



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB2228

Introduced 1/13/2016, by Sen. Heather A. Steans

SYNOPSIS AS INTRODUCED:

See Index

Amends the Cannabis Control Act. Provides that the possession of 10 grams or less of cannabis is a civil law violation punishable by a minimum fine of \$100 and a maximum fine of \$200. Creates the offense of unlawful use of cannabis-based product manufacturing equipment. Provides that a violation is a Class 2 felony. Provides that the provisions of any ordinance enacted by any municipality or unit of local government which imposes a fine upon cannabis other than as defined in the Cannabis Control Act are not invalidated or affected by this Act. Amends the Drug Paraphernalia Control Act. Provides that if a person is convicted of 10 grams or less of cannabis, the penalty for possession of any drug paraphernalia seized during the arrest for that offense shall be a civil law violation punishable by a minimum fine of \$100 and a maximum fine of \$200. Provides for distribution of these fines. Amends Illinois Vehicle Code. Provides that a person shall not drive or be in actual physical control of any vehicle, snowmobile, or watercraft within this State when the person has, within 2 hours thereof, a tetrahydrocannabinol (THC) concentration in the person's whole blood or other bodily substance of 5 nanograms or more of delta-9-tetrahydrocannabinol per milliliter of whole blood or 10 nanograms or more of delta-9-tetrahydrocannabinol per milliliter of other bodily substance from the unlawful consumption of cannabis (rather than a cannabis THC concentration in any amount). Amends various other Acts to make conforming changes. Effective immediately.

LRB099 16422 RLC 40755 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

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

4 Section 5. The Criminal Identification Act is amended by
5 changing Section 5.2 as follows:

6 (20 ILCS 2630/5.2)

7 Sec. 5.2. Expungement and sealing.

8 (a) General Provisions.

9 (1) Definitions. In this Act, words and phrases have
10 the meanings set forth in this subsection, except when a
11 particular context clearly requires a different meaning.

12 (A) The following terms shall have the meanings
13 ascribed to them in the Unified Code of Corrections,
14 730 ILCS 5/5-1-2 through 5/5-1-22:

15 (i) Business Offense (730 ILCS 5/5-1-2),

16 (ii) Charge (730 ILCS 5/5-1-3),

17 (iii) Court (730 ILCS 5/5-1-6),

18 (iv) Defendant (730 ILCS 5/5-1-7),

19 (v) Felony (730 ILCS 5/5-1-9),

20 (vi) Imprisonment (730 ILCS 5/5-1-10),

21 (vii) Judgment (730 ILCS 5/5-1-12),

22 (viii) Misdemeanor (730 ILCS 5/5-1-14),

23 (ix) Offense (730 ILCS 5/5-1-15),

- 1 (x) Parole (730 ILCS 5/5-1-16),
2 (xi) Petty Offense (730 ILCS 5/5-1-17),
3 (xii) Probation (730 ILCS 5/5-1-18),
4 (xiii) Sentence (730 ILCS 5/5-1-19),
5 (xiv) Supervision (730 ILCS 5/5-1-21), and
6 (xv) Victim (730 ILCS 5/5-1-22).

7 (B) As used in this Section, "charge not initiated
8 by arrest" means a charge (as defined by 730 ILCS
9 5/5-1-3) brought against a defendant where the
10 defendant is not arrested prior to or as a direct
11 result of the charge.

12 (C) "Conviction" means a judgment of conviction or
13 sentence entered upon a plea of guilty or upon a
14 verdict or finding of guilty of an offense, rendered by
15 a legally constituted jury or by a court of competent
16 jurisdiction authorized to try the case without a jury.
17 An order of supervision successfully completed by the
18 petitioner is not a conviction. An order of qualified
19 probation (as defined in subsection (a)(1)(J))
20 successfully completed by the petitioner is not a
21 conviction. An order of supervision or an order of
22 qualified probation that is terminated
23 unsatisfactorily is a conviction, unless the
24 unsatisfactory termination is reversed, vacated, or
25 modified and the judgment of conviction, if any, is
26 reversed or vacated.

1 (D) "Criminal offense" means a petty offense,
2 business offense, misdemeanor, felony, or municipal
3 ordinance violation (as defined in subsection
4 (a)(1)(H)). As used in this Section, a minor traffic
5 offense (as defined in subsection (a)(1)(G)) shall not
6 be considered a criminal offense.

7 (E) "Expunge" means to physically destroy the
8 records or return them to the petitioner and to
9 obliterate the petitioner's name from any official
10 index or public record, or both. Nothing in this Act
11 shall require the physical destruction of the circuit
12 court file, but such records relating to arrests or
13 charges, or both, ordered expunged shall be impounded
14 as required by subsections (d)(9)(A)(ii) and
15 (d)(9)(B)(ii).

16 (F) As used in this Section, "last sentence" means
17 the sentence, order of supervision, or order of
18 qualified probation (as defined by subsection
19 (a)(1)(J)), for a criminal offense (as defined by
20 subsection (a)(1)(D)) that terminates last in time in
21 any jurisdiction, regardless of whether the petitioner
22 has included the criminal offense for which the
23 sentence or order of supervision or qualified
24 probation was imposed in his or her petition. If
25 multiple sentences, orders of supervision, or orders
26 of qualified probation terminate on the same day and

1 are last in time, they shall be collectively considered
2 the "last sentence" regardless of whether they were
3 ordered to run concurrently.

4 (G) "Minor traffic offense" means a petty offense,
5 business offense, or Class C misdemeanor under the
6 Illinois Vehicle Code or a similar provision of a
7 municipal or local ordinance.

8 (H) "Municipal ordinance violation" means an
9 offense defined by a municipal or local ordinance that
10 is criminal in nature and with which the petitioner was
11 charged or for which the petitioner was arrested and
12 released without charging.

13 (I) "Petitioner" means an adult or a minor
14 prosecuted as an adult who has applied for relief under
15 this Section.

16 (J) "Qualified probation" means an order of
17 probation under Section 10 of the Cannabis Control Act,
18 Section 410 of the Illinois Controlled Substances Act,
19 Section 70 of the Methamphetamine Control and
20 Community Protection Act, Section 5-6-3.3 or 5-6-3.4
21 of the Unified Code of Corrections, Section
22 12-4.3(b)(1) and (2) of the Criminal Code of 1961 (as
23 those provisions existed before their deletion by
24 Public Act 89-313), Section 10-102 of the Illinois
25 Alcoholism and Other Drug Dependency Act, Section
26 40-10 of the Alcoholism and Other Drug Abuse and

1 Dependency Act, or Section 10 of the Steroid Control
2 Act. For the purpose of this Section, "successful
3 completion" of an order of qualified probation under
4 Section 10-102 of the Illinois Alcoholism and Other
5 Drug Dependency Act and Section 40-10 of the Alcoholism
6 and Other Drug Abuse and Dependency Act means that the
7 probation was terminated satisfactorily and the
8 judgment of conviction was vacated.

9 (K) "Seal" means to physically and electronically
10 maintain the records, unless the records would
11 otherwise be destroyed due to age, but to make the
12 records unavailable without a court order, subject to
13 the exceptions in Sections 12 and 13 of this Act. The
14 petitioner's name shall also be obliterated from the
15 official index required to be kept by the circuit court
16 clerk under Section 16 of the Clerks of Courts Act, but
17 any index issued by the circuit court clerk before the
18 entry of the order to seal shall not be affected.

19 (L) "Sexual offense committed against a minor"
20 includes but is not limited to the offenses of indecent
21 solicitation of a child or criminal sexual abuse when
22 the victim of such offense is under 18 years of age.

23 (M) "Terminate" as it relates to a sentence or
24 order of supervision or qualified probation includes
25 either satisfactory or unsatisfactory termination of
26 the sentence, unless otherwise specified in this

1 Section.

2 (2) Minor Traffic Offenses. Orders of supervision or
3 convictions for minor traffic offenses shall not affect a
4 petitioner's eligibility to expunge or seal records
5 pursuant to this Section.

6 (2.5) Commencing 180 days after the effective date of
7 this amendatory Act of the 99th General Assembly, the law
8 enforcement agency issuing the citation shall
9 automatically expunge, on or before January 1 and July 1 of
10 each year, the law enforcement records of a person found to
11 have committed a civil law violation of subsection (a) of
12 Section 4 of the Cannabis Control Act or subsection (c) of
13 Section 3.5 of the Drug Paraphernalia Control Act in the
14 law enforcement agency's possession or control and which
15 contains the final satisfactory disposition which pertain
16 to the person issued a citation for that offense. The law
17 enforcement agency shall provide by rule the process for
18 access, review, and to confirm the automatic expungement by
19 the law enforcement agency issuing the citation.
20 Commencing 180 days after the effective date of this
21 amendatory Act of the 99th General Assembly, the clerk of
22 the circuit court shall expunge, upon order of the court,
23 or in the absence of a court order on or before January 1
24 and July 1 of each year, the court records of a person
25 found in the circuit court to have committed a civil law
26 violation of subsection (a) of Section 4 of the Cannabis

1 Control Act or subsection (c) of Section 3.5 of the Drug
2 Paraphernalia Control Act in the clerk's possession or
3 control and which contains the final satisfactory
4 disposition which pertain to the person issued a citation
5 for any of those offenses.

6 (3) Exclusions. Except as otherwise provided in
7 subsections (b) (5), (b) (6), (b) (8), (e), (e-5), and (e-6)
8 of this Section, the court shall not order:

9 (A) the sealing or expungement of the records of
10 arrests or charges not initiated by arrest that result
11 in an order of supervision for or conviction of: (i)
12 any sexual offense committed against a minor; (ii)
13 Section 11-501 of the Illinois Vehicle Code or a
14 similar provision of a local ordinance; or (iii)
15 Section 11-503 of the Illinois Vehicle Code or a
16 similar provision of a local ordinance, unless the
17 arrest or charge is for a misdemeanor violation of
18 subsection (a) of Section 11-503 or a similar provision
19 of a local ordinance, that occurred prior to the
20 offender reaching the age of 25 years and the offender
21 has no other conviction for violating Section 11-501 or
22 11-503 of the Illinois Vehicle Code or a similar
23 provision of a local ordinance.

24 (B) the sealing or expungement of records of minor
25 traffic offenses (as defined in subsection (a) (1) (G)),
26 unless the petitioner was arrested and released

1 without charging.

2 (C) the sealing of the records of arrests or
3 charges not initiated by arrest which result in an
4 order of supervision or a conviction for the following
5 offenses:

6 (i) offenses included in Article 11 of the
7 Criminal Code of 1961 or the Criminal Code of 2012
8 or a similar provision of a local ordinance, except
9 Section 11-14 of the Criminal Code of 1961 or the
10 Criminal Code of 2012, or a similar provision of a
11 local ordinance;

12 (ii) Section 11-1.50, 12-3.4, 12-15, 12-30,
13 26-5, or 48-1 of the Criminal Code of 1961 or the
14 Criminal Code of 2012, or a similar provision of a
15 local ordinance;

16 (iii) Sections 12-3.1 or 12-3.2 of the
17 Criminal Code of 1961 or the Criminal Code of 2012,
18 or Section 125 of the Stalking No Contact Order
19 Act, or Section 219 of the Civil No Contact Order
20 Act, or a similar provision of a local ordinance;

21 (iv) offenses which are Class A misdemeanors
22 under the Humane Care for Animals Act; or

23 (v) any offense or attempted offense that
24 would subject a person to registration under the
25 Sex Offender Registration Act.

26 (D) the sealing of the records of an arrest which

1 results in the petitioner being charged with a felony
2 offense or records of a charge not initiated by arrest
3 for a felony offense unless:

4 (i) the charge is amended to a misdemeanor and
5 is otherwise eligible to be sealed pursuant to
6 subsection (c);

7 (ii) the charge is brought along with another
8 charge as a part of one case and the charge results
9 in acquittal, dismissal, or conviction when the
10 conviction was reversed or vacated, and another
11 charge brought in the same case results in a
12 disposition for a misdemeanor offense that is
13 eligible to be sealed pursuant to subsection (c) or
14 a disposition listed in paragraph (i), (iii), or
15 (iv) of this subsection;

16 (iii) the charge results in first offender
17 probation as set forth in subsection (c) (2) (E);

18 (iv) the charge is for a felony offense listed
19 in subsection (c) (2) (F) or the charge is amended to
20 a felony offense listed in subsection (c) (2) (F);

21 (v) the charge results in acquittal,
22 dismissal, or the petitioner's release without
23 conviction; or

24 (vi) the charge results in a conviction, but
25 the conviction was reversed or vacated.

26 (b) Expungement.

1 (1) A petitioner may petition the circuit court to
2 expunge the records of his or her arrests and charges not
3 initiated by arrest when:

4 (A) He or she has never been convicted of a
5 criminal offense; and

6 (B) Each arrest or charge not initiated by arrest
7 sought to be expunged resulted in: (i) acquittal,
8 dismissal, or the petitioner's release without
9 charging, unless excluded by subsection (a)(3)(B);
10 (ii) a conviction which was vacated or reversed, unless
11 excluded by subsection (a)(3)(B); (iii) an order of
12 supervision and such supervision was successfully
13 completed by the petitioner, unless excluded by
14 subsection (a)(3)(A) or (a)(3)(B); or (iv) an order of
15 qualified probation (as defined in subsection
16 (a)(1)(J)) and such probation was successfully
17 completed by the petitioner.

18 (2) Time frame for filing a petition to expunge.

19 (A) When the arrest or charge not initiated by
20 arrest sought to be expunged resulted in an acquittal,
21 dismissal, the petitioner's release without charging,
22 or the reversal or vacation of a conviction, there is
23 no waiting period to petition for the expungement of
24 such records.

25 (B) When the arrest or charge not initiated by
26 arrest sought to be expunged resulted in an order of

1 supervision, successfully completed by the petitioner,
2 the following time frames will apply:

3 (i) Those arrests or charges that resulted in
4 orders of supervision under Section 3-707, 3-708,
5 3-710, or 5-401.3 of the Illinois Vehicle Code or a
6 similar provision of a local ordinance, or under
7 Section 11-1.50, 12-3.2, or 12-15 of the Criminal
8 Code of 1961 or the Criminal Code of 2012, or a
9 similar provision of a local ordinance, shall not
10 be eligible for expungement until 5 years have
11 passed following the satisfactory termination of
12 the supervision.

13 (i-5) Those arrests or charges that resulted
14 in orders of supervision for a misdemeanor
15 violation of subsection (a) of Section 11-503 of
16 the Illinois Vehicle Code or a similar provision of
17 a local ordinance, that occurred prior to the
18 offender reaching the age of 25 years and the
19 offender has no other conviction for violating
20 Section 11-501 or 11-503 of the Illinois Vehicle
21 Code or a similar provision of a local ordinance
22 shall not be eligible for expungement until the
23 petitioner has reached the age of 25 years.

24 (ii) Those arrests or charges that resulted in
25 orders of supervision for any other offenses shall
26 not be eligible for expungement until 2 years have

1 passed following the satisfactory termination of
2 the supervision.

3 (C) When the arrest or charge not initiated by
4 arrest sought to be expunged resulted in an order of
5 qualified probation, successfully completed by the
6 petitioner, such records shall not be eligible for
7 expungement until 5 years have passed following the
8 satisfactory termination of the probation.

9 (3) Those records maintained by the Department for
10 persons arrested prior to their 17th birthday shall be
11 expunged as provided in Section 5-915 of the Juvenile Court
12 Act of 1987.

13 (4) Whenever a person has been arrested for or
14 convicted of any offense, in the name of a person whose
15 identity he or she has stolen or otherwise come into
16 possession of, the aggrieved person from whom the identity
17 was stolen or otherwise obtained without authorization,
18 upon learning of the person having been arrested using his
19 or her identity, may, upon verified petition to the chief
20 judge of the circuit wherein the arrest was made, have a
21 court order entered nunc pro tunc by the Chief Judge to
22 correct the arrest record, conviction record, if any, and
23 all official records of the arresting authority, the
24 Department, other criminal justice agencies, the
25 prosecutor, and the trial court concerning such arrest, if
26 any, by removing his or her name from all such records in

1 connection with the arrest and conviction, if any, and by
2 inserting in the records the name of the offender, if known
3 or ascertainable, in lieu of the aggrieved's name. The
4 records of the circuit court clerk shall be sealed until
5 further order of the court upon good cause shown and the
6 name of the aggrieved person obliterated on the official
7 index required to be kept by the circuit court clerk under
8 Section 16 of the Clerks of Courts Act, but the order shall
9 not affect any index issued by the circuit court clerk
10 before the entry of the order. Nothing in this Section
11 shall limit the Department of State Police or other
12 criminal justice agencies or prosecutors from listing
13 under an offender's name the false names he or she has
14 used.

15 (5) Whenever a person has been convicted of criminal
16 sexual assault, aggravated criminal sexual assault,
17 predatory criminal sexual assault of a child, criminal
18 sexual abuse, or aggravated criminal sexual abuse, the
19 victim of that offense may request that the State's
20 Attorney of the county in which the conviction occurred
21 file a verified petition with the presiding trial judge at
22 the petitioner's trial to have a court order entered to
23 seal the records of the circuit court clerk in connection
24 with the proceedings of the trial court concerning that
25 offense. However, the records of the arresting authority
26 and the Department of State Police concerning the offense

1 shall not be sealed. The court, upon good cause shown,
2 shall make the records of the circuit court clerk in
3 connection with the proceedings of the trial court
4 concerning the offense available for public inspection.

5 (6) If a conviction has been set aside on direct review
6 or on collateral attack and the court determines by clear
7 and convincing evidence that the petitioner was factually
8 innocent of the charge, the court that finds the petitioner
9 factually innocent of the charge shall enter an expungement
10 order for the conviction for which the petitioner has been
11 determined to be innocent as provided in subsection (b) of
12 Section 5-5-4 of the Unified Code of Corrections.

13 (7) Nothing in this Section shall prevent the
14 Department of State Police from maintaining all records of
15 any person who is admitted to probation upon terms and
16 conditions and who fulfills those terms and conditions
17 pursuant to Section 10 of the Cannabis Control Act, Section
18 410 of the Illinois Controlled Substances Act, Section 70
19 of the Methamphetamine Control and Community Protection
20 Act, Section 5-6-3.3 or 5-6-3.4 of the Unified Code of
21 Corrections, Section 12-4.3 or subdivision (b)(1) of
22 Section 12-3.05 of the Criminal Code of 1961 or the
23 Criminal Code of 2012, Section 10-102 of the Illinois
24 Alcoholism and Other Drug Dependency Act, Section 40-10 of
25 the Alcoholism and Other Drug Abuse and Dependency Act, or
26 Section 10 of the Steroid Control Act.

1 (8) If the petitioner has been granted a certificate of
2 innocence under Section 2-702 of the Code of Civil
3 Procedure, the court that grants the certificate of
4 innocence shall also enter an order expunging the
5 conviction for which the petitioner has been determined to
6 be innocent as provided in subsection (h) of Section 2-702
7 of the Code of Civil Procedure.

8 (c) Sealing.

9 (1) Applicability. Notwithstanding any other provision
10 of this Act to the contrary, and cumulative with any rights
11 to expungement of criminal records, this subsection
12 authorizes the sealing of criminal records of adults and of
13 minors prosecuted as adults.

14 (2) Eligible Records. The following records may be
15 sealed:

16 (A) All arrests resulting in release without
17 charging;

18 (B) Arrests or charges not initiated by arrest
19 resulting in acquittal, dismissal, or conviction when
20 the conviction was reversed or vacated, except as
21 excluded by subsection (a) (3) (B);

22 (C) Arrests or charges not initiated by arrest
23 resulting in orders of supervision, including orders
24 of supervision for municipal ordinance violations,
25 successfully completed by the petitioner, unless
26 excluded by subsection (a) (3);

1 (D) Arrests or charges not initiated by arrest
2 resulting in convictions, including convictions on
3 municipal ordinance violations, unless excluded by
4 subsection (a) (3);

5 (E) Arrests or charges not initiated by arrest
6 resulting in orders of first offender probation under
7 Section 10 of the Cannabis Control Act, Section 410 of
8 the Illinois Controlled Substances Act, Section 70 of
9 the Methamphetamine Control and Community Protection
10 Act, or Section 5-6-3.3 of the Unified Code of
11 Corrections; and

12 (F) Arrests or charges not initiated by arrest
13 resulting in felony convictions for the following
14 offenses:

15 (i) Class 4 felony convictions for:

16 Prostitution under Section 11-14 of the
17 Criminal Code of 1961 or the Criminal Code of
18 2012.

19 Possession of cannabis under Section 4 of
20 the Cannabis Control Act.

21 Possession of a controlled substance under
22 Section 402 of the Illinois Controlled
23 Substances Act.

24 Offenses under the Methamphetamine
25 Precursor Control Act.

26 Offenses under the Steroid Control Act.

1 Theft under Section 16-1 of the Criminal
2 Code of 1961 or the Criminal Code of 2012.

3 Retail theft under Section 16A-3 or
4 paragraph (a) of 16-25 of the Criminal Code of
5 1961 or the Criminal Code of 2012.

6 Deceptive practices under Section 17-1 of
7 the Criminal Code of 1961 or the Criminal Code
8 of 2012.

9 Forgery under Section 17-3 of the Criminal
10 Code of 1961 or the Criminal Code of 2012.

11 Possession of burglary tools under Section
12 19-2 of the Criminal Code of 1961 or the
13 Criminal Code of 2012.

14 (ii) Class 3 felony convictions for:

15 Theft under Section 16-1 of the Criminal
16 Code of 1961 or the Criminal Code of 2012.

17 Retail theft under Section 16A-3 or
18 paragraph (a) of 16-25 of the Criminal Code of
19 1961 or the Criminal Code of 2012.

20 Deceptive practices under Section 17-1 of
21 the Criminal Code of 1961 or the Criminal Code
22 of 2012.

23 Forgery under Section 17-3 of the Criminal
24 Code of 1961 or the Criminal Code of 2012.

25 Possession with intent to manufacture or
26 deliver a controlled substance under Section

1 401 of the Illinois Controlled Substances Act.

2 (3) When Records Are Eligible to Be Sealed. Records
3 identified as eligible under subsection (c)(2) may be
4 sealed as follows:

5 (A) Records identified as eligible under
6 subsection (c)(2)(A) and (c)(2)(B) may be sealed at any
7 time.

8 (B) Except as otherwise provided in subparagraph
9 (E) of this paragraph (3), records identified as
10 eligible under subsection (c)(2)(C) may be sealed 2
11 years after the termination of petitioner's last
12 sentence (as defined in subsection (a)(1)(F)).

13 (C) Except as otherwise provided in subparagraph
14 (E) of this paragraph (3), records identified as
15 eligible under subsections (c)(2)(D), (c)(2)(E), and
16 (c)(2)(F) may be sealed 3 years after the termination
17 of the petitioner's last sentence (as defined in
18 subsection (a)(1)(F)).

19 (D) Records identified in subsection
20 (a)(3)(A)(iii) may be sealed after the petitioner has
21 reached the age of 25 years.

22 (E) Records identified as eligible under
23 subsections (c)(2)(C), (c)(2)(D), (c)(2)(E), or
24 (c)(2)(F) may be sealed upon termination of the
25 petitioner's last sentence if the petitioner earned a
26 high school diploma, associate's degree, career

1 certificate, vocational technical certification, or
2 bachelor's degree, or passed the high school level Test
3 of General Educational Development, during the period
4 of his or her sentence, aftercare release, or mandatory
5 supervised release. This subparagraph shall apply only
6 to a petitioner who has not completed the same
7 educational goal prior to the period of his or her
8 sentence, aftercare release, or mandatory supervised
9 release. If a petition for sealing eligible records
10 filed under this subparagraph is denied by the court,
11 the time periods under subparagraph (B) or (C) shall
12 apply to any subsequent petition for sealing filed by
13 the petitioner.

14 (4) Subsequent felony convictions. A person may not
15 have subsequent felony conviction records sealed as
16 provided in this subsection (c) if he or she is convicted
17 of any felony offense after the date of the sealing of
18 prior felony convictions as provided in this subsection
19 (c). The court may, upon conviction for a subsequent felony
20 offense, order the unsealing of prior felony conviction
21 records previously ordered sealed by the court.

22 (5) Notice of eligibility for sealing. Upon entry of a
23 disposition for an eligible record under this subsection
24 (c), the petitioner shall be informed by the court of the
25 right to have the records sealed and the procedures for the
26 sealing of the records.

1 (d) Procedure. The following procedures apply to
2 expungement under subsections (b), (e), and (e-6) and sealing
3 under subsections (c) and (e-5):

4 (1) Filing the petition. Upon becoming eligible to
5 petition for the expungement or sealing of records under
6 this Section, the petitioner shall file a petition
7 requesting the expungement or sealing of records with the
8 clerk of the court where the arrests occurred or the
9 charges were brought, or both. If arrests occurred or
10 charges were brought in multiple jurisdictions, a petition
11 must be filed in each such jurisdiction. The petitioner
12 shall pay the applicable fee, if not waived.

13 (2) Contents of petition. The petition shall be
14 verified and shall contain the petitioner's name, date of
15 birth, current address and, for each arrest or charge not
16 initiated by arrest sought to be sealed or expunged, the
17 case number, the date of arrest (if any), the identity of
18 the arresting authority, and such other information as the
19 court may require. During the pendency of the proceeding,
20 the petitioner shall promptly notify the circuit court
21 clerk of any change of his or her address. If the
22 petitioner has received a certificate of eligibility for
23 sealing from the Prisoner Review Board under paragraph (10)
24 of subsection (a) of Section 3-3-2 of the Unified Code of
25 Corrections, the certificate shall be attached to the
26 petition.

1 (3) Drug test. The petitioner must attach to the
2 petition proof that the petitioner has passed a test taken
3 within 30 days before the filing of the petition showing
4 the absence within his or her body of all illegal
5 substances as defined by the Illinois Controlled
6 Substances Act, the Methamphetamine Control and Community
7 Protection Act, and the Cannabis Control Act if he or she
8 is petitioning to:

9 (A) seal felony records under clause (c) (2) (E);

10 (B) seal felony records for a violation of the
11 Illinois Controlled Substances Act, the
12 Methamphetamine Control and Community Protection Act,
13 or the Cannabis Control Act under clause (c) (2) (F);

14 (C) seal felony records under subsection (e-5); or

15 (D) expunge felony records of a qualified
16 probation under clause (b) (1) (B) (iv).

