



Rep. Pamela Reaves-Harris

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09900HB2555ham001

LRB099 03824 RJF 32806 a

1 AMENDMENT TO HOUSE BILL 2555

2 AMENDMENT NO. _____. Amend House Bill 2555 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Identification Act is amended by
5 changing Section 5 as follows:

6 (20 ILCS 2630/5) (from Ch. 38, par. 206-5)

7 Sec. 5. Arrest reports. All policing bodies of this State
8 shall furnish to the Department, daily, in the form and detail
9 the Department requires, fingerprints, descriptions, and
10 ethnic and racial background data as provided in Section 4.5 of
11 this Act of all persons who are arrested on charges of
12 violating any penal statute of this State for offenses that are
13 classified as felonies and Class A or B misdemeanors and of all
14 minors of the age of 10 and over who have been arrested for an
15 offense which would be a felony if committed by an adult, and
16 may forward such fingerprints and descriptions for minors

1 arrested for Class A or B misdemeanors. Moving or nonmoving
2 traffic violations under the Illinois Vehicle Code shall not be
3 reported except for violations of Chapter 4, Section 11-204.1,
4 ~~or~~ Section 11-501, or Section 11-508 of that Code. In addition,
5 conservation offenses, as defined in the Supreme Court Rule
6 501(c), that are classified as Class B misdemeanors shall not
7 be reported. Those law enforcement records maintained by the
8 Department for minors arrested for an offense prior to their
9 17th birthday, or minors arrested for a non-felony offense, if
10 committed by an adult, prior to their 18th birthday, shall not
11 be forwarded to the Federal Bureau of Investigation unless
12 those records relate to an arrest in which a minor was charged
13 as an adult under any of the transfer provisions of the
14 Juvenile Court Act of 1987.

15 (Source: P.A. 98-528, eff. 1-1-15.)

16 Section 10. The Illinois Vehicle Code is amended by
17 changing Sections 2-118.1, 6-206, 6-208.1, 11-500, 11-501,
18 11-501.01, 11-501.2, 11-501.4, 11-501.4-1, and 11-501.6 and by
19 adding Section 11-508 as follows:

20 (625 ILCS 5/2-118.1) (from Ch. 95 1/2, par. 2-118.1)

21 Sec. 2-118.1. Opportunity for hearing; statutory summary
22 alcohol or other drug related suspension or revocation pursuant
23 to Section 11-501.1.

24 (a) A statutory summary suspension or revocation of driving

1 privileges under Section 11-501.1 shall not become effective
2 until the person is notified in writing of the impending
3 suspension or revocation and informed that he may request a
4 hearing in the circuit court of venue under paragraph (b) of
5 this Section and the statutory summary suspension or revocation
6 shall become effective as provided in Section 11-501.1.

7 (b) Within 90 days after the notice of statutory summary
8 suspension or revocation served under Section 11-501.1, the
9 person may make a written request for a judicial hearing in the
10 circuit court of venue. The request to the circuit court shall
11 state the grounds upon which the person seeks to have the
12 statutory summary suspension or revocation rescinded. Within
13 30 days after receipt of the written request or the first
14 appearance date on the Uniform Traffic Ticket issued pursuant
15 to a violation of Section 11-501, or a similar provision of a
16 local ordinance, the hearing shall be conducted by the circuit
17 court having jurisdiction. This judicial hearing, request, or
18 process shall not stay or delay the statutory summary
19 suspension or revocation. The hearings shall proceed in the
20 court in the same manner as in other civil proceedings.

21 The hearing may be conducted upon a review of the law
22 enforcement officer's own official reports; provided however,
23 that the person may subpoena the officer. Failure of the
24 officer to answer the subpoena shall be considered grounds for
25 a continuance if in the court's discretion the continuance is
26 appropriate.

1 The scope of the hearing shall be limited to the issues of:

2 1. Whether the person was placed under arrest for an
3 offense as defined in Section 11-501, or a similar
4 provision of a local ordinance, as evidenced by the
5 issuance of a Uniform Traffic Ticket, or issued a Uniform
6 Traffic Ticket out of state as provided in subsection (a)
7 of Section 11-501.1; and

8 2. Whether the officer had reasonable grounds to
9 believe that the person was driving or in actual physical
10 control of a motor vehicle upon a highway while under the
11 influence of alcohol, other drug, or combination of both;
12 and

13 3. Whether the person, after being advised by the
14 officer that the privilege to operate a motor vehicle would
15 be suspended or revoked if the person refused to submit to
16 and complete the test or tests, did refuse to submit to or
17 complete the test or tests to determine the person's blood
18 alcohol or drug concentration; or

19 4. Whether the person, after being advised by the
20 officer that the privilege to operate a motor vehicle would
21 be suspended if the person submits to a chemical test, or
22 tests, and the test discloses an alcohol concentration of
23 0.08 or more, or any amount of a drug, substance, or
24 compound in the person's blood or urine after exhibiting
25 other indicia that the person is incapable of driving
26 safely resulting from the unlawful use or consumption of

1 cannabis listed in the Cannabis Control Act, a controlled
2 substance listed in the Illinois Controlled Substances
3 Act, an intoxicating compound as listed in the Use of
4 Intoxicating Compounds Act, or methamphetamine as listed
5 in the Methamphetamine Control and Community Protection
6 Act, and the person did submit to and complete the test or
7 tests that determined an alcohol concentration of 0.08 or
8 more.

9 4.2. (Blank).

10 4.5. (Blank).

11 5. If the person's driving privileges were revoked,
12 whether the person was involved in a motor vehicle accident
13 that caused Type A injury or death to another.

14 Upon the conclusion of the judicial hearing, the circuit
15 court shall sustain or rescind the statutory summary suspension
16 or revocation and immediately notify the Secretary of State.
17 Reports received by the Secretary of State under this Section
18 shall be privileged information and for use only by the courts,
19 police officers, and Secretary of State.

20 (Source: P.A. 98-122, eff. 1-1-14; 98-1172, eff. 1-12-15.)

21 (625 ILCS 5/6-206)

22 Sec. 6-206. Discretionary authority to suspend or revoke
23 license or permit; Right to a hearing.

24 (a) The Secretary of State is authorized to suspend or
25 revoke the driving privileges of any person without preliminary

1 hearing upon a showing of the person's records or other
2 sufficient evidence that the person:

3 1. Has committed an offense for which mandatory
4 revocation of a driver's license or permit is required upon
5 conviction;

6 2. Has been convicted of not less than 3 offenses
7 against traffic regulations governing the movement of
8 vehicles committed within any 12 month period. No
9 revocation or suspension shall be entered more than 6
10 months after the date of last conviction;

11 3. Has been repeatedly involved as a driver in motor
12 vehicle collisions or has been repeatedly convicted of
13 offenses against laws and ordinances regulating the
14 movement of traffic, to a degree that indicates lack of
15 ability to exercise ordinary and reasonable care in the
16 safe operation of a motor vehicle or disrespect for the
17 traffic laws and the safety of other persons upon the
18 highway;

19 4. Has by the unlawful operation of a motor vehicle
20 caused or contributed to an accident resulting in injury
21 requiring immediate professional treatment in a medical
22 facility or doctor's office to any person, except that any
23 suspension or revocation imposed by the Secretary of State
24 under the provisions of this subsection shall start no
25 later than 6 months after being convicted of violating a
26 law or ordinance regulating the movement of traffic, which

1 violation is related to the accident, or shall start not
2 more than one year after the date of the accident,
3 whichever date occurs later;

4 5. Has permitted an unlawful or fraudulent use of a
5 driver's license, identification card, or permit;

6 6. Has been lawfully convicted of an offense or
7 offenses in another state, including the authorization
8 contained in Section 6-203.1, which if committed within
9 this State would be grounds for suspension or revocation;

10 7. Has refused or failed to submit to an examination
11 provided for by Section 6-207 or has failed to pass the
12 examination;

13 8. Is ineligible for a driver's license or permit under
14 the provisions of Section 6-103;

15 9. Has made a false statement or knowingly concealed a
16 material fact or has used false information or
17 identification in any application for a license,
18 identification card, or permit;

19 10. Has possessed, displayed, or attempted to
20 fraudulently use any license, identification card, or
21 permit not issued to the person;

22 11. Has operated a motor vehicle upon a highway of this
23 State when the person's driving privilege or privilege to
24 obtain a driver's license or permit was revoked or
25 suspended unless the operation was authorized by a
26 monitoring device driving permit, judicial driving permit

1 issued prior to January 1, 2009, probationary license to
2 drive, or a restricted driving permit issued under this
3 Code;

4 12. Has submitted to any portion of the application
5 process for another person or has obtained the services of
6 another person to submit to any portion of the application
7 process for the purpose of obtaining a license,
8 identification card, or permit for some other person;

9 13. Has operated a motor vehicle upon a highway of this
10 State when the person's driver's license or permit was
11 invalid under the provisions of Sections 6-107.1 and 6-110;

12 14. Has committed a violation of Section 6-301,
13 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B
14 of the Illinois Identification Card Act;

15 15. Has been convicted of violating Section 21-2 of the
16 Criminal Code of 1961 or the Criminal Code of 2012 relating
17 to criminal trespass to vehicles in which case, the
18 suspension shall be for one year;

19 16. Has been convicted of violating Section 11-204 of
20 this Code relating to fleeing from a peace officer;

21 17. Has refused to submit to a test, or tests, as
22 required under Section 11-501.1 of this Code and the person
23 has not sought a hearing as provided for in Section
24 11-501.1;

25 18. Has, since issuance of a driver's license or
26 permit, been adjudged to be afflicted with or suffering

1 from any mental disability or disease;

2 19. Has committed a violation of paragraph (a) or (b)
3 of Section 6-101 relating to driving without a driver's
4 license;

5 20. Has been convicted of violating Section 6-104
6 relating to classification of driver's license;

7 21. Has been convicted of violating Section 11-402 of
8 this Code relating to leaving the scene of an accident
9 resulting in damage to a vehicle in excess of \$1,000, in
10 which case the suspension shall be for one year;

11 22. Has used a motor vehicle in violating paragraph
12 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
13 the Criminal Code of 1961 or the Criminal Code of 2012
14 relating to unlawful use of weapons, in which case the
15 suspension shall be for one year;

16 23. Has, as a driver, been convicted of committing a
17 violation of paragraph (a) of Section 11-502 of this Code
18 for a second or subsequent time within one year of a
19 similar violation;

20 24. Has been convicted by a court-martial or punished
21 by non-judicial punishment by military authorities of the
22 United States at a military installation in Illinois or in
23 another state of or for a traffic related offense that is
24 the same as or similar to an offense specified under
25 Section 6-205 or 6-206 of this Code;

26 25. Has permitted any form of identification to be used

1 by another in the application process in order to obtain or
2 attempt to obtain a license, identification card, or
3 permit;

4 26. Has altered or attempted to alter a license or has
5 possessed an altered license, identification card, or
6 permit;

7 27. Has violated Section 6-16 of the Liquor Control Act
8 of 1934;

9 28. Has been convicted for a first time of the illegal
10 possession, while operating or in actual physical control,
11 as a driver, of a motor vehicle, of any controlled
12 substance prohibited under the Illinois Controlled
13 Substances Act, any cannabis prohibited under the Cannabis
14 Control Act, or any methamphetamine prohibited under the
15 Methamphetamine Control and Community Protection Act, in
16 which case the person's driving privileges shall be
17 suspended for one year. Any defendant found guilty of this
18 offense while operating a motor vehicle, shall have an
19 entry made in the court record by the presiding judge that
20 this offense did occur while the defendant was operating a
21 motor vehicle and order the clerk of the court to report
22 the violation to the Secretary of State;

23 29. Has been convicted of the following offenses that
24 were committed while the person was operating or in actual
25 physical control, as a driver, of a motor vehicle: criminal
26 sexual assault, predatory criminal sexual assault of a

1 child, aggravated criminal sexual assault, criminal sexual
2 abuse, aggravated criminal sexual abuse, juvenile pimping,
3 soliciting for a juvenile prostitute, promoting juvenile
4 prostitution as described in subdivision (a)(1), (a)(2),
5 or (a)(3) of Section 11-14.4 of the Criminal Code of 1961
6 or the Criminal Code of 2012, and the manufacture, sale or
7 delivery of controlled substances or instruments used for
8 illegal drug use or abuse in which case the driver's
9 driving privileges shall be suspended for one year;

10 30. Has been convicted a second or subsequent time for
11 any combination of the offenses named in paragraph 29 of
12 this subsection, in which case the person's driving
13 privileges shall be suspended for 5 years;

14 31. Has refused to submit to a test as required by
15 Section 11-501.6 of this Code or Section 5-16c of the Boat
16 Registration and Safety Act or has submitted to a test
17 resulting in an alcohol concentration of 0.08 or more or
18 any amount of a drug, substance, or compound after
19 exhibiting other indicia that the person is incapable of
20 driving or operating a motorboat safely resulting from the
21 unlawful use or consumption of cannabis as listed in the
22 Cannabis Control Act, a controlled substance as listed in
23 the Illinois Controlled Substances Act, an intoxicating
24 compound as listed in the Use of Intoxicating Compounds
25 Act, or methamphetamine as listed in the Methamphetamine
26 Control and Community Protection Act, in which case the

1 penalty shall be as prescribed in Section 6-208.1;

2 32. Has been convicted of Section 24-1.2 of the
3 Criminal Code of 1961 or the Criminal Code of 2012 relating
4 to the aggravated discharge of a firearm if the offender
5 was located in a motor vehicle at the time the firearm was
6 discharged, in which case the suspension shall be for 3
7 years;

8 33. Has as a driver, who was less than 21 years of age
9 on the date of the offense, been convicted a first time of
10 a violation of paragraph (a) of Section 11-502 of this Code
11 or a similar provision of a local ordinance;

12 34. Has committed a violation of Section 11-1301.5 of
13 this Code or a similar provision of a local ordinance;

14 35. Has committed a violation of Section 11-1301.6 of
15 this Code or a similar provision of a local ordinance;

16 36. Is under the age of 21 years at the time of arrest
17 and has been convicted of not less than 2 offenses against
18 traffic regulations governing the movement of vehicles
19 committed within any 24 month period. No revocation or
20 suspension shall be entered more than 6 months after the
21 date of last conviction;

22 37. Has committed a violation of subsection (c) of
23 Section 11-907 of this Code that resulted in damage to the
24 property of another or the death or injury of another;

25 38. Has been convicted of a violation of Section 6-20
26 of the Liquor Control Act of 1934 or a similar provision of

1 a local ordinance;

2 39. Has committed a second or subsequent violation of
3 Section 11-1201 of this Code;

4 40. Has committed a violation of subsection (a-1) of
5 Section 11-908 of this Code;

6 41. Has committed a second or subsequent violation of
7 Section 11-605.1 of this Code, a similar provision of a
8 local ordinance, or a similar violation in any other state
9 within 2 years of the date of the previous violation, in
10 which case the suspension shall be for 90 days;

11 42. Has committed a violation of subsection (a-1) of
12 Section 11-1301.3 of this Code or a similar provision of a
13 local ordinance;

14 43. Has received a disposition of court supervision for
15 a violation of subsection (a), (d), or (e) of Section 6-20
16 of the Liquor Control Act of 1934 or a similar provision of
17 a local ordinance, in which case the suspension shall be
18 for a period of 3 months;

19 44. Is under the age of 21 years at the time of arrest
20 and has been convicted of an offense against traffic
21 regulations governing the movement of vehicles after
22 having previously had his or her driving privileges
23 suspended or revoked pursuant to subparagraph 36 of this
24 Section;

25 45. Has, in connection with or during the course of a
26 formal hearing conducted under Section 2-118 of this Code:

1 (i) committed perjury; (ii) submitted fraudulent or
2 falsified documents; (iii) submitted documents that have
3 been materially altered; or (iv) submitted, as his or her
4 own, documents that were in fact prepared or composed for
5 another person;

6 46. Has committed a violation of subsection (j) of
7 Section 3-413 of this Code; or

8 47. Has committed a violation of Section 11-502.1 of
9 this Code.

10 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,
11 and 27 of this subsection, license means any driver's license,
12 any traffic ticket issued when the person's driver's license is
13 deposited in lieu of bail, a suspension notice issued by the
14 Secretary of State, a duplicate or corrected driver's license,
15 a probationary driver's license or a temporary driver's
16 license.

