

SB1724



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB1724

Introduced 2/9/2007, by Sen. John J. Cullerton

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-501

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

Amends the Illinois Vehicle Code. Provides that a person is in violation of the DUI statute if he or she is driving while under the influence of an intoxicating compound, of any other drug or drugs, or of any combination of alcohol, drugs, or intoxicating compounds, to a degree that his or her mental or physical faculties are so impaired as to reduce his or her ability to think and act with ordinary care (rather than to a degree that renders the person incapable of driving safely).

LRB095 11144 DRH 31484 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

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 Section 11-501 as follows:

6 (625 ILCS 5/11-501) (from Ch. 95 1/2, par. 11-501)

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

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

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

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

16 (2) under the influence of alcohol;

17 (3) under the influence of any intoxicating compound or
18 combination of intoxicating compounds to a degree that his
19 or her mental or physical faculties are so impaired as to
20 reduce his or her ability to think and act with ordinary
21 care ~~renders the person incapable of driving safely;~~

22 (4) under the influence of any other drug or
23 combination of drugs to a degree that his or her mental or

1 physical faculties are so impaired as to reduce his or her
2 ability to think and act with ordinary care ~~renders the~~
3 ~~person 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 his or her mental or physical faculties are so
7 impaired as to reduce his or her ability to think and act
8 with ordinary care ~~renders the person incapable of safely~~
9 ~~driving; or~~

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

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

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

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

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

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

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

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

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

25 (c) (Blank).

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

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

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

22 (2.2) A person who violates subsection (a), if the
23 violation occurs during a period in which his or her
24 driving privileges are revoked or suspended where the
25 revocation or suspension was for a violation of subsection
26 (a) or Section 11-501.1, shall also be sentenced to an

1 additional mandatory minimum term of 30 consecutive days of
2 imprisonment, 40 days of 24-hour periodic imprisonment, or
3 720 hours of community service, as may be determined by the
4 court. This mandatory term of imprisonment or assignment of
5 community service shall not be suspended or reduced by the
6 court.

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

16 (c-2) (Blank).

17 (c-3) (Blank).

18 (c-4) (Blank).

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

1 subdivision (c-5)(1) is not subject to suspension, nor is
2 the person eligible for a reduced sentence.

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

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

26 (4) Any person convicted of violating subdivision

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

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

23 (6) Any person convicted of violating subdivision
24 (c-5) (5) or a similar provision a third time within 20
25 years of a previous violation of subsection (a) or a
26 similar provision is guilty of a Class 4 felony and shall

1 receive, in addition to any other penalty imposed, an
2 additional mandatory 40 hours of community service in a
3 program benefiting children, an additional mandatory fine
4 of \$3,000, and a mandatory minimum 120 days of
5 imprisonment. The imprisonment or assignment of community
6 service under this subdivision (c-5)(6) is not subject to
7 suspension, nor is the person eligible for a reduced
8 sentence.

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

21 (c-6)(1) Any person convicted of a first violation of
22 subsection (a) or a similar provision, if the alcohol
23 concentration in his or her blood, breath, or urine was
24 0.16 or more based on the definition of blood, breath, or
25 urine units in Section 11-501.2, shall be subject, in
26 addition to any other penalty that may be imposed, to a

1 mandatory minimum of 100 hours of community service and a
2 mandatory minimum fine of \$500.

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

14 (3) Any person convicted of a third violation of
15 subsection (a) or a similar provision within 20 years of a
16 previous violation of subsection (a) or a similar
17 provision, if at the time of the third violation of
18 subsection (a) or a similar provision the alcohol
19 concentration in his or her blood, breath, or urine was
20 0.16 or more based on the definition of blood, breath, or
21 urine units in Section 11-501.2, is guilty of a Class 4
22 felony and shall be subject, in addition to any other
23 penalty that may be imposed, to a mandatory minimum of 90
24 days of imprisonment and a mandatory minimum fine of
25 \$2,500.

26 (4) Any person convicted of a fourth or subsequent

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

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

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

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

25 (C) the person in committing a violation of
26 subsection (a) was involved in a motor vehicle accident

1 that resulted in great bodily harm or permanent
2 disability or disfigurement to another, when the
3 violation was a proximate cause of the injuries;

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

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

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

1 when the violation of subsection (a) was a proximate
2 cause of the death.

