



Sen. John J. Cullerton

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09500SB1724sam001

LRB095 11144 DRH 32988 a

1 AMENDMENT TO SENATE BILL 1724

2 AMENDMENT NO. _____. Amend Senate Bill 1724 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing Sections 6-101, 6-206.2, 6-303, and 11-501 and by
6 adding Section 11-501.01, Chapter 16A, the heading of Article
7 16A, 16A-1, 16A-5, 16A-10, 16A-15, 16A-20, 16A-25, 16A-30,
8 16A-35, 16A-40, 16A-45, and 16A-50 as follows:

9 (625 ILCS 5/6-101) (from Ch. 95 1/2, par. 6-101)

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

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

16 (b) No person shall drive a motor vehicle unless he holds a

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

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

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

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

1 for the release by the vehicle owner.

2 (e) In addition to other penalties imposed under this
3 Section, the vehicle of any person in violation of this Section
4 who is also in violation of Section 7-601 of this Code relating
5 to mandatory insurance requirements and who, in violating this
6 Section, has caused death or personal injury to another person
7 is subject to forfeiture under Chapter 16A of this Code
8 ~~Sections 36-1 and 36-2 of the Criminal Code of 1961~~. For the
9 purposes of this Section, a personal injury shall include any
10 type A injury as indicated on the traffic accident report
11 completed by a law enforcement officer that requires immediate
12 professional attention in either a doctor's office or a medical
13 facility. A type A injury shall include severely bleeding
14 wounds, distorted extremities, and injuries that require the
15 injured party to be carried from the scene.

16 (Source: P.A. 93-187, eff. 7-11-03; 93-895, eff. 1-1-05;
17 94-993, eff. 1-1-07.)

18 (625 ILCS 5/6-206.2)

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

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

1 device for the purpose of providing the person so restricted
2 with an operable motor vehicle.

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

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

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

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

25 (e) If a person prohibited under Section 11-501.01
26 ~~paragraph (2) or paragraph (3) of subsection (c 4) of Section~~

1 ~~11-501~~ from driving any vehicle not equipped with an ignition
2 interlock device nevertheless is convicted of driving a vehicle
3 that is not equipped with the device, that person is prohibited
4 from driving any vehicle not equipped with an ignition
5 interlock device for an additional period of time equal to the
6 initial time period that the person was required to use an
7 ignition interlock device.

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

9 (625 ILCS 5/6-303) (from Ch. 95 1/2, par. 6-303)

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

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

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

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

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

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

1 drug or any combination thereof; or

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

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

9 (4) a statutory summary suspension under Section
10 11-501.1 of this Code.

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

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

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

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

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

24 (d) Any person convicted of a second violation of this
25 Section shall be guilty of a Class 4 felony and shall serve a
26 minimum term of imprisonment of 30 days or 300 hours of

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

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

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

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

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

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

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

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

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

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

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

22 (625 ILCS 5/11-501) (from Ch. 95 1/2, par. 11-501)

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

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

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

6 (2) under the influence of alcohol;

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

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

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

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

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

1 (c) Penalties.

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

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

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

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

22 (5) A person who violates subsection (a) a second time,
23 if at the time of the second violation the alcohol
24 concentration in his or her blood, breath, or urine was
25 0.16 or more based on the definition of blood, breath, or
26 urine units in Section 11-501.2, shall be subject, in

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

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

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

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

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

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

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

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

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

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

22 (G) the person committed a violation of subsection
23 (a) during a period in which the defendant's driving
24 privileges are revoked or suspended, where the
25 revocation or suspension was for a violation of
26 subsection (a), Section 11-501.1, paragraph (b) of

1 Section 11-401, or for reckless homicide as defined in
2 Section 9-3 of the Criminal Code of 1961;

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

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

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

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

20 (2) (A) Except as provided otherwise, a person
21 convicted of aggravated driving under the influence of
22 alcohol, other drug or drugs, or intoxicating compound or
23 compounds, or any combination thereof is guilty of a Class
24 4 felony.

25 (B) A third violation of this Section or a similar
26 provision is a Class 2 felony. If at the time of the third

1 violation the alcohol concentration in his or her blood,
2 breath, or urine was 0.16 or more based on the definition
3 of blood, breath, or urine units in Section 11-501.2, a
4 mandatory minimum of 90 days of imprisonment and a
5 mandatory minimum fine of \$2,500 shall be imposed in
6 addition to any other criminal or administrative sanction.
7 If at the time of the third violation, the defendant was
8 transporting a person under the age of 16, a mandatory fine
9 of \$25,000 and 25 days of community service in a program
10 benefiting children shall be imposed in addition to any
11 other criminal or administrative sanction.

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

26 (D) A fifth violation of this Section or a similar

1 provision is a Class 1 felony, for which a sentence of
2 probation or conditional discharge may not be imposed. If
3 at the time of the violation, the alcohol concentration in
4 the defendant's blood, breath, or urine was 0.16 or more
5 based on the definition of blood, breath, or urine units in
6 Section 11-501.2, a mandatory minimum fine of \$5,000 shall
7 be imposed in addition to any other criminal or
8 administrative sanction. If at the time of the fifth
9 violation, the defendant was transporting a person under
10 the age of 16, a mandatory fine of \$25,000, and 25 days of
11 community service in a program benefiting children shall be
12 imposed in addition to any other criminal or administrative
13 sanction.

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

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

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

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

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

1 \$5,000 and 25 days of community service in a program
2 benefiting children shall be imposed in addition to any
3 other criminal or administrative sanction.

