

1 AN ACT concerning vehicles.

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

4 Section 5. The State Finance Act is amended by adding
5 Section 5.545 as follows:

6 (30 ILCS 105/5.545 new)

7 Sec. 5.545. The Secretary of State DUI Administration
8 Fund.

9 Section 10. The Illinois Vehicle Code is amended by
10 changing Sections 2-118, 3-402, 6-205, 6-206, 6-206.2, 6-208,
11 and 11-501 as follows:

12 (625 ILCS 5/2-118) (from Ch. 95 1/2, par. 2-118)

13 Sec. 2-118. Hearings.

14 (a) Upon the suspension, revocation or denial of the
15 issuance of a license, permit, registration or certificate of
16 title under this Code of any person the Secretary of State
17 shall immediately notify such person in writing and upon his
18 written request shall, within 20 days after receipt thereof,
19 set a date for a hearing to commence within 90 calendar days
20 from the date of the written request for all requests related
21 to a suspension, revocation, or the denial of the issuance of
22 a license, permit, registration, or certificate of title
23 occurring after July 1, 2002 and afford--him--an--opportunity
24 for--a--hearing--as--early--as--practical, in the County of
25 Sangamon, the County of Jefferson, or the County of Cook, as
26 such person may specify, unless both parties agree that such
27 hearing may be held in some other county. The Secretary may
28 require the payment of a fee of not more than \$50 for the
29 filing of any petition, motion, or request for hearing

1 conducted pursuant to this Section. These fees must be
 2 deposited into the Secretary of State DUI Administration
 3 Fund, a special fund created in the State treasury, and,
 4 subject to appropriation and as directed by the Secretary of
 5 State, shall be used for operation of the Department of
 6 Administrative Hearings of the Office of the Secretary of
 7 State and for no other purpose. The Secretary shall establish
 8 by rule the amount and the procedures, terms, and conditions
 9 relating to these fees.

10 (b) At any time after the suspension, revocation or
 11 denial of a license, permit, registration or certificate of
 12 title of any person as hereinbefore referred to, the
 13 Secretary of State, in his or her discretion and without the
 14 necessity of a request by such person, may hold such a
 15 hearing, upon not less than 10 days' notice in writing, in
 16 the Counties of Sangamon, Jefferson, or Cook or in any other
 17 county agreed to by the parties.

18 (c) Upon any such hearing, the Secretary of State, or
 19 his authorized agent may administer oaths and issue subpoenas
 20 for the attendance of witnesses and the production of
 21 relevant books and records and may require an examination of
 22 such person. Upon any such hearing, the Secretary of State
 23 shall either rescind or, good cause appearing therefor,
 24 continue, change or extend the Order of Revocation or
 25 Suspension, or upon petition therefore and subject to the
 26 provisions of this Code, issue a restricted driving permit or
 27 reinstate the license or permit of such person.

28 (d) All hearings and hearing procedures shall comply
 29 with requirements of the Constitution, so that no person is
 30 deprived of due process of law nor denied equal protection of
 31 the laws. All hearings shall be held before the Secretary of
 32 State or before such persons as may be designated by the
 33 Secretary of State and appropriate records of such hearings
 34 shall be kept. Where a transcript of the hearing is taken,

1 the person requesting the hearing shall have the opportunity
2 to order a copy thereof at his own expense. The Secretary of
3 State shall enter an order upon any hearing conducted under
4 this Section, related to a suspension, revocation, or the
5 denial of the issuance of a license, permit, registration, or
6 certificate of title occurring after July 1, 2002, within 90
7 days of its conclusion and shall immediately notify the
8 person in writing of his or her action.

9 (e) The action of the Secretary of State in suspending,
10 revoking or denying any license, permit, registration, or
11 certificate of title shall be subject to judicial review in
12 the Circuit Court of Sangamon County, in the Circuit Court of
13 Jefferson County, or in the Circuit Court of Cook County, and
14 the provisions of the Administrative Review Law, and all
15 amendments and modifications thereto, and the rules adopted
16 pursuant thereto, are hereby adopted and shall apply to and
17 govern every action for the judicial review of final acts or
18 decisions of the Secretary of State hereunder.

19 (Source: P.A. 91-823, eff. 1-1-01.)

20 (625 ILCS 5/3-402) (from Ch. 95 1/2, par. 3-402)

21 Sec. 3-402. Vehicles subject to registration;
22 exceptions.

23 A. Exemptions and Policy. Every motor vehicle, trailer,
24 semitrailer and pole trailer when driven or moved upon a
25 highway shall be subject to the registration and certificate
26 of title provisions of this Chapter except:

27 (1) Any such vehicle driven or moved upon a highway
28 in conformance with the provisions of this Chapter
29 relating to manufacturers, transporters, dealers,
30 lienholders or nonresidents or under a temporary
31 registration permit issued by the Secretary of State;

32 (2) Any implement of husbandry whether of a type
33 otherwise subject to registration hereunder or not which

1 is only incidentally operated or moved upon a highway,
2 which shall include a not-for-hire movement for the
3 purpose of delivering farm commodities to a place of
4 first processing or sale, or to a place of storage;

5 (3) Any special mobile equipment as herein defined;

6 (4) Any vehicle which is propelled exclusively by
7 electric power obtained from overhead trolley wires
8 though not operated upon rails;

9 (5) Any vehicle which is equipped and used
10 exclusively as a pumper, ladder truck, rescue vehicle,
11 searchlight truck, or other fire apparatus, but not a
12 vehicle of a type which would otherwise be subject to
13 registration as a vehicle of the first division;

14 (6) Any vehicle which is owned and operated by the
15 federal government and externally displays evidence of
16 federal ownership. It is the policy of the State of
17 Illinois to promote and encourage the fullest use of its
18 highways and to enhance the flow of commerce thus
19 contributing to the economic, agricultural, industrial
20 and social growth and development of this State, by
21 authorizing the Secretary of State to negotiate and enter
22 into reciprocal or proportional agreements or
23 arrangements with other States, or to issue declarations
24 setting forth reciprocal exemptions, benefits and
25 privileges with respect to vehicles operated interstate
26 which are properly registered in this and other States,
27 assuring nevertheless proper registration of vehicles in
28 Illinois as may be required by this Code;

29 (7) Any converter dolly or tow dolly which merely
30 serves as substitute wheels for another legally licensed
31 vehicle. A title may be issued on a voluntary basis to a
32 tow dolly upon receipt of the manufacturer's certificate
33 of origin or the bill of sale;

34 (8) Any house trailer found to be an abandoned

1 mobile home under the Abandoned Mobile Home Act;

2 (9) Any vehicle that is not properly registered or
3 does not have registration plates issued to the owner or
4 operator affixed thereto, or that does have registration
5 plates issued to the owner or operator affixed thereto
6 but the plates are not appropriate for the weight of the
7 vehicle, provided that this exemption shall apply only
8 while the vehicle is being transported or operated by a
9 towing service and has a third tow plate affixed to it.

10 B. Reciprocity. Any motor vehicle, trailer, semitrailer
11 or pole trailer need not be registered under this Code
12 provided the same is operated interstate and in accordance
13 with the following provisions and any rules and regulations
14 promulgated pursuant thereto:

15 (1) A nonresident owner, except as otherwise
16 provided in this Section, owning any foreign registered
17 vehicle of a type otherwise subject to registration
18 hereunder, may operate or permit the operation of such
19 vehicle within this State in interstate commerce without
20 registering such vehicle in, or paying any fees to, this
21 State subject to the condition that such vehicle at all
22 times when operated in this State is operated pursuant to
23 a reciprocity agreement, arrangement or declaration by
24 this State, and further subject to the condition that
25 such vehicle at all times when operated in this State is
26 duly registered in, and displays upon it, a valid
27 registration card and registration plate or plates issued
28 for such vehicle in the place of residence of such owner
29 and is issued and maintains in such vehicle a valid
30 Illinois reciprocity permit as required by the Secretary
31 of State, and provided like privileges are afforded to
32 residents of this State by the State of residence of such
33 owner.

34 Every nonresident including any foreign corporation

1 carrying on business within this State and owning and
2 regularly operating in such business any motor vehicle,
3 trailer or semitrailer within this State in intrastate
4 commerce, shall be required to register each such vehicle
5 and pay the same fees therefor as is required with
6 reference to like vehicles owned by residents of this
7 State.

8 (2) Any motor vehicle, trailer, semitrailer and
9 pole trailer operated interstate need not be registered
10 in this State, provided:

11 (a) same is properly registered in another
12 State pursuant to law or to a reciprocity agreement,
13 arrangement or declaration; or

14 (b) that such vehicle is part of a fleet of
15 vehicles owned or operated by the same person who
16 registers such fleet of vehicles pro rata among the
17 various States in which such fleet operates; or

18 (c) that such vehicle is part of a fleet of
19 vehicles, a portion of which are registered with the
20 Secretary of State of Illinois in accordance with an
21 agreement or arrangement concurred in by the
22 Secretary of State of Illinois based on one or more
23 of the following factors: ratio of miles in Illinois
24 as against total miles in all jurisdictions; situs
25 or base of a vehicle, or where it is principally
26 garaged, or from whence it is principally dispatched
27 or where the movements of such vehicle usually
28 originate; situs of the residence of the owner or
29 operator thereof, or of his principal office or
30 offices, or of his places of business; the routes
31 traversed and whether regular or irregular routes
32 are traversed, and the jurisdictions traversed and
33 served; and such other factors as may be deemed
34 material by the Secretary and the motor vehicle

1 administrators of the other jurisdictions involved
2 in such apportionment; and

3 (d) that such vehicles shall maintain therein
4 any reciprocity permit which may be required by the
5 Secretary of State pursuant to rules and regulations
6 which the Secretary of State may promulgate in the
7 administration of this Code, in the public interest.

8 (3) (a) In order to effectuate the purposes of this
9 Code, the Secretary of State of Illinois is
10 empowered to negotiate and execute written
11 reciprocal agreements or arrangements with the duly
12 authorized representatives of other jurisdictions,
13 including States, districts, territories and
14 possessions of the United States, and foreign
15 states, provinces, or countries, granting to owners
16 or operators of vehicles duly registered or licensed
17 in such other jurisdictions and for which evidence
18 of compliance is supplied, benefits, privileges and
19 exemption from the payment, wholly or partially, of
20 any taxes, fees or other charges imposed with
21 respect to the ownership or operation of such
22 vehicles by the laws of this State except the tax
23 imposed by the Motor Fuel Tax Law, approved March
24 25, 1929, as amended, and the tax imposed by the Use
25 Tax Act, approved July 14, 1955, as amended.

26 The Secretary of State may negotiate agreements
27 or arrangements as are in the best interests of this
28 State and the residents of this State pursuant to
29 the policies expressed in this Section taking into
30 consideration the reciprocal exemptions, benefits
31 and privileges available and accruing to residents
32 of this State and vehicles registered in this State.

33 (b) Such reciprocal agreements or arrangements
34 shall provide that vehicles duly registered or

1 licensed in this State when operated upon the
2 highways of such other jurisdictions, shall receive
3 exemptions, benefits and privileges of a similar
4 kind or to a similar degree as extended to vehicles
5 from such jurisdictions in this State.

