

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 6-303 and 11-501 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-5) Any person who violates this Section as provided in
22 subsection (a) while his or her driver's license, permit or
23 privilege is revoked because of a violation of Section 9-3 of

1 the Criminal Code of 1961 or the Criminal Code of 2012,
2 relating to the offense of reckless homicide or a similar
3 provision of a law of another state, is guilty of a Class 4
4 felony. The person shall be required to undergo a professional
5 evaluation, as provided in Section 11-501 of this Code, to
6 determine if an alcohol, drug, or intoxicating compound problem
7 exists and the extent of the problem, and to undergo the
8 imposition of treatment as appropriate.

9 (a-10) A person's driver's license, permit, or privilege to
10 obtain a driver's license or permit may be subject to multiple
11 revocations, multiple suspensions, or any combination of both
12 simultaneously. No revocation or suspension shall serve to
13 negate, invalidate, cancel, postpone, or in any way lessen the
14 effect of any other revocation or suspension entered prior or
15 subsequent to any other revocation or suspension.

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:

5 (1) the current violation occurred when the person's
6 driver's license was suspended or revoked ~~the revocation or~~
7 ~~suspension was~~ for a violation of Section 9-3 of the
8 Criminal Code of 1961 or the Criminal Code of 2012,
9 relating to the offense of reckless homicide, or a similar
10 out-of-state offense; and

11 (2) the prior conviction under this Section occurred
12 while the person's driver's license was suspended or
13 revoked for a violation of Section 9-3 of the Criminal Code
14 of 1961 or the Criminal Code of 2012 relating to the
15 offense of reckless homicide, or a similar out-of-state
16 offense, or was suspended or revoked for a violation of
17 Section 11-401 or 11-501 of this Code, a similar
18 out-of-state offense, a similar provision of a local
19 ordinance, or a statutory summary suspension or revocation
20 under Section 11-501.1 of this Code.

21 (d) Any person convicted of a second violation of this
22 Section shall be guilty of a Class 4 felony and shall serve a
23 minimum term of imprisonment of 30 days or 300 hours of
24 community service, as determined by the court, if:

25 (1) the current violation occurred when the person's
26 driver's license was suspended or revoked ~~the original~~

1 ~~revocation or suspension was~~ for a violation of Section
2 11-401 or 11-501 of this Code, ~~or~~ a similar out-of-state
3 offense, ~~or~~ a similar provision of a local ordinance, or a
4 statutory summary suspension or revocation under Section
5 11-501.1 of this Code; and

6 (2) the prior conviction under this Section occurred
7 while the person's driver's license was suspended or
8 revoked for a violation of Section 11-401 or 11-501 of this
9 Code, a similar out-of-state offense, a similar provision
10 of a local ordinance, or a statutory summary suspension or
11 revocation under Section 11-501.1 of this Code, or for a
12 violation of Section 9-3 of the Criminal Code of 1961 or
13 the Criminal Code of 2012, relating to the offense of
14 reckless homicide, or a similar out-of-state offense.

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

20 (d-2) Any person convicted of a third violation of this
21 Section is guilty of a Class 4 felony and must serve a minimum
22 term of imprisonment of 30 days, if:

23 (1) the current violation occurred when the person's
24 driver's license was suspended or revoked ~~the revocation or~~
25 ~~suspension was~~ for a violation of Section 11-401 or 11-501
26 of this Code, or a similar out-of-state offense, or a

1 similar provision of a local ordinance, or a statutory
2 summary suspension or revocation under Section 11-501.1 of
3 this Code; and

4 (2) the prior convictions under this Section occurred
5 while the person's driver's license was suspended or
6 revoked for a violation of Section 11-401 or 11-501 of this
7 Code, a similar out-of-state offense, a similar provision
8 of a local ordinance, or a statutory summary suspension or
9 revocation under Section 11-501.1 of this Code, or for a
10 violation of Section 9-3 of the Criminal Code of 1961 or
11 the Criminal Code of 2012, relating to the offense of
12 reckless homicide, or a similar out-of-state offense.