17 (b) If any conviction forming the basis of a suspension or
18 revocation authorized under this Section is appealed, the
19 Secretary of State may rescind or withhold the entry of the
20 order of suspension or revocation, as the case may be, provided
21 that a certified copy of a stay order of a court is filed with
22 the Secretary of State. If the conviction is affirmed on
23 appeal, the date of the conviction shall relate back to the
24 time the original judgment of conviction was entered and the 6
25 month limitation prescribed shall not apply.

26 (c) 1. Upon suspending or revoking the driver's license or

1 permit of any person as authorized in this Section, the
2 Secretary of State shall immediately notify the person in
3 writing of the revocation or suspension. The notice to be
4 deposited in the United States mail, postage prepaid, to the
5 last known address of the person.

6 2. If the Secretary of State suspends the driver's license
7 of a person under subsection 2 of paragraph (a) of this
8 Section, a person's privilege to operate a vehicle as an
9 occupation shall not be suspended, provided an affidavit is
10 properly completed, the appropriate fee received, and a permit
11 issued prior to the effective date of the suspension, unless 5
12 offenses were committed, at least 2 of which occurred while
13 operating a commercial vehicle in connection with the driver's
14 regular occupation. All other driving privileges shall be
15 suspended by the Secretary of State. Any driver prior to
16 operating a vehicle for occupational purposes only must submit
17 the affidavit on forms to be provided by the Secretary of State
18 setting forth the facts of the person's occupation. The
19 affidavit shall also state the number of offenses committed
20 while operating a vehicle in connection with the driver's
21 regular occupation. The affidavit shall be accompanied by the
22 driver's license. Upon receipt of a properly completed
23 affidavit, the Secretary of State shall issue the driver a
24 permit to operate a vehicle in connection with the driver's
25 regular occupation only. Unless the permit is issued by the
26 Secretary of State prior to the date of suspension, the

1 privilege to drive any motor vehicle shall be suspended as set
2 forth in the notice that was mailed under this Section. If an
3 affidavit is received subsequent to the effective date of this
4 suspension, a permit may be issued for the remainder of the
5 suspension period.

6 The provisions of this subparagraph shall not apply to any
7 driver required to possess a CDL for the purpose of operating a
8 commercial motor vehicle.

9 Any person who falsely states any fact in the affidavit
10 required herein shall be guilty of perjury under Section 6-302
11 and upon conviction thereof shall have all driving privileges
12 revoked without further rights.

13 3. At the conclusion of a hearing under Section 2-118 of
14 this Code, the Secretary of State shall either rescind or
15 continue an order of revocation or shall substitute an order of
16 suspension; or, good cause appearing therefor, rescind,
17 continue, change, or extend the order of suspension. If the
18 Secretary of State does not rescind the order, the Secretary
19 may upon application, to relieve undue hardship (as defined by
20 the rules of the Secretary of State), issue a restricted
21 driving permit granting the privilege of driving a motor
22 vehicle between the petitioner's residence and petitioner's
23 place of employment or within the scope of the petitioner's
24 employment related duties, or to allow the petitioner to
25 transport himself or herself, or a family member of the
26 petitioner's household to a medical facility, to receive

1 necessary medical care, to allow the petitioner to transport
2 himself or herself to and from alcohol or drug remedial or
3 rehabilitative activity recommended by a licensed service
4 provider, or to allow the petitioner to transport himself or
5 herself or a family member of the petitioner's household to
6 classes, as a student, at an accredited educational
7 institution, or to allow the petitioner to transport children,
8 elderly persons, or disabled persons who do not hold driving
9 privileges and are living in the petitioner's household to and
10 from daycare. The petitioner must demonstrate that no
11 alternative means of transportation is reasonably available
12 and that the petitioner will not endanger the public safety or
13 welfare. Those multiple offenders identified in subdivision
14 (b)4 of Section 6-208 of this Code, however, shall not be
15 eligible for the issuance of a restricted driving permit.

16 (A) If a person's license or permit is revoked or
17 suspended due to 2 or more convictions of violating Section
18 11-501 of this Code or a similar provision of a local
19 ordinance or a similar out-of-state offense, or Section 9-3
20 of the Criminal Code of 1961 or the Criminal Code of 2012,
21 where the use of alcohol or other drugs is recited as an
22 element of the offense, or a similar out-of-state offense,
23 or a combination of these offenses, arising out of separate
24 occurrences, that person, if issued a restricted driving
25 permit, may not operate a vehicle unless it has been
26 equipped with an ignition interlock device as defined in

1 Section 1-129.1.

2 (B) If a person's license or permit is revoked or
3 suspended 2 or more times within a 10 year period due to
4 any combination of:

5 (i) a single conviction of violating Section
6 11-501 of this Code or a similar provision of a local
7 ordinance or a similar out-of-state offense or Section
8 9-3 of the Criminal Code of 1961 or the Criminal Code
9 of 2012, where the use of alcohol or other drugs is
10 recited as an element of the offense, or a similar
11 out-of-state offense; or

12 (ii) a statutory summary suspension or revocation
13 under Section 11-501.1; or

14 (iii) a suspension under Section 6-203.1;
15 arising out of separate occurrences; that person, if issued
16 a restricted driving permit, may not operate a vehicle
17 unless it has been equipped with an ignition interlock
18 device as defined in Section 1-129.1.

19 (C) The person issued a permit conditioned upon the use
20 of an ignition interlock device must pay to the Secretary
21 of State DUI Administration Fund an amount not to exceed
22 \$30 per month. The Secretary shall establish by rule the
23 amount and the procedures, terms, and conditions relating
24 to these fees.

25 (D) If the restricted driving permit is issued for
26 employment purposes, then the prohibition against

1 operating a motor vehicle that is not equipped with an
2 ignition interlock device does not apply to the operation
3 of an occupational vehicle owned or leased by that person's
4 employer when used solely for employment purposes.

5 (E) In each case the Secretary may issue a restricted
6 driving permit for a period deemed appropriate, except that
7 all permits shall expire within one year from the date of
8 issuance. The Secretary may not, however, issue a
9 restricted driving permit to any person whose current
10 revocation is the result of a second or subsequent
11 conviction for a violation of Section 11-501 of this Code
12 or a similar provision of a local ordinance or any similar
13 out-of-state offense, or Section 9-3 of the Criminal Code
14 of 1961 or the Criminal Code of 2012, where the use of
15 alcohol or other drugs is recited as an element of the
16 offense, or any similar out-of-state offense, or any
17 combination of those offenses, until the expiration of at
18 least one year from the date of the revocation. A
19 restricted driving permit issued under this Section shall
20 be subject to cancellation, revocation, and suspension by
21 the Secretary of State in like manner and for like cause as
22 a driver's license issued under this Code may be cancelled,
23 revoked, or suspended; except that a conviction upon one or
24 more offenses against laws or ordinances regulating the
25 movement of traffic shall be deemed sufficient cause for
26 the revocation, suspension, or cancellation of a

1 restricted driving permit. The Secretary of State may, as a
2 condition to the issuance of a restricted driving permit,
3 require the applicant to participate in a designated driver
4 remedial or rehabilitative program. The Secretary of State
5 is authorized to cancel a restricted driving permit if the
6 permit holder does not successfully complete the program.

7 (c-3) In the case of a suspension under paragraph 43 of
8 subsection (a), reports received by the Secretary of State
9 under this Section shall, except during the actual time the
10 suspension is in effect, be privileged information and for use
11 only by the courts, police officers, prosecuting authorities,
12 the driver licensing administrator of any other state, the
13 Secretary of State, or the parent or legal guardian of a driver
14 under the age of 18. However, beginning January 1, 2008, if the
15 person is a CDL holder, the suspension shall also be made
16 available to the driver licensing administrator of any other
17 state, the U.S. Department of Transportation, and the affected
18 driver or motor carrier or prospective motor carrier upon
19 request.

20 (c-4) In the case of a suspension under paragraph 43 of
21 subsection (a), the Secretary of State shall notify the person
22 by mail that his or her driving privileges and driver's license
23 will be suspended one month after the date of the mailing of
24 the notice.

25 (c-5) The Secretary of State may, as a condition of the
26 reissuance of a driver's license or permit to an applicant

1 whose driver's license or permit has been suspended before he
2 or she reached the age of 21 years pursuant to any of the
3 provisions of this Section, require the applicant to
4 participate in a driver remedial education course and be
5 retested under Section 6-109 of this Code.

6 (d) This Section is subject to the provisions of the
7 Drivers License Compact.

8 (e) The Secretary of State shall not issue a restricted
9 driving permit to a person under the age of 16 years whose
10 driving privileges have been suspended or revoked under any
11 provisions of this Code.

12 (f) In accordance with 49 C.F.R. 384, the Secretary of
13 State may not issue a restricted driving permit for the
14 operation of a commercial motor vehicle to a person holding a
15 CDL whose driving privileges have been suspended, revoked,
16 cancelled, or disqualified under any provisions of this Code.

17 (Source: P.A. 97-229, eff. 7-28-11; 97-333, eff. 8-12-11;
18 97-743, eff. 1-1-13; 97-838, eff. 1-1-13; 97-844, eff. 1-1-13;
19 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-103, eff.
20 1-1-14; 98-122, eff. 1-1-14; 98-726, eff. 1-1-15; 98-756, eff.
21 7-16-14.)

22 (625 ILCS 5/6-208.1) (from Ch. 95 1/2, par. 6-208.1)

23 Sec. 6-208.1. Period of statutory summary alcohol, other
24 drug, or intoxicating compound related suspension or
25 revocation.

1 (a) Unless the statutory summary suspension has been
2 rescinded, any person whose privilege to drive a motor vehicle
3 on the public highways has been summarily suspended, pursuant
4 to Section 11-501.1, shall not be eligible for restoration of
5 the privilege until the expiration of:

6 1. twelve months from the effective date of the
7 statutory summary suspension for a refusal or failure to
8 complete a test or tests to determine the alcohol, other
9 drug, or intoxicating compound concentration under Section
10 11-501.1, if the person was not involved in a motor vehicle
11 accident that caused personal injury or death to another;
12 or

13 2. six months from the effective date of the statutory
14 summary suspension imposed following the person's
15 submission to a chemical test which disclosed an alcohol
16 concentration of 0.08 or more, or any amount of a drug,
17 substance, or intoxicating compound in such person's
18 breath, blood, or urine after exhibiting other indicia that
19 the person is incapable of driving safely resulting from
20 the unlawful use or consumption of cannabis listed in the
21 Cannabis Control Act, a controlled substance listed in the
22 Illinois Controlled Substances Act, an intoxicating
23 compound listed in the Use of Intoxicating Compounds Act,
24 or methamphetamine as listed in the Methamphetamine
25 Control and Community Protection Act, pursuant to Section
26 11-501.1; or

1 3. three years from the effective date of the statutory
2 summary suspension for any person other than a first
3 offender who refuses or fails to complete a test or tests
4 to determine the alcohol, drug, or intoxicating compound
5 concentration pursuant to Section 11-501.1; or

6 4. one year from the effective date of the summary
7 suspension imposed for any person other than a first
8 offender following submission to a chemical test which
9 disclosed an alcohol concentration of 0.08 or more pursuant
10 to Section 11-501.1 or any amount of a drug, substance or
11 compound in such person's blood or urine after exhibiting
12 other indicia that the person is incapable of driving
13 safely resulting from the unlawful use or consumption of
14 cannabis listed in the Cannabis Control Act, a controlled
15 substance listed in the Illinois Controlled Substances
16 Act, an intoxicating compound listed in the Use of
17 Intoxicating Compounds Act, or methamphetamine as listed
18 in the Methamphetamine Control and Community Protection
19 Act; or

20 5. (Blank).

21 (b) Following a statutory summary suspension of the
22 privilege to drive a motor vehicle under Section 11-501.1,
23 driving privileges shall be restored unless the person is
24 otherwise suspended, revoked, or cancelled by this Code. If the
25 court has reason to believe that the person's driving privilege
26 should not be restored, the court shall notify the Secretary of

1 State prior to the expiration of the statutory summary
2 suspension so appropriate action may be taken pursuant to this
3 Code.

4 (c) Driving privileges may not be restored until all
5 applicable reinstatement fees, as provided by this Code, have
6 been paid to the Secretary of State and the appropriate entry
7 made to the driver's record.

8 (d) Where a driving privilege has been summarily suspended
9 or revoked under Section 11-501.1 and the person is
10 subsequently convicted of violating Section 11-501, or a
11 similar provision of a local ordinance, for the same incident,
12 any period served on statutory summary suspension or revocation
13 shall be credited toward the minimum period of revocation of
14 driving privileges imposed pursuant to Section 6-205.

15 (e) A first offender who refused chemical testing and whose
16 driving privileges were summarily revoked pursuant to Section
17 11-501.1 shall not be eligible for a monitoring device driving
18 permit, but may make application for reinstatement or for a
19 restricted driving permit after a period of one year has
20 elapsed from the effective date of the revocation.

21 (f) (Blank).

22 (g) Following a statutory summary suspension of driving
23 privileges pursuant to Section 11-501.1 where the person was
24 not a first offender, as defined in Section 11-500, the
25 Secretary of State may not issue a restricted driving permit.

26 (h) (Blank).

1 (Source: P.A. 97-229, eff. 7-28-11; 98-122, eff. 1-1-14;
2 98-1015, eff. 8-22-14; 98-1172, eff. 1-12-15.)

3 (625 ILCS 5/11-500) (from Ch. 95 1/2, par. 11-500)

4 Sec. 11-500. Definitions. For the purposes of interpreting
5 Sections 6-206.1 and 6-208.1 of this Code, "first offender"
6 shall mean any person who has not had a previous conviction or
7 court assigned supervision for violating Section 11-501, or a
8 similar provision of a local ordinance, or a conviction in any
9 other state for a violation of driving while under the
10 influence or a similar offense where the cause of action is the
11 same or substantially similar to this Code or similar offenses
12 committed on a military installation, or any person who has not
13 had a driver's license suspension pursuant to paragraph 6 of
14 subsection (a) of Section 6-206 as the result of refusal of
15 chemical testing in another state, or any person who has not
16 had a driver's license suspension or revocation for violating
17 Section 11-501.1 within 5 years prior to the date of the
18 current offense, except in cases where the driver submitted to
19 chemical testing resulting in an alcohol concentration of 0.08
20 or more, or any amount of a drug, substance, or compound in
21 such person's blood or urine after exhibiting other indicia
22 that the person is incapable of driving safely resulting from
23 the unlawful use or consumption of cannabis listed in the
24 Cannabis Control Act, a controlled substance listed in the
25 Illinois Controlled Substances Act, or an intoxicating

1 compound listed in the Use of Intoxicating Compounds Act, or
2 methamphetamine as listed in the Methamphetamine Control and
3 Community Protection Act and was subsequently found not guilty
4 of violating Section 11-501, or a similar provision of a local
5 ordinance.

6 (Source: P.A. 95-355, eff. 1-1-08; 96-607, eff. 8-24-09;
7 96-1344, eff. 7-1-11.)

8 (625 ILCS 5/11-501) (from Ch. 95 1/2, par. 11-501)

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

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

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

17 (2) under the influence of alcohol;

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

21 (4) under the influence of any other drug or
22 combination of drugs to a degree that renders the person
23 incapable of safely driving; or

24 (5) under the combined influence of alcohol, other drug
25 or drugs, or intoxicating compound or compounds to a degree

1 that renders the person incapable of safely driving. ~~or~~

2 (6) (blank). ~~there is any amount of a drug, substance,~~
3 ~~or compound in the person's breath, blood, or urine~~
4 ~~resulting from the unlawful use or consumption of cannabis~~
5 ~~listed in the Cannabis Control Act, a controlled substance~~
6 ~~listed in the Illinois Controlled Substances Act, an~~
7 ~~intoxicating compound listed in the Use of Intoxicating~~
8 ~~Compounds Act, or methamphetamine as listed in the~~
9 ~~Methamphetamine Control and Community Protection Act.~~
10 ~~Subject to all other requirements and provisions under this~~
11 ~~Section, this paragraph (6) does not apply to the lawful~~
12 ~~consumption of cannabis by a qualifying patient licensed~~
13 ~~under the Compassionate Use of Medical Cannabis Pilot~~
14 ~~Program Act who is in possession of a valid registry card~~
15 ~~issued under that Act, unless that person is impaired by~~
16 ~~the use of cannabis.~~

17 (b) The fact that any person charged with violating this
18 Section is or has been legally entitled to use alcohol,
19 cannabis under the Compassionate Use of Medical Cannabis Pilot
20 Program Act, other drug or drugs, or intoxicating compound or
21 compounds, or any combination thereof, shall not constitute a
22 defense against any charge of violating this Section.