6 (c) Such agreements or arrangements may also
7 authorize the apportionment of registration or
8 licensing of fleets of vehicles operated interstate,
9 based on any or all of the following factors: ratio
10 of miles in Illinois as against total miles in all
11 jurisdictions; situs or base of a vehicle, or where
12 it is principally garaged or from whence it is
13 principally dispatched or where the movements of
14 such vehicle usually originate; situs of the
15 residence of the owner or operator thereof, or of
16 his principal office or offices, or of his places of
17 business; the routes traversed and whether regular
18 or irregular routes are traversed, and the
19 jurisdictions traversed and served; and such other
20 factors as may be deemed material by the Secretary
21 and the motor vehicle administrators of the other
22 jurisdictions involved in such apportionment, and
23 such vehicles shall likewise be entitled to
24 reciprocal exemptions, benefits and privileges.

25 (d) Such agreements or arrangements shall also
26 provide that vehicles being operated in intrastate
27 commerce in Illinois shall comply with the
28 registration and licensing laws of this State,
29 except that vehicles which are part of an
30 apportioned fleet may conduct an intrastate
31 operation incidental to their interstate operations.
32 Any motor vehicle properly registered and qualified
33 under any reciprocal agreement or arrangement under
34 this Code and not having a situs or base within

1 Illinois may complete the inbound movement of a
2 trailer or semitrailer to an Illinois destination
3 that was brought into Illinois by a motor vehicle
4 also properly registered and qualified under this
5 Code and not having a situs or base within Illinois,
6 or may complete an outbound movement of a trailer or
7 semitrailer to an out-of-state destination that was
8 originated in Illinois by a motor vehicle also
9 properly registered and qualified under this Code
10 and not having a situs or base in Illinois, only if
11 the operator thereof did not break bulk of the cargo
12 laden in such inbound or outbound trailer or
13 semitrailer. Adding or unloading intrastate cargo on
14 such inbound or outbound trailer or semitrailer
15 shall be deemed as breaking bulk.

16 (e) Such agreements or arrangements may also
17 provide for the determination of the proper State in
18 which leased vehicles shall be registered based on
19 the factors set out in subsection (c) above and for
20 apportionment of registration of fleets of leased
21 vehicles by the lessee or by the lessor who leases
22 such vehicles to persons who are not fleet
23 operators.

24 (f) Such agreements or arrangements may also
25 include reciprocal exemptions, benefits or
26 privileges accruing under The Illinois Driver
27 Licensing Law or The Driver License Compact.

28 (4) The Secretary of State is further authorized to
29 examine the laws and requirements of other jurisdictions,
30 and, in the absence of a written agreement or
31 arrangement, to issue a written declaration of the extent
32 and nature of the exemptions, benefits and privileges
33 accorded to vehicles of this State by such other
34 jurisdictions, and the extent and nature of reciprocal

1 exemptions, benefits and privileges thereby accorded by
2 this State to the vehicles of such other jurisdictions.
3 A declaration by the Secretary of State may include any,
4 part or all reciprocal exemptions, benefits and
5 privileges or provisions as may be included within an
6 agreement or arrangement.

7 (5) All agreements, arrangements, declarations and
8 amendments thereto, shall be in writing and become
9 effective when signed by the Secretary of State, and
10 copies of all such documents shall be available to the
11 public upon request.

12 (6) The Secretary of State is further authorized to
13 require the display by foreign registered trucks,
14 truck-tractors and buses, entitled to reciprocal
15 benefits, exemptions or privileges hereunder, a
16 reciprocity permit for external display before any such
17 reciprocal benefits, exemptions or privileges are
18 granted. The Secretary of State shall provide suitable
19 application forms for such permit and shall promulgate
20 and publish reasonable rules and regulations for the
21 administration and enforcement of the provisions of this
22 Code including a provision for revocation of such permit
23 as to any vehicle operated wilfully in violation of the
24 terms of any reciprocal agreement, arrangement or
25 declaration or in violation of the Illinois Motor Carrier
26 of Property Law, as amended.

27 (7) (a) Upon the suspension, revocation or denial
28 of one or more of all reciprocal benefits,
29 privileges and exemptions existing pursuant to the
30 terms and provisions of this Code or by virtue of a
31 reciprocal agreement or arrangement or declaration
32 thereunder; or, upon the suspension, revocation or
33 denial of a reciprocity permit; or, upon any action
34 or inaction of the Secretary in the administration

1 and enforcement of the provisions of this Code, any
2 person, resident or nonresident, so aggrieved, may
3 serve upon the Secretary, a petition in writing and
4 under oath, setting forth the grievance of the
5 petitioner, the grounds and basis for the relief
6 sought, and all necessary facts and particulars, and
7 request an administrative hearing thereon. Within
8 20 days, the Secretary shall set a hearing date as
9 early as practical. The Secretary may, in his
10 discretion, supply forms for such a petition. The
11 Secretary may require the payment of a fee of not
12 more than \$50 for the filing of any petition,
13 motion, or request for hearing conducted pursuant to
14 this Section. These fees must be deposited into the
15 Secretary of State DUI Administration Fund, a
16 special fund that is hereby created in the State
17 treasury, and, subject to appropriation and as
18 directed by the Secretary of State, shall be used to
19 fund the operation of the hearings department of the
20 Office of the Secretary of State and for no other
21 purpose. The Secretary shall establish by rule the
22 amount and the procedures, terms, and conditions
23 relating to these fees.

24 (b) The Secretary may likewise, in his
25 discretion and upon his own petition, order a
26 hearing, when in his best judgment, any person is
27 not entitled to the reciprocal benefits, privileges
28 and exemptions existing pursuant to the terms and
29 provisions of this Code or under a reciprocal
30 agreement or arrangement or declaration thereunder
31 or that a vehicle owned or operated by such person
32 is improperly registered or licensed, or that an
33 Illinois resident has improperly registered or
34 licensed a vehicle in another jurisdiction for the

1 purposes of violating or avoiding the registration
2 laws of this State.

3 (c) The Secretary shall notify a petitioner or
4 any other person involved of such a hearing, by
5 giving at least 10 days notice, in writing, by U.S.
6 Mail, Registered or Certified, or by personal
7 service, at the last known address of such
8 petitioner or person, specifying the time and place
9 of such hearing. Such hearing shall be held before
10 the Secretary, or any person as he may designate,
11 and unless the parties mutually agree to some other
12 county in Illinois, the hearing shall be held in the
13 County of Sangamon or the County of Cook.
14 Appropriate records of the hearing shall be kept,
15 and the Secretary shall issue or cause to be issued,
16 his decision on the case, within 30 days after the
17 close of such hearing or within 30 days after
18 receipt of the transcript thereof, and a copy shall
19 likewise be served or mailed to the petitioner or
20 person involved.

21 (d) The actions or inactions or
22 determinations, or findings and decisions upon an
23 administrative hearing, of the Secretary, shall be
24 subject to judicial review in the Circuit Court of
25 the County of Sangamon or the County of Cook, and
26 the provisions of the Administrative Review Law, and
27 all amendments and modifications thereof and rules
28 adopted pursuant thereto, apply to and govern all
29 such reviewable matters.

30 Any reciprocal agreements or arrangements
31 entered into by the Secretary of State or any
32 declarations issued by the Secretary of State
33 pursuant to any law in effect prior to the effective
34 date of this Code are not hereby abrogated, and such

1 shall continue in force and effect until amended
2 pursuant to the provisions of this Code or expire
3 pursuant to the terms or provisions thereof.

4 (Source: P.A. 89-433, eff. 12-15-95; 90-89, eff. 1-1-98.)

5 (625 ILCS 5/6-205) (from Ch. 95 1/2, par. 6-205)

6 Sec. 6-205. Mandatory revocation of license or permit;
7 Hardship cases.

8 (a) Except as provided in this Section, the Secretary of
9 State shall immediately revoke the license or permit of any
10 driver upon receiving a report of the driver's conviction of
11 any of the following offenses:

12 1. Reckless homicide resulting from the operation
13 of a motor vehicle;

14 2. Violation of Section 11-501 of this Code or a
15 similar provision of a local ordinance relating to the
16 offense of operating or being in physical control of a
17 vehicle while under the influence of alcohol, other drug
18 or drugs, intoxicating compound or compounds, or any
19 combination thereof;

20 3. Any felony under the laws of any State or the
21 federal government in the commission of which a motor
22 vehicle was used;

23 4. Violation of Section 11-401 of this Code
24 relating to the offense of leaving the scene of a traffic
25 accident involving death or personal injury;

26 5. Perjury or the making of a false affidavit or
27 statement under oath to the Secretary of State under this
28 Code or under any other law relating to the ownership or
29 operation of motor vehicles;

30 6. Conviction upon 3 charges of violation of
31 Section 11-503 of this Code relating to the offense of
32 reckless driving committed within a period of 12 months;

33 7. Conviction of the offense of automobile theft as

1 defined in Section 4-102 of this Code;

2 8. Violation of Section 11-504 of this Code
3 relating to the offense of drag racing;

4 9. Violation of Chapters 8 and 9 of this Code;

5 10. Violation of Section 12-5 of the Criminal Code
6 of 1961 arising from the use of a motor vehicle;

7 11. Violation of Section 11-204.1 of this Code
8 relating to aggravated fleeing or attempting to elude a
9 police officer;

10 12. Violation of paragraph (1) of subsection (b) of
11 Section 6-507, or a similar law of any other state,
12 relating to the unlawful operation of a commercial motor
13 vehicle;

14 13. Violation of paragraph (a) of Section 11-502 of
15 this Code or a similar provision of a local ordinance if
16 the driver has been previously convicted of a violation
17 of that Section or a similar provision of a local
18 ordinance and the driver was less than 21 years of age at
19 the time of the offense.

20 (b) The Secretary of State shall also immediately revoke
21 the license or permit of any driver in the following
22 situations:

23 1. Of any minor upon receiving the notice provided
24 for in Section 5-901 of the Juvenile Court Act of 1987
25 that the minor has been adjudicated under that Act as
26 having committed an offense relating to motor vehicles
27 prescribed in Section 4-103 of this Code;

28 2. Of any person when any other law of this State
29 requires either the revocation or suspension of a license
30 or permit.

31 (c) Whenever a person is convicted of any of the
32 offenses enumerated in this Section, the court may recommend
33 and the Secretary of State in his discretion, without regard
34 to whether the recommendation is made by the court may, upon

1 application, issue to the person a restricted driving permit
2 granting the privilege of driving a motor vehicle between the
3 petitioner's residence and petitioner's place of employment
4 or within the scope of the petitioner's employment related
5 duties, or to allow transportation for the petitioner or a
6 household member of the petitioner's family for the receipt
7 of necessary medical care or, if the professional evaluation
8 indicates, provide transportation for the petitioner for
9 alcohol remedial or rehabilitative activity, or for the
10 petitioner to attend classes, as a student, in an accredited
11 educational institution; if the petitioner is able to
12 demonstrate that no alternative means of transportation is
13 reasonably available and the petitioner will not endanger the
14 public safety or welfare; provided that the Secretary's
15 discretion shall be limited to cases where undue hardship
16 would result from a failure to issue the restricted driving
17 permit.

18 If a person's license or permit has been revoked or
19 suspended due to 2 or more convictions of violating Section
20 11-501 of this Code or a similar provision of a local
21 ordinance or a similar out-of-state offense, arising out of
22 separate occurrences, that person, if issued a restricted
23 driving permit, may not operate a vehicle unless it has been
24 equipped with an ignition interlock device as defined in
25 Section 1-129.1.

