



Filed: 5/28/2008

09500SB2294ham001

LRB095 19002 RLC 51450 a

1 AMENDMENT TO SENATE BILL 2294

2 AMENDMENT NO. _____. Amend Senate Bill 2294 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing 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

1 permit, family financial responsibility driving permit,
2 probationary license to drive, or a restricted driving permit
3 issued pursuant to this Code or under the law of another state,
4 shall be guilty of a Class A misdemeanor.

5 (a-5) Any person who violates this Section as provided in
6 subsection (a) while his or her driver's license, permit or
7 privilege is revoked because of a violation of Section 9-3 of
8 the Criminal Code of 1961, relating to the offense of reckless
9 homicide or a similar provision of a law of another state, is
10 guilty of a Class 4 felony. The person shall be required to
11 undergo a professional evaluation, as provided in Section
12 11-501 of this Code, to determine if an alcohol, drug, or
13 intoxicating compound problem exists and the extent of the
14 problem, and to undergo the imposition of treatment as
15 appropriate.

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

1 shall be authorized to suspend said person's driving privileges
2 for the same period of time as the originally imposed
3 suspension.

4 (b-3) When the Secretary of State receives a report of a
5 conviction of any violation indicating that a vehicle was
6 operated during the time when the person's driver's license,
7 permit or privilege was revoked, except as may be allowed by a
8 restricted driving permit issued pursuant to this Code or the
9 law of another state, the Secretary shall not issue a driver's
10 license to that person for an additional period of one year
11 from the date of such conviction.

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

20 (b-5) Any person convicted of violating this Section shall
21 serve a minimum term of imprisonment of 30 consecutive days or
22 300 hours of community service when the person's driving
23 privilege was revoked or suspended as a result of a violation
24 of Section 9-3 of the Criminal Code of 1961, as amended,
25 relating to the offense of reckless homicide, or a similar
26 provision of a law of another state.

1 (c) Any person convicted of violating this Section shall
2 serve a minimum term of imprisonment of 10 consecutive days or
3 30 days of community service when the person's driving
4 privilege was revoked or suspended as a result of:

5 (1) a violation of Section 11-501 of this Code or a
6 similar provision of a local ordinance relating to the
7 offense of operating or being in physical control of a
8 vehicle while under the influence of alcohol, any other
9 drug or any combination thereof; or

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

14 (3) a statutory summary suspension under Section
15 11-501.1 of this Code.

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

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

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

25 (1) Seizure of the license plates of the person's
26 vehicle.

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

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

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

18 (d-1) Except as provided in subsections (d-2), (d-2.5), and
19 (d-3), any person convicted of a third or subsequent violation
20 of this Section shall serve a minimum term of imprisonment of
21 30 days or 300 hours of community service, as determined by the
22 court.

23 (d-2) Any person convicted of a third violation of this
24 Section is guilty of a Class 4 felony and must serve a minimum
25 term of imprisonment of 30 days if the revocation or suspension
26 was for a violation of Section 11-401 or 11-501 of this Code,

1 or a similar out-of-state offense, or a similar provision of a
2 local ordinance, or a statutory summary suspension under
3 Section 11-501.1 of this Code.

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

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

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

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

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

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

25 (f) For any prosecution under this Section, a certified
26 copy of the driving abstract of the defendant shall be admitted

1 as proof of any prior conviction.

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

9 (Source: P.A. 94-112, eff. 1-1-06; 95-578, rely on 95-27 and
10 95-377, eff. 1-1-08; revised 11-19-07.)

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

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

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

1 state, shall be guilty of a Class A misdemeanor.

2 (a-5) Any person who violates this Section as provided in
3 subsection (a) while his or her driver's license, permit or
4 privilege is revoked because of a violation of Section 9-3 of
5 the Criminal Code of 1961, relating to the offense of reckless
6 homicide or a similar provision of a law of another state, is
7 guilty of a Class 4 felony. The person shall be required to
8 undergo a professional evaluation, as provided in Section
9 11-501 of this Code, to determine if an alcohol, drug, or
10 intoxicating compound problem exists and the extent of the
11 problem, and to undergo the imposition of treatment as
12 appropriate.

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

1 person's driving privileges for the same period of time as the
2 originally imposed suspension.

