



Sen. Chapin Rose

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09800SB1735sam001

LRB098 07703 MLW 44621 a

1 AMENDMENT TO SENATE BILL 1735

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1735 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by  
5 changing 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

1 driving permit, family financial responsibility driving  
2 permit, probationary license to drive, or a restricted driving  
3 permit issued pursuant to this Code or under the law of another  
4 state, shall be guilty of a Class A misdemeanor.

5 (a-3) A second or subsequent violation of subsection (a) of  
6 this Section is a Class 4 felony, if committed by a person  
7 whose driving or operation of a motor vehicle is the proximate  
8 cause of a motor vehicle accident that causes personal injury  
9 or death to another. For purposes of this subsection, a  
10 personal injury includes any Type A injury as indicated on the  
11 traffic accident report completed by a law enforcement officer  
12 that requires immediate professional attention in either a  
13 doctor's office or a medical facility. A Type A injury includes  
14 severe bleeding wounds, distorted extremities, and injuries  
15 that require the injured party to be carried from the scene.

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

1 (b) (Blank).

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

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

26 (b-3) (Blank).

1           (b-4) When the Secretary of State receives a report of a  
2 conviction of any violation indicating a person was operating a  
3 motor vehicle that was not equipped with an ignition interlock  
4 device during a time when the person was prohibited from  
5 operating a motor vehicle not equipped with such a device, the  
6 Secretary shall not issue a driver's license to that person for  
7 an additional period of one year from the date of the  
8 conviction.

9           (b-5) Any person convicted of violating this Section shall  
10 serve a minimum term of imprisonment of 30 consecutive days or  
11 300 hours of community service when the person's driving  
12 privilege was revoked or suspended as a result of a violation  
13 of Section 9-3 of the Criminal Code of 1961 or the Criminal  
14 Code of 2012, relating to the offense of reckless homicide, or  
15 a similar provision of a law of another state.

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

24           (c) Except as provided in subsections (c-3) and (c-4), any  
25 person convicted of violating this Section shall serve a  
26 minimum term of imprisonment of 10 consecutive days or 30 days

1 of community service when the person's driving privilege was  
2 revoked or suspended as a result of:

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

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

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

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

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

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

23 (1) Seizure of the license plates of the person's  
24 vehicle.

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

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

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

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

19           (d) Any person convicted of a second violation of this  
20 Section shall be guilty of a Class 4 felony and shall serve a  
21 minimum term of imprisonment of 30 days or 300 hours of  
22 community service, as determined by the court, if the original  
23 revocation or suspension was for a violation of Section 11-401  
24 or 11-501 of this Code, or a similar out-of-state offense, or a  
25 similar provision of a local ordinance, or a statutory summary  
26 suspension or revocation under Section 11-501.1 of this Code.

1 (d-1) Except as provided in subsections (d-2), (d-2.5), and  
2 (d-3), any person convicted of a third or subsequent violation  
3 of this Section shall serve a minimum term of imprisonment of  
4 30 days or 300 hours of community service, as determined by the  
5 court.

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

13 (d-2.5) Any person convicted of a third violation of this  
14 Section is guilty of a Class 1 felony, is not eligible for  
15 probation or conditional discharge, and must serve a mandatory  
16 term of imprisonment if the revocation or suspension was for a  
17 violation of Section 9-3 of the Criminal Code of 1961 or the  
18 Criminal Code of 2012, relating to the offense of reckless  
19 homicide, or a similar out-of-state offense. The person's  
20 driving privileges shall be revoked for the remainder of the  
21 person's life.

22 (d-3) Any person convicted of a fourth, fifth, sixth,  
23 seventh, eighth, or ninth violation of this Section is guilty  
24 of a Class 4 felony and must serve a minimum term of  
25 imprisonment of 180 days if the revocation or suspension was  
26 for a violation of Section 11-401 or 11-501 of this Code, or a

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

4 (d-3.5) Any person convicted of a fourth or subsequent  
5 violation of this Section is guilty of a Class 1 felony, is not  
6 eligible for probation or conditional discharge, and must serve  
7 a mandatory term of imprisonment, and is eligible for an  
8 extended term, if the revocation or suspension was for a  
9 violation of Section 9-3 of the Criminal Code of 1961 or the  
10 Criminal Code of 2012, relating to the offense of reckless  
11 homicide, or a similar out-of-state offense.

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

20 (d-5) Any person convicted of a fifteenth or subsequent  
21 violation of this Section is guilty of a Class 2 felony, and is  
22 not eligible for probation or conditional discharge, if the  
23 revocation or suspension was for a violation of Section 11-401  
24 or 11-501 of this Code, or a similar out-of-state offense, or a  
25 similar provision of a local ordinance, or a statutory summary  
26 suspension or revocation under Section 11-501.1 of this Code.



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

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

13           (g) The motor vehicle used in a violation of this Section  
14 is subject to seizure and forfeiture as provided in Sections  
15 36-1 and 36-2 of the Criminal Code of 2012 if the person's  
16 driving privilege was revoked or suspended as a result of:

17           (1) a violation of Section 11-501 of this Code, a  
18 similar provision of a local ordinance, or a similar  
19 provision of a law of another state;

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

23           (3) a statutory summary suspension or revocation under  
24 Section 11-501.1 of this Code or a similar provision of a  
25 law of another state; or

26           (4) a violation of Section 9-3 of the Criminal Code of

1           1961 or the Criminal Code of 2012 relating to the offense  
2           of reckless homicide, or a similar provision of a law of  
3           another state.

4           (Source: P.A. 96-502, eff. 1-1-10; 96-607, eff. 8-24-09;  
5           96-1000, eff. 7-2-10; 96-1344, eff. 7-1-11; 97-984, eff.  
6           1-1-13; 97-1150, eff. 1-25-13.)".