted driving permit or a judicial driving
22 permit;

23 (I) the person committed the violation while he or
24 she knew or should have known that the vehicle he or
25 she was driving was not covered by a liability
26 insurance policy;

1 (J) the person in committing a violation of
2 subsection (a) was involved in a motor vehicle accident
3 that resulted in bodily harm, but not great bodily
4 harm, to the child under the age of 16 being
5 transported by the person, if the violation was the
6 proximate cause of the injury; or

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

10 (2) (A) Except as provided otherwise, a person
11 convicted of aggravated driving under the influence of
12 alcohol, other drug or drugs, or intoxicating compound or
13 compounds, or any combination thereof is guilty of a Class
14 4 felony.

15 (B) A third violation of this Section or a similar
16 provision is a Class 2 felony. If at the time of the third
17 violation the alcohol concentration in his or her blood,
18 breath, or urine was 0.16 or more based on the definition
19 of blood, breath, or urine units in Section 11-501.2, a
20 mandatory minimum of 90 days of imprisonment and a
21 mandatory minimum fine of \$2,500 shall be imposed in
22 addition to any other criminal or administrative sanction.
23 If at the time of the third violation, the defendant was
24 transporting a person under the age of 16, a mandatory fine
25 of \$25,000 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 (C) A fourth violation of this Section or a similar
3 provision is a Class 2 felony, for which a sentence of
4 probation or conditional discharge may not be imposed. If
5 at the time of the violation, the alcohol concentration in
6 the defendant's blood, breath, or urine was 0.16 or more
7 based on the definition of blood, breath, or urine units in
8 Section 11-501.2, a mandatory minimum fine of \$5,000 shall
9 be imposed in addition to any other criminal or
10 administrative sanction. If at the time of the fourth
11 violation, the defendant was transporting a person under
12 the age of 16 a mandatory fine of \$25,000 and 25 days of
13 community service in a program benefiting children shall be
14 imposed in addition to any other criminal or administrative
15 sanction.

16 (D) A fifth violation of this Section or a similar
17 provision is a Class 1 felony, for which a sentence of
18 probation or conditional discharge may not be imposed. If
19 at the time of the violation, the alcohol concentration in
20 the defendant's blood, breath, or urine was 0.16 or more
21 based on the definition of blood, breath, or urine units in
22 Section 11-501.2, a mandatory minimum fine of \$5,000 shall
23 be imposed in addition to any other criminal or
24 administrative sanction. If at the time of the fifth
25 violation, the defendant was transporting a person under
26 the age of 16, a mandatory fine of \$25,000, and 25 days of

1 community service in a program benefiting children shall be
2 imposed in addition to any other criminal or administrative
3 sanction.

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

17 (F) For a violation of subparagraph (C) of paragraph
18 (1) of this subsection (d), the defendant, if sentenced to
19 a term of imprisonment, shall be sentenced to not less than
20 one year nor more than 12 years.

21 (G) A violation of subparagraph (F) of paragraph (1) of
22 this subsection (d) is a Class 2 felony, for which the
23 defendant, unless the court determines that extraordinary
24 circumstances exist and require probation, shall be
25 sentenced to: (i) a term of imprisonment of not less than 3
26 years and not more than 14 years if the violation resulted

1 in the death of one person; or (ii) a term of imprisonment
2 of not less than 6 years and not more than 28 years if the
3 violation resulted in the deaths of 2 or more persons.

4 (H) For a violation of subparagraph (J) of paragraph
5 (1) of this subsection (d), a mandatory fine of \$2,500, and
6 25 days of community service in a program benefiting
7 children shall be imposed in addition to any other criminal
8 or administrative sanction.

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

20 (3) Any person sentenced under this subsection (d) who
21 receives a term of probation or conditional discharge must
22 serve a minimum term of either 480 hours of community
23 service or 10 days of imprisonment as a condition of the
24 probation or conditional discharge in addition to any other
25 criminal or administrative sanction.

26 (e) Any reference to a prior violation of subsection (a) or

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

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

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

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

14 (Text of Section from P.A. 93-1093 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~~
26 ~~renders the person incapable of driving safely;~~

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

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

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

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

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

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

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

1 ~~for any subsequent violation of subsection (a).~~

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

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

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

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

22 ~~(c) (Blank).~~

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

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

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

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

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

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

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

26 ~~(2) Except as provided in subdivisions (c 5) (3) and~~

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

12 ~~(3) Except as provided in subdivision (e-5)(4), any~~
13 ~~person convicted of violating subdivision (e-5)(2) or a~~
14 ~~similar provision within 10 years of a previous violation~~
15 ~~of subsection (a) or a similar provision shall receive, in~~
16 ~~addition to any other penalty imposed, a mandatory minimum~~
17 ~~12 days imprisonment, an additional 40 hours of mandatory~~
18 ~~community service in a program benefiting children, and a~~
19 ~~mandatory minimum fine of \$1,750. The imprisonment or~~
20 ~~assignment of community service under this subdivision~~
21 ~~(e-5)(3) is not subject to suspension, nor is the person~~
22 ~~eligible for a reduced sentence.~~

23 ~~(4) Any person convicted of violating subdivision~~
24 ~~(e-5)(2) or a similar provision within 5 years of a~~
25 ~~previous violation of subsection (a) or a similar provision~~
26 ~~shall receive, in addition to any other penalty imposed, an~~

1 ~~additional 80 hours of mandatory community service in a~~
2 ~~program benefiting children, an additional mandatory~~
3 ~~minimum 12 days of imprisonment, and a mandatory minimum~~
4 ~~fine of \$1,750. The imprisonment or assignment of community~~
5 ~~service under this subdivision (c 5) (4) is not subject to~~
6 ~~suspension, nor is the person eligible for a reduced~~
7 ~~sentence.~~

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

20 ~~(6) Any person convicted of violating subdivision~~
21 ~~(c 5) (5) or a similar provision a third time within 20~~
22 ~~years of a previous violation of subsection (a) or a~~
23 ~~similar provision is guilty of a Class 4 felony and shall~~
24 ~~receive, in addition to any other penalty imposed, an~~
25 ~~additional mandatory 40 hours of community service in a~~
26 ~~program benefiting children, an additional mandatory fine~~

1 ~~of \$3,000, and a mandatory minimum 120 days of~~
2 ~~imprisonment. The imprisonment or assignment of community~~
3 ~~service under this subdivision (c-5)(6) is not subject to~~
4 ~~suspension, nor is the person eligible for a reduced~~
5 ~~sentence.~~

