

SB1735



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB1735

Introduced 2/15/2013, by Sen. Chapin Rose

SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-303

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

Amends the Illinois Vehicle Code. Raises the penalty for a violation of the restriction on driving while a license is suspended or revoked if the violation results in an accident that causes bodily injury to a Class 4 felony if the driver has no prior violations, a Class 3 felony if the driver has previously been convicted of violating this Section, and a Class 2 felony if the driver has been convicted of violating this Section on 2 or more prior occasions.

LRB098 07703 MLW 37779 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning transportation.

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

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

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

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

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

21 (a-3) Any person who violates this Section as provided in
22 subsection (a) and whose driving or operation of a motor
23 vehicle is the proximate cause of a motor vehicle accident that

1 causes personal injury or death to another is guilty of a Class
2 4 felony. A second violation of this subsection shall be a
3 Class 3 felony. A third or subsequent violation of this
4 subsection shall be a Class 2 felony.

5 (a-5) Any person who violates this Section as provided in
6 subsection (a) while his or her driver's license, permit or
7 privilege is revoked because of a violation of Section 9-3 of
8 the Criminal Code of 1961 or the Criminal Code of 2012,
9 relating to the offense of reckless homicide or a similar
10 provision of a law of another state, is guilty of a Class 4
11 felony. The person shall be required to undergo a professional
12 evaluation, as provided in Section 11-501 of this Code, to
13 determine if an alcohol, drug, or intoxicating compound problem
14 exists and the extent of the problem, and to undergo the
15 imposition of treatment as appropriate.

16 (b) (Blank).

17 (b-1) Upon receiving a report of the conviction of any
18 violation indicating a person was operating a motor vehicle
19 during the time when the person's driver's license, permit or
20 privilege was suspended by the Secretary of State or the
21 driver's licensing administrator of another state, except as
22 specifically allowed by a probationary license, judicial
23 driving permit, restricted driving permit or monitoring device
24 driving permit the Secretary shall extend the suspension for
25 the same period of time as the originally imposed suspension
26 unless the suspension has already expired, in which case the

1 Secretary shall be authorized to suspend the person's driving
2 privileges for the same period of time as the originally
3 imposed suspension.

4 (b-2) Except as provided in subsection (b-6), upon
5 receiving a report of the conviction of any violation
6 indicating a person was operating a motor vehicle when the
7 person's driver's license, permit or privilege was revoked by
8 the Secretary of State or the driver's license administrator of
9 any other state, except as specifically allowed by a restricted
10 driving permit issued pursuant to this Code or the law of
11 another state, the Secretary shall not issue a driver's license
12 for an additional period of one year from the date of such
13 conviction indicating such person was operating a vehicle
14 during such period of revocation.

15 (b-3) (Blank).

16 (b-4) When the Secretary of State receives a report of a
17 conviction of any violation indicating a person was operating a
18 motor vehicle that was not equipped with an ignition interlock
19 device during a time when the person was prohibited from
20 operating a motor vehicle not equipped with such a device, the
21 Secretary shall not issue a driver's license to that person for
22 an additional period of one year from the date of the
23 conviction.

24 (b-5) Any person convicted of violating this Section shall
25 serve a minimum term of imprisonment of 30 consecutive days or
26 300 hours of community service when the person's driving

1 privilege was revoked or suspended as a result of a violation
2 of Section 9-3 of the Criminal Code of 1961 or the Criminal
3 Code of 2012, relating to the offense of reckless homicide, or
4 a similar provision of a law of another state.

5 (b-6) Upon receiving a report of a first conviction of
6 operating a motor vehicle while the person's driver's license,
7 permit or privilege was revoked where the revocation was for a
8 violation of Section 9-3 of the Criminal Code of 1961 or the
9 Criminal Code of 2012 relating to the offense of reckless
10 homicide or a similar out-of-state offense, the Secretary shall
11 not issue a driver's license for an additional period of three
12 years from the date of such conviction.

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

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

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

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

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

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

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

12 (1) Seizure of the license plates of the person's
13 vehicle.

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

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

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

1 (c-5) Any person convicted of a second violation of this
2 Section is guilty of a Class 2 felony, is not eligible for
3 probation or conditional discharge, and shall serve a mandatory
4 term of imprisonment, if the revocation or suspension was for a
5 violation of Section 9-3 of the Criminal Code of 1961 or the
6 Criminal Code of 2012, relating to the offense of reckless
7 homicide, or a similar out-of-state offense.