23 (c) Penalties.

24 (1) Except as otherwise provided in this Section, any
25 person convicted of violating subsection (a) of this
26 Section is guilty of a Class A misdemeanor.

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

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

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

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

26 (d) Aggravated driving under the influence of alcohol,

1 other drug or drugs, or intoxicating compound or compounds, or
2 any combination thereof.

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

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

11 (B) the person committed a violation of subsection
12 (a) while driving a school bus with one or more
13 passengers on board;

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

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

1 offense or the person has previously been convicted
2 under subparagraph (C) or subparagraph (F) of this
3 paragraph (1);

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

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

19 (G) the person committed a violation of subsection
20 (a) during a period in which the defendant's driving
21 privileges are revoked or suspended, where the
22 revocation or suspension was for a violation of
23 subsection (a) or a similar provision, Section
24 11-501.1, paragraph (b) of Section 11-401, or for
25 reckless homicide as defined in Section 9-3 of the
26 Criminal Code of 1961 or the Criminal Code of 2012;

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

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

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

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

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

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

26 (B) A third violation of this Section or a similar

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

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

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

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

1 sanction.

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

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

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

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

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

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

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

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

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

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

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

4 (Source: P.A. 97-1150, eff. 1-25-13; 98-122, eff. 1-1-14;
5 98-573, eff. 8-27-13; 98-756, eff. 7-16-14.)

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 11-508 or a
11 similar provision of a local ordinance, individuals shall be
12 required to undergo a professional evaluation to determine if
13 an 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
24 offered by, or under contract with, a county State's Attorney's
25 office, a probation and court services department, Mothers

1 Against Drunk Driving, or the Alliance Against Intoxicated
2 Motorists. All costs generated by the victim impact panel shall
3 be paid from fees collected from the offender or as may be
4 determined by the court.

5 (c) Every person found guilty of violating Section 11-501,
6 whose operation of a motor vehicle while in violation of that
7 Section proximately caused any incident resulting in an
8 appropriate emergency response, shall be liable for the expense
9 of an emergency response as provided in subsection (i) of this
10 Section.

11 (d) The Secretary of State shall revoke the driving
12 privileges of any person convicted under Section 11-501 or a
13 similar provision of a local ordinance.

14 (e) The Secretary of State shall require the use of
15 ignition interlock devices on all vehicles owned by a person
16 who has been convicted of a second or subsequent offense of
17 Section 11-501 or a similar provision of a local ordinance. The
18 person must pay to the Secretary of State DUI Administration
19 Fund an amount not to exceed \$30 for each month that he or she
20 uses the device. The Secretary shall establish by rule and
21 regulation the procedures for certification and use of the
22 interlock system, the amount of the fee, and the procedures,
23 terms, and conditions relating to these fees.

24 (f) In addition to any other penalties and liabilities, a
25 person who is found guilty of or pleads guilty to violating
26 Section 11-501, including any person placed on court

1 supervision for violating Section 11-501, shall be assessed
2 \$750, payable to the circuit clerk, who shall distribute the
3 money as follows: \$350 to the law enforcement agency that made
4 the arrest, and \$400 shall be forwarded to the State Treasurer
5 for deposit into the General Revenue Fund. If the person has
6 been previously convicted of violating Section 11-501 or a
7 similar provision of a local ordinance, the fine shall be
8 \$1,000, and the circuit clerk shall distribute \$200 to the law
9 enforcement agency that made the arrest and \$800 to the State
10 Treasurer for deposit into the General Revenue Fund. In the
11 event that more than one agency is responsible for the arrest,
12 the amount payable to law enforcement agencies shall be shared
13 equally. Any moneys received by a law enforcement agency under
14 this subsection (f) shall be used for enforcement and
15 prevention of driving while under the influence of alcohol,
16 other drug or drugs, intoxicating compound or compounds or any
17 combination thereof, as defined by Section 11-501 of this Code,
18 including but not limited to the purchase of law enforcement
19 equipment and commodities that will assist in the prevention of
20 alcohol related criminal violence throughout the State; police
21 officer training and education in areas related to alcohol
22 related crime, including but not limited to DUI training; and
23 police officer salaries, including but not limited to salaries
24 for hire back funding for safety checkpoints, saturation
25 patrols, and liquor store sting operations. Any moneys received
26 by the Department of State Police under this subsection (f)

1 shall be deposited into the State Police DUI Fund and shall be
2 used to purchase law enforcement equipment that will assist in
3 the prevention of alcohol related criminal violence throughout
4 the State.

5 (g) The Secretary of State Police DUI Fund is created as a
6 special fund in the State treasury. All moneys received by the
7 Secretary of State Police under subsection (f) of this Section
8 shall be deposited into the Secretary of State Police DUI Fund
9 and, subject to appropriation, shall be used for enforcement
10 and prevention of driving while under the influence of alcohol,
11 other drug or drugs, intoxicating compound or compounds or any
12 combination thereof, as defined by Section 11-501 of this Code,
13 including but not limited to the purchase of law enforcement
14 equipment and commodities to assist in the prevention of
15 alcohol related criminal violence throughout the State; police
16 officer training and education in areas related to alcohol
17 related crime, including but not limited to DUI training; and
18 police officer salaries, including but not limited to salaries
19 for hire back funding for safety checkpoints, saturation
20 patrols, and liquor store sting operations.

21 (h) Whenever an individual is sentenced for an offense
22 based upon an arrest for a violation of Section 11-501 or a
23 similar provision of a local ordinance, and the professional
24 evaluation recommends remedial or rehabilitative treatment or
25 education, neither the treatment nor the education shall be the
26 sole disposition and either or both may be imposed only in

1 conjunction with another disposition. The court shall monitor
2 compliance with any remedial education or treatment
3 recommendations contained in the professional evaluation.
4 Programs conducting alcohol or other drug evaluation or
5 remedial education must be licensed by the Department of Human
6 Services. If the individual is not a resident of Illinois,
7 however, the court may accept an alcohol or other drug
8 evaluation or remedial education program in the individual's
9 state of residence. Programs providing treatment must be
10 licensed under existing applicable alcoholism and drug
11 treatment licensure standards.

12 (i) In addition to any other fine or penalty required by
13 law, an individual convicted of a violation of Section 11-501,
14 Section 5-7 of the Snowmobile Registration and Safety Act,
15 Section 5-16 of the Boat Registration and Safety Act, or a
16 similar provision, whose operation of a motor vehicle,
17 snowmobile, or watercraft while in violation of Section 11-501,
18 Section 5-7 of the Snowmobile Registration and Safety Act,
19 Section 5-16 of the Boat Registration and Safety Act, or a
20 similar provision proximately caused an incident resulting in
21 an appropriate emergency response, shall be required to make
22 restitution to a public agency for the costs of that emergency
23 response. The restitution may not exceed \$1,000 per public
24 agency for each emergency response. As used in this subsection
25 (i), "emergency response" means any incident requiring a
26 response by a police officer, a firefighter carried on the

1 rolls of a regularly constituted fire department, or an
2 ambulance. With respect to funds designated for the Department
3 of State Police, the moneys shall be remitted by the circuit
4 court clerk to the State Police within one month after receipt
5 for deposit into the State Police DUI Fund. With respect to
6 funds designated for the Department of Natural Resources, the
7 Department of Natural Resources shall deposit the moneys into
8 the Conservation Police Operations Assistance Fund.

9 (j) A person that is subject to a chemical test or tests of
10 blood under subsection (a) of Section 11-501.1 or subdivision
11 (c)(2) of Section 11-501.2 of this Code, whether or not that
12 person consents to testing, shall be liable for the expense up
13 to \$500 for blood withdrawal by a physician authorized to
14 practice medicine, a licensed physician assistant, a licensed
15 advanced practice nurse, a registered nurse, a trained
16 phlebotomist, a licensed paramedic, or a qualified person other
17 than a police officer approved by the Department of State
18 Police to withdraw blood, who responds, whether at a law
19 enforcement facility or a health care facility, to a police
20 department request for the drawing of blood based upon refusal
21 of the person to submit to a lawfully requested breath test or
22 probable cause exists to believe the test would disclose the
23 ingestion, consumption, or use of drugs or intoxicating
24 compounds if:

25 (1) the person is found guilty of violating Section
26 11-501 of this Code or a similar provision of a local

1 ordinance; or

2 (2) the person pleads guilty to or stipulates to facts
3 supporting a violation of Section 11-503 of this Code or a
4 similar provision of a local ordinance when the plea or
5 stipulation was the result of a plea agreement in which the
6 person was originally charged with violating Section
7 11-501 of this Code or a similar local ordinance.

8 (Source: P.A. 97-931, eff. 1-1-13; 97-1050, eff. 1-1-13;
9 98-292, eff. 1-1-14; 98-463, eff. 8-16-13; 98-973, eff.
10 8-15-14.)

11 (625 ILCS 5/11-501.2) (from Ch. 95 1/2, par. 11-501.2)
12 Sec. 11-501.2. Chemical and other tests.

13 (a) Upon the trial of any civil or criminal action or
14 proceeding arising out of an arrest for an offense as defined
15 in Section 11-501, 11-508, or a similar local ordinance or
16 proceedings pursuant to Section 2-118.1, evidence of the
17 concentration of alcohol, other drug or drugs, or intoxicating
18 compound or compounds, or any combination thereof in a person's
19 blood or breath at the time alleged, as determined by analysis
20 of the person's blood, urine, breath or other bodily substance,
21 shall be admissible. Where such test is made the following
22 provisions shall apply:

23 1. Chemical analyses of the person's blood, urine,
24 breath or other bodily substance to be considered valid
25 under the provisions of this Section shall have been

1 performed according to standards promulgated by the
2 Department of State Police by a licensed physician,
3 registered nurse, trained phlebotomist, licensed
4 paramedic, or other individual possessing a valid permit
5 issued by that Department for this purpose. The Director of
6 State Police is authorized to approve satisfactory
7 techniques or methods, to ascertain the qualifications and
8 competence of individuals to conduct such analyses, to
9 issue permits which shall be subject to termination or
10 revocation at the discretion of that Department and to
11 certify the accuracy of breath testing equipment. The
12 Department of State Police shall prescribe regulations as
13 necessary to implement this Section.

14 2. When a person in this State shall submit to a blood
15 test at the request of a law enforcement officer under the
16 provisions of Section 11-501.1, only a physician
17 authorized to practice medicine, a licensed physician
18 assistant, a licensed advanced practice nurse, a
19 registered nurse, trained phlebotomist, or licensed
20 paramedic, or other qualified person approved by the
21 Department of State Police may withdraw blood for the
22 purpose of determining the alcohol, drug, or alcohol and
23 drug content therein. This limitation shall not apply to
24 the taking of breath or urine specimens.

25 When a blood test of a person who has been taken to an
26 adjoining state for medical treatment is requested by an

1 Illinois law enforcement officer, the blood may be
2 withdrawn only by a physician authorized to practice
3 medicine in the adjoining state, a licensed physician
4 assistant, a licensed advanced practice nurse, a
5 registered nurse, a trained phlebotomist acting under the
6 direction of the physician, or licensed paramedic. The law
7 enforcement officer requesting the test shall take custody
8 of the blood sample, and the blood sample shall be analyzed
9 by a laboratory certified by the Department of State Police
10 for that purpose.

11 3. The person tested may have a physician, or a
12 qualified technician, chemist, registered nurse, or other
13 qualified person of their own choosing administer a
14 chemical test or tests in addition to any administered at
15 the direction of a law enforcement officer. The failure or
16 inability to obtain an additional test by a person shall
17 not preclude the admission of evidence relating to the test
18 or tests taken at the direction of a law enforcement
19 officer.

20 4. Upon the request of the person who shall submit to a
21 chemical test or tests at the request of a law enforcement
22 officer, full information concerning the test or tests
23 shall be made available to the person or such person's
24 attorney.

25 5. Alcohol concentration shall mean either grams of
26 alcohol per 100 milliliters of blood or grams of alcohol

1 per 210 liters of breath.

2 (a-5) Law enforcement officials may use standardized field
3 sobriety tests approved by the National Highway Traffic Safety
4 Administration when conducting investigations of a violation
5 of Section 11-501 or similar local ordinance by drivers
6 suspected of driving under the influence of cannabis. The
7 General Assembly finds that standardized field sobriety tests
8 approved by the National Highway Traffic Safety Administration
9 are divided attention tasks that are intended to determine if a
10 person is under the influence of cannabis. The purpose of these
11 tests is to determine the effect of the use of cannabis on a
12 person's capacity to think and act with ordinary care and
13 therefore operate a motor vehicle safely. Therefore, the
14 results of these standardized field sobriety tests,
15 appropriately administered, shall be admissible in the trial of
16 any civil or criminal action or proceeding arising out of an
17 arrest for a cannabis-related offense as defined in Section
18 11-501 or a similar local ordinance or proceedings under
19 Section 2-118.1 or 2-118.2. Where a test is made the following
20 provisions shall apply:

21 1. The person tested may have a physician, or a
22 qualified technician, chemist, registered nurse, or other
23 qualified person of their own choosing administer a
24 chemical test or tests in addition to the standardized
25 field sobriety test or tests administered at the direction
26 of a law enforcement officer. The failure or inability to

1 obtain an additional test by a person does not preclude the
2 admission of evidence relating to the test or tests taken
3 at the direction of a law enforcement officer.

4 2. Upon the request of the person who shall submit to a
5 standardized field sobriety test or tests at the request of
6 a law enforcement officer, full information concerning the
7 test or tests shall be made available to the person or the
8 person's attorney.

9 3. At the trial of any civil or criminal action or
10 proceeding arising out of an arrest for an offense as
11 defined in Section 11-501 or a similar local ordinance or
12 proceedings under Section 2-118.1 or 2-118.2 in which the
13 results of these standardized field sobriety tests are
14 admitted, the cardholder may present and the trier of fact
15 may consider evidence that the card holder lacked the
16 physical capacity to perform the standardized field
17 sobriety tests.

18 (b) Upon the trial of any civil or criminal action or
19 proceeding arising out of acts alleged to have been committed
20 by any person while driving or in actual physical control of a
21 vehicle while under the influence of alcohol, the concentration
22 of alcohol in the person's blood or breath at the time alleged
23 as shown by analysis of the person's blood, urine, breath, or
24 other bodily substance shall give rise to the following
25 presumptions:

26 1. If there was at that time an alcohol concentration

1 of 0.05 or less, it shall be presumed that the person was
2 not under the influence of alcohol.

3 2. If there was at that time an alcohol concentration
4 in excess of 0.05 but less than 0.08, such facts shall not
5 give rise to any presumption that the person was or was not
6 under the influence of alcohol, but such fact may be
7 considered with other competent evidence in determining
8 whether the person was under the influence of alcohol.

9 3. If there was at that time an alcohol concentration
10 of 0.08 or more, it shall be presumed that the person was
11 under the influence of alcohol.

12 4. The foregoing provisions of this Section shall not
13 be construed as limiting the introduction of any other
14 relevant evidence bearing upon the question whether the
15 person was under the influence of alcohol.

16 (c) 1. If a person under arrest refuses to submit to a
17 chemical test under the provisions of Section 11-501.1,
18 evidence of refusal shall be admissible in any civil or
19 criminal action or proceeding arising out of acts alleged to
20 have been committed while the person under the influence of
21 alcohol, other drug or drugs, or intoxicating compound or
22 compounds, or any combination thereof was driving or in actual
23 physical control of a motor vehicle.

24 2. Notwithstanding any ability to refuse under this Code to
25 submit to these tests or any ability to revoke the implied
26 consent to these tests, if a law enforcement officer has

1 probable cause to believe that a motor vehicle driven by or in
2 actual physical control of a person under the influence of
3 alcohol, other drug or drugs, or intoxicating compound or
4 compounds, or any combination thereof has caused the death or
5 personal injury to another, the law enforcement officer shall
6 request, and that person shall submit, upon the request of a
7 law enforcement officer, to a chemical test or tests of his or
8 her blood, breath or urine for the purpose of determining the
9 alcohol content thereof or the presence of any other drug or
10 combination of both.