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

18 ~~(c-6)(1) Any person convicted of a first violation of~~
19 ~~subsection (a) or a similar provision, if the alcohol~~
20 ~~concentration in his or her blood, breath, or urine was~~
21 ~~0.16 or more based on the definition of blood, breath, or~~
22 ~~urine units in Section 11-501.2, shall be subject, in~~
23 ~~addition to any other penalty that may be imposed, to a~~
24 ~~mandatory minimum of 100 hours of community service and a~~
25 ~~mandatory minimum fine of \$500.~~

26 ~~(2) Any person convicted of a second violation of~~

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

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

23 ~~(4) Any person convicted of a fourth or subsequent~~
24 ~~violation of subsection (a) or a similar provision, if at~~
25 ~~the time of the fourth or subsequent violation the alcohol~~
26 ~~concentration in his or her blood, breath, or urine was~~

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

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

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

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

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

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

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

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

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

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

1 ~~reduced by the court.~~

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

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

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

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

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

7 ~~(h) (Blank).~~

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

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

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

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

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

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

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

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

1 ~~ambulance.~~

2 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;
3 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;
4 93-840, eff. 7-30-04; 93-1093, eff. 3-29-05; 94-963, eff.
5 6-28-06.)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 ~~(3) A person who violates subsection (a) a fourth or~~
24 ~~subsequent time, if the fourth or subsequent violation~~
25 ~~occurs during a period in which his or her driving~~
26 ~~privileges are revoked or suspended where the revocation or~~

1 ~~suspension was for a violation of subsection (a), Section~~
2 ~~11-501.1, paragraph (b) of Section 11-401, or for reckless~~
3 ~~homicide as defined in Section 9-3 of the Criminal Code of~~
4 ~~1961, is guilty of a Class 2 felony and is not eligible for~~
5 ~~a sentence of probation or conditional discharge.~~

6 ~~(c 2) (Blank).~~

7 ~~(c 3) (Blank).~~

8 ~~(c 4) (Blank).~~

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

18 ~~(c 5.1) A person 21 years of age or older who is convicted~~
19 ~~of violating subsection (a) of this Section a first time and~~
20 ~~who in committing that violation was involved in a motor~~
21 ~~vehicle accident that resulted in bodily harm to the child~~
22 ~~under the age of 16 being transported by the person, if the~~
23 ~~violation was the proximate cause of the injury, is guilty of a~~
24 ~~Class 4 felony and is subject to one year of imprisonment, a~~
25 ~~mandatory fine of \$2,500, and 25 days of community service in a~~
26 ~~program benefiting children. The imprisonment or assignment to~~

1 ~~community service under this subsection (c-5.1) shall not be~~
2 ~~subject to suspension, nor shall the person be eligible for~~
3 ~~probation in order to reduce the sentence or assignment.~~

4 ~~(c-6) Except as provided in subsections (c-7) and (c-7.1),~~
5 ~~a person 21 years of age or older who violates subsection (a) a~~
6 ~~second time, if at the time of the second violation the person~~
7 ~~was transporting a person under the age of 16, is subject to 6~~
8 ~~months of imprisonment, an additional mandatory minimum fine of~~
9 ~~\$1,000, and an additional mandatory minimum 140 hours of~~
10 ~~community service, which shall include 40 hours of community~~
11 ~~service in a program benefiting children. The imprisonment or~~
12 ~~assignment of community service under this subsection (c-6) is~~
13 ~~not subject to suspension, nor is the person eligible for a~~
14 ~~reduced sentence.~~

15 ~~(c-7) Except as provided in subsection (c-7.1), any person~~
16 ~~21 years of age or older convicted of violating subsection~~
17 ~~(c-6) or a similar provision within 10 years of a previous~~
18 ~~violation of subsection (a) or a similar provision is guilty of~~
19 ~~a Class 4 felony and, in addition to any other penalty imposed,~~
20 ~~is subject to one year of imprisonment, 25 days of mandatory~~
21 ~~community service in a program benefiting children, and a~~
22 ~~mandatory fine of \$2,500. The imprisonment or assignment of~~
23 ~~community service under this subsection (c-7) is not subject to~~
24 ~~suspension, nor is the person eligible for a reduced sentence.~~

25 ~~(c-7.1) A person 21 years of age or older who is convicted~~
26 ~~of violating subsection (a) of this Section a second time~~

1 ~~within 10 years and who in committing that violation was~~
2 ~~involved in a motor vehicle accident that resulted in bodily~~
3 ~~harm to the child under the age of 16 being transported, if the~~
4 ~~violation was the proximate cause of the injury, is guilty of a~~
5 ~~Class 4 felony and is subject to 18 months of imprisonment, a~~
6 ~~mandatory fine of \$5,000, and 25 days of community service in a~~
7 ~~program benefiting children. The imprisonment or assignment to~~
8 ~~community service under this subsection (c 7.1) shall not be~~
9 ~~subject to suspension, nor shall the person be eligible for~~
10 ~~probation in order to reduce the sentence or assignment.~~

11 ~~(c-8) (Blank).~~

12 ~~(c-9) Any person 21 years of age or older convicted a third~~
13 ~~time for violating subsection (a) or a similar provision, if at~~
14 ~~the time of the third violation the person was transporting a~~
15 ~~person under the age of 16, is guilty of a Class 4 felony and is~~
16 ~~subject to 18 months of imprisonment, a mandatory fine of~~
17 ~~\$2,500, and 25 days of community service in a program~~
18 ~~benefiting children. The imprisonment or assignment of~~
19 ~~community service under this subsection (c 9) is not subject to~~
20 ~~suspension, nor is the person eligible for a reduced sentence.~~

21 ~~(c-10) Any person 21 years of age or older convicted of~~
22 ~~violating subsection (c-9) or a similar provision a third time~~
23 ~~within 20 years of a previous violation of subsection (a) or a~~
24 ~~similar provision is guilty of a Class 3 felony and, in~~
25 ~~addition to any other penalty imposed, is subject to 3 years of~~
26 ~~imprisonment, 25 days of community service in a program~~

1 ~~benefiting children, and a mandatory fine of \$25,000. The~~
2 ~~imprisonment or assignment of community service under this~~
3 ~~subsection (c-10) is not subject to suspension, nor is the~~
4 ~~person eligible for a reduced sentence.~~

5 ~~(c-11) Any person 21 years of age or older convicted a~~
6 ~~fourth or subsequent time for violating subsection (a) or a~~
7 ~~similar provision, if at the time of the fourth or subsequent~~
8 ~~violation the person was transporting a person under the age of~~
9 ~~16, and if the person's 3 prior violations of subsection (a) or~~
10 ~~a similar provision occurred while transporting a person under~~
11 ~~the age of 16 or while the alcohol concentration in his or her~~
12 ~~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, is guilty of a Class 2 felony, is not eligible for~~
15 ~~probation or conditional discharge, and is subject to a minimum~~
16 ~~fine of \$25,000.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 ~~(h) (Blank).~~

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

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

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

26 ~~(k) The Secretary of State Police DUI Fund is created as a~~

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

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

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

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

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

1 6-28-06.)