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

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

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

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

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

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

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

1 ~~combination thereof.~~

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

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

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

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

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

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

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

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

1 ~~charge of violating this Section.~~

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

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

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

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

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

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

1 ~~be imposed.~~

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

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

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

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

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

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

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

23 ~~(e 2) (Blank).~~

24 ~~(e 3) (Blank).~~

25 ~~(e 4) (Blank).~~

26 ~~(e 5) (1) A person who violates subsection (a), if the~~

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

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

22 ~~(3) Except as provided in subdivision (c 5) (4), any~~
23 ~~person convicted of violating subdivision (c 5) (2) or a~~
24 ~~similar provision within 10 years of a previous violation~~
25 ~~of subsection (a) or a similar provision shall receive, in~~
26 ~~addition to any other penalty imposed, a mandatory minimum~~

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

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

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

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

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

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

1 ~~minimum fine of \$3,000.~~

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

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

21 ~~(3) Any person convicted of a third violation of~~
22 ~~subsection (a) or a similar provision within 20 years of a~~
23 ~~previous violation of subsection (a) or a similar~~
24 ~~provision, if at the time of the third violation of~~
25 ~~subsection (a) or a similar provision the alcohol~~
26 ~~concentration in his or her blood, breath, or urine was~~

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

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

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

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

1 ~~(a) or a similar provision for the third or subsequent~~
2 ~~time;~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;
13 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;
14 93-840, eff. 7-30-04; 93-1093, eff. 3-29-05; 94-963, eff.
15 6-28-06.)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 ~~(c) (Blank).~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 ~~(c) (Blank).~~

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

1 ~~in Section 9-3 of the Criminal Code of 1961 is guilty of a~~
2 ~~Class 4 felony.~~

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

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

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

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

21 ~~(e 2) (Blank).~~

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

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

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

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

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

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

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

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

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

23 ~~(c-10) Any person convicted of violating subsection (c-9)~~
24 ~~or a similar provision a third time within 20 years of a~~
25 ~~previous violation of subsection (a) or a similar provision is~~
26 ~~guilty of a Class 4 felony and shall receive, in addition to~~

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

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

19 ~~(c 12) Any person convicted of a first violation of~~
20 ~~subsection (a) or a similar provision, if the alcohol~~
21 ~~concentration in his or her blood, breath, or urine was 0.16 or~~
22 ~~more based on the definition of blood, breath, or urine units~~
23 ~~in Section 11-501.2, shall be subject, in addition to any other~~
24 ~~penalty that may be imposed, to a mandatory minimum of 100~~
25 ~~hours of community service and a mandatory minimum fine of~~
26 ~~\$500.~~

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

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

23 ~~(c-15) Any person convicted of a fourth or subsequent~~
24 ~~violation of subsection (a) or a similar provision, if at the~~
25 ~~time of the fourth or subsequent violation the alcohol~~
26 ~~concentration in his or her blood, breath, or urine was 0.16 or~~

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

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

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

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

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

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

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

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

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

25 ~~(2) Except as provided in this paragraph (2), a person~~
26 ~~convicted of aggravated driving under the influence of~~

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

1 ~~reduced by the court.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 ~~ambulance.~~

2 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;
3 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;
4 93-840, eff. 7-30-04; 94-113, eff. 1-1-06; 94-609, eff. 1-1-06;
5 94-963, eff. 6-28-06.)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 ~~sentence.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 ~~similar provision of a local ordinance.~~

2 ~~(h) (Blank).~~

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

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

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

25 ~~(k) The Secretary of State Police DUI Fund is created as a~~
26 ~~special fund in the State treasury. All moneys received by the~~

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

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

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

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

23 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;
24 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;
25 93-840, eff. 7-30-04; 94-114, eff. 1-1-06; 94-963, eff.
26 6-28-06.)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 ~~(b 4) In the case of a third violation committed within 5~~

1 ~~years of a previous violation of subsection (a) or a similar~~
2 ~~provision, the defendant is guilty of a Class 2 felony, and in~~
3 ~~addition to any other criminal or administrative sanction, a~~
4 ~~mandatory minimum term of either 10 days of imprisonment or 480~~
5 ~~hours of community service shall be imposed.~~

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

10 ~~(c) (Blank).~~

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

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

20 ~~(2.1) A person who violates subsection (a) a third~~
21 ~~time, if the third violation occurs during a period in~~
22 ~~which his or her driving privileges are revoked or~~
23 ~~suspended where the revocation or suspension was for a~~
24 ~~violation of subsection (a), Section 11 501.1, subsection~~
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 if the person receives a term of~~
2 ~~probation or conditional discharge, he or she shall be~~
3 ~~required to serve a mandatory minimum of 10 days of~~
4 ~~imprisonment or shall be assigned a mandatory minimum of~~
5 ~~480 hours of community service, as may be determined by the~~
6 ~~court, as a condition of the probation or conditional~~
7 ~~discharge. This mandatory minimum term of imprisonment or~~
8 ~~assignment of community service shall not be suspended or~~
9 ~~reduced by the court.~~

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

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

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

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

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

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

26 ~~(c 1) Any person who is found guilty of or pleads guilty to~~

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

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

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

19 ~~(h) (Blank).~~

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

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

1 ~~radar and laser speed detection devices, and alcohol breath~~
2 ~~testers. Any moneys received by the Department of State Police~~
3 ~~under this subsection (j) shall be deposited into the State~~
4 ~~Police DUI Fund and 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.~~

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

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

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

14 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;
15 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;
16 93-840, eff. 7-30-04; 94-116, eff. 1-1-06; 94-963, eff.
17 6-28-06.)

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

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

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

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

1 ~~breath units in Section 11-501.2;~~

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

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

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

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

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

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

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

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

1 ~~another state that is similar to a violation of subsection~~
2 ~~(a) of this Section.~~

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

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

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

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

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

1 ~~(c) (Blank).~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 ~~or subparagraph (F) of this paragraph (1);~~

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

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

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

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

25 ~~(2) Except as provided in this paragraph (2) and in~~
26 ~~paragraphs (2), (2.1), and (3) of subsection (c 1), a~~

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

1 ~~not be suspended or reduced by the court.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 ~~ambulance.~~

2 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;
3 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;
4 93-840, eff. 7-30-04; 94-329, eff. 1-1-06; 94-963, eff.
5 6-28-06.)