11 This provision does not affect the applicability of or
12 imposition of driver's license sanctions under Section
13 11-501.1 of this Code.

14 3. For purposes of this Section, a personal injury includes
15 any Type A injury as indicated on the traffic accident report
16 completed by a law enforcement officer that requires immediate
17 professional attention in either a doctor's office or a medical
18 facility. A Type A injury includes severe bleeding wounds,
19 distorted extremities, and injuries that require the injured
20 party to be carried from the scene.

21 (d) If a person refuses standardized field sobriety tests
22 under Section 11-501.9 of this Code, evidence of refusal shall
23 be admissible in any civil or criminal action or proceeding
24 arising out of acts committed while the person was driving or
25 in actual physical control of a vehicle and alleged to have
26 been impaired by the use of cannabis.

1 (Source: P.A. 97-450, eff. 8-19-11; 97-471, eff. 8-22-11;
2 97-813, eff. 7-13-12; 98-122, eff. 1-1-14; 98-973, eff.
3 8-15-14; 98-1172, eff. 1-12-15.)

4 (625 ILCS 5/11-501.4) (from Ch. 95 1/2, par. 11-501.4)

5 Sec. 11-501.4. Admissibility of chemical tests of blood or
6 urine conducted in the regular course of providing emergency
7 medical treatment.

8 (a) Notwithstanding any other provision of law, the results
9 of blood or urine tests performed for the purpose of
10 determining the content of alcohol, other drug or drugs, or
11 intoxicating compound or compounds, or any combination
12 thereof, of an individual's blood or urine conducted upon
13 persons receiving medical treatment in a hospital emergency
14 room are admissible in evidence as a business record exception
15 to the hearsay rule only in prosecutions for any violation of
16 Section 11-501 or 11-508 of this Code or a similar provision of
17 a local ordinance, or in prosecutions for reckless homicide
18 brought under the Criminal Code of 1961 or the Criminal Code of
19 2012, when each of the following criteria are met:

20 (1) the chemical tests performed upon an individual's
21 blood or urine were ordered in the regular course of
22 providing emergency medical treatment and not at the
23 request of law enforcement authorities;

24 (2) the chemical tests performed upon an individual's
25 blood or urine were performed by the laboratory routinely

1 used by the hospital; and

2 (3) results of chemical tests performed upon an
3 individual's blood or urine are admissible into evidence
4 regardless of the time that the records were prepared.

5 (b) The confidentiality provisions of law pertaining to
6 medical records and medical treatment shall not be applicable
7 with regard to chemical tests performed upon an individual's
8 blood or urine under the provisions of this Section in
9 prosecutions as specified in subsection (a) of this Section. No
10 person shall be liable for civil damages as a result of the
11 evidentiary use of chemical testing of an individual's blood or
12 urine test results under this Section, or as a result of that
13 person's testimony made available under this Section.

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

15 (625 ILCS 5/11-501.4-1)

16 Sec. 11-501.4-1. Reporting of test results of blood or
17 urine conducted in the regular course of providing emergency
18 medical treatment.

19 (a) Notwithstanding any other provision of law, the results
20 of blood or urine tests performed for the purpose of
21 determining the content of alcohol, other drug or drugs, or
22 intoxicating compound or compounds, or any combination
23 thereof, in an individual's blood or urine conducted upon
24 persons receiving medical treatment in a hospital emergency
25 room for injuries resulting from a motor vehicle accident shall

1 be disclosed to the Department of State Police or local law
2 enforcement agencies of jurisdiction, upon request. Such blood
3 or urine tests are admissible in evidence as a business record
4 exception to the hearsay rule only in prosecutions for any
5 violation of Section 11-501 or 11-508 of this Code or a similar
6 provision of a local ordinance, or in prosecutions for reckless
7 homicide brought under the Criminal Code of 1961 or the
8 Criminal Code of 2012.

9 (b) The confidentiality provisions of law pertaining to
10 medical records and medical treatment shall not be applicable
11 with regard to tests performed upon an individual's blood or
12 urine under the provisions of subsection (a) of this Section.
13 No person shall be liable for civil damages or professional
14 discipline as a result of the disclosure or reporting of the
15 tests or the evidentiary use of an individual's blood or urine
16 test results under this Section or Section 11-501.4 or as a
17 result of that person's testimony made available under this
18 Section or Section 11-501.4, except for willful or wanton
19 misconduct.

20 (Source: P.A. 97-1150, eff. 1-25-13.)

21 (625 ILCS 5/11-501.6) (from Ch. 95 1/2, par. 11-501.6)

22 Sec. 11-501.6. Driver involvement in personal injury or
23 fatal motor vehicle accident; chemical test.

24 (a) Any person who drives or is in actual control of a
25 motor vehicle upon the public highways of this State and who

1 has been involved in a personal injury or fatal motor vehicle
2 accident, shall be deemed to have given consent to a breath
3 test using a portable device as approved by the Department of
4 State Police or to a chemical test or tests of blood, breath,
5 or urine for the purpose of determining the content of alcohol,
6 other drug or drugs, or intoxicating compound or compounds of
7 such person's blood if arrested as evidenced by the issuance of
8 a Uniform Traffic Ticket for any violation of the Illinois
9 Vehicle Code or a similar provision of a local ordinance, with
10 the exception of equipment violations contained in Chapter 12
11 of this Code, or similar provisions of local ordinances. The
12 test or tests shall be administered at the direction of the
13 arresting officer. The law enforcement agency employing the
14 officer shall designate which of the aforesaid tests shall be
15 administered. A urine test may be administered even after a
16 blood or breath test or both has been administered. Compliance
17 with this Section does not relieve such person from the
18 requirements of Section 11-501.1 of this Code.

19 (b) Any person who is dead, unconscious or who is otherwise
20 in a condition rendering such person incapable of refusal shall
21 be deemed not to have withdrawn the consent provided by
22 subsection (a) of this Section. In addition, if a driver of a
23 vehicle is receiving medical treatment as a result of a motor
24 vehicle accident, any physician licensed to practice medicine,
25 licensed physician assistant, licensed advanced practice
26 nurse, registered nurse or a phlebotomist acting under the

1 direction of a licensed physician shall withdraw blood for
2 testing purposes to ascertain the presence of alcohol, other
3 drug or drugs, or intoxicating compound or compounds, upon the
4 specific request of a law enforcement officer. However, no such
5 testing shall be performed until, in the opinion of the medical
6 personnel on scene, the withdrawal can be made without
7 interfering with or endangering the well-being of the patient.

8 (c) A person requested to submit to a test as provided
9 above shall be warned by the law enforcement officer requesting
10 the test that a refusal to submit to the test, or submission to
11 the test resulting in an alcohol concentration of 0.08 or more,
12 or any amount of a drug, substance, or intoxicating compound
13 resulting from the unlawful use or consumption of cannabis, as
14 covered by the Cannabis Control Act, a controlled substance
15 listed in the Illinois Controlled Substances Act, an
16 intoxicating compound listed in the Use of Intoxicating
17 Compounds Act, or methamphetamine as listed in the
18 Methamphetamine Control and Community Protection Act as
19 detected in such person's blood or urine, may result in the
20 suspension of such person's privilege to operate a motor
21 vehicle and may result in the disqualification of the person's
22 privilege to operate a commercial motor vehicle, as provided in
23 Section 6-514 of this Code, if the person is a CDL holder. The
24 length of the suspension shall be the same as outlined in
25 Section 6-208.1 of this Code regarding statutory summary
26 suspensions.

1 (d) If the person refuses testing or submits to a test
2 which discloses an alcohol concentration of 0.08 or more, or
3 any amount of a drug, substance, or intoxicating compound in
4 such person's blood or urine after exhibiting other indicia
5 that the person is incapable of driving safely resulting from
6 the unlawful use or consumption of cannabis listed in the
7 Cannabis Control Act, a controlled substance listed in the
8 Illinois Controlled Substances Act, an intoxicating compound
9 listed in the Use of Intoxicating Compounds Act, or
10 methamphetamine as listed in the Methamphetamine Control and
11 Community Protection Act, the law enforcement officer shall
12 immediately submit a sworn report to the Secretary of State on
13 a form prescribed by the Secretary, certifying that the test or
14 tests were requested pursuant to subsection (a) and the person
15 refused to submit to a test or tests or submitted to testing
16 which disclosed an alcohol concentration of 0.08 or more, or
17 any amount of a drug, substance, or intoxicating compound in
18 such person's blood or urine, after exhibiting other indicia
19 that the person is incapable of driving safely resulting from
20 the unlawful use or consumption of cannabis listed in the
21 Cannabis Control Act, a controlled substance listed in the
22 Illinois Controlled Substances Act, an intoxicating compound
23 listed in the Use of Intoxicating Compounds Act, or
24 methamphetamine as listed in the Methamphetamine Control and
25 Community Protection Act.

26 Upon receipt of the sworn report of a law enforcement

1 officer, the Secretary shall enter the suspension and
2 disqualification to the individual's driving record and the
3 suspension and disqualification shall be effective on the 46th
4 day following the date notice of the suspension was given to
5 the person.

6 The law enforcement officer submitting the sworn report
7 shall serve immediate notice of this suspension on the person
8 and such suspension and disqualification shall be effective on
9 the 46th day following the date notice was given.

10 In cases where the blood alcohol concentration of 0.08 or
11 more, or any amount of a drug, substance, or intoxicating
12 compound after exhibiting other indicia that the person is
13 incapable of driving safely resulting from the unlawful use or
14 consumption of cannabis as listed in the Cannabis Control Act,
15 a controlled substance listed in the Illinois Controlled
16 Substances Act, an intoxicating compound listed in the Use of
17 Intoxicating Compounds Act, or methamphetamine as listed in the
18 Methamphetamine Control and Community Protection Act, is
19 established by a subsequent analysis of blood or urine
20 collected at the time of arrest, the arresting officer shall
21 give notice as provided in this Section or by deposit in the
22 United States mail of such notice in an envelope with postage
23 prepaid and addressed to such person at his address as shown on
24 the Uniform Traffic Ticket and the suspension and
25 disqualification shall be effective on the 46th day following
26 the date notice was given.

1 Upon receipt of the sworn report of a law enforcement
2 officer, the Secretary shall also give notice of the suspension
3 and disqualification to the driver by mailing a notice of the
4 effective date of the suspension and disqualification to the
5 individual. However, should the sworn report be defective by
6 not containing sufficient information or be completed in error,
7 the notice of the suspension and disqualification shall not be
8 mailed to the person or entered to the driving record, but
9 rather the sworn report shall be returned to the issuing law
10 enforcement agency.

11 (e) A driver may contest this suspension of his or her
12 driving privileges and disqualification of his or her CDL
13 privileges by requesting an administrative hearing with the
14 Secretary in accordance with Section 2-118 of this Code. At the
15 conclusion of a hearing held under Section 2-118 of this Code,
16 the Secretary may rescind, continue, or modify the orders of
17 suspension and disqualification. If the Secretary does not
18 rescind the orders of suspension and disqualification, a
19 restricted driving permit may be granted by the Secretary upon
20 application being made and good cause shown. A restricted
21 driving permit may be granted to relieve undue hardship to
22 allow driving for employment, educational, and medical
23 purposes as outlined in Section 6-206 of this Code. The
24 provisions of Section 6-206 of this Code shall apply. In
25 accordance with 49 C.F.R. 384, the Secretary of State may not
26 issue a restricted driving permit for the operation of a

1 commercial motor vehicle to a person holding a CDL whose
2 driving privileges have been suspended, revoked, cancelled, or
3 disqualified.

4 (f) (Blank).

5 (g) For the purposes of this Section, a personal injury
6 shall include any type A injury as indicated on the traffic
7 accident report completed by a law enforcement officer that
8 requires immediate professional attention in either a doctor's
9 office or a medical facility. A type A injury shall include
10 severely bleeding wounds, distorted extremities, and injuries
11 that require the injured party to be carried from the scene.

12 (Source: P.A. 96-1344, eff. 7-1-11; 97-450, eff. 8-19-11;
13 97-835, eff. 7-20-12.)

14 (625 ILCS 5/11-508 new)

15 Sec. 11-508. Driving with unlawful drugs in blood, breath,
16 or urine.

17 (a) A person shall not drive or be in actual physical
18 control of any vehicle within this State while there is any
19 amount of a drug, substance, or compound in the person's
20 breath, blood, or urine resulting from the unlawful use or
21 consumption of cannabis listed in the Cannabis Control Act, a
22 controlled substance listed in the Illinois Controlled
23 Substances Act, an intoxicating compound listed in the Use of
24 Intoxicating Compounds Act, or methamphetamine as listed in the
25 Methamphetamine Control and Community Protection Act.

1 (b) This Section does not apply to the lawful consumption
2 of cannabis by a qualifying patient licensed under the
3 Compassionate Use of Medical Cannabis Pilot Program Act who is
4 in possession of a valid registry card issued under that Act.

5 (c) A person who violates subsection (a) of this Section is
6 guilty of a Class B misdemeanor for a first offense and is
7 guilty of a Class A misdemeanor for a second or subsequent
8 offense.

9 Section 15. The Snowmobile Registration and Safety Act is
10 amended by changing Sections 5-7 and by adding Section 5-7.7 as
11 follows:

12 (625 ILCS 40/5-7)

13 Sec. 5-7. Operating a snowmobile while under the influence
14 of alcohol or other drug or drugs, intoxicating compound or
15 compounds, or a combination of them; criminal penalties;
16 suspension of operating privileges.

17 (a) A person may not operate or be in actual physical
18 control of a snowmobile within this State while:

19 1. The alcohol concentration in that person's blood or
20 breath is a concentration at which driving a motor vehicle
21 is prohibited under subdivision (1) of subsection (a) of
22 Section 11-501 of the Illinois Vehicle Code;

23 2. The person is under the influence of alcohol;

24 3. The person is under the influence of any other drug

1 or combination of drugs to a degree that renders that
2 person incapable of safely operating a snowmobile;

3 3.1. The person is under the influence of any
4 intoxicating compound or combination of intoxicating
5 compounds to a degree that renders the person incapable of
6 safely operating a snowmobile; or

7 4. The person is under the combined influence of
8 alcohol and any other drug or drugs or intoxicating
9 compound or compounds to a degree that renders that person
10 incapable of safely operating a snowmobile. ~~;~~ ~~or~~

11 5. (Blank). ~~There is any amount of a drug, substance,~~
12 ~~or compound in that person's breath, blood, or urine~~
13 ~~resulting from the unlawful use or consumption of cannabis~~
14 ~~listed in the Cannabis Control Act, controlled substance~~
15 ~~listed in the Illinois Controlled Substances Act, or~~
16 ~~intoxicating compound listed in the use of Intoxicating~~
17 ~~Compounds Act.~~

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

23 (c) Every person convicted of violating this Section or a
24 similar provision of a local ordinance is guilty of a Class A
25 misdemeanor, except as otherwise provided in this Section.

26 (c-1) As used in this Section, "first time offender" means

1 any person who has not had a previous conviction or been
2 assigned supervision for violating this Section or a similar
3 provision of a local ordinance, or any person who has not had a
4 suspension imposed under subsection (e) of Section 5-7.1.

5 (c-2) For purposes of this Section, the following are
6 equivalent to a conviction:

7 (1) a forfeiture of bail or collateral deposited to
8 secure a defendant's appearance in court when forfeiture
9 has not been vacated; or

10 (2) the failure of a defendant to appear for trial.

11 (d) Every person convicted of violating this Section is
12 guilty of a Class 4 felony if:

13 1. The person has a previous conviction under this
14 Section;

15 2. The offense results in personal injury where a
16 person other than the operator suffers great bodily harm or
17 permanent disability or disfigurement, when the violation
18 was a proximate cause of the injuries. A person guilty of a
19 Class 4 felony under this paragraph 2, if sentenced to a
20 term of imprisonment, shall be sentenced to not less than
21 one year nor more than 12 years; or

22 3. The offense occurred during a period in which the
23 person's privileges to operate a snowmobile are revoked or
24 suspended, and the revocation or suspension was for a
25 violation of this Section or was imposed under Section
26 5-7.1.