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

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

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

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

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

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

10 (h) (Blank).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 (2) under the influence of alcohol;

19 (3) under the influence of any intoxicating compound or
20 combination of intoxicating compounds to a degree that his
21 or her mental or physical faculties are so impaired as to
22 reduce his or her ability to think and act with ordinary
23 care ~~renders the person incapable of driving safely;~~

24 (4) under the influence of any other drug or
25 combination of drugs to a degree that his or her mental or

1 physical faculties are so impaired as to reduce his or her
2 ability to think and act with ordinary care ~~renders the~~
3 ~~person 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 his or her mental or physical faculties are so
7 impaired as to reduce his or her ability to think and act
8 with ordinary care ~~renders the person incapable of safely~~
9 ~~driving; or~~

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

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

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

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

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

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

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

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

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

25 (c) (Blank).

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

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

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

22 (2.2) A person who violates subsection (a), if the
23 violation occurs during a period in which his or her
24 driving privileges are revoked or suspended where the
25 revocation or suspension was for a violation of subsection
26 (a) or Section 11-501.1, shall also be sentenced to an

1 additional mandatory minimum term of 30 consecutive days of
2 imprisonment, 40 days of 24-hour periodic imprisonment, or
3 720 hours of community service, as may be determined by the
4 court. This mandatory term of imprisonment or assignment of
5 community service shall not be suspended or reduced by the
6 court.

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

16 (c-2) (Blank).

17 (c-3) (Blank).

18 (c-4) (Blank).

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

1 person eligible for a reduced sentence.

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

14 (c-6) Except as provided in subsections (c-7) and (c-7.1),
15 a person 21 years of age or older who violates subsection (a) a
16 second time, if at the time of the second violation the person
17 was transporting a person under the age of 16, is subject to 6
18 months of imprisonment, an additional mandatory minimum fine of
19 \$1,000, and an additional mandatory minimum 140 hours of
20 community service, which shall include 40 hours of community
21 service in a program benefiting children. The imprisonment or
22 assignment of community service under this subsection (c-6) is
23 not subject to suspension, nor is the person eligible for a
24 reduced sentence.

25 (c-7) Except as provided in subsection (c-7.1), any person
26 21 years of age or older convicted of violating subsection

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

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

21 (c-8) (Blank).

22 (c-9) Any person 21 years of age or older convicted a third
23 time for violating subsection (a) or a similar provision, if at
24 the time of the third violation the person was transporting a
25 person under the age of 16, is guilty of a Class 4 felony and is
26 subject to 18 months of imprisonment, a mandatory fine of

1 \$2,500, and 25 days of community service in a program
2 benefiting children. The imprisonment or assignment of
3 community service under this subsection (c-9) is not subject to
4 suspension, nor is the person eligible for a reduced sentence.

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

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

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, if at the time of the second violation of subsection
13 (a) or a similar provision the alcohol concentration in his or
14 her 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, shall be subject, in addition to any other penalty
17 that may be imposed, to a mandatory minimum of 2 days of
18 imprisonment and a mandatory minimum fine of \$1,250.

19 (c-14) Any person convicted of a third violation of
20 subsection (a) or a similar provision within 20 years of a
21 previous violation of subsection (a) or a similar provision, if
22 at the time of the third violation of subsection (a) or a
23 similar provision the alcohol concentration in his or her
24 blood, breath, or urine was 0.16 or more based on the
25 definition of blood, breath, or urine units in Section
26 11-501.2, is guilty of a Class 4 felony and shall be subject,

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

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

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

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

25 (B) the person committed a violation of subsection
26 (a) while driving a school bus with persons 18 years of

1 age or younger on board;

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

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

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

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

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

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

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

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

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

1 Motorists. All costs generated by the victim impact panel shall
2 be paid from fees collected from the offender or as may be
3 determined by the court.

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

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

13 (h) (Blank).

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

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

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

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

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

26 (l) Whenever an individual is sentenced for an offense

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

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

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

8 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;
9 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;
10 93-840, eff. 7-30-04; 94-110, eff. 1-1-06; 94-963, eff.
11 6-28-06.)

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

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

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

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

21 (2) under the influence of alcohol;

22 (3) under the influence of any intoxicating compound or
23 combination of intoxicating compounds to a degree that his
24 or her mental or physical faculties are so impaired as to
25 reduce his or her ability to think and act with ordinary

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

2 (4) under the influence of any other drug or
3 combination of drugs to a degree that his or her mental or
4 physical faculties are so impaired as to reduce his or her
5 ability to think and act with ordinary care ~~renders the~~
6 ~~person incapable of safely driving;~~

7 (5) under the combined influence of alcohol, other drug
8 or drugs, or intoxicating compound or compounds to a degree
9 that his or her mental or physical faculties are so
10 impaired as to reduce his or her ability to think and act
11 with ordinary care ~~renders the person incapable of safely~~
12 ~~driving; or~~

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

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

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

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

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

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

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

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

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

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

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

1 sentence.

