



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

SB3926

Introduced 11/14/2012, by Sen. Dan Duffy

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-401

from Ch. 95 1/2, par. 11-401

Amends the Illinois Vehicle Code. Provides that a person who has failed to stop as required after an accident shall return and make a report of the accident at a police station near the scene of the accident no later than 48 hours (instead of one-half hour) after the accident occurred. Provides that a person who fails to stop after an accident that resulted in the death of a person is guilty of a Class 1 felony and shall be sentenced to a mandatory term of imprisonment of not less than 10 years. Provides that a person who fails to return within 48 hours and report an accident which resulted in a fatality shall be sentenced to a mandatory term of imprisonment of not less than 20 years.

LRB097 21940 HEP 70658 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning transportation, which may be referred to  
2 as Gabby's Law.

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

5 Section 5. The Illinois Vehicle Code is amended by changing  
6 Section 11-401 as follows:

7 (625 ILCS 5/11-401) (from Ch. 95 1/2, par. 11-401)

8 Sec. 11-401. Motor vehicle accidents involving death or  
9 personal injuries.

10 (a) The driver of any vehicle involved in a motor vehicle  
11 accident resulting in personal injury to or death of any person  
12 shall immediately stop such vehicle at the scene of such  
13 accident, or as close thereto as possible and shall then  
14 forthwith return to, and in every event shall remain at the  
15 scene of the accident until the requirements of Section 11-403  
16 have been fulfilled. Every such stop shall be made without  
17 obstructing traffic more than is necessary.

18 (b) Any person who has failed to stop or to comply with the  
19 requirements of paragraph (a) shall, as soon as possible but in  
20 no case later than 48 hours ~~one-half hour~~ after such motor  
21 vehicle accident, or, if hospitalized and incapacitated from  
22 reporting at any time during such period, as soon as possible  
23 but in no case later than 48 hours ~~one-half hour~~ after being

1 discharged from the hospital, report the place of the accident,  
2 the date, the approximate time, the driver's name and address,  
3 the registration number of the vehicle driven, and the names of  
4 all other occupants of such vehicle, at a police station or  
5 sheriff's office near the place where such accident occurred.  
6 No report made as required under this paragraph shall be used,  
7 directly or indirectly, as a basis for the prosecution of any  
8 violation of paragraph (a).

9 (b-1) Any person arrested for violating this Section is  
10 subject to chemical testing of his or her blood, breath, or  
11 urine for the presence of alcohol, other drug or drugs,  
12 intoxicating compound or compounds, or any combination  
13 thereof, as provided in Section 11-501.1, if the testing occurs  
14 within 12 hours of the time of the occurrence of the accident  
15 that led to his or her arrest. The person's driving privileges  
16 are subject to statutory summary suspension under Section  
17 11-501.1 if he or she fails testing or statutory summary  
18 revocation under Section 11-501.1 if he or she refuses to  
19 undergo the testing.

20 For purposes of this Section, personal injury shall mean  
21 any injury requiring immediate professional treatment in a  
22 medical facility or doctor's office.

23 (c) Any person failing to comply with paragraph (a) shall  
24 be guilty of a Class 4 felony if the motor vehicle accident  
25 does not result in the death of a person. A person failing to  
26 comply with paragraph (a) when the accident results in the

1 death of a person is guilty of a Class 1 felony and shall be  
2 sentenced to a mandatory term of imprisonment of not less than  
3 10 years.

4 (d) Any person failing to comply with paragraph (b) is  
5 guilty of a Class 2 felony if the motor vehicle accident does  
6 not result in the death of any person. Any person failing to  
7 comply with paragraph (b) when the accident results in the  
8 death of any person is guilty of a Class 1 felony and shall be  
9 sentenced to a mandatory term of imprisonment of not less than  
10 20 years.

11 (e) The Secretary of State shall revoke the driving  
12 privilege of any person convicted of a violation of this  
13 Section.

14 (Source: P.A. 95-347, eff. 1-1-08; 96-1344, eff. 7-1-11.)