1 (e) Every person convicted of violating this Section is
2 guilty of a Class 2 felony if the offense results in the death
3 of a person. A person guilty of a Class 2 felony under this
4 subsection (e), if sentenced to a term of imprisonment, shall
5 be sentenced to a term of not less than 3 years and not more
6 than 14 years.

7 (e-1) Every person convicted of violating this Section or a
8 similar provision of a local ordinance who had a child under
9 the age of 16 on board the snowmobile at the time of offense
10 shall be subject to a mandatory minimum fine of \$500 and shall
11 be subject to a mandatory minimum of 5 days of community
12 service in a program benefiting children. The assignment under
13 this subsection shall not be subject to suspension nor shall
14 the person be eligible for probation in order to reduce the
15 assignment.

16 (e-2) Every person found guilty of violating this Section,
17 whose operation of a snowmobile while in violation of this
18 Section proximately caused any incident resulting in an
19 appropriate emergency response, shall be liable for the expense
20 of an emergency response as provided in subsection (i) of
21 Section 11-501.01 of the Illinois Vehicle Code.

22 (e-3) In addition to any other penalties and liabilities, a
23 person who is found guilty of violating this Section, including
24 any person placed on court supervision, shall be fined \$100,
25 payable to the circuit clerk, who shall distribute the money to
26 the law enforcement agency that made the arrest. In the event

1 that more than one agency is responsible for the arrest, the
2 \$100 shall be shared equally. Any moneys received by a law
3 enforcement agency under this subsection (e-3) shall be used to
4 purchase law enforcement equipment or to provide law
5 enforcement training that will assist in the prevention of
6 alcohol related criminal violence throughout the State. Law
7 enforcement equipment shall include, but is not limited to,
8 in-car video cameras, radar and laser speed detection devices,
9 and alcohol breath testers.

10 (f) In addition to any criminal penalties imposed, the
11 Department of Natural Resources shall suspend the snowmobile
12 operation privileges of a person convicted or found guilty of a
13 misdemeanor under this Section for a period of one year, except
14 that first-time offenders are exempt from this mandatory one
15 year suspension.

16 (g) In addition to any criminal penalties imposed, the
17 Department of Natural Resources shall suspend for a period of 5
18 years the snowmobile operation privileges of any person
19 convicted or found guilty of a felony under this Section.

20 (Source: P.A. 95-149, eff. 8-14-07; 96-1000, eff. 7-2-10.)

21 (625 ILCS 40/5-7.7 new)

22 Sec. 5-7.7. Operating a snowmobile with unlawful drugs in
23 blood, breath, or urine.

24 (a) A person shall not operate or be in actual physical
25 control of a snowmobile within this State while there is any

1 amount of a drug, substance, or compound in the person's
2 breath, blood, or urine resulting from the unlawful use or
3 consumption of cannabis listed in the Cannabis Control Act, a
4 controlled substance listed in the Illinois Controlled
5 Substances Act, an intoxicating compound listed in the Use of
6 Intoxicating Compounds Act, or methamphetamine as listed in the
7 Methamphetamine Control and Community Protection Act.

8 (b) This Section does not apply to the lawful consumption
9 of cannabis by a qualifying patient licensed under the
10 Compassionate Use of Medical Cannabis Pilot Program Act who is
11 in possession of a valid registry card issued under that Act.

12 (c) A person who violates subsection (a) of this Section is
13 guilty of a Class B misdemeanor for a first offense and is
14 guilty of a Class A misdemeanor for a second or subsequent
15 offense.

16 Section 20. The Boat Registration and Safety Act is amended
17 by changing Sections 5-16, 5-16a, 5-16a.1, and 5-16c and by
18 adding Section 5-16d as follows:

19 (625 ILCS 45/5-16)

20 Sec. 5-16. Operating a watercraft under the influence of
21 alcohol, other drug or drugs, intoxicating compound or
22 compounds, or combination thereof.

23 (A) 1. A person shall not operate or be in actual physical
24 control of any watercraft within this State while:

1 (a) The alcohol concentration in such person's
2 blood or breath is a concentration at which driving a
3 motor vehicle is prohibited under subdivision (1) of
4 subsection (a) of Section 11-501 of the Illinois
5 Vehicle Code;

6 (b) Under the influence of alcohol;

7 (c) Under the influence of any other drug or
8 combination of drugs to a degree which renders such
9 person incapable of safely operating any watercraft;

10 (c-1) Under the influence of any intoxicating
11 compound or combination of intoxicating compounds to a
12 degree that renders the person incapable of safely
13 operating any watercraft; or

14 (d) Under the combined influence of alcohol and any
15 other drug or drugs to a degree which renders such
16 person incapable of safely operating a watercraft. ~~or~~

17 (e) (Blank). ~~There is any amount of a drug,~~
18 ~~substance, or compound in the person's blood or urine~~
19 ~~resulting from the unlawful use or consumption of~~
20 ~~cannabis listed in the Cannabis Control Act, a~~
21 ~~controlled substance listed in the Illinois Controlled~~
22 ~~Substances Act, or an intoxicating compound listed in~~
23 ~~the Use of Intoxicating Compounds Act.~~

24 2. The fact that any person charged with violating this
25 Section is or has been legally entitled to use alcohol,
26 other drug or drugs, any intoxicating compound or

1 compounds, or any combination of them, shall not constitute
2 a defense against any charge of violating this Section.

3 3. Every person convicted of violating this Section
4 shall be guilty of a Class A misdemeanor, except as
5 otherwise provided in this Section.

6 4. Every person convicted of violating this Section
7 shall be guilty of a Class 4 felony if:

8 (a) He has a previous conviction under this
9 Section;

10 (b) The offense results in personal injury where a
11 person other than the operator suffers great bodily
12 harm or permanent disability or disfigurement, when
13 the violation was a proximate cause of the injuries. A
14 person guilty of a Class 4 felony under this
15 subparagraph (b), if sentenced to a term of
16 imprisonment, shall be sentenced to a term of not less
17 than one year nor more than 12 years; or

18 (c) The offense occurred during a period in which
19 his or her privileges to operate a watercraft are
20 revoked or suspended, and the revocation or suspension
21 was for a violation of this Section or was imposed
22 under subsection (B).

23 5. Every person convicted of violating this Section
24 shall be guilty of a Class 2 felony if the offense results
25 in the death of a person. A person guilty of a Class 2
26 felony under this paragraph 5, if sentenced to a term of

1 imprisonment, shall be sentenced to a term of not less than
2 3 years and not more than 14 years.

3 5.1. A person convicted of violating this Section or a
4 similar provision of a local ordinance who had a child
5 under the age of 16 aboard the watercraft at the time of
6 offense is subject to a mandatory minimum fine of \$500 and
7 to a mandatory minimum of 5 days of community service in a
8 program benefiting children. The assignment under this
9 paragraph 5.1 is not subject to suspension and the person
10 is not eligible for probation in order to reduce the
11 assignment.

12 5.2. A person found guilty of violating this Section,
13 if his or her operation of a watercraft while in violation
14 of this Section proximately caused any incident resulting
15 in an appropriate emergency response, is liable for the
16 expense of an emergency response as provided in subsection
17 (m) of Section 11-501 of the Illinois Vehicle Code.

18 5.3. In addition to any other penalties and
19 liabilities, a person who is found guilty of violating this
20 Section, including any person placed on court supervision,
21 shall be fined \$100, payable to the circuit clerk, who
22 shall distribute the money to the law enforcement agency
23 that made the arrest. In the event that more than one
24 agency is responsible for the arrest, the \$100 shall be
25 shared equally. Any moneys received by a law enforcement
26 agency under this paragraph 5.3 shall be used to purchase

1 law enforcement equipment or to provide law enforcement
2 training that will assist in the prevention of alcohol
3 related criminal violence throughout the State. Law
4 enforcement equipment shall include, but is not limited to,
5 in-car video cameras, radar and laser speed detection
6 devices, and alcohol breath testers.

7 6. (a) In addition to any criminal penalties imposed,
8 the Department of Natural Resources shall suspend the
9 watercraft operation privileges of any person
10 convicted or found guilty of a misdemeanor under this
11 Section, a similar provision of a local ordinance, or
12 Title 46 of the U.S. Code of Federal Regulations for a
13 period of one year, except that a first time offender
14 is exempt from this mandatory one year suspension.

15 As used in this subdivision (A)6(a), "first time
16 offender" means any person who has not had a previous
17 conviction or been assigned supervision for violating
18 this Section, a similar provision of a local ordinance
19 or, Title 46 of the U.S. Code of Federal Regulations,
20 or any person who has not had a suspension imposed
21 under subdivision (B)3.1 of Section 5-16.

22 (b) In addition to any criminal penalties imposed,
23 the Department of Natural Resources shall suspend the
24 watercraft operation privileges of any person
25 convicted of a felony under this Section, a similar
26 provision of a local ordinance, or Title 46 of the U.S.

1 Code of Federal Regulations for a period of 3 years.

2 (B) 1. Any person who operates or is in actual physical
3 control of any watercraft upon the waters of this State
4 shall be deemed to have given consent to a chemical test or
5 tests of blood, breath or urine for the purpose of
6 determining the content of alcohol, other drug or drugs,
7 intoxicating compound or compounds, or combination thereof
8 in the person's blood if arrested for any offense of
9 subsection (A) above. The chemical test or tests shall be
10 administered at the direction of the arresting officer. The
11 law enforcement agency employing the officer shall
12 designate which of the tests shall be administered. A urine
13 test may be administered even after a blood or breath test
14 or both has been administered.

15 1.1. For the purposes of this Section, an Illinois Law
16 Enforcement officer of this State who is investigating the
17 person for any offense defined in Section 5-16 may travel
18 into an adjoining state, where the person has been
19 transported for medical care to complete an investigation,
20 and may request that the person submit to the test or tests
21 set forth in this Section. The requirements of this Section
22 that the person be arrested are inapplicable, but the
23 officer shall issue the person a uniform citation for an
24 offense as defined in Section 5-16 or a similar provision
25 of a local ordinance prior to requesting that the person
26 submit to the test or tests. The issuance of the uniform

1 citation shall not constitute an arrest, but shall be for
2 the purpose of notifying the person that he or she is
3 subject to the provisions of this Section and of the
4 officer's belief in the existence of probable cause to
5 arrest. Upon returning to this State, the officer shall
6 file the uniform citation with the circuit clerk of the
7 county where the offense was committed and shall seek the
8 issuance of an arrest warrant or a summons for the person.

9 1.2. Notwithstanding any ability to refuse under this
10 Act to submit to these tests or any ability to revoke the
11 implied consent to these tests, if a law enforcement
12 officer has probable cause to believe that a watercraft
13 operated by or under actual physical control of a person
14 under the influence of alcohol, other drug or drugs,
15 intoxicating compound or compounds, or any combination of
16 them has caused the death of or personal injury to another,
17 that person shall submit, upon the request of a law
18 enforcement officer, to a chemical test or tests of his or
19 her blood, breath, or urine for the purpose of determining
20 the alcohol content or the presence of any other drug,
21 intoxicating compound, or combination of them. For the
22 purposes of this Section, a personal injury includes severe
23 bleeding wounds, distorted extremities, and injuries that
24 require the injured party to be carried from the scene for
25 immediate professional attention in either a doctor's
26 office or a medical facility.

1 2. Any person who is dead, unconscious or who is
2 otherwise in a condition rendering such person incapable of
3 refusal, shall be deemed not to have withdrawn the consent
4 provided above, and the test may be administered.

5 3. A person requested to submit to a chemical test as
6 provided above shall be verbally advised by the law
7 enforcement officer requesting the test that a refusal to
8 submit to the test will result in suspension of such
9 person's privilege to operate a watercraft for a minimum of
10 2 years. Following this warning, if a person under arrest
11 refuses upon the request of a law enforcement officer to
12 submit to a test designated by the officer, no test shall
13 be given, but the law enforcement officer shall file with
14 the clerk of the circuit court for the county in which the
15 arrest was made, and with the Department of Natural
16 Resources, a sworn statement naming the person refusing to
17 take and complete the chemical test or tests requested
18 under the provisions of this Section. Such sworn statement
19 shall identify the arrested person, such person's current
20 residence address and shall specify that a refusal by such
21 person to take the chemical test or tests was made. Such
22 sworn statement shall include a statement that the
23 arresting officer had reasonable cause to believe the
24 person was operating or was in actual physical control of
25 the watercraft within this State while under the influence
26 of alcohol, other drug or drugs, intoxicating compound or

1 compounds, or combination thereof and that such chemical
2 test or tests were made as an incident to and following the
3 lawful arrest for an offense as defined in this Section or
4 a similar provision of a local ordinance, and that the
5 person after being arrested for an offense arising out of
6 acts alleged to have been committed while so operating a
7 watercraft refused to submit to and complete a chemical
8 test or tests as requested by the law enforcement officer.

9 3.1. The law enforcement officer submitting the sworn
10 statement as provided in paragraph 3 of this subsection (B)
11 shall serve immediate written notice upon the person
12 refusing the chemical test or tests that the person's
13 privilege to operate a watercraft within this State will be
14 suspended for a period of 2 years unless, within 28 days
15 from the date of the notice, the person requests in writing
16 a hearing on the suspension.

17 If the person desires a hearing, such person shall file
18 a complaint in the circuit court for and in the county in
19 which such person was arrested for such hearing. Such
20 hearing shall proceed in the court in the same manner as
21 other civil proceedings, shall cover only the issues of
22 whether the person was placed under arrest for an offense
23 as defined in this Section or a similar provision of a
24 local ordinance as evidenced by the issuance of a uniform
25 citation; whether the arresting officer had reasonable
26 grounds to believe that such person was operating a

1 watercraft while under the influence of alcohol, other drug
2 or drugs, intoxicating compound or compounds, or
3 combination thereof; and whether such person refused to
4 submit and complete the chemical test or tests upon the
5 request of the law enforcement officer. Whether the person
6 was informed that such person's privilege to operate a
7 watercraft would be suspended if such person refused to
8 submit to the chemical test or tests shall not be an issue.

9 If the person fails to request in writing a hearing
10 within 28 days from the date of notice, or if a hearing is
11 held and the court finds against the person on the issues
12 before the court, the clerk shall immediately notify the
13 Department of Natural Resources, and the Department shall
14 suspend the watercraft operation privileges of the person
15 for at least 2 years.

16 3.2. If the person submits to a test that discloses an
17 alcohol concentration of 0.08 or more, or any amount of a
18 drug, substance or intoxicating compound in the person's
19 breath, blood, or urine after exhibiting other indicia that
20 the person is incapable of operating a motorboat safely
21 resulting from the unlawful use of cannabis listed in the
22 Cannabis Control Act, a controlled substance listed in the
23 Illinois Controlled Substances Act, or an intoxicating
24 compound listed in the Use of Intoxicating Compounds Act,
25 the law enforcement officer shall immediately submit a
26 sworn report to the circuit clerk of venue and the

1 Department of Natural Resources, certifying that the test
2 or tests were requested under paragraph 1 of this
3 subsection (B) and the person submitted to testing that
4 disclosed an alcohol concentration of 0.08 or more.

5 In cases where the blood alcohol concentration of 0.08
6 or greater or any amount of drug, substance or compound
7 after exhibiting other indicia that the person is incapable
8 of operating a motorboat safely resulting from the unlawful
9 use of cannabis, a controlled substance or an intoxicating
10 compound is established by a subsequent analysis of blood
11 or urine collected at the time of arrest, the arresting
12 officer or arresting agency shall immediately submit a
13 sworn report to the circuit clerk of venue and the
14 Department of Natural Resources upon receipt of the test
15 results.

16 4. A person must submit to each chemical test offered
17 by the law enforcement officer in order to comply with the
18 implied consent provisions of this Section.

19 5. The provisions of Section 11-501.2 of the Illinois
20 Vehicle Code, as amended, concerning the certification and
21 use of chemical tests apply to the use of such tests under
22 this Section.

23 (C) Upon the trial of any civil or criminal action or
24 proceeding arising out of acts alleged to have been committed
25 by any person while operating a watercraft while under the
26 influence of alcohol, the concentration of alcohol in the

1 person's blood or breath at the time alleged as shown by
2 analysis of a person's blood, urine, breath, or other bodily
3 substance shall give rise to the presumptions specified in
4 subdivisions 1, 2, and 3 of subsection (b) of Section 11-501.2
5 of the Illinois Vehicle Code. The foregoing provisions of this
6 subsection (C) shall not be construed as limiting the
7 introduction of any other relevant evidence bearing upon the
8 question whether the person was under the influence of alcohol.