6 (625 ILCS 5/11-501.01 new)

7 Sec. 11-501.01. Additional administrative sanctions.

8 (a) 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 Section 11-501 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 (b) Any person who is found guilty of or pleads guilty to
21 violating Section 11-501, including any person receiving a
22 disposition of court supervision for violating that 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

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 (c) Every person found guilty of violating Section 11-501,
6 whose operation of a motor vehicle while in violation of that
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 in subsection (i) of this
10 Section.

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

14 (e) 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 Section 11-501 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 (f) In addition to any other penalties and liabilities, a
22 person who is found guilty of or pleads guilty to violating
23 Section 11-501, including any person placed on court
24 supervision for violating Section 11-501, shall be assessed
25 \$500, payable to the circuit clerk, who shall distribute the
26 money as follows: 20% to the law enforcement agency that made

1 the arrest, and 80% shall be forwarded to the State Treasurer
2 for deposit into the General Revenue Fund. If the person has
3 been previously convicted of violating Section 11-501 or a
4 similar provision of a local ordinance, the fine shall be
5 \$1,000. In the event that more than one agency is responsible
6 for the arrest, the amount payable to law enforcement agencies
7 shall be shared equally. Any moneys received by a law
8 enforcement agency under this subsection (f) shall be used to
9 purchase law enforcement equipment that will assist in the
10 prevention of alcohol related criminal violence throughout the
11 State. This shall include, but is not limited to, in-car video
12 cameras, radar and laser speed detection devices, and alcohol
13 breath testers. Any moneys received by the Department of State
14 Police under this subsection (f) shall be deposited into the
15 State Police DUI Fund and shall be used to purchase law
16 enforcement equipment that will assist in the prevention of
17 alcohol related criminal violence throughout the State.

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

25 (h) Whenever an individual is sentenced for an offense
26 based upon an arrest for a violation of Section 11-501 or a

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

16 (i) In addition to any other fine or penalty required by
17 law, an individual convicted of a violation of Section 11-501,
18 Section 5-7 of the Snowmobile Registration and Safety Act,
19 Section 5-16 of the Boat Registration and Safety Act, or a
20 similar provision, whose operation of a motor vehicle,
21 snowmobile, or watercraft while in violation of Section 11-501,
22 Section 5-7 of the Snowmobile Registration and Safety Act,
23 Section 5-16 of the Boat Registration and Safety Act, or a
24 similar provision proximately caused an incident resulting in
25 an appropriate emergency response, shall be required to make
26 restitution to a public agency for the costs of that emergency

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

7 (625 ILCS 5/Chapter 16A heading new)

8 CHAPTER 16A. TRAFFIC SAFETY FORFEITURES

9 (625 ILCS 5/16A-1 new)

10 Sec. 16A-1. Short title. This Chapter may be cited as the
11 Traffic Safety Forfeiture Law of 2007.

12 (625 ILCS 5/16A-5 new)

13 Sec. 16A-5. Legislative Declaration. The Illinois General
14 Assembly finds that persons who drive without a valid driver's
15 license or permit or with a suspended or revoked driver's
16 license or permit pose a significant and dangerous threat to
17 Illinois motorists. The civil forfeiture of motor vehicles used
18 by persons who drive without a valid driver's license or permit
19 or with a suspended or revoked driver's license or permit will
20 have a significant beneficial effect in deterring this type of
21 activity and will reduce the number of traffic fatalities and
22 accidents caused by those persons. It is necessary and
23 appropriate to take additional steps to prevent drivers who

1 drive without a valid driver's license or permit or with
2 suspended or revoked licenses or permits from driving,
3 including civil forfeiture of vehicles used by those persons.
4 The State has a critical interest in enforcing its traffic laws
5 and keeping drivers with suspended or revoked licenses or
6 permits from illegally driving. Seizing the vehicles used by
7 those persons serves an important governmental and public
8 interest, namely the protection of the health, safety, and
9 welfare of Illinois motorists from the harm associated with
10 driving without a valid driver's license or permit or with a
11 suspended or revoked license or permit.

12 (625 ILCS 5/16A-10 new)

13 Sec. 16A-10. Applicability. This Chapter applies to all
14 motor vehicles used by persons who drive without a valid
15 driver's license or permit or with suspended or revoked
16 licenses or permits in violation of Section 6-303 of this Code,
17 if the person's driving privileges were revoked or suspended as
18 a result of a violation listed in paragraph (1), (2), or (3) of
19 subsection (c) of Section 6-303 of this Code or as a result of
20 a statutory summary suspension as provided in paragraph (4) of
21 subsection (c) of Section 6-303, or if the person committed the
22 offenses described in the following provisions of this Code:
23 Section 11-501, subdivisions (d) (1) (A), (d) (1) (D), (d) (1) (G),
24 (d) (1) (H), or (d) (1) (I); or an offense described in subsection
25 (e) of Section 6-101 of this Code.

1 (625 ILCS 5/16A-15 new)

2 Sec. 16A-15. Seizure.

3 (a) Any motor vehicle used in violation of Section 6-101,
4 6-303, or 11-501 of this Code may be seized for forfeiture if:

5 (1) the person's driving privileges were revoked or
6 suspended as a result of a violation listed in paragraph
7 (1), (2), or (3) of subsection (c) of Section 6-303;

8 (2) the person's driving privileges were revoked or
9 suspended as a result of a summary suspension as provided
10 in paragraph (4) of subsection (c) of Section 6-303;

11 (3) the person committed the offenses described in the
12 following provisions of this Code: Section 11-501,
13 subdivisions (d) (1) (A), (d) (1) (D), (d) (1) (G), (d) (1) (H),
14 or (d) (1) (I); or

15 (4) the person committed an offense described in
16 subsection (e) of Section 6-101 of this Code.