17 (4) Service of petition. The circuit court clerk shall
18 promptly serve a copy of the petition and documentation to
19 support the petition under subsection (e-5) or (e-6) on the
20 State's Attorney or prosecutor charged with the duty of
21 prosecuting the offense, the Department of State Police,
22 the arresting agency and the chief legal officer of the
23 unit of local government effecting the arrest.

24 (5) Objections.

25 (A) Any party entitled to notice of the petition
26 may file an objection to the petition. All objections

1 shall be in writing, shall be filed with the circuit
2 court clerk, and shall state with specificity the basis
3 of the objection. Whenever a person who has been
4 convicted of an offense is granted a pardon by the
5 Governor which specifically authorizes expungement, an
6 objection to the petition may not be filed.

7 (B) Objections to a petition to expunge or seal
8 must be filed within 60 days of the date of service of
9 the petition.

10 (6) Entry of order.

11 (A) The Chief Judge of the circuit wherein the
12 charge was brought, any judge of that circuit
13 designated by the Chief Judge, or in counties of less
14 than 3,000,000 inhabitants, the presiding trial judge
15 at the petitioner's trial, if any, shall rule on the
16 petition to expunge or seal as set forth in this
17 subsection (d) (6).

18 (B) Unless the State's Attorney or prosecutor, the
19 Department of State Police, the arresting agency, or
20 the chief legal officer files an objection to the
21 petition to expunge or seal within 60 days from the
22 date of service of the petition, the court shall enter
23 an order granting or denying the petition.

24 (7) Hearings. If an objection is filed, the court shall
25 set a date for a hearing and notify the petitioner and all
26 parties entitled to notice of the petition of the hearing

1 date at least 30 days prior to the hearing. Prior to the
2 hearing, the State's Attorney shall consult with the
3 Department as to the appropriateness of the relief sought
4 in the petition to expunge or seal. At the hearing, the
5 court shall hear evidence on whether the petition should or
6 should not be granted, and shall grant or deny the petition
7 to expunge or seal the records based on the evidence
8 presented at the hearing. The court may consider the
9 following:

10 (A) the strength of the evidence supporting the
11 defendant's conviction;

12 (B) the reasons for retention of the conviction
13 records by the State;

14 (C) the petitioner's age, criminal record history,
15 and employment history;

16 (D) the period of time between the petitioner's
17 arrest on the charge resulting in the conviction and
18 the filing of the petition under this Section; and

19 (E) the specific adverse consequences the
20 petitioner may be subject to if the petition is denied.

21 (8) Service of order. After entering an order to
22 expunge or seal records, the court must provide copies of
23 the order to the Department, in a form and manner
24 prescribed by the Department, to the petitioner, to the
25 State's Attorney or prosecutor charged with the duty of
26 prosecuting the offense, to the arresting agency, to the

1 chief legal officer of the unit of local government
2 effecting the arrest, and to such other criminal justice
3 agencies as may be ordered by the court.

4 (9) Implementation of order.

5 (A) Upon entry of an order to expunge records
6 pursuant to (b) (2) (A) or (b) (2) (B) (ii), or both:

7 (i) the records shall be expunged (as defined
8 in subsection (a) (1) (E)) by the arresting agency,
9 the Department, and any other agency as ordered by
10 the court, within 60 days of the date of service of
11 the order, unless a motion to vacate, modify, or
12 reconsider the order is filed pursuant to
13 paragraph (12) of subsection (d) of this Section;

14 (ii) the records of the circuit court clerk
15 shall be impounded until further order of the court
16 upon good cause shown and the name of the
17 petitioner obliterated on the official index
18 required to be kept by the circuit court clerk
19 under Section 16 of the Clerks of Courts Act, but
20 the order shall not affect any index issued by the
21 circuit court clerk before the entry of the order;
22 and

23 (iii) in response to an inquiry for expunged
24 records, the court, the Department, or the agency
25 receiving such inquiry, shall reply as it does in
26 response to inquiries when no records ever

1 existed.

2 (B) Upon entry of an order to expunge records
3 pursuant to (b) (2) (B) (i) or (b) (2) (C), or both:

4 (i) the records shall be expunged (as defined
5 in subsection (a) (1) (E)) by the arresting agency
6 and any other agency as ordered by the court,
7 within 60 days of the date of service of the order,
8 unless a motion to vacate, modify, or reconsider
9 the order is filed pursuant to paragraph (12) of
10 subsection (d) of this Section;

11 (ii) the records of the circuit court clerk
12 shall be impounded until further order of the court
13 upon good cause shown and the name of the
14 petitioner obliterated on the official index
15 required to be kept by the circuit court clerk
16 under Section 16 of the Clerks of Courts Act, but
17 the order shall not affect any index issued by the
18 circuit court clerk before the entry of the order;

19 (iii) the records shall be impounded by the
20 Department within 60 days of the date of service of
21 the order as ordered by the court, unless a motion
22 to vacate, modify, or reconsider the order is filed
23 pursuant to paragraph (12) of subsection (d) of
24 this Section;

25 (iv) records impounded by the Department may
26 be disseminated by the Department only as required

1 by law or to the arresting authority, the State's
2 Attorney, and the court upon a later arrest for the
3 same or a similar offense or for the purpose of
4 sentencing for any subsequent felony, and to the
5 Department of Corrections upon conviction for any
6 offense; and

7 (v) in response to an inquiry for such records
8 from anyone not authorized by law to access such
9 records, the court, the Department, or the agency
10 receiving such inquiry shall reply as it does in
11 response to inquiries when no records ever
12 existed.

13 (B-5) Upon entry of an order to expunge records
14 under subsection (e-6):

15 (i) the records shall be expunged (as defined
16 in subsection (a)(1)(E)) by the arresting agency
17 and any other agency as ordered by the court,
18 within 60 days of the date of service of the order,
19 unless a motion to vacate, modify, or reconsider
20 the order is filed under paragraph (12) of
21 subsection (d) of this Section;

22 (ii) the records of the circuit court clerk
23 shall be impounded until further order of the court
24 upon good cause shown and the name of the
25 petitioner obliterated on the official index
26 required to be kept by the circuit court clerk

1 under Section 16 of the Clerks of Courts Act, but
2 the order shall not affect any index issued by the
3 circuit court clerk before the entry of the order;

4 (iii) the records shall be impounded by the
5 Department within 60 days of the date of service of
6 the order as ordered by the court, unless a motion
7 to vacate, modify, or reconsider the order is filed
8 under paragraph (12) of subsection (d) of this
9 Section;

10 (iv) records impounded by the Department may
11 be disseminated by the Department only as required
12 by law or to the arresting authority, the State's
13 Attorney, and the court upon a later arrest for the
14 same or a similar offense or for the purpose of
15 sentencing for any subsequent felony, and to the
16 Department of Corrections upon conviction for any
17 offense; and

18 (v) in response to an inquiry for these records
19 from anyone not authorized by law to access the
20 records, the court, the Department, or the agency
21 receiving the inquiry shall reply as it does in
22 response to inquiries when no records ever
23 existed.

24 (C) Upon entry of an order to seal records under
25 subsection (c), the arresting agency, any other agency
26 as ordered by the court, the Department, and the court

1 shall seal the records (as defined in subsection
2 (a) (1) (K)). In response to an inquiry for such records,
3 from anyone not authorized by law to access such
4 records, the court, the Department, or the agency
5 receiving such inquiry shall reply as it does in
6 response to inquiries when no records ever existed.

7 (D) The Department shall send written notice to the
8 petitioner of its compliance with each order to expunge
9 or seal records within 60 days of the date of service
10 of that order or, if a motion to vacate, modify, or
11 reconsider is filed, within 60 days of service of the
12 order resolving the motion, if that order requires the
13 Department to expunge or seal records. In the event of
14 an appeal from the circuit court order, the Department
15 shall send written notice to the petitioner of its
16 compliance with an Appellate Court or Supreme Court
17 judgment to expunge or seal records within 60 days of
18 the issuance of the court's mandate. The notice is not
19 required while any motion to vacate, modify, or
20 reconsider, or any appeal or petition for
21 discretionary appellate review, is pending.

22 (10) Fees. The Department may charge the petitioner a
23 fee equivalent to the cost of processing any order to
24 expunge or seal records. Notwithstanding any provision of
25 the Clerks of Courts Act to the contrary, the circuit court
26 clerk may charge a fee equivalent to the cost associated

1 with the sealing or expungement of records by the circuit
2 court clerk. From the total filing fee collected for the
3 petition to seal or expunge, the circuit court clerk shall
4 deposit \$10 into the Circuit Court Clerk Operation and
5 Administrative Fund, to be used to offset the costs
6 incurred by the circuit court clerk in performing the
7 additional duties required to serve the petition to seal or
8 expunge on all parties. The circuit court clerk shall
9 collect and forward the Department of State Police portion
10 of the fee to the Department and it shall be deposited in
11 the State Police Services Fund.

12 (11) Final Order. No court order issued under the
13 expungement or sealing provisions of this Section shall
14 become final for purposes of appeal until 30 days after
15 service of the order on the petitioner and all parties
16 entitled to notice of the petition.

17 (12) Motion to Vacate, Modify, or Reconsider. Under
18 Section 2-1203 of the Code of Civil Procedure, the
19 petitioner or any party entitled to notice may file a
20 motion to vacate, modify, or reconsider the order granting
21 or denying the petition to expunge or seal within 60 days
22 of service of the order. If filed more than 60 days after
23 service of the order, a petition to vacate, modify, or
24 reconsider shall comply with subsection (c) of Section
25 2-1401 of the Code of Civil Procedure. Upon filing of a
26 motion to vacate, modify, or reconsider, notice of the

1 motion shall be served upon the petitioner and all parties
2 entitled to notice of the petition.

3 (13) Effect of Order. An order granting a petition
4 under the expungement or sealing provisions of this Section
5 shall not be considered void because it fails to comply
6 with the provisions of this Section or because of any error
7 asserted in a motion to vacate, modify, or reconsider. The
8 circuit court retains jurisdiction to determine whether
9 the order is voidable and to vacate, modify, or reconsider
10 its terms based on a motion filed under paragraph (12) of
11 this subsection (d).

12 (14) Compliance with Order Granting Petition to Seal
13 Records. Unless a court has entered a stay of an order
14 granting a petition to seal, all parties entitled to notice
15 of the petition must fully comply with the terms of the
16 order within 60 days of service of the order even if a
17 party is seeking relief from the order through a motion
18 filed under paragraph (12) of this subsection (d) or is
19 appealing the order.

20 (15) Compliance with Order Granting Petition to
21 Expunge Records. While a party is seeking relief from the
22 order granting the petition to expunge through a motion
23 filed under paragraph (12) of this subsection (d) or is
24 appealing the order, and unless a court has entered a stay
25 of that order, the parties entitled to notice of the
26 petition must seal, but need not expunge, the records until

1 there is a final order on the motion for relief or, in the
2 case of an appeal, the issuance of that court's mandate.

3 (16) The changes to this subsection (d) made by Public
4 Act 98-163 apply to all petitions pending on August 5, 2013
5 (the effective date of Public Act 98-163) and to all orders
6 ruling on a petition to expunge or seal on or after August
7 5, 2013 (the effective date of Public Act 98-163).

8 (e) Whenever a person who has been convicted of an offense
9 is granted a pardon by the Governor which specifically
10 authorizes expungement, he or she may, upon verified petition
11 to the Chief Judge of the circuit where the person had been
12 convicted, any judge of the circuit designated by the Chief
13 Judge, or in counties of less than 3,000,000 inhabitants, the
14 presiding trial judge at the defendant's trial, have a court
15 order entered expunging the record of arrest from the official
16 records of the arresting authority and order that the records
17 of the circuit court clerk and the Department be sealed until
18 further order of the court upon good cause shown or as
19 otherwise provided herein, and the name of the defendant
20 obliterated from the official index requested to be kept by the
21 circuit court clerk under Section 16 of the Clerks of Courts
22 Act in connection with the arrest and conviction for the
23 offense for which he or she had been pardoned but the order
24 shall not affect any index issued by the circuit court clerk
25 before the entry of the order. All records sealed by the
26 Department may be disseminated by the Department only to the

1 arresting authority, the State's Attorney, and the court upon a
2 later arrest for the same or similar offense or for the purpose
3 of sentencing for any subsequent felony. Upon conviction for
4 any subsequent offense, the Department of Corrections shall
5 have access to all sealed records of the Department pertaining
6 to that individual. Upon entry of the order of expungement, the
7 circuit court clerk shall promptly mail a copy of the order to
8 the person who was pardoned.

9 (e-5) Whenever a person who has been convicted of an
10 offense is granted a certificate of eligibility for sealing by
11 the Prisoner Review Board which specifically authorizes
12 sealing, he or she may, upon verified petition to the Chief
13 Judge of the circuit where the person had been convicted, any
14 judge of the circuit designated by the Chief Judge, or in
15 counties of less than 3,000,000 inhabitants, the presiding
16 trial judge at the petitioner's trial, have a court order
17 entered sealing the record of arrest from the official records
18 of the arresting authority and order that the records of the
19 circuit court clerk and the Department be sealed until further
20 order of the court upon good cause shown or as otherwise
21 provided herein, and the name of the petitioner obliterated
22 from the official index requested to be kept by the circuit
23 court clerk under Section 16 of the Clerks of Courts Act in
24 connection with the arrest and conviction for the offense for
25 which he or she had been granted the certificate but the order
26 shall not affect any index issued by the circuit court clerk

1 before the entry of the order. All records sealed by the
2 Department may be disseminated by the Department only as
3 required by this Act or to the arresting authority, a law
4 enforcement agency, the State's Attorney, and the court upon a
5 later arrest for the same or similar offense or for the purpose
6 of sentencing for any subsequent felony. Upon conviction for
7 any subsequent offense, the Department of Corrections shall
8 have access to all sealed records of the Department pertaining
9 to that individual. Upon entry of the order of sealing, the
10 circuit court clerk shall promptly mail a copy of the order to
11 the person who was granted the certificate of eligibility for
12 sealing.

13 (e-6) Whenever a person who has been convicted of an
14 offense is granted a certificate of eligibility for expungement
15 by the Prisoner Review Board which specifically authorizes
16 expungement, he or she may, upon verified petition to the Chief
17 Judge of the circuit where the person had been convicted, any
18 judge of the circuit designated by the Chief Judge, or in
19 counties of less than 3,000,000 inhabitants, the presiding
20 trial judge at the petitioner's trial, have a court order
21 entered expunging the record of arrest from the official
22 records of the arresting authority and order that the records
23 of the circuit court clerk and the Department be sealed until
24 further order of the court upon good cause shown or as
25 otherwise provided herein, and the name of the petitioner
26 obliterated from the official index requested to be kept by the

1 circuit court clerk under Section 16 of the Clerks of Courts
2 Act in connection with the arrest and conviction for the
3 offense for which he or she had been granted the certificate
4 but the order shall not affect any index issued by the circuit
5 court clerk before the entry of the order. All records sealed
6 by the Department may be disseminated by the Department only as
7 required by this Act or to the arresting authority, a law
8 enforcement agency, the State's Attorney, and the court upon a
9 later arrest for the same or similar offense or for the purpose
10 of sentencing for any subsequent felony. Upon conviction for
11 any subsequent offense, the Department of Corrections shall
12 have access to all expunged records of the Department
13 pertaining to that individual. Upon entry of the order of
14 expungement, the circuit court clerk shall promptly mail a copy
15 of the order to the person who was granted the certificate of
16 eligibility for expungement.

17 (f) Subject to available funding, the Illinois Department
18 of Corrections shall conduct a study of the impact of sealing,
19 especially on employment and recidivism rates, utilizing a
20 random sample of those who apply for the sealing of their
21 criminal records under Public Act 93-211. At the request of the
22 Illinois Department of Corrections, records of the Illinois
23 Department of Employment Security shall be utilized as
24 appropriate to assist in the study. The study shall not
25 disclose any data in a manner that would allow the
26 identification of any particular individual or employing unit.

1 The study shall be made available to the General Assembly no
2 later than September 1, 2010.

3 (Source: P.A. 98-133, eff. 1-1-14; 98-142, eff. 1-1-14; 98-163,
4 eff. 8-5-13; 98-164, eff. 1-1-14; 98-399, eff. 8-16-13; 98-635,
5 eff. 1-1-15; 98-637, eff. 1-1-15; 98-756, eff. 7-16-14;
6 98-1009, eff. 1-1-15; 99-78, eff. 7-20-15; 99-378, eff. 1-1-16;
7 99-385, eff. 1-1-16; revised 10-15-15.)

8 Section 10. The Compassionate Use of Medical Cannabis Pilot
9 Program Act is amended by changing Section 65 as follows:

10 (410 ILCS 130/65)

11 (Section scheduled to be repealed on January 1, 2018)

12 Sec. 65. Denial of registry identification cards.

13 (a) The Department of Public Health may deny an application
14 or renewal of a qualifying patient's registry identification
15 card only if the applicant:

16 (1) did not provide the required information and
17 materials;

18 (2) previously had a registry identification card
19 revoked;

20 (3) did not meet the requirements of this Act; or

21 (4) provided false or falsified information.

22 (b) Except as provided in subsection (b-5) of this Section,
23 no ~~no~~ person who has been convicted of a felony under the
24 Illinois Controlled Substances Act, Cannabis Control Act, or

1 Methamphetamine Control and Community Protection Act, or
2 similar provision in a local ordinance or other jurisdiction is
3 eligible to receive a registry identification card.

4 (b-5) If a person was convicted of a felony under the
5 Cannabis Control Act or a similar provision of a local
6 ordinance or of a law of another jurisdiction, and the action
7 warranting that felony is no longer considered a felony after
8 the effective date of this amendatory Act of the 99th General
9 Assembly, that person shall be eligible to receive a registry
10 identification card.

11 (c) The Department of Public Health may deny an application
12 or renewal for a designated caregiver chosen by a qualifying
13 patient whose registry identification card was granted only if:

14 (1) the designated caregiver does not meet the
15 requirements of subsection (i) of Section 10;

16 (2) the applicant did not provide the information
17 required;

18 (3) the prospective patient's application was denied;

19 (4) the designated caregiver previously had a registry
20 identification card revoked; or

21 (5) the applicant or the designated caregiver provided
22 false or falsified information.

23 (d) The Department of Public Health through the Department
24 of State Police shall conduct a background check of the
25 prospective qualifying patient and designated caregiver in
26 order to carry out this Section. The Department of State Police

1 shall charge a fee for conducting the criminal history record
2 check, which shall be deposited in the State Police Services
3 Fund and shall not exceed the actual cost of the record check.
4 Each person applying as a qualifying patient or a designated
5 caregiver shall submit a full set of fingerprints to the
6 Department of State Police for the purpose of obtaining a State
7 and federal criminal records check. These fingerprints shall be
8 checked against the fingerprint records now and hereafter, to
9 the extent allowed by law, filed in the Department of State
10 Police and Federal Bureau of Investigation criminal history
11 records databases. The Department of State Police shall
12 furnish, following positive identification, all Illinois
13 conviction information to the Department of Public Health. The
14 Department of Public Health may waive the submission of a
15 qualifying patient's complete fingerprints based on (1) the
16 severity of the patient's illness and (2) the inability of the
17 qualifying patient to supply those fingerprints, provided that
18 a complete criminal background check is conducted by the
19 Department of State Police prior to the issuance of a registry
20 identification card.

21 (e) The Department of Public Health shall notify the
22 qualifying patient who has designated someone to serve as his
23 or her designated caregiver if a registry identification card
24 will not be issued to the designated caregiver.

25 (f) Denial of an application or renewal is considered a
26 final Department action, subject to judicial review.

1 Jurisdiction and venue for judicial review are vested in the
2 Circuit Court.

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

4 Section 15. The Illinois Aeronautics Act is amended by
5 changing Sections 43d and 43e as follows:

6 (620 ILCS 5/43d) (from Ch. 15 1/2, par. 22.43d)

7 Sec. 43d. Intoxicated persons in or about aircraft.

8 (a) No person shall:

9 (1) Operate or attempt to operate any aircraft in this
10 State while under the influence of intoxicating liquor or
11 any narcotic drug or other controlled substance.

12 (2) Knowingly permit any individual who is under the
13 influence of intoxicating liquor or any narcotic drug or
14 other controlled substance to operate any aircraft owned by
15 the person or in his custody or control.

16 (3) Perform any act in connection with the maintenance
17 or operation of any aircraft when under the influence of
18 intoxicating liquor or any narcotic drug or other
19 controlled substance, except medication prescribed by a
20 physician which will not render the person incapable of
21 performing his duties safely.

22 (4) (i) Consume alcoholic liquor within 8 hours prior to
23 operating or acting as a crew member of any aircraft within
24 this State.

1 (ii) Act as a crew member of any aircraft within this
2 State while under the influence of alcohol or when the
3 alcohol concentration in the person's blood, other bodily
4 substance, or breath is 0.04 or more based on the
5 definition of blood, other bodily substance, and breath
6 units contained in Section 11-501.2 of the Illinois Vehicle
7 Code.

8 (iii) Operate any aircraft within this State when the
9 alcohol concentration in the person's blood, other bodily
10 substance, or breath is 0.04 or more based on the
11 definition of blood, other bodily substance, and breath
12 units contained in Section 11-501.2 of the Illinois Vehicle
13 Code.

14 (iv) Operate or act as a crew member of any aircraft
15 within this State when there is any amount of a drug,
16 substance, or compound in the person's blood, other bodily
17 substance, or urine resulting from the unlawful use or
18 consumption of cannabis as listed in the Cannabis Control
19 Act or a controlled substance as listed in the Illinois
20 Controlled Substances Act.

21 (5) Knowingly consume while a crew member of any
22 aircraft any intoxicating liquor, narcotic drug, or other
23 controlled substance while the aircraft is in operation.

24 (b) Any person who violates clause (4) (i) of subsection (a)
25 of this Section is guilty of a Class A misdemeanor. A person
26 who violates paragraph (2), (3), or (5) or clause (4) (ii) of

1 subsection (a) of this Section is guilty of a Class 4 felony. A
2 person who violates paragraph (1) or clause (4) (iii) or (4) (iv)
3 of subsection (a) of this Section is guilty of a Class 3
4 felony.

5 (Source: P.A. 98-756, eff. 7-16-14.)

6 (620 ILCS 5/43e) (from Ch. 15 1/2, par. 22.43e)

7 Sec. 43e. (a) Any person who operates, is in actual
8 physical control or who acts as a crew member of any aircraft
9 in this State shall be deemed to have given consent, subject to
10 the provisions of Section 11-501.2 of the Illinois Vehicle
11 Code, to a chemical test or tests of blood, breath, other
12 bodily substance, or urine for the purpose of determining the
13 alcohol, other drug, or combination thereof content of the
14 person's blood if arrested or upon request by any law
15 enforcement officer where the officer has probable cause to
16 believe the person is in violation of Section 43d of this Act.
17 The test or tests shall be administered at the direction of the
18 arresting law enforcement officer and the agency employing the
19 officer shall designate which of the tests specified in this
20 Section shall be administered.

21 (b) Any person who is dead, unconscious or who is otherwise
22 in a condition rendering the person incapable of refusal, shall
23 be deemed not to have withdrawn the consent provided by
24 paragraph (a) of this Section, and the test or tests may be
25 administered, subject to the provisions of Section 11-501.2 of

1 the Illinois Vehicle Code.

2 (c) If the person refuses testing or submits to a test
3 which discloses an alcohol concentration of 0.04 or more or
4 discloses the presence of any illegal drug the law enforcement
5 officer shall immediately submit a sworn report containing that
6 information to the Federal Aviation Administration, Civil
7 Aeronautics Board or any other federal agency responsible for
8 the licensing of pilots and crew members. The test results
9 shall, in addition, be made available to any agency responsible
10 for relicensing or recertifying any pilot or crew member.

11 (Source: P.A. 87-458.)

12 Section 20. The Illinois Vehicle Code is amended by
13 changing Sections 2-118, 2-118.1, 6-106.1a, 6-208.1, 6-514,
14 6-517, 11-401, 11-500, 11-500.1, 11-501, 11-501.1, 11-501.2,
15 11-501.4, 11-501.4-1, 11-501.6, 11-501.8, and 11-507 as
16 follows:

17 (625 ILCS 5/2-118) (from Ch. 95 1/2, par. 2-118)

18 Sec. 2-118. Hearings.

19 (a) Upon the suspension, revocation or denial of the
20 issuance of a license, permit, registration or certificate of
21 title under this Code of any person the Secretary of State
22 shall immediately notify such person in writing and upon his
23 written request shall, within 20 days after receipt thereof,
24 set a date for a hearing to commence within 90 calendar days

1 from the date of the written request for all requests related
2 to a suspension, revocation, or the denial of the issuance of a
3 license, permit, registration, or certificate of title
4 occurring after July 1, 2002, in the County of Sangamon, the
5 County of Jefferson, or the County of Cook, as such person may
6 specify, unless both parties agree that such hearing may be
7 held in some other county. The Secretary may require the
8 payment of a fee of not more than \$50 for the filing of any
9 petition, motion, or request for hearing conducted pursuant to
10 this Section. These fees must be deposited into the Secretary
11 of State DUI Administration Fund, a special fund created in the
12 State treasury, and, subject to appropriation and as directed
13 by the Secretary of State, shall be used for operation of the
14 Department of Administrative Hearings of the Office of the
15 Secretary of State and for no other purpose. The Secretary
16 shall establish by rule the amount and the procedures, terms,
17 and conditions relating to these fees.

18 (b) At any time after the suspension, revocation or denial
19 of a license, permit, registration or certificate of title of
20 any person as hereinbefore referred to, the Secretary of State,
21 in his or her discretion and without the necessity of a request
22 by such person, may hold such a hearing, upon not less than 10
23 days' notice in writing, in the Counties of Sangamon,
24 Jefferson, or Cook or in any other county agreed to by the
25 parties.