26 If a person's license or permit has been revoked or
27 suspended 2 or more times within a 10 year period due to a
28 single conviction of violating Section 11-501 of this Code or
29 a similar provision of a local ordinance or a similar
30 out-of-state offense, and a statutory summary suspension
31 under Section 11-501.1, or 2 or more statutory summary
32 suspensions, or combination of 2 offenses, or of an offense
33 and a statutory summary suspension, arising out of separate
34 occurrences, that person, if issued a restricted driving

1 permit, may not operate a vehicle unless it has been equipped
2 with an ignition interlock device as defined in Section
3 1-129.1. The person must pay to the Secretary of State DUI
4 Administration Fund an amount not to exceed \$20 per month.
5 The Secretary shall establish by rule the amount and the
6 procedures, terms, and conditions relating to these fees. If
7 the Restricted Driving Permit was issued for employment
8 purposes, then this provision does not apply to the operation
9 of an occupational vehicle owned or leased by that person's
10 employer. In each case the Secretary of State may issue a
11 restricted driving permit for a period he deems appropriate,
12 except that the permit shall expire within one year from the
13 date of issuance. The Secretary may not, however, issue a
14 restricted driving permit to any person whose current
15 revocation is the result of a second or subsequent conviction
16 for a violation of Section 11-501 of this Code or a similar
17 provision of a local ordinance relating to the offense of
18 operating or being in physical control of a motor vehicle
19 while under the influence of alcohol, other drug or drugs,
20 intoxicating compound or compounds, or any similar
21 out-of-state offense, or any combination thereof, until the
22 expiration of at least one year from the date of the
23 revocation. A restricted driving permit issued under this
24 Section shall be subject to cancellation, revocation, and
25 suspension by the Secretary of State in like manner and for
26 like cause as a driver's license issued under this Code may
27 be cancelled, revoked, or suspended; except that a conviction
28 upon one or more offenses against laws or ordinances
29 regulating the movement of traffic shall be deemed sufficient
30 cause for the revocation, suspension, or cancellation of a
31 restricted driving permit. The Secretary of State may, as a
32 condition to the issuance of a restricted driving permit,
33 require the applicant to participate in a designated driver
34 remedial or rehabilitative program. The Secretary of State is

1 authorized to cancel a restricted driving permit if the
2 permit holder does not successfully complete the program.
3 However, if an individual's driving privileges have been
4 revoked in accordance with paragraph 13 of subsection (a) of
5 this Section, no restricted driving permit shall be issued
6 until the individual has served 6 months of the revocation
7 period.

8 (d) Whenever a person under the age of 21 is convicted
9 under Section 11-501 of this Code or a similar provision of a
10 local ordinance, the Secretary of State shall revoke the
11 driving privileges of that person. One year after the date
12 of revocation, and upon application, the Secretary of State
13 may, if satisfied that the person applying will not endanger
14 the public safety or welfare, issue a restricted driving
15 permit granting the privilege of driving a motor vehicle only
16 between the hours of 5 a.m. and 9 p.m. or as otherwise
17 provided by this Section for a period of one year. After
18 this one year period, and upon reapplication for a license as
19 provided in Section 6-106, upon payment of the appropriate
20 reinstatement fee provided under paragraph (b) of Section
21 6-118, the Secretary of State, in his discretion, may issue
22 the applicant a license, or extend the restricted driving
23 permit as many times as the Secretary of State deems
24 appropriate, by additional periods of not more than 12 months
25 each, until the applicant attains 21 years of age.

26 If a person's license or permit has been revoked or
27 suspended due to 2 or more convictions of violating Section
28 11-501 of this Code or a similar provision of a local
29 ordinance or a similar out-of-state offense, arising out of
30 separate occurrences, that person, if issued a restricted
31 driving permit, may not operate a vehicle unless it has been
32 equipped with an ignition interlock device as defined in
33 Section 1-129.1.

34 If a person's license or permit has been revoked or

1 suspended 2 or more times within a 10 year period due to a
2 single conviction of violating Section 11-501 of this Code or
3 a similar provision of a local ordinance or a similar
4 out-of-state offense, and a statutory summary suspension
5 under Section 11-501.1, or 2 or more statutory summary
6 suspensions, or combination of 2 offenses, or of an offense
7 and a statutory summary suspension, arising out of separate
8 occurrences, that person, if issued a restricted driving
9 permit, may not operate a vehicle unless it has been equipped
10 with an ignition interlock device as defined in Section
11 1-129.1. The person must pay to the Secretary of State DUI
12 Administration Fund an amount not to exceed \$20 per month.
13 The Secretary shall establish by rule the amount and the
14 procedures, terms, and conditions relating to these fees. If
15 the Restricted Driving Permit was issued for employment
16 purposes, then this provision does not apply to the operation
17 of an occupational vehicle owned or leased by that person's
18 employer. A restricted driving permit issued under this
19 Section shall be subject to cancellation, revocation, and
20 suspension by the Secretary of State in like manner and for
21 like cause as a driver's license issued under this Code may
22 be cancelled, revoked, or suspended; except that a conviction
23 upon one or more offenses against laws or ordinances
24 regulating the movement of traffic shall be deemed sufficient
25 cause for the revocation, suspension, or cancellation of a
26 restricted driving permit. ~~Any person under 21 years of age~~
27 ~~who has a driver's license revoked for a second or subsequent~~
28 ~~conviction for driving under the influence, prior to the age~~
29 ~~of 21, shall not be eligible to submit an application for a~~
30 ~~full reinstatement of driving privileges or a restricted~~
31 ~~driving permit until age 21 or one additional year from the~~
32 ~~date of the latest such revocation, whichever is the longer.~~
33 The revocation periods contained in this subparagraph shall
34 apply to similar out-of-state convictions.

1 (e) This Section is subject to the provisions of the
2 Driver License Compact.

3 (f) Any revocation imposed upon any person under
4 subsections 2 and 3 of paragraph (b) that is in effect on
5 December 31, 1988 shall be converted to a suspension for a
6 like period of time.

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

11 (h) The Secretary of State may use ignition interlock
12 device requirements when granting driving relief to
13 individuals who have been arrested for a second or subsequent
14 offense under Section 11-501 of this Code or a similar
15 provision of a local ordinance. The Secretary shall
16 establish by rule and regulation the procedures for use of
17 the interlock system.

18 (Source: P.A. 90-369, eff. 1-1-98; 90-590, eff. 1-1-99;
19 90-611, eff. 1-1-99; 90-779, eff. 1-1-99; 91-357, eff.
20 7-29-99.)

21 (625 ILCS 5/6-206) (from Ch. 95 1/2, par. 6-206)

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

24 (a) The Secretary of State is authorized to suspend or
25 revoke the driving privileges of any person without
26 preliminary hearing upon a showing of the person's records or
27 other sufficient evidence that the person:

28 1. Has committed an offense for which mandatory
29 revocation of a driver's license or permit is required
30 upon conviction;

31 2. Has been convicted of not less than 3 offenses
32 against traffic regulations governing the movement of
33 vehicles committed within any 12 month period. No

1 revocation or suspension shall be entered more than 6
2 months after the date of last conviction;

3 3. Has been repeatedly involved as a driver in
4 motor vehicle collisions or has been repeatedly convicted
5 of offenses against laws and ordinances regulating the
6 movement of traffic, to a degree that indicates lack of
7 ability to exercise ordinary and reasonable care in the
8 safe operation of a motor vehicle or disrespect for the
9 traffic laws and the safety of other persons upon the
10 highway;

11 4. Has by the unlawful operation of a motor vehicle
12 caused or contributed to an accident resulting in death
13 or injury requiring immediate professional treatment in a
14 medical facility or doctor's office to any person, except
15 that any suspension or revocation imposed by the
16 Secretary of State under the provisions of this
17 subsection shall start no later than 6 months after being
18 convicted of violating a law or ordinance regulating the
19 movement of traffic, which violation is related to the
20 accident, or shall start not more than one year after the
21 date of the accident, whichever date occurs later;

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

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

28 7. Has refused or failed to submit to an
29 examination provided for by Section 6-207 or has failed
30 to pass the examination;

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

33 9. Has made a false statement or knowingly
34 concealed a material fact or has used false information

1 or identification in any application for a license,
2 identification card, or permit;

3 10. Has possessed, displayed, or attempted to
4 fraudulently use any license, identification card, or
5 permit not issued to the person;

6 11. Has operated a motor vehicle upon a highway of
7 this State when the person's driving privilege or
8 privilege to obtain a driver's license or permit was
9 revoked or suspended unless the operation was authorized
10 by a judicial driving permit, probationary license to
11 drive, or a restricted driving permit issued under this
12 Code;

13 12. Has submitted to any portion of the application
14 process for another person or has obtained the services
15 of another person to submit to any portion of the
16 application process for the purpose of obtaining a
17 license, identification card, or permit for some other
18 person;

19 13. Has operated a motor vehicle upon a highway of
20 this State when the person's driver's license or permit
21 was invalid under the provisions of Sections 6-107.1 and
22 6-110;

23 14. Has committed a violation of Section 6-301,
24 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or
25 14B of the Illinois Identification Card Act;

26 15. Has been convicted of violating Section 21-2 of
27 the Criminal Code of 1961 relating to criminal trespass
28 to vehicles in which case, the suspension shall be for
29 one year;

30 16. Has been convicted of violating Section 11-204
31 of this Code relating to fleeing from a police officer;

32 17. Has refused to submit to a test, or tests, as
33 required under Section 11-501.1 of this Code and the
34 person has not sought a hearing as provided for in

1 Section 11-501.1;

2 18. Has, since issuance of a driver's license or
3 permit, been adjudged to be afflicted with or suffering
4 from any mental disability or disease;

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

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

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

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

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

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

29 25. Has permitted any form of identification to be
30 used by another in the application process in order to
31 obtain or attempt to obtain a license, identification
32 card, or permit;

33 26. Has altered or attempted to alter a license or
34 has possessed an altered license, identification card, or

1 permit;

2 27. Has violated Section 6-16 of the Liquor Control
3 Act of 1934;

4 28. Has been convicted of the illegal possession,
5 while operating or in actual physical control, as a
6 driver, of a motor vehicle, of any controlled substance
7 prohibited under the Illinois Controlled Substances Act
8 or any cannabis prohibited under the provisions of the
9 Cannabis Control Act, in which case the person's driving
10 privileges shall be suspended for one year, and any
11 driver who is convicted of a second or subsequent
12 offense, within 5 years of a previous conviction, for the
13 illegal possession, while operating or in actual physical
14 control, as a driver, of a motor vehicle, of any
15 controlled substance prohibited under the provisions of
16 the Illinois Controlled Substances Act or any cannabis
17 prohibited under the Cannabis Control Act shall be
18 suspended for 5 years. Any defendant found guilty of this
19 offense while operating a motor vehicle, shall have an
20 entry made in the court record by the presiding judge
21 that this offense did occur while the defendant was
22 operating a motor vehicle and order the clerk of the
23 court to report the violation to the Secretary of State;

24 29. Has been convicted of the following offenses
25 that were committed while the person was operating or in
26 actual physical control, as a driver, of a motor vehicle:
27 criminal sexual assault, predatory criminal sexual
28 assault of a child, aggravated criminal sexual assault,
29 criminal sexual abuse, aggravated criminal sexual abuse,
30 juvenile pimping, soliciting for a juvenile prostitute
31 and the manufacture, sale or delivery of controlled
32 substances or instruments used for illegal drug use or
33 abuse in which case the driver's driving privileges shall
34 be suspended for one year;

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

5 31. Has refused to submit to a test as required by
6 Section 11-501.6 or has submitted to a test resulting in
7 an alcohol concentration of 0.08 or more or any amount of
8 a drug, substance, or compound resulting from the
9 unlawful use or consumption of cannabis as listed in the
10 Cannabis Control Act or a controlled substance as listed
11 in the Illinois Controlled Substances Act in which case
12 the penalty shall be as prescribed in Section 6-208.1;

13 32. Has been convicted of Section 24-1.2 of the
14 Criminal Code of 1961 relating to the aggravated
15 discharge of a firearm if the offender was located in a
16 motor vehicle at the time the firearm was discharged, in
17 which case the suspension shall be for 3 years;

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

22 34. Has committed a violation of Section 11-1301.5
23 of this Code;

24 35. Has committed a violation of Section 11-1301.6
25 of this Code; or

26 36. Is under the age of 21 years at the time of
27 arrest and has been convicted of not less than 2
28 offenses against traffic regulations governing the
29 movement of vehicles committed within any 24 month
30 period. No revocation or suspension shall be entered
31 more than 6 months after the date of last conviction.

