

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 Criminal Identification Act is amended by
5 changing Section 5.2 as follows:

6 (20 ILCS 2630/5.2)

7 Sec. 5.2. Expungement and sealing.

8 (a) General Provisions.

9 (1) Definitions. In this Act, words and phrases have
10 the meanings set forth in this subsection, except when a
11 particular context clearly requires a different meaning.

12 (A) The following terms shall have the meanings
13 ascribed to them in the Unified Code of Corrections,
14 730 ILCS 5/5-1-2 through 5/5-1-22:

15 (i) Business Offense (730 ILCS 5/5-1-2),

16 (ii) Charge (730 ILCS 5/5-1-3),

17 (iii) Court (730 ILCS 5/5-1-6),

18 (iv) Defendant (730 ILCS 5/5-1-7),

19 (v) Felony (730 ILCS 5/5-1-9),

20 (vi) Imprisonment (730 ILCS 5/5-1-10),

21 (vii) Judgment (730 ILCS 5/5-1-12),

22 (viii) Misdemeanor (730 ILCS 5/5-1-14),

23 (ix) Offense (730 ILCS 5/5-1-15),

- 1 (x) Parole (730 ILCS 5/5-1-16),
2 (xi) Petty Offense (730 ILCS 5/5-1-17),
3 (xii) Probation (730 ILCS 5/5-1-18),
4 (xiii) Sentence (730 ILCS 5/5-1-19),
5 (xiv) Supervision (730 ILCS 5/5-1-21), and
6 (xv) Victim (730 ILCS 5/5-1-22).

7 (B) As used in this Section, "charge not initiated
8 by arrest" means a charge (as defined by 730 ILCS
9 5/5-1-3) brought against a defendant where the
10 defendant is not arrested prior to or as a direct
11 result of the charge.

12 (C) "Conviction" means a judgment of conviction or
13 sentence entered upon a plea of guilty or upon a
14 verdict or finding of guilty of an offense, rendered by
15 a legally constituted jury or by a court of competent
16 jurisdiction authorized to try the case without a jury.
17 An order of supervision successfully completed by the
18 petitioner is not a conviction. An order of qualified
19 probation (as defined in subsection (a)(1)(J))
20 successfully completed by the petitioner is not a
21 conviction. An order of supervision or an order of
22 qualified probation that is terminated
23 unsatisfactorily is a conviction, unless the
24 unsatisfactory termination is reversed, vacated, or
25 modified and the judgment of conviction, if any, is
26 reversed or vacated.

1 (D) "Criminal offense" means a petty offense,
2 business offense, misdemeanor, felony, or municipal
3 ordinance violation (as defined in subsection
4 (a)(1)(H)). As used in this Section, a minor traffic
5 offense (as defined in subsection (a)(1)(G)) shall not
6 be considered a criminal offense.

7 (E) "Expunge" means to physically destroy the
8 records or return them to the petitioner and to
9 obliterate the petitioner's name from any official
10 index or public record, or both. Nothing in this Act
11 shall require the physical destruction of the circuit
12 court file, but such records relating to arrests or
13 charges, or both, ordered expunged shall be impounded
14 as required by subsections (d)(9)(A)(ii) and
15 (d)(9)(B)(ii).

16 (F) As used in this Section, "last sentence" means
17 the sentence, order of supervision, or order of
18 qualified probation (as defined by subsection
19 (a)(1)(J)), for a criminal offense (as defined by
20 subsection (a)(1)(D)) that terminates last in time in
21 any jurisdiction, regardless of whether the petitioner
22 has included the criminal offense for which the
23 sentence or order of supervision or qualified
24 probation was imposed in his or her petition. If
25 multiple sentences, orders of supervision, or orders
26 of qualified probation terminate on the same day and

1 are last in time, they shall be collectively considered
2 the "last sentence" regardless of whether they were
3 ordered to run concurrently.

4 (G) "Minor traffic offense" means a petty offense,
5 business offense, or Class C misdemeanor under the
6 Illinois Vehicle Code or a similar provision of a
7 municipal or local ordinance.

8 (H) "Municipal ordinance violation" means an
9 offense defined by a municipal or local ordinance that
10 is criminal in nature and with which the petitioner was
11 charged or for which the petitioner was arrested and
12 released without charging.

13 (I) "Petitioner" means an adult or a minor
14 prosecuted as an adult who has applied for relief under
15 this Section.

16 (J) "Qualified probation" means an order of
17 probation under Section 10 of the Cannabis Control Act,
18 Section 410 of the Illinois Controlled Substances Act,
19 Section 70 of the Methamphetamine Control and
20 Community Protection Act, Section 12-4.3(b)(1) and (2)
21 of the Criminal Code of 1961 (as those provisions
22 existed before their deletion by Public Act 89-313),
23 Section 10-102 of the Illinois Alcoholism and Other
24 Drug Dependency Act, Section 40-10 of the Alcoholism
25 and Other Drug Abuse and Dependency Act, or Section 10
26 of the Steroid Control Act. For the purpose of this

1 Section, "successful completion" of an order of
2 qualified probation under Section 10-102 of the
3 Illinois Alcoholism and Other Drug Dependency Act and
4 Section 40-10 of the Alcoholism and Other Drug Abuse
5 and Dependency Act means that the probation was
6 terminated satisfactorily and the judgment of
7 conviction was vacated.

8 (K) "Seal" means to physically and electronically
9 maintain the records, unless the records would
10 otherwise be destroyed due to age, but to make the
11 records unavailable without a court order, subject to
12 the exceptions in Sections 12 and 13 of this Act. The
13 petitioner's name shall also be obliterated from the
14 official index required to be kept by the circuit court
15 clerk under Section 16 of the Clerks of Courts Act, but
16 any index issued by the circuit court clerk before the
17 entry of the order to seal shall not be affected.

18 (L) "Sexual offense committed against a minor"
19 includes but is not limited to the offenses of indecent
20 solicitation of a child or criminal sexual abuse when
21 the victim of such offense is under 18 years of age.

22 (M) "Terminate" as it relates to a sentence or
23 order of supervision or qualified probation includes
24 either satisfactory or unsatisfactory termination of
25 the sentence, unless otherwise specified in this
26 Section.

1 (2) Minor Traffic Offenses. Orders of supervision or
2 convictions for minor traffic offenses shall not affect a
3 petitioner's eligibility to expunge or seal records
4 pursuant to this Section.

5 (3) Exclusions. Except as otherwise provided in
6 subsections (b)(5), (b)(6), and (e) of this Section, the
7 court shall not order:

8 (A) the sealing or expungement of the records of
9 arrests or charges not initiated by arrest that result
10 in an order of supervision for or conviction of: (i)
11 any sexual offense committed against a minor; (ii)
12 Section 11-501 of the Illinois Vehicle Code or a
13 similar provision of a local ordinance; or (iii)
14 Section 11-503 of the Illinois Vehicle Code or a
15 similar provision of a local ordinance, unless the
16 arrest or charge for the violation of Section 11-503 or
17 a similar provision of a local ordinance occurred prior
18 to the offender reaching the age of 25 years and the
19 offender has no other conviction for violating Section
20 11-501 or 11-503 of the Illinois Vehicle Code or a
21 similar provision of a local ordinance.

22 (B) the sealing or expungement of records of minor
23 traffic offenses (as defined in subsection (a)(1)(G)),
24 unless the petitioner was arrested and released
25 without charging.

26 (C) the sealing of the records of arrests or

1 charges not initiated by arrest which result in an
2 order of supervision, an order of qualified probation
3 (as defined in subsection (a)(1)(J)), or a conviction
4 for the following offenses:

5 (i) offenses included in Article 11 of the
6 Criminal Code of 1961 or a similar provision of a
7 local ordinance, except Section 11-14 of the
8 Criminal Code of 1961 or a similar provision of a
9 local ordinance;

10 (ii) Section 11-1.50, 12-3.4, 12-15, 12-30, or
11 26-5 of the Criminal Code of 1961 or a similar
12 provision of a local ordinance;

13 (iii) offenses defined as "crimes of violence"
14 in Section 2 of the Crime Victims Compensation Act
15 or a similar provision of a local ordinance;

16 (iv) offenses which are Class A misdemeanors
17 under the Humane Care for Animals Act; or

18 (v) any offense or attempted offense that
19 would subject a person to registration under the
20 Sex Offender Registration Act.

21 (D) the sealing of the records of an arrest which
22 results in the petitioner being charged with a felony
23 offense or records of a charge not initiated by arrest
24 for a felony offense unless:

25 (i) the charge is amended to a misdemeanor and
26 is otherwise eligible to be sealed pursuant to

1 subsection (c);

2 (ii) the charge is brought along with another
3 charge as a part of one case and the charge results
4 in acquittal, dismissal, or conviction when the
5 conviction was reversed or vacated, and another
6 charge brought in the same case results in a
7 disposition for a misdemeanor offense that is
8 eligible to be sealed pursuant to subsection (c) or
9 a disposition listed in paragraph (i), (iii), or
10 (iv) of this subsection;

11 (iii) the charge results in first offender
12 probation as set forth in subsection (c) (2) (E);

13 (iv) the charge is for a Class 4 felony offense
14 listed in subsection (c) (2) (F) or the charge is
15 amended to a Class 4 felony offense listed in
16 subsection (c) (2) (F). Records of arrests which
17 result in the petitioner being charged with a Class
18 4 felony offense listed in subsection (c) (2) (F),
19 records of charges not initiated by arrest for
20 Class 4 felony offenses listed in subsection
21 (c) (2) (F), and records of charges amended to a
22 Class 4 felony offense listed in (c) (2) (F) may be
23 sealed, regardless of the disposition, subject to
24 any waiting periods set forth in subsection
25 (c) (3);

26 (v) the charge results in acquittal,

1 dismissal, or the petitioner's release without
2 conviction; or

3 (vi) the charge results in a conviction, but
4 the conviction was reversed or vacated.