17 (b) The seizing agency shall, within 30 days after seizure,
18 deliver the vehicle to the sheriff of the county of seizure and
19 notify the State's Attorney of the county in which the act or
20 omission giving rise to the forfeiture occurred, or in which
21 the motor vehicle was seized, of the seizure and the facts and
22 circumstances giving rise to the seizure and shall provide the
23 State's Attorney with the inventory of the motor vehicle and
24 its estimated value. The seizing agency shall also notify the
25 Secretary of State that forfeiture proceedings are pending

1 regarding the vehicle.

2 (c) If, after review of the facts surrounding the seizure,
3 the State's Attorney is of the opinion that the seized motor
4 vehicle is subject to forfeiture, the State's Attorney shall,
5 within 45 days of the receipt of notice of seizure from the
6 seizing agency, cause notice of pending forfeiture of the motor
7 vehicle to be given to the owner and any person whose right,
8 title, or interest is of record with the Secretary of State.

9 (625 ILCS 5/16A-20 new)

10 Sec. 16A-20. Notice to owner or interest holder.

11 (a) Whenever notice of pending forfeiture or service of an
12 in rem complaint is required under this Chapter:

13 (1) the notice of pending forfeiture must include a
14 description of the motor vehicle, the estimated value of
15 the motor vehicle, the date and place of seizure, the
16 conduct giving rise to forfeiture or the violation of law
17 alleged, and a summary of procedures and procedural rights
18 applicable to the forfeiture action; and

19 (2) if the name and address of the owner or any person
20 whose right, title, or interest is of record are known, the
21 notice or service shall be given by either personal service
22 or by mailing a copy of the notice by certified mail,
23 return receipt requested, to that address. If the address
24 of an owner or any person whose right, title, or interest
25 is of record changes prior to the effective date of the

1 notice of pending forfeiture, the owner or any person whose
2 right, title, or interest is of record shall promptly
3 notify the seizing agency of the change in address or, if
4 the address of an owner or any person whose right, title,
5 or interest is of record changes subsequent to the
6 effective date of the notice of pending forfeiture, the
7 owner or any person whose right, title, or interest is of
8 record shall promptly notify the seizing agency and the
9 State's Attorney's Office of the change in address.

10 (b) Notice served under this Chapter is effective upon
11 personal service or the mailing of written notice, whichever is
12 earlier.

13 (625 ILCS 5/16A-25 new)

14 Sec. 16A-25. Non-judicial forfeiture.

15 (a) Any person claiming ownership of the motor vehicle that
16 is the subject of notice under Section 16A-20 may, within 45
17 days after the effective date of notice as described in Section
18 16A-20, file with the State's Attorney a verified claim of his
19 or her ownership of the motor vehicle. The claim must set
20 forth:

21 (1) the caption of the proceedings as set forth on the
22 notice of pending forfeiture and the name of the claimant;

23 (2) the address at which the claimant will accept mail;

24 (3) the nature and extent of the claimant's ownership
25 of the motor vehicle;

1 (4) the date and circumstances of the claimant's
2 acquisition of the ownership of the motor vehicle and the
3 identity of the transferor;

4 (5) the name and address of all other persons known to
5 have ownership of the motor vehicle;

6 (6) the specific provision of law relied on in
7 asserting that the motor vehicle is not subject to
8 forfeiture;

9 (7) all essential facts supporting each assertion; and

10 (8) the relief sought.

11 (b) If a claimant files a claim and deposits with the
12 State's Attorney a cost bond, in the form of a cashier's check
13 payable to the clerk of the court, in the sum of 10% of the
14 reasonable value of the motor vehicle as alleged by the State's
15 Attorney, the State's Attorney shall, within 45 days after
16 receipt of the claim and cost bond, institute judicial in rem
17 forfeiture proceedings and deposit the cost bond with the clerk
18 of the court as described in Section 16A-35. In lieu of a cost
19 bond, a person claiming ownership of the seized motor vehicle
20 may file, under penalty of perjury, an indigency affidavit.

21 (c) If the motor vehicle is not forfeited in the judicial
22 in rem proceeding, the clerk of the court shall return to the
23 claimant, unless the court orders otherwise, 90% of the sum
24 which has been deposited and shall retain as costs 10% of the
25 money deposited.

26 (d) If no claim is filed or bond given within the 45 day

1 period described in this Section, the State's Attorney shall
2 declare the property forfeited and shall promptly notify the
3 owner, any person whose right, title, or interest is of record,
4 and the sheriff of the county in which the seizure occurred, of
5 the declaration of forfeiture.

6 (e) A copy of the declaration of forfeiture shall be filed
7 with the sheriff of the county in which the seizure occurs and
8 with the Secretary of State. The declaration, when filed,
9 constitutes authority for the issuance of clear title to the
10 vehicle to the department or agency to whom it is delivered or
11 to any purchaser of the vehicle.

12 (f) When a motor vehicle is forfeited under this Chapter,
13 the sheriff of the county in which the seizure occurs shall
14 sell the motor vehicle at public auction, unless the motor
15 vehicle is required by law to be destroyed or is harmful to the
16 public.

17 (g) If, however, upon application of the seizing agency or
18 the prosecutor who was responsible for the investigation,
19 arrest, and prosecution that led to the forfeiture of the motor
20 vehicle, the county sheriff may award the motor vehicle to the
21 seizing agency or prosecutor for official use, if the agency or
22 prosecutor can demonstrate that the vehicle requested would be
23 useful to the agency or prosecutor for official use.

24 (h) The proceeds of any sale at public auction under this
25 Chapter, after payment of all liens and deduction of the
26 reasonable charges and expenses incurred by the sheriff in

1 storing and selling the vehicle, shall be paid into the general
2 fund of the county of seizure.