26 (c) Upon any such hearing, the Secretary of State, or his

1 authorized agent may administer oaths and issue subpoenas for
2 the attendance of witnesses and the production of relevant
3 books and records and may require an examination of such
4 person. Upon any such hearing, the Secretary of State shall
5 either rescind or, good cause appearing therefor, continue,
6 change or extend the Order of Revocation or Suspension, or upon
7 petition therefore and subject to the provisions of this Code,
8 issue a restricted driving permit or reinstate the license or
9 permit of such person.

10 (d) All hearings and hearing procedures shall comply with
11 requirements of the Constitution, so that no person is deprived
12 of due process of law nor denied equal protection of the laws.
13 All hearings shall be held before the Secretary of State or
14 before such persons as may be designated by the Secretary of
15 State and appropriate records of such hearings shall be kept.
16 Where a transcript of the hearing is taken, the person
17 requesting the hearing shall have the opportunity to order a
18 copy thereof at his own expense. The Secretary of State shall
19 enter an order upon any hearing conducted under this Section,
20 related to a suspension, revocation, or the denial of the
21 issuance of a license, permit, registration, or certificate of
22 title occurring after July 1, 2002, within 90 days of its
23 conclusion and shall immediately notify the person in writing
24 of his or her action.

25 (d-5) Any hearing over which the Secretary of State has
26 jurisdiction because of a person's implied consent to testing

1 of the person's blood, breath, other bodily substance, or urine
2 for the presence of alcohol, drugs, or intoxicating compounds
3 may be conducted upon a review of the official police reports.
4 Either party, however, may subpoena the arresting officer and
5 any other law enforcement officer who was involved in the
6 petitioner's arrest or processing after arrest, as well as any
7 other person whose testimony may be probative to the issues at
8 the hearing. The failure of a law enforcement officer to answer
9 the subpoena shall be considered grounds for a continuance if,
10 in the hearing officer's discretion, the continuance is
11 appropriate. The failure of the arresting officer to answer a
12 subpoena shall not, in and of itself, be considered grounds for
13 the rescission of an implied consent suspension. Rather, the
14 hearing shall proceed on the basis of the other evidence
15 available, and the hearing officer shall assign this evidence
16 whatever probative value is deemed appropriate. The decision
17 whether to rescind shall be based upon the totality of the
18 evidence.

19 (e) The action of the Secretary of State in suspending,
20 revoking or denying any license, permit, registration, or
21 certificate of title shall be subject to judicial review in the
22 Circuit Court of Sangamon County, in the Circuit Court of
23 Jefferson County, or in the Circuit Court of Cook County, and
24 the provisions of the Administrative Review Law, and all
25 amendments and modifications thereto, and the rules adopted
26 pursuant thereto, are hereby adopted and shall apply to and

1 govern every action for the judicial review of final acts or
2 decisions of the Secretary of State hereunder.

3 (Source: P.A. 95-627, eff. 6-1-08; 96-184, eff. 8-10-09.)

4 (625 ILCS 5/2-118.1) (from Ch. 95 1/2, par. 2-118.1)

5 Sec. 2-118.1. Opportunity for hearing; statutory summary
6 alcohol or other drug related suspension or revocation pursuant
7 to Section 11-501.1.

8 (a) A statutory summary suspension or revocation of driving
9 privileges under Section 11-501.1 shall not become effective
10 until the person is notified in writing of the impending
11 suspension or revocation and informed that he may request a
12 hearing in the circuit court of venue under paragraph (b) of
13 this Section and the statutory summary suspension or revocation
14 shall become effective as provided in Section 11-501.1.

15 (b) Within 90 days after the notice of statutory summary
16 suspension or revocation served under Section 11-501.1, the
17 person may make a written request for a judicial hearing in the
18 circuit court of venue. The request to the circuit court shall
19 state the grounds upon which the person seeks to have the
20 statutory summary suspension or revocation rescinded. Within
21 30 days after receipt of the written request or the first
22 appearance date on the Uniform Traffic Ticket issued pursuant
23 to a violation of Section 11-501, or a similar provision of a
24 local ordinance, the hearing shall be conducted by the circuit
25 court having jurisdiction. This judicial hearing, request, or

1 process shall not stay or delay the statutory summary
2 suspension or revocation. The hearings shall proceed in the
3 court in the same manner as in other civil proceedings.

4 The hearing may be conducted upon a review of the law
5 enforcement officer's own official reports; provided however,
6 that the person may subpoena the officer. Failure of the
7 officer to answer the subpoena shall be considered grounds for
8 a continuance if in the court's discretion the continuance is
9 appropriate.

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

11 1. Whether the person was placed under arrest for an
12 offense as defined in Section 11-501, or a similar
13 provision of a local ordinance, as evidenced by the
14 issuance of a Uniform Traffic Ticket, or issued a Uniform
15 Traffic Ticket out of state as provided in subsection (a)
16 of Section 11-501.1; and

17 2. Whether the officer had reasonable grounds to
18 believe that the person was driving or in actual physical
19 control of a motor vehicle upon a highway while under the
20 influence of alcohol, other drug, or combination of both;
21 and

22 3. Whether the person, after being advised by the
23 officer that the privilege to operate a motor vehicle would
24 be suspended or revoked if the person refused to submit to
25 and complete the test or tests, did refuse to submit to or
26 complete the test or tests to determine the person's blood

1 alcohol or drug concentration; or

2 4. Whether the person, after being advised by the
3 officer that the privilege to operate a motor vehicle would
4 be suspended if the person submits to a chemical test, or
5 tests, and the test discloses an alcohol concentration of
6 0.08 or more, a tetrahydrocannabinol concentration as
7 defined in paragraph 6 of subsection (a) of Section
8 11-501.2 of this Code, or any amount of a drug, substance,
9 or compound in the person's blood, other bodily substance,
10 or urine resulting from the unlawful use or consumption of
11 ~~cannabis listed in the Cannabis Control Act~~, a controlled
12 substance listed in the Illinois Controlled Substances
13 Act, an intoxicating compound as listed in the Use of
14 Intoxicating Compounds Act, or methamphetamine as listed
15 in the Methamphetamine Control and Community Protection
16 Act, and the person did submit to and complete the test or
17 tests that determined an alcohol concentration of 0.08 or
18 more.

19 4.2. (Blank).

20 4.5. (Blank).

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

24 Upon the conclusion of the judicial hearing, the circuit
25 court shall sustain or rescind the statutory summary suspension
26 or revocation and immediately notify the Secretary of State.

1 Reports received by the Secretary of State under this Section
2 shall be privileged information and for use only by the courts,
3 police officers, and Secretary of State.

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

5 (625 ILCS 5/6-106.1a)

6 Sec. 6-106.1a. Cancellation of school bus driver permit;
7 trace of alcohol.

8 (a) A person who has been issued a school bus driver permit
9 by the Secretary of State in accordance with Section 6-106.1 of
10 this Code and who drives or is in actual physical control of a
11 school bus or any other vehicle owned or operated by or for a
12 public or private school, or a school operated by a religious
13 institution, when the vehicle is being used over a regularly
14 scheduled route for the transportation of persons enrolled as
15 students in grade 12 or below, in connection with any activity
16 of the entities listed, upon the public highways of this State
17 shall be deemed to have given consent to a chemical test or
18 tests of blood, breath, other bodily substance, or urine for
19 the purpose of determining the alcohol content of the person's
20 blood if arrested, as evidenced by the issuance of a Uniform
21 Traffic Ticket for any violation of this Code or a similar
22 provision of a local ordinance, if a police officer has
23 probable cause to believe that the driver has consumed any
24 amount of an alcoholic beverage based upon evidence of the
25 driver's physical condition or other first hand knowledge of

1 the police officer. The test or tests shall be administered at
2 the direction of the arresting officer. The law enforcement
3 agency employing the officer shall designate which of the
4 aforesaid tests shall be administered. A urine or other bodily
5 substance test may be administered even after a blood or breath
6 test or both has been administered.

7 (b) A person who is dead, unconscious, or who is otherwise
8 in a condition rendering that person incapable of refusal,
9 shall be deemed not to have withdrawn the consent provided by
10 paragraph (a) of this Section and the test or tests may be
11 administered subject to the following provisions:

12 (1) Chemical analysis of the person's blood, urine,
13 breath, or other bodily substance, to be considered valid
14 under the provisions of this Section, shall have been
15 performed according to standards promulgated by the
16 Department of State Police by an individual possessing a
17 valid permit issued by the Department of State Police for
18 this purpose. The Director of State Police is authorized to
19 approve satisfactory techniques or methods, to ascertain
20 the qualifications and competence of individuals to
21 conduct analyses, to issue permits that shall be subject to
22 termination or revocation at the direction of the
23 Department of State Police, and to certify the accuracy of
24 breath testing equipment. The Department of State Police
25 shall prescribe rules as necessary.

26 (2) When a person submits to a blood test at the

1 request of a law enforcement officer under the provisions
2 of this Section, only a physician authorized to practice
3 medicine, a licensed physician assistant, a licensed
4 advanced practice nurse, a registered nurse, or other
5 qualified person trained in venipuncture and acting under
6 the direction of a licensed physician may withdraw blood
7 for the purpose of determining the alcohol content. This
8 limitation does not apply to the taking of breath, other
9 bodily substance, or urine specimens.

10 (3) The person tested may have a physician, qualified
11 technician, chemist, registered nurse, or other qualified
12 person of his or her own choosing administer a chemical
13 test or tests in addition to any test or tests administered
14 at the direction of a law enforcement officer. The test
15 administered at the request of the person may be admissible
16 into evidence at a hearing conducted in accordance with
17 Section 2-118 of this Code. The failure or inability to
18 obtain an additional test by a person shall not preclude
19 the consideration of the previously performed chemical
20 test.

21 (4) Upon a request of the person who submits to a
22 chemical test or tests at the request of a law enforcement
23 officer, full information concerning the test or tests
24 shall be made available to the person or that person's
25 attorney by the requesting law enforcement agency within 72
26 hours of receipt of the test result.

1 (5) Alcohol concentration means either grams of
2 alcohol per 100 milliliters of blood or grams of alcohol
3 per 210 liters of breath.

4 (6) If a driver is receiving medical treatment as a
5 result of a motor vehicle accident, a physician licensed to
6 practice medicine, licensed physician assistant, licensed
7 advanced practice nurse, registered nurse, or other
8 qualified person trained in venipuncture and acting under
9 the direction of a licensed physician shall withdraw blood
10 for testing purposes to ascertain the presence of alcohol
11 upon the specific request of a law enforcement officer.
12 However, that testing shall not be performed until, in the
13 opinion of the medical personnel on scene, the withdrawal
14 can be made without interfering with or endangering the
15 well-being of the patient.

16 (c) A person requested to submit to a test as provided in
17 this Section shall be warned by the law enforcement officer
18 requesting the test that a refusal to submit to the test, or
19 submission to the test resulting in an alcohol concentration of
20 more than 0.00, may result in the loss of that person's
21 privilege to possess a school bus driver permit. The loss of
22 the individual's privilege to possess a school bus driver
23 permit shall be imposed in accordance with Section 6-106.1b of
24 this Code. A person requested to submit to a test under this
25 Section shall also acknowledge, in writing, receipt of the
26 warning required under this subsection (c). If the person

1 refuses to acknowledge receipt of the warning, the law
2 enforcement officer shall make a written notation on the
3 warning that the person refused to sign the warning. A person's
4 refusal to sign the warning shall not be evidence that the
5 person was not read the warning.

6 (d) If the person refuses testing or submits to a test that
7 discloses an alcohol concentration of more than 0.00, the law
8 enforcement officer shall immediately submit a sworn report to
9 the Secretary of State on a form prescribed by the Secretary of
10 State certifying that the test or tests were requested under
11 subsection (a) and the person refused to submit to a test or
12 tests or submitted to testing which disclosed an alcohol
13 concentration of more than 0.00. The law enforcement officer
14 shall submit the same sworn report when a person who has been
15 issued a school bus driver permit and who was operating a
16 school bus or any other vehicle owned or operated by or for a
17 public or private school, or a school operated by a religious
18 institution, when the vehicle is being used over a regularly
19 scheduled route for the transportation of persons enrolled as
20 students in grade 12 or below, in connection with any activity
21 of the entities listed, submits to testing under Section
22 11-501.1 of this Code and the testing discloses an alcohol
23 concentration of more than 0.00 and less than the alcohol
24 concentration at which driving or being in actual physical
25 control of a motor vehicle is prohibited under paragraph (1) of
26 subsection (a) of Section 11-501.

1 Upon receipt of the sworn report of a law enforcement
2 officer, the Secretary of State shall enter the school bus
3 driver permit sanction on the individual's driving record and
4 the sanction shall be effective on the 46th day following the
5 date notice of the sanction was given to the person.

6 The law enforcement officer submitting the sworn report
7 shall serve immediate notice of this school bus driver permit
8 sanction on the person and the sanction shall be effective on
9 the 46th day following the date notice was given.

10 In cases where the blood alcohol concentration of more than
11 0.00 is established by a subsequent analysis of blood, other
12 bodily substance, or urine, the police officer or arresting
13 agency shall give notice as provided in this Section or by
14 deposit in the United States mail of that notice in an envelope
15 with postage prepaid and addressed to that person at his or her
16 last known address and the loss of the school bus driver permit
17 shall be effective on the 46th day following the date notice
18 was given.

19 Upon receipt of the sworn report of a law enforcement
20 officer, the Secretary of State shall also give notice of the
21 school bus driver permit sanction to the driver and the
22 driver's current employer by mailing a notice of the effective
23 date of the sanction to the individual. However, shall the
24 sworn report be defective by not containing sufficient
25 information or be completed in error, the notice of the school
26 bus driver permit sanction may not be mailed to the person or

1 his current employer or entered to the driving record, but
2 rather the sworn report shall be returned to the issuing law
3 enforcement agency.

4 (e) A driver may contest this school bus driver permit
5 sanction by requesting an administrative hearing with the
6 Secretary of State in accordance with Section 2-118 of this
7 Code. An individual whose blood alcohol concentration is shown
8 to be more than 0.00 is not subject to this Section if he or she
9 consumed alcohol in the performance of a religious service or
10 ceremony. An individual whose blood alcohol concentration is
11 shown to be more than 0.00 shall not be subject to this Section
12 if the individual's blood alcohol concentration resulted only
13 from ingestion of the prescribed or recommended dosage of
14 medicine that contained alcohol. The petition for that hearing
15 shall not stay or delay the effective date of the impending
16 suspension. The scope of this hearing shall be limited to the
17 issues of:

18 (1) whether the police officer had probable cause to
19 believe that the person was driving or in actual physical
20 control of a school bus or any other vehicle owned or
21 operated by or for a public or private school, or a school
22 operated by a religious institution, when the vehicle is
23 being used over a regularly scheduled route for the
24 transportation of persons enrolled as students in grade 12
25 or below, in connection with any activity of the entities
26 listed, upon the public highways of the State and the

1 police officer had reason to believe that the person was in
2 violation of any provision of this Code or a similar
3 provision of a local ordinance; and

4 (2) whether the person was issued a Uniform Traffic
5 Ticket for any violation of this Code or a similar
6 provision of a local ordinance; and

7 (3) whether the police officer had probable cause to
8 believe that the driver had consumed any amount of an
9 alcoholic beverage based upon the driver's physical
10 actions or other first-hand knowledge of the police
11 officer; and

12 (4) whether the person, after being advised by the
13 officer that the privilege to possess a school bus driver
14 permit would be canceled if the person refused to submit to
15 and complete the test or tests, did refuse to submit to or
16 complete the test or tests to determine the person's
17 alcohol concentration; and

18 (5) whether the person, after being advised by the
19 officer that the privileges to possess a school bus driver
20 permit would be canceled if the person submits to a
21 chemical test or tests and the test or tests disclose an
22 alcohol concentration of more than 0.00 and the person did
23 submit to and complete the test or tests that determined an
24 alcohol concentration of more than 0.00; and

25 (6) whether the test result of an alcohol concentration
26 of more than 0.00 was based upon the person's consumption

1 of alcohol in the performance of a religious service or
2 ceremony; and

3 (7) whether the test result of an alcohol concentration
4 of more than 0.00 was based upon the person's consumption
5 of alcohol through ingestion of the prescribed or
6 recommended dosage of medicine.

7 The Secretary of State may adopt administrative rules
8 setting forth circumstances under which the holder of a school
9 bus driver permit is not required to appear in person at the
10 hearing.

11 Provided that the petitioner may subpoena the officer, the
12 hearing may be conducted upon a review of the law enforcement
13 officer's own official reports. Failure of the officer to
14 answer the subpoena shall be grounds for a continuance if, in
15 the hearing officer's discretion, the continuance is
16 appropriate. At the conclusion of the hearing held under
17 Section 2-118 of this Code, the Secretary of State may rescind,
18 continue, or modify the school bus driver permit sanction.

19 (f) The results of any chemical testing performed in
20 accordance with subsection (a) of this Section are not
21 admissible in any civil or criminal proceeding, except that the
22 results of the testing may be considered at a hearing held
23 under Section 2-118 of this Code. However, the results of the
24 testing may not be used to impose driver's license sanctions
25 under Section 11-501.1 of this Code. A law enforcement officer
26 may, however, pursue a statutory summary suspension or

1 revocation of driving privileges under Section 11-501.1 of this
2 Code if other physical evidence or first hand knowledge forms
3 the basis of that suspension or revocation.

4 (g) This Section applies only to drivers who have been
5 issued a school bus driver permit in accordance with Section
6 6-106.1 of this Code at the time of the issuance of the Uniform
7 Traffic Ticket for a violation of this Code or a similar
8 provision of a local ordinance, and a chemical test request is
9 made under this Section.

10 (h) The action of the Secretary of State in suspending,
11 revoking, canceling, or denying any license, permit,
12 registration, or certificate of title shall be subject to
13 judicial review in the Circuit Court of Sangamon County or in
14 the Circuit Court of Cook County, and the provisions of the
15 Administrative Review Law and its rules are hereby adopted and
16 shall apply to and govern every action for the judicial review
17 of final acts or decisions of the Secretary of State under this
18 Section.

19 (Source: P.A. 99-467, eff. 1-1-16.)

20 (625 ILCS 5/6-208.1) (from Ch. 95 1/2, par. 6-208.1)

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

24 (a) Unless the statutory summary suspension has been
25 rescinded, any person whose privilege to drive a motor vehicle

1 on the public highways has been summarily suspended, pursuant
2 to Section 11-501.1, shall not be eligible for restoration of
3 the privilege until the expiration of:

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

11 2. six months from the effective date of the statutory
12 summary suspension imposed following the person's
13 submission to a chemical test which disclosed an alcohol
14 concentration of 0.08 or more, the presence of cannabis as
15 listed in the Cannabis Control Act with a
16 tetrahydrocannabinol concentration as defined in paragraph
17 6 of subsection (a) of Section 11-501.2 of this Code, or
18 any amount of a drug, substance, or intoxicating compound
19 in such person's breath, blood, other bodily substance, or
20 urine resulting from the unlawful use or consumption of
21 ~~cannabis listed in the Cannabis Control Act,~~ a controlled
22 substance listed in the Illinois Controlled Substances
23 Act, an intoxicating compound listed in the Use of
24 Intoxicating Compounds Act, or methamphetamine as listed
25 in the Methamphetamine Control and Community Protection
26 Act, pursuant to Section 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, the presence of cannabis as listed in
11 the Cannabis Control Act with a tetrahydrocannabinol
12 concentration as defined in paragraph 6 of subsection (a)
13 of Section 11-501.2 of this Code, or any amount of a drug,
14 substance or compound in such person's blood, other bodily
15 substance, or urine resulting from the unlawful use or
16 consumption of ~~cannabis listed in the Cannabis Control Act,~~
17 a controlled substance listed in the Illinois Controlled
18 Substances Act, an intoxicating compound listed in the Use
19 of Intoxicating Compounds Act, or methamphetamine as
20 listed in the Methamphetamine Control and Community
21 Protection Act; or

22 5. (Blank).

23 (b) Following a statutory summary suspension of the
24 privilege to drive a motor vehicle under Section 11-501.1,
25 driving privileges shall be restored unless the person is
26 otherwise suspended, revoked, or cancelled by this Code. If the

1 court has reason to believe that the person's driving privilege
2 should not be restored, the court shall notify the Secretary of
3 State prior to the expiration of the statutory summary
4 suspension so appropriate action may be taken pursuant to this
5 Code.

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

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

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

23 (f) (Blank).

24 (g) (Blank).

25 (h) (Blank).

26 (Source: P.A. 98-122, eff. 1-1-14; 98-1015, eff. 8-22-14;

1 98-1172, eff. 1-12-15; 99-467, eff. 1-1-16.)

2 (625 ILCS 5/6-514) (from Ch. 95 1/2, par. 6-514)

3 Sec. 6-514. Commercial driver's license (CDL); commercial
4 learner's permit (CLP); disqualifications.

5 (a) A person shall be disqualified from driving a
6 commercial motor vehicle for a period of not less than 12
7 months for the first violation of:

8 (1) Refusing to submit to or failure to complete a test
9 or tests to determine the driver's blood concentration of
10 alcohol, other drug, or both while driving a commercial
11 motor vehicle or, if the driver is a CLP or CDL holder,
12 while driving a non-CMV; or

13 (2) Operating a commercial motor vehicle while the
14 alcohol concentration of the person's blood, breath, other
15 bodily substance, or urine is at least 0.04, or any amount
16 of a drug, substance, or compound in the person's blood,
17 other bodily substance, or urine resulting from the
18 unlawful use or consumption of cannabis listed in the
19 Cannabis Control Act, a controlled substance listed in the
20 Illinois Controlled Substances Act, or methamphetamine as
21 listed in the Methamphetamine Control and Community
22 Protection Act as indicated by a police officer's sworn
23 report or other verified evidence; or operating a
24 non-commercial motor vehicle while the alcohol
25 concentration of the person's blood, breath, other bodily

1 substance, or urine was above the legal limit defined in
2 Section 11-501.1 or 11-501.8 or any amount of a drug,
3 substance, or compound in the person's blood, other bodily
4 substance, or urine resulting from the unlawful use or
5 consumption of cannabis listed in the Cannabis Control Act,
6 a controlled substance listed in the Illinois Controlled
7 Substances Act, or methamphetamine as listed in the
8 Methamphetamine Control and Community Protection Act as
9 indicated by a police officer's sworn report or other
10 verified evidence while holding a CLP or CDL; or

11 (3) Conviction for a first violation of:

12 (i) Driving a commercial motor vehicle or, if the
13 driver is a CLP or CDL holder, driving a non-CMV while
14 under the influence of alcohol, or any other drug, or
15 combination of drugs to a degree which renders such
16 person incapable of safely driving; or

17 (ii) Knowingly leaving the scene of an accident
18 while operating a commercial motor vehicle or, if the
19 driver is a CLP or CDL holder, while driving a non-CMV;
20 or

21 (iii) Driving a commercial motor vehicle or, if the
22 driver is a CLP or CDL holder, driving a non-CMV while
23 committing any felony; or

24 (iv) Driving a commercial motor vehicle while the
25 person's driving privileges or driver's license or
26 permit is revoked, suspended, or cancelled or the

1 driver is disqualified from operating a commercial
2 motor vehicle; or

3 (v) Causing a fatality through the negligent
4 operation of a commercial motor vehicle, including but
5 not limited to the crimes of motor vehicle
6 manslaughter, homicide by a motor vehicle, and
7 negligent homicide.

8 As used in this subdivision (a)(3)(v), "motor
9 vehicle manslaughter" means the offense of involuntary
10 manslaughter if committed by means of a vehicle;
11 "homicide by a motor vehicle" means the offense of
12 first degree murder or second degree murder, if either
13 offense is committed by means of a vehicle; and
14 "negligent homicide" means reckless homicide under
15 Section 9-3 of the Criminal Code of 1961 or the
16 Criminal Code of 2012 and aggravated driving under the
17 influence of alcohol, other drug or drugs,
18 intoxicating compound or compounds, or any combination
19 thereof under subdivision (d)(1)(F) of Section 11-501
20 of this Code.

21 If any of the above violations or refusals occurred
22 while transporting hazardous material(s) required to be
23 placarded, the person shall be disqualified for a period of
24 not less than 3 years; or

25 (4) (Blank).

26 (b) A person is disqualified for life for a second

1 conviction of any of the offenses specified in paragraph (a),
2 or any combination of those offenses, arising from 2 or more
3 separate incidents.

4 (c) A person is disqualified from driving a commercial
5 motor vehicle for life if the person either (i) uses a
6 commercial motor vehicle in the commission of any felony
7 involving the manufacture, distribution, or dispensing of a
8 controlled substance, or possession with intent to
9 manufacture, distribute or dispense a controlled substance or
10 (ii) if the person is a CLP or CDL holder, uses a non-CMV in the
11 commission of a felony involving any of those activities.

12 (d) The Secretary of State may, when the United States
13 Secretary of Transportation so authorizes, issue regulations
14 in which a disqualification for life under paragraph (b) may be
15 reduced to a period of not less than 10 years. If a reinstated
16 driver is subsequently convicted of another disqualifying
17 offense, as specified in subsection (a) of this Section, he or
18 she shall be permanently disqualified for life and shall be
19 ineligible to again apply for a reduction of the lifetime
20 disqualification.

21 (e) A person is disqualified from driving a commercial
22 motor vehicle for a period of not less than 2 months if
23 convicted of 2 serious traffic violations, committed in a
24 commercial motor vehicle, non-CMV while holding a CLP or CDL,
25 or any combination thereof, arising from separate incidents,
26 occurring within a 3 year period, provided the serious traffic

1 violation committed in a non-CMV would result in the suspension
2 or revocation of the CLP or CDL holder's non-CMV privileges.
3 However, a person will be disqualified from driving a
4 commercial motor vehicle for a period of not less than 4 months
5 if convicted of 3 serious traffic violations, committed in a
6 commercial motor vehicle, non-CMV while holding a CLP or CDL,
7 or any combination thereof, arising from separate incidents,
8 occurring within a 3 year period, provided the serious traffic
9 violation committed in a non-CMV would result in the suspension
10 or revocation of the CLP or CDL holder's non-CMV privileges. If
11 all the convictions occurred in a non-CMV, the disqualification
12 shall be entered only if the convictions would result in the
13 suspension or revocation of the CLP or CDL holder's non-CMV
14 privileges.

15 (e-1) (Blank).