5 (b) Expungement.

6 (1) A petitioner may petition the circuit court to
7 expunge the records of his or her arrests and charges not
8 initiated by arrest when:

9 (A) He or she has never been convicted of a
10 criminal offense; and

11 (B) Each arrest or charge not initiated by arrest
12 sought to be expunged resulted in: (i) acquittal,
13 dismissal, or the petitioner's release without
14 charging, unless excluded by subsection (a)(3)(B);
15 (ii) a conviction which was vacated or reversed, unless
16 excluded by subsection (a)(3)(B); (iii) an order of
17 supervision and such supervision was successfully
18 completed by the petitioner, unless excluded by
19 subsection (a)(3)(A) or (a)(3)(B); or (iv) an order of
20 qualified probation (as defined in subsection
21 (a)(1)(J)) and such probation was successfully
22 completed by the petitioner.

23 (2) Time frame for filing a petition to expunge.

24 (A) When the arrest or charge not initiated by
25 arrest sought to be expunged resulted in an acquittal,
26 dismissal, the petitioner's release without charging,

1 or the reversal or vacation of a conviction, there is
2 no waiting period to petition for the expungement of
3 such records.

4 (B) When the arrest or charge not initiated by
5 arrest sought to be expunged resulted in an order of
6 supervision, successfully completed by the petitioner,
7 the following time frames will apply:

8 (i) Those arrests or charges that resulted in
9 orders of supervision under Section 3-707, 3-708,
10 3-710, or 5-401.3 of the Illinois Vehicle Code or a
11 similar provision of a local ordinance, or under
12 Section 11-1.50, 12-3.2, or 12-15 of the Criminal
13 Code of 1961 or a similar provision of a local
14 ordinance, shall not be eligible for expungement
15 until 5 years have passed following the
16 satisfactory termination of the supervision.

17 (ii) Those arrests or charges that resulted in
18 orders of supervision for any other offenses shall
19 not be eligible for expungement until 2 years have
20 passed following the satisfactory termination of
21 the supervision.

22 (C) When the arrest or charge not initiated by
23 arrest sought to be expunged resulted in an order of
24 qualified probation, successfully completed by the
25 petitioner, such records shall not be eligible for
26 expungement until 5 years have passed following the

1 satisfactory termination of the probation.

2 (3) Those records maintained by the Department for
3 persons arrested prior to their 17th birthday shall be
4 expunged as provided in Section 5-915 of the Juvenile Court
5 Act of 1987.

6 (4) Whenever a person has been arrested for or
7 convicted of any offense, in the name of a person whose
8 identity he or she has stolen or otherwise come into
9 possession of, the aggrieved person from whom the identity
10 was stolen or otherwise obtained without authorization,
11 upon learning of the person having been arrested using his
12 or her identity, may, upon verified petition to the chief
13 judge of the circuit wherein the arrest was made, have a
14 court order entered nunc pro tunc by the Chief Judge to
15 correct the arrest record, conviction record, if any, and
16 all official records of the arresting authority, the
17 Department, other criminal justice agencies, the
18 prosecutor, and the trial court concerning such arrest, if
19 any, by removing his or her name from all such records in
20 connection with the arrest and conviction, if any, and by
21 inserting in the records the name of the offender, if known
22 or ascertainable, in lieu of the aggrieved's name. The
23 records of the circuit court clerk shall be sealed until
24 further order of the court upon good cause shown and the
25 name of the aggrieved person obliterated on the official
26 index required to be kept by the circuit court clerk under

1 Section 16 of the Clerks of Courts Act, but the order shall
2 not affect any index issued by the circuit court clerk
3 before the entry of the order. Nothing in this Section
4 shall limit the Department of State Police or other
5 criminal justice agencies or prosecutors from listing
6 under an offender's name the false names he or she has
7 used.

8 (5) Whenever a person has been convicted of criminal
9 sexual assault, aggravated criminal sexual assault,
10 predatory criminal sexual assault of a child, criminal
11 sexual abuse, or aggravated criminal sexual abuse, the
12 victim of that offense may request that the State's
13 Attorney of the county in which the conviction occurred
14 file a verified petition with the presiding trial judge at
15 the petitioner's trial to have a court order entered to
16 seal the records of the circuit court clerk in connection
17 with the proceedings of the trial court concerning that
18 offense. However, the records of the arresting authority
19 and the Department of State Police concerning the offense
20 shall not be sealed. The court, upon good cause shown,
21 shall make the records of the circuit court clerk in
22 connection with the proceedings of the trial court
23 concerning the offense available for public inspection.

24 (6) If a conviction has been set aside on direct review
25 or on collateral attack and the court determines by clear
26 and convincing evidence that the petitioner was factually

1 innocent of the charge, the court shall enter an
2 expungement order as provided in subsection (b) of Section
3 5-5-4 of the Unified Code of Corrections.

4 (7) Nothing in this Section shall prevent the
5 Department of State Police from maintaining all records of
6 any person who is admitted to probation upon terms and
7 conditions and who fulfills those terms and conditions
8 pursuant to Section 10 of the Cannabis Control Act, Section
9 410 of the Illinois Controlled Substances Act, Section 70
10 of the Methamphetamine Control and Community Protection
11 Act, Section 12-4.3 or subdivision (b)(1) of Section
12 12-3.05 of the Criminal Code of 1961, Section 10-102 of the
13 Illinois Alcoholism and Other Drug Dependency Act, Section
14 40-10 of the Alcoholism and Other Drug Abuse and Dependency
15 Act, or Section 10 of the Steroid Control Act.

16 (c) Sealing.

17 (1) Applicability. Notwithstanding any other provision
18 of this Act to the contrary, and cumulative with any rights
19 to expungement of criminal records, this subsection
20 authorizes the sealing of criminal records of adults and of
21 minors prosecuted as adults.

22 (2) Eligible Records. The following records may be
23 sealed:

24 (A) All arrests resulting in release without
25 charging;

26 (B) Arrests or charges not initiated by arrest

1 resulting in acquittal, dismissal, or conviction when
2 the conviction was reversed or vacated, except as
3 excluded by subsection (a) (3) (B);

4 (C) Arrests or charges not initiated by arrest
5 resulting in orders of supervision successfully
6 completed by the petitioner, unless excluded by
7 subsection (a) (3);

8 (D) Arrests or charges not initiated by arrest
9 resulting in convictions unless excluded by subsection
10 (a) (3);

11 (E) Arrests or charges not initiated by arrest
12 resulting in orders of first offender probation under
13 Section 10 of the Cannabis Control Act, Section 410 of
14 the Illinois Controlled Substances Act, or Section 70
15 of the Methamphetamine Control and Community
16 Protection Act; and

17 (F) Arrests or charges not initiated by arrest
18 resulting in Class 4 felony convictions for the
19 following offenses:

20 (i) Section 11-14 of the Criminal Code of 1961;

21 (ii) Section 4 of the Cannabis Control Act;

22 (iii) Section 402 of the Illinois Controlled
23 Substances Act;

24 (iv) the Methamphetamine Precursor Control
25 Act; and

26 (v) the Steroid Control Act.

1 (3) When Records Are Eligible to Be Sealed. Records
2 identified as eligible under subsection (c)(2) may be
3 sealed as follows:

4 (A) Records identified as eligible under
5 subsection (c)(2)(A) and (c)(2)(B) may be sealed at any
6 time.

7 (B) Records identified as eligible under
8 subsection (c)(2)(C) may be sealed (i) 3 years after
9 the termination of petitioner's last sentence (as
10 defined in subsection (a)(1)(F)) if the petitioner has
11 never been convicted of a criminal offense (as defined
12 in subsection (a)(1)(D)); or (ii) 4 years after the
13 termination of the petitioner's last sentence (as
14 defined in subsection (a)(1)(F)) if the petitioner has
15 ever been convicted of a criminal offense (as defined
16 in subsection (a)(1)(D)).

17 (C) Records identified as eligible under
18 subsections (c)(2)(D), (c)(2)(E), and (c)(2)(F) may be
19 sealed 4 years after the termination of the
20 petitioner's last sentence (as defined in subsection
21 (a)(1)(F)).

22 (D) Records identified in subsection
23 (a)(3)(A)(iii) may be sealed after the petitioner has
24 reached the age of 25 years.

25 (4) Subsequent felony convictions. A person may not
26 have subsequent felony conviction records sealed as

1 provided in this subsection (c) if he or she is convicted
2 of any felony offense after the date of the sealing of
3 prior felony convictions as provided in this subsection
4 (c). The court may, upon conviction for a subsequent felony
5 offense, order the unsealing of prior felony conviction
6 records previously ordered sealed by the court.

7 (5) Notice of eligibility for sealing. Upon entry of a
8 disposition for an eligible record under this subsection
9 (c), the petitioner shall be informed by the court of the
10 right to have the records sealed and the procedures for the
11 sealing of the records.

12 (d) Procedure. The following procedures apply to
13 expungement under subsections (b) and (e), and sealing under
14 subsection (c):

15 (1) Filing the petition. Upon becoming eligible to
16 petition for the expungement or sealing of records under
17 this Section, the petitioner shall file a petition
18 requesting the expungement or sealing of records with the
19 clerk of the court where the arrests occurred or the
20 charges were brought, or both. If arrests occurred or
21 charges were brought in multiple jurisdictions, a petition
22 must be filed in each such jurisdiction. The petitioner
23 shall pay the applicable fee, if not waived.

24 (2) Contents of petition. The petition shall be
25 verified and shall contain the petitioner's name, date of
26 birth, current address and, for each arrest or charge not

1 initiated by arrest sought to be sealed or expunged, the
2 case number, the date of arrest (if any), the identity of
3 the arresting authority, and such other information as the
4 court may require. During the pendency of the proceeding,
5 the petitioner shall promptly notify the circuit court
6 clerk of any change of his or her address.