3 (625 ILCS 5/16A-30 new)

4 Sec. 16A-30. Presumptions. Suspension or revocation of the
5 driver's license or permit of the driver of the motor vehicle
6 shall be conclusively presumed to be known by the driver and
7 any person whose right, title, or interest is or record if:

8 (1) the Secretary of State has sent the driver a certified
9 letter, return receipt requested, regarding the suspension or
10 revocation; or

11 (2) the suspension or revocation was the result of a court
12 order.

13 (625 ILCS 5/16A-35 new)

14 Sec. 16A-35. Exemptions from forfeiture. A motor vehicle is
15 exempt from forfeiture under this Chapter if:

16 (1) the owner or any person whose right, title, or interest
17 is of record with the Secretary of State establishes by a
18 preponderance of the evidence that he or she made a reasonable
19 effort or inquiry to determine whether the driver possessed a
20 valid driver's license before allowing him or her to operate
21 the owner's vehicle. The owner or any person whose right,
22 title, or interest is of record is not required to inquire of
23 the Secretary of State whether the driver possessed a valid
24 driver's license;

1 (2) the owner or any person whose right, title, or interest
2 is of record with the Secretary of State did not hold the
3 property jointly or in common with a person whose conduct gave
4 rise to the forfeiture;

5 (3) the owner or any person whose right, title, or interest
6 is of record with the Secretary of State does not hold the
7 property for the benefit of or as nominee for any person whose
8 conduct gave rise to its forfeiture, and, if the owner or any
9 person whose right, title, or interest is of record acquired
10 the interest through any such person, the owner or any person
11 whose right, title, or interest is of record acquired it as a
12 bona fide purchaser for value without knowingly taking part in
13 the conduct giving rise to the forfeiture; and

14 (4) the owner or any person whose right, title, or interest
15 is of record with the Secretary of State acquired the interest
16 before the commencement of the conduct giving rise to its
17 forfeiture, and the person whose conduct gave rise to its
18 forfeiture did not have the authority to convey the interest to
19 a bona fide purchaser for value at the time of the conduct.

20 (625 ILCS 5/16A-40 new)

21 Sec. 16A-40. Judicial in rem procedures.

22 (a) Within 45 days of receipt of a proper verified claim
23 and cost bond, the State's Attorney shall institute judicial
24 forfeiture proceedings by filing a verified complaint for
25 forfeiture and, if the claimant has filed a claim and cost

1 bond, by depositing the cost bond with the clerk of the court.
2 When authorized by law, a forfeiture must be ordered by a court
3 in an action in rem brought by a State's Attorney under a
4 verified complaint for forfeiture.

5 (b) During the probable cause portion of the judicial in
6 rem proceeding in which the State presents its case-in-chief,
7 the court must receive and consider, among other things, all
8 relevant hearsay evidence and information. The laws of evidence
9 relating to civil actions shall apply to all other portions of
10 the judicial in rem proceeding.

11 (c) Only an owner or a person or legal entity whose right,
12 title, or interest is of record with the Secretary of State on
13 or before the date of seizure of the vehicle may file an answer
14 asserting a claim against the motor vehicle in the action in
15 rem. For purposes of this Section, any person or legal entity
16 whose right, title, or interest is of record shall be referred
17 to as the claimant.

18 (d) The answer must be signed by the claimant under penalty
19 of perjury and must indicate:

20 (1) the caption of the proceedings, as set forth on the
21 notice of pending forfeiture, and the name of the claimant;

22 (2) the address at which the claimant will accept mail;

23 (3) the nature and extent of the claimant's ownership
24 of the motor vehicle;

25 (4) the date and circumstances of the claimant's
26 acquisition of ownership of the motor vehicle and the

1 identity of transferor;

2 (5) the name and address of all other persons known to
3 have ownership of the motor vehicle;

4 (6) the specific language of Section 16A-35 relied on
5 in asserting that the motor vehicle is not subject to
6 forfeiture;

7 (7) all essential facts supporting each assertion; and

8 (8) the precise relief sought.

9 (e) The answer must be filed with the court within 45 days
10 after service of the civil in rem complaint.

11 (f) The hearing must be held within 60 days after filing of
12 the answer unless continued for good cause. If a related
13 traffic or criminal case that gave rise to this proceeding is
14 still pending, however, all forfeiture proceedings shall, upon
15 motion of the State, be stayed until the underlying case is
16 concluded.

17 (g) The State must, at the hearing, show probable cause for
18 forfeiture of the motor vehicle. If the State shows probable
19 cause, the claimant has the burden of showing by a
20 preponderance of the evidence that the claimant's ownership of
21 the motor vehicle is not subject to forfeiture.

22 (h) If the State does not show probable cause, or a
23 claimant has established by a preponderance of evidence that
24 the claimant's ownership is exempt under Section 16A-35, the
25 court shall order the motor vehicle returned to the claimant.
26 If the State does show probable cause and the claimant does not

1 establish by a preponderance of evidence that the claimant's
2 ownership is exempt under Section 16A-35, the court shall order
3 the motor vehicle forfeited to the State.

4 (i) A defendant who has pled guilty or has been found
5 guilty in any underlying traffic or criminal proceeding is
6 precluded from later denying the essential allegations of the
7 traffic or criminal offense of which the defendant was
8 convicted in any proceeding under this Act, regardless of the
9 pendency of an appeal from that conviction. Evidence of the
10 pendency of an appeal is admissible, however.

11 (j) An acquittal or dismissal in a traffic or criminal
12 proceeding shall not preclude civil proceedings under this
13 Chapter. A motor vehicle subject to forfeiture under this
14 Chapter shall not be subject to return or release by a court
15 exercising jurisdiction over a traffic or criminal case
16 involving the seizure of that motor vehicle, unless the return
17 or release is consented to by the State's Attorney.