16 (f) Notwithstanding any other provision of this Code, any
17 driver disqualified from operating a commercial motor vehicle,
18 pursuant to this UCDLA, shall not be eligible for restoration
19 of commercial driving privileges during any such period of
20 disqualification.

21 (g) After suspending, revoking, or cancelling a CLP or CDL,
22 the Secretary of State must update the driver's records to
23 reflect such action within 10 days. After suspending or
24 revoking the driving privilege of any person who has been
25 issued a CLP or CDL from another jurisdiction, the Secretary
26 shall originate notification to such issuing jurisdiction

1 within 10 days.

2 (h) The "disqualifications" referred to in this Section
3 shall not be imposed upon any commercial motor vehicle driver,
4 by the Secretary of State, unless the prohibited action(s)
5 occurred after March 31, 1992.

6 (i) A person is disqualified from driving a commercial
7 motor vehicle in accordance with the following:

8 (1) For 6 months upon a first conviction of paragraph
9 (2) of subsection (b) or subsection (b-3) of Section 6-507
10 of this Code.

11 (2) For 2 years upon a second conviction of paragraph
12 (2) of subsection (b) or subsection (b-3) or any
13 combination of paragraphs (2) or (3) of subsection (b) or
14 subsections (b-3) or (b-5) of Section 6-507 of this Code
15 within a 10-year period if the second conviction is a
16 violation of paragraph (2) of subsection (b) or subsection
17 (b-3).

18 (3) For 3 years upon a third or subsequent conviction
19 of paragraph (2) of subsection (b) or subsection (b-3) or
20 any combination of paragraphs (2) or (3) of subsection (b)
21 or subsections (b-3) or (b-5) of Section 6-507 of this Code
22 within a 10-year period if the third or subsequent
23 conviction is a violation of paragraph (2) of subsection
24 (b) or subsection (b-3).

25 (4) For one year upon a first conviction of paragraph
26 (3) of subsection (b) or subsection (b-5) of Section 6-507

1 of this Code.

2 (5) For 3 years upon a second conviction of paragraph
3 (3) of subsection (b) or subsection (b-5) or any
4 combination of paragraphs (2) or (3) of subsection (b) or
5 subsections (b-3) or (b-5) of Section 6-507 of this Code
6 within a 10-year period if the second conviction is a
7 violation of paragraph (3) of subsection (b) or (b-5).

8 (6) For 5 years upon a third or subsequent conviction
9 of paragraph (3) of subsection (b) or subsection (b-5) or
10 any combination of paragraphs (2) or (3) of subsection (b)
11 or subsections (b-3) or (b-5) of Section 6-507 of this Code
12 within a 10-year period if the third or subsequent
13 conviction is a violation of paragraph (3) of subsection
14 (b) or (b-5).

15 (j) Disqualification for railroad-highway grade crossing
16 violation.

17 (1) General rule. A driver who is convicted of a
18 violation of a federal, State, or local law or regulation
19 pertaining to one of the following 6 offenses at a
20 railroad-highway grade crossing must be disqualified from
21 operating a commercial motor vehicle for the period of time
22 specified in paragraph (2) of this subsection (j) if the
23 offense was committed while operating a commercial motor
24 vehicle:

25 (i) For drivers who are not required to always
26 stop, failing to slow down and check that the tracks

1 are clear of an approaching train or railroad track
2 equipment, as described in subsection (a-5) of Section
3 11-1201 of this Code;

4 (ii) For drivers who are not required to always
5 stop, failing to stop before reaching the crossing, if
6 the tracks are not clear, as described in subsection
7 (a) of Section 11-1201 of this Code;

8 (iii) For drivers who are always required to stop,
9 failing to stop before driving onto the crossing, as
10 described in Section 11-1202 of this Code;

11 (iv) For all drivers, failing to have sufficient
12 space to drive completely through the crossing without
13 stopping, as described in subsection (b) of Section
14 11-1425 of this Code;

15 (v) For all drivers, failing to obey a traffic
16 control device or the directions of an enforcement
17 official at the crossing, as described in subdivision
18 (a)2 of Section 11-1201 of this Code;

19 (vi) For all drivers, failing to negotiate a
20 crossing because of insufficient undercarriage
21 clearance, as described in subsection (d-1) of Section
22 11-1201 of this Code.

23 (2) Duration of disqualification for railroad-highway
24 grade crossing violation.

25 (i) First violation. A driver must be disqualified
26 from operating a commercial motor vehicle for not less

1 than 60 days if the driver is convicted of a violation
2 described in paragraph (1) of this subsection (j) and,
3 in the three-year period preceding the conviction, the
4 driver had no convictions for a violation described in
5 paragraph (1) of this subsection (j).

6 (ii) Second violation. A driver must be
7 disqualified from operating a commercial motor vehicle
8 for not less than 120 days if the driver is convicted
9 of a violation described in paragraph (1) of this
10 subsection (j) and, in the three-year period preceding
11 the conviction, the driver had one other conviction for
12 a violation described in paragraph (1) of this
13 subsection (j) that was committed in a separate
14 incident.

15 (iii) Third or subsequent violation. A driver must
16 be disqualified from operating a commercial motor
17 vehicle for not less than one year if the driver is
18 convicted of a violation described in paragraph (1) of
19 this subsection (j) and, in the three-year period
20 preceding the conviction, the driver had 2 or more
21 other convictions for violations described in
22 paragraph (1) of this subsection (j) that were
23 committed in separate incidents.

24 (k) Upon notification of a disqualification of a driver's
25 commercial motor vehicle privileges imposed by the U.S.
26 Department of Transportation, Federal Motor Carrier Safety

1 Administration, in accordance with 49 C.F.R. 383.52, the
2 Secretary of State shall immediately record to the driving
3 record the notice of disqualification and confirm to the driver
4 the action that has been taken.

5 (1) A foreign commercial driver is subject to
6 disqualification under this Section.

7 (Source: P.A. 97-333, eff. 8-12-11; 97-1150, eff. 1-25-13;
8 98-122, eff. 1-1-14; 98-176 (see Section 10 of P.A. 98-722 and
9 Section 10 of P.A. 99-414 for the effective date of changes
10 made by P.A. 98-176); 98-722, eff. 7-16-14; 98-756, eff.
11 7-16-14; 98-1172, eff. 1-12-15.)

12 (625 ILCS 5/6-517) (from Ch. 95 1/2, par. 6-517)

13 Sec. 6-517. Commercial driver; implied consent warnings.

14 (a) Any person driving a commercial motor vehicle who is
15 requested by a police officer, pursuant to Section 6-516, to
16 submit to a chemical test or tests to determine the alcohol
17 concentration or any amount of a drug, substance, or compound
18 resulting from the unlawful use or consumption of cannabis
19 listed in the Cannabis Control Act, a controlled substance
20 listed in the Illinois Controlled Substances Act, an
21 intoxicating compound listed in the Use of Intoxicating
22 Compounds Act, or methamphetamine as listed in the
23 Methamphetamine Control and Community Protection Act in such
24 person's system, must be warned by the police officer
25 requesting the test or tests that a refusal to submit to the

1 test or tests will result in that person being immediately
2 placed out-of-service for a period of 24 hours and being
3 disqualified from operating a commercial motor vehicle for a
4 period of not less than 12 months; the person shall also be
5 warned that if such person submits to testing which discloses
6 an alcohol concentration of greater than 0.00 but less than
7 0.04 or any amount of a drug, substance, or compound in such
8 person's blood, other bodily substance, or urine resulting from
9 the unlawful use or consumption of cannabis listed in the
10 Cannabis Control Act, a controlled substance listed in the
11 Illinois Controlled Substances Act, an intoxicating compound
12 listed in the Use of Intoxicating Compounds Act, or
13 methamphetamine as listed in the Methamphetamine Control and
14 Community Protection Act, such person shall be placed
15 immediately out-of-service for a period of 24 hours; if the
16 person submits to testing which discloses an alcohol
17 concentration of 0.04 or more or any amount of a drug,
18 substance, or compound in such person's blood, other bodily
19 substance, or urine resulting from the unlawful use or
20 consumption of cannabis listed in the Cannabis Control Act, a
21 controlled substance listed in the Illinois Controlled
22 Substances Act, an intoxicating compound listed in the Use of
23 Intoxicating Compounds Act, or methamphetamine as listed in the
24 Methamphetamine Control and Community Protection Act, such
25 person shall be placed immediately out-of-service and
26 disqualified from driving a commercial motor vehicle for a

1 period of at least 12 months; also the person shall be warned
2 that if such testing discloses an alcohol concentration of
3 0.08, or more or any amount of a drug, substance, or compound
4 in such person's blood, other bodily substance, or urine
5 resulting from the unlawful use or consumption of cannabis
6 listed in the Cannabis Control Act, a controlled substance
7 listed in the Illinois Controlled Substances Act, an
8 intoxicating compound listed in the Use of Intoxicating
9 Compounds Act, or methamphetamine as listed in the
10 Methamphetamine Control and Community Protection Act, in
11 addition to the person being immediately placed out-of-service
12 and disqualified for 12 months as provided in this UCDLA, the
13 results of such testing shall also be admissible in
14 prosecutions for violations of Section 11-501 of this Code, or
15 similar violations of local ordinances, however, such results
16 shall not be used to impose any driving sanctions pursuant to
17 Section 11-501.1 of this Code.

18 The person shall also be warned that any disqualification
19 imposed pursuant to this Section, shall be for life for any
20 such offense or refusal, or combination thereof; including a
21 conviction for violating Section 11-501 while driving a
22 commercial motor vehicle, or similar provisions of local
23 ordinances, committed a second time involving separate
24 incidents.

25 A person requested to submit to a test shall also
26 acknowledge, in writing, receipt of the warning required under

1 this Section. If the person refuses to acknowledge receipt of
2 the warning, the police officer shall make a written notation
3 on the warning that the person refused to sign the warning. A
4 person's refusal to sign the warning shall not be evidence that
5 the person was not read the warning.

6 (b) If the person refuses or fails to complete testing, or
7 submits to a test which discloses an alcohol concentration of
8 at least 0.04, or any amount of a drug, substance, or compound
9 in such person's blood, other bodily substance, or urine
10 resulting from the unlawful use or consumption of cannabis
11 listed in the Cannabis Control Act, a controlled substance
12 listed in the Illinois Controlled Substances Act, an
13 intoxicating compound listed in the Use of Intoxicating
14 Compounds Act, or methamphetamine as listed in the
15 Methamphetamine Control and Community Protection Act, the law
16 enforcement officer must submit a Sworn Report to the Secretary
17 of State, in a form prescribed by the Secretary, certifying
18 that the test or tests was requested pursuant to paragraph (a);
19 that the person was warned, as provided in paragraph (a) and
20 that such person refused to submit to or failed to complete
21 testing, or submitted to a test which disclosed an alcohol
22 concentration of 0.04 or more, or any amount of a drug,
23 substance, or compound in such person's blood, other bodily
24 substance, or urine resulting from the unlawful use or
25 consumption of cannabis listed in the Cannabis Control Act, a
26 controlled substance listed in the Illinois Controlled

1 Substances Act, an intoxicating compound listed in the Use of
2 Intoxicating Compounds Act, or methamphetamine as listed in the
3 Methamphetamine Control and Community Protection Act.

4 (c) The police officer submitting the Sworn Report under
5 this Section shall serve notice of the CDL disqualification on
6 the person and such CDL disqualification shall be effective as
7 provided in paragraph (d). In cases where the blood alcohol
8 concentration of 0.04 or more, or any amount of a drug,
9 substance, or compound in such person's blood, other bodily
10 substance, or urine resulting from the unlawful use or
11 consumption of cannabis listed in the Cannabis Control Act, a
12 controlled substance listed in the Illinois Controlled
13 Substances Act, an intoxicating compound listed in the Use of
14 Intoxicating Compounds Act, or methamphetamine as listed in the
15 Methamphetamine Control and Community Protection Act, is
16 established by subsequent analysis of blood, other bodily
17 substance, or urine collected at the time of the request, the
18 police officer shall give notice as provided in this Section or
19 by deposit in the United States mail of such notice as provided
20 in this Section or by deposit in the United States mail of such
21 notice in an envelope with postage prepaid and addressed to
22 such person's domiciliary address as shown on the Sworn Report
23 and the CDL disqualification shall begin as provided in
24 paragraph (d).

25 (d) The CDL disqualification referred to in this Section
26 shall take effect on the 46th day following the date the Sworn

1 Report was given to the affected person.

2 (e) Upon receipt of the Sworn Report from the police
3 officer, the Secretary of State shall disqualify the person
4 from driving any commercial motor vehicle and shall confirm the
5 CDL disqualification by mailing the notice of the effective
6 date to the person. However, should the Sworn Report be
7 defective by not containing sufficient information or be
8 completed in error, the confirmation of the CDL
9 disqualification shall not be mailed to the affected person or
10 entered into the record, instead the Sworn Report shall be
11 forwarded to the issuing agency identifying any such defect.
12 (Source: P.A. 99-467, eff. 1-1-16.)

13 (625 ILCS 5/11-401) (from Ch. 95 1/2, par. 11-401)

14 Sec. 11-401. Motor vehicle accidents involving death or
15 personal injuries.

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

24 (b) Any person who has failed to stop or to comply with the
25 requirements of paragraph (a) shall, as soon as possible but in

1 no case later than one-half hour after such motor vehicle
2 accident, or, if hospitalized and incapacitated from reporting
3 at any time during such period, as soon as possible but in no
4 case later than one-half hour after being discharged from the
5 hospital, report the place of the accident, the date, the
6 approximate time, the driver's name and address, the
7 registration number of the vehicle driven, and the names of all
8 other occupants of such vehicle, at a police station or
9 sheriff's office near the place where such accident occurred.
10 No report made as required under this paragraph shall be used,
11 directly or indirectly, as a basis for the prosecution of any
12 violation of paragraph (a).

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

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

1 (c) Any person failing to comply with paragraph (a) shall
2 be guilty of a Class 4 felony.

3 (d) Any person failing to comply with paragraph (b) is
4 guilty of a Class 2 felony if the motor vehicle accident does
5 not result in the death of any person. Any person failing to
6 comply with paragraph (b) when the accident results in the
7 death of any person is guilty of a Class 1 felony.

8 (e) The Secretary of State shall revoke the driving
9 privilege of any person convicted of a violation of this
10 Section.

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

12 (625 ILCS 5/11-500) (from Ch. 95 1/2, par. 11-500)

13 Sec. 11-500. Definitions. For the purposes of interpreting
14 Sections 6-206.1 and 6-208.1 of this Code, "first offender"
15 shall mean any person who has not had a previous conviction or
16 court assigned supervision for violating Section 11-501, or a
17 similar provision of a local ordinance, or a conviction in any
18 other state for a violation of driving while under the
19 influence or a similar offense where the cause of action is the
20 same or substantially similar to this Code or similar offenses
21 committed on a military installation, or any person who has not
22 had a driver's license suspension pursuant to paragraph 6 of
23 subsection (a) of Section 6-206 as the result of refusal of
24 chemical testing in another state, or any person who has not
25 had a driver's license suspension or revocation for violating

1 Section 11-501.1 within 5 years prior to the date of the
2 current offense, except in cases where the driver submitted to
3 chemical testing resulting in an alcohol concentration of 0.08
4 or more, or any amount of a drug, substance, or compound in
5 such person's blood, other bodily substance, or urine resulting
6 from 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, or an intoxicating
9 compound listed in the Use of Intoxicating Compounds Act, or
10 methamphetamine as listed in the Methamphetamine Control and
11 Community Protection Act and was subsequently found not guilty
12 of violating Section 11-501, or a similar provision of a local
13 ordinance.

14 (Source: P.A. 95-355, eff. 1-1-08; 96-607, eff. 8-24-09;
15 96-1344, eff. 7-1-11.)

16 (625 ILCS 5/11-500.1)

17 Sec. 11-500.1. Immunity.

18 (a) A person authorized under this Article to withdraw
19 blood or collect urine or other bodily substance shall not be
20 civilly liable for damages when the person, in good faith,
21 withdraws blood or collects urine or other bodily substance for
22 evidentiary purposes under this Code, upon the request of a law
23 enforcement officer, unless the act is performed in a willful
24 and wanton manner.

25 (b) As used in this Section, "willful and wanton manner"

1 means a course of action that shows an actual or deliberate
2 intention to cause harm or which, if not intentional, shows an
3 utter indifference to or conscious disregard for the health or
4 safety of another.

5 (Source: P.A. 89-689, eff. 12-31-96.)

6 (625 ILCS 5/11-501) (from Ch. 95 1/2, par. 11-501)

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

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

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

16 (2) under the influence of alcohol;

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

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

23 (5) under the combined influence of alcohol, other drug
24 or drugs, or intoxicating compound or compounds to a degree
25 that renders the person incapable of safely driving; ~~or~~

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

10 (7) the person has, within 2 hours of driving or being
11 in actual physical control of a vehicle, a
12 tetrahydrocannabinol concentration in the person's whole
13 blood or other bodily substance as defined in paragraph 6
14 of subsection (a) of Section 11-501.2 of this Code. Subject
15 to all other requirements and provisions under this
16 Section, this paragraph (7) ~~(6)~~ does not apply to the
17 lawful consumption of cannabis by a qualifying patient
18 licensed under the Compassionate Use of Medical Cannabis
19 Pilot Program Act who is in possession of a valid registry
20 card issued under that Act, unless that person is impaired
21 by the use of cannabis.

22 (b) The fact that any person charged with violating this
23 Section is or has been legally entitled to use alcohol,
24 cannabis under the Compassionate Use of Medical Cannabis Pilot
25 Program Act, other drug or drugs, or intoxicating compound or
26 compounds, or any combination thereof, shall not constitute a

1 defense against any charge of violating this Section.

2 (c) Penalties.

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

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

11 (3) A person who violates subsection (a) is subject to
12 6 months of imprisonment, an additional mandatory minimum
13 fine of \$1,000, and 25 days of community service in a
14 program benefiting children if the person was transporting
15 a person under the age of 16 at the time of the violation.

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

24 (5) A person who violates subsection (a) a second time,
25 if at the time of the second violation the alcohol
26 concentration in his or her blood, breath, other bodily

1 substance, or urine was 0.16 or more based on the
2 definition of blood, breath, other bodily substance, or
3 urine units in Section 11-501.2, shall be subject, in
4 addition to any other penalty that may be imposed, to a
5 mandatory minimum of 2 days of imprisonment and a mandatory
6 minimum fine of \$1,250.

7 (d) Aggravated driving under the influence of alcohol,
8 other drug or drugs, or intoxicating compound or compounds, or
9 any combination thereof.

10 (1) Every person convicted of committing a violation of
11 this Section shall be guilty of aggravated driving under
12 the influence of alcohol, other drug or drugs, or
13 intoxicating compound or compounds, or any combination
14 thereof if:

15 (A) the person committed a violation of subsection

16 (a) or a similar provision for the third or subsequent
17 time;

18 (B) the person committed a violation of subsection

19 (a) while driving a school bus with one or more
20 passengers on board;

21 (C) the person in committing a violation of
22 subsection (a) was involved in a motor vehicle accident
23 that resulted in great bodily harm or permanent
24 disability or disfigurement to another, when the
25 violation was a proximate cause of the injuries;

26 (D) the person committed a violation of subsection

1 (a) and has been previously convicted of violating
2 Section 9-3 of the Criminal Code of 1961 or the
3 Criminal Code of 2012 or a similar provision of a law
4 of another state relating to reckless homicide in which
5 the person was determined to have been under the
6 influence of alcohol, other drug or drugs, or
7 intoxicating compound or compounds as an element of the
8 offense or the person has previously been convicted
9 under subparagraph (C) or subparagraph (F) of this
10 paragraph (1);

11 (E) the person, in committing a violation of
12 subsection (a) while driving at any speed in a school
13 speed zone at a time when a speed limit of 20 miles per
14 hour was in effect under subsection (a) of Section
15 11-605 of this Code, was involved in a motor vehicle
16 accident that resulted in bodily harm, other than great
17 bodily harm or permanent disability or disfigurement,
18 to another person, when the violation of subsection (a)
19 was a proximate cause of the bodily harm;

20 (F) the person, in committing a violation of
21 subsection (a), was involved in a motor vehicle,
22 snowmobile, all-terrain vehicle, or watercraft
23 accident that resulted in the death of another person,
24 when the violation of subsection (a) was a proximate
25 cause of the death;

26 (G) the person committed a violation of subsection

1 (a) during a period in which the defendant's driving
2 privileges are revoked or suspended, where the
3 revocation or suspension was for a violation of
4 subsection (a) or a similar provision, Section
5 11-501.1, paragraph (b) of Section 11-401, or for
6 reckless homicide as defined in Section 9-3 of the
7 Criminal Code of 1961 or the Criminal Code of 2012;

8 (H) the person committed the violation while he or
9 she did not possess a driver's license or permit or a
10 restricted driving permit or a judicial driving permit
11 or a monitoring device driving permit;

12 (I) the person committed the violation while he or
13 she knew or should have known that the vehicle he or
14 she was driving was not covered by a liability
15 insurance policy;

16 (J) the person in committing a violation of
17 subsection (a) was involved in a motor vehicle accident
18 that resulted in bodily harm, but not great bodily
19 harm, to the child under the age of 16 being
20 transported by the person, if the violation was the
21 proximate cause of the injury;

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

25 (L) the person committed a violation of subsection
26 (a) of this Section while transporting one or more

1 passengers in a vehicle for-hire.

2 (2) (A) Except as provided otherwise, a person
3 convicted of aggravated driving under the influence of
4 alcohol, other drug or drugs, or intoxicating compound or
5 compounds, or any combination thereof is guilty of a Class
6 4 felony.

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

21 (C) A fourth violation of this Section or a similar
22 provision is a Class 2 felony, for which a sentence of
23 probation or conditional discharge may not be imposed. If
24 at the time of the violation, the alcohol concentration in
25 the defendant's blood, breath, other bodily substance, or
26 urine was 0.16 or more based on the definition of blood,

1 breath, other bodily substance, or urine units in Section
2 11-501.2, a mandatory minimum fine of \$5,000 shall be
3 imposed in addition to any other criminal or administrative
4 sanction. If at the time of the fourth violation, the
5 defendant was transporting a person under the age of 16 a
6 mandatory fine of \$25,000 and 25 days of community service
7 in a program benefiting children shall be imposed in
8 addition to any other criminal or administrative sanction.

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

23 (E) A sixth or subsequent violation of this Section or
24 similar provision is a Class X felony. If at the time of
25 the violation, the alcohol concentration in the
26 defendant's blood, breath, other bodily substance, or

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

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

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

23 (H) For a violation of subparagraph (J) of paragraph
24 (1) of this subsection (d), a mandatory fine of \$2,500, and
25 25 days of community service in a program benefiting
26 children shall be imposed in addition to any other criminal

1 or administrative sanction.

2 (I) A violation of subparagraph (K) of paragraph (1) of
3 this subsection (d), is a Class 2 felony and a mandatory
4 fine of \$2,500, and 25 days of community service in a
5 program benefiting children shall be imposed in addition to
6 any other criminal or administrative sanction. If the child
7 being transported suffered bodily harm, but not great
8 bodily harm, in a motor vehicle accident, and the violation
9 was the proximate cause of that injury, a mandatory fine of
10 \$5,000 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 (J) A violation of subparagraph (D) of paragraph (1) of
14 this subsection (d) is a Class 3 felony, for which a
15 sentence of probation or conditional discharge may not be
16 imposed.

17 (3) Any person sentenced under this subsection (d) who
18 receives a term of probation or conditional discharge must
19 serve a minimum term of either 480 hours of community
20 service or 10 days of imprisonment as a condition of the
21 probation or conditional discharge in addition to any other
22 criminal or administrative sanction.

23 (e) Any reference to a prior violation of subsection (a) or
24 a similar provision includes any violation of a provision of a
25 local ordinance or a provision of a law of another state or an
26 offense committed on a military installation that is similar to

1 a violation of subsection (a) of this Section.

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

5 (g) Any penalty imposed for driving with a license that has
6 been revoked for a previous violation of subsection (a) of this
7 Section shall be in addition to the penalty imposed for any
8 subsequent violation of subsection (a).

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

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

14 (625 ILCS 5/11-501.1)

15 Sec. 11-501.1. Suspension of drivers license; statutory
16 summary alcohol, other drug or drugs, or intoxicating compound
17 or compounds related suspension or revocation; implied
18 consent.

19 (a) Any person who drives or is in actual physical control
20 of a motor vehicle upon the public highways of this State shall
21 be deemed to have given consent, subject to the provisions of
22 Section 11-501.2, to a chemical test or tests of blood, breath,
23 other bodily substance, or urine for the purpose of determining
24 the content of alcohol, other drug or drugs, or intoxicating
25 compound or compounds or any combination thereof in the

1 person's blood if arrested, as evidenced by the issuance of a
2 Uniform Traffic Ticket, for any offense as defined in Section
3 11-501 or a similar provision of a local ordinance, or if
4 arrested for violating Section 11-401. If a law enforcement
5 officer has probable cause to believe the person was under the
6 influence of alcohol, other drug or drugs, intoxicating
7 compound or compounds, or any combination thereof, the law
8 enforcement officer shall request a chemical test or tests
9 which shall be administered at the direction of the arresting
10 officer. The law enforcement agency employing the officer shall
11 designate which of the aforesaid tests shall be administered.
12 Up to 2 additional tests of A urine or other bodily substance
13 ~~test~~ may be administered even after a blood or breath test or
14 both has been administered. For purposes of this Section, an
15 Illinois law enforcement officer of this State who is
16 investigating the person for any offense defined in Section
17 11-501 may travel into an adjoining state, where the person has
18 been transported for medical care, to complete an investigation
19 and to request that the person submit to the test or tests set
20 forth in this Section. The requirements of this Section that
21 the person be arrested are inapplicable, but the officer shall
22 issue the person a Uniform Traffic Ticket for an offense as
23 defined in Section 11-501 or a similar provision of a local
24 ordinance prior to requesting that the person submit to the
25 test or tests. The issuance of the Uniform Traffic Ticket shall
26 not constitute an arrest, but shall be for the purpose of

1 notifying the person that he or she is subject to the
2 provisions of this Section and of the officer's belief of the
3 existence of probable cause to arrest. Upon returning to this
4 State, the officer shall file the Uniform Traffic Ticket with
5 the Circuit Clerk of the county where the offense was
6 committed, and shall seek the issuance of an arrest warrant or
7 a summons for the person.