2 (c) (Blank).

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

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

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

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

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

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

1 a sentence of probation or conditional discharge.

2 (c-2) (Blank).

3 (c-3) (Blank).

4 (c-4) (Blank).

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

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

25 (c-7) Except as provided in subsection (c-8), any person
26 convicted of violating subsection (c-6) or a similar provision

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

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

19 (c-9) Any person convicted a third time for violating
20 subsection (a) or a similar provision, if at the time of the
21 third violation the person was transporting a person under the
22 age of 16, is guilty of a Class 4 felony and shall receive, in
23 addition to any other penalty imposed, an additional mandatory
24 fine of \$1,000, an additional mandatory 140 hours of community
25 service, which shall include 40 hours in a program benefiting
26 children, and a mandatory minimum 30 days of imprisonment. The

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

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

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

26 (c-12) Any person convicted of a first violation of

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

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

19 (c-14) Any person convicted of a third violation of
20 subsection (a) or a similar provision within 20 years of a
21 previous violation of subsection (a) or a similar provision, if
22 at the time of the third violation of subsection (a) or a
23 similar provision the alcohol concentration in his or her
24 blood, breath, or urine was 0.16 or more based on the
25 definition of blood, breath, or urine units in Section
26 11-501.2, is guilty of a Class 4 felony and shall be subject,

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

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

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

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

25 (B) the person committed a violation of subsection
26 (a) while driving a school bus with persons 18 years of

1 age or younger on board;

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

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

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

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

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

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

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

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

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

1 Against Drunk Driving, or the Alliance Against Intoxicated
2 Motorists. All costs generated by the victim impact panel shall
3 be paid from fees collected from the offender or as may be
4 determined by the court.

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

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

14 (h) (Blank).

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

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

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

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

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

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

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

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

9 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;
10 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;
11 93-840, eff. 7-30-04; 94-113, eff. 1-1-06; 94-609, eff. 1-1-06;
12 94-963, eff. 6-28-06.)

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

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

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

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

22 (2) under the influence of alcohol;

23 (3) under the influence of any intoxicating compound or
24 combination of intoxicating compounds to a degree that his
25 or her mental or physical faculties are so impaired as to

1 reduce his or her ability to think and act with ordinary
2 care ~~renders the person incapable of driving safely;~~

3 (4) under the influence of any other drug or
4 combination of drugs to a degree that his or her mental or
5 physical faculties are so impaired as to reduce his or her
6 ability to think and act with ordinary care ~~renders the~~
7 ~~person 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 his or her mental or physical faculties are so
11 impaired as to reduce his or her ability to think and act
12 with ordinary care ~~renders the person incapable of safely~~
13 ~~driving; or~~

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

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

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

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

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

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

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

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

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

25 (b-5) The imprisonment or assignment of community service
26 under subsections (b-3) and (b-4) shall not be subject to

1 suspension, nor shall the person be eligible for a reduced
2 sentence.

3 (c) (Blank).

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

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

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

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

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

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

1 Class 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 fifth time for
17 violating subsection (a) or a similar provision, if at the time
18 of the fourth or fifth violation the person was transporting a
19 person under the age of 16, and if the person's 3 prior
20 violations of subsection (a) or a similar provision occurred
21 while transporting a person under the age of 16 or while the
22 alcohol concentration in his or her blood, breath, or urine was
23 0.16 or more based on the definition of blood, breath, or urine
24 units in Section 11-501.2, is guilty of a Class 2 felony, is
25 not eligible for probation or conditional discharge, and is
26 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 fifth violation
6 of subsection (a) or a similar provision, if at the time of the
7 fourth or fifth violation the alcohol concentration in his or
8 her blood, breath, or urine was 0.16 or more based on the
9 definition of blood, breath, or urine units in Section
10 11-501.2, and if the person's 3 prior violations of subsection
11 (a) or a similar provision occurred while transporting a person
12 under the age of 16 or while the alcohol concentration in his
13 or her 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 and is not eligible for
16 a sentence of probation or conditional discharge and is subject
17 to a minimum fine of \$2,500.