18 (k) Any motor vehicle declared forfeited under this Chapter
19 vests in the State on the commission of the conduct giving rise
20 to forfeiture of the motor vehicle after that time. The motor
21 vehicle remains subject to forfeiture after any subsequent
22 transfer to any person, and the motor vehicle shall be ordered
23 forfeited unless the transferee claims and establishes in a
24 hearing under this Chapter that the transferee's ownership is
25 exempt under Section 16A-35.

26 (l) A civil action under this Chapter must be commenced

1 within 5 years after the last conduct giving rise to forfeiture
2 became known or should have become known, or 5 years after the
3 forfeitable motor vehicle is discovered, whichever is later,
4 excluding any time during which either the motor vehicle or
5 claimant is out of the State or in confinement or during which
6 criminal proceedings relating to the same conduct are in
7 progress.

8 (m) Motor vehicles taken or detained under this Chapter are
9 not subject to replevin and are deemed to be in the custody of
10 the county sheriff, subject only to the order and judgments of
11 the circuit court having jurisdiction over the forfeiture
12 proceedings and the decisions of the State's Attorney under
13 this Chapter.

14 (625 ILCS 5/16A-45 new)

15 Sec. 16A-45. Stay of time periods. If a motor vehicle is
16 seized for evidence and for forfeiture, the time periods for
17 instituting judicial and non-judicial forfeiture proceedings
18 shall not begin until the motor vehicle is no longer needed for
19 evidence.

20 (625 ILCS 5/16A-50 new)

21 Sec. 16A-50. Settlement of claims.

22 (a) Notwithstanding other provisions of this Chapter, the
23 State's Attorney and a claimant of a seized motor vehicle may
24 enter into an agreed settlement concerning the seized motor

1 vehicle in the amount and upon the terms that are set out in
2 writing in a settlement agreement.

3 (b) If the county sheriff or the State's Attorney agrees to
4 release a motor vehicle to an owner or person whose right,
5 title, or interest is of record, that person must sign a
6 stipulated vehicle release agreement that provides for the
7 automatic forfeiture of any vehicle registered to him or her if
8 the vehicle is driven by a driver with a suspended or revoked
9 license or permit. This Section applies to any vehicle
10 currently owned or any vehicle registered in the future. If the
11 person does not sign the agreement, the vehicle may not be
12 released. A signed agreement precludes any claim, if the motor
13 vehicle is subsequently driven by a person with a suspended or
14 revoked driver's license or permit, that the person to whom the
15 vehicle was released is an innocent owner.

16 Section 10. The Criminal Code of 1961 is amended by
17 changing Section 36-1 as follows:

18 (720 ILCS 5/36-1) (from Ch. 38, par. 36-1)

19 Sec. 36-1. Seizure. Any vessel, vehicle or aircraft used
20 with the knowledge and consent of the owner in the commission
21 of, or in the attempt to commit as defined in Section 8-4 of
22 this Code, an offense prohibited by (a) Section 9-1, 9-3, 10-2,
23 11-6, 11-15.1, 11-19.1, 11-19.2, 11-20.1, 12-4.1, 12-4.2,
24 12-4.2-5, 12-4.3, 12-4.6, 12-7.3, 12-7.4, 12-13, 12-14, 18-2,

1 19-1, 19-2, 19-3, 20-1, 20-2, 20.5-6, 24-1.2, 24-1.2-5, 24-1.5,
2 or 28-1 of this Code, paragraph (a) of Section 12-4 of this
3 Code, paragraph (a) of Section 12-15 or paragraphs (a), (c) or
4 (d) of Section 12-16 of this Code, or paragraph (a)(6) or
5 (a)(7) of Section 24-1 of this Code; (b) Section 21, 22, 23, 24
6 or 26 of the Cigarette Tax Act if the vessel, vehicle or
7 aircraft contains more than 10 cartons of such cigarettes; (c)
8 Section 28, 29 or 30 of the Cigarette Use Tax Act if the
9 vessel, vehicle or aircraft contains more than 10 cartons of
10 such cigarettes; (d) Section 44 of the Environmental Protection
11 Act; or (e) Section 11-204.1 of the Illinois Vehicle Code; ~~(f)~~
12 ~~the offenses described in the following provisions of the~~
13 ~~Illinois Vehicle Code: Section 11-501 subdivisions (c-1)(1),~~
14 ~~(c-1)(2), (c-1)(3), (d)(1)(A), (d)(1)(D), (d)(1)(G), or~~
15 ~~(d)(1)(H); (g) an offense described in subsection (g) of~~
16 ~~Section 6-303 of the Illinois Vehicle Code; or (h) an offense~~
17 ~~described in subsection (c) of Section 6-101 of the Illinois~~
18 ~~Vehicle Code;~~ may be seized and delivered forthwith to the
19 sheriff of the county of seizure.

20 Within 15 days after such delivery the sheriff shall give
21 notice of seizure to each person according to the following
22 method: Upon each such person whose right, title or interest is
23 of record in the office of the Secretary of State, the
24 Secretary of Transportation, the Administrator of the Federal
25 Aviation Agency, or any other Department of this State, or any
26 other state of the United States if such vessel, vehicle or

1 aircraft is required to be so registered, as the case may be,
2 by mailing a copy of the notice by certified mail to the
3 address as given upon the records of the Secretary of State,
4 the Department of Aeronautics, Department of Public Works and
5 Buildings or any other Department of this State or the United
6 States if such vessel, vehicle or aircraft is required to be so
7 registered. Within that 15 day period the sheriff shall also
8 notify the State's Attorney of the county of seizure about the
9 seizure.

