



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB4577

Introduced 2/1/2012, by Rep. Donald L. Moffitt

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-501.01

625 ILCS 5/16-104a

from Ch. 95 1/2, par. 16-104a

Amends the Illinois Vehicle Code. In a subsection concerning administrative sanctions related to a conviction for driving under the influence of alcohol, provides that with respect to funds designated for the Department of State Police, the moneys collected shall be remitted by the circuit court clerk to the State Treasurer within one month after receipt for deposit into the State Police DUI Fund, and that with respect to funds designated for the Department of Natural Resources, the moneys collected shall be remitted by the Department of Natural Resources to the State Treasurer within one month after receipt for deposit into the Conservation Police Operations Assistance Fund. In a subsection concerning additional penalties for certain violations, provides that with respect to funds designated for the Department of State Police, the moneys collected shall be remitted by the circuit court clerk to the State Treasurer within one month after receipt for deposit into the State Police Operations Assistance Fund, and that with respect to funds designated for the Department of Natural Resources, the moneys collected shall be remitted by the Department of Natural Resources to the State Treasurer within one month after receipt for deposit into the Conservation Police Operations Assistance Fund.

LRB097 15094 HEP 60190 b

1 AN ACT concerning transportation.

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

4 Section 5. The Illinois Vehicle Code is amended by changing
5 Sections 11-501.01 and 16-104a as follows:

6 (625 ILCS 5/11-501.01)

7 Sec. 11-501.01. Additional administrative sanctions.

8 (a) After a finding of guilt and prior to any final
9 sentencing or an order for supervision, for an offense based
10 upon an arrest for a violation of Section 11-501 or a similar
11 provision of a local ordinance, individuals shall be required
12 to undergo a professional evaluation to determine if an
13 alcohol, drug, or intoxicating compound abuse problem exists
14 and the extent of the problem, and undergo the imposition of
15 treatment as appropriate. Programs conducting these
16 evaluations shall be licensed by the Department of Human
17 Services. The cost of any professional evaluation shall be paid
18 for by the individual required to undergo the professional
19 evaluation.

20 (b) Any person who is found guilty of or pleads guilty to
21 violating Section 11-501, including any person receiving a
22 disposition of court supervision for violating that Section,
23 may be required by the Court to attend a victim impact panel

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

7 (c) Every person found guilty of violating Section 11-501,
8 whose operation of a motor vehicle while in violation of that
9 Section proximately caused any incident resulting in an
10 appropriate emergency response, shall be liable for the expense
11 of an emergency response as provided in subsection (i) of this
12 Section.

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

16 (e) The Secretary of State shall require the use of
17 ignition interlock devices on all vehicles owned by a person
18 who has been convicted of a second or subsequent offense of
19 Section 11-501 or a similar provision of a local ordinance. The
20 person must pay to the Secretary of State DUI Administration
21 Fund an amount not to exceed \$30 for each month that he or she
22 uses the device. The Secretary shall establish by rule and
23 regulation the procedures for certification and use of the
24 interlock system, the amount of the fee, and the procedures,
25 terms, and conditions relating to these fees.

26 (f) In addition to any other penalties and liabilities, a

1 person who is found guilty of or pleads guilty to violating
2 Section 11-501, including any person placed on court
3 supervision for violating Section 11-501, shall be assessed
4 \$750, payable to the circuit clerk, who shall distribute the
5 money as follows: \$350 to the law enforcement agency that made
6 the arrest, and \$400 shall be forwarded to the State Treasurer
7 for deposit into the General Revenue Fund. If the person has
8 been previously convicted of violating Section 11-501 or a
9 similar provision of a local ordinance, the fine shall be
10 \$1,000, and the circuit clerk shall distribute \$200 to the law
11 enforcement agency that made the arrest and \$800 to the State
12 Treasurer for deposit into the General Revenue Fund. In the
13 event that more than one agency is responsible for the arrest,
14 the amount payable to law enforcement agencies shall be shared
15 equally. Any moneys received by a law enforcement agency under
16 this subsection (f) shall be used to purchase law enforcement
17 equipment that will assist in the prevention of alcohol related
18 criminal violence throughout the State. This shall include, but
19 is not limited to, in-car video cameras, radar and laser speed
20 detection devices, and alcohol breath testers. Any moneys
21 received by the Department of State Police under this
22 subsection (f) shall be deposited into the State Police DUI
23 Fund and shall be used to purchase law enforcement equipment
24 that will assist in the prevention of alcohol related criminal
25 violence throughout the State.

26 (g) The Secretary of State Police DUI Fund is created as a

1 special fund in the State treasury. All moneys received by the
2 Secretary of State Police under subsection (f) of this Section
3 shall be deposited into the Secretary of State Police DUI Fund
4 and, subject to appropriation, shall be used to purchase law
5 enforcement equipment to assist in the prevention of alcohol
6 related criminal violence throughout the State.

7 (h) Whenever an individual is sentenced for an offense
8 based upon an arrest for a violation of Section 11-501 or a
9 similar provision of a local ordinance, and the professional
10 evaluation recommends remedial or rehabilitative treatment or
11 education, neither the treatment nor the education shall be the
12 sole disposition and either or both may be imposed only in
13 conjunction with another disposition. The court shall monitor
14 compliance with any remedial education or treatment
15 recommendations contained in the professional evaluation.
16 Programs conducting alcohol or other drug evaluation or
17 remedial education must be licensed by the Department of Human
18 Services. If the individual is not a resident of Illinois,
19 however, the court may accept an alcohol or other drug
20 evaluation or remedial education program in the individual's
21 state of residence. Programs providing treatment must be
22 licensed under existing applicable alcoholism and drug
23 treatment licensure standards.