7 (3) Drug test. The petitioner must attach to the
8 petition proof that the petitioner has passed a test taken
9 within 30 days before the filing of the petition showing
10 the absence within his or her body of all illegal
11 substances as defined by the Illinois Controlled
12 Substances Act, the Methamphetamine Control and Community
13 Protection Act, and the Cannabis Control Act if he or she
14 is petitioning to seal felony records pursuant to clause
15 (c) (2) (E) or (c) (2) (F) (ii)-(v) or if he or she is
16 petitioning to expunge felony records of a qualified
17 probation pursuant to clause (b) (1) (B) (iv).

18 (4) Service of petition. The circuit court clerk shall
19 promptly serve a copy of the petition on the State's
20 Attorney or prosecutor charged with the duty of prosecuting
21 the offense, the Department of State Police, the arresting
22 agency and the chief legal officer of the unit of local
23 government effecting the arrest.

24 (5) Objections.

25 (A) Any party entitled to notice of the petition
26 may file an objection to the petition. All objections

1 shall be in writing, shall be filed with the circuit
2 court clerk, and shall state with specificity the basis
3 of the objection.

4 (B) Objections to a petition to expunge or seal
5 must be filed within 60 days of the date of service of
6 the petition.

7 (6) Entry of order.

8 (A) The Chief Judge of the circuit wherein the
9 charge was brought, any judge of that circuit
10 designated by the Chief Judge, or in counties of less
11 than 3,000,000 inhabitants, the presiding trial judge
12 at the petitioner's trial, if any, shall rule on the
13 petition to expunge or seal as set forth in this
14 subsection (d)(6).

15 (B) Unless the State's Attorney or prosecutor, the
16 Department of State Police, the arresting agency, or
17 the chief legal officer files an objection to the
18 petition to expunge or seal within 60 days from the
19 date of service of the petition, the court shall enter
20 an order granting or denying the petition.

21 (7) Hearings. If an objection is filed, the court shall
22 set a date for a hearing and notify the petitioner and all
23 parties entitled to notice of the petition of the hearing
24 date at least 30 days prior to the hearing, and shall hear
25 evidence on whether the petition should or should not be
26 granted, and shall grant or deny the petition to expunge or

1 seal the records based on the evidence presented at the
2 hearing.

3 (8) Service of order. After entering an order to
4 expunge or seal records, the court must provide copies of
5 the order to the Department, in a form and manner
6 prescribed by the Department, to the petitioner, to the
7 State's Attorney or prosecutor charged with the duty of
8 prosecuting the offense, to the arresting agency, to the
9 chief legal officer of the unit of local government
10 effecting the arrest, and to such other criminal justice
11 agencies as may be ordered by the court.

12 (9) Effect of order.

13 (A) Upon entry of an order to expunge records
14 pursuant to (b) (2) (A) or (b) (2) (B) (ii), or both:

15 (i) the records shall be expunged (as defined
16 in subsection (a) (1) (E)) by the arresting agency,
17 the Department, and any other agency as ordered by
18 the court, within 60 days of the date of service of
19 the order, unless a motion to vacate, modify, or
20 reconsider the order is filed pursuant to
21 paragraph (12) of subsection (d) of this Section;

22 (ii) the records of the circuit court clerk
23 shall be impounded until further order of the court
24 upon good cause shown and the name of the
25 petitioner obliterated on the official index
26 required to be kept by the circuit court clerk

1 under Section 16 of the Clerks of Courts Act, but
2 the order shall not affect any index issued by the
3 circuit court clerk before the entry of the order;
4 and

5 (iii) in response to an inquiry for expunged
6 records, the court, the Department, or the agency
7 receiving such inquiry, shall reply as it does in
8 response to inquiries when no records ever
9 existed.

10 (B) Upon entry of an order to expunge records
11 pursuant to (b) (2) (B) (i) or (b) (2) (C), or both:

12 (i) the records shall be expunged (as defined
13 in subsection (a) (1) (E)) by the arresting agency
14 and any other agency as ordered by the court,
15 within 60 days of the date of service of the order,
16 unless a motion to vacate, modify, or reconsider
17 the order is filed pursuant to paragraph (12) of
18 subsection (d) of this Section;

19 (ii) the records of the circuit court clerk
20 shall be impounded until further order of the court
21 upon good cause shown and the name of the
22 petitioner obliterated on the official index
23 required to be kept by the circuit court clerk
24 under Section 16 of the Clerks of Courts Act, but
25 the order shall not affect any index issued by the
26 circuit court clerk before the entry of the order;

1 (iii) the records shall be impounded by the
2 Department within 60 days of the date of service of
3 the order as ordered by the court, unless a motion
4 to vacate, modify, or reconsider the order is filed
5 pursuant to paragraph (12) of subsection (d) of
6 this Section;

7 (iv) records impounded by the Department may
8 be disseminated by the Department only as required
9 by law or to the arresting authority, the State's
10 Attorney, and the court upon a later arrest for the
11 same or a similar offense or for the purpose of
12 sentencing for any subsequent felony, and to the
13 Department of Corrections upon conviction for any
14 offense; and

15 (v) in response to an inquiry for such records
16 from anyone not authorized by law to access such
17 records the court, the Department, or the agency
18 receiving such inquiry shall reply as it does in
19 response to inquiries when no records ever
20 existed.

21 (C) Upon entry of an order to seal records under
22 subsection (c), the arresting agency, any other agency
23 as ordered by the court, the Department, and the court
24 shall seal the records (as defined in subsection
25 (a) (1) (K)). In response to an inquiry for such records
26 from anyone not authorized by law to access such

1 records the court, the Department, or the agency
2 receiving such inquiry shall reply as it does in
3 response to inquiries when no records ever existed.

4 (10) Fees. The Department may charge the petitioner a
5 fee equivalent to the cost of processing any order to
6 expunge or seal records. Notwithstanding any provision of
7 the Clerks of Courts Act to the contrary, the circuit court
8 clerk may charge a fee equivalent to the cost associated
9 with the sealing or expungement of records by the circuit
10 court clerk. From the total filing fee collected for the
11 petition to seal or expunge, the circuit court clerk shall
12 deposit \$10 into the Circuit Court Clerk Operation and
13 Administrative Fund, to be used to offset the costs
14 incurred by the circuit court clerk in performing the
15 additional duties required to serve the petition to seal or
16 expunge on all parties. The circuit court clerk shall
17 collect and forward the Department of State Police portion
18 of the fee to the Department and it shall be deposited in
19 the State Police Services Fund.

20 (11) Final Order. No court order issued under the
21 expungement or sealing provisions of this Section shall
22 become final for purposes of appeal until 30 days after
23 service of the order on the petitioner and all parties
24 entitled to notice of the petition.

25 (12) Motion to Vacate, Modify, or Reconsider. The
26 petitioner or any party entitled to notice may file a

1 motion to vacate, modify, or reconsider the order granting
2 or denying the petition to expunge or seal within 60 days
3 of service of the order.

4 (e) Whenever a person who has been convicted of an offense
5 is granted a pardon by the Governor which specifically
6 authorizes expungement, he or she may, upon verified petition
7 to the Chief Judge of the circuit where the person had been
8 convicted, any judge of the circuit designated by the Chief
9 Judge, or in counties of less than 3,000,000 inhabitants, the
10 presiding trial judge at the defendant's trial, have a court
11 order entered expunging the record of arrest from the official
12 records of the arresting authority and order that the records
13 of the circuit court clerk and the Department be sealed until
14 further order of the court upon good cause shown or as
15 otherwise provided herein, and the name of the defendant
16 obliterated from the official index requested to be kept by the
17 circuit court clerk under Section 16 of the Clerks of Courts
18 Act in connection with the arrest and conviction for the
19 offense for which he or she had been pardoned but the order
20 shall not affect any index issued by the circuit court clerk
21 before the entry of the order. All records sealed by the
22 Department may be disseminated by the Department only as
23 required by law or to the arresting authority, the State's
24 Attorney, and the court upon a later arrest for the same or
25 similar offense or for the purpose of sentencing for any
26 subsequent felony. Upon conviction for any subsequent offense,

1 the Department of Corrections shall have access to all sealed
2 records of the Department pertaining to that individual. Upon
3 entry of the order of expungement, the circuit court clerk
4 shall promptly mail a copy of the order to the person who was
5 pardoned.

6 (f) Subject to available funding, the Illinois Department
7 of Corrections shall conduct a study of the impact of sealing,
8 especially on employment and recidivism rates, utilizing a
9 random sample of those who apply for the sealing of their
10 criminal records under Public Act 93-211. At the request of the
11 Illinois Department of Corrections, records of the Illinois
12 Department of Employment Security shall be utilized as
13 appropriate to assist in the study. The study shall not
14 disclose any data in a manner that would allow the
15 identification of any particular individual or employing unit.
16 The study shall be made available to the General Assembly no
17 later than September 1, 2010.

18 (Source: P.A. 96-409, eff. 1-1-10; 96-1401, eff. 7-29-10;
19 96-1532, eff. 1-1-12; 96-1551, Article 1, Section 905, eff.
20 7-1-11; 96-1551, Article 2, Section 925, eff. 7-1-11; 97-443,
21 eff. 8-19-11; revised 9-6-11.)