10 In addition, any mobile or portable equipment used in the
11 commission of an act which is in violation of Section 7g of the
12 Metropolitan Water Reclamation District Act shall be subject to
13 seizure and forfeiture under the same procedures provided in
14 this Article for the seizure and forfeiture of vessels,
15 vehicles and aircraft, and any such equipment shall be deemed a
16 vessel, vehicle or aircraft for purposes of this Article.

17 When a person discharges a firearm at another individual
18 from a vehicle with the knowledge and consent of the owner of
19 the vehicle and with the intent to cause death or great bodily
20 harm to that individual and as a result causes death or great
21 bodily harm to that individual, the vehicle shall be subject to
22 seizure and forfeiture under the same procedures provided in
23 this Article for the seizure and forfeiture of vehicles used in
24 violations of clauses (a), (b), (c), or (d) of this Section.

25 If the spouse of the owner of a vehicle seized for an
26 offense described in ~~subsection (g) of Section 6-303 of the~~

1 ~~Illinois Vehicle Code, a violation of subdivision (c-1)(1),~~
2 ~~(c-1)(2), (c-1)(3), (d)(1)(A), or (d)(1)(D) of Section 11-501~~
3 ~~of the Illinois Vehicle Code, or~~ Section 9-3 of this Code makes
4 a showing that the seized vehicle is the only source of
5 transportation and it is determined that the financial hardship
6 to the family as a result of the seizure outweighs the benefit
7 to the State from the seizure, the vehicle may be forfeited to
8 the spouse or family member and the title to the vehicle shall
9 be transferred to the spouse or family member who is properly
10 licensed and who requires the use of the vehicle for employment
11 or family transportation purposes. A written declaration of
12 forfeiture of a vehicle under this Section shall be sufficient
13 cause for the title to be transferred to the spouse or family
14 member. The provisions of this paragraph shall apply only to
15 one forfeiture per vehicle. If the vehicle is the subject of a
16 subsequent forfeiture proceeding by virtue of a subsequent
17 conviction of either spouse or the family member, the spouse or
18 family member to whom the vehicle was forfeited under the first
19 forfeiture proceeding may not utilize the provisions of this
20 paragraph in another forfeiture proceeding. If the owner of the
21 vehicle seized owns more than one vehicle, the procedure set
22 out in this paragraph may be used for only one vehicle.

23 Property declared contraband under Section 40 of the
24 Illinois Streetgang Terrorism Omnibus Prevention Act may be
25 seized and forfeited under this Article.

26 (Source: P.A. 93-187, eff. 7-11-03; 94-329, eff. 1-1-06;

1 94-1017, eff. 7-7-06.)

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

4 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

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

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

9 (1) not violate any criminal statute of any
10 jurisdiction;

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

13 (3) refrain from possessing a firearm or other
14 dangerous weapon;

15 (4) not leave the State without the consent of the
16 court or, in circumstances in which the reason for the
17 absence is of such an emergency nature that prior consent
18 by the court is not possible, without the prior
19 notification and approval of the person's probation
20 officer. Transfer of a person's probation or conditional
21 discharge supervision to another state is subject to
22 acceptance by the other state pursuant to the Interstate
23 Compact for Adult Offender Supervision;

24 (5) permit the probation officer to visit him at his

1 home or elsewhere to the extent necessary to discharge his
2 duties;

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

20 (7) if he or she is at least 17 years of age and has
21 been sentenced to probation or conditional discharge for a
22 misdemeanor or felony in a county of 3,000,000 or more
23 inhabitants and has not been previously convicted of a
24 misdemeanor or felony, may be required by the sentencing
25 court to attend educational courses designed to prepare the
26 defendant for a high school diploma and to work toward a

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

21 (8) if convicted of possession of a substance
22 prohibited by the Cannabis Control Act, the Illinois
23 Controlled Substances Act, or the Methamphetamine Control
24 and Community Protection Act after a previous conviction or
25 disposition of supervision for possession of a substance
26 prohibited by the Cannabis Control Act or Illinois

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

8 (8.5) if convicted of a felony sex offense as defined
9 in the Sex Offender Management Board Act, the person shall
10 undergo and successfully complete sex offender treatment
11 by a treatment provider approved by the Board and conducted
12 in conformance with the standards developed under the Sex
13 Offender Management Board Act;

14 (8.6) if convicted of a sex offense as defined in the
15 Sex Offender Management Board Act, refrain from residing at
16 the same address or in the same condominium unit or
17 apartment unit or in the same condominium complex or
18 apartment complex with another person he or she knows or
19 reasonably should know is a convicted sex offender or has
20 been placed on supervision for a sex offense; the
21 provisions of this paragraph do not apply to a person
22 convicted of a sex offense who is placed in a Department of
23 Corrections licensed transitional housing facility for sex
24 offenders; ~~and~~

25 (9) if convicted of a felony, physically surrender at a
26 time and place designated by the court, his or her Firearm

1 Owner's Identification Card and any and all firearms in his
2 or her possession; and

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

13 (b) The Court may in addition to other reasonable
14 conditions relating to the nature of the offense or the
15 rehabilitation of the defendant as determined for each
16 defendant in the proper discretion of the Court require that
17 the person:

18 (1) serve a term of periodic imprisonment under Article
19 7 for a period not to exceed that specified in paragraph
20 (d) of Section 5-7-1;

21 (2) pay a fine and costs;

22 (3) work or pursue a course of study or vocational
23 training;

24 (4) undergo medical, psychological or psychiatric
25 treatment; or treatment for drug addiction or alcoholism;

26 (5) attend or reside in a facility established for the

1 instruction or residence of defendants on probation;

2 (6) support his dependents;

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

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

5 (ii) attend school;

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

7 (iv) contribute to his own support at home or in a
8 foster home;

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

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

19 (9) perform some reasonable public or community
20 service;

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

25 (i) remain within the interior premises of the
26 place designated for his confinement during the hours

1 designated by the court;