32 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,
33 and 27 of this subsection, license means any driver's
34 license, any traffic ticket issued when the person's driver's

1 license is deposited in lieu of bail, a suspension notice
2 issued by the Secretary of State, a duplicate or corrected
3 driver's license, a probationary driver's license or a
4 temporary driver's license.

5 (b) If any conviction forming the basis of a suspension
6 or revocation authorized under this Section is appealed, the
7 Secretary of State may rescind or withhold the entry of the
8 order of suspension or revocation, as the case may be,
9 provided that a certified copy of a stay order of a court is
10 filed with the Secretary of State. If the conviction is
11 affirmed on appeal, the date of the conviction shall relate
12 back to the time the original judgment of conviction was
13 entered and the 6 month limitation prescribed shall not
14 apply.

15 (c) 1. Upon suspending or revoking the driver's license
16 or permit of any person as authorized in this Section,
17 the Secretary of State shall immediately notify the
18 person in writing of the revocation or suspension. The
19 notice to be deposited in the United States mail, postage
20 prepaid, to the last known address of the person.

21 2. If the Secretary of State suspends the driver's
22 license of a person under subsection 2 of paragraph (a)
23 of this Section, a person's privilege to operate a
24 vehicle as an occupation shall not be suspended, provided
25 an affidavit is properly completed, the appropriate fee
26 received, and a permit issued prior to the effective date
27 of the suspension, unless 5 offenses were committed, at
28 least 2 of which occurred while operating a commercial
29 vehicle in connection with the driver's regular
30 occupation. All other driving privileges shall be
31 suspended by the Secretary of State. Any driver prior to
32 operating a vehicle for occupational purposes only must
33 submit the affidavit on forms to be provided by the
34 Secretary of State setting forth the facts of the

1 person's occupation. The affidavit shall also state the
2 number of offenses committed while operating a vehicle in
3 connection with the driver's regular occupation. The
4 affidavit shall be accompanied by the driver's license.
5 Upon receipt of a properly completed affidavit, the
6 Secretary of State shall issue the driver a permit to
7 operate a vehicle in connection with the driver's regular
8 occupation only. Unless the permit is issued by the
9 Secretary of State prior to the date of suspension, the
10 privilege to drive any motor vehicle shall be suspended
11 as set forth in the notice that was mailed under this
12 Section. If an affidavit is received subsequent to the
13 effective date of this suspension, a permit may be issued
14 for the remainder of the suspension period.

15 The provisions of this subparagraph shall not apply
16 to any driver required to obtain a commercial driver's
17 license under Section 6-507 during the period of a
18 disqualification of commercial driving privileges under
19 Section 6-514.

20 Any person who falsely states any fact in the
21 affidavit required herein shall be guilty of perjury
22 under Section 6-302 and upon conviction thereof shall
23 have all driving privileges revoked without further
24 rights.

25 3. At the conclusion of a hearing under Section
26 2-118 of this Code, the Secretary of State shall either
27 rescind or continue an order of revocation or shall
28 substitute an order of suspension; or, good cause
29 appearing therefor, rescind, continue, change, or extend
30 the order of suspension. If the Secretary of State does
31 not rescind the order, the Secretary may upon
32 application, to relieve undue hardship, issue a
33 restricted driving permit granting the privilege of
34 driving a motor vehicle between the petitioner's

1 residence and petitioner's place of employment or within
2 the scope of his employment related duties, or to allow
3 transportation for the petitioner, or a household member
4 of the petitioner's family, to receive necessary medical
5 care and if the professional evaluation indicates,
6 provide transportation for alcohol remedial or
7 rehabilitative activity, or for the petitioner to attend
8 classes, as a student, in an accredited educational
9 institution; if the petitioner is able to demonstrate
10 that no alternative means of transportation is reasonably
11 available and the petitioner will not endanger the public
12 safety or welfare.

13 If a person's license or permit has been revoked or
14 suspended due to 2 or more convictions of violating
15 Section 11-501 of this Code or a similar provision of a
16 local ordinance or a similar out-of-state offense,
17 arising out of separate occurrences, that person, if
18 issued a restricted driving permit, may not operate a
19 vehicle unless it has been equipped with an ignition
20 interlock device as defined in Section 1-129.1.

21 If a person's license or permit has been revoked or
22 suspended 2 or more times within a 10 year period due to
23 a single conviction of violating Section 11-501 of this
24 Code or a similar provision of a local ordinance or a
25 similar out-of-state offense, and a statutory summary
26 suspension under Section 11-501.1, or 2 or more statutory
27 summary suspensions, or combination of 2 offenses, or of
28 an offense and a statutory summary suspension, arising
29 out of separate occurrences, that person, if issued a
30 restricted driving permit, may not operate a vehicle
31 unless it has been equipped with an ignition interlock
32 device as defined in Section 1-129.1. The person must pay
33 to the Secretary of State DUI Administration Fund an
34 amount not to exceed \$20 per month. The Secretary shall

1 establish by rule the amount and the procedures, terms,
2 and conditions relating to these fees. If the Restricted
3 Driving Permit was issued for employment purposes, then
4 this provision does not apply to the operation of an
5 occupational vehicle owned or leased by that person's
6 employer. In each case the Secretary may issue a
7 restricted driving permit for a period deemed
8 appropriate, except that all permits shall expire within
9 one year from the date of issuance. The Secretary may
10 not, however, issue a restricted driving permit to any
11 person whose current revocation is the result of a second
12 or subsequent conviction for a violation of Section
13 11-501 of this Code or a similar provision of a local
14 ordinance relating to the offense of operating or being
15 in physical control of a motor vehicle while under the
16 influence of alcohol, other drug or drugs, intoxicating
17 compound or compounds, or any similar out-of-state
18 offense, or any combination of those offenses, until the
19 expiration of at least one year from the date of the
20 revocation. A restricted driving permit issued under this
21 Section shall be subject to cancellation, revocation, and
22 suspension by the Secretary of State in like manner and
23 for like cause as a driver's license issued under this
24 Code may be cancelled, revoked, or suspended; except that
25 a conviction upon one or more offenses against laws or
26 ordinances regulating the movement of traffic shall be
27 deemed sufficient cause for the revocation, suspension,
28 or cancellation of a restricted driving permit. The
29 Secretary of State may, as a condition to the issuance of
30 a restricted driving permit, require the applicant to
31 participate in a designated driver remedial or
32 rehabilitative program. The Secretary of State is
33 authorized to cancel a restricted driving permit if the
34 permit holder does not successfully complete the program.

1 (c-5) The Secretary of State may, as a condition of the
2 reissuance of a driver's license or permit to an applicant
3 under the age of 18 years whose driver's license or permit
4 has been suspended pursuant to any of the provisions of this
5 Section, require the applicant to participate in a driver
6 remedial education course and be retested under Section 6-109
7 of this Code.

8 (d) This Section is subject to the provisions of the
9 Drivers License Compact.

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

14 (Source: P.A. 89-283, eff. 1-1-96; 89-428, eff. 12-13-95;
15 89-462, eff. 5-29-96; 90-43, eff. 7-2-97; 90-106, eff.
16 1-1-98; 90-369, eff. 1-1-98; 90-655, eff. 7-30-98.)

17 (625 ILCS 5/6-206.2)

18 Sec. 6-206.2. Violations relating to an ignition
19 interlock device.

20 (a) It is unlawful for any person whose driving
21 privilege is restricted by being prohibited from operating a
22 motor vehicle not equipped with an ignition interlock device
23 to request or solicit any other person to blow into an
24 ignition interlock device or to start a motor vehicle
25 equipped with the device for the purpose of providing the
26 person so restricted with an operable motor vehicle.

27 (b) It is unlawful to blow into an ignition interlock
28 device or to start a motor vehicle equipped with the device
29 for the purpose of providing an operable motor vehicle to a
30 person whose driving privilege is restricted by being
31 prohibited from operating a motor vehicle not equipped with
32 an ignition interlock device.

33 (c) It is unlawful to tamper with, or circumvent the

1 operation of, an ignition interlock device.

2 (d) Except as provided in subsection (c)(17) of Section
3 5-6-3.1 of the Unified Code of Corrections or by rule, no
4 person shall knowingly rent, lease, or lend a motor vehicle
5 to a person known to have his or her driving privilege
6 restricted by being prohibited from operating a vehicle not
7 equipped with an ignition interlock device, unless the
8 vehicle is equipped with a functioning ignition interlock
9 device. Any person whose driving privilege is so restricted
10 shall notify any person intending to rent, lease, or loan a
11 motor vehicle to the restricted person of the driving
12 restriction imposed upon him or her.

13 A person convicted of a violation of this subsection
14 shall be punished by imprisonment for not more than 6 months
15 or by a fine of not more than \$5,000, or both.

16 (e) If a person prohibited under paragraph (2) or
17 paragraph (3) of subsection (c-4) of Section 11-501 from
18 driving any vehicle not equipped with an ignition interlock
19 device nevertheless is convicted of driving a vehicle that is
20 not equipped with the device, that person is prohibited from
21 driving any vehicle not equipped with an ignition interlock
22 device for an additional period of time equal to the initial
23 time period that the person was required to use an ignition
24 interlock device.

25 (Source: P.A. 91-127, eff. 1-1-00.)

26 (625 ILCS 5/6-208) (from Ch. 95 1/2, par. 6-208)

27 Sec. 6-208. Period of Suspension - Application After
28 Revocation.

29 (a) Except as otherwise provided by this Code or any
30 other law of this State, the Secretary of State shall not
31 suspend a driver's license, permit or privilege to drive a
32 motor vehicle on the highways for a period of more than one
33 year.

1 (b) Any person whose license, permit or privilege to
2 drive a motor vehicle on the highways has been revoked shall
3 not be entitled to have such license, permit or privilege
4 renewed or restored. However, such person may, except as
5 provided under subsection (d) of Section 6-205, make
6 application for a license pursuant to Section 6-106 (i) if
7 the revocation was for a cause which has been removed or (ii)
8 as provided in the following subparagraphs:

9 1. Except as provided in subparagraphs 2, 3, and 4,
10 the person may make application for a license after the
11 expiration of one year from the effective date of the
12 revocation or, in the case of a violation of paragraph
13 (b) of Section 11-401 of this Code or a similar provision
14 of a local ordinance, after the expiration of 3 years
15 from the effective date of the revocation or, in the case
16 of a violation of Section 9-3 of the Criminal Code of
17 1961 relating to the offense of reckless homicide, after
18 the expiration of 2 years from the effective date of the
19 revocation.

20 2. If such person is convicted of committing a
21 second violation within a 20 year period of:

22 (A) Section 11-501 of this Code, or a similar
23 provision of a local ordinance; or

24 (B) Paragraph (b) of Section 11-401 of this
25 Code, or a similar provision of a local ordinance;
26 or

27 (C) Section 9-3 of the Criminal Code of 1961,
28 as amended, relating to the offense of reckless
29 homicide; or

30 (D) any combination of the above offenses
31 committed at different instances;

32 then such person may not make application for a license
33 until after the expiration of 5 years from the effective
34 date of the most recent revocation. The 20 year period

1 shall be computed by using the dates the offenses were
2 committed and shall also include similar out-of-state
3 offenses.

