



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB0253

Introduced 1/20/2009, by Rep. Richard P. Myers

SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-303

from Ch. 95 1/2, par. 6-303

Amends provisions of the Illinois Vehicle Code making vehicles subject to seizure and forfeiture under specified circumstances. Deletes a reference to a provision that was eliminated from the statutes by Public Act 95-377. Corrects a reference to a provision that was renumbered by Public Act 95-377. Provides that a person's vehicle is subject to seizure and forfeiture when the person is cited for the offense of driving while driving privileges are revoked or suspended, and the person's driving privileges were revoked or suspended due to the offense of reckless homicide.

LRB096 03589 AJT 13616 b

1 AN ACT concerning transportation.

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

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

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

7 (Text of Section after amendment by P.A. 95-991)

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 issued prior to January 1, 2009, monitoring device
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 (a-5) Any person who violates this Section as provided in
23 subsection (a) while his or her driver's license, permit or

1 privilege is revoked because of a violation of Section 9-3 of
2 the Criminal Code of 1961, relating to the offense of reckless
3 homicide or a similar provision of a law of another state, is
4 guilty of a Class 4 felony. The person shall be required to
5 undergo a professional evaluation, as provided in Section
6 11-501 of this Code, to determine if an alcohol, drug, or
7 intoxicating compound problem exists and the extent of the
8 problem, and to undergo the imposition of treatment as
9 appropriate.

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

25 (b-3) When the Secretary of State receives a report of a
26 conviction of any violation indicating that a vehicle was

1 operated during the time when the person's driver's license,
2 permit or privilege was revoked, except as may be allowed by a
3 restricted driving permit issued pursuant to this Code or the
4 law of another state, the Secretary shall not issue a driver's
5 license to that person for an additional period of one year
6 from the date of such conviction.

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

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

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

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

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

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

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

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

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

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

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

25 (c-3) Any person convicted of a violation of this Section
26 during a period of summary suspension imposed pursuant to

1 Section 11-501.1 when the person was eligible for a MDDP shall
2 be guilty of a Class 4 felony and shall serve a minimum term of
3 imprisonment of 30 days.

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

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

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

25 (d-1) Except as provided in subsections (d-2), (d-2.5), and
26 (d-3), any person convicted of a third or subsequent violation

1 of this Section shall serve a minimum term of imprisonment of
2 30 days or 300 hours of community service, as determined by the
3 court.

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

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

18 (d-3) Any person convicted of a fourth, fifth, sixth,
19 seventh, eighth, or ninth violation of this Section is guilty
20 of a Class 4 felony and must serve a minimum term of
21 imprisonment of 180 days if the revocation or suspension was
22 for a violation of Section 11-401 or 11-501 of this Code, or a
23 similar out-of-state offense, or a similar provision of a local
24 ordinance, or a statutory summary suspension under Section
25 11-501.1 of this Code.

26 (d-3.5) Any person convicted of a fourth or subsequent

1 violation of this Section is guilty of a Class 1 felony, is not
2 eligible for probation or conditional discharge, and must serve
3 a mandatory term of imprisonment, and is eligible for an
4 extended term, if the revocation or suspension was for a
5 violation of Section 9-3 of the Criminal Code of 1961, relating
6 to the offense of reckless homicide, or a similar out-of-state
7 offense.

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

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

23 (e) Any person in violation of this Section who is also in
24 violation of Section 7-601 of this Code relating to mandatory
25 insurance requirements, in addition to other penalties imposed
26 under this Section, shall have his or her motor vehicle

1 immediately impounded by the arresting law enforcement
2 officer. The motor vehicle may be released to any licensed
3 driver upon a showing of proof of insurance for the vehicle
4 that was impounded and the notarized written consent for the
5 release by the vehicle owner.

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

9 (g) The motor vehicle used in a violation of this Section
10 is subject to seizure and forfeiture as provided in Sections
11 36-1 and 36-2 of the Criminal Code of 1961 if the person's
12 driving privilege was revoked or suspended as a result of a
13 violation listed in paragraph (1) or (2) ~~or (3)~~ of subsection
14 (c) of this Section, ~~or~~ as a result of a summary suspension as
15 provided in paragraph (3) ~~(4)~~ of subsection (c) of this
16 Section, or as a result of a violation of Section 9-3 of the
17 Criminal Code of 1961 relating to the offense of reckless
18 homicide.

19 (Source: P.A. 94-112, eff. 1-1-06; 95-27, eff. 1-1-08; 95-377,
20 eff. 1-1-08; 95-400, eff. 1-1-09; 95-578, eff. 6-1-08; 95-876,
21 eff. 8-21-08; 95-991, eff. 6-1-09.)