8 (a-5) (Blank).

9 (b) Any person who is dead, unconscious, or who is
10 otherwise in a condition rendering the person incapable of
11 refusal, shall be deemed not to have withdrawn the consent
12 provided by paragraph (a) of this Section and the test or tests
13 may be administered, subject to the provisions of Section
14 11-501.2.

15 (c) A person requested to submit to a test as provided
16 above shall be warned by the law enforcement officer requesting
17 the test that a refusal to submit to the test will result in
18 the statutory summary suspension of the person's privilege to
19 operate a motor vehicle, as provided in Section 6-208.1 of this
20 Code, and will also result in the disqualification of the
21 person's privilege to operate a commercial motor vehicle, as
22 provided in Section 6-514 of this Code, if the person is a CDL
23 holder. The person shall also be warned that a refusal to
24 submit to the test, when the person was involved in a motor
25 vehicle accident that caused personal injury or death to
26 another, will result in the statutory summary revocation of the

1 person's privilege to operate a motor vehicle, as provided in
2 Section 6-208.1, and will also result in the disqualification
3 of the person's privilege to operate a commercial motor
4 vehicle, as provided in Section 6-514 of this Code, if the
5 person is a CDL holder. The person shall also be warned by the
6 law enforcement officer that if the person submits to the test
7 or tests provided in paragraph (a) of this Section and the
8 alcohol concentration in the person's blood, other bodily
9 substance, or breath is 0.08 or greater, or testing discloses
10 the presence of cannabis as listed in the Cannabis Control Act
11 with a tetrahydrocannabinol concentration as defined in
12 paragraph 6 of subsection (a) of Section 11-501.2 of this Code,
13 or any amount of a drug, substance, or compound resulting from
14 the unlawful use or consumption of ~~cannabis as covered by the~~
15 ~~Cannabis Control Act,~~ a controlled substance listed in the
16 Illinois Controlled Substances Act, an intoxicating compound
17 listed in the Use of Intoxicating Compounds Act, or
18 methamphetamine as listed in the Methamphetamine Control and
19 Community Protection Act is detected in the person's blood,
20 other bodily substance or urine, a statutory summary suspension
21 of the person's privilege to operate a motor vehicle, as
22 provided in Sections 6-208.1 and 11-501.1 of this Code, will be
23 imposed. If the person is also a CDL holder, he or she shall be
24 warned by the law enforcement officer that if the person
25 submits to the test or tests provided in paragraph (a) of this
26 Section and the alcohol concentration in the person's blood,

1 other bodily substance, or breath is 0.08 or greater, or any
2 amount of a drug, substance, or compound resulting from the
3 unlawful use or consumption of cannabis as covered by the
4 Cannabis Control Act, a controlled substance listed in the
5 Illinois Controlled Substances Act, an intoxicating compound
6 listed in the Use of Intoxicating Compounds Act, or
7 methamphetamine as listed in the Methamphetamine Control and
8 Community Protection Act is detected in the person's blood,
9 other bodily substance, or urine, and a disqualification of the
10 person's privilege to operate a commercial motor vehicle, as
11 provided in Section 6-514 of this Code, ~~if the person is a CDL~~
12 ~~holder,~~ will be imposed.

13 A person who is under the age of 21 at the time the person
14 is requested to submit to a test as provided above shall, in
15 addition to the warnings provided for in this Section, be
16 further warned by the law enforcement officer requesting the
17 test that if the person submits to the test or tests provided
18 in paragraph (a) of this Section and the alcohol concentration
19 in the person's blood, other bodily substance, or breath is
20 greater than 0.00 and less than 0.08, a suspension of the
21 person's privilege to operate a motor vehicle, as provided
22 under Sections 6-208.2 and 11-501.8 of this Code, will be
23 imposed. The results of this test shall be admissible in a
24 civil or criminal action or proceeding arising from an arrest
25 for an offense as defined in Section 11-501 of this Code or a
26 similar provision of a local ordinance or pursuant to Section

1 11-501.4 in prosecutions for reckless homicide brought under
2 the Criminal Code of 1961 or the Criminal Code of 2012. These
3 test results, however, shall be admissible only in actions or
4 proceedings directly related to the incident upon which the
5 test request was made.

6 A person requested to submit to a test shall also
7 acknowledge, in writing, receipt of the warning required under
8 this Section. If the person refuses to acknowledge receipt of
9 the warning, the law enforcement officer shall make a written
10 notation on the warning that the person refused to sign the
11 warning. A person's refusal to sign the warning shall not be
12 evidence that the person was not read the warning.

13 (d) If the person refuses testing or submits to a test that
14 discloses an alcohol concentration of 0.08 or more, or testing
15 discloses the presence of cannabis as listed in the Cannabis
16 Control Act with a tetrahydrocannabinol concentration as
17 defined in paragraph 6 of subsection (a) of Section 11-501.2 of
18 this Code, or any amount of a drug, substance, or intoxicating
19 compound in the person's breath, blood, other bodily substance,
20 or urine resulting from the unlawful use or consumption of
21 ~~cannabis listed in the Cannabis Control Act~~, a controlled
22 substance listed in the Illinois Controlled Substances Act, an
23 intoxicating compound listed in the Use of Intoxicating
24 Compounds Act, or methamphetamine as listed in the
25 Methamphetamine Control and Community Protection Act, the law
26 enforcement officer shall immediately submit a sworn report to

1 the circuit court of venue and the Secretary of State,
2 certifying that the test or tests was or were requested under
3 paragraph (a) and the person refused to submit to a test, or
4 tests, or submitted to testing that disclosed an alcohol
5 concentration of 0.08 or more, testing discloses the presence
6 of cannabis as listed in the Cannabis Control Act with a
7 tetrahydrocannabinol concentration as defined in paragraph 6
8 of subsection (a) of Section 11-501.2 of this Code, or any
9 amount of a drug, substance, or intoxicating compound in the
10 person's breath, blood, other bodily substance, or urine
11 resulting from the unlawful use or consumption of a controlled
12 substance listed in the Illinois Controlled Substances Act, an
13 intoxicating compound listed in the Use of Intoxicating
14 Compounds Act, or methamphetamine as listed in the
15 Methamphetamine Control and Community Protection Act. If the
16 person is also a CDL holder and refuses testing or submits to a
17 test that discloses an alcohol concentration of 0.08 or more,
18 or any amount of a drug, substance, or intoxicating compound in
19 the person's breath, blood, other bodily substance, or urine
20 resulting from the unlawful use or consumption of cannabis
21 listed in the Cannabis Control Act, a controlled substance
22 listed in the Illinois Controlled Substances Act, an
23 intoxicating compound listed in the Use of Intoxicating
24 Compounds Act, or methamphetamine as listed in the
25 Methamphetamine Control and Community Protection Act, the law
26 enforcement officer shall also immediately submit a sworn

1 report to the circuit court of venue and the Secretary of
2 State, certifying that the test or tests was or were requested
3 under paragraph (a) and the person refused to submit to a test,
4 or tests, or submitted to testing that disclosed an alcohol
5 concentration of 0.08 or more, or any amount of a drug,
6 substance, or intoxicating compound in the person's breath,
7 blood, other bodily substance, or urine resulting from the
8 unlawful use or consumption of cannabis listed in the Cannabis
9 Control Act, a controlled substance listed in the Illinois
10 Controlled Substances Act, an intoxicating compound listed in
11 the Use of Intoxicating Compounds Act, or methamphetamine as
12 listed in the Methamphetamine Control and Community Protection
13 Act.

14 (e) Upon receipt of the sworn report of a law enforcement
15 officer submitted under paragraph (d), the Secretary of State
16 shall enter the statutory summary suspension or revocation and
17 disqualification for the periods specified in Sections 6-208.1
18 and 6-514, respectively, and effective as provided in paragraph
19 (g).

20 If the person is a first offender as defined in Section
21 11-500 of this Code, and is not convicted of a violation of
22 Section 11-501 of this Code or a similar provision of a local
23 ordinance, then reports received by the Secretary of State
24 under this Section shall, except during the actual time the
25 Statutory Summary Suspension is in effect, be privileged
26 information and for use only by the courts, police officers,

1 prosecuting authorities or the Secretary of State, unless the
2 person is a CDL holder, is operating a commercial motor vehicle
3 or vehicle required to be placarded for hazardous materials, in
4 which case the suspension shall not be privileged. Reports
5 received by the Secretary of State under this Section shall
6 also be made available to the parent or guardian of a person
7 under the age of 18 years that holds an instruction permit or a
8 graduated driver's license, regardless of whether the
9 statutory summary suspension is in effect. A statutory summary
10 revocation shall not be privileged information.

11 (f) The law enforcement officer submitting the sworn report
12 under paragraph (d) shall serve immediate notice of the
13 statutory summary suspension or revocation on the person and
14 the suspension or revocation and disqualification shall be
15 effective as provided in paragraph (g).

16 (1) In cases involving a person who is not a CDL holder
17 where the blood alcohol concentration of 0.08 or greater or
18 any amount of a drug, substance, or compound resulting from
19 the unlawful use or consumption of ~~cannabis as covered by~~
20 ~~the Cannabis Control Act~~, a controlled substance listed in
21 the Illinois Controlled Substances Act, an intoxicating
22 compound listed in the Use of Intoxicating Compounds Act,
23 or methamphetamine as listed in the Methamphetamine
24 Control and Community Protection Act is established by a
25 subsequent analysis of blood, other bodily substance, or
26 urine or analysis of whole blood or other bodily substance

1 establishes a tetrahydrocannabinol concentration as
2 defined in paragraph 6 of subsection (a) of Section
3 11-501.2 of this Code, collected at the time of arrest, the
4 arresting officer or arresting agency shall give notice as
5 provided in this Section or by deposit in the United States
6 mail of the notice in an envelope with postage prepaid and
7 addressed to the person at his or her address as shown on
8 the Uniform Traffic Ticket and the statutory summary
9 suspension ~~and disqualification~~ shall begin as provided in
10 paragraph (g).

11 (1.3) In cases involving a person who is a CDL holder
12 where the blood alcohol concentration of 0.08 or greater or
13 any amount of a drug, substance, or compound resulting from
14 the unlawful use or consumption of cannabis as covered by
15 the Cannabis Control Act, a controlled substance listed in
16 the Illinois Controlled Substances Act, an intoxicating
17 compound listed in the Use of Intoxicating Compounds Act,
18 or methamphetamine as listed in the Methamphetamine
19 Control and Community Protection Act is established by a
20 subsequent analysis of blood, other bodily substance, or
21 urine collected at the time of arrest, the arresting
22 officer or arresting agency shall give notice as provided
23 in this Section or by deposit in the United States mail of
24 the notice in an envelope with postage prepaid and
25 addressed to the person at his or her address as shown on
26 the Uniform Traffic Ticket and the statutory summary

1 suspension and disqualification shall begin as provided in
2 paragraph (g).

3 (1.5) The officer shall confiscate any Illinois
4 driver's license or permit on the person at the time of
5 arrest. If the person has a valid driver's license or
6 permit, the officer shall issue the person a receipt, in a
7 form prescribed by the Secretary of State, that will allow
8 that person to drive during the periods provided for in
9 paragraph (g). The officer shall immediately forward the
10 driver's license or permit to the circuit court of venue
11 along with the sworn report provided for in paragraph (d).

12 (2) (Blank).

13 (g) The statutory summary suspension or revocation and
14 disqualification referred to in this Section shall take effect
15 on the 46th day following the date the notice of the statutory
16 summary suspension or revocation was given to the person.

17 (h) The following procedure shall apply whenever a person
18 is arrested for any offense as defined in Section 11-501 or a
19 similar provision of a local ordinance:

20 Upon receipt of the sworn report from the law enforcement
21 officer, the Secretary of State shall confirm the statutory
22 summary suspension or revocation by mailing a notice of the
23 effective date of the suspension or revocation to the person
24 and the court of venue. The Secretary of State shall also mail
25 notice of the effective date of the disqualification to the
26 person. However, should the sworn report be defective by not

1 containing sufficient information or be completed in error, the
2 confirmation of the statutory summary suspension or revocation
3 shall not be mailed to the person or entered to the record;
4 instead, the sworn report shall be forwarded to the court of
5 venue with a copy returned to the issuing agency identifying
6 any defect.

7 (i) As used in this Section, "personal injury" includes any
8 Type A injury as indicated on the traffic accident report
9 completed by a law enforcement officer that requires immediate
10 professional attention in either a doctor's office or a medical
11 facility. A Type A injury includes severely bleeding wounds,
12 distorted extremities, and injuries that require the injured
13 party to be carried from the scene.

14 (Source: P.A. 98-122, eff. 1-1-14; 98-1172, eff. 1-12-15;
15 99-467, eff. 1-1-16.)

16 (625 ILCS 5/11-501.2) (from Ch. 95 1/2, par. 11-501.2)

17 Sec. 11-501.2. Chemical and other tests.

18 (a) Upon the trial of any civil or criminal action or
19 proceeding arising out of an arrest for an offense as defined
20 in Section 11-501 or a similar local ordinance or proceedings
21 pursuant to Section 2-118.1, evidence of the concentration of
22 alcohol, other drug or drugs, or intoxicating compound or
23 compounds, or any combination thereof in a person's blood or
24 breath at the time alleged, as determined by analysis of the
25 person's blood, urine, breath, or other bodily substance, shall

1 be admissible. Where such test is made the following provisions
2 shall apply:

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

19 2. When a person in this State shall submit to a blood
20 test at the request of a law enforcement officer under the
21 provisions of Section 11-501.1, only a physician
22 authorized to practice medicine, a licensed physician
23 assistant, a licensed advanced practice nurse, a
24 registered nurse, trained phlebotomist, or licensed
25 paramedic, or other qualified person approved by the
26 Department of State Police may withdraw blood for the

1 purpose of determining the alcohol, drug, or alcohol and
2 drug content therein. This limitation shall not apply to
3 the taking of breath, other bodily substance, or urine
4 specimens.

5 When a blood test of a person who has been taken to an
6 adjoining state for medical treatment is requested by an
7 Illinois law enforcement officer, the blood may be
8 withdrawn only by a physician authorized to practice
9 medicine in the adjoining state, a licensed physician
10 assistant, a licensed advanced practice nurse, a
11 registered nurse, a trained phlebotomist acting under the
12 direction of the physician, or licensed paramedic. The law
13 enforcement officer requesting the test shall take custody
14 of the blood sample, and the blood sample shall be analyzed
15 by a laboratory certified by the Department of State Police
16 for that purpose.

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

26 4. Upon the request of the person who shall submit to a

1 chemical test or tests at the request of a law enforcement
2 officer, full information concerning the test or tests
3 shall be made available to the person or such person's
4 attorney.

5 5. Alcohol concentration shall mean either grams of
6 alcohol per 100 milliliters of blood or grams of alcohol
7 per 210 liters of breath.

8 6. Tetrahydrocannabinol concentration means either 5
9 nanograms or more of delta-9-tetrahydrocannabinol per
10 milliliter of whole blood or 10 nanograms or more of
11 delta-9-tetrahydrocannabinol per milliliter of other
12 bodily substance.

13 (a-5) Law enforcement officials may use standardized field
14 sobriety tests approved by the National Highway Traffic Safety
15 Administration when conducting investigations of a violation
16 of Section 11-501 or similar local ordinance by drivers
17 suspected of driving under the influence of cannabis. The
18 General Assembly finds that standardized field sobriety tests
19 approved by the National Highway Traffic Safety Administration
20 are divided attention tasks that are intended to determine if a
21 person is under the influence of cannabis. The purpose of these
22 tests is to determine the effect of the use of cannabis on a
23 person's capacity to think and act with ordinary care and
24 therefore operate a motor vehicle safely. Therefore, the
25 results of these standardized field sobriety tests,
26 appropriately administered, shall be admissible in the trial of

1 any civil or criminal action or proceeding arising out of an
2 arrest for a cannabis-related offense as defined in Section
3 11-501 or a similar local ordinance or proceedings under
4 Section 2-118.1 or 2-118.2. Where a test is made the following
5 provisions shall apply:

6 1. The person tested may have a physician, or a
7 qualified technician, chemist, registered nurse, or other
8 qualified person of their own choosing administer a
9 chemical test or tests in addition to the standardized
10 field sobriety test or tests administered at the direction
11 of a law enforcement officer. The failure or inability to
12 obtain an additional test by a person does not preclude the
13 admission of evidence relating to the test or tests taken
14 at the direction of a law enforcement officer.

15 2. Upon the request of the person who shall submit to a
16 standardized field sobriety test or tests at the request of
17 a law enforcement officer, full information concerning the
18 test or tests shall be made available to the person or the
19 person's attorney.

20 3. At the trial of any civil or criminal action or
21 proceeding arising out of an arrest for an offense as
22 defined in Section 11-501 or a similar local ordinance or
23 proceedings under Section 2-118.1 or 2-118.2 in which the
24 results of these standardized field sobriety tests are
25 admitted, the cardholder may present and the trier of fact
26 may consider evidence that the card holder lacked the

1 physical capacity to perform the standardized field
2 sobriety tests.

3 (b) Upon the trial of any civil or criminal action or
4 proceeding arising out of acts alleged to have been committed
5 by any person while driving or in actual physical control of a
6 vehicle while under the influence of alcohol, the concentration
7 of alcohol in the person's blood or breath at the time alleged
8 as shown by analysis of the person's blood, urine, breath, or
9 other bodily substance shall give rise to the following
10 presumptions:

11 1. If there was at that time an alcohol concentration
12 of 0.05 or less, it shall be presumed that the person was
13 not under the influence of alcohol.

14 2. If there was at that time an alcohol concentration
15 in excess of 0.05 but less than 0.08, such facts shall not
16 give rise to any presumption that the person was or was not
17 under the influence of alcohol, but such fact may be
18 considered with other competent evidence in determining
19 whether the person was under the influence of alcohol.

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

23 4. The foregoing provisions of this Section shall not
24 be construed as limiting the introduction of any other
25 relevant evidence bearing upon the question whether the
26 person was under the influence of alcohol.

1 (b-5) Upon the trial of any civil or criminal action or
2 proceeding arising out of acts alleged to have been committed
3 by any person while driving or in actual physical control of a
4 vehicle while under the influence of alcohol, other drug or
5 drugs, intoxicating compound or compounds or any combination
6 thereof, the concentration of cannabis in the person's whole
7 blood or other bodily substance at the time alleged as shown by
8 analysis of the person's blood or other bodily substance shall
9 give rise to the following presumptions:

10 1. If there was a tetrahydrocannabinol concentration
11 of 5 nanograms or more in whole blood or 10 nanograms or
12 more in an other bodily substance as defined in this
13 Section, it shall be presumed that the person was under the
14 influence of cannabis.

15 2. If there was at that time a tetrahydrocannabinol
16 concentration of less than 5 nanograms in whole blood or
17 less than 10 nanograms in an other bodily substance, such
18 facts shall not give rise to any presumption that the
19 person was or was not under the influence of cannabis, but
20 such fact may be considered with other competent evidence
21 in determining whether the person was under the influence
22 of cannabis.

23 (c) 1. If a person under arrest refuses to submit to a
24 chemical test under the provisions of Section 11-501.1,
25 evidence of refusal shall be admissible in any civil or
26 criminal action or proceeding arising out of acts alleged to

1 have been committed while the person under the influence of
2 alcohol, other drug or drugs, or intoxicating compound or
3 compounds, or any combination thereof was driving or in actual
4 physical control of a motor vehicle.

5 2. Notwithstanding any ability to refuse under this Code to
6 submit to these tests or any ability to revoke the implied
7 consent to these tests, if a law enforcement officer has
8 probable cause to believe that a motor vehicle driven by or in
9 actual physical control of a person under the influence of
10 alcohol, other drug or drugs, or intoxicating compound or
11 compounds, or any combination thereof has caused the death or
12 personal injury to another, the law enforcement officer shall
13 request, and that person shall submit, upon the request of a
14 law enforcement officer, to a chemical test or tests of his or
15 her blood, breath, other bodily substance, or urine for the
16 purpose of determining the alcohol content thereof or the
17 presence of any other drug or combination of both.

18 This provision does not affect the applicability of or
19 imposition of driver's license sanctions under Section
20 11-501.1 of this Code.

21 3. For purposes of this Section, a personal injury includes
22 any Type A injury as indicated on the traffic accident report
23 completed by a law enforcement officer that requires immediate
24 professional attention in either a doctor's office or a medical
25 facility. A Type A injury includes severe bleeding wounds,
26 distorted extremities, and injuries that require the injured

1 party to be carried from the scene.

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

8 (e) Department of State Police compliance with the changes
9 in this amendatory Act of the 99th General Assembly concerning
10 testing of other bodily substances and tetrahydrocannabinol
11 concentration by Department of State Police laboratories is
12 subject to appropriation and until the Department of State
13 Police adopt standards and completion validation. Any
14 laboratories that test for the presence of cannabis or other
15 drugs under this Article, the Snowmobile Registration and
16 Safety Act, or the Boat Registration and Safety Act must comply
17 with ISO/IEC 17025:2005.

18 (Source: P.A. 97-450, eff. 8-19-11; 97-471, eff. 8-22-11;
19 97-813, eff. 7-13-12; 98-122, eff. 1-1-14; 98-973, eff.
20 8-15-14; 98-1172, eff. 1-12-15.)

21 (625 ILCS 5/11-501.4) (from Ch. 95 1/2, par. 11-501.4)

22 Sec. 11-501.4. Admissibility of chemical tests of blood,
23 other bodily substance, or urine conducted in the regular
24 course of providing emergency medical treatment.

25 (a) Notwithstanding any other provision of law, the results

1 of blood, other bodily substance, or urine tests performed for
2 the purpose of determining the content of alcohol, other drug
3 or drugs, or intoxicating compound or compounds, or any
4 combination thereof, of an individual's blood, other bodily
5 substance, or urine conducted upon persons receiving medical
6 treatment in a hospital emergency room are admissible in
7 evidence as a business record exception to the hearsay rule
8 only in prosecutions for any violation of Section 11-501 of
9 this Code or a similar provision of a local ordinance, or in
10 prosecutions for reckless homicide brought under the Criminal
11 Code of 1961 or the Criminal Code of 2012, when each of the
12 following criteria are met:

13 (1) the chemical tests performed upon an individual's
14 blood, other bodily substance, or urine were ordered in the
15 regular course of providing emergency medical treatment
16 and not at the request of law enforcement authorities;

17 (2) the chemical tests performed upon an individual's
18 blood, other bodily substance, or urine were performed by
19 the laboratory routinely used by the hospital; and

20 (3) results of chemical tests performed upon an
21 individual's blood, other bodily substance, or urine are
22 admissible into evidence regardless of the time that the
23 records were prepared.

24 (b) The confidentiality provisions of law pertaining to
25 medical records and medical treatment shall not be applicable
26 with regard to chemical tests performed upon an individual's

1 blood, other bodily substance, or urine under the provisions of
2 this Section in prosecutions as specified in subsection (a) of
3 this Section. No person shall be liable for civil damages as a
4 result of the evidentiary use of chemical testing of an
5 individual's blood, other bodily substance, or urine test
6 results under this Section, or as a result of that person's
7 testimony made available under this Section.

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

9 (625 ILCS 5/11-501.4-1)

10 Sec. 11-501.4-1. Reporting of test results of blood, other
11 bodily substance, or urine conducted in the regular course of
12 providing emergency medical treatment.

13 (a) Notwithstanding any other provision of law, the results
14 of blood, other bodily substance, or urine tests performed for
15 the purpose of determining the content of alcohol, other drug
16 or drugs, or intoxicating compound or compounds, or any
17 combination thereof, in an individual's blood, other bodily
18 substance, or urine conducted upon persons receiving medical
19 treatment in a hospital emergency room for injuries resulting
20 from a motor vehicle accident shall be disclosed to the
21 Department of State Police or local law enforcement agencies of
22 jurisdiction, upon request. Such blood, other bodily
23 substance, or urine tests are admissible in evidence as a
24 business record exception to the hearsay rule only in
25 prosecutions for any violation of Section 11-501 of this Code

1 or a similar provision of a local ordinance, or in prosecutions
2 for reckless homicide brought under the Criminal Code of 1961
3 or the Criminal Code of 2012.

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

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

16 (625 ILCS 5/11-501.6) (from Ch. 95 1/2, par. 11-501.6)

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

19 (a) Any person who drives or is in actual control of a
20 motor vehicle upon the public highways of this State and who
21 has been involved in a personal injury or fatal motor vehicle
22 accident, shall be deemed to have given consent to a breath
23 test using a portable device as approved by the Department of
24 State Police or to a chemical test or tests of blood, breath,
25 other bodily substance, or urine for the purpose of determining

1 the content of alcohol, other drug or drugs, or intoxicating
2 compound or compounds of such person's blood if arrested as
3 evidenced by the issuance of a Uniform Traffic Ticket for any
4 violation of the Illinois Vehicle Code or a similar provision
5 of a local ordinance, with the exception of equipment
6 violations contained in Chapter 12 of this Code, or similar
7 provisions of local ordinances. The test or tests shall be
8 administered at the direction of the arresting officer. The law
9 enforcement agency employing the officer shall designate which
10 of the aforesaid tests shall be administered. Up to 2
11 additional tests of A urine or other bodily substance test may
12 be administered even after a blood or breath test or both has
13 been administered. Compliance with this Section does not
14 relieve such person from the requirements of Section 11-501.1
15 of this Code.

16 (b) Any person who is dead, unconscious or who is otherwise
17 in a condition rendering such person incapable of refusal shall
18 be deemed not to have withdrawn the consent provided by
19 subsection (a) of this Section. In addition, if a driver of a
20 vehicle is receiving medical treatment as a result of a motor
21 vehicle accident, any physician licensed to practice medicine,
22 licensed physician assistant, licensed advanced practice
23 nurse, registered nurse or a phlebotomist acting under the
24 direction of a licensed physician shall withdraw blood for
25 testing purposes to ascertain the presence of alcohol, other
26 drug or drugs, or intoxicating compound or compounds, upon the

1 specific request of a law enforcement officer. However, no such
2 testing shall be performed until, in the opinion of the medical
3 personnel on scene, the withdrawal can be made without
4 interfering with or endangering the well-being of the patient.