22 Section 10. The Illinois Vehicle Code is amended by
23 changing Sections 6-205, 6-206, 6-208, and 6-303 as follows:

24 (625 ILCS 5/6-205)

1 Sec. 6-205. Mandatory revocation of license or permit;
2 Hardship cases.

3 (a) Except as provided in this Section, the Secretary of
4 State shall immediately revoke the license, permit, or driving
5 privileges of any driver upon receiving a report of the
6 driver's conviction of any of the following offenses:

7 1. Reckless homicide resulting from the operation of a
8 motor vehicle;

9 2. Violation of Section 11-501 of this Code or a
10 similar provision of a local ordinance relating to the
11 offense of operating or being in physical control of a
12 vehicle while under the influence of alcohol, other drug or
13 drugs, intoxicating compound or compounds, or any
14 combination thereof;

15 3. Any felony under the laws of any State or the
16 federal government in the commission of which a motor
17 vehicle was used;

18 4. Violation of Section 11-401 of this Code relating to
19 the offense of leaving the scene of a traffic accident
20 involving death or personal injury;

21 5. Perjury or the making of a false affidavit or
22 statement under oath to the Secretary of State under this
23 Code or under any other law relating to the ownership or
24 operation of motor vehicles;

25 6. Conviction upon 3 charges of violation of Section
26 11-503 of this Code relating to the offense of reckless

1 driving committed within a period of 12 months;

2 7. Conviction of any offense defined in Section 4-102
3 of this Code;

4 8. Violation of Section 11-504 of this Code relating to
5 the offense of drag racing;

6 9. Violation of Chapters 8 and 9 of this Code;

7 10. Violation of Section 12-5 of the Criminal Code of
8 1961 arising from the use of a motor vehicle;

9 11. Violation of Section 11-204.1 of this Code relating
10 to aggravated fleeing or attempting to elude a peace
11 officer;

12 12. Violation of paragraph (1) of subsection (b) of
13 Section 6-507, or a similar law of any other state,
14 relating to the unlawful operation of a commercial motor
15 vehicle;

16 13. Violation of paragraph (a) of Section 11-502 of
17 this Code or a similar provision of a local ordinance if
18 the driver has been previously convicted of a violation of
19 that Section or a similar provision of a local ordinance
20 and the driver was less than 21 years of age at the time of
21 the offense;

22 14. Violation of paragraph (a) of Section 11-506 of
23 this Code or a similar provision of a local ordinance
24 relating to the offense of street racing;

25 15. A second or subsequent conviction of driving while
26 the person's driver's license, permit or privileges was

1 revoked for reckless homicide or a similar out-of-state
2 offense;

3 16. Any offense against any provision in this Code, or
4 any local ordinance, regulating the movement of traffic
5 when that offense was the proximate cause of the death of
6 any person. Any person whose driving privileges have been
7 revoked pursuant to this paragraph may seek to have the
8 revocation terminated or to have the length of revocation
9 reduced by requesting an administrative hearing with the
10 Secretary of State prior to the projected driver's license
11 application eligibility date.

12 (b) The Secretary of State shall also immediately revoke
13 the license or permit of any driver in the following
14 situations:

15 1. Of any minor upon receiving the notice provided for
16 in Section 5-901 of the Juvenile Court Act of 1987 that the
17 minor has been adjudicated under that Act as having
18 committed an offense relating to motor vehicles prescribed
19 in Section 4-103 of this Code;

20 2. Of any person when any other law of this State
21 requires either the revocation or suspension of a license
22 or permit;

23 3. Of any person adjudicated under the Juvenile Court
24 Act of 1987 based on an offense determined to have been
25 committed in furtherance of the criminal activities of an
26 organized gang as provided in Section 5-710 of that Act,

1 and that involved the operation or use of a motor vehicle
2 or the use of a driver's license or permit. The revocation
3 shall remain in effect for the period determined by the
4 court. Upon the direction of the court, the Secretary shall
5 issue the person a judicial driving permit, also known as a
6 JDP. The JDP shall be subject to the same terms as a JDP
7 issued under Section 6-206.1, except that the court may
8 direct that a JDP issued under this subdivision (b)(3) be
9 effective immediately.

10 (c)(1) Whenever a person is convicted of any of the
11 offenses enumerated in this Section, the court may recommend
12 and the Secretary of State in his discretion, without regard to
13 whether the recommendation is made by the court may, upon
14 application, issue to the person a restricted driving permit
15 granting the privilege of driving a motor vehicle between the
16 petitioner's residence and petitioner's place of employment or
17 within the scope of the petitioner's employment related duties,
18 or to allow the petitioner to transport himself or herself or a
19 family member of the petitioner's household to a medical
20 facility for the receipt of necessary medical care or to allow
21 the petitioner to transport himself or herself to and from
22 alcohol or drug remedial or rehabilitative activity
23 recommended by a licensed service provider, or to allow the
24 petitioner to transport himself or herself or a family member
25 of the petitioner's household to classes, as a student, at an
26 accredited educational institution, or to allow the petitioner

1 to transport children, elderly persons, or disabled persons who
2 do not hold driving privileges and are living in the
3 petitioner's household to and from daycare; if the petitioner
4 is able to demonstrate that no alternative means of
5 transportation is reasonably available and that the petitioner
6 will not endanger the public safety or welfare; provided that
7 the Secretary's discretion shall be limited to cases where
8 undue hardship, as defined by the rules of the Secretary of
9 State, would result from a failure to issue the restricted
10 driving permit. ~~Those multiple offenders identified in~~
11 ~~subdivision (b)4 of Section 6-208 of this Code, however, shall~~
12 ~~not be eligible for the issuance of a restricted driving~~
13 ~~permit.~~

14 (1.5) If a person is convicted of a combination of 4 or
15 more offenses which include a violation of Section 11-501
16 of this Code or a similar provision of a local ordinance,
17 Section 11-401 of this Code, or Section 9-3 of the Criminal
18 Code of 1961, or a combination of violations of similar
19 provisions of local ordinances, similar out-of-state
20 offenses, or similar offenses committed on a military
21 installation, the person may make application for a
22 restricted driving permit, at a formal hearing conducted
23 under Section 2-118 of this Code, after the expiration of 3
24 years from the effective date of the most recent
25 revocation, provided the person, in addition to all other
26 requirements of the Secretary, shows by clear and

1 convincing evidence:

2 (A) a minimum 3 years of uninterrupted abstinence
3 from alcohol, other drug or drugs, intoxicating
4 compound or compounds, or any combination thereof; and

5 (B) the successful completion of all
6 rehabilitative activity recommended by a properly
7 licensed service provider, pursuant to an assessment
8 of the person's alcohol or drug use and mental health.

9 In determining whether an applicant is eligible for a
10 restricted driving permit under this subparagraph (1.5),
11 the Secretary may consider any relevant evidence,
12 including but not limited to testimony, affidavits,
13 records, and the results of regular alcohol or drug tests.

14 A restricted driving permit issued under this
15 subparagraph (1.5) shall provide that the holder may only
16 operate vehicles equipped with an interlock ignition
17 device. The Secretary may cancel a restricted driving
18 permit or amend the conditions of a restricted driving
19 permit issued under this subparagraph (1.5) if the holder
20 operates a vehicle that is not equipped with an interlock
21 ignition device, or for any other reason authorized under
22 this Code.

23 (2) If a person's license or permit is revoked or
24 suspended due to 2 or more convictions of violating Section
25 11-501 of this Code or a similar provision of a local
26 ordinance or a similar out-of-state offense, or Section 9-3

1 of the Criminal Code of 1961, where the use of alcohol or
2 other drugs is recited as an element of the offense, or a
3 similar out-of-state offense, or a combination of these
4 offenses, arising out of separate occurrences, that
5 person, if issued a restricted driving permit, may not
6 operate a vehicle unless it has been equipped with an
7 ignition interlock device as defined in Section 1-129.1.

8 (3) If:

9 (A) a person's license or permit is revoked or
10 suspended 2 or more times within a 10 year period due
11 to any combination of:

12 (i) a single conviction of violating Section
13 11-501 of this Code or a similar provision of a
14 local ordinance or a similar out-of-state offense,
15 or Section 9-3 of the Criminal Code of 1961, where
16 the use of alcohol or other drugs is recited as an
17 element of the offense, or a similar out-of-state
18 offense; or

19 (ii) a statutory summary suspension or
20 revocation under Section 11-501.1; or

21 (iii) a suspension pursuant to Section
22 6-203.1;

23 arising out of separate occurrences; or

24 (B) a person has been convicted of one violation of
25 Section 6-303 of this Code committed while his or her
26 driver's license, permit, or privilege was revoked

1 because of a violation of Section 9-3 of the Criminal
2 Code of 1961, relating to the offense of reckless
3 homicide where the use of alcohol or other drugs was
4 recited as an element of the offense, or a similar
5 provision of a law of another state;

6 that person, if issued a restricted driving permit, may not
7 operate a vehicle unless it has been equipped with an
8 ignition interlock device as defined in Section 1-129.1.

9 (4) The person issued a permit conditioned on the use
10 of an ignition interlock device must pay to the Secretary
11 of State DUI Administration Fund an amount not to exceed
12 \$30 per month. The Secretary shall establish by rule the
13 amount and the procedures, terms, and conditions relating
14 to these fees.

15 (5) If the restricted driving permit is issued for
16 employment purposes, then the prohibition against
17 operating a motor vehicle that is not equipped with an
18 ignition interlock device does not apply to the operation
19 of an occupational vehicle owned or leased by that person's
20 employer when used solely for employment purposes.

21 (6) In each case the Secretary of State may issue a
22 restricted driving permit for a period he deems
23 appropriate, except that the permit shall expire within one
24 year from the date of issuance. The Secretary may not,
25 however, issue a restricted driving permit to any person
26 whose current revocation is the result of a second or

1 subsequent conviction for a violation of Section 11-501 of
2 this Code or a similar provision of a local ordinance or
3 any similar out-of-state offense, or Section 9-3 of the
4 Criminal Code of 1961, where the use of alcohol or other
5 drugs is recited as an element of the offense, or any
6 similar out-of-state offense, or any combination of these
7 offenses, until the expiration of at least one year from
8 the date of the revocation. A restricted driving permit
9 issued under this Section shall be subject to cancellation,
10 revocation, and suspension by the Secretary of State in
11 like manner and for like cause as a driver's license issued
12 under this Code may be cancelled, revoked, or suspended;
13 except that a conviction upon one or more offenses against
14 laws or ordinances regulating the movement of traffic shall
15 be deemed sufficient cause for the revocation, suspension,
16 or cancellation of a restricted driving permit. The
17 Secretary of State may, as a condition to the issuance of a
18 restricted driving permit, require the petitioner to
19 participate in a designated driver remedial or
20 rehabilitative program. The Secretary of State is
21 authorized to cancel a restricted driving permit if the
22 permit holder does not successfully complete the program.
23 However, if an individual's driving privileges have been
24 revoked in accordance with paragraph 13 of subsection (a)
25 of this Section, no restricted driving permit shall be
26 issued until the individual has served 6 months of the

1 revocation period.