9 (D) If a person under arrest refuses to submit to a
10 chemical test under the provisions of this Section, evidence of
11 refusal shall be admissible in any civil or criminal action or
12 proceeding arising out of acts alleged to have been committed
13 while the person under the influence of alcohol, other drug or
14 drugs, intoxicating compound or compounds, or combination of
15 them was operating a watercraft.

16 (E) The owner of any watercraft or any person given
17 supervisory authority over a watercraft, may not knowingly
18 permit a watercraft to be operated by any person under the
19 influence of alcohol, other drug or drugs, intoxicating
20 compound or compounds, or combination thereof.

21 (F) Whenever any person is convicted or found guilty of a
22 violation of this Section, including any person placed on court
23 supervision, the court shall notify the Office of Law
24 Enforcement of the Department of Natural Resources, to provide
25 the Department with the records essential for the performance
26 of the Department's duties to monitor and enforce any order of

1 suspension or revocation concerning the privilege to operate a
2 watercraft.

3 (G) No person who has been arrested and charged for
4 violating paragraph 1 of subsection (A) of this Section shall
5 operate any watercraft within this State for a period of 24
6 hours after such arrest.

7 (Source: P.A. 94-214, eff. 1-1-06; 95-149, eff. 8-14-07.)

8 (625 ILCS 45/5-16a) (from Ch. 95 1/2, par. 315-11a)

9 Sec. 5-16a. Admissibility of chemical tests of blood or
10 urine conducted in the regular course of providing emergency
11 medical treatment.

12 (a) Notwithstanding any other provision of law, the written
13 results of blood or urine alcohol tests conducted upon persons
14 receiving medical treatment in a hospital emergency room are
15 admissible in evidence as a business record exception to the
16 hearsay rule only in prosecutions for any violation of Section
17 5-16 or 5-16d of this Act or a similar provision of a local
18 ordinance or in prosecutions for reckless homicide brought
19 under the Criminal Code of 1961 or the Criminal Code of 2012,
20 when:

21 (1) the chemical tests performed upon an individual's
22 blood or urine were ordered in the regular course of
23 providing emergency treatment and not at the request of law
24 enforcement authorities; and

25 (2) the chemical tests performed upon an individual's

1 blood or urine were performed by the laboratory routinely
2 used by the hospital.

3 Results of chemical tests performed upon an individual's
4 blood or urine are admissible into evidence regardless of the
5 time that the records were prepared.

6 (b) The confidentiality provisions of law pertaining to
7 medical records and medical treatment shall not be applicable
8 with regard to chemical tests performed upon an individual's
9 blood or urine under the provisions of this Section in
10 prosecutions as specified in subsection (a) of this Section. No
11 person shall be liable for civil damages as a result of the
12 evidentiary use of the results of chemical testing of an
13 individual's blood or urine under this Section or as a result
14 of that person's testimony made available under this Section.

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

16 (625 ILCS 45/5-16a.1)

17 Sec. 5-16a.1. Reporting of test results of blood or urine
18 conducted in the regular course of providing emergency medical
19 treatment.

20 (a) Notwithstanding any other provision of law, the results
21 of blood or urine tests performed for the purpose of
22 determining the content of alcohol, other drug or drugs,
23 intoxicating compound or compounds, or any combination of them
24 in an individual's blood or urine, conducted upon persons
25 receiving medical treatment in a hospital emergency room for

1 injuries resulting from a boating accident, shall be disclosed
2 to the Department of Natural Resources or local law enforcement
3 agencies of jurisdiction, upon request. The blood or urine
4 tests are admissible in evidence as a business record exception
5 to the hearsay rule only in prosecutions for violations of
6 Section 5-16 or 5-16d of this Code or a similar provision of a
7 local ordinance, or in prosecutions for reckless homicide
8 brought under the Criminal Code of 1961 or the Criminal Code of
9 2012.

10 (b) The confidentiality provisions of the law pertaining to
11 medical records and medical treatment shall not be applicable
12 with regard to tests performed upon an individual's blood or
13 urine under the provisions of subsection (a) of this Section.
14 No person is liable for civil damages or professional
15 discipline as a result of disclosure or reporting of the tests
16 or the evidentiary use of an individual's blood or urine test
17 results under this Section or Section 5-16a, or as a result of
18 that person's testimony made available under this Section or
19 Section 5-16a, except for willful or wanton misconduct.

20 (Source: P.A. 97-1150, eff. 1-25-13.)

21 (625 ILCS 45/5-16c)

22 Sec. 5-16c. Operator involvement in personal injury or
23 fatal boating accident; chemical tests.

24 (a) Any person who operates or is in actual physical
25 control of a motorboat within this State and who has been

1 involved in a personal injury or fatal boating accident shall
2 be deemed to have given consent to a breath test using a
3 portable device as approved by the Department of State Police
4 or to a chemical test or tests of blood, breath, or urine for
5 the purpose of determining the content of alcohol, other drug
6 or drugs, or intoxicating compound or compounds of the person's
7 blood if arrested as evidenced by the issuance of a uniform
8 citation for a violation of the Boat Registration and Safety
9 Act or a similar provision of a local ordinance, with the
10 exception of equipment violations contained in Article IV of
11 this Act or similar provisions of local ordinances. The test or
12 tests shall be administered at the direction of the arresting
13 officer. The law enforcement agency employing the officer shall
14 designate which of the aforesaid tests shall be administered. A
15 urine test may be administered even after a blood or breath
16 test or both has been administered. Compliance with this
17 Section does not relieve the person from the requirements of
18 any other Section of this Act.

19 (b) Any person who is dead, unconscious, or who is
20 otherwise in a condition rendering that person incapable of
21 refusal shall be deemed not to have withdrawn the consent
22 provided by subsection (a) of this Section. In addition, if an
23 operator of a motorboat is receiving medical treatment as a
24 result of a boating accident, any physician licensed to
25 practice medicine, licensed physician assistant, licensed
26 advanced practice nurse, registered nurse, or a phlebotomist

1 acting under the direction of a licensed physician shall
2 withdraw blood for testing purposes to ascertain the presence
3 of alcohol, other drug or drugs, or intoxicating compound or
4 compounds, upon the specific request of a law enforcement
5 officer. However, this testing shall not be performed until, in
6 the opinion of the medical personnel on scene, the withdrawal
7 can be made without interfering with or endangering the
8 well-being of the patient.

9 (c) A person requested to submit to a test under subsection
10 (a) of this Section shall be warned by the law enforcement
11 officer requesting the test that a refusal to submit to the
12 test, or submission to the test resulting in an alcohol
13 concentration of 0.08 or more, or any amount of a drug,
14 substance, or intoxicating compound resulting from the
15 unlawful use or consumption of cannabis listed in the Cannabis
16 Control Act, a controlled substance listed in the Illinois
17 Controlled Substances Act, an intoxicating compound listed in
18 the Use of Intoxicating Compounds Act, or methamphetamine as
19 listed in the Methamphetamine Control and Community Protection
20 Act as detected in the person's blood or urine, may result in
21 the suspension of the person's privilege to operate a motor
22 vehicle and may result in the disqualification of the person's
23 privilege to operate a commercial motor vehicle, as provided in
24 Section 6-514 of the Illinois Vehicle Code, if the person is a
25 CDL holder. The length of the suspension shall be the same as
26 outlined in Section 6-208.1 of the Illinois Vehicle Code

1 regarding statutory summary suspensions.

2 (d) If the person refuses testing or submits to a test
3 which discloses an alcohol concentration of 0.08 or more, or
4 any amount of a drug, substance, or intoxicating compound in
5 the person's blood or urine after exhibiting other indicia that
6 the person is incapable of operating a motorboat safely
7 resulting from the unlawful use or consumption of cannabis
8 listed in the Cannabis Control Act, a controlled substance
9 listed in the Illinois Controlled Substances Act, an
10 intoxicating compound listed in the Use of Intoxicating
11 Compounds Act, or methamphetamine as listed in the
12 Methamphetamine Control and Community Protection Act, the law
13 enforcement officer shall immediately submit a sworn report to
14 the Secretary of State on a form prescribed by the Secretary of
15 State, certifying that the test or tests were requested under
16 subsection (a) of this Section and the person refused to submit
17 to a test or tests or submitted to testing which disclosed an
18 alcohol concentration of 0.08 or more, or any amount of a drug,
19 substance, or intoxicating compound in the person's blood or
20 urine, after exhibiting other indicia that the person is
21 incapable of operating a motorboat safely resulting from the
22 unlawful use or consumption of cannabis listed in the Cannabis
23 Control Act, a controlled substance listed in the Illinois
24 Controlled Substances Act, an intoxicating compound listed in
25 the Use of Intoxicating Compounds Act, or methamphetamine as
26 listed in the Methamphetamine Control and Community Protection

1 Act.

2 Upon receipt of the sworn report of a law enforcement
3 officer, the Secretary of State shall enter the suspension and
4 disqualification to the person's driving record and the
5 suspension and disqualification shall be effective on the 46th
6 day following the date notice of the suspension was given to
7 the person.

8 The law enforcement officer submitting the sworn report
9 shall serve immediate notice of this suspension on the person
10 and this suspension and disqualification shall be effective on
11 the 46th day following the date notice was given.

12 In cases where the blood alcohol concentration of 0.08 or
13 more, or any amount of a drug, substance, or intoxicating
14 compound after exhibiting other indicia that the person is
15 incapable of operating a motorboat safely resulting from the
16 unlawful use or consumption of cannabis listed in the Cannabis
17 Control Act, a controlled substance listed in the Illinois
18 Controlled Substances Act, an intoxicating compound listed in
19 the Use of Intoxicating Compounds Act, or methamphetamine as
20 listed in the Methamphetamine Control and Community Protection
21 Act, is established by a subsequent analysis of blood or urine
22 collected at the time of arrest, the arresting officer shall
23 give notice as provided in this Section or by deposit in the
24 United States mail of this notice in an envelope with postage
25 prepaid and addressed to the person at his or her address as
26 shown on the uniform citation and the suspension and

1 disqualification shall be effective on the 46th day following
2 the date notice was given.

3 Upon receipt of the sworn report of a law enforcement
4 officer, the Secretary of State shall also give notice of the
5 suspension and disqualification to the person by mailing a
6 notice of the effective date of the suspension and
7 disqualification to the person. However, should the sworn
8 report be defective by not containing sufficient information or
9 be completed in error, the notice of the suspension and
10 disqualification shall not be mailed to the person or entered
11 to the driving record, but rather the sworn report shall be
12 returned to the issuing law enforcement agency.

13 (e) A person may contest this suspension of his or her
14 driving privileges and disqualification of his or her CDL
15 privileges by requesting an administrative hearing with the
16 Secretary of State in accordance with Section 2-118 of the
17 Illinois Vehicle Code. At the conclusion of a hearing held
18 under Section 2-118 of the Illinois Vehicle Code, the Secretary
19 of State may rescind, continue, or modify the orders of
20 suspension and disqualification. If the Secretary of State does
21 not rescind the orders of suspension and disqualification, a
22 restricted driving permit may be granted by the Secretary of
23 State upon application being made and good cause shown. A
24 restricted driving permit may be granted to relieve undue
25 hardship to allow driving for employment, educational, and
26 medical purposes as outlined in Section 6-206 of the Illinois

1 Vehicle Code. The provisions of Section 6-206 of the Illinois
2 Vehicle Code shall apply. In accordance with 49 C.F.R. 384, the
3 Secretary of State may not issue a restricted driving permit
4 for the operation of a commercial motor vehicle to a person
5 holding a CDL whose driving privileges have been suspended,
6 revoked, cancelled, or disqualified.

7 (f) For the purposes of this Section, a personal injury
8 shall include any type A injury as indicated on the accident
9 report completed by a law enforcement officer that requires
10 immediate professional attention in a doctor's office or a
11 medical facility. A type A injury shall include severely
12 bleeding wounds, distorted extremities, and injuries that
13 require the injured party to be carried from the scene.

14 (Source: P.A. 98-103, eff. 1-1-14.)

15 (625 ILCS 45/5-16d new)

16 Sec. 5-16d. Operating a watercraft with unlawful drugs in
17 blood, breath, or urine.

18 (a) A person shall not operate or be in actual physical
19 control of a watercraft within this State while there is any
20 amount of a drug, substance, or compound in the person's
21 breath, blood, or urine resulting from the unlawful use or
22 consumption of cannabis listed in the Cannabis Control Act, a
23 controlled substance listed in the Illinois Controlled
24 Substances Act, an intoxicating compound listed in the Use of
25 Intoxicating Compounds Act, or methamphetamine as listed in the

1 Methamphetamine Control and Community Protection Act.

2 (b) This Section does not apply to the lawful consumption
3 of cannabis by a qualifying patient licensed under the
4 Compassionate Use of Medical Cannabis Pilot Program Act who is
5 in possession of a valid registry card issued under that Act.

6 (c) A person who violates subsection (a) of this Section is
7 guilty of a Class B misdemeanor for a first offense and is
8 guilty of a Class A misdemeanor for a second or subsequent
9 offense.

10 Section 25. The Unified Code of Corrections is amended by
11 changing Sections 5-4-1, 5-6-1, and 5-9-1.9 as follows:

12 (730 ILCS 5/5-4-1) (from Ch. 38, par. 1005-4-1)

13 Sec. 5-4-1. Sentencing Hearing.

14 (a) Except when the death penalty is sought under hearing
15 procedures otherwise specified, after a determination of
16 guilt, a hearing shall be held to impose the sentence. However,
17 prior to the imposition of sentence on an individual being
18 sentenced for an offense based upon a charge for a violation of
19 Section 11-501 or 11-508 of the Illinois Vehicle Code or a
20 similar provision of a local ordinance, the individual must
21 undergo a professional evaluation to determine if an alcohol or
22 other drug abuse problem exists and the extent of such a
23 problem. Programs conducting these evaluations shall be
24 licensed by the Department of Human Services. However, if the

1 individual is not a resident of Illinois, the court may, in its
2 discretion, accept an evaluation from a program in the state of
3 such individual's residence. The court may in its sentencing
4 order approve an eligible defendant for placement in a
5 Department of Corrections impact incarceration program as
6 provided in Section 5-8-1.1 or 5-8-1.3. The court may in its
7 sentencing order recommend a defendant for placement in a
8 Department of Corrections substance abuse treatment program as
9 provided in paragraph (a) of subsection (1) of Section 3-2-2
10 conditioned upon the defendant being accepted in a program by
11 the Department of Corrections. At the hearing the court shall:

12 (1) consider the evidence, if any, received upon the
13 trial;

14 (2) consider any presentence reports;

15 (3) consider the financial impact of incarceration
16 based on the financial impact statement filed with the
17 clerk of the court by the Department of Corrections;

18 (4) consider evidence and information offered by the
19 parties in aggravation and mitigation;

20 (4.5) consider substance abuse treatment, eligibility
21 screening, and an assessment, if any, of the defendant by
22 an agent designated by the State of Illinois to provide
23 assessment services for the Illinois courts;

24 (5) hear arguments as to sentencing alternatives;

25 (6) afford the defendant the opportunity to make a
26 statement in his own behalf;

1 (7) afford the victim of a violent crime or a violation
2 of Section 11-501 of the Illinois Vehicle Code, or a
3 similar provision of a local ordinance, or a qualified
4 individual affected by: (i) a violation of Section 405,
5 405.1, 405.2, or 407 of the Illinois Controlled Substances
6 Act or a violation of Section 55 or Section 65 of the
7 Methamphetamine Control and Community Protection Act, or
8 (ii) a Class 4 felony violation of Section 11-14, 11-14.3
9 except as described in subdivisions (a)(2)(A) and
10 (a)(2)(B), 11-15, 11-17, 11-18, 11-18.1, or 11-19 of the
11 Criminal Code of 1961 or the Criminal Code of 2012,
12 committed by the defendant the opportunity to make a
13 statement concerning the impact on the victim and to offer
14 evidence in aggravation or mitigation; provided that the
15 statement and evidence offered in aggravation or
16 mitigation must first be prepared in writing in conjunction
17 with the State's Attorney before it may be presented orally
18 at the hearing. Any sworn testimony offered by the victim
19 is subject to the defendant's right to cross-examine. All
20 statements and evidence offered under this paragraph (7)
21 shall become part of the record of the court. For the
22 purpose of this paragraph (7), "qualified individual"
23 means any person who (i) lived or worked within the
24 territorial jurisdiction where the offense took place when
25 the offense took place; and (ii) is familiar with various
26 public places within the territorial jurisdiction where

1 the offense took place when the offense took place. For the
2 purposes of this paragraph (7), "qualified individual"
3 includes any peace officer, or any member of any duly
4 organized State, county, or municipal peace unit assigned
5 to the territorial jurisdiction where the offense took
6 place when the offense took place;

7 (8) in cases of reckless homicide afford the victim's
8 spouse, guardians, parents or other immediate family
9 members an opportunity to make oral statements;

10 (9) in cases involving a felony sex offense as defined
11 under the Sex Offender Management Board Act, consider the
12 results of the sex offender evaluation conducted pursuant
13 to Section 5-3-2 of this Act; and

14 (10) make a finding of whether a motor vehicle was used
15 in the commission of the offense for which the defendant is
16 being sentenced.