24 (i) In addition to any other fine or penalty required by
25 law, an individual convicted of a violation of Section 11-501,
26 Section 5-7 of the Snowmobile Registration and Safety Act,

1 Section 5-16 of the Boat Registration and Safety Act, or a
2 similar provision, whose operation of a motor vehicle,
3 snowmobile, or watercraft while in violation of Section 11-501,
4 Section 5-7 of the Snowmobile Registration and Safety Act,
5 Section 5-16 of the Boat Registration and Safety Act, or a
6 similar provision proximately caused an incident resulting in
7 an appropriate emergency response, shall be required to make
8 restitution to a public agency for the costs of that emergency
9 response. The restitution may not exceed \$1,000 per public
10 agency for each emergency response. As used in this subsection
11 (i), "emergency response" means any incident requiring a
12 response by a police officer, a firefighter carried on the
13 rolls of a regularly constituted fire department, or an
14 ambulance. With respect to funds designated for the Department
15 of State Police, the moneys shall be remitted by the circuit
16 court clerk to the State Treasurer within one month after
17 receipt for deposit into the State Police DUI Fund. With
18 respect to funds designated for the Department of Natural
19 Resources, the moneys shall be remitted by the Department of
20 Natural Resources to the State Treasurer within one month after
21 receipt for deposit into the Conservation Police Operations
22 Assistance Fund.

23 (Source: P.A. 95-578, eff. 6-1-08; 95-848, eff. 1-1-09;
24 96-1342, eff. 1-1-11.)

25 (625 ILCS 5/16-104a) (from Ch. 95 1/2, par. 16-104a)

1 Sec. 16-104a. Additional penalty for certain violations.

2 (a) There is added to every fine imposed upon conviction of
3 an offense reportable to the Secretary of State under the
4 provisions of subdivision (a)(2) of Section 6-204 of this Act
5 an additional penalty of \$4 for each \$40, or fraction thereof,
6 of fine imposed. Each such additional penalty received shall be
7 remitted within one month to the State Treasurer to be
8 deposited into the Drivers Education Fund, unless the
9 additional penalty is subject to disbursement by the circuit
10 clerk under Section 27.5 of the Clerks of Courts Act. Such
11 additional amounts shall be assessed by the court and shall be
12 collected by the Clerk of the Circuit Court in addition to the
13 fine and costs in the case. Such additional penalty shall not
14 be considered a part of the fine for purposes of any reduction
15 made in the fine for time served either before or after
16 sentencing. Not later than March 1 of each year the Clerk of
17 the Circuit Court shall submit to the State Comptroller a
18 report of the amount of funds remitted by him to the State
19 Treasurer under this Section during the preceding calendar
20 year. Except as otherwise provided by Supreme Court Rules, if a
21 court in sentencing an offender levies a gross amount for fine,
22 costs, fees and penalties, the amount of the additional penalty
23 provided for herein shall be computed on the amount remaining
24 after deducting from the gross amount levied all fees of the
25 Circuit Clerk, the State's Attorney and the Sheriff. After
26 deducting from the gross amount levied the fees and additional

1 penalty provided for herein, less any other additional
2 penalties provided by law, the clerk shall remit the net
3 balance remaining to the entity authorized by law to receive
4 the fine imposed in the case. For purposes of this Section
5 "fees of the Circuit Clerk" shall include, if applicable, the
6 fee provided for under Section 27.3a of the Clerks of Courts
7 Act and the fee, if applicable, payable to the county in which
8 the violation occurred pursuant to Section 5-1101 of the
9 Counties Code.

10 When bail is forfeited for failure to appear in connection
11 with an offense reportable to the Secretary of State under
12 subdivision (a) (2) of Section 6-204 of this Act, and no fine is
13 imposed ex parte, \$4 of every \$40 cash deposit, or fraction
14 thereof, given to secure appearance shall be remitted within
15 one month to the State Treasurer to be deposited into the
16 Drivers Education Fund, unless the bail is subject to
17 disbursement by the circuit clerk under Section 27.5 of the
18 Clerks of Courts Act.

19 (b) In addition to any other fine or penalty required by
20 law for a person convicted of a violation of Section 11-503 or
21 11-601.5 of this Code or a similar provision of a local
22 ordinance, the court may, in its discretion, require the person
23 to pay an additional criminal penalty that shall be distributed
24 in its entirety to a public agency that provided an emergency
25 response related to the person's violation. The criminal
26 penalty may not exceed \$100 per public agency for each

1 emergency response provided for a first violation of Section
2 11-503 or 11-601.5 of this Code or a similar provision of a
3 local ordinance. The criminal penalty may not exceed \$500 per
4 public agency for each emergency response provided for a second
5 or subsequent violation of Section 11-503 or 11-601.5 of this
6 Code or a similar provision of a local ordinance. As used in
7 this subsection, "emergency response" means any incident
8 requiring a response by a police officer, an ambulance, a
9 firefighter carried on the rolls of a regularly constituted
10 fire department or fire protection district, a firefighter of a
11 volunteer fire department, or a member of a recognized
12 not-for-profit rescue or emergency medical service provider.
13 With respect to funds designated for the Department of State
14 Police, the moneys shall be remitted by the circuit court clerk
15 to the State Treasurer within one month after receipt for
16 deposit into the State Police Operations Assistance Fund. With
17 respect to funds designated for the Department of Natural
18 Resources, the moneys shall be remitted by the Department of
19 Natural Resources to the State Treasurer within one month after
20 receipt for deposit into the Conservation Police Operations
21 Assistance Fund.

22 (Source: P.A. 96-1173, eff. 7-22-10.)