2 (c-5) (Blank).

3 (c-6) If a person is convicted of a second violation of
4 operating a motor vehicle while the person's driver's license,
5 permit or privilege was revoked, where the revocation was for a
6 violation of Section 9-3 of the Criminal Code of 1961 relating
7 to the offense of reckless homicide or a similar out-of-state
8 offense, the person's driving privileges shall be revoked
9 pursuant to subdivision (a) (15) of this Section. The person may
10 not make application for a license or permit until the
11 expiration of five years from the effective date of the
12 revocation or the expiration of five years from the date of
13 release from a term of imprisonment, whichever is later.

14 (c-7) If a person is convicted of a third or subsequent
15 violation of operating a motor vehicle while the person's
16 driver's license, permit or privilege was revoked, where the
17 revocation was for a violation of Section 9-3 of the Criminal
18 Code of 1961 relating to the offense of reckless homicide or a
19 similar out-of-state offense, the person may never apply for a
20 license or permit.

21 (d) (1) Whenever a person under the age of 21 is convicted
22 under Section 11-501 of this Code or a similar provision of a
23 local ordinance or a similar out-of-state offense, the
24 Secretary of State shall revoke the driving privileges of that
25 person. One year after the date of revocation, and upon
26 application, the Secretary of State may, if satisfied that the

1 person applying will not endanger the public safety or welfare,
2 issue a restricted driving permit granting the privilege of
3 driving a motor vehicle only between the hours of 5 a.m. and 9
4 p.m. or as otherwise provided by this Section for a period of
5 one year. After this one year period, and upon reapplication
6 for a license as provided in Section 6-106, upon payment of the
7 appropriate reinstatement fee provided under paragraph (b) of
8 Section 6-118, the Secretary of State, in his discretion, may
9 reinstate the petitioner's driver's license and driving
10 privileges, or extend the restricted driving permit as many
11 times as the Secretary of State deems appropriate, by
12 additional periods of not more than 12 months each.

13 (2) If a person's license or permit is revoked or
14 suspended due to 2 or more convictions of violating Section
15 11-501 of this Code or a similar provision of a local
16 ordinance or a similar out-of-state offense, or Section 9-3
17 of the Criminal Code of 1961, where the use of alcohol or
18 other drugs is recited as an element of the offense, or a
19 similar out-of-state offense, or a combination of these
20 offenses, arising out of separate occurrences, that
21 person, if issued a restricted driving permit, may not
22 operate a vehicle unless it has been equipped with an
23 ignition interlock device as defined in Section 1-129.1.

24 (3) If a person's license or permit is revoked or
25 suspended 2 or more times within a 10 year period due to
26 any combination of:

1 (A) a single conviction of violating Section
2 11-501 of this Code or a similar provision of a local
3 ordinance or a similar out-of-state offense, or
4 Section 9-3 of the Criminal Code of 1961, where the use
5 of alcohol or other drugs is recited as an element of
6 the offense, or a similar out-of-state offense; or

7 (B) a statutory summary suspension or revocation
8 under Section 11-501.1; or

9 (C) a suspension pursuant to Section 6-203.1;
10 arising out of separate occurrences, that person, if issued
11 a restricted driving permit, may not operate a vehicle
12 unless it has been equipped with an ignition interlock
13 device as defined in Section 1-129.1.

14 (4) The person issued a permit conditioned upon the use
15 of an interlock device must pay to the Secretary of State
16 DUI Administration Fund an amount not to exceed \$30 per
17 month. The Secretary shall establish by rule the amount and
18 the procedures, terms, and conditions relating to these
19 fees.

20 (5) If the restricted driving permit is issued for
21 employment purposes, then the prohibition against driving
22 a vehicle that is not equipped with an ignition interlock
23 device does not apply to the operation of an occupational
24 vehicle owned or leased by that person's employer when used
25 solely for employment purposes.

26 (6) A restricted driving permit issued under this

1 Section shall be subject to cancellation, revocation, and
2 suspension by the Secretary of State in like manner and for
3 like cause as a driver's license issued under this Code may
4 be cancelled, revoked, or suspended; except that a
5 conviction upon one or more offenses against laws or
6 ordinances regulating the movement of traffic shall be
7 deemed sufficient cause for the revocation, suspension, or
8 cancellation of a restricted driving permit.

9 (d-5) The revocation of the license, permit, or driving
10 privileges of a person convicted of a third or subsequent
11 violation of Section 6-303 of this Code committed while his or
12 her driver's license, permit, or privilege was revoked because
13 of a violation of Section 9-3 of the Criminal Code of 1961,
14 relating to the offense of reckless homicide, or a similar
15 provision of a law of another state, is permanent. The
16 Secretary may not, at any time, issue a license or permit to
17 that person.

18 (e) This Section is subject to the provisions of the Driver
19 License Compact.

20 (f) Any revocation imposed upon any person under
21 subsections 2 and 3 of paragraph (b) that is in effect on
22 December 31, 1988 shall be converted to a suspension for a like
23 period of time.

24 (g) The Secretary of State shall not issue a restricted
25 driving permit to a person under the age of 16 years whose
26 driving privileges have been revoked under any provisions of

1 this Code.

2 (h) The Secretary of State shall require the use of
3 ignition interlock devices on all vehicles owned by a person
4 who has been convicted of a second or subsequent offense under
5 Section 11-501 of this Code or a similar provision of a local
6 ordinance. The person must pay to the Secretary of State DUI
7 Administration Fund an amount not to exceed \$30 for each month
8 that he or she uses the device. The Secretary shall establish
9 by rule and regulation the procedures for certification and use
10 of the interlock system, the amount of the fee, and the
11 procedures, terms, and conditions relating to these fees.

12 (i) (Blank).

13 (j) In accordance with 49 C.F.R. 384, the Secretary of
14 State may not issue a restricted driving permit for the
15 operation of a commercial motor vehicle to a person holding a
16 CDL whose driving privileges have been revoked, suspended,
17 cancelled, or disqualified under any provisions of this Code.

18 (Source: P.A. 96-328, eff. 8-11-09; 96-607, eff. 8-24-09;
19 96-1180, eff. 1-1-11; 96-1305, eff. 1-1-11; 96-1344, eff.
20 7-1-11; 97-333, eff. 8-12-11.)

21 (625 ILCS 5/6-206)

22 Sec. 6-206. Discretionary authority to suspend or revoke
23 license or permit; Right to a hearing.

24 (a) The Secretary of State is authorized to suspend or
25 revoke the driving privileges of any person without preliminary

1 hearing upon a showing of the person's records or other
2 sufficient evidence that the person:

3 1. Has committed an offense for which mandatory
4 revocation of a driver's license or permit is required upon
5 conviction;

6 2. Has been convicted of not less than 3 offenses
7 against traffic regulations governing the movement of
8 vehicles committed within any 12 month period. No
9 revocation or suspension shall be entered more than 6
10 months after the date of last conviction;

11 3. Has been repeatedly involved as a driver in motor
12 vehicle collisions or has been repeatedly convicted of
13 offenses against laws and ordinances regulating the
14 movement of traffic, to a degree that indicates lack of
15 ability to exercise ordinary and reasonable care in the
16 safe operation of a motor vehicle or disrespect for the
17 traffic laws and the safety of other persons upon the
18 highway;

19 4. Has by the unlawful operation of a motor vehicle
20 caused or contributed to an accident resulting in injury
21 requiring immediate professional treatment in a medical
22 facility or doctor's office to any person, except that any
23 suspension or revocation imposed by the Secretary of State
24 under the provisions of this subsection shall start no
25 later than 6 months after being convicted of violating a
26 law or ordinance regulating the movement of traffic, which

1 violation is related to the accident, or shall start not
2 more than one year after the date of the accident,
3 whichever date occurs later;

4 5. Has permitted an unlawful or fraudulent use of a
5 driver's license, identification card, or permit;

6 6. Has been lawfully convicted of an offense or
7 offenses in another state, including the authorization
8 contained in Section 6-203.1, which if committed within
9 this State would be grounds for suspension or revocation;

10 7. Has refused or failed to submit to an examination
11 provided for by Section 6-207 or has failed to pass the
12 examination;

13 8. Is ineligible for a driver's license or permit under
14 the provisions of Section 6-103;

15 9. Has made a false statement or knowingly concealed a
16 material fact or has used false information or
17 identification in any application for a license,
18 identification card, or permit;

19 10. Has possessed, displayed, or attempted to
20 fraudulently use any license, identification card, or
21 permit not issued to the person;

22 11. Has operated a motor vehicle upon a highway of this
23 State when the person's driving privilege or privilege to
24 obtain a driver's license or permit was revoked or
25 suspended unless the operation was authorized by a
26 monitoring device driving permit, judicial driving permit

1 issued prior to January 1, 2009, probationary license to
2 drive, or a restricted driving permit issued under this
3 Code;

4 12. Has submitted to any portion of the application
5 process for another person or has obtained the services of
6 another person to submit to any portion of the application
7 process for the purpose of obtaining a license,
8 identification card, or permit for some other person;

9 13. Has operated a motor vehicle upon a highway of this
10 State when the person's driver's license or permit was
11 invalid under the provisions of Sections 6-107.1 and 6-110;

