

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 Police within one month after receipt  
17 for deposit into the State Police DUI Fund. With respect to  
18 funds designated for the Department of Natural Resources, the  
19 Department of Natural Resources shall deposit the moneys into  
20 the Conservation Police Operations Assistance Fund.

21 (Source: P.A. 95-578, eff. 6-1-08; 95-848, eff. 1-1-09;  
22 96-1342, eff. 1-1-11.)

23 (625 ILCS 5/16-104a) (from Ch. 95 1/2, par. 16-104a)

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

25 (a) There is added to every fine imposed upon conviction of

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

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

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

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

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

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