2 (ii) admit any person or agent designated by the
3 court into the offender's place of confinement at any
4 time for purposes of verifying the offender's
5 compliance with the conditions of his confinement; and

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

10 (iv) for persons convicted of any alcohol,
11 cannabis or controlled substance violation who are
12 placed on an approved monitoring device as a condition
13 of probation or conditional discharge, the court shall
14 impose a reasonable fee for each day of the use of the
15 device, as established by the county board in
16 subsection (g) of this Section, unless after
17 determining the inability of the offender to pay the
18 fee, the court assesses a lesser fee or no fee as the
19 case may be. This fee shall be imposed in addition to
20 the fees imposed under subsections (g) and (i) of this
21 Section. The fee shall be collected by the clerk of the
22 circuit court. The clerk of the circuit court shall pay
23 all monies collected from this fee to the county
24 treasurer for deposit in the substance abuse services
25 fund under Section 5-1086.1 of the Counties Code; and

26 (v) for persons convicted of offenses other than

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

19 (11) comply with the terms and conditions of an order
20 of protection issued by the court pursuant to the Illinois
21 Domestic Violence Act of 1986, as now or hereafter amended,
22 or an order of protection issued by the court of another
23 state, tribe, or United States territory. A copy of the
24 order of protection shall be transmitted to the probation
25 officer or agency having responsibility for the case;

26 (12) reimburse any "local anti-crime program" as

1 defined in Section 7 of the Anti-Crime Advisory Council Act
2 for any reasonable expenses incurred by the program on the
3 offender's case, not to exceed the maximum amount of the
4 fine authorized for the offense for which the defendant was
5 sentenced;

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

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

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

23 (16) refrain from having in his or her body the
24 presence of any illicit drug prohibited by the Cannabis
25 Control Act, the Illinois Controlled Substances Act, or the
26 Methamphetamine Control and Community Protection Act,

1 unless prescribed by a physician, and submit samples of his
2 or her blood or urine or both for tests to determine the
3 presence of any illicit drug.

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

14 (d) An offender sentenced to probation or to conditional
15 discharge shall be given a certificate setting forth the
16 conditions thereof.

17 (e) Except where the offender has committed a fourth or
18 subsequent violation of subsection (c) of Section 6-303 of the
19 Illinois Vehicle Code, the court shall not require as a
20 condition of the sentence of probation or conditional discharge
21 that the offender be committed to a period of imprisonment in
22 excess of 6 months. This 6 month limit shall not include
23 periods of confinement given pursuant to a sentence of county
24 impact incarceration under Section 5-8-1.2. ~~This 6 month limit~~
25 ~~does not apply to a person sentenced to probation as a result~~
26 ~~of a conviction of a fourth or subsequent violation of~~

1 ~~subsection (c-4) of Section 11-501 of the Illinois Vehicle Code~~
2 ~~or a similar provision of a local ordinance.~~

3 Persons committed to imprisonment as a condition of
4 probation or conditional discharge shall not be committed to
5 the Department of Corrections.

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

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

1 all moneys collected from these fees to the county treasurer
2 who shall use the moneys collected to defray the costs of drug
3 testing, alcohol testing, and electronic monitoring. The
4 county treasurer shall deposit the fees collected in the county
5 working cash fund under Section 6-27001 or Section 6-29002 of
6 the Counties Code, as the case may be.

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

13 (i) The court shall impose upon an offender sentenced to
14 probation after January 1, 1989 or to conditional discharge
15 after January 1, 1992 or to community service under the
16 supervision of a probation or court services department after
17 January 1, 2004, as a condition of such probation or
18 conditional discharge or supervised community service, a fee of
19 \$50 for each month of probation or conditional discharge
20 supervision or supervised community service ordered by the
21 court, unless after determining the inability of the person
22 sentenced to probation or conditional discharge or supervised
23 community service to pay the fee, the court assesses a lesser
24 fee. The court may not impose the fee on a minor who is made a
25 ward of the State under the Juvenile Court Act of 1987 while
26 the minor is in placement. The fee shall be imposed only upon

1 an offender who is actively supervised by the probation and
2 court services department. The fee shall be collected by the
3 clerk of the circuit court. The clerk of the circuit court
4 shall pay all monies collected from this fee to the county
5 treasurer for deposit in the probation and court services fund
6 under Section 15.1 of the Probation and Probation Officers Act.

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

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

25 (i-5) In addition to the fees imposed under subsection (i)
26 of this Section, in the case of an offender convicted of a

1 felony sex offense (as defined in the Sex Offender Management
2 Board Act) or an offense that the court or probation department
3 has determined to be sexually motivated (as defined in the Sex
4 Offender Management Board Act), the court or the probation
5 department shall assess additional fees to pay for all costs of
6 treatment, assessment, evaluation for risk and treatment, and
7 monitoring the offender, based on that offender's ability to
8 pay those costs either as they occur or under a payment plan.

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

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

25 (Source: P.A. 93-475, eff. 8-8-03; 93-616, eff. 1-1-04; 93-970,
26 eff. 8-20-04; 94-159, eff. 7-11-05; 94-161, eff. 7-11-05;

1 94-556, eff. 9-11-05; revised 8-19-05.)

2 (730 ILCS 5/5-8-7) (from Ch. 38, par. 1005-8-7)

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

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

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

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

23 (d) An offender sentenced to a term of imprisonment for an
24 offense listed in paragraph (2) of subsection (c) of Section
25 5-5-3 of this Code, or for an offense listed in subdivision

1 (d) (2) (c) ~~in paragraph (3) of subsection (e-1)~~ of Section
2 11-501 of the Illinois Vehicle Code that was committed while
3 the offender's driving privileges were revoked or suspended as
4 provided in subdivision (d) (1) (G) of that Section, shall not
5 receive credit for time spent in home detention prior to
6 judgment.
7 (Source: P.A. 93-800, eff. 1-1-05.)".