12 14. Has committed a violation of Section 6-301,
13 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B
14 of the Illinois Identification Card Act;

15 15. Has been convicted of violating Section 21-2 of the
16 Criminal Code of 1961 relating to criminal trespass to
17 vehicles in which case, the suspension shall be for one
18 year;

19 16. Has been convicted of violating Section 11-204 of
20 this Code relating to fleeing from a peace officer;

21 17. Has refused to submit to a test, or tests, as
22 required under Section 11-501.1 of this Code and the person
23 has not sought a hearing as provided for in Section
24 11-501.1;

25 18. Has, since issuance of a driver's license or
26 permit, been adjudged to be afflicted with or suffering

1 from any mental disability or disease;

2 19. Has committed a violation of paragraph (a) or (b)
3 of Section 6-101 relating to driving without a driver's
4 license;

5 20. Has been convicted of violating Section 6-104
6 relating to classification of driver's license;

7 21. Has been convicted of violating Section 11-402 of
8 this Code relating to leaving the scene of an accident
9 resulting in damage to a vehicle in excess of \$1,000, in
10 which case the suspension shall be for one year;

11 22. Has used a motor vehicle in violating paragraph
12 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
13 the Criminal Code of 1961 relating to unlawful use of
14 weapons, in which case the suspension shall be for one
15 year;

16 23. Has, as a driver, been convicted of committing a
17 violation of paragraph (a) of Section 11-502 of this Code
18 for a second or subsequent time within one year of a
19 similar violation;

20 24. Has been convicted by a court-martial or punished
21 by non-judicial punishment by military authorities of the
22 United States at a military installation in Illinois of or
23 for a traffic related offense that is the same as or
24 similar to an offense specified under Section 6-205 or
25 6-206 of this Code;

26 25. Has permitted any form of identification to be used

1 by another in the application process in order to obtain or
2 attempt to obtain a license, identification card, or
3 permit;

4 26. Has altered or attempted to alter a license or has
5 possessed an altered license, identification card, or
6 permit;

7 27. Has violated Section 6-16 of the Liquor Control Act
8 of 1934;

9 28. Has been convicted of the illegal possession, while
10 operating or in actual physical control, as a driver, of a
11 motor vehicle, of any controlled substance prohibited
12 under the Illinois Controlled Substances Act, any cannabis
13 prohibited under the Cannabis Control Act, or any
14 methamphetamine prohibited under the Methamphetamine
15 Control and Community Protection Act, in which case the
16 person's driving privileges shall be suspended for one
17 year, and any driver who is convicted of a second or
18 subsequent offense, within 5 years of a previous
19 conviction, for the illegal possession, while operating or
20 in actual physical control, as a driver, of a motor
21 vehicle, of any controlled substance prohibited under the
22 Illinois Controlled Substances Act, any cannabis
23 prohibited under the Cannabis Control Act, or any
24 methamphetamine prohibited under the Methamphetamine
25 Control and Community Protection Act shall be suspended for
26 5 years. Any defendant found guilty of this offense while

1 operating a motor vehicle, shall have an entry made in the
2 court record by the presiding judge that this offense did
3 occur while the defendant was operating a motor vehicle and
4 order the clerk of the court to report the violation to the
5 Secretary of State;

6 29. Has been convicted of the following offenses that
7 were committed while the person was operating or in actual
8 physical control, as a driver, of a motor vehicle: criminal
9 sexual assault, predatory criminal sexual assault of a
10 child, aggravated criminal sexual assault, criminal sexual
11 abuse, aggravated criminal sexual abuse, juvenile pimping,
12 soliciting for a juvenile prostitute, promoting juvenile
13 prostitution as described in subdivision (a) (1), (a) (2),
14 or (a) (3) of Section 11-14.4 of the Criminal Code of 1961,
15 and the manufacture, sale or delivery of controlled
16 substances or instruments used for illegal drug use or
17 abuse in which case the driver's driving privileges shall
18 be suspended for one year;

19 30. Has been convicted a second or subsequent time for
20 any combination of the offenses named in paragraph 29 of
21 this subsection, in which case the person's driving
22 privileges shall be suspended for 5 years;

23 31. Has refused to submit to a test as required by
24 Section 11-501.6 or has submitted to a test resulting in an
25 alcohol concentration of 0.08 or more or any amount of a
26 drug, substance, or compound resulting from the unlawful

1 use or consumption of cannabis as listed in the Cannabis
2 Control Act, a controlled substance as listed in the
3 Illinois Controlled Substances Act, an intoxicating
4 compound as listed in the Use of Intoxicating Compounds
5 Act, or methamphetamine as listed in the Methamphetamine
6 Control and Community Protection Act, in which case the
7 penalty shall be as prescribed in Section 6-208.1;

8 32. Has been convicted of Section 24-1.2 of the
9 Criminal Code of 1961 relating to the aggravated discharge
10 of a firearm if the offender was located in a motor vehicle
11 at the time the firearm was discharged, in which case the
12 suspension shall be for 3 years;

13 33. Has as a driver, who was less than 21 years of age
14 on the date of the offense, been convicted a first time of
15 a violation of paragraph (a) of Section 11-502 of this Code
16 or a similar provision of a local ordinance;

17 34. Has committed a violation of Section 11-1301.5 of
18 this Code;

19 35. Has committed a violation of Section 11-1301.6 of
20 this Code;

21 36. Is under the age of 21 years at the time of arrest
22 and has been convicted of not less than 2 offenses against
23 traffic regulations governing the movement of vehicles
24 committed within any 24 month period. No revocation or
25 suspension shall be entered more than 6 months after the
26 date of last conviction;

1 37. Has committed a violation of subsection (c) of
2 Section 11-907 of this Code that resulted in damage to the
3 property of another or the death or injury of another;

4 38. Has been convicted of a violation of Section 6-20
5 of the Liquor Control Act of 1934 or a similar provision of
6 a local ordinance;

7 39. Has committed a second or subsequent violation of
8 Section 11-1201 of this Code;

9 40. Has committed a violation of subsection (a-1) of
10 Section 11-908 of this Code;

11 41. Has committed a second or subsequent violation of
12 Section 11-605.1 of this Code, a similar provision of a
13 local ordinance, or a similar violation in any other state
14 within 2 years of the date of the previous violation, in
15 which case the suspension shall be for 90 days;

16 42. Has committed a violation of subsection (a-1) of
17 Section 11-1301.3 of this Code;

18 43. Has received a disposition of court supervision for
19 a violation of subsection (a), (d), or (e) of Section 6-20
20 of the Liquor Control Act of 1934 or a similar provision of
21 a local ordinance, in which case the suspension shall be
22 for a period of 3 months;

23 44. Is under the age of 21 years at the time of arrest
24 and has been convicted of an offense against traffic
25 regulations governing the movement of vehicles after
26 having previously had his or her driving privileges

1 suspended or revoked pursuant to subparagraph 36 of this
2 Section; or

3 45. Has, in connection with or during the course of a
4 formal hearing conducted under Section 2-118 of this Code:
5 (i) committed perjury; (ii) submitted fraudulent or
6 falsified documents; (iii) submitted documents that have
7 been materially altered; or (iv) submitted, as his or her
8 own, documents that were in fact prepared or composed for
9 another person.

10 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,
11 and 27 of this subsection, license means any driver's license,
12 any traffic ticket issued when the person's driver's license is
13 deposited in lieu of bail, a suspension notice issued by the
14 Secretary of State, a duplicate or corrected driver's license,
15 a probationary driver's license or a temporary driver's
16 license.

17 (b) If any conviction forming the basis of a suspension or
18 revocation authorized under this Section is appealed, the
19 Secretary of State may rescind or withhold the entry of the
20 order of suspension or revocation, as the case may be, provided
21 that a certified copy of a stay order of a court is filed with
22 the Secretary of State. If the conviction is affirmed on
23 appeal, the date of the conviction shall relate back to the
24 time the original judgment of conviction was entered and the 6
25 month limitation prescribed shall not apply.

26 (c) 1. Upon suspending or revoking the driver's license or

1 permit of any person as authorized in this Section, the
2 Secretary of State shall immediately notify the person in
3 writing of the revocation or suspension. The notice to be
4 deposited in the United States mail, postage prepaid, to the
5 last known address of the person.

6 2. If the Secretary of State suspends the driver's
7 license of a person under subsection 2 of paragraph (a) of
8 this Section, a person's privilege to operate a vehicle as
9 an occupation shall not be suspended, provided an affidavit
10 is properly completed, the appropriate fee received, and a
11 permit issued prior to the effective date of the
12 suspension, unless 5 offenses were committed, at least 2 of
13 which occurred while operating a commercial vehicle in
14 connection with the driver's regular occupation. All other
15 driving privileges shall be suspended by the Secretary of
16 State. Any driver prior to operating a vehicle for
17 occupational purposes only must submit the affidavit on
18 forms to be provided by the Secretary of State setting
19 forth the facts of the person's occupation. The affidavit
20 shall also state the number of offenses committed while
21 operating a vehicle in connection with the driver's regular
22 occupation. The affidavit shall be accompanied by the
23 driver's license. Upon receipt of a properly completed
24 affidavit, the Secretary of State shall issue the driver a
25 permit to operate a vehicle in connection with the driver's
26 regular occupation only. Unless the permit is issued by the

1 Secretary of State prior to the date of suspension, the
2 privilege to drive any motor vehicle shall be suspended as
3 set forth in the notice that was mailed under this Section.
4 If an affidavit is received subsequent to the effective
5 date of this suspension, a permit may be issued for the
6 remainder of the suspension period.

7 The provisions of this subparagraph shall not apply to
8 any driver required to possess a CDL for the purpose of
9 operating a commercial motor vehicle.

10 Any person who falsely states any fact in the affidavit
11 required herein shall be guilty of perjury under Section
12 6-302 and upon conviction thereof shall have all driving
13 privileges revoked without further rights.