4 3. However, except as provided in subparagraph 4,
5 if such person is convicted of committing a third, or
6 subsequent, violation or any combination of the above
7 offenses, including similar out-of-state offenses,
8 contained in subparagraph 2, then such person may not
9 make application for a license until after the expiration
10 of 10 years from the effective date of the most recent
11 revocation.

12 4. The person may not make application for a
13 license if the person is convicted of committing a fourth
14 or subsequent violation of Section 11-501 of this Code or
15 a similar provision of a local ordinance, paragraph (b)
16 of Section 11-401 of this Code, Section 9-3 of the
17 Criminal Code of 1961, or a combination of these offenses
18 or similar provisions of local ordinances or similar
19 out-of-state offenses ~~if the original revocation or~~
20 ~~suspension was for a violation of Section 11-501 or~~
21 ~~11-501.1 of this Code or a similar provision of a local~~
22 ~~ordinance.~~

23 Notwithstanding any other provision of this Code, all
24 persons referred to in this paragraph (b) may not have their
25 privileges restored until the Secretary receives payment of
26 the required reinstatement fee pursuant to subsection (b) of
27 Section 6-118.

28 In no event shall the Secretary issue such license unless
29 and until such person has had a hearing pursuant to this Code
30 and the appropriate administrative rules and the Secretary is
31 satisfied, after a review or investigation of such person,
32 that to grant the privilege of driving a motor vehicle on the
33 highways will not endanger the public safety or welfare.

34 (c) If a person prohibited under paragraph (2) or

1 paragraph (3) of subsection (c-4) of Section 11-501 from
 2 driving any vehicle not equipped with an ignition interlock
 3 device nevertheless is convicted of driving a vehicle that is
 4 not equipped with the device, that person is prohibited from
 5 driving any vehicle not equipped with an ignition interlock
 6 device for an additional period of time equal to the initial
 7 time period that the person was required to use an ignition
 8 interlock device.

9 (Source: P.A. 90-543, eff. 12-1-97; 90-738, eff. 1-1-99;
 10 91-357, eff. 7-29-99.)

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

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

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

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

20 (2) under the influence of alcohol;

21 (3) under the influence of any intoxicating
 22 compound or combination of intoxicating compounds to a
 23 degree that renders the person incapable of driving
 24 safely;

25 (4) under the influence of any other drug or
 26 combination of drugs to a degree that renders the person
 27 incapable of safely driving;

28 (5) under the combined influence of alcohol, other
 29 drug or drugs, or intoxicating compound or compounds to a
 30 degree that renders the person incapable of safely
 31 driving; or

32 (6) there is any amount of a drug, substance, or
 33 compound in the person's breath, blood, or urine

1 resulting from the unlawful use or consumption of
2 cannabis listed in the Cannabis Control Act, a controlled
3 substance listed in the Illinois Controlled Substances
4 Act, or an intoxicating compound listed in the Use of
5 Intoxicating Compounds Act.

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

11 (c) Except as provided under paragraphs (c-3), (c-4),
12 and (d) of this Section, every person convicted of violating
13 this Section or a similar provision of a local ordinance,
14 shall be guilty of a Class A misdemeanor and, in addition to
15 any other criminal or administrative action, for any second
16 conviction of violating this Section or a similar provision
17 of a law of another state or local ordinance committed within
18 5 years of a previous violation of this Section or a similar
19 provision of a local ordinance shall be mandatorily sentenced
20 to a minimum of 48 consecutive hours of imprisonment or
21 assigned to a minimum of 100 hours of community service as
22 may be determined by the court. Every person convicted of
23 violating this Section or a similar provision of a local
24 ordinance shall be subject to a mandatory minimum fine of
25 \$500 and a mandatory 5 days of community service in a program
26 benefiting children if the person committed a violation of
27 paragraph (a) or a similar provision of a local ordinance
28 while transporting a person under age 16. Every person
29 convicted a second time for violating this Section or a
30 similar provision of a local ordinance within 5 years of a
31 previous violation of this Section or a similar provision of
32 a law of another state or local ordinance shall be subject to
33 a mandatory minimum fine of \$500 and 10 days of mandatory
34 community service in a program benefiting children if the

1 current offense was committed while transporting a person
2 under age 16. The imprisonment or assignment under this
3 subsection shall not be subject to suspension nor shall the
4 person be eligible for probation in order to reduce the
5 sentence or assignment.

6 (c-1) (1) A person who violates this Section during a
7 period in which his or her driving privileges are revoked
8 or suspended, where the revocation or suspension was for
9 a violation of this Section, Section 11-501.1, paragraph
10 (b) of Section 11-401, or Section 9-3 of the Criminal
11 Code of 1961 is guilty of a Class 4 felony.

12 (2) A person who violates this Section a third time
13 during a period in which his or her driving privileges
14 are revoked or suspended where the revocation or
15 suspension was for a violation of this Section, Section
16 11-501.1, paragraph (b) of Section 11-401, or Section 9-3
17 of the Criminal Code of 1961 is guilty of a Class 3
18 felony.

19 (3) A person who violates this Section a fourth or
20 subsequent time during a period in which his or her
21 driving privileges are revoked or suspended where the
22 revocation or suspension was for a violation of this
23 Section, Section 11-501.1, paragraph (b) of Section
24 11-401, or Section 9-3 of the Criminal Code of 1961 is
25 guilty of a Class 2 felony.

26 (c-2) (Blank).

27 (c-3) Every person convicted of violating this Section
28 or a similar provision of a local ordinance who had a
29 child under age 16 in the vehicle at the time of the
30 offense shall have his or her punishment under this Act
31 enhanced by 2 days of imprisonment for a first offense,
32 10 days of imprisonment for a second offense, 30 days of
33 imprisonment for a third offense, and 90 days of
34 imprisonment for a fourth or subsequent offense, in

1 addition to the fine and community service required under
2 subsection (c) and the possible imprisonment required
3 under subsection (d). The imprisonment or assignment
4 under this subsection shall not be subject to suspension
5 nor shall the person be eligible for probation in order
6 to reduce the sentence or assignment.

7 (c-4) When a person is convicted of violating Section
8 11-501 of this Code or a similar provision of a local
9 ordinance, the following penalties apply when his or her
10 blood, breath, or urine was .16 or more based on the
11 definition of blood, breath, or urine units in Section
12 11-501.2 or when that person is convicted of violating this
13 Section while transporting a child under the age of 16:

14 (1) A person who is convicted of violating
15 subsection (a) of Section 11-501 of this Code a first
16 time, in addition to any other penalty that may be
17 imposed under subsection (c), is subject to a mandatory
18 minimum of 100 hours of community service and a minimum
19 fine of \$500.

20 (2) A person who is convicted of violating
21 subsection (a) of Section 11-501 of this Code a second
22 time within 10 years, in addition to any other penalty
23 that may be imposed under subsection (c), is subject to a
24 mandatory minimum of 2 days of imprisonment and a minimum
25 fine of \$1,250.

26 (3) A person who is convicted of violating
27 subsection (a) of Section 11-501 of this Code a third
28 time within 20 years is guilty of a Class 4 felony and,
29 in addition to any other penalty that may be imposed
30 under subsection (c), is subject to a mandatory minimum
31 of 90 days of imprisonment and a minimum fine of \$2,500.

32 (4) A person who is convicted of violating this
33 subsection (c-4) a fourth or subsequent time is guilty of
34 a Class 2 felony and, in addition to any other penalty

1 that may be imposed under subsection (c), is not eligible
2 for a sentence of probation or conditional discharge and
3 is subject to a minimum fine of \$2,500.

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

9 (A) the person committed a violation of this
10 Section, or a similar provision of a law of another
11 state or a local ordinance when the cause of action
12 is the same as or substantially similar to this
13 Section, for the third or subsequent time;

14 (B) the person committed a violation of
15 paragraph (a) while driving a school bus with
16 children on board;

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

23 (D) the person committed a violation of
24 paragraph (a) for a second time and has been
25 previously convicted of violating Section 9-3 of the
26 Criminal Code of 1961 relating to reckless homicide
27 in which the person was determined to have been
28 under the influence of alcohol, other drug or drugs,
29 or intoxicating compound or compounds as an element
30 of the offense or the person has previously been
31 convicted under subparagraph (C) of this paragraph
32 (1).

33 (2) Aggravated driving under the influence of
34 alcohol, other drug or drugs, or intoxicating compound or

1 compounds, or any combination thereof is a Class 4 felony
2 for which a person, if sentenced to a term of
3 imprisonment, shall be sentenced to not less than one
4 year and not more than 3 years for a violation of
5 subparagraph (A), (B) or (D) of paragraph (1) of this
6 subsection (d) and not less than one year and not more
7 than 12 years for a violation of subparagraph (C) of
8 paragraph (1) of this subsection (d). For any prosecution
9 under this subsection (d), a certified copy of the
10 driving abstract of the defendant shall be admitted as
11 proof of any prior conviction.

12 (e) After a finding of guilt and prior to any final
13 sentencing, or an order for supervision, for an offense based
14 upon an arrest for a violation of this Section or a similar
15 provision of a local ordinance, individuals shall be required
16 to undergo a professional evaluation to determine if an
17 alcohol, drug, or intoxicating compound abuse problem exists
18 and the extent of the problem. Programs conducting these
19 evaluations shall be licensed by the Department of Human
20 Services. The cost of any professional evaluation shall be
21 paid for by the individual required to undergo the
22 professional evaluation.

23 (f) Every person found guilty of violating this Section,
24 whose operation of a motor vehicle while in violation of this
25 Section proximately caused any incident resulting in an
26 appropriate emergency response, shall be liable for the
27 expense of an emergency response as provided under Section
28 5-5-3 of the Unified Code of Corrections.

29 (g) The Secretary of State shall revoke the driving
30 privileges of any person convicted under this Section or a
31 similar provision of a local ordinance.

32 (h) Every person sentenced under subsection (d) of this
33 Section and who receives a term of probation or conditional
34 discharge shall be required to serve a minimum term of either

1 30 days community service or, beginning July 1, 1993, 48
2 consecutive hours of imprisonment as a condition of the
3 probation or conditional discharge. This mandatory minimum
4 term of imprisonment or assignment of community service shall
5 not be suspended and shall not be subject to reduction by the
6 court.

7 (i) The Secretary of State may use ignition interlock
8 device requirements when granting driving relief to
9 individuals who have been arrested for a second or subsequent
10 offense of this Section or a similar provision of a local
11 ordinance. The Secretary shall establish by rule and
12 regulation the procedures for use of the interlock system.

13 (j) In addition to any other penalties and liabilities,
14 a person who is found guilty of or pleads guilty to violating
15 this Section, including any person placed on court
16 supervision for violating this Section, shall be fined \$100,
17 payable to the circuit clerk, who shall distribute the money
18 to the law enforcement agency that made the arrest. In the
19 event that more than one agency is responsible for the
20 arrest, the \$100 shall be shared equally. Any moneys
21 received by a law enforcement agency under this subsection
22 (j) shall be used to purchase law enforcement equipment that
23 will assist in the prevention of alcohol related criminal
24 violence throughout the State. This shall include, but is
25 not limited to, in-car video cameras, radar and laser speed
26 detection devices, and alcohol breath testers. Any moneys
27 received by the Department of State Police under this
28 subsection (j) shall be deposited into the State Police DUI
29 Fund and shall be used to purchase law enforcement equipment
30 that will assist in the prevention of alcohol related
31 criminal violence throughout the State.

