

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 Illinois Vehicle Code is amended by
5 changing Section 11-501 as follows:

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

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

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

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

15 (2) under the influence of alcohol;

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

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

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

27 (6) there is any amount of a drug, substance, or
28 compound in the person's breath, blood, or urine
29 resulting from the unlawful use or consumption of
30 cannabis listed in the Cannabis Control Act, a controlled
31 substance listed in the Illinois Controlled Substances

1 Act, or an intoxicating compound listed in the Use of
2 Intoxicating Compounds Act.

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

8 (c) Except as provided under paragraphs (c-3) and (d) of
9 this Section, every person convicted of violating this
10 Section or a similar provision of a local ordinance, shall be
11 guilty of a Class A misdemeanor and, in addition to any other
12 criminal or administrative action, for any second conviction
13 of violating this Section or a similar provision of a law of
14 another state or local ordinance committed within 5 years of
15 a previous violation of this Section or a similar provision
16 of a local ordinance shall be mandatorily sentenced to a
17 minimum of 48 consecutive hours of imprisonment or assigned
18 to a minimum of 100 hours of community service as may be
19 determined by the court. Every person convicted of violating
20 this Section or a similar provision of a local ordinance
21 shall be subject to a mandatory minimum fine of \$500 and a
22 mandatory 5 days of community service in a program benefiting
23 children if the person committed a violation of paragraph (a)
24 or a similar provision of a local ordinance while
25 transporting a person under age 16. Every person convicted a
26 second time for violating this Section or a similar provision
27 of a local ordinance within 5 years of a previous violation
28 of this Section or a similar provision of a law of another
29 state or local ordinance shall be subject to a mandatory
30 minimum fine of \$500 and 10 days of mandatory community
31 service in a program benefiting children if the current
32 offense was committed while transporting a person under age
33 16. The imprisonment or assignment under this subsection
34 shall not be subject to suspension nor shall the person be

1 eligible for probation in order to reduce the sentence or
2 assignment.

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

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

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

23 (c-2) (Blank).

24 (c-3) Every person convicted of violating this Section
25 or a similar provision of a local ordinance who had a child
26 under age 16 in the vehicle at the time of the offense shall
27 have his or her punishment under this Act enhanced by 2 days
28 of imprisonment for a first offense, 10 days of imprisonment
29 for a second offense, 30 days of imprisonment for a third
30 offense, and 90 days of imprisonment for a fourth or
31 subsequent offense, in addition to the fine and community
32 service required under subsection (c) and the possible
33 imprisonment required under subsection (d). The imprisonment
34 or assignment under this subsection shall not be subject to

1 suspension nor shall the person be eligible for probation in
2 order to reduce the sentence or assignment.

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

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

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

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

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

29 (2) Aggravated driving under the influence of alcohol,
30 other drug or drugs, or intoxicating compound or compounds,
31 or any combination thereof is a Class 4 felony. For which a
32 ~~person, if sentenced to a term of imprisonment, shall be~~
33 ~~sentenced to not less than one year and not more than 3 years~~
34 ~~for a violation of subparagraph (A), (B) or (D) of paragraph~~

1 ~~(1) of this subsection (d) and not less than one year and not~~
 2 ~~more than 12 years for~~ a violation of subparagraph (C) of
 3 paragraph (1) of this subsection (d), the defendant, if
 4 sentenced to a term of imprisonment, shall be sentenced to
 5 not less than one year nor more than 12 years. For any
 6 prosecution under this subsection (d), a certified copy of
 7 the driving abstract of the defendant shall be admitted as
 8 proof of any prior conviction.

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

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

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

29 (h) Every person sentenced under subsection (d) of this
 30 Section and who receives a term of probation or conditional
 31 discharge shall be required to serve a minimum term of either
 32 30 days community service or, beginning July 1, 1993, 48
 33 consecutive hours of imprisonment as a condition of the
 34 probation or conditional discharge. This mandatory minimum

1 term of imprisonment or assignment of community service shall
2 not be suspended and shall not be subject to reduction by the
3 court.

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

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

29 (Source: P.A. 90-43, eff. 7-2-97; 90-400, eff. 8-15-97;
30 90-611, eff. 1-1-99; 90-655, eff. 7-30-98; 90-738, eff.
31 1-1-99; 90-779, eff. 1-1-99; 91-126, eff. 7-16-99; 91-357,
32 eff. 7-29-99; 91-692, eff. 4-13-00; 91-822, eff. 6-13-00.)

33 Section 99. Effective date. This Act takes effect upon

1 becoming law.