17 (b) All sentences shall be imposed by the judge based upon
18 his independent assessment of the elements specified above and
19 any agreement as to sentence reached by the parties. The judge
20 who presided at the trial or the judge who accepted the plea of
21 guilty shall impose the sentence unless he is no longer sitting
22 as a judge in that court. Where the judge does not impose
23 sentence at the same time on all defendants who are convicted
24 as a result of being involved in the same offense, the
25 defendant or the State's Attorney may advise the sentencing
26 court of the disposition of any other defendants who have been

1 sentenced.

2 (c) In imposing a sentence for a violent crime or for an
3 offense of operating or being in physical control of a vehicle
4 while under the influence of alcohol, any other drug or any
5 combination thereof, or a similar provision of a local
6 ordinance, when such offense resulted in the personal injury to
7 someone other than the defendant, the trial judge shall specify
8 on the record the particular evidence, information, factors in
9 mitigation and aggravation or other reasons that led to his
10 sentencing determination. The full verbatim record of the
11 sentencing hearing shall be filed with the clerk of the court
12 and shall be a public record.

13 (c-1) In imposing a sentence for the offense of aggravated
14 kidnapping for ransom, home invasion, armed robbery,
15 aggravated vehicular hijacking, aggravated discharge of a
16 firearm, or armed violence with a category I weapon or category
17 II weapon, the trial judge shall make a finding as to whether
18 the conduct leading to conviction for the offense resulted in
19 great bodily harm to a victim, and shall enter that finding and
20 the basis for that finding in the record.

21 (c-2) If the defendant is sentenced to prison, other than
22 when a sentence of natural life imprisonment or a sentence of
23 death is imposed, at the time the sentence is imposed the judge
24 shall state on the record in open court the approximate period
25 of time the defendant will serve in custody according to the
26 then current statutory rules and regulations for sentence

1 credit found in Section 3-6-3 and other related provisions of
2 this Code. This statement is intended solely to inform the
3 public, has no legal effect on the defendant's actual release,
4 and may not be relied on by the defendant on appeal.

5 The judge's statement, to be given after pronouncing the
6 sentence, other than when the sentence is imposed for one of
7 the offenses enumerated in paragraph (a) (3) of Section 3-6-3,
8 shall include the following:

9 "The purpose of this statement is to inform the public of
10 the actual period of time this defendant is likely to spend in
11 prison as a result of this sentence. The actual period of
12 prison time served is determined by the statutes of Illinois as
13 applied to this sentence by the Illinois Department of
14 Corrections and the Illinois Prisoner Review Board. In this
15 case, assuming the defendant receives all of his or her
16 sentence credit, the period of estimated actual custody is ...
17 years and ... months, less up to 180 days additional sentence
18 credit for good conduct. If the defendant, because of his or
19 her own misconduct or failure to comply with the institutional
20 regulations, does not receive those credits, the actual time
21 served in prison will be longer. The defendant may also receive
22 an additional one-half day sentence credit for each day of
23 participation in vocational, industry, substance abuse, and
24 educational programs as provided for by Illinois statute."

25 When the sentence is imposed for one of the offenses
26 enumerated in paragraph (a) (3) of Section 3-6-3, other than

1 when the sentence is imposed for one of the offenses enumerated
2 in paragraph (a) (2) of Section 3-6-3 committed on or after June
3 19, 1998, and other than when the sentence is imposed for
4 reckless homicide as defined in subsection (e) of Section 9-3
5 of the Criminal Code of 1961 or the Criminal Code of 2012 if
6 the offense was committed on or after January 1, 1999, and
7 other than when the sentence is imposed for aggravated arson if
8 the offense was committed on or after July 27, 2001 (the
9 effective date of Public Act 92-176), and other than when the
10 sentence is imposed for aggravated driving under the influence
11 of alcohol, other drug or drugs, or intoxicating compound or
12 compounds, or any combination thereof as defined in
13 subparagraph (C) of paragraph (1) of subsection (d) of Section
14 11-501 of the Illinois Vehicle Code committed on or after
15 January 1, 2011 (the effective date of Public Act 96-1230), the
16 judge's statement, to be given after pronouncing the sentence,
17 shall include the following:

18 "The purpose of this statement is to inform the public of
19 the actual period of time this defendant is likely to spend in
20 prison as a result of this sentence. The actual period of
21 prison time served is determined by the statutes of Illinois as
22 applied to this sentence by the Illinois Department of
23 Corrections and the Illinois Prisoner Review Board. In this
24 case, assuming the defendant receives all of his or her
25 sentence credit, the period of estimated actual custody is ...
26 years and ... months, less up to 90 days additional sentence

1 credit for good conduct. If the defendant, because of his or
2 her own misconduct or failure to comply with the institutional
3 regulations, does not receive those credits, the actual time
4 served in prison will be longer. The defendant may also receive
5 an additional one-half day sentence credit for each day of
6 participation in vocational, industry, substance abuse, and
7 educational programs as provided for by Illinois statute."

8 When the sentence is imposed for one of the offenses
9 enumerated in paragraph (a)(2) of Section 3-6-3, other than
10 first degree murder, and the offense was committed on or after
11 June 19, 1998, and when the sentence is imposed for reckless
12 homicide as defined in subsection (e) of Section 9-3 of the
13 Criminal Code of 1961 or the Criminal Code of 2012 if the
14 offense was committed on or after January 1, 1999, and when the
15 sentence is imposed for aggravated driving under the influence
16 of alcohol, other drug or drugs, or intoxicating compound or
17 compounds, or any combination thereof as defined in
18 subparagraph (F) of paragraph (1) of subsection (d) of Section
19 11-501 of the Illinois Vehicle Code, and when the sentence is
20 imposed for aggravated arson if the offense was committed on or
21 after July 27, 2001 (the effective date of Public Act 92-176),
22 and when the sentence is imposed for aggravated driving under
23 the influence of alcohol, other drug or drugs, or intoxicating
24 compound or compounds, or any combination thereof as defined in
25 subparagraph (C) of paragraph (1) of subsection (d) of Section
26 11-501 of the Illinois Vehicle Code committed on or after

1 January 1, 2011 (the effective date of Public Act 96-1230), the
2 judge's statement, to be given after pronouncing the sentence,
3 shall include the following:

4 "The purpose of this statement is to inform the public of
5 the actual period of time this defendant is likely to spend in
6 prison as a result of this sentence. The actual period of
7 prison time served is determined by the statutes of Illinois as
8 applied to this sentence by the Illinois Department of
9 Corrections and the Illinois Prisoner Review Board. In this
10 case, the defendant is entitled to no more than 4 1/2 days of
11 sentence credit for each month of his or her sentence of
12 imprisonment. Therefore, this defendant will serve at least 85%
13 of his or her sentence. Assuming the defendant receives 4 1/2
14 days credit for each month of his or her sentence, the period
15 of estimated actual custody is ... years and ... months. If the
16 defendant, because of his or her own misconduct or failure to
17 comply with the institutional regulations receives lesser
18 credit, the actual time served in prison will be longer."

19 When a sentence of imprisonment is imposed for first degree
20 murder and the offense was committed on or after June 19, 1998,
21 the judge's statement, to be given after pronouncing the
22 sentence, shall include the following:

23 "The purpose of this statement is to inform the public of
24 the actual period of time this defendant is likely to spend in
25 prison as a result of this sentence. The actual period of
26 prison time served is determined by the statutes of Illinois as

1 applied to this sentence by the Illinois Department of
2 Corrections and the Illinois Prisoner Review Board. In this
3 case, the defendant is not entitled to sentence credit.
4 Therefore, this defendant will serve 100% of his or her
5 sentence."

6 When the sentencing order recommends placement in a
7 substance abuse program for any offense that results in
8 incarceration in a Department of Corrections facility and the
9 crime was committed on or after September 1, 2003 (the
10 effective date of Public Act 93-354), the judge's statement, in
11 addition to any other judge's statement required under this
12 Section, to be given after pronouncing the sentence, shall
13 include the following:

14 "The purpose of this statement is to inform the public of
15 the actual period of time this defendant is likely to spend in
16 prison as a result of this sentence. The actual period of
17 prison time served is determined by the statutes of Illinois as
18 applied to this sentence by the Illinois Department of
19 Corrections and the Illinois Prisoner Review Board. In this
20 case, the defendant shall receive no sentence credit for good
21 conduct under clause (3) of subsection (a) of Section 3-6-3
22 until he or she participates in and completes a substance abuse
23 treatment program or receives a waiver from the Director of
24 Corrections pursuant to clause (4.5) of subsection (a) of
25 Section 3-6-3."

26 (c-4) Before the sentencing hearing and as part of the

1 presentence investigation under Section 5-3-1, the court shall
2 inquire of the defendant whether the defendant is currently
3 serving in or is a veteran of the Armed Forces of the United
4 States. If the defendant is currently serving in the Armed
5 Forces of the United States or is a veteran of the Armed Forces
6 of the United States and has been diagnosed as having a mental
7 illness by a qualified psychiatrist or clinical psychologist or
8 physician, the court may:

9 (1) order that the officer preparing the presentence
10 report consult with the United States Department of
11 Veterans Affairs, Illinois Department of Veterans'
12 Affairs, or another agency or person with suitable
13 knowledge or experience for the purpose of providing the
14 court with information regarding treatment options
15 available to the defendant, including federal, State, and
16 local programming; and

17 (2) consider the treatment recommendations of any
18 diagnosing or treating mental health professionals
19 together with the treatment options available to the
20 defendant in imposing sentence.

21 For the purposes of this subsection (c-4), "qualified
22 psychiatrist" means a reputable physician licensed in Illinois
23 to practice medicine in all its branches, who has specialized
24 in the diagnosis and treatment of mental and nervous disorders
25 for a period of not less than 5 years.

26 (c-6) In imposing a sentence, the trial judge shall

1 specify, on the record, the particular evidence and other
2 reasons which led to his or her determination that a motor
3 vehicle was used in the commission of the offense.

4 (d) When the defendant is committed to the Department of
5 Corrections, the State's Attorney shall and counsel for the
6 defendant may file a statement with the clerk of the court to
7 be transmitted to the department, agency or institution to
8 which the defendant is committed to furnish such department,
9 agency or institution with the facts and circumstances of the
10 offense for which the person was committed together with all
11 other factual information accessible to them in regard to the
12 person prior to his commitment relative to his habits,
13 associates, disposition and reputation and any other facts and
14 circumstances which may aid such department, agency or
15 institution during its custody of such person. The clerk shall
16 within 10 days after receiving any such statements transmit a
17 copy to such department, agency or institution and a copy to
18 the other party, provided, however, that this shall not be
19 cause for delay in conveying the person to the department,
20 agency or institution to which he has been committed.

21 (e) The clerk of the court shall transmit to the
22 department, agency or institution, if any, to which the
23 defendant is committed, the following:

24 (1) the sentence imposed;

25 (2) any statement by the court of the basis for
26 imposing the sentence;

1 (3) any presentence reports;

2 (3.5) any sex offender evaluations;

3 (3.6) any substance abuse treatment eligibility
4 screening and assessment of the defendant by an agent
5 designated by the State of Illinois to provide assessment
6 services for the Illinois courts;

7 (4) the number of days, if any, which the defendant has
8 been in custody and for which he is entitled to credit
9 against the sentence, which information shall be provided
10 to the clerk by the sheriff;

11 (4.1) any finding of great bodily harm made by the
12 court with respect to an offense enumerated in subsection
13 (c-1);

14 (5) all statements filed under subsection (d) of this
15 Section;

16 (6) any medical or mental health records or summaries
17 of the defendant;

18 (7) the municipality where the arrest of the offender
19 or the commission of the offense has occurred, where such
20 municipality has a population of more than 25,000 persons;

21 (8) all statements made and evidence offered under
22 paragraph (7) of subsection (a) of this Section; and

23 (9) all additional matters which the court directs the
24 clerk to transmit.

25 (f) In cases in which the court finds that a motor vehicle
26 was used in the commission of the offense for which the

1 defendant is being sentenced, the clerk of the court shall,
2 within 5 days thereafter, forward a report of such conviction
3 to the Secretary of State.

4 (Source: P.A. 96-86, eff. 1-1-10; 96-1180, eff. 1-1-11;
5 96-1230, eff. 1-1-11; 96-1551, eff. 7-1-11; 97-333, eff.
6 8-12-11; 97-697, eff. 6-22-12; 97-1150, eff. 1-25-13.)

7 (730 ILCS 5/5-6-1) (from Ch. 38, par. 1005-6-1)

8 Sec. 5-6-1. Sentences of Probation and of Conditional
9 Discharge and Disposition of Supervision. The General Assembly
10 finds that in order to protect the public, the criminal justice
11 system must compel compliance with the conditions of probation
12 by responding to violations with swift, certain and fair
13 punishments and intermediate sanctions. The Chief Judge of each
14 circuit shall adopt a system of structured, intermediate
15 sanctions for violations of the terms and conditions of a
16 sentence of probation, conditional discharge or disposition of
17 supervision.

18 (a) Except where specifically prohibited by other
19 provisions of this Code, the court shall impose a sentence of
20 probation or conditional discharge upon an offender unless,
21 having regard to the nature and circumstance of the offense,
22 and to the history, character and condition of the offender,
23 the court is of the opinion that:

24 (1) his imprisonment or periodic imprisonment is
25 necessary for the protection of the public; or

1 (2) probation or conditional discharge would deprecate
2 the seriousness of the offender's conduct and would be
3 inconsistent with the ends of justice; or

4 (3) a combination of imprisonment with concurrent or
5 consecutive probation when an offender has been admitted
6 into a drug court program under Section 20 of the Drug
7 Court Treatment Act is necessary for the protection of the
8 public and for the rehabilitation of the offender.

9 The court shall impose as a condition of a sentence of
10 probation, conditional discharge, or supervision, that the
11 probation agency may invoke any sanction from the list of
12 intermediate sanctions adopted by the chief judge of the
13 circuit court for violations of the terms and conditions of the
14 sentence of probation, conditional discharge, or supervision,
15 subject to the provisions of Section 5-6-4 of this Act.

16 (b) The court may impose a sentence of conditional
17 discharge for an offense if the court is of the opinion that
18 neither a sentence of imprisonment nor of periodic imprisonment
19 nor of probation supervision is appropriate.

20 (b-1) Subsections (a) and (b) of this Section do not apply
21 to a defendant charged with a misdemeanor or felony under the
22 Illinois Vehicle Code or reckless homicide under Section 9-3 of
23 the Criminal Code of 1961 or the Criminal Code of 2012 if the
24 defendant within the past 12 months has been convicted of or
25 pleaded guilty to a misdemeanor or felony under the Illinois
26 Vehicle Code or reckless homicide under Section 9-3 of the

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

2 (c) The court may, upon a plea of guilty or a stipulation
3 by the defendant of the facts supporting the charge or a
4 finding of guilt, defer further proceedings and the imposition
5 of a sentence, and enter an order for supervision of the
6 defendant, if the defendant is not charged with: (i) a Class A
7 misdemeanor, as defined by the following provisions of the
8 Criminal Code of 1961 or the Criminal Code of 2012: Sections
9 11-9.1; 12-3.2; 11-1.50 or 12-15; 26-5 or 48-1; 31-1; 31-6;
10 31-7; paragraphs (2) and (3) of subsection (a) of Section 21-1;
11 paragraph (1) through (5), (8), (10), and (11) of subsection
12 (a) of Section 24-1; (ii) a Class A misdemeanor violation of
13 Section 3.01, 3.03-1, or 4.01 of the Humane Care for Animals
14 Act; or (iii) a felony. If the defendant is not barred from
15 receiving an order for supervision as provided in this
16 subsection, the court may enter an order for supervision after
17 considering the circumstances of the offense, and the history,
18 character and condition of the offender, if the court is of the
19 opinion that:

20 (1) the offender is not likely to commit further
21 crimes;

22 (2) the defendant and the public would be best served
23 if the defendant were not to receive a criminal record; and

24 (3) in the best interests of justice an order of
25 supervision is more appropriate than a sentence otherwise
26 permitted under this Code.