8 (d) Any person convicted of a second violation of this
9 Section shall be guilty of a Class 4 felony and shall serve a
10 minimum term of imprisonment of 30 days or 300 hours of
11 community service, as determined by the court, if the original
12 revocation or suspension was for a violation of Section 11-401
13 or 11-501 of this Code, or a similar out-of-state offense, or a
14 similar provision of a local ordinance, or a statutory summary
15 suspension or revocation under Section 11-501.1 of this Code.

16 (d-1) Except as provided in subsections (d-2), (d-2.5), and
17 (d-3), any person convicted of a third or subsequent violation
18 of this Section shall serve a minimum term of imprisonment of
19 30 days or 300 hours of community service, as determined by the
20 court.

21 (d-2) Any person convicted of a third violation of this
22 Section is guilty of a Class 4 felony and must serve a minimum
23 term of imprisonment of 30 days if the revocation or suspension
24 was for a violation of Section 11-401 or 11-501 of this Code,
25 or a similar out-of-state offense, or a similar provision of a
26 local ordinance, or a statutory summary suspension or

1 revocation under Section 11-501.1 of this Code.

2 (d-2.5) Any person convicted of a third violation of this
3 Section is guilty of a Class 1 felony, is not eligible for
4 probation or conditional discharge, and must serve a mandatory
5 term of imprisonment if the revocation or suspension was for a
6 violation of Section 9-3 of the Criminal Code of 1961 or the
7 Criminal Code of 2012, relating to the offense of reckless
8 homicide, or a similar out-of-state offense. The person's
9 driving privileges shall be revoked for the remainder of the
10 person's life.

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

19 (d-3.5) Any person convicted of a fourth or subsequent
20 violation of this Section is guilty of a Class 1 felony, is not
21 eligible for probation or conditional discharge, and must serve
22 a mandatory term of imprisonment, and is eligible for an
23 extended term, if the revocation or suspension was for a
24 violation of Section 9-3 of the Criminal Code of 1961 or the
25 Criminal Code of 2012, relating to the offense of reckless
26 homicide, or a similar out-of-state offense.

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

9 (d-5) Any person convicted of a fifteenth or subsequent
10 violation of this Section is guilty of a Class 2 felony, and is
11 not eligible for probation or conditional discharge, if the
12 revocation or suspension was for a violation of Section 11-401
13 or 11-501 of this Code, or a similar out-of-state offense, or a
14 similar provision of a local ordinance, or a statutory summary
15 suspension or revocation under Section 11-501.1 of this Code.

16 (e) Any person in violation of this Section who is also in
17 violation of Section 7-601 of this Code relating to mandatory
18 insurance requirements, in addition to other penalties imposed
19 under this Section, shall have his or her motor vehicle
20 immediately impounded by the arresting law enforcement
21 officer. The motor vehicle may be released to any licensed
22 driver upon a showing of proof of insurance for the vehicle
23 that was impounded and the notarized written consent for the
24 release by the vehicle owner.

25 (f) For any prosecution under this Section, a certified
26 copy of the driving abstract of the defendant shall be admitted

1 as proof of any prior conviction.

2 (g) The motor vehicle used in a violation of this Section
3 is subject to seizure and forfeiture as provided in Sections
4 36-1 and 36-2 of the Criminal Code of 2012 if the person's
5 driving privilege was revoked or suspended as a result of:

6 (1) a violation of Section 11-501 of this Code, a
7 similar provision of a local ordinance, or a similar
8 provision of a law of another state;

9 (2) a violation of paragraph (b) of Section 11-401 of
10 this Code, a similar provision of a local ordinance, or a
11 similar provision of a law of another state;

12 (3) a statutory summary suspension or revocation under
13 Section 11-501.1 of this Code or a similar provision of a
14 law of another state; or

15 (4) a violation of Section 9-3 of the Criminal Code of
16 1961 or the Criminal Code of 2012 relating to the offense
17 of reckless homicide, or a similar provision of a law of
18 another state.

19 (Source: P.A. 96-502, eff. 1-1-10; 96-607, eff. 8-24-09;
20 96-1000, eff. 7-2-10; 96-1344, eff. 7-1-11; 97-984, eff.
21 1-1-13; 97-1150, eff. 1-25-13.)