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

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

25 (A) the person committed a violation of subsection

26 (a) or a similar provision for the third or subsequent

1 time;

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

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

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

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

1 to another person, when the violation of subsection (a)
2 was a proximate cause of the bodily harm; or

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

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

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

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

23 (e-1) Any person who is found guilty of or pleads guilty to
24 violating this Section, including any person receiving a
25 disposition of court supervision for violating this Section,
26 may be required by the Court to attend a victim impact panel

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

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

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

16 (h) (Blank).

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

24 (j) In addition to any other penalties and liabilities, a
25 person who is found guilty of or pleads guilty to violating
26 subsection (a), including any person placed on court

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

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

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

1 hire back funding for safety checkpoints, saturation patrols,
2 and liquor store sting operations.

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

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

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

11 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;
12 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;
13 93-840, eff. 7-30-04; 94-114, eff. 1-1-06; 94-963, eff.
14 6-28-06.)

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

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

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

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

24 (2) under the influence of alcohol;

25 (3) under the influence of any intoxicating compound or

1 combination of intoxicating compounds to a degree that his
2 or her mental or physical faculties are so impaired as to
3 reduce his or her ability to think and act with ordinary
4 care ~~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 his or her mental or
7 physical faculties are so impaired as to reduce his or her
8 ability to think and act with ordinary care ~~renders the~~
9 ~~person incapable of safely driving;~~

10 (5) under the combined influence of alcohol, other drug
11 or drugs, or intoxicating compound or compounds to a degree
12 that his or her mental or physical faculties are so
13 impaired as to reduce his or her ability to think and act
14 with ordinary care ~~renders the person incapable of safely~~
15 ~~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 violation committed within 5
22 years of a previous violation of subsection (a) or a similar
23 provision, the defendant is guilty of a Class 2 felony, and in
24 addition to any other criminal or administrative sanction, a
25 mandatory minimum term of either 10 days of imprisonment or 480
26 hours of community service shall 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 is guilty of a Class 2 felony.

15 (2.1) A person who violates subsection (a) a third
16 time, if the third violation occurs during a period in
17 which his or her driving privileges are revoked or
18 suspended where the revocation or suspension was for a
19 violation of subsection (a), Section 11-501.1, subsection
20 (b) of Section 11-401, or for reckless homicide as defined
21 in Section 9-3 of the Criminal Code of 1961, is guilty of a
22 Class 2 felony; and if the person receives a term of
23 probation or conditional discharge, he or she shall be
24 required to serve a mandatory minimum of 10 days of
25 imprisonment or shall be assigned a mandatory minimum of
26 480 hours of community service, as may be determined by the

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

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

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

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

23 (c-2) (Blank).

24 (c-3) (Blank).

25 (c-4) (Blank).

26 (c-5) A person who violates subsection (a), if the person

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

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

20 (c-7) Except as provided in subsection (c-8), any person
21 convicted of violating subsection (c-6) or a similar provision
22 within 10 years of a previous violation of subsection (a) or a
23 similar provision shall receive, in addition to any other
24 penalty imposed, a mandatory minimum 12 days imprisonment, an
25 additional 40 hours of mandatory community service in a program
26 benefiting children, and a mandatory minimum fine of \$1,750.

1 The imprisonment or assignment of community service under this
2 subsection (c-7) is not subject to suspension, nor is the
3 person eligible for a reduced sentence.

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

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

25 (c-10) Any person convicted of violating subsection (c-9)
26 or a similar provision a third time within 20 years of a

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

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

21 (c-12) Any person convicted of a first violation of
22 subsection (a) or a similar provision, if 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, shall be subject, in addition to any other
26 penalty that may be imposed, to a mandatory minimum of 100

1 hours of community service and a mandatory minimum fine of
2 \$500.

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

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

25 (c-15) Any person convicted of a fourth violation of
26 subsection (a) or a similar provision, if at the time of the

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

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

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

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

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

1 violation was a proximate cause of the injuries;

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

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

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

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

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

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

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

1 Against Drunk Driving, or the Alliance Against Intoxicated
2 Motorists. All costs generated by the victim impact panel shall
3 be paid from fees collected from the offender or as may be
4 determined by the court.

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

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

14 (h) (Blank).

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

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

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

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

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

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

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

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

9 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;
10 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;
11 93-840, eff. 7-30-04; 94-116, eff. 1-1-06; 94-963, eff.
12 6-28-06.)