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:

17 (1) the current violation occurred while the person's
18 driver's license was suspended or revoked ~~the revocation or~~
19 ~~suspension was~~ for a violation of Section 9-3 of the
20 Criminal Code of 1961 or the Criminal Code of 2012,
21 relating to the offense of reckless homicide, or a similar
22 out-of-state offense. The person's driving privileges
23 shall be revoked for the remainder of the person's life; i
24 and

25 (2) the prior convictions under this Section occurred
26 while the person's driver's license was suspended or

1 revoked for a violation of Section 9-3 of the Criminal Code
2 of 1961 or the Criminal Code of 2012, relating to the
3 offense of reckless homicide, or a similar out-of-state
4 offense, or was suspended or revoked for a violation of
5 Section 11-401 or 11-501 of this Code, a similar
6 out-of-state offense, 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-3) Any person convicted of a fourth, fifth, sixth,
10 seventh, eighth, or ninth violation of this Section is guilty
11 of a Class 4 felony and must serve a minimum term of
12 imprisonment of 180 days, if:

13 (1) the current violation occurred when the person's
14 driver's license was suspended or revoked ~~the revocation or~~
15 ~~suspension was~~ for a violation of Section 11-401 or 11-501
16 of this Code, ~~or~~ a similar out-of-state offense, ~~or~~ a
17 similar provision of a local ordinance, or a statutory
18 summary suspension or revocation under Section 11-501.1 of
19 this Code; and

20 (2) the prior convictions under this Section occurred
21 while the person's driver's license was suspended or
22 revoked for a violation of Section 11-401 or 11-501 of this
23 Code, a similar out-of-state offense, a similar provision
24 of a local ordinance, or a statutory summary suspension or
25 revocation under Section 11-501.1 of this Code, or for a
26 violation of Section 9-3 of the Criminal Code of 1961 or

1 the Criminal Code of 2012, relating to the offense of
2 reckless homicide, or a similar out-of-state offense.

3 (d-3.5) Any person convicted of a fourth or subsequent
4 violation of this Section is guilty of a Class 1 felony, is not
5 eligible for probation or conditional discharge, and must serve
6 a mandatory term of imprisonment, and is eligible for an
7 extended term, if:

8 (1) the current violation occurred when the person's
9 driver's license was suspended or revoked ~~the revocation or~~
10 ~~suspension was~~ for a violation of Section 9-3 of the
11 Criminal Code of 1961 or the Criminal Code of 2012,
12 relating to the offense of reckless homicide, or a similar
13 out-of-state offense; and

14 (2) the prior convictions under this Section occurred
15 while the person's driver's license was suspended or
16 revoked for a violation of Section 9-3 of the Criminal Code
17 of 1961 or the Criminal Code of 2012, relating to the
18 offense of reckless homicide, or a similar out-of-state
19 offense, or was suspended or revoked for a violation of
20 Section 11-401 or 11-501 of this Code, a similar
21 out-of-state offense, a similar provision of a local
22 ordinance, or a statutory summary suspension or revocation
23 under Section 11-501.1 of this Code.

24 (d-4) Any person convicted of a tenth, eleventh, twelfth,
25 thirteenth, or fourteenth violation of this Section is guilty
26 of a Class 3 felony, and is not eligible for probation or

1 conditional discharge, if:

2 (1) the current violation occurred when the person's
3 driver's license was suspended or revoked ~~the revocation or~~
4 ~~suspension was~~ for a violation of Section 11-401 or 11-501
5 of this Code, or a similar out-of-state offense, or a
6 similar provision of a local ordinance, or a statutory
7 summary suspension or revocation under Section 11-501.1 of
8 this Code; and

9 (2) the prior convictions under this Section occurred
10 while the person's driver's license was suspended or
11 revoked for a violation of Section 11-401 or 11-501 of this
12 Code, a similar out-of-state offense, a similar provision
13 of a local ordinance, or a statutory suspension or
14 revocation under Section 11-501.1 of this Code, or for a
15 violation of Section 9-3 of the Criminal Code of 1961 or
16 the Criminal Code of 2012, relating to the offense of
17 reckless homicide, or a similar out-of-state offense.

18 (d-5) Any person convicted of a fifteenth or subsequent
19 violation of this Section is guilty of a Class 2 felony, and is
20 not eligible for probation or conditional discharge, if:

21 (1) the current violation occurred when the person's
22 driver's license was suspended or revoked ~~the revocation or~~
23 ~~suspension was~~ for a violation of Section 11-401 or 11-501
24 of this Code, or a similar out-of-state offense, or a
25 similar provision of a local ordinance, or a statutory
26 summary suspension or revocation under Section 11-501.1 of

1 this Code; and

2 (2) the prior convictions under this Section occurred
3 while the person's driver's license was suspended or
4 revoked for a violation of Section 11-401 or 11-501 of this
5 Code, a similar out-of-state offense, a similar provision
6 of a local ordinance, or a statutory summary suspension or
7 revocation under Section 11-501.1 of this Code, or for a
8 violation of Section 9-3 of the Criminal Code of 1961 or
9 the Criminal Code of 2012, relating to the offense of
10 reckless homicide, or a similar out-of-state offense.