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

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

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

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

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

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

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

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

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

1 ~~compound listed in the Use of Intoxicating Compounds Act.~~

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

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

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

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

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

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

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

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

11 ~~(c) (Blank).~~

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

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

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

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

1 ~~court.~~

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

11 ~~(e 2) (Blank).~~

12 ~~(e 3) (Blank).~~

13 ~~(e 4) (Blank).~~

14 ~~(e 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 (e 5) is not subject to~~
22 ~~suspension, nor is the person eligible for a reduced sentence.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 ~~(h) (Blank).~~

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

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

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

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

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

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

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

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

18 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;
19 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;
20 93-840, eff. 7-30-04; 94-113, eff. 1-1-06; 94-609, eff. 1-1-06;
21 94-963, eff. 6-28-06.)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 ~~(c) (Blank).~~

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

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

21 ~~(2.1) A person who violates subsection (a) a third~~
22 ~~time, if the third violation occurs during a period in~~
23 ~~which his or her driving privileges are revoked or~~
24 ~~suspended where the revocation or suspension was for a~~
25 ~~violation of subsection (a), Section 11-501.1, subsection~~
26 ~~(b) of Section 11 401, or for reckless homicide as defined~~

1 ~~in Section 9-3 of the Criminal Code of 1961, is guilty of a~~
2 ~~Class 3 felony; and if the person receives a term of~~
3 ~~probation or conditional discharge, he or she shall be~~
4 ~~required to serve a mandatory minimum of 10 days of~~
5 ~~imprisonment or shall be assigned a mandatory minimum of~~
6 ~~480 hours of community service, as may be determined by the~~
7 ~~court, as a condition of the probation or conditional~~
8 ~~discharge. This mandatory minimum term of imprisonment or~~
9 ~~assignment of community service shall not be suspended or~~
10 ~~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, shall also be sentenced to an~~
16 ~~additional mandatory minimum term of 30 consecutive days of~~
17 ~~imprisonment, 40 days of 24 hour periodic imprisonment, or~~
18 ~~720 hours of community service, as may be determined by the~~
19 ~~court. This mandatory term of imprisonment or assignment of~~
20 ~~community service shall not be suspended or reduced by the~~
21 ~~court.~~

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

1 ~~(b) of Section 11-401, or for reckless homicide as defined~~
2 ~~in Section 9-3 of the Criminal Code of 1961, is guilty of a~~
3 ~~Class 2 felony and is not eligible for a sentence of~~
4 ~~probation or conditional discharge.~~

5 ~~(c 2) (Blank).~~

6 ~~(c 3) (Blank).~~

7 ~~(c 4) (Blank).~~

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

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

1 ~~reduced sentence.~~

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

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

22 ~~(c-9) Any person convicted a third time for violating~~
23 ~~subsection (a) or a similar provision, if at the time of the~~
24 ~~third violation the person was transporting a person under the~~
25 ~~age of 16, is guilty of a Class 4 felony and shall receive, in~~
26 ~~addition to any other penalty imposed, an additional mandatory~~

1 ~~fine of \$1,000, an additional mandatory 140 hours of community~~
2 ~~service, which shall include 40 hours in a program benefiting~~
3 ~~children, and a mandatory minimum 30 days of imprisonment. The~~
4 ~~imprisonment or assignment of community service under this~~
5 ~~subsection (c 9) is not subject to suspension, nor is the~~
6 ~~person eligible for a reduced sentence.~~

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

18 ~~(c 11) Any person convicted a fourth or fifth time for~~
19 ~~violating subsection (a) or a similar provision, if at the time~~
20 ~~of the fourth or fifth violation the person was transporting a~~
21 ~~person under the age of 16, and if the person's 3 prior~~
22 ~~violations of subsection (a) or a similar provision occurred~~
23 ~~while transporting a person under the age of 16 or while the~~
24 ~~alcohol concentration in his or her blood, breath, or urine was~~
25 ~~0.16 or more based on the definition of blood, breath, or urine~~
26 ~~units in Section 11 501.2, is guilty of a Class 2 felony, is~~

1 ~~not eligible for probation or conditional discharge, and is~~
2 ~~subject to a minimum fine of \$3,000.~~

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

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

22 ~~(c-14) Any person convicted of a third violation of~~
23 ~~subsection (a) or a similar provision within 20 years of a~~
24 ~~previous violation of subsection (a) or a similar provision, if~~
25 ~~at the time of the third violation of subsection (a) or a~~
26 ~~similar provision the alcohol concentration in his or her~~

1 ~~blood, breath, or urine was 0.16 or more based on the~~
2 ~~definition of blood, breath, or urine units in Section~~
3 ~~11-501.2, is guilty of a Class 4 felony and shall be subject,~~
4 ~~in addition to any other penalty that may be imposed, to a~~
5 ~~mandatory minimum of 90 days of imprisonment and a mandatory~~
6 ~~minimum fine of \$2,500.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 ~~(h) (Blank).~~

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

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

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

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

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

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

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

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

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

13 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;
14 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;
15 93-840, eff. 7-30-04; 94-114, eff. 1-1-06; 94-963, eff.
16 6-28-06.)

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

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

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

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

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

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

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

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

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

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

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

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

1 ~~(a) of this Section.~~

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

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

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

16 ~~(b 4) In the case of a third violation committed within 5~~
17 ~~years of a previous violation of subsection (a) or a similar~~
18 ~~provision, the defendant is guilty of a Class 2 felony, and in~~
19 ~~addition to any other criminal or administrative sanction, a~~
20 ~~mandatory minimum term of either 10 days of imprisonment or 480~~
21 ~~hours of community service shall be imposed.~~

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

26 ~~(c) (Blank).~~

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

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

10 ~~(2.1) A person who violates subsection (a) a third~~
11 ~~time, if the third violation occurs during a period in~~
12 ~~which his or her driving privileges are revoked or~~
13 ~~suspended where the revocation or suspension was for a~~
14 ~~violation of subsection (a), Section 11-501.1, subsection~~
15 ~~(b) of Section 11-401, or for reckless homicide as defined~~
16 ~~in Section 9-3 of the Criminal Code of 1961, is guilty of a~~
17 ~~Class 2 felony; and if the person receives a term of~~
18 ~~probation or conditional discharge, he or she shall be~~
19 ~~required to serve a mandatory minimum of 10 days of~~
20 ~~imprisonment or shall be assigned a mandatory minimum of~~
21 ~~480 hours of community service, as may be determined by the~~
22 ~~court, as a condition of the probation or conditional~~
23 ~~discharge. This mandatory minimum term of imprisonment or~~
24 ~~assignment of community service shall not be suspended or~~
25 ~~reduced by the court.~~