5 (c) A person requested to submit to a test as provided
6 above shall be warned by the law enforcement officer requesting
7 the test that a refusal to submit to the test, or submission to
8 the test resulting in an alcohol concentration of 0.08 or more,
9 or testing discloses the presence of cannabis as listed in the
10 Cannabis Control Act with a tetrahydrocannabinol concentration
11 as defined in paragraph 6 of subsection (a) of Section 11-501.2
12 of this Code, or any amount of a drug, substance, or
13 intoxicating compound resulting from the unlawful use or
14 consumption of ~~cannabis, as covered by the Cannabis Control~~
15 ~~Act,~~ 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 as
19 detected in such person's blood, other bodily substance, or
20 urine, may result in the suspension of such person's privilege
21 to operate a motor vehicle. If the person is also a CDL holder,
22 he or she shall be warned by the law enforcement officer
23 requesting the test that a refusal to submit to the test, or
24 submission to the test resulting in an alcohol concentration of
25 0.08 or more, or any amount of a drug, substance, or
26 intoxicating compound resulting from the unlawful use or

1 consumption of cannabis, as covered by the Cannabis Control
2 Act, a controlled substance listed in the Illinois Controlled
3 Substances Act, an intoxicating compound listed in the Use of
4 Intoxicating Compounds Act, or methamphetamine as listed in the
5 Methamphetamine Control and Community Protection Act as
6 detected in the person's blood, other bodily substance, or
7 urine, and may result in the disqualification of the person's
8 privilege to operate a commercial motor vehicle, as provided in
9 Section 6-514 of this Code, ~~if the person is a CDL holder~~. The
10 length of the suspension shall be the same as outlined in
11 Section 6-208.1 of this Code regarding statutory summary
12 suspensions.

13 A person requested to submit to a test shall also
14 acknowledge, in writing, receipt of the warning required under
15 this Section. If the person refuses to acknowledge receipt of
16 the warning, the law enforcement officer shall make a written
17 notation on the warning that the person refused to sign the
18 warning. A person's refusal to sign the warning shall not be
19 evidence that the person was not read the warning.

20 (d) If the person refuses testing or submits to a test
21 which discloses an alcohol concentration of 0.08 or more, the
22 presence of cannabis as listed in the Cannabis Control Act with
23 a tetrahydrocannabinol concentration as defined in paragraph 6
24 of subsection (a) of Section 11-501.2 of this Code, or any
25 amount of a drug, substance, or intoxicating compound in such
26 person's blood or urine resulting from the unlawful use or

1 consumption of ~~cannabis listed in the Cannabis Control Act~~, a
2 controlled substance listed in the Illinois Controlled
3 Substances Act, an intoxicating compound listed in the Use of
4 Intoxicating Compounds Act, or methamphetamine as listed in the
5 Methamphetamine Control and Community Protection Act, the law
6 enforcement officer shall immediately submit a sworn report to
7 the Secretary of State on a form prescribed by the Secretary,
8 certifying that the test or tests were requested under ~~pursuant~~
9 ~~to~~ subsection (a) and the person refused to submit to a test or
10 tests or submitted to testing which disclosed an alcohol
11 concentration of 0.08 or more, the presence of cannabis as
12 listed in the Cannabis Control Act with a tetrahydrocannabinol
13 concentration as defined in paragraph 6 of subsection (a) of
14 Section 11-501.2 of this Code, or any amount of a drug,
15 substance, or intoxicating compound in such person's blood,
16 other bodily substance, or urine, resulting from the unlawful
17 use or consumption of ~~cannabis listed in the Cannabis Control~~
18 ~~Act~~, a controlled substance listed in the Illinois Controlled
19 Substances Act, an intoxicating compound listed in the Use of
20 Intoxicating Compounds Act, or methamphetamine as listed in the
21 Methamphetamine Control and Community Protection Act. If the
22 person is also a CDL holder and refuses testing or submits to a
23 test which discloses an alcohol concentration of 0.08 or more,
24 or any amount of a drug, substance, or intoxicating compound in
25 the person's blood, other bodily substance, or urine resulting
26 from the unlawful use or consumption of cannabis listed in the

1 Cannabis Control Act, a controlled substance listed in the
2 Illinois Controlled Substances Act, an intoxicating compound
3 listed in the Use of Intoxicating Compounds Act, or
4 methamphetamine as listed in the Methamphetamine Control and
5 Community Protection Act, the law enforcement officer shall
6 immediately submit a sworn report to the Secretary of State on
7 a form prescribed by the Secretary, certifying that the test or
8 tests were requested under subsection (a) and the person
9 refused to submit to a test or tests or submitted to testing
10 which disclosed an alcohol concentration of 0.08 or more, or
11 any amount of a drug, substance, or intoxicating compound in
12 such person's blood, other bodily substance, or urine,
13 resulting from the unlawful use or consumption of cannabis
14 listed in 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.

19 Upon receipt of the sworn report of a law enforcement
20 officer, the Secretary shall enter the suspension and
21 disqualification to the individual's driving record and the
22 suspension and disqualification shall be effective on the 46th
23 day following the date notice of the suspension was given to
24 the person.

25 The law enforcement officer submitting the sworn report
26 shall serve immediate notice of this suspension on the person

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

3 In cases involving a person who is not a CDL holder where
4 the blood alcohol concentration of 0.08 or more, or blood
5 testing discloses the presence of cannabis as listed in the
6 Cannabis Control Act with a tetrahydrocannabinol concentration
7 as defined in paragraph 6 of subsection (a) of Section 11-501.2
8 of this Code, or any amount of a drug, substance, or
9 intoxicating compound resulting from the unlawful use or
10 consumption of ~~cannabis as listed in the Cannabis Control Act,~~
11 a controlled substance listed in the Illinois Controlled
12 Substances Act, an intoxicating compound listed in the Use of
13 Intoxicating Compounds Act, or methamphetamine as listed in the
14 Methamphetamine Control and Community Protection Act, is
15 established by a subsequent analysis of blood, other bodily
16 substance, or urine collected at the time of arrest, the
17 arresting officer shall give notice as provided in this Section
18 or by deposit in the United States mail of such notice in an
19 envelope with postage prepaid and addressed to such person at
20 his or her address as shown on the Uniform Traffic Ticket and
21 the suspension ~~and disqualification~~ shall be effective on the
22 46th day following the date notice was given.

23 In cases involving a person who is a CDL holder where the
24 blood alcohol concentration of 0.08 or more, or any amount of a
25 drug, substance, or intoxicating compound resulting from the
26 unlawful use or consumption of cannabis as listed in the

1 Cannabis Control Act, a controlled substance listed in the
2 Illinois Controlled Substances Act, an intoxicating compound
3 listed in the Use of Intoxicating Compounds Act, or
4 methamphetamine as listed in the Methamphetamine Control and
5 Community Protection Act, is established by a subsequent
6 analysis of blood, other bodily substance, or urine collected
7 at the time of arrest, the arresting officer shall give notice
8 as provided in this Section or by deposit in the United States
9 mail of such notice in an envelope with postage prepaid and
10 addressed to the person at his or her address as shown on the
11 Uniform Traffic Ticket and the suspension and disqualification
12 shall be effective on the 46th day following the date notice
13 was given.

14 Upon receipt of the sworn report of a law enforcement
15 officer, the Secretary shall also give notice of the suspension
16 and disqualification to the driver by mailing a notice of the
17 effective date of the suspension and disqualification to the
18 individual. However, should the sworn report be defective by
19 not containing sufficient information or be completed in error,
20 the notice of the suspension and disqualification shall not be
21 mailed to the person or entered to the driving record, but
22 rather the sworn report shall be returned to the issuing law
23 enforcement agency.

24 (e) A driver may contest this suspension of his or her
25 driving privileges and disqualification of his or her CDL
26 privileges by requesting an administrative hearing with the

1 Secretary in accordance with Section 2-118 of this Code. At the
2 conclusion of a hearing held under Section 2-118 of this Code,
3 the Secretary may rescind, continue, or modify the orders of
4 suspension and disqualification. If the Secretary does not
5 rescind the orders of suspension and disqualification, a
6 restricted driving permit may be granted by the Secretary upon
7 application being made and good cause shown. A restricted
8 driving permit may be granted to relieve undue hardship to
9 allow driving for employment, educational, and medical
10 purposes as outlined in Section 6-206 of this Code. The
11 provisions of Section 6-206 of this Code shall apply. In
12 accordance with 49 C.F.R. 384, the Secretary of State may not
13 issue a restricted driving permit for the operation of a
14 commercial motor vehicle to a person holding a CDL whose
15 driving privileges have been suspended, revoked, cancelled, or
16 disqualified.

17 (f) (Blank).

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

25 (Source: P.A. 99-467, eff. 1-1-16.)

1 (625 ILCS 5/11-501.8)

2 Sec. 11-501.8. Suspension of driver's license; persons
3 under age 21.

4 (a) A person who is less than 21 years of age and who
5 drives or is in actual physical control of a motor vehicle upon
6 the public highways of this State shall be deemed to have given
7 consent to a chemical test or tests of blood, breath, other
8 bodily substance, or urine for the purpose of determining the
9 alcohol content of the person's blood if arrested, as evidenced
10 by the issuance of a Uniform Traffic Ticket for any violation
11 of the Illinois Vehicle Code or a similar provision of a local
12 ordinance, if a police officer has probable cause to believe
13 that the driver has consumed any amount of an alcoholic
14 beverage based upon evidence of the driver's physical condition
15 or other first hand knowledge of the police officer. The test
16 or tests shall be administered at the direction of the
17 arresting officer. The law enforcement agency employing the
18 officer shall designate which of the aforesaid tests shall be
19 administered. Up to 2 additional tests of ~~A~~ urine or other
20 bodily substance ~~test~~ may be administered even after a blood or
21 breath test or both has been administered.

22 (b) A person who is dead, unconscious, or who is otherwise
23 in a condition rendering that person incapable of refusal,
24 shall be deemed not to have withdrawn the consent provided by
25 paragraph (a) of this Section and the test or tests may be
26 administered subject to the following provisions:

1 (i) Chemical analysis of the person's blood, urine,
2 breath, or other bodily substance, to be considered valid
3 under the provisions of this Section, shall have been
4 performed according to standards promulgated by the
5 Department of State Police by an individual possessing a
6 valid permit issued by that Department for this purpose.
7 The Director of State Police is authorized to approve
8 satisfactory techniques or methods, to ascertain the
9 qualifications and competence of individuals to conduct
10 analyses, to issue permits that shall be subject to
11 termination or revocation at the direction of that
12 Department, and to certify the accuracy of breath testing
13 equipment. The Department of State Police shall prescribe
14 regulations as necessary.

15 (ii) When a person submits to a blood test at the
16 request of a law enforcement officer under the provisions
17 of this Section, only a physician authorized to practice
18 medicine, a licensed physician assistant, a licensed
19 advanced practice nurse, a registered nurse, or other
20 qualified person trained in venipuncture and acting under
21 the direction of a licensed physician may withdraw blood
22 for the purpose of determining the alcohol content therein.
23 This limitation does not apply to the taking of breath,
24 other bodily substance, or urine specimens.

25 (iii) The person tested may have a physician, qualified
26 technician, chemist, registered nurse, or other qualified

1 person of his or her own choosing administer a chemical
2 test or tests in addition to any test or tests administered
3 at the direction of a law enforcement officer. The failure
4 or inability to obtain an additional test by a person shall
5 not preclude the consideration of the previously performed
6 chemical test.

7 (iv) Upon a request of the person who submits to a
8 chemical test or tests at the request of a law enforcement
9 officer, full information concerning the test or tests
10 shall be made available to the person or that person's
11 attorney.

12 (v) Alcohol concentration means either grams of
13 alcohol per 100 milliliters of blood or grams of alcohol
14 per 210 liters of breath.

15 (vi) If a driver is receiving medical treatment as a
16 result of a motor vehicle accident, a physician licensed to
17 practice medicine, licensed physician assistant, licensed
18 advanced practice nurse, registered nurse, or other
19 qualified person trained in venipuncture and acting under
20 the direction of a licensed physician shall withdraw blood
21 for testing purposes to ascertain the presence of alcohol
22 upon the specific request of a law enforcement officer.
23 However, that testing shall not be performed until, in the
24 opinion of the medical personnel on scene, the withdrawal
25 can be made without interfering with or endangering the
26 well-being of the patient.

1 (c) A person requested to submit to a test as provided
2 above shall be warned by the law enforcement officer requesting
3 the test that a refusal to submit to the test, or submission to
4 the test resulting in an alcohol concentration of more than
5 0.00, may result in the loss of that person's privilege to
6 operate a motor vehicle and may result in the disqualification
7 of the person's privilege to operate a commercial motor
8 vehicle, as provided in Section 6-514 of this Code, if the
9 person is a CDL holder. The loss of driving privileges shall be
10 imposed in accordance with Section 6-208.2 of this Code.

11 A person requested to submit to a test shall also
12 acknowledge, in writing, receipt of the warning required under
13 this Section. If the person refuses to acknowledge receipt of
14 the warning, the law enforcement officer shall make a written
15 notation on the warning that the person refused to sign the
16 warning. A person's refusal to sign the warning shall not be
17 evidence that the person was not read the warning.

18 (d) If the person refuses testing or submits to a test that
19 discloses an alcohol concentration of more than 0.00, the law
20 enforcement officer shall immediately submit a sworn report to
21 the Secretary of State on a form prescribed by the Secretary of
22 State, certifying that the test or tests were requested under
23 subsection (a) and the person refused to submit to a test or
24 tests or submitted to testing which disclosed an alcohol
25 concentration of more than 0.00. The law enforcement officer
26 shall submit the same sworn report when a person under the age

1 of 21 submits to testing under Section 11-501.1 of this Code
2 and the testing discloses an alcohol concentration of more than
3 0.00 and less than 0.08.

4 Upon receipt of the sworn report of a law enforcement
5 officer, the Secretary of State shall enter the suspension and
6 disqualification on the individual's driving record and the
7 suspension and disqualification shall be effective on the 46th
8 day following the date notice of the suspension was given to
9 the person. If this suspension is the individual's first
10 driver's license suspension under this Section, reports
11 received by the Secretary of State under this Section shall,
12 except during the time the suspension is in effect, be
13 privileged information and for use only by the courts, police
14 officers, prosecuting authorities, the Secretary of State, or
15 the individual personally, unless the person is a CDL holder,
16 is operating a commercial motor vehicle or vehicle required to
17 be placarded for hazardous materials, in which case the
18 suspension shall not be privileged. Reports received by the
19 Secretary of State under this Section shall also be made
20 available to the parent or guardian of a person under the age
21 of 18 years that holds an instruction permit or a graduated
22 driver's license, regardless of whether the suspension is in
23 effect.

24 The law enforcement officer submitting the sworn report
25 shall serve immediate notice of this suspension on the person
26 and the suspension and disqualification shall be effective on

1 the 46th day following the date notice was given.

2 In cases where the blood alcohol concentration of more than
3 0.00 is established by a subsequent analysis of blood, other
4 bodily substance, or urine, the police officer or arresting
5 agency shall give notice as provided in this Section or by
6 deposit in the United States mail of that notice in an envelope
7 with postage prepaid and addressed to that person at his last
8 known address and the loss of driving privileges shall be
9 effective on the 46th day following the date notice was given.

10 Upon receipt of the sworn report of a law enforcement
11 officer, the Secretary of State shall also give notice of the
12 suspension and disqualification to the driver by mailing a
13 notice of the effective date of the suspension and
14 disqualification to the individual. However, should the sworn
15 report be defective by not containing sufficient information or
16 be completed in error, the notice of the suspension and
17 disqualification shall not be mailed to the person or entered
18 to the driving record, but rather the sworn report shall be
19 returned to the issuing law enforcement agency.

20 (e) A driver may contest this suspension and
21 disqualification by requesting an administrative hearing with
22 the Secretary of State in accordance with Section 2-118 of this
23 Code. An individual whose blood alcohol concentration is shown
24 to be more than 0.00 is not subject to this Section if he or she
25 consumed alcohol in the performance of a religious service or
26 ceremony. An individual whose blood alcohol concentration is

1 shown to be more than 0.00 shall not be subject to this Section
2 if the individual's blood alcohol concentration resulted only
3 from ingestion of the prescribed or recommended dosage of
4 medicine that contained alcohol. The petition for that hearing
5 shall not stay or delay the effective date of the impending
6 suspension. The scope of this hearing shall be limited to the
7 issues of:

8 (1) whether the police officer had probable cause to
9 believe that the person was driving or in actual physical
10 control of a motor vehicle upon the public highways of the
11 State and the police officer had reason to believe that the
12 person was in violation of any provision of the Illinois
13 Vehicle Code or a similar provision of a local ordinance;
14 and

15 (2) whether the person was issued a Uniform Traffic
16 Ticket for any violation of the Illinois Vehicle Code or a
17 similar provision of a local ordinance; and

18 (3) whether the police officer had probable cause to
19 believe that the driver had consumed any amount of an
20 alcoholic beverage based upon the driver's physical
21 actions or other first-hand knowledge of the police
22 officer; and

23 (4) whether the person, after being advised by the
24 officer that the privilege to operate a motor vehicle would
25 be suspended if the person refused to submit to and
26 complete the test or tests, did refuse to submit to or

1 complete the test or tests to determine the person's
2 alcohol concentration; and

3 (5) whether the person, after being advised by the
4 officer that the privileges to operate a motor vehicle
5 would be suspended if the person submits to a chemical test
6 or tests and the test or tests disclose an alcohol
7 concentration of more than 0.00, did submit to and complete
8 the test or tests that determined an alcohol concentration
9 of more than 0.00; and

10 (6) whether the test result of an alcohol concentration
11 of more than 0.00 was based upon the person's consumption
12 of alcohol in the performance of a religious service or
13 ceremony; and

14 (7) whether the test result of an alcohol concentration
15 of more than 0.00 was based upon the person's consumption
16 of alcohol through ingestion of the prescribed or
17 recommended dosage of medicine.

18 At the conclusion of the hearing held under Section 2-118
19 of this Code, the Secretary of State may rescind, continue, or
20 modify the suspension and disqualification. If the Secretary of
21 State does not rescind the 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 by allowing driving for employment, educational, and
26 medical purposes as outlined in item (3) of part (c) of Section

1 6-206 of this Code. The provisions of item (3) of part (c) of
2 Section 6-206 of this Code and of subsection (f) of that
3 Section shall apply. The Secretary of State shall promulgate
4 rules providing for participation in an alcohol education and
5 awareness program or activity, a drug education and awareness
6 program or activity, or both as a condition to the issuance of
7 a restricted driving permit for suspensions imposed under this
8 Section.

9 (f) The results of any chemical testing performed in
10 accordance with subsection (a) of this Section are not
11 admissible in any civil or criminal proceeding, except that the
12 results of the testing may be considered at a hearing held
13 under Section 2-118 of this Code. However, the results of the
14 testing may not be used to impose driver's license sanctions
15 under Section 11-501.1 of this Code. A law enforcement officer
16 may, however, pursue a statutory summary suspension or
17 revocation of driving privileges under Section 11-501.1 of this
18 Code if other physical evidence or first hand knowledge forms
19 the basis of that suspension or revocation.

20 (g) This Section applies only to drivers who are under age
21 21 at the time of the issuance of a Uniform Traffic Ticket for
22 a violation of the Illinois Vehicle Code or a similar provision
23 of a local ordinance, and a chemical test request is made under
24 this Section.

25 (h) The action of the Secretary of State in suspending,
26 revoking, cancelling, or disqualifying any license or permit

1 shall be subject to judicial review in the Circuit Court of
2 Sangamon County or in the Circuit Court of Cook County, and the
3 provisions of the Administrative Review Law and its rules are
4 hereby adopted and shall apply to and govern every action for
5 the judicial review of final acts or decisions of the Secretary
6 of State under this Section.

7 (Source: P.A. 99-467, eff. 1-1-16.)

8 (625 ILCS 5/11-507)

9 Sec. 11-507. Supervising a minor driver while under the
10 influence of alcohol, other drug or drugs, intoxicating
11 compound or compounds or any combination thereof.

12 (a) A person shall not accompany or provide instruction,
13 pursuant to subsection (a) of Section 6-107.1 of this Code, to
14 a driver who is a minor and driving a motor vehicle pursuant to
15 an instruction permit under Section 6-107.1 of this Code,
16 while:

17 (1) the alcohol concentration in the person's blood,
18 other bodily substance, or breath is 0.08 or more based on
19 the definition of blood and breath units in Section
20 11-501.2 of this Code;

21 (2) under the influence of alcohol;

22 (3) under the influence of any intoxicating compound or
23 combination of intoxicating compounds to a degree that
24 renders the person incapable of properly supervising or
25 providing instruction to the minor driver;

1 (4) under the influence of any other drug or
2 combination of drugs to a degree that renders the person
3 incapable of properly supervising or providing instruction
4 to the minor driver;

5 (5) under the combined influence of alcohol, other drug
6 or drugs, or intoxicating compound or compounds to a degree
7 that renders the person incapable of properly supervising
8 or providing instruction to the minor driver; or

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

18 (b) A person found guilty of violating this Section is
19 guilty of an offense against the regulations governing the
20 movement of vehicles.

21 (Source: P.A. 96-1237, eff. 1-1-11.)

22 Section 25. The Snowmobile Registration and Safety Act is
23 amended by changing Sections 5-7, 5-7.1, 5-7.2, 5-7.4, and
24 5-7.6 as follows:

1 (625 ILCS 40/5-7)

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

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

8 1. The alcohol concentration in that person's blood,
9 other bodily substance, or breath is a concentration at
10 which driving a motor vehicle is prohibited under
11 subdivision (1) of subsection (a) of Section 11-501 of the
12 Illinois Vehicle Code;

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

14 3. The person is under the influence of any other drug
15 or combination of drugs to a degree that renders that
16 person incapable of safely operating a snowmobile;

17 3.1. The person is under the influence of any
18 intoxicating compound or combination of intoxicating
19 compounds to a degree that renders the person incapable of
20 safely operating a snowmobile;

21 4. The person is under the combined influence of
22 alcohol and any other drug or drugs or intoxicating
23 compound or compounds to a degree that renders that person
24 incapable of safely operating a snowmobile; ~~or~~

25 (4.3) The person who is not a CDL holder has a
26 tetrahydrocannabinol concentration in the person's whole

1 blood or other bodily substance at which driving a motor
2 vehicle is prohibited under subdivision (7) of subsection
3 (a) of Section 11-501 of the Illinois Vehicle Code;

4 (4.5) The person who is a CDL holder has any amount of
5 a drug, substance, or compound in the person's breath,
6 blood, other bodily substance, or urine resulting from the
7 unlawful use or consumption of cannabis listed in the
8 Cannabis Control Act; or

9 5. There is any amount of a drug, substance, or
10 compound in that person's breath, blood, other bodily
11 substance, or urine resulting from the unlawful use or
12 consumption of a cannabis listed in the Cannabis Control
13 Act, controlled substance listed in the Illinois
14 Controlled Substances Act, methamphetamine as listed in
15 the Methamphetamine Control and Community Protection Act,
16 or 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 40/5-7.1)

22 Sec. 5-7.1. Implied consent.

23 (a) A person who operates or is in actual physical control
24 of a snowmobile in this State is deemed to have given consent
25 to a chemical test or tests of blood, breath, other bodily

1 substance, or urine for the purpose of determining the content
2 of alcohol, other drug or drugs, intoxicating compound or
3 compounds, or a combination of them in that person's blood or
4 other bodily substance, if arrested for a violation of Section
5 5-7. The chemical test or tests shall be administered at the
6 direction of the arresting officer. The law enforcement agency
7 employing the officer shall designate which tests shall be
8 administered. Up to 2 additional tests of ~~A~~ urine or other
9 bodily substance ~~test~~ may be administered even after a blood or
10 breath test or both has been administered.

11 (a-1) For the purposes of this Section, an Illinois law
12 enforcement officer of this State who is investigating the
13 person for any offense defined in Section 5-7 may travel into
14 an adjoining state, where the person has been transported for
15 medical care to complete an investigation and to request that
16 the person submit to the test or tests set forth in this
17 Section. The requirements of this Section that the person be
18 arrested are inapplicable, but the officer shall issue the
19 person a uniform citation for an offense as defined in Section
20 5-7 or a similar provision of a local ordinance prior to
21 requesting that the person submit to the test or tests. The
22 issuance of the uniform citation shall not constitute an
23 arrest, but shall be for the purpose of notifying the person
24 that he or she is subject to the provisions of this Section and
25 of the officer's belief of the existence of probable cause to
26 arrest. Upon returning to this State, the officer shall file

1 the uniform citation with the circuit clerk of the county where
2 the offense was committed and shall seek the issuance of an
3 arrest warrant or a summons for the person.

4 (a-2) Notwithstanding any ability to refuse under this Act
5 to submit to these tests or any ability to revoke the implied
6 consent to these tests, if a law enforcement officer has
7 probable cause to believe that a snowmobile operated by or
8 under actual physical control of a person under the influence
9 of alcohol, other drug or drugs, intoxicating compound or
10 compounds, or any combination of them has caused the death or
11 personal injury to another, that person shall submit, upon the
12 request of a law enforcement officer, to a chemical test or
13 tests of his or her blood, breath, other bodily substance, or
14 urine for the purpose of determining the alcohol content or the
15 presence of any other drug or combination of both. For the
16 purposes of this Section, a personal injury includes severe
17 bleeding wounds, distorted extremities, and injuries that
18 require the injured party to be carried from the scene for
19 immediate professional attention in either a doctor's office or
20 a medical facility.

21 (b) A person who is dead, unconscious, or who is otherwise
22 in a condition rendering that person incapable of refusal, is
23 deemed not to have withdrawn the consent provided in subsection
24 (a), and the test or tests may be administered.

25 (c) A person requested to submit to a test as provided in
26 this Section shall be verbally advised by the law enforcement

1 officer requesting the test that a refusal to submit to the
2 test will result in suspension of that person's privilege to
3 operate a snowmobile for a minimum of 2 years.