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

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

23 (g) The motor vehicle used in a violation of this Section
24 is subject to seizure and forfeiture as provided in Sections
25 36-1 and 36-2 of the Criminal Code of 2012 if the person's
26 driving privilege was revoked or suspended as a result of:

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

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

7 (3) a statutory summary suspension or revocation under
8 Section 11-501.1 of this Code or a similar provision of a
9 law of another state; or

10 (4) a violation of Section 9-3 of the Criminal Code of
11 1961 or the Criminal Code of 2012 relating to the offense
12 of reckless homicide, or a similar provision of a law of
13 another state.

14 (Source: P.A. 96-502, eff. 1-1-10; 96-607, eff. 8-24-09;
15 96-1000, eff. 7-2-10; 96-1344, eff. 7-1-11; 97-984, eff.
16 1-1-13; 97-1150, eff. 1-25-13.)

17 (625 ILCS 5/11-501) (from Ch. 95 1/2, par. 11-501)

18 Sec. 11-501. Driving while under the influence of alcohol,
19 other drug or drugs, intoxicating compound or compounds or any
20 combination thereof.

21 (a) A person shall not drive or be in actual physical
22 control of any vehicle within this State while:

23 (1) the alcohol concentration in the person's blood or
24 breath is 0.08 or more based on the definition of blood and
25 breath units in Section 11-501.2;

1 (2) under the influence of alcohol;

2 (3) under the influence of any intoxicating compound or
3 combination of intoxicating compounds to a degree that
4 renders the person incapable of driving safely;

5 (4) under the influence of any other drug or
6 combination of drugs to a degree that renders the person
7 incapable of safely driving;

8 (5) under the combined influence of alcohol, other drug
9 or drugs, or intoxicating compound or compounds to a degree
10 that renders the person incapable of safely driving; or

11 (6) there is any amount of a drug, substance, or
12 compound in the person's breath, blood, or urine resulting
13 from the unlawful use or consumption of cannabis listed in
14 the Cannabis Control Act, a controlled substance listed in
15 the Illinois Controlled Substances Act, an intoxicating
16 compound listed in the Use of Intoxicating Compounds Act,
17 or methamphetamine as listed in the Methamphetamine
18 Control and Community Protection Act.

19 (b) The fact that any person charged with violating this
20 Section is or has been legally entitled to use alcohol, other
21 drug or drugs, or intoxicating compound or compounds, or any
22 combination thereof, shall not constitute a defense against any
23 charge of violating this Section.

24 (c) Penalties.

25 (1) Except as otherwise provided in this Section, any
26 person convicted of violating subsection (a) of this

1 Section is guilty of a Class A misdemeanor.

2 (2) A person who violates subsection (a) or a similar
3 provision a second time shall be sentenced to a mandatory
4 minimum term of either 5 days of imprisonment or 240 hours
5 of community service in addition to any other criminal or
6 administrative sanction.

7 (3) A person who violates subsection (a) is subject to
8 6 months of imprisonment, an additional mandatory minimum
9 fine of \$1,000, and 25 days of community service in a
10 program benefiting children if the person was transporting
11 a person under the age of 16 at the time of the violation.

12 (4) A person who violates subsection (a) a first time,
13 if the alcohol concentration in his or her blood, breath,
14 or urine was 0.16 or more based on the definition of blood,
15 breath, or urine units in Section 11-501.2, shall be
16 subject, in addition to any other penalty that may be
17 imposed, to a mandatory minimum of 100 hours of community
18 service and a mandatory minimum fine of \$500.

19 (5) A person who violates subsection (a) a second time,
20 if at the time of the second violation the alcohol
21 concentration in his or her blood, breath, or urine was
22 0.16 or more based on the definition of blood, breath, or
23 urine units in Section 11-501.2, shall be subject, in
24 addition to any other penalty that may be imposed, to a
25 mandatory minimum of 2 days of imprisonment and a mandatory
26 minimum fine of \$1,250.

1 (d) Aggravated driving under the influence of alcohol,
2 other drug or drugs, or intoxicating compound or compounds, or
3 any combination thereof.