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

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

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

14 ~~(4) A person who violates subsection (a) a fifth or~~
15 ~~subsequent time is guilty of a Class 1 felony and is not~~
16 ~~eligible for a sentence of probation or conditional~~
17 ~~discharge.~~

18 ~~(c 2) (Blank).~~

19 ~~(c 3) (Blank).~~

20 ~~(c 4) (Blank).~~

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

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

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

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

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

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

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

20 ~~(c 10) Any person convicted of violating subsection (c 9)~~
21 ~~or a similar provision a third time within 20 years of a~~
22 ~~previous violation of subsection (a) or a similar provision is~~
23 ~~guilty of a Class 2 felony and shall receive, in addition to~~
24 ~~any other penalty imposed, an additional mandatory 40 hours of~~
25 ~~community service in a program benefiting children, an~~
26 ~~additional mandatory fine of \$3,000, and a mandatory minimum~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 ~~(h) (Blank).~~

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

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

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

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

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

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

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

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

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

4 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;
5 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;
6 93-840, eff. 7-30-04; 94-116, eff. 1-1-06; 94-963, eff.
7 6-28-06.)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 ~~(b-3) In addition to any other criminal or administrative~~

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

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

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

17 ~~(c) (Blank).~~

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

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

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

3 ~~(2.2) A person who violates subsection (a), if the~~
4 ~~violation occurs during a period in which his or her~~
5 ~~driving privileges are revoked or suspended where the~~
6 ~~revocation or suspension was for a violation of subsection~~
7 ~~(a) or Section 11 501.1, is guilty of aggravated driving~~
8 ~~under the influence of alcohol, other drug or drugs,~~
9 ~~intoxicating compound or compounds, or any combination~~
10 ~~thereof and shall also be sentenced to an additional~~
11 ~~mandatory minimum term of 30 consecutive days of~~
12 ~~imprisonment, 40 days of 24-hour periodic imprisonment, or~~
13 ~~720 hours of community service, as may be determined by the~~
14 ~~court. This mandatory term of imprisonment or assignment of~~
15 ~~community service shall not be suspended or reduced by the~~
16 ~~court.~~

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

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

3 ~~(c 2) (Blank).~~

4 ~~(c 3) (Blank).~~

5 ~~(c 4) (Blank).~~

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

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

26 ~~(c 7) Except as provided in subsection (c 8), any person~~

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

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

20 ~~(c-9) Any person convicted a third time for violating~~
21 ~~subsection (a) or a similar provision, if at the time of the~~
22 ~~third violation the person was transporting a person under the~~
23 ~~age of 16, is guilty of a Class 4 felony and shall receive, in~~
24 ~~addition to any other penalty imposed, an additional mandatory~~
25 ~~fine of \$1,000, an additional mandatory 140 hours of community~~
26 ~~service, which shall include 40 hours in a program benefiting~~

1 ~~children, and a mandatory minimum 30 days of imprisonment. The~~
2 ~~imprisonment or assignment of community service under this~~
3 ~~subsection (c-9) is not subject to suspension, nor is the~~
4 ~~person eligible for a reduced sentence.~~

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

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

1 ~~(c-12) Any person convicted of a first violation of~~
2 ~~subsection (a) or a similar provision, if 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, shall be subject, in addition to any other~~
6 ~~penalty that may be imposed, to a mandatory minimum of 100~~
7 ~~hours of community service and a mandatory minimum fine of~~
8 ~~\$500.~~

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

20 ~~(c-14) Any person convicted of a third violation of~~
21 ~~subsection (a) or a similar provision within 20 years of a~~
22 ~~previous violation of subsection (a) or a similar provision, if~~
23 ~~at the time of the third violation of subsection (a) or a~~
24 ~~similar provision the alcohol concentration in his or her~~
25 ~~blood, breath, or urine was 0.16 or more based on the~~
26 ~~definition of blood, breath, or urine units in Section~~

1 ~~11-501.2, is guilty of a Class 4 felony and shall be subject,~~
2 ~~in addition to any other penalty that may be imposed, to a~~
3 ~~mandatory minimum of 90 days of imprisonment and a mandatory~~
4 ~~minimum fine of \$2,500.~~

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

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

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

26 ~~(B) the person committed a violation of subsection~~

1 ~~(a) while driving a school bus with persons 18 years of~~
2 ~~age or younger on board;~~

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

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

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

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

7 ~~(G) the person committed the violation while he or~~
8 ~~she did not possess a driver's license or permit or a~~
9 ~~restricted driving permit or a judicial driving~~
10 ~~permit; or~~

11 ~~(H) the person committed the violation while he or~~
12 ~~she knew or should have known that the vehicle he or~~
13 ~~she was driving was not covered by a liability~~
14 ~~insurance policy.~~

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

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

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

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

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

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

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

23 ~~(h) (Blank).~~

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

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

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

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

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

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

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

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

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

(625 ILCS 5/11-501.01 new)

Sec. 11-501.01. Additional administrative sanctions.

(a) After a finding of guilt and prior to any final sentencing or an order for supervision, for an offense based

1 upon an arrest for a violation of Section 11-501 or a similar
2 provision of a local ordinance, individuals shall be required
3 to undergo a professional evaluation to determine if an
4 alcohol, drug, or intoxicating compound abuse problem exists
5 and the extent of the problem, and undergo the imposition of
6 treatment as appropriate. Programs conducting these
7 evaluations shall be licensed by the Department of Human
8 Services. The cost of any professional evaluation shall be paid
9 for by the individual required to undergo the professional
10 evaluation.

11 (b) Any person who is found guilty of or pleads guilty to
12 violating Section 11-501, including any person receiving a
13 disposition of court supervision for violating that Section,
14 may be required by the Court to attend a victim impact panel
15 offered by, or under contract with, a county State's Attorney's
16 office, a probation and court services department, Mothers
17 Against Drunk Driving, or the Alliance Against Intoxicated
18 Motorists. All costs generated by the victim impact panel shall
19 be paid from fees collected from the offender or as may be
20 determined by the court.

21 (c) Every person found guilty of violating Section 11-501,
22 whose operation of a motor vehicle while in violation of that
23 Section proximately caused any incident resulting in an
24 appropriate emergency response, shall be liable for the expense
25 of an emergency response as provided in subsection (i) of this
26 Section.