4 (d) Following this warning, if a person under arrest
5 refuses upon the request of a law enforcement officer to submit
6 to a test designated by the officer, no tests may be given, but
7 the law enforcement officer shall file with the clerk of the
8 circuit court for the county in which the arrest was made, and
9 with the Department of Natural Resources, a sworn statement
10 naming the person refusing to take and complete the chemical
11 test or tests requested under the provisions of this Section.
12 The sworn statement shall identify the arrested person, the
13 person's current residence address and shall specify that a
14 refusal by that person to take the chemical test or tests was
15 made. The sworn statement shall include a statement that the
16 officer had reasonable cause to believe the person was
17 operating or was in actual physical control of the snowmobile
18 within this State while under the influence of alcohol, other
19 drug or drugs, an intoxicating compound or compound, or a
20 combination of them and that a chemical test or tests were
21 requested as an incident to and following the lawful arrest for
22 an offense as defined in Section 5-7 or a similar provision of
23 a local ordinance, and that the person, after being arrested
24 for an offense arising out of acts alleged to have been
25 committed while operating a snowmobile, refused to submit to
26 and complete a chemical test or tests as requested by the law

1 enforcement officer.

2 (e) The law enforcement officer submitting the sworn
3 statement shall serve immediate written notice upon the person
4 refusing the chemical test or tests that the person's privilege
5 to operate a snowmobile within this State will be suspended for
6 a period of 2 years unless, within 28 days from the date of the
7 notice, the person requests in writing a hearing on the
8 suspension.

9 If the person desires a hearing, the person shall file a
10 complaint in the circuit court in the county where that person
11 was arrested within 28 days from the date of the notice. The
12 hearing shall proceed in the court in the same manner as other
13 civil proceedings. The hearing shall cover only the following
14 issues: (1) whether the person was placed under arrest for an
15 offense as defined in Section 5-7 or a similar provision of a
16 local ordinance as evidenced by the issuance of a uniform
17 citation; (2) whether the arresting officer had reasonable
18 grounds to believe that the person was operating a snowmobile
19 while under the influence of alcohol, other drug or drugs, an
20 intoxicating compound or compounds, or a combination of them;
21 and (3) whether that person refused to submit to and complete
22 the chemical test or tests upon the request of the law
23 enforcement officer. Whether the person was informed that the
24 person's privilege to operate a snowmobile would be suspended
25 if that person refused to submit to the chemical test or tests
26 may not be an issue in the hearing.

1 If the person fails to request a hearing in writing within
2 28 days of the date of the notice, or if a hearing is held and
3 the court finds against the person on the issues before the
4 court, the clerk shall immediately notify the Department of
5 Natural Resources, and the Department shall suspend the
6 snowmobile operation privileges of that person for at least 2
7 years.

8 (f) (Blank).

9 (f-1) If the person is a CDL holder and submits to a test
10 that discloses an alcohol concentration of 0.08 or more, or any
11 amount of a drug, substance, or intoxicating compound in the
12 person's breath, blood, other bodily substance, or urine
13 resulting from the unlawful use of cannabis listed in the
14 Cannabis Control Act, a controlled substance listed in the
15 Illinois Controlled Substances Act, methamphetamine as listed
16 in the Methamphetamine Control and Community Protection Act, or
17 an intoxicating compound listed in the Use of Intoxicating
18 Compounds Act, the law enforcement officer shall immediately
19 submit a sworn report to the circuit clerk of venue and the
20 Department of Natural Resources, certifying that the test or
21 tests was or were requested under subsection (a-1) of this
22 Section and the person submitted to testing that disclosed an
23 alcohol concentration of 0.08 or more, or any amount of a drug,
24 substance, or intoxicating compound in the person's breath,
25 blood, other bodily substance, or urine resulting from the
26 unlawful use or consumption of cannabis listed in the Cannabis

1 Control Act, a controlled substance listed in the Illinois
2 Controlled Substances Act, methamphetamine as listed in the
3 Methamphetamine Control and Community Protection Act, or an
4 intoxicating compound listed in the Use of Intoxicating
5 Compounds Act. If the person is not a CDL holder and submits to
6 a test that discloses an alcohol concentration of 0.08 or more,
7 a tetrahydrocannabinol concentration in the person's whole
8 blood or other bodily substance as defined in paragraph 6 of
9 subsection (a) of Section 11-501.2 of the Illinois Vehicle
10 Code, or any amount of a drug, substance, or intoxicating
11 compound in the person's blood, other bodily substance, or
12 urine resulting from the unlawful use or consumption of a
13 controlled substance listed in the Illinois Controlled
14 Substances Act, an intoxicating compound listed in the Use of
15 Intoxicating Compounds Act, or methamphetamine as listed in the
16 Methamphetamine Control and Community Protection Act, the law
17 enforcement officer shall immediately submit a sworn report to
18 the circuit clerk of venue and the Department of Natural
19 Resources, certifying that the test or tests was or were
20 requested under subsection (a-1) and the person submitted to
21 testing that disclosed an alcohol concentration of 0.08 or
22 more, a tetrahydrocannabinol concentration in the person's
23 whole blood or other bodily substance as defined in paragraph 6
24 of subsection (a) of Section 11-501.2 of the Illinois Vehicle
25 Code, or any amount of a drug, substance, or intoxicating
26 compound in such person's blood, other bodily substance, or

1 urine, resulting from the unlawful use or consumption of a
2 controlled substance listed in the Illinois Controlled
3 Substances Act, an intoxicating compound listed in the Use of
4 Intoxicating Compounds Act, or methamphetamine as listed in the
5 Methamphetamine Control and Community Protection Act.

6 In cases involving a person who is CDL holder where the
7 blood alcohol concentration of 0.08 or greater or any amount of
8 drug, substance, or compound resulting from the unlawful use of
9 cannabis, a controlled substance, methamphetamine, or an
10 intoxicating compound is established by a subsequent analysis
11 of blood, other bodily substance, or urine collected at the
12 time of arrest, the arresting officer or arresting agency shall
13 immediately submit a sworn report to the circuit clerk of venue
14 and the Department of Natural Resources upon receipt of the
15 test results. In cases involving a person who is not a CDL
16 holder where the blood alcohol concentration of 0.08 or
17 greater, a tetrahydrocannabinol concentration in the person's
18 whole blood or other bodily substance as defined in paragraph 6
19 of subsection (a) of Section 11-501.2 of the Illinois Vehicle
20 Code, or any amount of drug, substance, or compound resulting
21 from the unlawful use of a controlled substance,
22 methamphetamine, or an intoxicating compound is established by
23 a subsequent analysis of blood, other bodily substance, or
24 urine collected at the time of arrest, the arresting officer or
25 arresting agency shall immediately submit a sworn report to the
26 circuit clerk of venue and the Department of Natural Resources

1 upon receipt of the test results.

2 (g) A person must submit to each chemical test offered by
3 the law enforcement officer in order to comply with implied
4 consent provisions of this Section.

5 (h) The provision of Section 11-501.2 of the Illinois
6 Vehicle Code concerning the certification and use of chemical
7 tests applies to the use of those tests under this Section.

8 (Source: P.A. 93-156, eff. 1-1-04.)

9 (625 ILCS 40/5-7.2)

10 Sec. 5-7.2. Chemical and other tests.

11 (a) Upon the trial of a civil or criminal action or
12 proceeding arising out of acts alleged to have been committed
13 while under the influence of alcohol, other drug or drugs,
14 intoxicating compound or compounds, or a combination of them,
15 the concentration of alcohol, drug, or compound in the person's
16 blood, other bodily substance, or breath at the time alleged as
17 shown by analysis of the person's blood, urine, breath, or
18 other bodily substance gives rise to the presumptions specified
19 in subdivisions 1, 2, and 3 of subsection (b) and subsection
20 (b-5) of Section 11-501.2 of the Illinois Vehicle Code.

21 (b) The provisions of subsection (a) shall not be construed
22 as limiting the introduction of any other relevant evidence
23 bearing upon the question whether the person was under the
24 influence of alcohol, other drug or drugs, intoxicating
25 compound or compounds, or a combination of them.

1 (c) If a person under arrest refuses to submit to a
2 chemical test under the provisions of Section 5-7.1, evidence
3 of refusal is admissible in a civil or criminal action or
4 proceeding arising out of acts alleged to have been committed
5 while the person under the influence of alcohol, other drug or
6 drugs, an intoxicating compound or compounds, or a combination
7 of them was operating a snowmobile.

8 (Source: P.A. 93-156, eff. 1-1-04.)

9 (625 ILCS 40/5-7.4)

10 Sec. 5-7.4. Admissibility of chemical tests of blood, other
11 bodily substance, or urine conducted in the regular course of
12 providing emergency medical treatment.

13 (a) Notwithstanding any other provision of law, the results
14 of blood, other bodily substance, or urine tests performed for
15 the purpose of determining the content of alcohol, other drug
16 or drugs, intoxicating compound or compounds, or any
17 combination of them in an individual's blood, other bodily
18 substance, or urine conducted upon persons receiving medical
19 treatment in a hospital emergency room, are admissible in
20 evidence as a business record exception to the hearsay rule
21 only in prosecutions for a violation of Section 5-7 of this Act
22 or a similar provision of a local ordinance or in prosecutions
23 for reckless homicide brought under the Criminal Code of 1961
24 or the Criminal Code of 2012.

25 The results of the tests are admissible only when each of

1 the following criteria are met:

2 1. The chemical tests performed upon an individual's
3 blood, other bodily substance, or urine were ordered in the
4 regular course of providing emergency treatment and not at
5 the request of law enforcement authorities; and

6 2. The chemical tests performed upon an individual's
7 blood, other bodily substance, or urine were performed by
8 the laboratory routinely used by the hospital.

9 3. (Blank).

10 Results of chemical tests performed upon an individual's
11 blood, other bodily substance, or urine are admissible into
12 evidence regardless of the time that the records were prepared.

13 (b) The confidentiality provisions of law pertaining to
14 medical records and medical treatment are not applicable with
15 regard to chemical tests performed upon a person's blood, other
16 bodily substance, or urine under the provisions of this Section
17 in prosecutions as specified in subsection (a) of this Section.
18 No person shall be liable for civil damages as a result of the
19 evidentiary use of the results of chemical testing of the
20 individual's blood, other bodily substance, or urine under this
21 Section or as a result of that person's testimony made
22 available under this Section.

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

24 (625 ILCS 40/5-7.6)

25 Sec. 5-7.6. Reporting of test results of blood, other

1 bodily substance, or urine conducted in the regular course of
2 providing emergency medical treatment.

3 (a) Notwithstanding any other provision of law, the results
4 of blood, other bodily substance, or urine tests performed for
5 the purpose of determining the content of alcohol, other drug
6 or drugs, intoxicating compound or compounds, or any
7 combination of them in an individual's blood, other bodily
8 substance, or urine, conducted upon persons receiving medical
9 treatment in a hospital emergency room for injuries resulting
10 from a snowmobile accident, shall be disclosed to the
11 Department of Natural Resources, or local law enforcement
12 agencies of jurisdiction, upon request. The blood, other bodily
13 substance, or urine tests are admissible in evidence as a
14 business record exception to the hearsay rule only in
15 prosecutions for violations of Section 5-7 of this Code or a
16 similar provision of a local ordinance, or in prosecutions for
17 reckless homicide brought under the Criminal Code of 1961 or
18 the Criminal Code of 2012.

19 (b) The confidentiality provisions of the law pertaining to
20 medical records and medical treatment shall not be applicable
21 with regard to tests performed upon an individual's blood,
22 other bodily substance, or urine under the provisions of
23 subsection (a) of this Section. No person shall be liable for
24 civil damages or professional discipline as a result of
25 disclosure or reporting of the tests or the evidentiary use of
26 an individual's blood, other bodily substance, or urine test

1 results under this Section or Section 5-7.4 or as a result of
2 that person's testimony made available under this Section or
3 Section 5-7.4, except for willful or wanton misconduct.

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

5 Section 30. The Boat Registration and Safety Act is amended
6 by changing Sections 5-16, 5-16a, 5-16a.1, and 5-16c as
7 follows:

8 (625 ILCS 45/5-16)

9 Sec. 5-16. Operating a watercraft under the influence of
10 alcohol, other drug or drugs, intoxicating compound or
11 compounds, or combination thereof.

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

14 (a) The alcohol concentration in such person's
15 blood, other bodily substance, or breath is a
16 concentration at which driving a motor vehicle is
17 prohibited under subdivision (1) of subsection (a) of
18 Section 11-501 of the Illinois Vehicle Code;

19 (b) Under the influence of alcohol;

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

23 (c-1) Under the influence of any intoxicating
24 compound or combination of intoxicating compounds to a

1 degree that renders the person incapable of safely
2 operating any watercraft;

3 (d) Under the combined influence of alcohol and any
4 other drug or drugs to a degree which renders such
5 person incapable of safely operating a watercraft; ~~or~~

6 (d-3) The person who is not a CDL holder has a
7 tetrahydrocannabinol concentration in the person's
8 whole blood or other bodily substance at which driving
9 a motor vehicle is prohibited under subdivision (7) of
10 subsection (a) of Section 11-501 of the Illinois
11 Vehicle Code;

12 (d-5) The person who is a CDL holder has any amount
13 of a drug, substance, or compound in the person's
14 breath, blood, other bodily substance, or urine
15 resulting from the unlawful use or consumption of
16 cannabis listed in the Cannabis Control Act; or

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

26 2. The fact that any person charged with violating this

1 Section is or has been legally entitled to use alcohol,
2 other drug or drugs, any intoxicating compound or
3 compounds, or any combination of them, shall not constitute
4 a defense against any charge of violating this Section.

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

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

10 (a) He or she has a previous conviction under this
11 Section;

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

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

25 5. Every person convicted of violating this Section
26 shall be guilty of a Class 2 felony if the offense results

1 in the death of a person. A person guilty of a Class 2
2 felony under this paragraph 5, if sentenced to a term of
3 imprisonment, shall be sentenced to a term of not less than
4 3 years and not more than 14 years.

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

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

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

1 shared equally. Any moneys received by a law enforcement
2 agency under this paragraph 5.3 shall be used to purchase
3 law enforcement equipment or to provide law enforcement
4 training that will assist in the prevention of alcohol
5 related criminal violence throughout the State. Law
6 enforcement equipment shall include, but is not limited to,
7 in-car video cameras, radar and laser speed detection
8 devices, and alcohol breath testers.

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

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

24 (b) In addition to any criminal penalties imposed,
25 the Department of Natural Resources shall suspend the
26 watercraft operation privileges of any person

1 convicted of a felony under this Section, a similar
2 provision of a local ordinance, or Title 46 of the U.S.
3 Code of Federal Regulations for a period of 3 years.

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

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

1 officer shall issue the person a uniform citation for an
2 offense as defined in Section 5-16 or a similar provision
3 of a local ordinance prior to requesting that the person
4 submit to the test or tests. The issuance of the uniform
5 citation shall not constitute an arrest, but shall be for
6 the purpose of notifying the person that he or she is
7 subject to the provisions of this Section and of the
8 officer's belief in the existence of probable cause to
9 arrest. Upon returning to this State, the officer shall
10 file the uniform citation with the circuit clerk of the
11 county where the offense was committed and shall seek the
12 issuance of an arrest warrant or a summons for the person.

13 1.2. Notwithstanding any ability to refuse under this
14 Act to submit to these tests or any ability to revoke the
15 implied consent to these tests, if a law enforcement
16 officer has probable cause to believe that a watercraft
17 operated by or under actual physical control of a person
18 under the influence of alcohol, other drug or drugs,
19 intoxicating compound or compounds, or any combination of
20 them has caused the death of or personal injury to another,
21 that person shall submit, upon the request of a law
22 enforcement officer, to a chemical test or tests of his or
23 her blood, breath, other bodily substance, or urine for the
24 purpose of determining the alcohol content or the presence
25 of any other drug, intoxicating compound, or combination of
26 them. For the purposes of this Section, a personal injury

1 includes severe bleeding wounds, distorted extremities,
2 and injuries that require the injured party to be carried
3 from the scene for immediate professional attention in
4 either a doctor's office or a medical facility.

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

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

1 arresting officer had reasonable cause to believe the
2 person was operating or was in actual physical control of
3 the watercraft within this State while under the influence
4 of alcohol, other drug or drugs, intoxicating compound or
5 compounds, or combination thereof and that such chemical
6 test or tests were made as an incident to and following the
7 lawful arrest for an offense as defined in this Section or
8 a similar provision of a local ordinance, and that the
9 person after being arrested for an offense arising out of
10 acts alleged to have been committed while so operating a
11 watercraft refused to submit to and complete a chemical
12 test or tests as requested by the law enforcement officer.

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

21 If the person desires a hearing, such person shall file
22 a complaint in the circuit court for and in the county in
23 which such person was arrested for such hearing. Such
24 hearing shall proceed in the court in the same manner as
25 other civil proceedings, shall cover only the issues of
26 whether the person was placed under arrest for an offense

1 as defined in this Section or a similar provision of a
2 local ordinance as evidenced by the issuance of a uniform
3 citation; whether the arresting officer had reasonable
4 grounds to believe that such person was operating a
5 watercraft while under the influence of alcohol, other drug
6 or drugs, intoxicating compound or compounds, or
7 combination thereof; and whether such person refused to
8 submit and complete the chemical test or tests upon the
9 request of the law enforcement officer. Whether the person
10 was informed that such person's privilege to operate a
11 watercraft would be suspended if such person refused to
12 submit to the chemical test or tests shall not be an issue.

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

20 3.2. If the person is a CDL holder and submits to a
21 test that discloses an alcohol concentration of 0.08 or
22 more, or any amount of a drug, substance or intoxicating
23 compound in the person's breath, blood, other bodily
24 substance, or urine resulting from the unlawful use of
25 cannabis listed in the Cannabis Control Act, a controlled
26 substance listed in the Illinois Controlled Substances

1 Act, methamphetamine as listed in the Methamphetamine
2 Control and Community Protection Act, or an intoxicating
3 compound listed in the Use of Intoxicating Compounds Act,
4 the law enforcement officer shall immediately submit a
5 sworn report to the circuit clerk of venue and the
6 Department of Natural Resources, certifying that the test
7 or tests were requested under paragraph 1 of this
8 subsection (B) and the person submitted to testing that
9 disclosed an alcohol concentration of 0.08 or more or any
10 amount of a drug, substance or intoxicating compound in the
11 person's breath, blood, other bodily substance, or urine
12 resulting from the unlawful use of cannabis listed in the
13 Cannabis Control Act, a controlled substance listed in the
14 Illinois Controlled Substances Act, methamphetamine as
15 listed in the Methamphetamine Control and Community
16 Protection Act, or an intoxicating compound listed in the
17 Use of Intoxicating Compounds Act. If the person is not a
18 CDL holder and submits to a test that discloses an alcohol
19 concentration of 0.08 or more, a tetrahydrocannabinol
20 concentration in the person's whole blood or other bodily
21 substance as defined in paragraph 6 of subsection (a) of
22 Section 11-501.2 of the Illinois Vehicle Code, or any
23 amount of a drug, substance or intoxicating compound in the
24 person's breath, blood, other bodily substance, or urine
25 resulting from the unlawful use of a controlled substance
26 listed in the Illinois Controlled Substances Act,

1 methamphetamine as listed in the Methamphetamine Control
2 and Community Protection Act, or an intoxicating compound
3 listed in the Use of Intoxicating Compounds Act, the law
4 enforcement officer shall immediately submit a sworn
5 report to the circuit clerk of venue and the Department of
6 Natural Resources, certifying that the test or tests were
7 requested under paragraph 1 of this subsection (B) and the
8 person submitted to testing that disclosed an alcohol
9 concentration of 0.08 or more, a tetrahydrocannabinol
10 concentration in the person's whole blood or other bodily
11 substance as defined in paragraph 6 of subsection (a) of
12 Section 11-501.2 of the Illinois Vehicle Code, or any
13 amount of a drug, substance or intoxicating compound in the
14 person's breath, blood, other bodily substance, or urine
15 resulting from the unlawful use of a controlled substance
16 listed in the Illinois Controlled Substances Act,
17 methamphetamine as listed in the Methamphetamine Control
18 and Community Protection Act, or an intoxicating compound
19 listed in the Use of Intoxicating Compounds Act.

20 In cases involving a person who is a CDL holder where
21 the blood alcohol concentration of 0.08 or greater or any
22 amount of drug, substance or compound resulting from the
23 unlawful use of cannabis, a controlled substance,
24 methamphetamine, or an intoxicating compound is
25 established by a subsequent analysis of blood, other bodily
26 substance, or urine collected at the time of arrest, the

1 arresting officer or arresting agency shall immediately
2 submit a sworn report to the circuit clerk of venue and the
3 Department of Natural Resources upon receipt of the test
4 results. In cases involving a person who is not a CDL
5 holder where the blood alcohol concentration of 0.08 or
6 greater, a tetrahydrocannabinol concentration in the
7 person's whole blood or other bodily substance as defined
8 in paragraph 6 of subsection (a) of Section 11-501.2 of the
9 Illinois Vehicle Code, or any amount of drug, substance, or
10 compound resulting from the unlawful use of a controlled
11 substance, methamphetamine, or an intoxicating compound is
12 established by a subsequent analysis of blood, other bodily
13 substance, or urine collected at the time of arrest, the
14 arresting officer or arresting agency shall immediately
15 submit a sworn report to the circuit clerk of venue and the
16 Department of Natural Resources upon receipt of the test
17 results.

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

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

25 (C) Upon the trial of any civil or criminal action or
26 proceeding arising out of acts alleged to have been committed

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

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

22 (E) The owner of any watercraft or any person given
23 supervisory authority over a watercraft, may not knowingly
24 permit a watercraft to be operated by any person under the
25 influence of alcohol, other drug or drugs, intoxicating
26 compound or compounds, or combination thereof.

1 (F) Whenever any person is convicted or found guilty of a
2 violation of this Section, including any person placed on court
3 supervision, the court shall notify the Office of Law
4 Enforcement of the Department of Natural Resources, to provide
5 the Department with the records essential for the performance
6 of the Department's duties to monitor and enforce any order of
7 suspension or revocation concerning the privilege to operate a
8 watercraft.

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

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

14 (625 ILCS 45/5-16a) (from Ch. 95 1/2, par. 315-11a)

15 Sec. 5-16a. Admissibility of chemical tests of blood, other
16 bodily substance, or urine conducted in the regular course of
17 providing emergency medical treatment.

18 (a) Notwithstanding any other provision of law, the written
19 results of blood, other bodily substance, or urine alcohol and
20 drug tests conducted upon persons receiving medical treatment
21 in a hospital emergency room are admissible in evidence as a
22 business record exception to the hearsay rule only in
23 prosecutions for any violation of Section 5-16 of this Act or a
24 similar provision of a local ordinance or in prosecutions for
25 reckless homicide brought under the Criminal Code of 1961 or

1 the Criminal Code of 2012, when:

2 (1) the chemical tests performed upon an individual's
3 blood, other bodily substance, or urine were ordered in the
4 regular course of providing emergency treatment and not at
5 the request of law enforcement authorities; and

6 (2) the chemical tests performed upon an individual's
7 blood, other bodily substance, or urine were performed by
8 the laboratory routinely used by the hospital.

9 Results of chemical tests performed upon an individual's
10 blood, other bodily substance, or urine are admissible into
11 evidence regardless of the time that the records were prepared.

12 (b) The confidentiality provisions of law pertaining to
13 medical records and medical treatment shall not be applicable
14 with regard to chemical tests performed upon an individual's
15 blood, other bodily substance, or urine under the provisions of
16 this Section in prosecutions as specified in subsection (a) of
17 this Section. No person shall be liable for civil damages as a
18 result of the evidentiary use of the results of chemical
19 testing of an individual's blood, other bodily substance, or
20 urine under this Section or as a result of that person's
21 testimony made available under this Section.

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

23 (625 ILCS 45/5-16a.1)

24 Sec. 5-16a.1. Reporting of test results of blood, other
25 bodily substance, or urine conducted in the regular course of

1 providing emergency medical treatment.

2 (a) Notwithstanding any other provision of law, the results
3 of blood, other bodily substance, or urine tests performed for
4 the purpose of determining the content of alcohol, other drug
5 or drugs, intoxicating compound or compounds, or any
6 combination of them in an individual's blood, other bodily
7 substance, or urine, conducted upon persons receiving medical
8 treatment in a hospital emergency room for injuries resulting
9 from a boating accident, shall be disclosed to the Department
10 of Natural Resources or local law enforcement agencies of
11 jurisdiction, upon request. The blood, other bodily substance,
12 or urine tests are admissible in evidence as a business record
13 exception to the hearsay rule only in prosecutions for
14 violations of Section 5-16 of this Code or a similar provision
15 of a local ordinance, or in prosecutions for reckless homicide
16 brought under the Criminal Code of 1961 or the Criminal Code of
17 2012.

18 (b) The confidentiality provisions of the law pertaining to
19 medical records and medical treatment shall not be applicable
20 with regard to tests performed upon an individual's blood,
21 other bodily substance, or urine under the provisions of
22 subsection (a) of this Section. No person is liable for civil
23 damages or professional discipline as a result of disclosure or
24 reporting of the tests or the evidentiary use of an
25 individual's blood, other bodily substance, or urine test
26 results under this Section or Section 5-16a, or as a result of

1 that person's testimony made available under this Section or
2 Section 5-16a, except for willful or wanton misconduct.

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

4 (625 ILCS 45/5-16c)

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

7 (a) Any person who operates or is in actual physical
8 control of a motorboat within this State and who has been
9 involved in a personal injury or fatal boating accident shall
10 be deemed to have given consent to a breath test using a
11 portable device as approved by the Department of State Police
12 or to a chemical test or tests of blood, breath, other bodily
13 substance, or urine for the purpose of determining the content
14 of alcohol, other drug or drugs, or intoxicating compound or
15 compounds of the person's blood if arrested as evidenced by the
16 issuance of a uniform citation for a violation of the Boat
17 Registration and Safety Act or a similar provision of a local
18 ordinance, with the exception of equipment violations
19 contained in Article IV of this Act or similar provisions of
20 local ordinances. The test or tests shall be administered at
21 the direction of the arresting officer. The law enforcement
22 agency employing the officer shall designate which of the
23 aforesaid tests shall be administered. Up to 2 additional tests
24 of A urine or other bodily substance test may be administered
25 even after a blood or breath test or both has been

1 administered. Compliance with this Section does not relieve the
2 person from the requirements of any other Section of this Act.