4 (1) Every person convicted of committing a violation of
5 this Section shall be guilty of aggravated driving under
6 the influence of alcohol, other drug or drugs, or
7 intoxicating compound or compounds, or any combination
8 thereof if:

9 (A) the person committed a violation of subsection
10 (a) or a similar provision for the third or subsequent
11 time;

12 (B) the person committed a violation of subsection
13 (a) while driving a school bus with one or more
14 passengers ~~persons 18 years of age or younger~~ on board;

15 (C) the person in committing a violation of
16 subsection (a) was involved in a motor vehicle accident
17 that resulted in great bodily harm or permanent
18 disability or disfigurement to another, when the
19 violation was a proximate cause of the injuries;

20 (D) the person committed a violation of subsection
21 (a) and has been previously convicted of violating
22 Section 9-3 of the Criminal Code of 1961 or the
23 Criminal Code of 2012 or a similar provision of a law
24 of another state relating to reckless homicide in which
25 the person was determined to have been under the
26 influence of alcohol, other drug or drugs, or

1 intoxicating compound or compounds as an element of the
2 offense or the person has previously been convicted
3 under subparagraph (C) or subparagraph (F) of this
4 paragraph (1);

5 (E) the person, in committing a violation of
6 subsection (a) while driving at any speed in a school
7 speed zone at a time when a speed limit of 20 miles per
8 hour was in effect under subsection (a) of Section
9 11-605 of this Code, was involved in a motor vehicle
10 accident that resulted in bodily harm, other than great
11 bodily harm or permanent disability or disfigurement,
12 to another person, when the violation of subsection (a)
13 was a proximate cause of the bodily harm;

14 (F) the person, in committing a violation of
15 subsection (a), was involved in a motor vehicle,
16 snowmobile, all-terrain vehicle, or watercraft
17 accident that resulted in the death of another person,
18 when the violation of subsection (a) was a proximate
19 cause of the death;

20 (G) the person committed a violation of subsection
21 (a) during a period in which the defendant's driving
22 privileges are revoked or suspended, where the
23 revocation or suspension was for a violation of
24 subsection (a) or a similar provision, Section
25 11-501.1, paragraph (b) of Section 11-401, or for
26 reckless homicide as defined in Section 9-3 of the

1 Criminal Code of 1961 or the Criminal Code of 2012;

2 (H) the person committed the violation while he or
3 she did not possess a driver's license or permit or a
4 restricted driving permit or a judicial driving permit
5 or a monitoring device driving permit;

6 (I) the person committed the violation while he or
7 she knew or should have known that the vehicle he or
8 she was driving was not covered by a liability
9 insurance policy;

10 (J) the person in committing a violation of
11 subsection (a) was involved in a motor vehicle accident
12 that resulted in bodily harm, but not great bodily
13 harm, to the child under the age of 16 being
14 transported by the person, if the violation was the
15 proximate cause of the injury; ~~or~~

16 (K) the person in committing a second violation of
17 subsection (a) or a similar provision was transporting
18 a person under the age of 16; or ~~or~~

19 (L) the person committed a violation of subsection
20 (a) of this Section while transporting one or more
21 passengers in a vehicle for-hire.

22 (2) (A) Except as provided otherwise, a person
23 convicted of aggravated driving under the influence of
24 alcohol, other drug or drugs, or intoxicating compound or
25 compounds, or any combination thereof is guilty of a Class
26 4 felony.

1 (B) A third violation of this Section or a similar
2 provision is a Class 2 felony. If at the time of the third
3 violation the alcohol concentration in his or her blood,
4 breath, or urine was 0.16 or more based on the definition
5 of blood, breath, or urine units in Section 11-501.2, a
6 mandatory minimum of 90 days of imprisonment and a
7 mandatory minimum fine of \$2,500 shall be imposed in
8 addition to any other criminal or administrative sanction.
9 If at the time of the third violation, the defendant was
10 transporting a person under the age of 16, a mandatory fine
11 of \$25,000 and 25 days of community service in a program
12 benefiting children shall be imposed in addition to any
13 other criminal or administrative sanction.

14 (C) A fourth violation of this Section or a similar
15 provision is a Class 2 felony, for which a sentence of
16 probation or conditional discharge may not be imposed. If
17 at the time of the violation, the alcohol concentration in
18 the defendant's blood, breath, or urine was 0.16 or more
19 based on the definition of blood, breath, or urine units in
20 Section 11-501.2, a mandatory minimum fine of \$5,000 shall
21 be imposed in addition to any other criminal or
22 administrative sanction. If at the time of the fourth
23 violation, the defendant was transporting a person under
24 the age of 16 a mandatory fine of \$25,000 and 25 days of
25 community service in a program benefiting children shall be
26 imposed in addition to any other criminal or administrative

1 sanction.