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

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

11 (f) In addition to any other penalties and liabilities, a
12 person who is found guilty of or pleads guilty to violating
13 Section 11-501, including any person placed on court
14 supervision for violating Section 11-501, shall be assessed
15 \$500, payable to the circuit clerk, who shall distribute the
16 money as follows: 20% to the law enforcement agency that made
17 the arrest, and 80% shall be forwarded to the State Treasurer
18 for deposit into the General Revenue Fund. If the person has
19 been previously convicted of violating Section 11-501 or a
20 similar provision of a local ordinance, the fine shall be
21 \$1,000. In the event that more than one agency is responsible
22 for the arrest, the amount payable to law enforcement agencies
23 shall be shared equally. Any moneys received by a law
24 enforcement agency under this subsection (f) shall be used to
25 purchase law enforcement equipment that will assist in the
26 prevention of alcohol related criminal violence throughout the

1 State. This shall include, but is not limited to, in-car video
2 cameras, radar and laser speed detection devices, and alcohol
3 breath testers. Any moneys received by the Department of State
4 Police under this subsection (f) shall be deposited into the
5 State Police DUI Fund and shall be used to purchase law
6 enforcement equipment that will assist in the prevention of
7 alcohol related criminal violence throughout the State.

8 (g) 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 (f) of this Section
11 shall be deposited into the Secretary of State Police DUI Fund
12 and, subject to appropriation, shall be used to purchase law
13 enforcement equipment to assist in the prevention of alcohol
14 related criminal violence throughout the State.

15 (h) Whenever an individual is sentenced for an offense
16 based upon an arrest for a violation of Section 11-501 or a
17 similar provision of a local ordinance, and the professional
18 evaluation recommends remedial or rehabilitative treatment or
19 education, neither the treatment nor the education shall be the
20 sole disposition and either or both may be imposed only in
21 conjunction with another disposition. The court shall monitor
22 compliance with any remedial education or treatment
23 recommendations contained in the professional evaluation.
24 Programs conducting alcohol or other drug evaluation or
25 remedial education must be licensed by the Department of Human
26 Services. If the individual is not a resident of Illinois,

1 however, the court may accept an alcohol or other drug
2 evaluation or remedial education program in the individual's
3 state of residence. Programs providing treatment must be
4 licensed under existing applicable alcoholism and drug
5 treatment licensure standards.

6 (i) In addition to any other fine or penalty required by
7 law, an individual convicted of a violation of Section 11-501,
8 Section 5-7 of the Snowmobile Registration and Safety Act,
9 Section 5-16 of the Boat Registration and Safety Act, or a
10 similar provision, whose operation of a motor vehicle,
11 snowmobile, or watercraft while in violation of Section 11-501,
12 Section 5-7 of the Snowmobile Registration and Safety Act,
13 Section 5-16 of the Boat Registration and Safety Act, or a
14 similar provision proximately caused an incident resulting in
15 an appropriate emergency response, shall be required to make
16 restitution to a public agency for the costs of that emergency
17 response. The restitution may not exceed \$1,000 per public
18 agency for each emergency response. As used in this subsection
19 (i), "emergency response" means any incident requiring a
20 response by a police officer, a firefighter carried on the
21 rolls of a regularly constituted fire department, or an
22 ambulance.

23 Section 10. If and only if Senate Bill 300 of the 95th
24 General Assembly becomes law and the changes to Section 6-206.1
25 of the Illinois Vehicle Code in that bill become law in the

1 form in which they appear in House Amendment No. 1 to that
2 bill, the Illinois Vehicle Code is amended by changing Section
3 6-206.1 as follows:

4 (625 ILCS 5/6-206.1) (from Ch. 95 1/2, par. 6-206.1)

5 Sec. 6-206.1. Monitoring Device Driving Permit.
6 Declaration of Policy. It is hereby declared a policy of the
7 State of Illinois that the driver who is impaired by alcohol,
8 other drug or drugs, or intoxicating compound or compounds is a
9 threat to the public safety and welfare. Therefore, to provide
10 a deterrent to such practice and to remove problem drivers from
11 the highway, a statutory summary driver's license suspension is
12 appropriate. It is also recognized that driving is a privilege
13 and therefore, that the granting of driving privileges, in a
14 manner consistent with public safety, is warranted during the
15 period of suspension in the form of a monitoring device driving
16 permit. A person who drives and fails to comply with the
17 requirements of the monitoring device driving permit commits a
18 violation of Section 6-303 of this Code.

19 The following procedures shall apply whenever a first
20 offender is arrested for any offense as defined in Section
21 11-501 or a similar provision of a local ordinance:

22 (a) Subsequent to a notification of a statutory summary
23 suspension of driving privileges as provided in Section
24 11-501.1, the court, after informing the first offender, as
25 defined in Section 11-500, of his or her right to a monitoring

1 device driving permit, hereinafter referred to as a MDDP, and
2 of the obligations of the MDDP, shall enter an order directing
3 the Secretary of State to issue a MDDP to the offender, unless
4 the offender has opted, in writing, not to have a MDDP issued.
5 However, the court shall not enter the order directing the
6 Secretary of State to issue the MDDP, if the court finds:

7 (1) The offender's driver's license is otherwise
8 invalid ~~valid~~;

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

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

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

14 Any court order for a MDDP shall order the person to pay the
15 Secretary of State a MDDP Administration Fee an amount not to
16 exceed \$30 per month. The Secretary shall establish by rule the
17 amount and the procedures, terms, and conditions relating to
18 these fees. The order shall further specify that the offender
19 must have an ignition interlock device installed within 14 days
20 of the date the Secretary issues the MDDP, and shall specify
21 the vehicle in which the device is to be installed. The
22 ignition interlock device provider must notify the Secretary,
23 in a manner and form prescribed by the Secretary, of the
24 installation. If the Secretary does not receive notice of
25 installation, the Secretary shall cancel the MDDP.

26 A MDDP shall not become effective prior to the 31st day of the

1 original statutory summary suspension.

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

8 (a-2) Persons who are issued a MDDP and must drive
9 employer-owned vehicles in the course of their employment
10 duties may seek permission from the court to drive an
11 employer-owned vehicle that does not have an ignition interlock
12 device. The employee shall provide to the court a form,
13 prescribed by the Secretary of State, completed by the employer
14 verifying that the employee must drive an employer-owned
15 vehicle in the course of employment. If approved by the court,
16 the form must be file stamped and must be in the driver's
17 possession while operating an employer-owner vehicle not
18 equipped with an ignition interlock device. No person may use
19 this exemption to drive a school bus, school vehicle, or a
20 vehicle designed to transport more than 15 passengers. No
21 person may use this exemption to drive an employer-owned motor
22 vehicle that is owned by an entity that is wholly or partially
23 owned by the person holding the MDDP, or by an family member of
24 the person holding the MDDP. No person may use this exemption
25 to drive an employer-owned vehicle that is made available to
26 the employee for personal use. No person may drive the exempted

1 vehicle more than 12 hours per day, 6 days per week.

2 (b) (Blank).

3 (c) (Blank).