3 (b-3) When the Secretary of State receives a report of a
4 conviction of any violation indicating that a vehicle was
5 operated during the time when the person's driver's license,
6 permit or privilege was revoked, except as may be allowed by a
7 restricted driving permit issued pursuant to this Code or the
8 law of another state, the Secretary shall not issue a driver's
9 license to that person for an additional period of one year
10 from the date of such conviction.

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

19 (b-5) Any person convicted of violating this Section shall
20 serve a minimum term of imprisonment of 30 consecutive days or
21 300 hours of community service when the person's driving
22 privilege was revoked or suspended as a result of a violation
23 of Section 9-3 of the Criminal Code of 1961, as amended,
24 relating to the offense of reckless homicide, or a similar
25 provision of a law of another state.

26 (c) Except as provided in subsections (c-3) and (c-4), any

1 person convicted of violating this Section shall serve a
2 minimum term of imprisonment of 10 consecutive days or 30 days
3 of community service when the person's driving privilege was
4 revoked or suspended as a result of:

5 (1) a violation of Section 11-501 of this Code or a
6 similar provision of a local ordinance relating to the
7 offense of operating or being in physical control of a
8 vehicle while under the influence of alcohol, any other
9 drug or any combination thereof; or

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

14 (3) a statutory summary suspension under Section
15 11-501.1 of this Code.

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

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

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

25 (1) Seizure of the license plates of the person's
26 vehicle.

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

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

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

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

21 (d) Any person convicted of a second violation of this
22 Section shall be guilty of a Class 4 felony and shall serve a
23 minimum term of imprisonment of 30 days or 300 hours of
24 community service, as determined by the court, if the original
25 revocation or suspension was for a violation of Section 11-401
26 or 11-501 of this Code, or a similar out-of-state offense, or a

1 similar provision of a local ordinance, or a statutory summary
2 suspension under Section 11-501.1 of this Code.

3 (d-1) Except as provided in subsections (d-2), (d-2.5), and
4 (d-3), any person convicted of a third or subsequent violation
5 of this Section shall serve a minimum term of imprisonment of
6 30 days or 300 hours of community service, as determined by the
7 court.

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

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

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

1 similar out-of-state offense, or a similar provision of a local
2 ordinance, or a statutory summary suspension under Section
3 11-501.1 of this Code.

4 (d-3.5) Any person convicted of a fourth or subsequent
5 violation of this Section is guilty of a Class 1 felony, is not
6 eligible for probation or conditional discharge, and must serve
7 a mandatory term of imprisonment, and is eligible for an
8 extended term, if the revocation or suspension was for a
9 violation of Section 9-3 of the Criminal Code of 1961, relating
10 to the offense of reckless homicide, or a similar out-of-state
11 offense.

12 (d-4) Any person convicted of a tenth, eleventh, twelfth,
13 thirteenth, or fourteenth violation of this Section is guilty
14 of a Class 3 felony, and is not eligible for probation or
15 conditional discharge, if the revocation or suspension was for
16 a violation of Section 11-401 or 11-501 of this Code, or a
17 similar out-of-state offense, or a similar provision of a local
18 ordinance, or a statutory summary suspension under Section
19 11-501.1 of this Code.

20 (d-5) Any person convicted of a fifteenth or subsequent
21 violation of this Section is guilty of a Class 2 felony, and is
22 not eligible for probation or conditional discharge, if the
23 revocation or suspension was for a violation of Section 11-401
24 or 11-501 of this Code, or a similar out-of-state offense, or a
25 similar provision of a local ordinance, or a statutory summary
26 suspension under Section 11-501.1 of this 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 Sections
15 36-1 and 36-2 of the Criminal Code of 1961 if the person's
16 driving privilege was revoked or suspended as a result of a
17 violation listed in paragraph (1), (2), or (3) of subsection
18 (c) of this Section or as a result of a summary suspension as
19 provided in paragraph (4) of subsection (c) of this Section.

20 (Source: P.A. 94-112, eff. 1-1-06; 95-578, rely on 95-27 and
21 95-377, eff. 1-1-08; 95-400, eff. 1-1-09; revised 11-19-07.)

22 Section 95. No acceleration or delay. Where this Act makes
23 changes in a statute that is represented in this Act by text
24 that is not yet or no longer in effect (for example, a Section
25 represented by multiple versions), the use of that text does

1 not accelerate or delay the taking effect of (i) the changes
2 made by this Act or (ii) provisions derived from any other
3 Public Act.".