

1 AN ACT concerning criminal law.

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

4 Section 5. The Illinois Vehicle Code is amended by changing
5 Section 6-303 as follows:

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

7 (Text of Section before amendment by P.A. 95-400)

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

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

21 (a-5) Any person who violates this Section as provided in
22 subsection (a) while his or her driver's license, permit or
23 privilege is revoked because of a violation of Section 9-3 of

1 the Criminal Code of 1961, relating to the offense of reckless
2 homicide or a similar provision of a law of another state, is
3 guilty of a Class 4 felony. The person shall be required to
4 undergo a professional evaluation, as provided in Section
5 11-501 of this Code, to determine if an alcohol, drug, or
6 intoxicating compound problem exists and the extent of the
7 problem, and to undergo the imposition of treatment as
8 appropriate.

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

23 (b-3) When the Secretary of State receives a report of a
24 conviction of any violation indicating that a vehicle was
25 operated during the time when the person's driver's license,
26 permit or privilege was revoked, except as may be allowed by a

1 restricted driving permit issued pursuant to this Code or the
2 law of another state, the Secretary shall not issue a driver's
3 license to that person for an additional period of one year
4 from the date of such conviction.

5 (b-4) ~~(b-5)~~ When the Secretary of State receives a report
6 of a conviction of any violation indicating a person was
7 operating a motor vehicle that was not equipped with an
8 ignition interlock device during a time when the person was
9 prohibited from operating a motor vehicle not equipped with
10 such a device, the Secretary shall not issue a driver's license
11 to that person for an additional period of one year from the
12 date of the conviction.

13 (b-5) Any person convicted of violating this Section shall
14 serve a minimum term of imprisonment of 30 consecutive days or
15 300 hours of community service when the person's driving
16 privilege was revoked or suspended as a result of a violation
17 of Section 9-3 of the Criminal Code of 1961, as amended,
18 relating to the offense of reckless homicide, or a similar
19 provision of a law of another state.

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

24 (1) a violation of Section 11-501 of this Code or a
25 similar provision of a local ordinance relating to the
26 offense of operating or being in physical control of a

1 vehicle while under the influence of alcohol, any other
2 drug or any combination thereof; or

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

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

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

11 (c-1) Except as provided in subsections (c-5) and (d), any
12 person convicted of a second violation of this Section shall be
13 ordered by the court to serve a minimum of 100 hours of
14 community service.

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

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

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

22 (c-5) Any person convicted of a second violation of this
23 Section is guilty of a Class 2 felony, is not eligible for
24 probation or conditional discharge, and shall serve a mandatory
25 term of imprisonment, if the revocation or suspension was for a
26 violation of Section 9-3 of the Criminal Code of 1961, relating

1 to the offense of reckless homicide, or a similar out-of-state
2 offense.

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

11 (d-1) Except as provided in subsections (d-2), (d-2.5), and
12 (d-3), any person convicted of a third or subsequent violation
13 of this Section shall serve a minimum term of imprisonment of
14 30 days or 300 hours of community service, as determined by the
15 court.

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

23 (d-2.5) Any person convicted of a third violation of this
24 Section is guilty of a Class 1 felony, is not eligible for
25 probation or conditional discharge, and must serve a mandatory
26 term of imprisonment if the revocation or suspension was for a

1 violation of Section 9-3 of the Criminal Code of 1961, relating
2 to the offense of reckless homicide, or a similar out-of-state
3 offense.

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

12 (d-3.5) Any person convicted of a fourth or subsequent
13 violation of this Section is guilty of a Class 1 felony, is not
14 eligible for probation or conditional discharge, and must serve
15 a mandatory term of imprisonment, and is eligible for an
16 extended term, if the revocation or suspension was for a
17 violation of Section 9-3 of the Criminal Code of 1961, relating
18 to the offense of reckless homicide, or a similar out-of-state
19 offense.

20 (d-4) Any person convicted of a tenth, eleventh, twelfth,
21 thirteenth, or fourteenth violation of this Section is guilty
22 of a Class 3 felony, and is not eligible for probation or
23 conditional discharge, if the revocation or suspension was for
24 a violation of Section 11-401 or 11-501 of this Code, or a
25 similar out-of-state offense, or a similar provision of a local
26 ordinance, or a statutory summary suspension under Section

1 11-501.1 of this Code.