4 (c-1)

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

24 If the person is issued a citation for any other traffic
25 related offense during the term of the MDDP, the officer
26 issuing the citation, or the law enforcement agency employing

1 that officer, shall send notice of the citation to the court
2 that ordered issuance of the MDDP. Upon receipt and notice to
3 the person and an opportunity for a hearing, the court shall
4 determine whether the violation constitutes grounds for
5 cancellation of the MDDP. If the court enters an order of
6 cancellation, the court shall forward the order to the
7 Secretary of State, and the Secretary shall cancel the MDDP and
8 shall notify the person of the cancellation.

9 (c-5) If the court determines that the person seeking the
10 MDDP is indigent, the court shall provide the person with a
11 written document, in a form prescribed by the Secretary of
12 State, as evidence of that determination, and the person shall
13 provide that written document to an ignition interlock device
14 provider. The provider shall install an ignition interlock
15 device on that person's vehicle without charge to the person,
16 and seek reimbursement from the Indigent BAIID Fund.

17 (d) The Secretary of State shall, upon receiving a court
18 order from the court of venue, issue a MDDP to a person who
19 applies under this Section. Such court order form shall also
20 contain a notification, which shall be sent to the Secretary of
21 State, providing the name, driver's license number and legal
22 address of the applicant. This information shall be available
23 only to the courts, police officers, and the Secretary of
24 State, except during the actual period the MDDP is valid,
25 during which time it shall be a public record. The Secretary of
26 State shall design and furnish to the courts an official court

1 order form to be used by the courts when directing the
2 Secretary of State to issue a MDDP.

3 Any submitted court order that contains insufficient data
4 or fails to comply with this Code shall not be utilized for
5 MDDP issuance or entered to the driver record but shall be
6 returned to the issuing court indicating why the MDDP cannot be
7 so entered. A notice of this action shall also be sent to the
8 MDDP applicant by the Secretary of State.

9 (e) (Blank).

10 (f) (Blank).

11 (g) The Secretary of State shall adopt rules for
12 implementing this Section. The rules adopted shall address
13 issues including, but not limited to: compliance with the
14 requirements of the MDDP; methods for determining compliance
15 with those requirements; the consequences of noncompliance
16 with those requirements; what constitutes a violation of the
17 MDDP; and the duties of a person or entity that supplies the
18 ignition interlock device.

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

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

24 (2) provides valid breath samples that register blood
25 alcohol levels in excess of the number of times allowed
26 under the rules;

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

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

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

14 (j) Upon making a determination that a violation of the
15 requirements of the MDDP has occurred, the Secretary shall
16 extend the summary suspension period for an additional 3 months
17 beyond the originally imposed summary suspension period,
18 during which time the person shall only be allowed to drive
19 vehicles equipped with an ignition interlock device; provided
20 further there are no limitations on the number of times the
21 summary suspension may be extended. Any person whose summary
22 suspension is extended pursuant to this Section shall have the
23 right to contest the extension through an administrative
24 hearing with the Secretary. If the summary suspension has
25 already terminated prior to the Secretary receiving the
26 monitoring report that shows a violation, the Secretary shall

1 be authorized to suspend the person's driving privileges for 3
2 months. The only permit the person shall be eligible for during
3 this new suspension period is a MDDP.

4 (k) A person who has had his or her summary suspension
5 extended for the third time shall have his or her vehicle
6 impounded for a period of 30 days, at the person's own expense.
7 A person who has his or her summary suspension extended for the
8 fourth time shall have his or her vehicle subject to seizure
9 and forfeiture. The Secretary shall notify the prosecuting
10 authority of any third or fourth extensions. Upon receipt of
11 the notification, the prosecuting authority shall impound or
12 forfeit the vehicle.

13 (l) A person whose driving privileges have been suspended
14 under Section 11-501.1 of this Code and who had a MDDP that was
15 cancelled pursuant to subsection (c-1) of this Section, shall
16 not be eligible for reinstatement when the summary suspension
17 is scheduled to terminate, but instead shall be eligible only
18 to apply for a restricted driving permit. If a restricted
19 driving permit is granted, the offender may only operate
20 vehicles equipped with an ignition interlock device, for a
21 period of not less than twice the original summary suspension
22 period.

23 (m) Any person or entity that supplies an ignition
24 interlock device under this Section shall, for each ignition
25 interlock device installed, pay 5% of the total gross revenue
26 received for the device into the Indigent BAIID Fund. This 5%

1 shall be clearly indicated as a separate surcharge on each
2 invoice that is issued. The Secretary shall conduct an annual
3 review of the fund to determine whether the surcharge is
4 sufficient to provide for indigent users. The Secretary may
5 increase or decrease this surcharge requirement as needed.

6 (n) Any person or entity that supplies an ignition
7 interlock device under this Section that is requested to
8 provide an ignition interlock device to a person who presents
9 written documentation of indigency from the court, as provided
10 in subsection (c-5) of this Section, shall install the device
11 on the person's vehicle without charge to the person and shall
12 seek reimbursement from the Indigent BAIID Fund.

13 (o) The Indigent BAIID Fund is created as a special fund in
14 the State treasury. The Secretary of State shall, subject to
15 appropriation by the General Assembly, use all money in the
16 Indigent BAIID Fund to reimburse ignition interlock device
17 providers who have installed devices in vehicles of indigent
18 persons pursuant to court orders issued under this Section. The
19 Secretary shall make payments to such providers every 3 months.
20 If the amount of money in the fund at the time payments are
21 made is not sufficient to pay all requests for reimbursement
22 submitted during that 3 month period, the Secretary shall make
23 payments on a pro-rata basis, and those payments shall be
24 considered payment in full for the requests submitted.

25 (p) The Monitoring Device Driving Permit Administration
26 Fee Fund is created as a special fund in the State treasury.

1 The Secretary of State shall, subject to appropriation by the
2 General Assembly, use the money paid into this fund to offset
3 its administrative costs for administering MDDPs.

4 (Source: P.A. 94-307, eff. 9-30-05; 94-357, eff. 1-1-06;
5 94-930, eff. 6-26-06; 09500SB0300ham001.)