2 (D) A fifth violation of this Section or a similar
3 provision is a Class 1 felony, for which a sentence of
4 probation or conditional discharge may not be imposed. If
5 at the time of the violation, the alcohol concentration in
6 the defendant's blood, breath, or urine was 0.16 or more
7 based on the definition of blood, breath, or urine units in
8 Section 11-501.2, a mandatory minimum fine of \$5,000 shall
9 be imposed in addition to any other criminal or
10 administrative sanction. If at the time of the fifth
11 violation, the defendant was transporting a person under
12 the age of 16, a mandatory fine of \$25,000, and 25 days of
13 community service in a program benefiting children shall be
14 imposed in addition to any other criminal or administrative
15 sanction.

16 (E) A sixth or subsequent violation of this Section or
17 similar provision is a Class X felony. If at the time of
18 the violation, the alcohol concentration in the
19 defendant's blood, breath, or urine was 0.16 or more based
20 on the definition of blood, breath, or urine units in
21 Section 11-501.2, a mandatory minimum fine of \$5,000 shall
22 be imposed in addition to any other criminal or
23 administrative sanction. If at the time of the violation,
24 the defendant was transporting a person under the age of
25 16, a mandatory fine of \$25,000 and 25 days of community
26 service in a program benefiting children shall be imposed

1 in addition to any other criminal or administrative
2 sanction.

3 (F) For a violation of subparagraph (C) of paragraph
4 (1) of this subsection (d), the defendant, if sentenced to
5 a term of imprisonment, shall be sentenced to not less than
6 one year nor more than 12 years.

7 (G) A violation of subparagraph (F) of paragraph (1) of
8 this subsection (d) is a Class 2 felony, for which the
9 defendant, unless the court determines that extraordinary
10 circumstances exist and require probation, shall be
11 sentenced to: (i) a term of imprisonment of not less than 3
12 years and not more than 14 years if the violation resulted
13 in the death of one person; or (ii) a term of imprisonment
14 of not less than 6 years and not more than 28 years if the
15 violation resulted in the deaths of 2 or more persons.

16 (H) For a violation of subparagraph (J) of paragraph
17 (1) of this subsection (d), a mandatory fine of \$2,500, and
18 25 days of community service in a program benefiting
19 children shall be imposed in addition to any other criminal
20 or administrative sanction.

21 (I) A violation of subparagraph (K) of paragraph (1) of
22 this subsection (d), is a Class 2 felony and a mandatory
23 fine of \$2,500, and 25 days of community service in a
24 program benefiting children shall be imposed in addition to
25 any other criminal or administrative sanction. If the child
26 being transported suffered bodily harm, but not great

1 bodily harm, in a motor vehicle accident, and the violation
2 was the proximate cause of that injury, a mandatory fine of
3 \$5,000 and 25 days of community service in a program
4 benefiting children shall be imposed in addition to any
5 other criminal or administrative sanction.

6 (J) A violation of subparagraph (D) of paragraph (1) of
7 this subsection (d) is a Class 3 felony, for which a
8 sentence of probation or conditional discharge may not be
9 imposed.

10 (3) Any person sentenced under this subsection (d) who
11 receives a term of probation or conditional discharge must
12 serve a minimum term of either 480 hours of community
13 service or 10 days of imprisonment as a condition of the
14 probation or conditional discharge in addition to any other
15 criminal or administrative sanction.

16 (e) Any reference to a prior violation of subsection (a) or
17 a similar provision includes any violation of a provision of a
18 local ordinance or a provision of a law of another state or an
19 offense committed on a military installation that is similar to
20 a violation of subsection (a) of this Section.

21 (f) The imposition of a mandatory term of imprisonment or
22 assignment of community service for a violation of this Section
23 shall not be suspended or reduced by the court.

24 (g) Any penalty imposed for driving with a license that has
25 been revoked for a previous violation of subsection (a) of this
26 Section shall be in addition to the penalty imposed for any

1 subsequent violation of subsection (a).

2 (h) For any prosecution under this Section, a certified
3 copy of the driving abstract of the defendant shall be admitted
4 as proof of any prior conviction.

5 (Source: P.A. 96-289, eff. 8-11-09; 97-1150, eff. 1-25-13.)

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.