14 3. At the conclusion of a hearing under Section 2-118
15 of this Code, the Secretary of State shall either rescind
16 or continue an order of revocation or shall substitute an
17 order of suspension; or, good cause appearing therefor,
18 rescind, continue, change, or extend the order of
19 suspension. If the Secretary of State does not rescind the
20 order, the Secretary may upon application, to relieve undue
21 hardship (as defined by the rules of the Secretary of
22 State), issue a restricted driving permit granting the
23 privilege of driving a motor vehicle between the
24 petitioner's residence and petitioner's place of
25 employment or within the scope of the petitioner's
26 employment related duties, or to allow the petitioner to

1 transport himself or herself, or a family member of the
2 petitioner's household to a medical facility, to receive
3 necessary medical care, to allow the petitioner to
4 transport himself or herself to and from alcohol or drug
5 remedial or rehabilitative activity recommended by a
6 licensed service provider, or to allow the petitioner to
7 transport himself or herself or a family member of the
8 petitioner's household to classes, as a student, at an
9 accredited educational institution, or to allow the
10 petitioner to transport children, elderly persons, or
11 disabled persons who do not hold driving privileges and are
12 living in the petitioner's household to and from daycare.
13 The petitioner must demonstrate that no alternative means
14 of transportation is reasonably available and that the
15 petitioner will not endanger the public safety or welfare.
16 ~~Those multiple offenders identified in subdivision (b)4 of~~
17 ~~Section 6-208 of this Code, however, shall not be eligible~~
18 ~~for the issuance of a restricted driving permit.~~

19 (A) If a person's license or permit is revoked or
20 suspended due to 2 or more convictions of violating
21 Section 11-501 of this Code or a similar provision of a
22 local ordinance or a similar out-of-state offense, or
23 Section 9-3 of the Criminal Code of 1961, where the use
24 of alcohol or other drugs is recited as an element of
25 the offense, or a similar out-of-state offense, or a
26 combination of these offenses, arising out of separate

1 occurrences, that person, if issued a restricted
2 driving permit, may not operate a vehicle unless it has
3 been equipped with an ignition interlock device as
4 defined in Section 1-129.1.

5 (B) If a person's license or permit is revoked or
6 suspended 2 or more times within a 10 year period due
7 to any combination of:

8 (i) a single conviction of violating Section
9 11-501 of this Code or a similar provision of a
10 local ordinance or a similar out-of-state offense
11 or Section 9-3 of the Criminal Code of 1961, where
12 the use of alcohol or other drugs is recited as an
13 element of the offense, or a similar out-of-state
14 offense; or

15 (ii) a statutory summary suspension or
16 revocation under Section 11-501.1; or

17 (iii) a suspension under Section 6-203.1;
18 arising out of separate occurrences; that person, if
19 issued a restricted driving permit, may not operate a
20 vehicle unless it has been equipped with an ignition
21 interlock device as defined in Section 1-129.1.

22 (C) The person issued a permit conditioned upon the
23 use of an ignition interlock device must pay to the
24 Secretary of State DUI Administration Fund an amount
25 not to exceed \$30 per month. The Secretary shall
26 establish by rule the amount and the procedures, terms,

1 and conditions relating to these fees.

2 (D) If the restricted driving permit is issued for
3 employment purposes, then the prohibition against
4 operating a motor vehicle that is not equipped with an
5 ignition interlock device does not apply to the
6 operation of an occupational vehicle owned or leased by
7 that person's employer when used solely for employment
8 purposes.

9 (E) In each case the Secretary may issue a
10 restricted driving permit for a period deemed
11 appropriate, except that all permits shall expire
12 within one year from the date of issuance. The
13 Secretary may not, however, issue a restricted driving
14 permit to any person whose current revocation is the
15 result of a second or subsequent conviction for a
16 violation of Section 11-501 of this Code or a similar
17 provision of a local ordinance or any similar
18 out-of-state offense, or Section 9-3 of the Criminal
19 Code of 1961, where the use of alcohol or other drugs
20 is recited as an element of the offense, or any similar
21 out-of-state offense, or any combination of those
22 offenses, until the expiration of at least one year
23 from the date of the revocation. A restricted driving
24 permit issued under this Section shall be subject to
25 cancellation, revocation, and suspension by the
26 Secretary of State in like manner and for like cause as

1 a driver's license issued under this Code may be
2 cancelled, revoked, or suspended; except that a
3 conviction upon one or more offenses against laws or
4 ordinances regulating the movement of traffic shall be
5 deemed sufficient cause for the revocation,
6 suspension, or cancellation of a restricted driving
7 permit. The Secretary of State may, as a condition to
8 the issuance of a restricted driving permit, require
9 the applicant to participate in a designated driver
10 remedial or rehabilitative program. The Secretary of
11 State is authorized to cancel a restricted driving
12 permit if the permit holder does not successfully
13 complete the program.

14 (F) If a person is convicted of a combination of 4
15 or more offenses which include a violation of Section
16 11-501 of this Code or a similar provision of a local
17 ordinance, Section 11-401 of this Code, or Section 9-3
18 of the Criminal Code of 1961, or a combination of
19 violations of similar provisions of local ordinances,
20 similar out-of-state offenses, or similar offenses
21 committed on a military installation, the person may
22 make application for a restricted driving permit, at a
23 formal hearing conducted under Section 2-118 of this
24 Code, after the expiration of 3 years from the
25 effective date of the most recent revocation, provided
26 the person, in addition to all other requirements of

1 the Secretary, shows by clear and convincing evidence:

2 (i) a minimum 3 years of uninterrupted
3 abstinence from alcohol, other drug or drugs,
4 intoxicating compound or compounds, or any
5 combination thereof; and

6 (ii) the successful completion of all
7 rehabilitative activity recommended by a properly
8 licensed service provider, pursuant to an
9 assessment of the person's alcohol or drug use and
10 mental health.

11 In determining whether an applicant is eligible
12 for a restricted driving permit under this
13 subparagraph (F), the Secretary may consider any
14 relevant evidence, including but not limited to
15 testimony, affidavits, records, and the results of
16 regular alcohol or drug tests.

17 A restricted driving permit issued under this
18 subparagraph (F) shall provide that the holder may only
19 operate vehicles equipped with an interlock ignition
20 device. The Secretary may cancel a restricted driving
21 permit or amend the conditions of a restricted driving
22 permit issued under this subparagraph (F) if the holder
23 operates a vehicle that is not equipped with an
24 interlock ignition device, or for any other reason
25 authorized under this Code.

26 (c-3) In the case of a suspension under paragraph 43 of

1 subsection (a), reports received by the Secretary of State
2 under this Section shall, except during the actual time the
3 suspension is in effect, be privileged information and for use
4 only by the courts, police officers, prosecuting authorities,
5 the driver licensing administrator of any other state, the
6 Secretary of State, or the parent or legal guardian of a driver
7 under the age of 18. However, beginning January 1, 2008, if the
8 person is a CDL holder, the suspension shall also be made
9 available to the driver licensing administrator of any other
10 state, the U.S. Department of Transportation, and the affected
11 driver or motor carrier or prospective motor carrier upon
12 request.

13 (c-4) In the case of a suspension under paragraph 43 of
14 subsection (a), the Secretary of State shall notify the person
15 by mail that his or her driving privileges and driver's license
16 will be suspended one month after the date of the mailing of
17 the notice.

18 (c-5) The Secretary of State may, as a condition of the
19 reissuance of a driver's license or permit to an applicant
20 whose driver's license or permit has been suspended before he
21 or she reached the age of 21 years pursuant to any of the
22 provisions of this Section, require the applicant to
23 participate in a driver remedial education course and be
24 retested under Section 6-109 of this Code.

25 (d) This Section is subject to the provisions of the
26 Drivers License Compact.

1 (e) The Secretary of State shall not issue a restricted
2 driving permit to a person under the age of 16 years whose
3 driving privileges have been suspended or revoked under any
4 provisions of this Code.

5 (f) In accordance with 49 C.F.R. 384, the Secretary of
6 State may not issue a restricted driving permit for the
7 operation of a commercial motor vehicle to a person holding a
8 CDL whose driving privileges have been suspended, revoked,
9 cancelled, or disqualified under any provisions of this Code.

10 (Source: P.A. 96-328, eff. 8-11-09; 96-607, eff. 8-24-09;
11 96-1180, eff. 1-1-11; 96-1305, eff. 1-1-11; 96-1344, eff.
12 7-1-11; 96-1551, eff. 7-1-11; 97-229, eff. 7-28-11; 97-333,
13 eff. 8-12-11; revised 9-15-11.)

14 (625 ILCS 5/6-208) (from Ch. 95 1/2, par. 6-208)

15 Sec. 6-208. Period of Suspension - Application After
16 Revocation.

17 (a) Except as otherwise provided by this Code or any other
18 law of this State, the Secretary of State shall not suspend a
19 driver's license, permit, or privilege to drive a motor vehicle
20 on the highways for a period of more than one year.

21 (b) Any person whose license, permit, or privilege to drive
22 a motor vehicle on the highways has been revoked shall not be
23 entitled to have such license, permit, or privilege renewed or
24 restored. However, such person may, except as provided under
25 subsections (d) and (d-5) of Section 6-205, make application

1 for a license pursuant to Section 6-106 (i) if the revocation
2 was for a cause that has been removed or (ii) as provided in
3 the following subparagraphs:

4 1. Except as provided in subparagraphs 1.5, 2, 3, 4,
5 and 5, the person may make application for a license (A)
6 after the expiration of one year from the effective date of
7 the revocation, (B) in the case of a violation of paragraph
8 (b) of Section 11-401 of this Code or a similar provision
9 of a local ordinance, after the expiration of 3 years from
10 the effective date of the revocation, or (C) in the case of
11 a violation of Section 9-3 of the Criminal Code of 1961 or
12 a similar provision of a law of another state relating to
13 the offense of reckless homicide or a violation of
14 subparagraph (F) of paragraph 1 of subsection (d) of
15 Section 11-501 of this Code relating to aggravated driving
16 under the influence of alcohol, other drug or drugs,
17 intoxicating compound or compounds, or any combination
18 thereof, if the violation was the proximate cause of a
19 death, after the expiration of 2 years from the effective
20 date of the revocation or after the expiration of 24 months
21 from the date of release from a period of imprisonment as
22 provided in Section 6-103 of this Code, whichever is later.