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

8 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

9 Sec. 5-6-3. Conditions of Probation and of Conditional
10 Discharge.

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

13 (1) not violate any criminal statute of any
14 jurisdiction;

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

17 (3) refrain from possessing a firearm or other
18 dangerous weapon;

19 (4) not leave the State without the consent of the
20 court or, in circumstances in which the reason for the
21 absence is of such an emergency nature that prior consent
22 by the court is not possible, without the prior
23 notification and approval of the person's probation
24 officer. Transfer of a person's probation or conditional

1 discharge supervision to another state is subject to
2 acceptance by the other state pursuant to the Interstate
3 Compact for Adult Offender Supervision;

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

7 (6) perform no less than 30 hours of community service
8 and not more than 120 hours of community service, if
9 community service is available in the jurisdiction and is
10 funded and approved by the county board where the offense
11 was committed, where the offense was related to or in
12 furtherance of the criminal activities of an organized gang
13 and was motivated by the offender's membership in or
14 allegiance to an organized gang. The community service
15 shall include, but not be limited to, the cleanup and
16 repair of any damage caused by a violation of Section
17 21-1.3 of the Criminal Code of 1961 and similar damage to
18 property located within the municipality or county in which
19 the violation occurred. When possible and reasonable, the
20 community service should be performed in the offender's
21 neighborhood. For purposes of this Section, "organized
22 gang" has the meaning ascribed to it in Section 10 of the
23 Illinois Streetgang Terrorism Omnibus Prevention Act;

24 (7) if he or she is at least 17 years of age and has
25 been sentenced to probation or conditional discharge for a
26 misdemeanor or felony in a county of 3,000,000 or more

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

25 (8) if convicted of possession of a substance
26 prohibited by the Cannabis Control Act, the Illinois

1 Controlled Substances Act, or the Methamphetamine Control
2 and Community Protection Act after a previous conviction or
3 disposition of supervision for possession of a substance
4 prohibited by the Cannabis Control Act or Illinois
5 Controlled Substances Act or after a sentence of probation
6 under Section 10 of the Cannabis Control Act, Section 410
7 of the Illinois Controlled Substances Act, or Section 70 of
8 the Methamphetamine Control and Community Protection Act
9 and upon a finding by the court that the person is
10 addicted, undergo treatment at a substance abuse program
11 approved by the court;

12 (8.5) if convicted of a felony sex offense as defined
13 in the Sex Offender Management Board Act, the person shall
14 undergo and successfully complete sex offender treatment
15 by a treatment provider approved by the Board and conducted
16 in conformance with the standards developed under the Sex
17 Offender Management Board Act;

18 (8.6) if convicted of a sex offense as defined in the
19 Sex Offender Management Board Act, refrain from residing at
20 the same address or in the same condominium unit or
21 apartment unit or in the same condominium complex or
22 apartment complex with another person he or she knows or
23 reasonably should know is a convicted sex offender or has
24 been placed on supervision for a sex offense; the
25 provisions of this paragraph do not apply to a person
26 convicted of a sex offense who is placed in a Department of

1 Corrections licensed transitional housing facility for sex
2 offenders; ~~and~~

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

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

17 (b) The Court may in addition to other reasonable
18 conditions relating to the nature of the offense or the
19 rehabilitation of the defendant as determined for each
20 defendant in the proper discretion of the Court require that
21 the person:

22 (1) serve a term of periodic imprisonment under Article
23 7 for a period not to exceed that specified in paragraph
24 (d) of Section 5-7-1;

25 (2) pay a fine and costs;

26 (3) work or pursue a course of study or vocational

1 training;

2 (4) undergo medical, psychological or psychiatric
3 treatment; or treatment for drug addiction or alcoholism;

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

6 (6) support his dependents;

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

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

9 (ii) attend school;

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

11 (iv) contribute to his own support at home or in a
12 foster home;

13 (v) with the consent of the superintendent of the
14 facility, attend an educational program at a facility
15 other than the school in which the offense was
16 committed if he or she is convicted of a crime of
17 violence as defined in Section 2 of the Crime Victims
18 Compensation Act committed in a school, on the real
19 property comprising a school, or within 1,000 feet of
20 the real property comprising a school;

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

23 (9) perform some reasonable public or community
24 service;

25 (10) serve a term of home confinement. In addition to
26 any other applicable condition of probation or conditional

1 discharge, the conditions of home confinement shall be that
2 the offender:

3 (i) remain within the interior premises of the
4 place designated for his confinement during the hours
5 designated by the court;

6 (ii) admit any person or agent designated by the
7 court into the offender's place of confinement at any
8 time for purposes of verifying the offender's
9 compliance with the conditions of his confinement; and

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

14 (iv) for persons convicted of any alcohol,
15 cannabis or controlled substance violation who are
16 placed on an approved monitoring device as a condition
17 of probation or conditional discharge, the court shall
18 impose a reasonable fee for each day of the use of the
19 device, as established by the county board in
20 subsection (g) of this Section, unless after
21 determining the inability of the offender to pay the
22 fee, the court assesses a lesser fee or no fee as the
23 case may be. This fee shall be imposed in addition to
24 the fees imposed under subsections (g) and (i) of this
25 Section. The fee shall be collected by the clerk of the
26 circuit court. The clerk of the circuit court shall pay

1 all monies collected from this fee to the county
2 treasurer for deposit in the substance abuse services
3 fund under Section 5-1086.1 of the Counties Code; and

4 (v) for persons convicted of offenses other than
5 those referenced in clause (iv) above and who are
6 placed on an approved monitoring device as a condition
7 of probation or conditional discharge, the court shall
8 impose a reasonable fee for each day of the use of the
9 device, as established by the county board in
10 subsection (g) of this Section, unless after
11 determining the inability of the defendant to pay the
12 fee, the court assesses a lesser fee or no fee as the
13 case may be. This fee shall be imposed in addition to
14 the fees imposed under subsections (g) and (i) of this
15 Section. The fee shall be collected by the clerk of the
16 circuit court. The clerk of the circuit court shall pay
17 all monies collected from this fee to the county
18 treasurer who shall use the monies collected to defray
19 the costs of corrections. The county treasurer shall
20 deposit the fee collected in the county working cash
21 fund under Section 6-27001 or Section 6-29002 of the
22 Counties Code, as the case may be.

23 (11) comply with the terms and conditions of an order
24 of protection issued by the court pursuant to the Illinois
25 Domestic Violence Act of 1986, as now or hereafter amended,
26 or an order of protection issued by the court of another

1 state, tribe, or United States territory. A copy of the
2 order of protection shall be transmitted to the probation
3 officer or agency having responsibility for the case;

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

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

15 (14) refrain from entering into a designated
16 geographic area except upon such terms as the court finds
17 appropriate. Such terms may include consideration of the
18 purpose of the entry, the time of day, other persons
19 accompanying the defendant, and advance approval by a
20 probation officer, if the defendant has been placed on
21 probation or advance approval by the court, if the
22 defendant was placed on conditional discharge;

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

1 (16) refrain from having in his or her body the
2 presence of any illicit drug prohibited by the Cannabis
3 Control Act, the Illinois Controlled Substances Act, or the
4 Methamphetamine Control and Community Protection Act,
5 unless prescribed by a physician, and submit samples of his
6 or her blood or urine or both for tests to determine the
7 presence of any illicit drug.

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

18 (d) An offender sentenced to probation or to conditional
19 discharge shall be given a certificate setting forth the
20 conditions thereof.