32 (Source: P.A. 90-43, eff. 7-2-97; 90-400, eff. 8-15-97;
33 90-611, eff. 1-1-99; 90-655, eff. 7-30-98; 90-738, eff.
34 1-1-99; 90-779, eff. 1-1-99; 91-126, eff. 7-16-99; 91-357,

1 eff. 7-29-99; 91-692, eff. 4-13-00; 91-822, eff. 6-13-00.)

2 Section 15. The Unified Code of Corrections is amended
3 by changing Sections 5-5-3 and 5-6-3 as follows:

4 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

5 Sec. 5-5-3. Disposition.

6 (a) Every person convicted of an offense shall be
7 sentenced as provided in this Section.

8 (b) The following options shall be appropriate
9 dispositions, alone or in combination, for all felonies and
10 misdemeanors other than those identified in subsection (c) of
11 this Section:

12 (1) A period of probation.

13 (2) A term of periodic imprisonment.

14 (3) A term of conditional discharge.

15 (4) A term of imprisonment.

16 (5) An order directing the offender to clean up and
17 repair the damage, if the offender was convicted under
18 paragraph (h) of Section 21-1 of the Criminal Code of
19 1961.

20 (6) A fine.

21 (7) An order directing the offender to make
22 restitution to the victim under Section 5-5-6 of this
23 Code.

24 (8) A sentence of participation in a county impact
25 incarceration program under Section 5-8-1.2 of this Code.

26 Whenever an individual is sentenced for an offense based
27 upon an arrest for a violation of Section 11-501 of the
28 Illinois Vehicle Code, or a similar provision of a local
29 ordinance, and the professional evaluation recommends
30 remedial or rehabilitative treatment or education, neither
31 the treatment nor the education shall be the sole disposition
32 and either or both may be imposed only in conjunction with

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

12 In addition to any other fine or penalty required by law,
13 any individual convicted of a violation of Section 11-501 of
14 the Illinois Vehicle Code or a similar provision of local
15 ordinance, whose operation of a motor vehicle while in
16 violation of Section 11-501 or such ordinance proximately
17 caused an incident resulting in an appropriate emergency
18 response, shall be required to make restitution to a public
19 agency for the costs of that emergency response. Such
20 restitution shall not exceed \$500 per public agency for each
21 such emergency response. For the purpose of this paragraph,
22 emergency response shall mean any incident requiring a
23 response by: a police officer as defined under Section 1-162
24 of the Illinois Vehicle Code; a fireman carried on the rolls
25 of a regularly constituted fire department; and an ambulance
26 as defined under Section 4.05 of the Emergency Medical
27 Services (EMS) Systems Act.

28 Neither a fine nor restitution shall be the sole
29 disposition for a felony and either or both may be imposed
30 only in conjunction with another disposition.

31 (c) (1) When a defendant is found guilty of first degree
32 murder the State may either seek a sentence of
33 imprisonment under Section 5-8-1 of this Code, or where
34 appropriate seek a sentence of death under Section 9-1 of

1 the Criminal Code of 1961.

2 (2) A period of probation, a term of periodic
3 imprisonment or conditional discharge shall not be
4 imposed for the following offenses. The court shall
5 sentence the offender to not less than the minimum term
6 of imprisonment set forth in this Code for the following
7 offenses, and may order a fine or restitution or both in
8 conjunction with such term of imprisonment:

9 (A) First degree murder where the death
10 penalty is not imposed.

11 (B) Attempted first degree murder.

12 (C) A Class X felony.

13 (D) A violation of Section 401.1 or 407 of the
14 Illinois Controlled Substances Act, or a violation
15 of subdivision (c)(2) of Section 401 of that Act
16 which relates to more than 5 grams of a substance
17 containing cocaine or an analog thereof.

18 (E) A violation of Section 5.1 or 9 of the
19 Cannabis Control Act.

20 (F) A Class 2 or greater felony if the
21 offender had been convicted of a Class 2 or greater
22 felony within 10 years of the date on which the
23 offender committed the offense for which he or she
24 is being sentenced, except as otherwise provided in
25 Section 40-10 of the Alcoholism and Other Drug Abuse
26 and Dependency Act.

27 (G) Residential burglary, except as otherwise
28 provided in Section 40-10 of the Alcoholism and
29 Other Drug Abuse and Dependency Act.

30 (H) Criminal sexual assault, except as
31 otherwise provided in subsection (e) of this
32 Section.

33 (I) Aggravated battery of a senior citizen.

34 (J) A forcible felony if the offense was

1 related to the activities of an organized gang.

2 Before July 1, 1994, for the purposes of this
3 paragraph, "organized gang" means an association of
4 5 or more persons, with an established hierarchy,
5 that encourages members of the association to
6 perpetrate crimes or provides support to the members
7 of the association who do commit crimes.

8 Beginning July 1, 1994, for the purposes of
9 this paragraph, "organized gang" has the meaning
10 ascribed to it in Section 10 of the Illinois
11 Streetgang Terrorism Omnibus Prevention Act.

12 (K) Vehicular hijacking.

13 (L) A second or subsequent conviction for the
14 offense of hate crime when the underlying offense
15 upon which the hate crime is based is felony
16 aggravated assault or felony mob action.

17 (M) A second or subsequent conviction for the
18 offense of institutional vandalism if the damage to
19 the property exceeds \$300.

20 (N) A Class 3 felony violation of paragraph
21 (1) of subsection (a) of Section 2 of the Firearm
22 Owners Identification Card Act.

23 (O) A violation of Section 12-6.1 of the
24 Criminal Code of 1961.

25 (P) A violation of paragraph (1), (2), (3),
26 (4), (5), or (7) of subsection (a) of Section
27 11-20.1 of the Criminal Code of 1961.

28 (Q) A violation of Section 20-1.2 of the
29 Criminal Code of 1961.

30 (R) A violation of Section 24-3A of the
31 Criminal Code of 1961.

32 (3) A minimum term of imprisonment of not less than
33 48 consecutive hours or 100 hours of community service as
34 may be determined by the court shall be imposed for a

1 second or subsequent violation committed within 5 years
2 of a previous violation of Section 11-501 of the Illinois
3 Vehicle Code or a similar provision of a local ordinance.

4 (4) A minimum term of imprisonment of not less than
5 7 consecutive days or 30 days of community service shall
6 be imposed for a violation of paragraph (c) of Section
7 6-303 of the Illinois Vehicle Code.

8 (4.1) A minimum term of 30 consecutive days of
9 imprisonment, 40 days of 24 hour periodic imprisonment or
10 720 hours of community service, as may be determined by
11 the court, shall be imposed for a violation of Section
12 11-501 of the Illinois Vehicle Code during a period in
13 which the defendant's driving privileges are revoked or
14 suspended, where the revocation or suspension was for a
15 violation of Section 11-501 or Section 11-501.1 of that
16 Code.

17 (5) The court may sentence an offender convicted of
18 a business offense or a petty offense or a corporation or
19 unincorporated association convicted of any offense to:

20 (A) a period of conditional discharge;

21 (B) a fine;

22 (C) make restitution to the victim under
23 Section 5-5-6 of this Code.

24 (6) In no case shall an offender be eligible for a
25 disposition of probation or conditional discharge for a
26 Class 1 felony committed while he was serving a term of
27 probation or conditional discharge for a felony.

28 (7) When a defendant is adjudged a habitual
29 criminal under Article 33B of the Criminal Code of 1961,
30 the court shall sentence the defendant to a term of
31 natural life imprisonment.

32 (8) When a defendant, over the age of 21 years, is
33 convicted of a Class 1 or Class 2 felony, after having
34 twice been convicted of any Class 2 or greater Class

1 felonies in Illinois, and such charges are separately
2 brought and tried and arise out of different series of
3 acts, such defendant shall be sentenced as a Class X
4 offender. This paragraph shall not apply unless (1) the
5 first felony was committed after the effective date of
6 this amendatory Act of 1977; and (2) the second felony
7 was committed after conviction on the first; and (3) the
8 third felony was committed after conviction on the
9 second.

10 (9) A defendant convicted of a second or subsequent
11 offense of ritualized abuse of a child may be sentenced
12 to a term of natural life imprisonment.

13 (10) When a person is convicted of violating
14 Section 11-501 of the Illinois Vehicle Code or a similar
15 provision of a local ordinance, the following penalties
16 apply when his or her blood, breath, or urine was .16 or
17 more based on the definition of blood, breath, or urine
18 units in Section 11-501.2 or that person is convicted of
19 violating Section 11-501 of the Illinois Vehicle Code
20 while transporting a child under the age of 16:

21 (A) For a first violation of subsection (a) of
22 Section 11-501, in addition to any other penalty
23 that may be imposed under subsection (c) of Section
24 11-501: a mandatory minimum of 100 hours of
25 community service and a minimum fine of \$500.

26 (B) For a second violation of subsection (a)
27 of Section 11-501, in addition to any other penalty
28 that may be imposed under subsection (c) of Section
29 11-501 within 10 years: a mandatory minimum of 2
30 days of imprisonment and a minimum fine of \$1,250.

31 (C) For a third violation of subsection (a) of
32 Section 11-501, in addition to any other penalty
33 that may be imposed under subsection (c) of Section
34 11-501 within 20 years: a mandatory minimum of 90

1 days of imprisonment and a minimum fine of \$2,500.

2 (D) For a fourth or subsequent violation of
3 subsection (a) of Section 11-501: ineligibility for
4 a sentence of probation or conditional discharge and
5 a minimum fine of \$2,500.

6 (d) In any case in which a sentence originally imposed
7 is vacated, the case shall be remanded to the trial court.
8 The trial court shall hold a hearing under Section 5-4-1 of
9 the Unified Code of Corrections which may include evidence of
10 the defendant's life, moral character and occupation during
11 the time since the original sentence was passed. The trial
12 court shall then impose sentence upon the defendant. The
13 trial court may impose any sentence which could have been
14 imposed at the original trial subject to Section 5-5-4 of the
15 Unified Code of Corrections.

16 (e) In cases where prosecution for criminal sexual
17 assault or aggravated criminal sexual abuse under Section
18 12-13 or 12-16 of the Criminal Code of 1961 results in
19 conviction of a defendant who was a family member of the
20 victim at the time of the commission of the offense, the
21 court shall consider the safety and welfare of the victim and
22 may impose a sentence of probation only where:

23 (1) the court finds (A) or (B) or both are
24 appropriate:

25 (A) the defendant is willing to undergo a
26 court approved counseling program for a minimum
27 duration of 2 years; or

28 (B) the defendant is willing to participate in
29 a court approved plan including but not limited to
30 the defendant's:

- 31 (i) removal from the household;
- 32 (ii) restricted contact with the victim;
- 33 (iii) continued financial support of the
- 34 family;

1 (iv) restitution for harm done to the
2 victim; and

3 (v) compliance with any other measures
4 that the court may deem appropriate; and

5 (2) the court orders the defendant to pay for the
6 victim's counseling services, to the extent that the
7 court finds, after considering the defendant's income and
8 assets, that the defendant is financially capable of
9 paying for such services, if the victim was under 18
10 years of age at the time the offense was committed and
11 requires counseling as a result of the offense.

12 Probation may be revoked or modified pursuant to Section
13 5-6-4; except where the court determines at the hearing that
14 the defendant violated a condition of his or her probation
15 restricting contact with the victim or other family members
16 or commits another offense with the victim or other family
17 members, the court shall revoke the defendant's probation and
18 impose a term of imprisonment.