23 1.5. If the person is convicted of a violation of
24 Section 6-303 of this Code committed while his or her
25 driver's license, permit, or privilege was revoked because
26 of a violation of Section 9-3 of the Criminal Code of 1961,

1 relating to the offense of reckless homicide, or a similar
2 provision of a law of another state, the person may not
3 make application for a license or permit until the
4 expiration of 3 years from the date of the conviction.

5 2. If such person is convicted of committing a second
6 violation within a 20-year period of:

7 (A) Section 11-501 of this Code or a similar
8 provision of a local ordinance;

9 (B) Paragraph (b) of Section 11-401 of this Code or
10 a similar provision of a local ordinance;

11 (C) Section 9-3 of the Criminal Code of 1961,
12 relating to the offense of reckless homicide; or

13 (D) any combination of the above offenses
14 committed at different instances;

15 then such person may not make application for a license
16 until after the expiration of 5 years from the effective
17 date of the most recent revocation. The 20-year period
18 shall be computed by using the dates the offenses were
19 committed and shall also include similar out-of-state
20 offenses and similar offenses committed on a military
21 installation.

22 2.5. If a person is convicted of a second violation of
23 Section 6-303 of this Code committed while the person's
24 driver's license, permit, or privilege was revoked because
25 of a violation of Section 9-3 of the Criminal Code of 1961,
26 relating to the offense of reckless homicide, or a similar

1 provision of a law of another state, the person may not
2 make application for a license or permit until the
3 expiration of 5 years from the date of release from a term
4 of imprisonment.

5 3. However, except as provided in subparagraph 4, if
6 such person is convicted of committing a third ~~or~~
7 ~~subsequent~~ violation or any combination of the above
8 offenses, including similar out-of-state offenses and
9 similar offenses committed on a military installation,
10 contained in subparagraph 2, then such person may not make
11 application for a license until after the expiration of 10
12 years from the effective date of the most recent
13 revocation.

14 4. Except as provided in subparagraph (c)(1.5) of
15 Section 6-205 and subparagraph (c)(3)(F) of Section 6-206
16 of this Code, the ~~The~~ person may not make application for a
17 license if the person is convicted of committing a fourth
18 or subsequent violation of Section 11-501 of this Code or a
19 similar provision of a local ordinance, Section 11-401 of
20 this Code, Section 9-3 of the Criminal Code of 1961, or a
21 combination of these offenses, similar provisions of local
22 ordinances, similar out-of-state offenses, or similar
23 offenses committed on a military installation.

24 4.5. A bona fide resident of a foreign jurisdiction who
25 is subject to the provisions of subparagraph 4 may make
26 application for termination of the revocation after a

1 period of 10 years from the effective date of the most
2 recent revocation. However, if a person who has been
3 granted a termination of revocation under this
4 subparagraph 4.5 subsequently becomes a resident of this
5 State, the revocation shall be reinstated and the person
6 shall be subject to the provisions of subparagraph 4.

7 5. The person may not make application for a license or
8 permit if the person is convicted of a third or subsequent
9 violation of Section 6-303 of this Code committed while his
10 or her driver's license, permit, or privilege was revoked
11 because of a violation of Section 9-3 of the Criminal Code
12 of 1961, relating to the offense of reckless homicide, or a
13 similar provision of a law of another state.

14 Notwithstanding any other provision of this Code, all
15 persons referred to in this paragraph (b) may not have their
16 privileges restored until the Secretary receives payment of the
17 required reinstatement fee pursuant to subsection (b) of
18 Section 6-118.

19 In no event shall the Secretary issue such license unless
20 and until such person has had a hearing pursuant to this Code
21 and the appropriate administrative rules and the Secretary is
22 satisfied, after a review or investigation of such person, that
23 to grant the privilege of driving a motor vehicle on the
24 highways will not endanger the public safety or welfare.

25 (c) (Blank).

26 (Source: P.A. 95-331, eff. 8-21-07; 95-355, eff. 1-1-08;

1 95-377, eff. 1-1-08; 95-876, eff. 8-21-08; 96-607, eff.
2 8-24-09.)

3 (625 ILCS 5/6-303) (from Ch. 95 1/2, par. 6-303)

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

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

18 (a-5) Any person who violates this Section as provided in
19 subsection (a) while his or her driver's license, permit or
20 privilege is revoked because of a violation of Section 9-3 of
21 the Criminal Code of 1961, relating to the offense of reckless
22 homicide or a similar provision of a law of another state, is
23 guilty of a Class 4 felony. The person shall be required to
24 undergo a professional evaluation, as provided in Section
25 11-501 of this Code, to determine if an alcohol, drug, or

1 intoxicating compound problem exists and the extent of the
2 problem, and to undergo the imposition of treatment as
3 appropriate.

4 (b) (Blank).

5 (b-1) Upon receiving a report of the conviction of any
6 violation indicating a person was operating a motor vehicle
7 during the time when the person's driver's license, permit or
8 privilege was suspended by the Secretary of State or the
9 driver's licensing administrator of another state, except as
10 specifically allowed by a probationary license, judicial
11 driving permit, restricted driving permit or monitoring device
12 driving permit the Secretary shall extend the suspension for
13 the same period of time as the originally imposed suspension
14 unless the suspension has already expired, in which case the
15 Secretary shall be authorized to suspend the person's driving
16 privileges for the same period of time as the originally
17 imposed suspension.

18 (b-2) Except as provided in subsection (b-6), upon
19 receiving a report of the conviction of any violation
20 indicating a person was operating a motor vehicle when the
21 person's driver's license, permit or privilege was revoked by
22 the Secretary of State or the driver's license administrator of
23 any other state, except as specifically allowed by a restricted
24 driving permit issued pursuant to this Code or the law of
25 another state, the Secretary shall not issue a driver's license
26 for an additional period of one year from the date of such

1 conviction indicating such person was operating a vehicle
2 during such period of revocation.

3 (b-3) (Blank).

4 (b-4) When the Secretary of State receives a report of a
5 conviction of any violation indicating a person was operating a
6 motor vehicle that was not equipped with an ignition interlock
7 device during a time when the person was prohibited from
8 operating a motor vehicle not equipped with such a device, the
9 Secretary shall not issue a driver's license to that person for
10 an additional period of one year from the date of the
11 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 (b-6) Upon receiving a report of a first conviction of
20 operating a motor vehicle while the person's driver's license,
21 permit or privilege was revoked where the revocation was for a
22 violation of Section 9-3 of the Criminal Code of 1961 relating
23 to the offense of reckless homicide or a similar out-of-state
24 offense, the Secretary shall not issue a driver's license for
25 an additional period of three years from the date of such
26 conviction.

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

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

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

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

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

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

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

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

1 vehicle.

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

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

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

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

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 original
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, or a statutory summary
5 suspension or revocation under Section 11-501.1 of this Code.

6 (d-1) Except as provided in subsections (d-2), (d-2.5), and
7 (d-3), any person convicted of a third or subsequent violation
8 of this Section shall serve a minimum term of imprisonment of
9 30 days or 300 hours of community service, as determined by the
10 court.

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

18 (d-2.5) Any person convicted of a third violation of this
19 Section is guilty of a Class 1 felony, is not eligible for
20 probation or conditional discharge, and must serve a mandatory
21 term of imprisonment if the revocation or suspension was for a
22 violation of Section 9-3 of the Criminal Code of 1961, relating
23 to the offense of reckless homicide, or a similar out-of-state
24 offense. The person's driving privileges shall be revoked for
25 the remainder of the person's life.

26 (d-3) Any person convicted of a fourth, fifth, sixth,

1 seventh, eighth, or ninth violation of this Section is guilty
2 of a Class 4 felony and must serve a minimum term of
3 imprisonment of 180 days if the revocation or suspension was
4 for a violation of Section 11-401 or 11-501 of this Code, or a
5 similar out-of-state offense, or a similar provision of a local
6 ordinance, or a statutory summary suspension or revocation
7 under Section 11-501.1 of this Code.

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

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

24 (d-5) Any person convicted of a fifteenth or subsequent
25 violation of this Section is guilty of a Class 2 felony, and is
26 not eligible for probation or conditional discharge, if the

1 revocation or suspension was for a violation of Section 11-401
2 or 11-501 of this Code, or a similar out-of-state offense, or a
3 similar provision of a local ordinance, or a statutory summary
4 suspension or revocation under Section 11-501.1 of this Code.

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

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

17 (g) The motor vehicle used in a violation of this Section
18 is subject to seizure and forfeiture as provided in Sections
19 36-1 and 36-2 of the Criminal Code of 1961 if the person's
20 driving privilege was revoked or suspended as a result of a
21 violation listed in paragraph (1) or (2) of subsection (c) of
22 this Section, as a result of a summary suspension or revocation
23 as provided in paragraph (3) of subsection (c) of this Section,
24 or as a result of a violation of Section 9-3 of the Criminal
25 Code of 1961 relating to the offense of reckless homicide.

26 (Source: P.A. 95-27, eff. 1-1-08; 95-377, eff. 1-1-08; 95-400,

1 eff. 1-1-09; 95-578, eff. 6-1-08; 95-876, eff. 8-21-08; 95-991,
2 eff. 6-1-09; 96-502, eff. 1-1-10; 96-607, eff. 8-24-09;
3 96-1000, eff. 7-2-10; 96-1344, eff. 7-1-11.)