2 (d-5) Any person convicted of a fifteenth or subsequent
3 violation of this Section is guilty of a Class 2 felony, and is
4 not eligible for probation or conditional discharge, if the
5 revocation or suspension was for a violation of Section 11-401
6 or 11-501 of this Code, or a similar out-of-state offense, or a
7 similar provision of a local ordinance, or a statutory summary
8 suspension under Section 11-501.1 of this Code.

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

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

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

1 provided in paragraph (4) of subsection (c) of this Section.
2 (Source: P.A. 94-112, eff. 1-1-06; 95-578, rely on 95-27 and
3 95-377, eff. 1-1-08; revised 11-19-07.)

4 (Text of Section after amendment by P.A. 95-400)

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

7 (a) Except as otherwise provided in subsection (a-5), any
8 person who drives or is in actual physical control of a motor
9 vehicle on any highway of this State at a time when such
10 person's driver's license, permit or privilege to do so or the
11 privilege to obtain a driver's license or permit is revoked or
12 suspended as provided by this Code or the law of another state,
13 except as may be specifically allowed by a judicial driving
14 permit issued prior to January 1, 2009 ~~the effective date of~~
15 ~~this amendatory Act of the 95th General Assembly~~, monitoring
16 device driving permit, family financial responsibility driving
17 permit, probationary license to drive, or a restricted driving
18 permit issued pursuant to this Code or under the law of another
19 state, shall be guilty of a Class A misdemeanor.

20 (a-5) Any person who violates this Section as provided in
21 subsection (a) while his or her driver's license, permit or
22 privilege is revoked because of a violation of Section 9-3 of
23 the Criminal Code of 1961, relating to the offense of reckless
24 homicide or a similar provision of a law of another state, is
25 guilty of a Class 4 felony. The person shall be required to

1 undergo a professional evaluation, as provided in Section
2 11-501 of this Code, to determine if an alcohol, drug, or
3 intoxicating compound problem exists and the extent of the
4 problem, and to undergo the imposition of treatment as
5 appropriate.

6 (b) The Secretary of State upon receiving a report of the
7 conviction of any violation indicating a person was operating a
8 motor vehicle during the time when said person's driver's
9 license, permit or privilege was suspended by the Secretary, by
10 the appropriate authority of another state, or pursuant to
11 Section 11-501.1; except as may be specifically allowed by a
12 probationary license to drive, judicial driving permit issued
13 prior to January 1, 2009 ~~the effective date of this amendatory~~
14 ~~Act of the 95th General Assembly~~, monitoring device driving
15 permit, or restricted driving permit issued pursuant to this
16 Code or the law of another state; shall extend the suspension
17 for the same period of time as the originally imposed
18 suspension; however, if the period of suspension has then
19 expired, the Secretary shall be authorized to suspend said
20 person's driving privileges for the same period of time as the
21 originally imposed suspension.

22 (b-3) When the Secretary of State receives a report of a
23 conviction of any violation indicating that a vehicle was
24 operated during the time when the person's driver's license,
25 permit or privilege was revoked, except as may be allowed by a
26 restricted driving permit issued pursuant to this Code or the

1 law of another state, the Secretary shall not issue a driver's
2 license to that person for an additional period of one year
3 from the date of such conviction.

4 (b-4) ~~(b-5)~~ When the Secretary of State receives a report
5 of a conviction of any violation indicating a person was
6 operating a motor vehicle that was not equipped with an
7 ignition interlock device during a time when the person was
8 prohibited from operating a motor vehicle not equipped with
9 such a device, the Secretary shall not issue a driver's license
10 to that person for an additional period of one year from the
11 date of the conviction.

12 (b-5) Any person convicted of violating this Section shall
13 serve a minimum term of imprisonment of 30 consecutive days or
14 300 hours of community service when the person's driving
15 privilege was revoked or suspended as a result of a violation
16 of Section 9-3 of the Criminal Code of 1961, as amended,
17 relating to the offense of reckless homicide, or a similar
18 provision of a law of another state.