19 For the purposes of this Section, "family member" and
20 "victim" shall have the meanings ascribed to them in Section
21 12-12 of the Criminal Code of 1961.

22 (f) This Article shall not deprive a court in other
23 proceedings to order a forfeiture of property, to suspend or
24 cancel a license, to remove a person from office, or to
25 impose any other civil penalty.

26 (g) Whenever a defendant is convicted of an offense
27 under Sections 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18,
28 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1,
29 12-15 or 12-16 of the Criminal Code of 1961, the defendant
30 shall undergo medical testing to determine whether the
31 defendant has any sexually transmissible disease, including a
32 test for infection with human immunodeficiency virus (HIV) or
33 any other identified causative agent of acquired
34 immunodeficiency syndrome (AIDS). Any such medical test

1 shall be performed only by appropriately licensed medical
2 practitioners and may include an analysis of any bodily
3 fluids as well as an examination of the defendant's person.
4 Except as otherwise provided by law, the results of such test
5 shall be kept strictly confidential by all medical personnel
6 involved in the testing and must be personally delivered in a
7 sealed envelope to the judge of the court in which the
8 conviction was entered for the judge's inspection in camera.
9 Acting in accordance with the best interests of the victim
10 and the public, the judge shall have the discretion to
11 determine to whom, if anyone, the results of the testing may
12 be revealed. The court shall notify the defendant of the test
13 results. The court shall also notify the victim if requested
14 by the victim, and if the victim is under the age of 15 and
15 if requested by the victim's parents or legal guardian, the
16 court shall notify the victim's parents or legal guardian of
17 the test results. The court shall provide information on the
18 availability of HIV testing and counseling at Department of
19 Public Health facilities to all parties to whom the results
20 of the testing are revealed and shall direct the State's
21 Attorney to provide the information to the victim when
22 possible. A State's Attorney may petition the court to obtain
23 the results of any HIV test administered under this Section,
24 and the court shall grant the disclosure if the State's
25 Attorney shows it is relevant in order to prosecute a charge
26 of criminal transmission of HIV under Section 12-16.2 of the
27 Criminal Code of 1961 against the defendant. The court shall
28 order that the cost of any such test shall be paid by the
29 county and may be taxed as costs against the convicted
30 defendant.

31 (g-5) When an inmate is tested for an airborne
32 communicable disease, as determined by the Illinois
33 Department of Public Health including but not limited to
34 tuberculosis, the results of the test shall be personally

1 delivered by the warden or his or her designee in a sealed
2 envelope to the judge of the court in which the inmate must
3 appear for the judge's inspection in camera if requested by
4 the judge. Acting in accordance with the best interests of
5 those in the courtroom, the judge shall have the discretion
6 to determine what if any precautions need to be taken to
7 prevent transmission of the disease in the courtroom.

8 (h) Whenever a defendant is convicted of an offense
9 under Section 1 or 2 of the Hypodermic Syringes and Needles
10 Act, the defendant shall undergo medical testing to determine
11 whether the defendant has been exposed to human
12 immunodeficiency virus (HIV) or any other identified
13 causative agent of acquired immunodeficiency syndrome (AIDS).
14 Except as otherwise provided by law, the results of such test
15 shall be kept strictly confidential by all medical personnel
16 involved in the testing and must be personally delivered in a
17 sealed envelope to the judge of the court in which the
18 conviction was entered for the judge's inspection in camera.
19 Acting in accordance with the best interests of the public,
20 the judge shall have the discretion to determine to whom, if
21 anyone, the results of the testing may be revealed. The court
22 shall notify the defendant of a positive test showing an
23 infection with the human immunodeficiency virus (HIV). The
24 court shall provide information on the availability of HIV
25 testing and counseling at Department of Public Health
26 facilities to all parties to whom the results of the testing
27 are revealed and shall direct the State's Attorney to provide
28 the information to the victim when possible. A State's
29 Attorney may petition the court to obtain the results of any
30 HIV test administered under this Section, and the court
31 shall grant the disclosure if the State's Attorney shows it
32 is relevant in order to prosecute a charge of criminal
33 transmission of HIV under Section 12-16.2 of the Criminal
34 Code of 1961 against the defendant. The court shall order

1 that the cost of any such test shall be paid by the county
2 and may be taxed as costs against the convicted defendant.

3 (i) All fines and penalties imposed under this Section
4 for any violation of Chapters 3, 4, 6, and 11 of the Illinois
5 Vehicle Code, or a similar provision of a local ordinance,
6 and any violation of the Child Passenger Protection Act, or a
7 similar provision of a local ordinance, shall be collected
8 and disbursed by the circuit clerk as provided under Section
9 27.5 of the Clerks of Courts Act.

10 (j) In cases when prosecution for any violation of
11 Section 11-6, 11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1,
12 11-16, 11-17, 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1,
13 11-19.2, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15, or
14 12-16 of the Criminal Code of 1961, any violation of the
15 Illinois Controlled Substances Act, or any violation of the
16 Cannabis Control Act results in conviction, a disposition of
17 court supervision, or an order of probation granted under
18 Section 10 of the Cannabis Control Act or Section 410 of the
19 Illinois Controlled Substance Act of a defendant, the court
20 shall determine whether the defendant is employed by a
21 facility or center as defined under the Child Care Act of
22 1969, a public or private elementary or secondary school, or
23 otherwise works with children under 18 years of age on a
24 daily basis. When a defendant is so employed, the court
25 shall order the Clerk of the Court to send a copy of the
26 judgment of conviction or order of supervision or probation
27 to the defendant's employer by certified mail. If the
28 employer of the defendant is a school, the Clerk of the Court
29 shall direct the mailing of a copy of the judgment of
30 conviction or order of supervision or probation to the
31 appropriate regional superintendent of schools. The regional
32 superintendent of schools shall notify the State Board of
33 Education of any notification under this subsection.

34 (j-5) A defendant at least 17 years of age who is

1 convicted of a felony and who has not been previously
2 convicted of a misdemeanor or felony and who is sentenced to
3 a term of imprisonment in the Illinois Department of
4 Corrections shall as a condition of his or her sentence be
5 required by the court to attend educational courses designed
6 to prepare the defendant for a high school diploma and to
7 work toward a high school diploma or to work toward passing
8 the high school level Test of General Educational Development
9 (GED) or to work toward completing a vocational training
10 program offered by the Department of Corrections. If a
11 defendant fails to complete the educational training required
12 by his or her sentence during the term of incarceration, the
13 Prisoner Review Board shall, as a condition of mandatory
14 supervised release, require the defendant, at his or her own
15 expense, to pursue a course of study toward a high school
16 diploma or passage of the GED test. The Prisoner Review
17 Board shall revoke the mandatory supervised release of a
18 defendant who wilfully fails to comply with this subsection
19 (j-5) upon his or her release from confinement in a penal
20 institution while serving a mandatory supervised release
21 term; however, the inability of the defendant after making a
22 good faith effort to obtain financial aid or pay for the
23 educational training shall not be deemed a wilful failure to
24 comply. The Prisoner Review Board shall recommit the
25 defendant whose mandatory supervised release term has been
26 revoked under this subsection (j-5) as provided in Section
27 3-3-9. This subsection (j-5) does not apply to a defendant
28 who has a high school diploma or has successfully passed the
29 GED test. This subsection (j-5) does not apply to a defendant
30 who is determined by the court to be developmentally disabled
31 or otherwise mentally incapable of completing the educational
32 or vocational program.

33 (k) A court may not impose a sentence or disposition for
34 a felony or misdemeanor that requires the defendant to be

1 implanted or injected with or to use any form of birth
2 control.

3 (1) (A) Except as provided in paragraph (C) of
4 subsection (1), whenever a defendant, who is an alien as
5 defined by the Immigration and Nationality Act, is
6 convicted of any felony or misdemeanor offense, the court
7 after sentencing the defendant may, upon motion of the
8 State's Attorney, hold sentence in abeyance and remand
9 the defendant to the custody of the Attorney General of
10 the United States or his or her designated agent to be
11 deported when:

12 (1) a final order of deportation has been
13 issued against the defendant pursuant to proceedings
14 under the Immigration and Nationality Act, and

15 (2) the deportation of the defendant would not
16 deprecate the seriousness of the defendant's conduct
17 and would not be inconsistent with the ends of
18 justice.

19 Otherwise, the defendant shall be sentenced as
20 provided in this Chapter V.

21 (B) If the defendant has already been sentenced for
22 a felony or misdemeanor offense, or has been placed on
23 probation under Section 10 of the Cannabis Control Act or
24 Section 410 of the Illinois Controlled Substances Act,
25 the court may, upon motion of the State's Attorney to
26 suspend the sentence imposed, commit the defendant to the
27 custody of the Attorney General of the United States or
28 his or her designated agent when:

29 (1) a final order of deportation has been
30 issued against the defendant pursuant to proceedings
31 under the Immigration and Nationality Act, and

32 (2) the deportation of the defendant would not
33 deprecate the seriousness of the defendant's conduct
34 and would not be inconsistent with the ends of

1 justice.

2 (C) This subsection (1) does not apply to offenders
3 who are subject to the provisions of paragraph (2) of
4 subsection (a) of Section 3-6-3.

5 (D) Upon motion of the State's Attorney, if a
6 defendant sentenced under this Section returns to the
7 jurisdiction of the United States, the defendant shall be
8 recommitted to the custody of the county from which he or
9 she was sentenced. Thereafter, the defendant shall be
10 brought before the sentencing court, which may impose any
11 sentence that was available under Section 5-5-3 at the
12 time of initial sentencing. In addition, the defendant
13 shall not be eligible for additional good conduct credit
14 for meritorious service as provided under Section 3-6-6.

15 (m) A person convicted of criminal defacement of
16 property under Section 21-1.3 of the Criminal Code of 1961,
17 in which the property damage exceeds \$300 and the property
18 damaged is a school building, shall be ordered to perform
19 community service that may include cleanup, removal, or
20 painting over the defacement.

21 (Source: P.A. 90-14, eff. 7-1-97; 90-68, eff. 7-8-97; 90-680,
22 eff. 1-1-99; 90-685, eff. 1-1-99; 90-787, eff. 8-14-98;
23 91-357, eff. 7-29-99; 91-404, eff. 1-1-00; 91-663, eff.
24 12-22-99; 91-695, eff. 4-13-00.)