3 (b) Any person who is dead, unconscious, or who is
4 otherwise in a condition rendering that person incapable of
5 refusal shall be deemed not to have withdrawn the consent
6 provided by subsection (a) of this Section. In addition, if an
7 operator of a motorboat is receiving medical treatment as a
8 result of a boating accident, any physician licensed to
9 practice medicine, licensed physician assistant, licensed
10 advanced practice nurse, registered nurse, or a phlebotomist
11 acting under the direction of a licensed physician shall
12 withdraw blood for testing purposes to ascertain the presence
13 of alcohol, other drug or drugs, or intoxicating compound or
14 compounds, upon the specific request of a law enforcement
15 officer. However, this testing shall not be performed until, in
16 the opinion of the medical personnel on scene, the withdrawal
17 can be made without interfering with or endangering the
18 well-being of the patient.

19 (c) A person who is a CDL holder requested to submit to a
20 test under subsection (a) of this Section shall be warned by
21 the law enforcement officer requesting the test that a refusal
22 to submit to the test, or submission to the test resulting in
23 an alcohol concentration of 0.08 or more, or any amount of a
24 drug, substance, or intoxicating compound resulting from the
25 unlawful use or consumption of cannabis listed in the Cannabis
26 Control Act, a controlled substance listed in the Illinois

1 Controlled Substances Act, an intoxicating compound listed in
2 the Use of Intoxicating Compounds Act, or methamphetamine as
3 listed in the Methamphetamine Control and Community Protection
4 Act as detected in the person's blood, other bodily substance,
5 or urine, may result in the suspension of the person's
6 privilege to operate a motor vehicle and may result in the
7 disqualification of the person's privilege to operate a
8 commercial motor vehicle, as provided in Section 6-514 of the
9 Illinois Vehicle Code. A person who is not a CDL holder
10 requested to submit to a test under subsection (a) of this
11 Section shall be warned by the law enforcement officer
12 requesting the test that a refusal to submit to the test, or
13 submission to the test resulting in an alcohol concentration of
14 0.08 or more, a tetrahydrocannabinol concentration in the
15 person's whole blood or other bodily substance as defined in
16 paragraph 6 of subsection (a) of Section 11-501.2 of the
17 Illinois Vehicle Code, or any amount of a drug, substance, or
18 intoxicating compound resulting from the unlawful use or
19 consumption of a controlled substance listed in the Illinois
20 Controlled Substances Act, an intoxicating compound listed in
21 the Use of Intoxicating Compounds Act, or methamphetamine as
22 listed in the Methamphetamine Control and Community Protection
23 Act as detected in the person's blood, other bodily substance,
24 or urine, may result in the suspension of the person's
25 privilege to operate a motor vehicle, if the person is a CDL
26 holder. The length of the suspension shall be the same as

1 outlined in Section 6-208.1 of the Illinois Vehicle Code
2 regarding statutory summary suspensions.

3 (d) If the person is a CDL holder and refuses testing or
4 submits to a test which discloses an alcohol concentration of
5 0.08 or more, or any amount of a drug, substance, or
6 intoxicating compound in the person's blood, other bodily
7 substance, or urine resulting from the unlawful use or
8 consumption of cannabis listed in the Cannabis Control Act, a
9 controlled substance listed in the Illinois Controlled
10 Substances Act, an intoxicating compound listed in the Use of
11 Intoxicating 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,
20 other bodily substance, or urine, resulting from the unlawful
21 use or consumption of cannabis listed in the Cannabis Control
22 Act, a 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. If the
26 person is not a CDL holder and refuses testing or submits to a

1 test which discloses an alcohol concentration of 0.08 or more,
2 a tetrahydrocannabinol concentration in the person's whole
3 blood or other bodily substance as defined in paragraph 6 of
4 subsection (a) of Section 11-501.2 of the Illinois Vehicle
5 Code, or any amount of a drug, substance, or intoxicating
6 compound in the person's blood, other bodily substance, or
7 urine resulting from the unlawful use or consumption of a
8 controlled substance listed in the Illinois Controlled
9 Substances Act, an intoxicating compound listed in the Use of
10 Intoxicating Compounds Act, or methamphetamine as listed in the
11 Methamphetamine Control and Community Protection Act, the law
12 enforcement officer shall immediately submit a sworn report to
13 the Secretary of State on a form prescribed by the Secretary of
14 State, certifying that the test or tests were requested under
15 subsection (a) of this Section and the person refused to submit
16 to a test or tests or submitted to testing which disclosed an
17 alcohol concentration of 0.08 or more, a tetrahydrocannabinol
18 concentration in the person's whole blood or other bodily
19 substance as defined in paragraph 6 of subsection (a) of
20 Section 11-501.2 of the Illinois Vehicle Code, or any amount of
21 a drug, substance, or intoxicating compound in the person's
22 blood or urine, resulting from the unlawful use or consumption
23 of a 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
26 Methamphetamine Control and Community Protection Act.

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

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

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

1 person who is not a CDL holder where the blood alcohol
2 concentration of 0.08 or more, a tetrahydrocannabinol
3 concentration in the person's whole blood or other bodily
4 substance as defined in paragraph 6 of subsection (a) of
5 Section 11-501.2 of the Illinois Vehicle Code, or any amount of
6 a drug, substance, or intoxicating compound resulting from the
7 unlawful use or consumption of a controlled substance listed in
8 the Illinois Controlled Substances Act, an intoxicating
9 compound listed in the Use of Intoxicating Compounds Act, or
10 methamphetamine as listed in the Methamphetamine Control and
11 Community Protection Act, is established by a subsequent
12 analysis of blood, other bodily substance, or urine collected
13 at the time of arrest, the arresting officer shall give notice
14 as provided in this Section or by deposit in the United States
15 mail of this notice in an envelope with postage prepaid and
16 addressed to the person at his or her address as shown on the
17 uniform citation and the suspension shall be effective on the
18 46th day following the date notice was given.

19 Upon receipt of the sworn report of a law enforcement
20 officer, the Secretary of State shall also give notice of the
21 suspension and disqualification to the person by mailing a
22 notice of the effective date of the suspension and
23 disqualification to the person. However, should the sworn
24 report be defective by not containing sufficient information or
25 be completed in error, the notice of the suspension and
26 disqualification shall not be mailed to the person or entered

1 to the driving record, but rather the sworn report shall be
2 returned to the issuing law enforcement agency.

3 (e) A person may contest this suspension of his or her
4 driving privileges and disqualification of his or her CDL
5 privileges by requesting an administrative hearing with the
6 Secretary of State in accordance with Section 2-118 of the
7 Illinois Vehicle Code. At the conclusion of a hearing held
8 under Section 2-118 of the Illinois Vehicle Code, the Secretary
9 of State may rescind, continue, or modify the orders of
10 suspension and disqualification. If the Secretary of State does
11 not rescind the orders of suspension and disqualification, a
12 restricted driving permit may be granted by the Secretary of
13 State upon application being made and good cause shown. A
14 restricted driving permit may be granted to relieve undue
15 hardship to allow driving for employment, educational, and
16 medical purposes as outlined in Section 6-206 of the Illinois
17 Vehicle Code. The provisions of Section 6-206 of the Illinois
18 Vehicle Code shall apply. In accordance with 49 C.F.R. 384, the
19 Secretary of State may not issue a restricted driving permit
20 for the operation of a commercial motor vehicle to a person
21 holding a CDL whose driving privileges have been suspended,
22 revoked, cancelled, or disqualified.

23 (f) For the purposes of this Section, a personal injury
24 shall include any type A injury as indicated on the accident
25 report completed by a law enforcement officer that requires
26 immediate professional attention in a doctor's office or a

1 medical facility. A type A injury shall include severely
2 bleeding wounds, distorted extremities, and injuries that
3 require the injured party to be carried from the scene.

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

5 Section 35. The Juvenile Court Act of 1987 is amended by
6 changing Section 5-125 as follows:

7 (705 ILCS 405/5-125)

8 Sec. 5-125. Concurrent jurisdiction. Any minor alleged to
9 have violated a traffic, boating, or fish and game law, or a
10 municipal or county ordinance, may be prosecuted for the
11 violation and if found guilty punished under any statute or
12 ordinance relating to the violation, without reference to the
13 procedures set out in this Article, except that:

14 (1) any detention, must be in compliance with this Article;
15 and

16 (2) the confidentiality of records provisions in Part 9 of
17 this Article shall apply to any law enforcement and court
18 records relating to prosecution of a minor under 18 years of
19 age for a municipal or county ordinance violation or a
20 violation of subsection (a) of Section 4 of the Cannabis
21 Control Act or subsection (c) of Section 3.5 of the Drug
22 Paraphernalia Control Act; except that these confidentiality
23 provisions shall not apply to or affect any proceeding to
24 adjudicate the violation.

1 For the purpose of this Section, "traffic violation" shall
2 include a violation of Section 9-3 of the Criminal Code of 1961
3 or the Criminal Code of 2012 relating to the offense of
4 reckless homicide, Section 11-501 of the Illinois Vehicle Code,
5 or any similar county or municipal ordinance.

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

7 Section 40. The Cannabis Control Act is amended by changing
8 Section 4 and by adding Sections 5.3 and 17.5 as follows:

9 (720 ILCS 550/4) (from Ch. 56 1/2, par. 704)

10 Sec. 4. It is unlawful for any person knowingly to possess
11 cannabis. Any person who violates this section with respect to:

12 (a) not more than 10 ~~2.5~~ grams of any substance
13 containing cannabis is guilty of a civil law violation
14 punishable by a minimum fine of \$100 and a maximum fine of
15 \$200. The proceeds of the fine shall be payable to the
16 clerk of the circuit court. Within 30 days after the
17 deposit of the fine, the clerk shall distribute the
18 proceeds of the fine as follows:

19 (1) \$10 of the fine to the circuit clerk and \$10 of
20 the fine to the law enforcement agency that issued the
21 citation; the proceeds of each \$10 fine distributed to
22 the circuit clerk and each \$10 fine distributed to the
23 law enforcement agency that issued the citation for the
24 violation shall be used to defer the cost of automatic

1 expungements under paragraph (2.5) of subsection (a)
2 of Section 5.2 of the Criminal Identification Act;

3 (2) \$15 to the county to fund drug addiction
4 services;

5 (3) \$10 to the Office of the State's Attorneys
6 Appellate Prosecutor for use in training programs;

7 (4) \$10 to the State's Attorney; and

8 (5) any remainder of the fine to the law
9 enforcement agency that issued the citation for the
10 violation.

11 With respect to funds designated for the Department of
12 State Police, the moneys shall be remitted by the circuit
13 court clerk to the Department of State Police within one
14 month after receipt for deposit into the State Police
15 Operations Assistance Fund. With respect to funds
16 designated for the Department of Natural Resources, the
17 Department of Natural Resources shall deposit the moneys
18 into the Conservation Police Operations Assistance Fund
19 Class C misdemeanor;

20 (b) more than 10 ~~2.5~~ grams but not more than 30 ~~10~~
21 grams of any substance containing cannabis is guilty of a
22 Class B misdemeanor;

23 (c) more than 30 ~~10~~ grams but not more than 100 ~~30~~
24 grams of any substance containing cannabis is guilty of a
25 Class A misdemeanor; provided, that if any offense under
26 this subsection (c) is a subsequent offense, the offender

1 shall be guilty of a Class 4 felony;

2 (d) more than 100 ~~30~~ grams but not more than 500 grams
3 of any substance containing cannabis is guilty of a Class 4
4 felony; provided that if any offense under this subsection
5 (d) is a subsequent offense, the offender shall be guilty
6 of a Class 3 felony;

7 (e) more than 500 grams but not more than 2,000 grams
8 of any substance containing cannabis is guilty of a Class 3
9 felony;

10 (f) more than 2,000 grams but not more than 5,000 grams
11 of any substance containing cannabis is guilty of a Class 2
12 felony;

13 (g) more than 5,000 grams of any substance containing
14 cannabis is guilty of a Class 1 felony.

15 (Source: P.A. 90-397, eff. 8-15-97.)

16 (720 ILCS 550/5.3 new)

17 Sec. 5.3. Unlawful use of cannabis-based product
18 manufacturing equipment.

19 (a) A person commits unlawful use of cannabis-based product
20 manufacturing equipment when he or she knowingly engages in the
21 possession, procurement, transportation, storage, or delivery
22 of any equipment used in the manufacturing of any
23 cannabis-based product using volatile or explosive gas,
24 including, but not limited to, canisters of butane gas, with
25 the intent to manufacture, compound, covert, produce, derive,

1 process, or prepare either directly or indirectly any
2 cannabis-based product.

3 (b) This Section does not apply to a cultivation center or
4 cultivation center agent that prepares medical cannabis or
5 cannabis-infused products in compliance with the Compassionate
6 Use of Medical Cannabis Pilot Program Act and Department of
7 Public Health and Department of Agriculture rules.

8 (c) Sentence. A person who violates this Section is guilty
9 of a Class 2 felony.

10 (720 ILCS 550/17.5 new)

11 Sec. 17.5. Local ordinances.

12 The provisions of any ordinance enacted by any municipality
13 or unit of local government which imposes a fine upon cannabis
14 other than as defined in this Act are not invalidated or
15 affected by this Act.

16 Section 45. The Drug Paraphernalia Control Act is amended
17 by changing Section 3.5 as follows:

18 (720 ILCS 600/3.5)

19 Sec. 3.5. Possession of drug paraphernalia.

20 (a) A person who knowingly possesses an item of drug
21 paraphernalia with the intent to use it in ingesting, inhaling,
22 or otherwise introducing cannabis or a controlled substance
23 into the human body, or in preparing cannabis or a controlled

1 substance for that use, is guilty of a Class A misdemeanor for
2 which the court shall impose a minimum fine of \$750 in addition
3 to any other penalty prescribed for a Class A misdemeanor. This
4 subsection (a) does not apply to a person who is legally
5 authorized to possess hypodermic syringes or needles under the
6 Hypodermic Syringes and Needles Act.

7 (b) In determining intent under subsection (a), the trier
8 of fact may take into consideration the proximity of the
9 cannabis or controlled substances to drug paraphernalia or the
10 presence of cannabis or a controlled substance on the drug
11 paraphernalia.

12 (c) If a person violates subsection (a) of Section 4 of the
13 Cannabis Control Act, the penalty for possession of any drug
14 paraphernalia seized during the violation for that offense
15 shall be a civil law violation punishable by a minimum fine of
16 \$100 and a maximum fine of \$200. The proceeds of the fine shall
17 be payable to the clerk of the circuit court. Within 30 days
18 after the deposit of the fine, the clerk shall distribute the
19 proceeds of the fine as follows:

20 (1) \$10 of the fine to the circuit clerk and \$10 of the
21 fine to the law enforcement agency that issued the
22 citation; the proceeds of each \$10 fine distributed to the
23 circuit clerk and each \$10 fine distributed to the law
24 enforcement agency that issued the citation for the
25 violation shall be used to defer the cost of automatic
26 expungements under paragraph (2.5) of subsection (a) of

1 Section 5.2 of the Criminal Identification Act;

2 (2) \$15 to the county to fund drug addiction services;

3 (3) \$10 to the Office of the State's Attorneys
4 Appellate Prosecutor for use in training programs;

5 (4) \$10 to the State's Attorney; and

6 (5) any remainder of the fine to the law enforcement
7 agency that issued the citation for the violation.

8 With respect to funds designated for the Department of
9 State Police, the moneys shall be remitted by the circuit court
10 clerk to the Department of State Police within one month after
11 receipt for deposit into the State Police Operations Assistance
12 Fund. With respect to funds designated for the Department of
13 Natural Resources, the Department of Natural Resources shall
14 deposit the moneys into the Conservation Police Operations
15 Assistance Fund.

16 (Source: P.A. 93-392, eff. 7-25-03.)

17 Section 50. The Code of Criminal Procedure of 1963 is
18 amended by changing Section 115-15 and by adding Section 115-23
19 as follows:

20 (725 ILCS 5/115-15)

21 Sec. 115-15. Laboratory reports.

22 (a) In any criminal prosecution for a violation of the
23 Cannabis Control Act, the Illinois Controlled Substances Act,
24 or the Methamphetamine Control and Community Protection Act, a

1 laboratory report from the Department of State Police, Division
2 of Forensic Services, that is signed and sworn to by the person
3 performing an analysis and that states (1) that the substance
4 that is the basis of the alleged violation has been weighed and
5 analyzed, and (2) the person's findings as to the contents,
6 weight and identity of the substance, and (3) that it contains
7 any amount of a controlled substance or cannabis is prima facie
8 evidence of the contents, identity and weight of the substance.
9 Attached to the report shall be a copy of a notarized statement
10 by the signer of the report giving the name of the signer and
11 stating (i) that he or she is an employee of the Department of
12 State Police, Division of Forensic Services, (ii) the name and
13 location of the laboratory where the analysis was performed,
14 (iii) that performing the analysis is a part of his or her
15 regular duties, and (iv) that the signer is qualified by
16 education, training and experience to perform the analysis. The
17 signer shall also allege that scientifically accepted tests
18 were performed with due caution and that the evidence was
19 handled in accordance with established and accepted procedures
20 while in the custody of the laboratory.

21 (a-5) In any criminal prosecution for reckless homicide
22 under Section 9-3 of the Criminal Code of 1961 or the Criminal
23 Code of 2012, or driving under the influence of alcohol, other
24 drug, or combination of both, in violation of Section 11-501 of
25 the Illinois Vehicle Code or in any civil action held under a
26 statutory summary suspension or revocation hearing under

1 Section 2-118.1 of the Illinois Vehicle Code, a laboratory
2 report from the Department of State Police, Division of
3 Forensic Services, that is signed and sworn to by the person
4 performing an analysis, and that states that the sample of
5 blood, other bodily substance, or urine was tested for alcohol
6 or drugs, and contains the person's findings as to the presence
7 and amount of alcohol or drugs and type of drug is prima facie
8 evidence of the presence, content, and amount of the alcohol or
9 drugs analyzed in the blood, other bodily substance, or urine.
10 Attached to the report must be a copy of a notarized statement
11 by the signer of the report giving the name of the signer and
12 stating (1) that he or she is an employee of the Department of
13 State Police, Division of Forensic Services, (2) the name and
14 location of the laboratory where the analysis was performed,
15 (3) that performing the analysis is a part of his or her
16 regular duties, (4) that the signer is qualified by education,
17 training, and experience to perform the analysis, and (5) that
18 scientifically accepted tests were performed with due caution
19 and that the evidence was handled in accordance with
20 established and accepted procedures while in the custody of the
21 laboratory.

22 (b) The State's Attorney shall serve a copy of the report
23 on the attorney of record for the accused, or on the accused if
24 he or she has no attorney, before any proceeding in which the
25 report is to be used against the accused other than at a
26 preliminary hearing or grand jury hearing when the report may

1 be used without having been previously served upon the accused.

2 (c) The report shall not be prima facie evidence if the
3 accused or his or her attorney demands the testimony of the
4 person signing the report by serving the demand upon the
5 State's Attorney within 7 days from the accused or his or her
6 attorney's receipt of the report.

7 (Source: P.A. 96-1344, eff. 7-1-11; 97-1150, eff. 1-25-13.)

8 (725 ILCS 5/115-23 new)

9 Sec. 115-23. Admissibility of cannabis. In a prosecution
10 for a violation of subsection (a) of Section 4 of the Cannabis
11 Control Act or a municipal ordinance for possession of cannabis
12 that is punished by only a fine, cannabis shall only be
13 admitted into evidence based upon:

14 (1) a properly administered field test; or

15 (2) opinion testimony of a peace officer based on the
16 officer's training and experience as qualified by the
17 court.

18 Section 55. The Unified Code of Corrections is amended by
19 changing Section 5-9-1.9 as follows:

20 (730 ILCS 5/5-9-1.9)

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

22 (a) "Crime laboratory" means a not-for-profit laboratory
23 substantially funded by a single unit or combination of units

1 of local government or the State of Illinois that regularly
2 employs at least one person engaged in the DUI analysis of
3 blood, other bodily substance, and urine for criminal justice
4 agencies in criminal matters and provides testimony with
5 respect to such examinations.

6 "DUI analysis" means an analysis of blood, other bodily
7 substance, or urine for purposes of determining whether a
8 violation of Section 11-501 of the Illinois Vehicle Code has
9 occurred.

10 (b) When a person has been adjudged guilty of an offense in
11 violation of Section 11-501 of the Illinois Vehicle Code, in
12 addition to any other disposition, penalty, or fine imposed, a
13 crime laboratory DUI analysis fee of \$150 for each offense for
14 which the person was convicted shall be levied by the court for
15 each case in which a laboratory analysis occurred. Upon
16 verified petition of the person, the court may suspend payment
17 of all or part of the fee if it finds that the person does not
18 have the ability to pay the fee.

19 (c) In addition to any other disposition made under the
20 provisions of the Juvenile Court Act of 1987, any minor
21 adjudicated delinquent for an offense which if committed by an
22 adult would constitute a violation of Section 11-501 of the
23 Illinois Vehicle Code shall be assessed a crime laboratory DUI
24 analysis fee of \$150 for each adjudication. Upon verified
25 petition of the minor, the court may suspend payment of all or
26 part of the fee if it finds that the minor does not have the

1 ability to pay the fee. The parent, guardian, or legal
2 custodian of the minor may pay some or all of the fee on the
3 minor's behalf.

4 (d) All crime laboratory DUI analysis fees provided for by
5 this Section shall be collected by the clerk of the court and
6 forwarded to the appropriate crime laboratory DUI fund as
7 provided in subsection (f).

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

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

12 (2) Any combination of units of local government that
13 maintains a crime laboratory may establish a crime
14 laboratory DUI fund within the office of the treasurer of
15 the county where the crime laboratory is situated.

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

18 (f) The analysis fee provided for in subsections (b) and
19 (c) of this Section shall be forwarded to the office of the
20 treasurer of the unit of local government that performed the
21 analysis if that unit of local government has established a
22 crime laboratory DUI fund, or to the State Treasurer for
23 deposit into the State Police DUI Fund if the analysis was
24 performed by a laboratory operated by the Department of State
25 Police. If the analysis was performed by a crime laboratory
26 funded by a combination of units of local government, the

1 analysis fee shall be forwarded to the treasurer of the county
2 where the crime laboratory is situated if a crime laboratory
3 DUI fund has been established in that county. If the unit of
4 local government or combination of units of local government
5 has not established a crime laboratory DUI fund, then the
6 analysis fee shall be forwarded to the State Treasurer for
7 deposit into the State Police DUI Fund. The clerk of the
8 circuit court may retain the amount of \$10 from each collected
9 analysis fee to offset administrative costs incurred in
10 carrying out the clerk's responsibilities under this Section.

11 (g) Fees deposited into a crime laboratory DUI fund created
12 under paragraphs (1) and (2) of subsection (e) of this Section
13 shall be in addition to any allocations made pursuant to
14 existing law and shall be designated for the exclusive use of
15 the crime laboratory. These uses may include, but are not
16 limited to, the following:

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

19 (2) Purchase and maintenance of equipment for use in
20 performing analyses.

21 (3) Continuing education, training, and professional
22 development of forensic scientists regularly employed by
23 these laboratories.

24 (h) Fees deposited in the State Police DUI Fund created
25 under paragraph (3) of subsection (e) of this Section shall be
26 used by State crime laboratories as designated by the Director

1 of State Police. These funds shall be in addition to any
2 allocations made according to existing law and shall be
3 designated for the exclusive use of State crime laboratories.
4 These uses may include those enumerated in subsection (g) of
5 this Section.

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

7 Section 95. No acceleration or delay. Where this Act makes
8 changes in a statute that is represented in this Act by text
9 that is not yet or no longer in effect (for example, a Section
10 represented by multiple versions), the use of that text does
11 not accelerate or delay the taking effect of (i) the changes
12 made by this Act or (ii) provisions derived from any other
13 Public Act.

14 Section 99. Effective date. This Act takes effect upon
15 becoming law.

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2 Statutes amended in order of appearance

3 20 ILCS 2630/5.2
4 410 ILCS 130/65
5 620 ILCS 5/43d from Ch. 15 1/2, par. 22.43d
6 620 ILCS 5/43e from Ch. 15 1/2, par. 22.43e
7 625 ILCS 5/2-118 from Ch. 95 1/2, par. 2-118
8 625 ILCS 5/2-118.1 from Ch. 95 1/2, par. 2-118.1
9 625 ILCS 5/6-106.1a
10 625 ILCS 5/6-208.1 from Ch. 95 1/2, par. 6-208.1
11 625 ILCS 5/6-514 from Ch. 95 1/2, par. 6-514
12 625 ILCS 5/6-517 from Ch. 95 1/2, par. 6-517
13 625 ILCS 5/11-401 from Ch. 95 1/2, par. 11-401
14 625 ILCS 5/11-500 from Ch. 95 1/2, par. 11-500
15 625 ILCS 5/11-500.1
16 625 ILCS 5/11-501 from Ch. 95 1/2, par. 11-501
17 625 ILCS 5/11-501.1
18 625 ILCS 5/11-501.2 from Ch. 95 1/2, par. 11-501.2
19 625 ILCS 5/11-501.4 from Ch. 95 1/2, par. 11-501.4
20 625 ILCS 5/11-501.4-1
21 625 ILCS 5/11-501.6 from Ch. 95 1/2, par. 11-501.6
22 625 ILCS 5/11-501.8
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- 1 625 ILCS 40/5-7.2
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- 4 625 ILCS 45/5-16
- 5 625 ILCS 45/5-16a from Ch. 95 1/2, par. 315-11a
- 6 625 ILCS 45/5-16a.1
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- 8 705 ILCS 405/5-125
- 9 720 ILCS 550/4 from Ch. 56 1/2, par. 704
- 10 720 ILCS 550/5.3 new
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- 12 720 ILCS 600/3.5
- 13 725 ILCS 5/115-15
- 14 725 ILCS 5/115-23 new
- 15 730 ILCS 5/5-9-1.9