19 (c) Except as provided in subsections (c-3) and (c-4), any
20 person convicted of violating this Section shall serve a
21 minimum term of imprisonment of 10 consecutive days or 30 days
22 of community service when the person's driving privilege was
23 revoked or suspended as a result of:

24 (1) a violation of Section 11-501 of this Code or a
25 similar provision of a local ordinance relating to the
26 offense of operating or being in physical control of a

1 vehicle while under the influence of alcohol, any other
2 drug or any combination thereof; or

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

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

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

11 (c-1) Except as provided in subsections (c-5) and (d), any
12 person convicted of a second violation of this Section shall be
13 ordered by the court to serve a minimum of 100 hours of
14 community service.

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

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

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

22 (c-3) Any person convicted of a violation of this Section
23 during a period of summary suspension imposed pursuant to
24 Section 11-501.1 when the person was eligible for a MDDP shall
25 be guilty of a Class 4 felony and shall serve a minimum term of
26 imprisonment of 30 days.

1 (c-4) Any person who has been issued a MDDP and who is
2 convicted of a violation of this Section as a result of
3 operating or being in actual physical control of a motor
4 vehicle not equipped with an ignition interlock device at the
5 time of the offense shall be guilty of a Class 4 felony and
6 shall serve a minimum term of imprisonment of 30 days.

7 (c-5) Any person convicted of a second violation of this
8 Section is guilty of a Class 2 felony, is not eligible for
9 probation or conditional discharge, and shall serve a mandatory
10 term of imprisonment, if the revocation or suspension was for a
11 violation of Section 9-3 of the Criminal Code of 1961, relating
12 to the offense of reckless homicide, or a similar out-of-state
13 offense.

14 (d) Any person convicted of a second violation of this
15 Section shall be guilty of a Class 4 felony and shall serve a
16 minimum term of imprisonment of 30 days or 300 hours of
17 community service, as determined by the court, if the original
18 revocation or suspension was for a violation of Section 11-401
19 or 11-501 of this Code, or a similar out-of-state offense, or a
20 similar provision of a local ordinance, or a statutory summary
21 suspension under Section 11-501.1 of this Code.

22 (d-1) Except as provided in subsections (d-2), (d-2.5), and
23 (d-3), any person convicted of a third or subsequent violation
24 of this Section shall serve a minimum term of imprisonment of
25 30 days or 300 hours of community service, as determined by the
26 court.

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

8 (d-2.5) Any person convicted of a third violation of this
9 Section is guilty of a Class 1 felony, is not eligible for
10 probation or conditional discharge, and must serve a mandatory
11 term of imprisonment if the revocation or suspension was for a
12 violation of Section 9-3 of the Criminal Code of 1961, relating
13 to the offense of reckless homicide, or a similar out-of-state
14 offense.

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

23 (d-3.5) Any person convicted of a fourth or subsequent
24 violation of this Section is guilty of a Class 1 felony, is not
25 eligible for probation or conditional discharge, and must serve
26 a mandatory term of imprisonment, and is eligible for an

1 extended term, if the revocation or suspension was for a
2 violation of Section 9-3 of the Criminal Code of 1961, relating
3 to the offense of reckless homicide, or a similar out-of-state
4 offense.

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

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

20 (e) 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, in addition to other penalties imposed
23 under this Section, shall have his or her motor vehicle
24 immediately impounded by the arresting law enforcement
25 officer. The motor vehicle may be released to any licensed
26 driver upon a showing of proof of insurance for the vehicle

1 that was impounded and the notarized written consent for the
2 release by the vehicle owner.

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

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

13 (Source: P.A. 94-112, eff. 1-1-06; 95-578, rely on 95-27 and
14 95-377, eff. 1-1-08; 95-400, eff. 1-1-09; revised 11-19-07.)

15 Section 95. No acceleration or delay. Where this Act makes
16 changes in a statute that is represented in this Act by text
17 that is not yet or no longer in effect (for example, a Section
18 represented by multiple versions), the use of that text does
19 not accelerate or delay the taking effect of (i) the changes
20 made by this Act or (ii) provisions derived from any other
21 Public Act.