1 (c-5) Subsections (a), (b), and (c) of this Section do not
2 apply to a defendant charged with a second or subsequent
3 violation of Section 6-303 of the Illinois Vehicle Code
4 committed while his or her driver's license, permit or
5 privileges were revoked because of a violation of Section 9-3
6 of the Criminal Code of 1961 or the Criminal Code of 2012,
7 relating to the offense of reckless homicide, or a similar
8 provision of a law of another state.

9 (d) The provisions of paragraph (c) shall not apply to a
10 defendant charged with violating Section 11-501 of the Illinois
11 Vehicle Code or a similar provision of a local ordinance when
12 the defendant has previously been:

13 (1) convicted for a violation of Section 11-501 of the
14 Illinois Vehicle Code or a similar provision of a local
15 ordinance or any similar law or ordinance of another state;
16 or

17 (2) assigned supervision for a violation of Section
18 11-501 of the Illinois Vehicle Code or a similar provision
19 of a local ordinance or any similar law or ordinance of
20 another state; or

21 (3) pleaded guilty to or stipulated to the facts
22 supporting a charge or a finding of guilty to a violation
23 of Section 11-503 of the Illinois Vehicle Code or a similar
24 provision of a local ordinance or any similar law or
25 ordinance of another state, and the plea or stipulation was
26 the result of a plea agreement.

1 The court shall consider the statement of the prosecuting
2 authority with regard to the standards set forth in this
3 Section.

4 (e) The provisions of paragraph (c) shall not apply to a
5 defendant charged with violating Section 16-25 or 16A-3 of the
6 Criminal Code of 1961 or the Criminal Code of 2012 if said
7 defendant has within the last 5 years been:

8 (1) convicted for a violation of Section 16-25 or 16A-3
9 of the Criminal Code of 1961 or the Criminal Code of 2012;
10 or

11 (2) assigned supervision for a violation of Section
12 16-25 or 16A-3 of the Criminal Code of 1961 or the Criminal
13 Code of 2012.

14 The court shall consider the statement of the prosecuting
15 authority with regard to the standards set forth in this
16 Section.

17 (f) The provisions of paragraph (c) shall not apply to a
18 defendant charged with violating Sections 15-111, 15-112,
19 15-301, paragraph (b) of Section 6-104, Section 11-605, Section
20 11-1002.5, or Section 11-1414 of the Illinois Vehicle Code or a
21 similar provision of a local ordinance.

22 (g) Except as otherwise provided in paragraph (i) of this
23 Section, the provisions of paragraph (c) shall not apply to a
24 defendant charged with violating Section 3-707, 3-708, 3-710,
25 or 5-401.3 of the Illinois Vehicle Code or a similar provision
26 of a local ordinance if the defendant has within the last 5

1 years been:

2 (1) convicted for a violation of Section 3-707, 3-708,
3 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar
4 provision of a local ordinance; or

5 (2) assigned supervision for a violation of Section
6 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle
7 Code or a similar provision of a local ordinance.

8 The court shall consider the statement of the prosecuting
9 authority with regard to the standards set forth in this
10 Section.

11 (h) The provisions of paragraph (c) shall not apply to a
12 defendant under the age of 21 years charged with violating a
13 serious traffic offense as defined in Section 1-187.001 of the
14 Illinois Vehicle Code:

15 (1) unless the defendant, upon payment of the fines,
16 penalties, and costs provided by law, agrees to attend and
17 successfully complete a traffic safety program approved by
18 the court under standards set by the Conference of Chief
19 Circuit Judges. The accused shall be responsible for
20 payment of any traffic safety program fees. If the accused
21 fails to file a certificate of successful completion on or
22 before the termination date of the supervision order, the
23 supervision shall be summarily revoked and conviction
24 entered. The provisions of Supreme Court Rule 402 relating
25 to pleas of guilty do not apply in cases when a defendant
26 enters a guilty plea under this provision; or

1 (2) if the defendant has previously been sentenced
2 under the provisions of paragraph (c) on or after January
3 1, 1998 for any serious traffic offense as defined in
4 Section 1-187.001 of the Illinois Vehicle Code.

5 (h-1) The provisions of paragraph (c) shall not apply to a
6 defendant under the age of 21 years charged with an offense
7 against traffic regulations governing the movement of vehicles
8 or any violation of Section 6-107 or Section 12-603.1 of the
9 Illinois Vehicle Code, unless the defendant, upon payment of
10 the fines, penalties, and costs provided by law, agrees to
11 attend and successfully complete a traffic safety program
12 approved by the court under standards set by the Conference of
13 Chief Circuit Judges. The accused shall be responsible for
14 payment of any traffic safety program fees. If the accused
15 fails to file a certificate of successful completion on or
16 before the termination date of the supervision order, the
17 supervision shall be summarily revoked and conviction entered.
18 The provisions of Supreme Court Rule 402 relating to pleas of
19 guilty do not apply in cases when a defendant enters a guilty
20 plea under this provision.

21 (i) The provisions of paragraph (c) shall not apply to a
22 defendant charged with violating Section 3-707 of the Illinois
23 Vehicle Code or a similar provision of a local ordinance if the
24 defendant has been assigned supervision for a violation of
25 Section 3-707 of the Illinois Vehicle Code or a similar
26 provision of a local ordinance.

1 (j) The provisions of paragraph (c) shall not apply to a
2 defendant charged with violating Section 6-303 of the Illinois
3 Vehicle Code or a similar provision of a local ordinance when
4 the revocation or suspension was for a violation of Section
5 11-501 or a similar provision of a local ordinance or a
6 violation of Section 11-501.1 or paragraph (b) of Section
7 11-401 of the Illinois Vehicle Code if the defendant has within
8 the last 10 years been:

9 (1) convicted for a violation of Section 6-303 of the
10 Illinois Vehicle Code or a similar provision of a local
11 ordinance; or

12 (2) assigned supervision for a violation of Section
13 6-303 of the Illinois Vehicle Code or a similar provision
14 of a local ordinance.

15 (k) The provisions of paragraph (c) shall not apply to a
16 defendant charged with violating any provision of the Illinois
17 Vehicle Code or a similar provision of a local ordinance that
18 governs the movement of vehicles if, within the 12 months
19 preceding the date of the defendant's arrest, the defendant has
20 been assigned court supervision on 2 occasions for a violation
21 that governs the movement of vehicles under the Illinois
22 Vehicle Code or a similar provision of a local ordinance. The
23 provisions of this paragraph (k) do not apply to a defendant
24 charged with violating Section 11-501 of the Illinois Vehicle
25 Code or a similar provision of a local ordinance.

26 (l) A defendant charged with violating any provision of the

1 Illinois Vehicle Code or a similar provision of a local
2 ordinance who receives a disposition of supervision under
3 subsection (c) shall pay an additional fee of \$29, to be
4 collected as provided in Sections 27.5 and 27.6 of the Clerks
5 of Courts Act. In addition to the \$29 fee, the person shall
6 also pay a fee of \$6, which, if not waived by the court, shall
7 be collected as provided in Sections 27.5 and 27.6 of the
8 Clerks of Courts Act. The \$29 fee shall be disbursed as
9 provided in Section 16-104c of the Illinois Vehicle Code. If
10 the \$6 fee is collected, \$5.50 of the fee shall be deposited
11 into the Circuit Court Clerk Operation and Administrative Fund
12 created by the Clerk of the Circuit Court and 50 cents of the
13 fee shall be deposited into the Prisoner Review Board Vehicle
14 and Equipment Fund in the State treasury.

15 (m) Any person convicted of, pleading guilty to, or placed
16 on supervision for a serious traffic violation, as defined in
17 Section 1-187.001 of the Illinois Vehicle Code, a violation of
18 Section 11-501 of the Illinois Vehicle Code, or a violation of
19 a similar provision of a local ordinance shall pay an
20 additional fee of \$35, to be disbursed as provided in Section
21 16-104d of that Code.

22 This subsection (m) becomes inoperative on January 1, 2020.

23 (n) The provisions of paragraph (c) shall not apply to any
24 person under the age of 18 who commits an offense against
25 traffic regulations governing the movement of vehicles or any
26 violation of Section 6-107 or Section 12-603.1 of the Illinois

1 Vehicle Code, except upon personal appearance of the defendant
2 in court and upon the written consent of the defendant's parent
3 or legal guardian, executed before the presiding judge. The
4 presiding judge shall have the authority to waive this
5 requirement upon the showing of good cause by the defendant.

6 (o) The provisions of paragraph (c) shall not apply to a
7 defendant charged with violating Section 6-303 of the Illinois
8 Vehicle Code or a similar provision of a local ordinance when
9 the suspension was for a violation of Section 11-501.1 of the
10 Illinois Vehicle Code and when:

11 (1) at the time of the violation of Section 11-501.1 of
12 the Illinois Vehicle Code, the defendant was a first
13 offender pursuant to Section 11-500 of the Illinois Vehicle
14 Code and the defendant failed to obtain a monitoring device
15 driving permit; or

16 (2) at the time of the violation of Section 11-501.1 of
17 the Illinois Vehicle Code, the defendant was a first
18 offender pursuant to Section 11-500 of the Illinois Vehicle
19 Code, had subsequently obtained a monitoring device
20 driving permit, but was driving a vehicle not equipped with
21 a breath alcohol ignition interlock device as defined in
22 Section 1-129.1 of the Illinois Vehicle Code.

23 (p) The provisions of paragraph (c) shall not apply to a
24 defendant charged with violating Section 11-601.5 of the
25 Illinois Vehicle Code or a similar provision of a local
26 ordinance.

1 (q) The provisions of paragraph (c) shall not apply to a
2 defendant charged with violating subsection (b) of Section
3 11-601 of the Illinois Vehicle Code when the defendant was
4 operating a vehicle, in an urban district, at a speed in excess
5 of 25 miles per hour over the posted speed limit.

6 (r) The provisions of paragraph (c) shall not apply to a
7 defendant charged with violating any provision of the Illinois
8 Vehicle Code or a similar provision of a local ordinance if the
9 violation was the proximate cause of the death of another and
10 the defendant's driving abstract contains a prior conviction or
11 disposition of court supervision for any violation of the
12 Illinois Vehicle Code, other than an equipment violation, or a
13 suspension, revocation, or cancellation of the driver's
14 license.

15 (s) The provisions of paragraph (c) shall not apply to a
16 defendant charged with violating subsection (i) of Section 70
17 of the Firearm Concealed Carry Act.

18 (t) The provisions of paragraph (c) shall not apply to a
19 defendant charged with violating Section 11-508 of the Illinois
20 Vehicle Code or a similar provision of a local ordinance when
21 the defendant has previously been:

22 (1) convicted for a violation of Section 11-508 of the
23 Illinois Vehicle Code or a similar provision of a local
24 ordinance or any similar law or ordinance of another state;
25 or

26 (2) assigned supervision for a violation of Section

1 11-508 of the Illinois Vehicle Code or a similar provision
2 of a local ordinance or any similar law or ordinance of
3 another state.

4 (Source: P.A. 97-333, eff. 8-12-11; 97-597, eff. 1-1-12;
5 97-831, eff. 7-1-13; 97-1108, eff. 1-1-13; 97-1150, eff.
6 1-25-13; 98-169, eff. 1-1-14; 98-658, eff. 6-23-14; 98-899,
7 eff. 8-15-14; revised 10-1-14.)

8 (730 ILCS 5/5-9-1.9)

9 Sec. 5-9-1.9. DUI analysis fee.

10 (a) "Crime laboratory" means a not-for-profit laboratory
11 substantially funded by a single unit or combination of units
12 of local government or the State of Illinois that regularly
13 employs at least one person engaged in the DUI analysis of
14 blood and urine for criminal justice agencies in criminal
15 matters and provides testimony with respect to such
16 examinations.

17 "DUI analysis" means an analysis of blood or urine for
18 purposes of determining whether a violation of Section 11-501
19 or 11-508 of the Illinois Vehicle Code has occurred.

20 (b) When a person has been adjudged guilty of an offense in
21 violation of Section 11-501 or 11-508 of the Illinois Vehicle
22 Code, in addition to any other disposition, penalty, or fine
23 imposed, a crime laboratory DUI analysis fee of \$150 for each
24 offense for which the person was convicted shall be levied by
25 the court for each case in which a laboratory analysis

1 occurred. Upon verified petition of the person, the court may
2 suspend payment of all or part of the fee if it finds that the
3 person does not have the ability to pay the fee.

4 (c) In addition to any other disposition made under the
5 provisions of the Juvenile Court Act of 1987, any minor
6 adjudicated delinquent for an offense which if committed by an
7 adult would constitute a violation of Section 11-501 or 11-508
8 of the Illinois Vehicle Code shall be assessed a crime
9 laboratory DUI analysis fee of \$150 for each adjudication. Upon
10 verified petition of the minor, the court may suspend payment
11 of all or part of the fee if it finds that the minor does not
12 have the ability to pay the fee. The parent, guardian, or legal
13 custodian of the minor may pay some or all of the fee on the
14 minor's behalf.

15 (d) All crime laboratory DUI analysis fees provided for by
16 this Section shall be collected by the clerk of the court and
17 forwarded to the appropriate crime laboratory DUI fund as
18 provided in subsection (f).

19 (e) Crime laboratory funds shall be established as follows:

20 (1) A unit of local government that maintains a crime
21 laboratory may establish a crime laboratory DUI fund within
22 the office of the county or municipal treasurer.

23 (2) Any combination of units of local government that
24 maintains a crime laboratory may establish a crime
25 laboratory DUI fund within the office of the treasurer of
26 the county where the crime laboratory is situated.

1 (3) The State Police DUI Fund is created as a special
2 fund in the State Treasury.

3 (f) The analysis fee provided for in subsections (b) and
4 (c) of this Section shall be forwarded to the office of the
5 treasurer of the unit of local government that performed the
6 analysis if that unit of local government has established a
7 crime laboratory DUI fund, or to the State Treasurer for
8 deposit into the State Police DUI Fund if the analysis was
9 performed by a laboratory operated by the Department of State
10 Police. If the analysis was performed by a crime laboratory
11 funded by a combination of units of local government, the
12 analysis fee shall be forwarded to the treasurer of the county
13 where the crime laboratory is situated if a crime laboratory
14 DUI fund has been established in that county. If the unit of
15 local government or combination of units of local government
16 has not established a crime laboratory DUI fund, then the
17 analysis fee shall be forwarded to the State Treasurer for
18 deposit into the State Police DUI Fund. The clerk of the
19 circuit court may retain the amount of \$10 from each collected
20 analysis fee to offset administrative costs incurred in
21 carrying out the clerk's responsibilities under this Section.

22 (g) Fees deposited into a crime laboratory DUI fund created
23 under paragraphs (1) and (2) of subsection (e) of this Section
24 shall be in addition to any allocations made pursuant to
25 existing law and shall be designated for the exclusive use of
26 the crime laboratory. These uses may include, but are not

1 limited to, the following:

2 (1) Costs incurred in providing analysis for DUI
3 investigations conducted within this State.

4 (2) Purchase and maintenance of equipment for use in
5 performing analyses.

6 (3) Continuing education, training, and professional
7 development of forensic scientists regularly employed by
8 these laboratories.

9 (h) Fees deposited in the State Police DUI Fund created
10 under paragraph (3) of subsection (e) of this Section shall be
11 used by State crime laboratories as designated by the Director
12 of State Police. These funds shall be in addition to any
13 allocations made according to existing law and shall be
14 designated for the exclusive use of State crime laboratories.
15 These uses may include those enumerated in subsection (g) of
16 this Section.

17 (Source: P.A. 91-822, eff. 6-13-00.)".