25 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

26 Sec. 5-6-3. Conditions of Probation and of Conditional
27 Discharge.

28 (a) The conditions of probation and of conditional
29 discharge shall be that the person:

30 (1) not violate any criminal statute of any
31 jurisdiction;

32 (2) report to or appear in person before such
33 person or agency as directed by the court;

1 (3) refrain from possessing a firearm or other
2 dangerous weapon;

3 (4) not leave the State without the consent of the
4 court or, in circumstances in which the reason for the
5 absence is of such an emergency nature that prior consent
6 by the court is not possible, without the prior
7 notification and approval of the person's probation
8 officer;

9 (5) permit the probation officer to visit him at
10 his home or elsewhere to the extent necessary to
11 discharge his duties;

12 (6) perform no less than 30 hours of community
13 service and not more than 120 hours of community service,
14 if community service is available in the jurisdiction and
15 is funded and approved by the county board where the
16 offense was committed, where the offense was related to
17 or in furtherance of the criminal activities of an
18 organized gang and was motivated by the offender's
19 membership in or allegiance to an organized gang. The
20 community service shall include, but not be limited to,
21 the cleanup and repair of any damage caused by a
22 violation of Section 21-1.3 of the Criminal Code of 1961
23 and similar damage to property located within the
24 municipality or county in which the violation occurred.
25 When possible and reasonable, the community service
26 should be performed in the offender's neighborhood. For
27 purposes of this Section, "organized gang" has the
28 meaning ascribed to it in Section 10 of the Illinois
29 Streetgang Terrorism Omnibus Prevention Act;

30 (7) if he or she is at least 17 years of age and
31 has been sentenced to probation or conditional discharge
32 for a misdemeanor or felony in a county of 3,000,000 or
33 more inhabitants and has not been previously convicted of
34 a misdemeanor or felony, may be required by the

1 sentencing court to attend educational courses designed
2 to prepare the defendant for a high school diploma and to
3 work toward a high school diploma or to work toward
4 passing the high school level Test of General Educational
5 Development (GED) or to work toward completing a
6 vocational training program approved by the court. The
7 person on probation or conditional discharge must attend
8 a public institution of education to obtain the
9 educational or vocational training required by this
10 clause (7). The court shall revoke the probation or
11 conditional discharge of a person who wilfully fails to
12 comply with this clause (7). The person on probation or
13 conditional discharge shall be required to pay for the
14 cost of the educational courses or GED test, if a fee is
15 charged for those courses or test. The court shall
16 resentence the offender whose probation or conditional
17 discharge has been revoked as provided in Section 5-6-4.
18 This clause (7) does not apply to a person who has a high
19 school diploma or has successfully passed the GED test.
20 This clause (7) does not apply to a person who is
21 determined by the court to be developmentally disabled or
22 otherwise mentally incapable of completing the
23 educational or vocational program; and

24 (8) if convicted of possession of a substance
25 prohibited by the Cannabis Control Act or Illinois
26 Controlled Substances Act after a previous conviction or
27 disposition of supervision for possession of a substance
28 prohibited by the Cannabis Control Act or Illinois
29 Controlled Substances Act or after a sentence of
30 probation under Section 10 of the Cannabis Control Act or
31 Section 410 of the Illinois Controlled Substances Act and
32 upon a finding by the court that the person is addicted,
33 undergo treatment at a substance abuse program approved
34 by the court.

1 (b) The Court may in addition to other reasonable
2 conditions relating to the nature of the offense or the
3 rehabilitation of the defendant as determined for each
4 defendant in the proper discretion of the Court require that
5 the person:

6 (1) serve a term of periodic imprisonment under
7 Article 7 for a period not to exceed that specified in
8 paragraph (d) of Section 5-7-1;

9 (2) pay a fine and costs;

10 (3) work or pursue a course of study or vocational
11 training;

12 (4) undergo medical, psychological or psychiatric
13 treatment; or treatment for drug addiction or alcoholism;

14 (5) attend or reside in a facility established for
15 the instruction or residence of defendants on probation;

16 (6) support his dependents;

17 (7) and in addition, if a minor:

18 (i) reside with his parents or in a foster
19 home;

20 (ii) attend school;

21 (iii) attend a non-residential program for
22 youth;

23 (iv) contribute to his own support at home or
24 in a foster home;

25 (8) make restitution as provided in Section 5-5-6
26 of this Code;

27 (9) perform some reasonable public or community
28 service;

29 (10) serve a term of home confinement. In addition
30 to any other applicable condition of probation or
31 conditional discharge, the conditions of home confinement
32 shall be that the offender:

33 (i) remain within the interior premises of the
34 place designated for his confinement during the

1 hours designated by the court;

2 (ii) admit any person or agent designated by
3 the court into the offender's place of confinement
4 at any time for purposes of verifying the offender's
5 compliance with the conditions of his confinement;
6 and

7 (iii) if further deemed necessary by the court
8 or the Probation or Court Services Department, be
9 placed on an approved electronic monitoring device,
10 subject to Article 8A of Chapter V;

11 (iv) for persons convicted of any alcohol,
12 cannabis or controlled substance violation who are
13 placed on an approved monitoring device as a
14 condition of probation or conditional discharge, the
15 court shall impose a reasonable fee for each day of
16 the use of the device, as established by the county
17 board in subsection (g) of this Section, unless
18 after determining the inability of the offender to
19 pay the fee, the court assesses a lesser fee or no
20 fee as the case may be. This fee shall be imposed in
21 addition to the fees imposed under subsections (g)
22 and (i) of this Section. The fee shall be collected
23 by the clerk of the circuit court. The clerk of the
24 circuit court shall pay all monies collected from
25 this fee to the county treasurer for deposit in the
26 substance abuse services fund under Section 5-1086.1
27 of the Counties Code; and

28 (v) for persons convicted of offenses other
29 than those referenced in clause (iv) above and who
30 are placed on an approved monitoring device as a
31 condition of probation or conditional discharge, the
32 court shall impose a reasonable fee for each day of
33 the use of the device, as established by the county
34 board in subsection (g) of this Section, unless

1 after determining the inability of the defendant to
2 pay the fee, the court assesses a lesser fee or no
3 fee as the case may be. This fee shall be imposed
4 in addition to the fees imposed under subsections
5 (g) and (i) of this Section. The fee shall be
6 collected by the clerk of the circuit court. The
7 clerk of the circuit court shall pay all monies
8 collected from this fee to the county treasurer who
9 shall use the monies collected to defray the costs
10 of corrections. The county treasurer shall deposit
11 the fee collected in the county working cash fund
12 under Section 6-27001 or Section 6-29002 of the
13 Counties Code, as the case may be.

14 (11) comply with the terms and conditions of an
15 order of protection issued by the court pursuant to the
16 Illinois Domestic Violence Act of 1986, as now or
17 hereafter amended, or an order of protection issued by
18 the court of another state, tribe, or United States
19 territory. A copy of the order of protection shall be
20 transmitted to the probation officer or agency having
21 responsibility for the case;

22 (12) reimburse any "local anti-crime program" as
23 defined in Section 7 of the Anti-Crime Advisory Council
24 Act for any reasonable expenses incurred by the program
25 on the offender's case, not to exceed the maximum amount
26 of the fine authorized for the offense for which the
27 defendant was sentenced;

28 (13) contribute a reasonable sum of money, not to
29 exceed the maximum amount of the fine authorized for the
30 offense for which the defendant was sentenced, to a
31 "local anti-crime program", as defined in Section 7 of
32 the Anti-Crime Advisory Council Act;

33 (14) refrain from entering into a designated
34 geographic area except upon such terms as the court finds

1 appropriate. Such terms may include consideration of the
2 purpose of the entry, the time of day, other persons
3 accompanying the defendant, and advance approval by a
4 probation officer, if the defendant has been placed on
5 probation or advance approval by the court, if the
6 defendant was placed on conditional discharge;

7 (15) refrain from having any contact, directly or
8 indirectly, with certain specified persons or particular
9 types of persons, including but not limited to members of
10 street gangs and drug users or dealers;

11 (16) refrain from having in his or her body the
12 presence of any illicit drug prohibited by the Cannabis
13 Control Act or the Illinois Controlled Substances Act,
14 unless prescribed by a physician, and submit samples of
15 his or her blood or urine or both for tests to determine
16 the presence of any illicit drug.

17 (c) The court may as a condition of probation or of
18 conditional discharge require that a person under 18 years of
19 age found guilty of any alcohol, cannabis or controlled
20 substance violation, refrain from acquiring a driver's
21 license during the period of probation or conditional
22 discharge. If such person is in possession of a permit or
23 license, the court may require that the minor refrain from
24 driving or operating any motor vehicle during the period of
25 probation or conditional discharge, except as may be
26 necessary in the course of the minor's lawful employment.

27 (d) An offender sentenced to probation or to conditional
28 discharge shall be given a certificate setting forth the
29 conditions thereof.

30 (e) The court shall not require as a condition of the
31 sentence of probation or conditional discharge that the
32 offender be committed to a period of imprisonment in excess
33 of 6 months. This 6 month limit shall not include periods of
34 confinement given pursuant to a sentence of county impact

1 incarceration under Section 5-8-1.2. This 6 month limit does
2 not apply to a person sentenced to probation as a result of a
3 conviction of a fourth or subsequent violation of subsection
4 (c-4) of Section 11-501 of the Illinois Vehicle Code or a
5 similar provision of a local ordinance.

6 Persons committed to imprisonment as a condition of
7 probation or conditional discharge shall not be committed to
8 the Department of Corrections.

9 (f) The court may combine a sentence of periodic
10 imprisonment under Article 7 or a sentence to a county impact
11 incarceration program under Article 8 with a sentence of
12 probation or conditional discharge.

13 (g) An offender sentenced to probation or to conditional
14 discharge and who during the term of either undergoes
15 mandatory drug or alcohol testing, or both, or is assigned to
16 be placed on an approved electronic monitoring device, shall
17 be ordered to pay all costs incidental to such mandatory drug
18 or alcohol testing, or both, and all costs incidental to such
19 approved electronic monitoring in accordance with the
20 defendant's ability to pay those costs. The county board
21 with the concurrence of the Chief Judge of the judicial
22 circuit in which the county is located shall establish
23 reasonable fees for the cost of maintenance, testing, and
24 incidental expenses related to the mandatory drug or alcohol
25 testing, or both, and all costs incidental to approved
26 electronic monitoring, involved in a successful probation
27 program for the county. The concurrence of the Chief Judge
28 shall be in the form of an administrative order. The fees
29 shall be collected by the clerk of the circuit court. The
30 clerk of the circuit court shall pay all moneys collected
31 from these fees to the county treasurer who shall use the
32 moneys collected to defray the costs of drug testing, alcohol
33 testing, and electronic monitoring. The county treasurer
34 shall deposit the fees collected in the county working cash

1 fund under Section 6-27001 or Section 6-29002 of the Counties
2 Code, as the case may be.

3 (h) Jurisdiction over an offender may be transferred
4 from the sentencing court to the court of another circuit
5 with the concurrence of both courts, or to another state
6 under an Interstate Probation Reciprocal Agreement as
7 provided in Section 3-3-11. Further transfers or retransfers
8 of jurisdiction are also authorized in the same manner. The
9 court to which jurisdiction has been transferred shall have
10 the same powers as the sentencing court.

11 (i) The court shall impose upon an offender sentenced to
12 probation after January 1, 1989 or to conditional discharge
13 after January 1, 1992, as a condition of such probation or
14 conditional discharge, a fee of \$25 for each month of
15 probation or conditional discharge supervision ordered by the
16 court, unless after determining the inability of the person
17 sentenced to probation or conditional discharge to pay the
18 fee, the court assesses a lesser fee. The court may not
19 impose the fee on a minor who is made a ward of the State
20 under the Juvenile Court Act of 1987 while the minor is in
21 placement. The fee shall be imposed only upon an offender who
22 is actively supervised by the probation and court services
23 department. The fee shall be collected by the clerk of the
24 circuit court. The clerk of the circuit court shall pay all
25 monies collected from this fee to the county treasurer for
26 deposit in the probation and court services fund under
27 Section 15.1 of the Probation and Probation Officers Act.

28 (j) All fines and costs imposed under this Section for
29 any violation of Chapters 3, 4, 6, and 11 of the Illinois
30 Vehicle Code, or a similar provision of a local ordinance,
31 and any violation of the Child Passenger Protection Act, or a
32 similar provision of a local ordinance, shall be collected
33 and disbursed by the circuit clerk as provided under Section
34 27.5 of the Clerks of Courts Act.

1 (Source: P.A. 90-14, eff. 7-1-97; 90-399, eff. 1-1-98;
2 90-504, eff. 1-1-98; 90-655, eff. 7-30-98; 91-325, eff.
3 7-29-99; 91-696, eff. 4-13-00; 91-903, eff. 1-1-01.)

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.