21 (e) Except where the offender has committed a fourth or
22 subsequent violation of subsection (c) of Section 6-303 of the
23 Illinois Vehicle Code, the court shall not require as a
24 condition of the sentence of probation or conditional discharge
25 that the offender be committed to a period of imprisonment in
26 excess of 6 months. This 6 month limit shall not include

1 periods of confinement given pursuant to a sentence of county
2 impact incarceration under Section 5-8-1.2. ~~This 6 month limit~~
3 ~~does not apply to a person sentenced to probation as a result~~
4 ~~of a conviction of a fourth or subsequent violation of~~
5 ~~subsection (c 4) of Section 11-501 of the Illinois Vehicle Code~~
6 ~~or a similar provision of a local ordinance.~~

7 Persons committed to imprisonment as a condition of
8 probation or conditional discharge shall not be committed to
9 the Department of Corrections.

10 (f) The court may combine a sentence of periodic
11 imprisonment under Article 7 or a sentence to a county impact
12 incarceration program under Article 8 with a sentence of
13 probation or conditional discharge.

14 (g) An offender sentenced to probation or to conditional
15 discharge and who during the term of either undergoes mandatory
16 drug or alcohol testing, or both, or is assigned to be placed
17 on an approved electronic monitoring device, shall be ordered
18 to pay all costs incidental to such mandatory drug or alcohol
19 testing, or both, and all costs incidental to such approved
20 electronic monitoring in accordance with the defendant's
21 ability to pay those costs. The county board with the
22 concurrence of the Chief Judge of the judicial circuit in which
23 the county is located shall establish reasonable fees for the
24 cost of maintenance, testing, and incidental expenses related
25 to the mandatory drug or alcohol testing, or both, and all
26 costs incidental to approved electronic monitoring, involved

1 in a successful probation program for the county. The
2 concurrence of the Chief Judge shall be in the form of an
3 administrative order. The fees shall be collected by the clerk
4 of the circuit court. The clerk of the circuit court shall pay
5 all moneys collected from these fees to the county treasurer
6 who shall use the moneys collected to defray the costs of drug
7 testing, alcohol testing, and electronic monitoring. The
8 county treasurer shall deposit the fees collected in the county
9 working cash fund under Section 6-27001 or Section 6-29002 of
10 the Counties Code, as the case may be.

11 (h) Jurisdiction over an offender may be transferred from
12 the sentencing court to the court of another circuit with the
13 concurrence of both courts. Further transfers or retransfers of
14 jurisdiction are also authorized in the same manner. The court
15 to which jurisdiction has been transferred shall have the same
16 powers as the sentencing court.

17 (i) The court shall impose upon an offender sentenced to
18 probation after January 1, 1989 or to conditional discharge
19 after January 1, 1992 or to community service under the
20 supervision of a probation or court services department after
21 January 1, 2004, as a condition of such probation or
22 conditional discharge or supervised community service, a fee of
23 \$50 for each month of probation or conditional discharge
24 supervision or supervised community service ordered by the
25 court, unless after determining the inability of the person
26 sentenced to probation or conditional discharge or supervised

1 community service to pay the fee, the court assesses a lesser
2 fee. The court may not impose the fee on a minor who is made a
3 ward of the State under the Juvenile Court Act of 1987 while
4 the minor is in placement. The fee shall be imposed only upon
5 an offender who is actively supervised by the probation and
6 court services department. The fee shall be collected by the
7 clerk of the circuit court. The clerk of the circuit court
8 shall pay all monies collected from this fee to the county
9 treasurer for deposit in the probation and court services fund
10 under Section 15.1 of the Probation and Probation Officers Act.

11 A circuit court may not impose a probation fee under this
12 subsection (i) in excess of \$25 per month unless: (1) the
13 circuit court has adopted, by administrative order issued by
14 the chief judge, a standard probation fee guide determining an
15 offender's ability to pay, under guidelines developed by the
16 Administrative Office of the Illinois Courts; and (2) the
17 circuit court has authorized, by administrative order issued by
18 the chief judge, the creation of a Crime Victim's Services
19 Fund, to be administered by the Chief Judge or his or her
20 designee, for services to crime victims and their families. Of
21 the amount collected as a probation fee, up to \$5 of that fee
22 collected per month may be used to provide services to crime
23 victims and their families.

24 This amendatory Act of the 93rd General Assembly deletes
25 the \$10 increase in the fee under this subsection that was
26 imposed by Public Act 93-616. This deletion is intended to

1 control over any other Act of the 93rd General Assembly that
2 retains or incorporates that fee increase.

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

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

20 (k) Any offender who is sentenced to probation or
21 conditional discharge for a felony sex offense as defined in
22 the Sex Offender Management Board Act or any offense that the
23 court or probation department has determined to be sexually
24 motivated as defined in the Sex Offender Management Board Act
25 shall be required to refrain from any contact, directly or
26 indirectly, with any persons specified by the court and shall

1 be available for all evaluations and treatment programs
2 required by the court or the probation department.

3 (Source: P.A. 93-475, eff. 8-8-03; 93-616, eff. 1-1-04; 93-970,
4 eff. 8-20-04; 94-159, eff. 7-11-05; 94-161, eff. 7-11-05;
5 94-556, eff. 9-11-05; revised 8-19-05.)

6 (730 ILCS 5/5-8-7) (from Ch. 38, par. 1005-8-7)

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

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

11 (b) The offender shall be given credit on the determinate
12 sentence or maximum term and the minimum period of imprisonment
13 for time spent in custody as a result of the offense for which
14 the sentence was imposed, at the rate specified in Section
15 3-6-3 of this Code. Except when prohibited by subsection (d),
16 the trial court may give credit to the defendant for time spent
17 in home detention, or when the defendant has been confined for
18 psychiatric or substance abuse treatment prior to judgment, if
19 the court finds that the detention or confinement was
20 custodial.

21 (c) An offender arrested on one charge and prosecuted on
22 another charge for conduct which occurred prior to his arrest
23 shall be given credit on the determinate sentence or maximum
24 term and the minimum term of imprisonment for time spent in
25 custody under the former charge not credited against another

1 sentence.

2 (d) An offender sentenced to a term of imprisonment for an
3 offense listed in paragraph (2) of subsection (c) of Section
4 5-5-3 of this Code, or for an offense listed in subdivision
5 (d)(2)(c) in paragraph (3) of subsection (c-1) of Section
6 11-501 of the Illinois Vehicle Code that was committed while
7 the offender's driving privileges were revoked or suspended as
8 provided in subdivision (d)(1)(G) of that Section, shall not
9 receive credit for time spent in home detention prior to
10 judgment.

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

12 Section 99. Effective date. Section 10 of this Act takes
13 effect on January 1, 2009.