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

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

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

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

22 (2) under the influence of alcohol;

23 (3) under the influence of any intoxicating compound or
24 combination of intoxicating compounds to a degree that his
25 or her mental or physical faculties are so impaired as to

1 reduce his or her ability to think and act with ordinary
2 care ~~renders the person incapable of driving safely;~~

3 (4) under the influence of any other drug or
4 combination of drugs to a degree that his or her mental or
5 physical faculties are so impaired as to reduce his or her
6 ability to think and act with ordinary care ~~renders the~~
7 ~~person 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 his or her mental or physical faculties are so
11 impaired as to reduce his or her ability to think and act
12 with ordinary care ~~renders the person incapable of safely~~
13 ~~driving; or~~

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

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

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

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

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

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

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

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

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

25 (b-5) The imprisonment or assignment of community service
26 under subsections (b-3) and (b-4) shall not be subject to

1 suspension, nor shall the person be eligible for a reduced
2 sentence.

3 (c) (Blank).

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

23 (2.1) A person who violates subsection (a) a third
24 time, if the third violation occurs during a period in
25 which his or her driving privileges are revoked or
26 suspended where the revocation or suspension was for a

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

15 (2.2) A person who violates subsection (a), if the
16 violation occurs during a period in which his or her
17 driving privileges are revoked or suspended where the
18 revocation or suspension was for a violation of subsection
19 (a) or Section 11-501.1, is guilty of aggravated driving
20 under the influence of alcohol, other drug or drugs,
21 intoxicating compound or compounds, or any combination
22 thereof and shall also be sentenced to an additional
23 mandatory minimum term of 30 consecutive days of
24 imprisonment, 40 days of 24-hour periodic imprisonment, or
25 720 hours of community service, as may be determined by the
26 court. This mandatory term of imprisonment or assignment of

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

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

15 (c-2) (Blank).

16 (c-3) (Blank).

17 (c-4) (Blank).

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

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

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

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

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

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

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

1 sentence.

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

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

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

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

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

17 (c-15) Any person convicted of a fourth or subsequent
18 violation of subsection (a) or a similar provision, if at the
19 time of the fourth or subsequent violation the alcohol
20 concentration in his or her blood, breath, or urine was 0.16 or
21 more based on the definition of blood, breath, or urine units
22 in Section 11-501.2, and if the person's 3 prior violations of
23 subsection (a) or a similar provision occurred while
24 transporting a person under the age of 16 or while the alcohol
25 concentration in his or her blood, breath, or urine was 0.16 or
26 more based on the definition of blood, breath, or urine units

1 in Section 11-501.2, is guilty of a Class 2 felony and is not
2 eligible for a sentence of probation or conditional discharge
3 and is subject to a minimum fine of \$2,500.

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

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

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

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

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

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

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

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

19 (G) 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; or

23 (H) 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 (2) Except as provided in this paragraph (2) and in
2 paragraphs (2), (2.1), and (3) of subsection (c-1), a
3 person convicted of aggravated driving under the influence
4 of alcohol, other drug or drugs, or intoxicating compound
5 or compounds, or any combination thereof is guilty of a
6 Class 4 felony. For a violation of subparagraph (C) of
7 paragraph (1) of this subsection (d), the defendant, if
8 sentenced to a term of imprisonment, shall be sentenced to
9 not less than one year nor more than 12 years. Aggravated
10 driving under the influence of alcohol, other drug or
11 drugs, or intoxicating compound or compounds, or any
12 combination thereof as defined in subparagraph (F) of
13 paragraph (1) of this subsection (d) is a Class 2 felony,
14 for which the defendant, if sentenced to a term of
15 imprisonment, shall be sentenced to: (A) a term of
16 imprisonment of not less than 3 years and not more than 14
17 years if the violation resulted in the death of one person;
18 or (B) a term of imprisonment of not less than 6 years and
19 not more than 28 years if the violation resulted in the
20 deaths of 2 or more persons. For any prosecution under this
21 subsection (d), a certified copy of the driving abstract of
22 the defendant shall be admitted as proof of any prior
23 conviction. Any person sentenced under this subsection (d)
24 who receives a term of probation or conditional discharge
25 must serve a minimum term of either 480 hours of community
26 service or 10 days of imprisonment as a condition of the

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

4 (e) 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 (e-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 other 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; 94-329, eff. 1-1-06; 94-963, eff.
7 6-28-06.)